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Tuesday
May 6, 1980

Highlights

29785 **Refugee Admissions** Presidential determination

29787 **Cuban and Haitian Refugees** Presidential determination

29783 **Administration of the Export Administration Act of 1979** Executive order

29781 **United States Holocaust Memorial Council** Executive order

29890-29891 **Community Service and Continuing Education** HEW/OE invites applications for special projects; apply by 6-23-80 and 7-21-80 (2 documents)

29803 **Nurse Practitioner Traineeship Programs** HEW/PHS sets forth requirements for grants to schools of nursing, medicine, and public health , to public or nonprofit private hospitals, and other nonprofit entities; effective 5-6-80, comments by 7-7-80

29874 **Mini-Grant Program** ACTION gives notice of guidelines; comments by 6-30-80

29875 **Food Stamp Program** USDA/FNS announces forthcoming policy interpretation of rental refund payments issued by Department of Housing and Urban Development

CONTINUED INSIDE

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Highlights

29831 **Financial Assistance Programs** HEW/SSA issues regulations regarding State plan and Federal matching funds for State and local training; effective 9-2-80

29965-29968 **Treasury Notes** Treasury announces interest rate on notes of series K-1983, series B-1989, and Treasury Bonds of 2005-2010

29937 **Mortgage Pool Investment Trusts** Labor/P&WPB proposes class exemption for certain transactions; comments by 7-7-80

30056 **Oil and Gas Lease** Interior/BLM amends final regulations with respect to new procedures for obtaining approval of assignments and transfers of record title interests; effective 5-6-80 (Part IV of this issue)

29849 **Securities and Exchange** SEC proposes amendment regarding reports on certain unaudited supplementary financial information; comments by 6-30-80

29853 **Securities and Exchange** SEC issues proposal regarding delivery of stock by an officer or director upon the exercise of an employee stock option; comments by 6-9-80

29848 **Nonimmigrant Classes** Justice/INS issues proposal regarding effect of a strike on admission and continued employment of certain nonimmigrants; representations by 7-7-80

30052 **Improving Government Regulations** FCC publishes semiannual agenda of significant regulations; (Part III of this issue)

29947 **Privacy Act Document** OPM

29971 **Sunshine Act Meetings**

Separate Parts of This Issue

30002 **Part II, HEW/FDA**
30052 **Part III, FCC**
30056 **Part IV, Interior/BLM**

Contents

Federal Register
Vol. 45, No. 89
Tuesday, May 6, 1980

The President
ADMINISTRATIVE ORDERS
29787 Cuban and Haitian refugees, financial assistance (Presidential Determination No. 80–18 of May 2, 1980)
29785 Refugees, admission (Presidential Determination No. 80–17 of May 1, 1980)
EXECUTIVE ORDERS
29783 Export Administration Act of 1979, administration of (EO 12214)
29781 Holocaust Memorial Council, United States (EO 12213)

ACTION
NOTICES
Grants; availability, etc.:
29874 Mini-grant program; proposed guidelines for acceptance and review of applications; inquiry

Agricultural Marketing Service
PROPOSED RULES
29843 Avacados grown in Fla., and imported avocados
29846 Potatoes (Irish) grown in N.C. and Va., and imported

Agriculture Department
See Agricultural Marketing Service; Food and Nutrition Service; Rural Electrification Administration.

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
29931 Andrew Carlson & Sons, Inc., et al.

Army Department
See Engineers Corps.

Central Intelligence Agency
PROPOSED RULES
29855 Freedom of Information Act and national security information program; implementation; historical research requests

Civil Aeronautics Board
NOTICES
Hearings, etc.:
29875 Miami-London service case (Gativick Phase) (2 documents)
29876 Republic Airlines, Inc.
29876 Transcontinental low fare route proceeding
29971 Meetings; Sunshine Act

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration.

Defense Department
See Engineers Corps.

Economic Regulatory Administration
NOTICES
Consent orders:
29878 Edwards Producing Co., Inc.
29878 Kendrick Shell et al.

Educational Research, National Council
NOTICES
29971 Meetings; Sunshine Act

Education Office
NOTICES
Grant applications and proposals, closing dates:
29890–29891 Community service and continuing education-special projects program (2 documents)

Employment and Training Administration
PROPOSED RULES
Alien temporary agricultural and logging employment in U.S.; labor certification:
29854 Adverse effect wage rate methodology for agricultural employment; extension of time

Energy Department
See Economic Regulatory Administration.

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
29877 Bogue Inlet, N.C.; operation and maintenance dredging

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
29790 Michigan
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
29802 Inert ingredient; CFR correction
29803 Propanil
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
29864 Michigan
NOTICES
Pesticide registration, cancellation, etc.:
29880 Ridomil 2E
Pesticides; emergency exemption applications:
29880 Chlorpyrifos

Federal Communications Commission
RULES
Organization and functions:
29835 Cable Television Bureau, Certificate of Compliance Division
Radio stations; table of assignments:
29835 Arkansas
29837 Illinois
29837 Iowa
29838 Louisiana
29838 Minnesota

29840 Texas
PROPOSED RULES
Common carrier services:
29865 Telex services; interface of international, domestic, and TWX networks; detariffing of terminal equipment; extension of time
Improving Government regulations:
30052 Regulatory agenda
Radio stations; table of assignments:
29867 Arizona
29865 Arkansas and Missouri
29870 California
29868 Montana
29865 Nebraska
29871 Texas
29872 Wisconsin
NOTICES
Hearings, etc.:
29886 Astro Enterprises, Inc., et al.
29887 Moran, Troy Raymond, et al.
29881 Western Union Telegraph Co.
29885 Television broadcast applications accepted for filing and notification of cut-off date

Federal Emergency Management Agency
RULES
Flood insurance; special hazard areas; map corrections:
29807 Arizona
29807 Colorado
29808 Connecticut
29808 Delaware
29809-29813 Florida (9 documents)
29813-29814 New Jersey (3 documents)
29814 New Mexico
29815-29816 New York (3 documents)
29816 North Dakota
29817-29818 Oklahoma (3 documents)
29817 Ohio
29819-29826 Texas (15 documents)
29826-29827 Utah (3 documents)
29828 Virginia (2 documents)
29829 Washington (2 documents)
29830 Wisconsin (2 documents)
NOTICES
Disaster and emergency areas:
29889 Lousiana

Federal Home Loan Bank Board
NOTICES
29971 Meetings; Sunshine Act

Federal Housing Commissioner—Office of Assistant Secretary for Housing
PROPOSED RULES
Mortgage and loan insurance programs:
29855 Graduated payment mortgage program, modification; transmittal of interim to Congress

Federal Maritime Commission
NOTICES
29889 Agreements filed, etc.
29971 Meetings; Sunshine Act

Federal Mine Safety and Health Review Commission
NOTICES
29971-29972 Meetings; Sunshine Act (2 documents)

Federal Reserve System
NOTICES
Applications, etc.:
29889 Citizens Inc.
29889 First International Bancshares, Inc.
29890 Mid Iowa, Inc.
29890 Robinson Bank Holding Co.
29890 Tolono Bancshares, Inc.
29972 Meetings; Sunshine Act

Fish And Wildlife Service
RULES
Fishing:
29841 Tamarac National Wildlife Refuge, Minn.

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
29789 Cyanamid Agricultural de Puerto Rico; sponsor name change
29789 Prednisolone tertiary butylacetate
PROPOSED RULES
Human drugs:
30002 Ophthalmic products (OTC); monograph establishment
NOTICES
Food additives, petitions filed or withdrawn:
29892 American Cynamid Co.
29892 Calgon Corp.
29893 E. I. du Pont de Nemours & Co.
Meetings:
29893 Consumer participation; information exchange

Food and Nutrition Service
NOTICES
Food stamp program:
29875 HUD rental refund payments treatment; policy interpretation

Health, Education, and Welfare Department
See Education Office; Food and Drug Administration; Public Health Service; Social Security Administration.

Heritage Conservation and Recreation Service
NOTICES
Historic Places National Register; additions, deletions, etc.:
29894 Alaska et al.

Housing and Urban Development Department
See Federal Housing Commissioner—Office of Assistant Secretary for Housing.

Immigration and Naturalization Service
PROPOSED RULES
29848 Nonimmigrant classes; temporary workers, intra-company transferees, and students; admission and continued employment restrictions, labor strike effects

Indian Affairs Bureau
RULES
Law and order on Indian reservations:
29790 Courts of Indian Offenses; Passamaquoddy Tribe on Pleasant Point and Indian Township Reservations, Maine

Interior Department
See also Fish and Wildlife Service; Heritage Conservation and Recreation Service; Indian Affairs Bureau; Land Management Bureau; National Park Service; Surface Mining Office.
NOTICES
Committees; establishment, renewals, terminations, etc.:
29895 Historic Preservation Advisory Committee

International Trade Administration
NOTICES
29876 Senior Executive Service Performance Review Board; establishment

International Trade Commission
NOTICES
29972 Meetings; Sunshine Act

Interstate Commerce Commission
RULES
Railroad car service orders; various companies:
29840 Atchison, Topeka & Santa Fe Railway Co.
29841 Pend Oreille Valley Railroad, Inc.
NOTICES
29929 Hearing assignments
Motor carriers:
29896 Temporary authority applications
29928 Railroad applications for long and short haul relief
Railroad services abandonment:
29929 Montpelier & Barre Railroad Co.; correction
Water carriers:
29928 Temporary authority applications; Warrior & Gulf Navigation Co.

Justice Department
See Antitrust Division; Immigration and Naturalization Service.

Labor Department
See also Employment and Training Administration; Labor Statistics Bureau; Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
29932 Ford Motor Co.
29932 FMC Corp. et al.

Labor Statistics Bureau
NOTICES
Meetings:
29931 Business Research Advisory Council
29931 Business Research Advisory Council Committees

Land Management Bureau
RULES
Oil and gas leasing:
30056 Noncompetitive leasing system; assignments and transfers of record title interests approval procedures
NOTICES
Environmental statements; availability, etc.:
29893 Tonopah Resource Area, livestock grazing management program, Nev.

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
29876 New England Fishery Management Council

National Park Service
PROPOSED RULES
National Capital Parks:
29856 Demonstrations and special events; policy
NOTICES
Management and development plans:
29895 Indiana Dunes National Lakeshore, Ind.

National Science Board
NOTICES
29972 Meetings; Sunshine Act

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
29946 Northeast Nuclear Energy Co. et al.
Meetings:
29947 Reactor Safeguards Advisory Committee
29972 Meetings; Sunshine Act
29947 Regulatory guides; issuance and availability

Pension and Welfare Benefit Programs Office
NOTICES
29936, 29937 Prohibition on transactions; exemption proceedings, applications, hearings, etc. (2 documents)

Personnel Management Office
NOTICES
29947 Privacy Act; systems of records

Public Health Service
RULES
Grants:
29803 Nurse practitioner traineeship programs; interim rules and request for comments

Rural Electrification Administration
PROPOSED RULES
Electric borrowers:
29847 Contract approval requirements for power plant construction (Bulletin 40–6)

Securities and Exchange Commission
PROPOSED RULES
29849 Accounts; liability for reports on unaudited supplementary information on effects of changing prices and on oil and gas reserves, exclusion
29853 Employee stock options; short-swing profit recovery provisions exemption for officers or directors of issuers
NOTICES
Hearings, etc.:
29953 Bear, Stearns & Co.
29949 Columbia Gas System, Inc., et al.
29955 Liquid Capital Income, Inc.
29957 Maine Yankee Atomic Power Co.
29958 Narragansett Capital Corp. et al.
29951 System Fuels, Inc., et al.
29962 Trans World Airlines, Inc.

Self-regulatory organizations; proposed rule changes:
29953 American Stock Exchange, Inc.
29961 New York Stock Exchange, Inc.
29950, 29961 Pacific Stock Exchange, Inc. (2 documents)

Small Business Administration
NOTICES
Disaster areas:
29963 Massachusetts
29964 Montana
29963 New York

Social Security Administration
RULES
Financial and public assistance programs:
29831 State and local staff training requirements; Federal matching funds to States

State Department
NOTICES
Meetings:
29964-29965 Shipping Coordinating Committee (4 documents)

Surface Mining Office
PROPOSED RULES
Permanent program submission; various States:
29855 Louisiana; correction

Textile Agreements Implementation Committee
NOTICES
Cotton textiles:
29876 Pakistan

Treasury Department
NOTICES
Bonds, Treasury:
29968 2005-2010 series
Notes, Treasury:
29967 B-1989 series
29965 K-1983 series

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
29876 New England Fishery Management Council's, Scientific and Statistical Committee, 5-21-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Food and Drug Administration—
29893 Consumer exchange meeting, 5-8-80

LABOR DEPARTMENT
Bureau of Labor Statistics—
29931 Business Research Advisory Council Committees, 5-19 and 5-20-80
29931 Business Research Advisory Council, 5-20-80

NUCLEAR REGULATORY COMMISSION
29947 Reactor Safeguards Advisory Committee, Subcommittees on Site Evaluation and Reactor Radiological Effects, 5-21 and 5-22-80

STATE DEPARTMENT
29964 Shipping Coordinating Committee, National Committee for the Prevention of Marine Pollution, 5-28-80
29964 Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, 5-15-80
29964 Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, 5-20-80
29965 Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, 5-29-80

HEARING

INTERIOR DEPARTMENT
Bureau of Land Management—
29893 Livestock Grazing Management Program Tonopah Resource Area, 5-28, 5-29 and 6-2-80y

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 Determinations:

No. 80-16 of Apr. 14, 1980 (Amended by Presidential Determination No. 80-18 of May 2, 1980) 29787

No. 80-17 of May 2, 1980 29785

No. 80-18 of May 1, 1980 29787

Executive Orders:

12169 (Amended by EO 12213) 29781

12213 29781

12214 29783

7 CFR

Proposed Rules:

915 29843

944 29843

953 29846

1701 29847

8 CFR

Proposed Rules:

211 29848

214 29848

17 CFR

Proposed Rules:

230 29847

240 29853

20 CFR

Proposed Rules:

655 29854

21 CFR

522 (2 documents) 29789

Proposed Rules:

349 30002

24 CFR

Proposed Rules:

203 29855

234 29855

25 CFR

11 29790

30 CFR

Proposed Rules:

Ch. VII 29855

32 CFR

Proposed Rules:

1900 29855

36 CFR

Proposed Rules:

50 29856

40 CFR

52 29790

180 (2 documents) 29802-29803

Proposed Rules:

52 29864

42 CFR

57 29803

43 CFR

3100 30056

44 CFR

70 (49 documents) 29807-29830

45 CFR

205 29831

235 29831

47 CFR

0 29835

73 (6 documents) 29835-29840

Proposed Rules:

Ch. I 30052

61 29865

73 (7 documents) 29865-29872

49 CFR

1033 (2 documents) 29840-29841

50 CFR

33 29841

Federal Register
Vol. 45, No. 89
Tuesday, May 6, 1980

Presidential Documents

Title 3—

The President

Executive Order 12213 of May 2, 1980

United States Holocaust Memorial Council

By the authority vested in me as President by the Constitution of the United States of America, and in order to provide for broader participation in the work of the United States Holocaust Memorial Council and in order to provide for additional time for the Council to complete its work, Sections 1–102, 1–207, and 1–402 of Exeuctive Order No. 12169 of October 26, 1979, are amended to read as follows:

"1–102. The membership of the United States Holocaust Memorial Council shall consist of not more than 60 and not less than 35 members as follows:

(a) The President shall appoint between 25 and 50 members of the Council and shall designate one of these members to chair the Council and another member to serve as Vice Chairman.

(b) The President of the Senate and the Speaker of the House of Representatives are each invited to designate five members of their respective Houses to serve as members of the Council."

"1–207. The Council shall submit a final report to the President and to the Secretary of the Interior no later than December 15, 1980."

"1–402. The Council shall serve as an interim body and shall terminate on January 15, 1981, unless sooner extended.".

Jimmy Carter

THE WHITE HOUSE,
May 2, 1980.

[FR Doc. 80–14116
Filed 5–2–80; 4:49 pm]
Billing code 3195–01–M

Presidential Documents

Executive Order 12214 of May 2, 1980

Administration of the Export Administration Act of 1979

By the authority vested in me as President of the United States of America by Section 4(e) of the Export Administration Act of 1979 (Public Law 96–72; 50 U.S.C. App. 2403(e)), it is hereby ordered as follows:

1–101. Except as provided in Section 1–102, the functions conferred upon the President by the provisions of the Export Administration Act of 1979, hereinafter referred to as the Act (Public Law 96–72; 50 U.S.C. App. 2401 *et seq.*), are delegated to the Secretary of Commerce.

1–102. (a) The functions conferred upon the President by Sections 4(e), 5(c), 5(f)(1), 5(h)(6), 6(k), 7(d)(2), 10(g) and 20 of the Act are reserved to the President.

(b) The functions conferred upon the President by Sections 5(f)(4), 5(i), and 6(g) of the Act are delegated to the Secretary of State.

1–103. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued or otherwise taken under, or continued in existence by, Section 21 of the Act or Executive Order No. 12002, and not revoked administratively or legislatively, shall remain in full force and effect until amended, modified, or terminated by proper authority. This Order does not supersede or otherwise affect Executive Order No. 12002.

1–104. Except to the extent inconsistent with this Order, all actions previously taken pursuant to any function delegated or assigned by this Order shall be deemed to have been taken and authorized by this Order.

Jimmy Carter

THE WHITE HOUSE,
May 2, 1980.

[FR Doc. 80–14117
Filed 5–2–80; 4:50 pm]
Billing code 3195–01–M

Presidential Documents

Presidential Determination No. 80–17 of May 1, 1980

Determination pursuant to Section 207(a) of the Immigration and Nationality Act, as amended (INA) concerning the admission and adjustment of status of refugees

Memorandum for the Secretary of State

Pursuant to Section 207(a) of the INA, and in accordance with Section 204(d)(1) of Public Law 96–212 (94 Stat. 109), I hereby determine, after appropriate Congressional consultation, that the admission of 231,700 refugees to the United States during Fiscal Year 1980 is justified by humanitarian concerns or is otherwise in the national interest. The admission of 231,700 refugees includes approximately 114, 284 refugees already admitted during the first half of the fiscal year, and approximately 117,416 during the second half of the year. I also determine that providing an additional 2,500 refugee admission numbers to be available for adjustment of status, in accordance with Section 209(b) of the INA, of up to 2,500 persons previously granted asylum in the United States, is justified by humanitarian concerns or is otherwise in the national interest.

Pursuant to Section 207(a)(3) of the INA, I determine, after appropriate Congressional consultation, that these refugee admission numbers shall be allocated as follows:

REFUGEE ADMISSIONS
FY 1980

Area of origin	Approximate number admitted first half of fiscal year	Approximate number to be admitted remainder of fiscal year	Total number of admissions for FY 1980	
Asia				169,200
Indochinese	84,000	84,000	168,000	
Other	600	600	1,200	
Soviet Union	18,000	15,000		33,000
Eastern Europe	2,000	3,000		5,000
Middle East	500	2,000		2,500
Latin America				20,500
Cubans	9,000	10,500	19,500	
Other	64	936	1,000	
Africa	120	1,380		1,500
Sub-total	114,284	117,416		231,700
Asylum Status Adjustments				2,500
Total				234,200

Pursuant to Section 101(a)(42)(B) of the INA, I hereby specify, after appropriate Congressional consultation, that special circumstances exist such that, for the purposes of admission under the limits established in this Determination, the following persons, if they otherwise qualify for admission, may be considered refugees of special humanitarian concern to the United States even though they are still within their countries of nationality or habitual residence:

persons in Vietnam with past or present ties to the United States,

present and former political prisoners and their family members in Argentina,

present and former political prisoners and their family members and persons in Cuba with relatives in the United States.

The Secretary of State is requested to inform the appropriate committees of the Congress of these determinations.

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

Jimmy Carter

THE WHITE HOUSE,
Washington, May 1, 1980.

[FR Doc. 80-14134
Filed 5-5-80; 10:24 am]
Billing code 3195-01-M

Presidential Documents

Presidential Determination No. 80–18 of May 2, 1980

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, and Amending Presidential Determination Number 80–16.

Memorandum for the United States Coordinator for Refugee Affairs

Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended (the "Act"), I hereby determine that Presidential Determination Number 80–16 is amended by striking sentence two of paragraph three of the Determination.

I further determine that unexpected, urgent refugee and migration needs exist in Florida and that it is important to the national interest to provide assistance to those Cubans and Haitians arriving in Florida and applying for political asylum in the United States.

I further determine that a total of up to $10 million shall be made available from the United States Emergency Refugee and Migration Assistance Fund for the purposes of processing, transporting, caring and associated administrative costs for assisting such asylum applicants on such terms and conditions as the United States Coordinator for Refugee Affairs shall determine on my behalf or for the purposes described in Presidential Determination Number 80–16, as amended.

The United States Coordinator for Refugee Affairs is requested to inform the appropriate committees of the Congress of this Determination and the obligation of funds under this authority.

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

Jimmy Carter

THE WHITE HOUSE,
Washington, May 2, 1980.

[FR Doc. 80–14135
Filed 5–5–80; 10:25 am]
Billing code 3195–01–M

Rules and Regulations

Federal Register
Vol. 45, No. 89
Tuesday, May 6, 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 HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) for the change of sponsor for the injectable anthelmintic butamisole hydrochloride from American Cyanamid Co. to Cyanamid Agricultural de Puerto Rico, Inc.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, filed a supplemental NADA (104-184) providing for a change of sponsor for an injectable butamisole hydrochloride to Cyanamid Agricultural de Puerto Rico, Inc., P.O. Box 243 Manati, PR 00701. The drug is used to treat dogs for hookworm and whipworm infections.

This intracorporate transfer of NADA does not involve changes in manufacturing facilities, equipment, procedures, or production personnel. Under the Bureau of Veterinary Medicine's supplemental approval policy (see **Federal Register** of December 23, 1977 (42 FR 64367)), this is a category I change. Therefore, this action does not require a reevaluation of the safety and effectiveness data in the parent application.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 522.234 *Butamisole hydrochloride* is amended in paragraph (b) by deleting "010042" and inserting in its place "043781."

Effective date. This amendment is effective May 6, 1980.

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

Dated: April 25, 1980.

Robert A. Baldwin,
Associate Director for Scientific Evaluation.

[FR Doc. 80-13655 Filed 5-5-80; 8:45 am]
BILLING CODE 4110-03-M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Prednisolone Tertiary Butylacetate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulation for prednisolone tertiary butylacetate suspension to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data. These conditions of use were classified as effective as a result of a National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Group evaluation of the product. In lieu of certain effectiveness data, approval may require submission of bioequivalence or similar data. An earlier **Federal Register** publication has reflected that this product is in compliance with the conclusions of the review.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-110), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of this product was published in the **Federal Register** of April 12, 1969 (34 FR 6447). In that document, the Academy concluded, and the Food and Drug Administration (FDA) concurred, that the product was effective as an anti-inflammatory agent for use in certain animals.

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

The Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, NJ 07065, responded to the notice by submitting a supplemental NADA (11-080V) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the product as an anti-inflammatory agent in dogs, cats, and horses. The supplemental application was approved by a regulation published in the **Federal Register** of September 10, 1973 (38 FR 24643). The regulation reflecting this approval established a new section for the drug in 21 CFR 135b.89, recodified at 21 CFR 522.1885. The new section did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data required for approval by § 514.111(a)(5)(vi) of the new animal drug regulations. In lieu of those data, approval of applications for such products may be obtained if bioequivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the Office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau

of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1885 by adding after paragraph (c) (1), (2), (3), and (4) the footnote reference [1] and by adding at the end of the section the footnote to read as follows:

§ 522.1885 Prednisolone tertiary butylacetate suspension.

* * * * *

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

(2) * * *[1]

(3) * * *[1]

(4) * * *[1]

Effective date. This regulation is effective May 6, 1980.

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

Dated:
April 25, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-13676 Filed 5-5-80; 8:45 am]

BILLING CODE 4110-03-M

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

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 11

Law and Order on Indian Reservations; Court of Indian Offenses

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Final rule.

SUMMARY: There is an urgent and compelling need for judicial and law enforcement services on the Pleasant Point and Indian Township Indian Reservations in the State of Maine. As a result of a recent decision by the Maine Supreme Court, *State of Maine v. Dana,* 404 A.2d 551 (1979) *cert. denied,* 48 LW 3523 (1980), justice is no longer effectively administered under State laws and by State law enforcement authorities on either reservation. The withdrawal of these services has left a void in the law and order program in the two areas and could have serious effect on the safety of their residents. Furthermore, the Associate Solicitor, Division of Indian Affairs, has determined that both the Pleasant Point and Indian Township Reservations are Indian country within the meaning of 18 U.S.C. 1151. Therefore, these events necessitate the establishment of an Indian court system which will provide an adequate machinery for law enforcement on the Pleasant Point and Indian Township Indian Reservations. The establishment of a Court of Indian Offenses to serve these two reservations is only intended to be a temporary measure necessary to the effective administration of justice on the two reservations. It is not intended to prevent the Tribe on either reservation from securing other means of achieving the effective administration of justice, and legally removing either reservation from the application of the regulations under Part 11.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Acting Judicial Services Officer, Division of Tribal Government Services, Office of Indian Services, Bureau of Indian Affairs, Washington, D.C. 20240, telephone: (202) 343-7885.

SUPPLEMENTARY INFORMATION: This revision is made under the authority contained in 5 U.S.C. 301 and 25 U.S.C. 2, and delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Bureau of Indian Affairs, in a notice published on January 31, 1979, 44 FR 7235, has determined that the Passamaquoddy Tribe of Maine is an entity having a government-to-government relationship with the United States and which the United States recognizes as eligible for programs administered by the Bureau of Indian Affairs.

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

The usual 30 calendar days deferred effective date period has been waived under 43 CFR 14.5(b)(5)(ii)(B) to expedite the prompt establishment of the Court of Indian Offenses in order to minimize the potential danger to the residents of the two areas resulting from inadequate law enforcement.

Proposed regulations were published in the **Federal Register,** Vol. 45, No. 49, at 15570 and 15571 on March 11, 1980. No comments were received during the comment period.

The principal author of this document is George Skibine, Branch of Judicial Services, Division of Tribal Government Services. Section 11.1(a) of Subchapter B, Chapter I, of Title 25 of the Code of Federal Regulations is amended by adding subparagraph (30) to read as follows:

§ 11.1 Application of regulations.

(a) Except as otherwise provided in this part, §§ 11.1–11.87 of this part apply to the following Indian reservations:

* * * * *

(30) Pleasant Point and Indian Township (Maine).

Dated: April 25, 1980.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-13747 Filed 5-5-80; 8:45 am]

BILLING CODE 4310-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1485-1]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) announces today final rulemaking on revisions to the Michigan State Implementation Plan (SIP). These revisions were submitted to USEPA by the State to satisfy the requirements of Part D of the Clean Air Act (Act). USEPA published a notice of proposed rulemaking on these revisions on August 13, 1979 (44 FR 47350). Based on its review of the State's response and the public comments, USEPA takes final rulemaking action to approve, or conditionally approve, specific portions of the Michigan submittal as revisions to the federally approved Michigan State Implementation Plan. This Final Rulemaking action does not address the adequacy of State rules to control emissions from the iron and steel making industry; Consent Orders submitted as part of the State's control strategy for the sulfur dioxide nonattainment areas; the ozone control strategy; transportation control plans; inspection and maintenance provisions; carbon monoxide control strategy for the Detroit nonattainment area; Prevention of Significant Deterioration (PSD) provisions; and the general requirements of the Clean Air Act which are not Part D requirements (Sections 121, 126, 127, 128, and 110(a)(2)(k). The provisions which are part of Michigan's Part D SIP or are general requirements of the Clean Air Act are, or will be, addressed in separate Notices of Proposed Rulemaking.

EFFECTIVE DATE: This final rulemaking becomes effective on May 6, 1980.

ADDRESSES: Copies of the SIP revision, public comments on the Notice of Proposed Rulemaking (44 FR 38587), and USEPA's evaluation and response to comments are available for inspection at the following addresses:

U.S. Environmental Protection Agency; Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6053.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act), as amended in 1977, USEPA designated certain areas in each state as nonattainment with respect to National Ambient Air Quality Standards (NAAQS) for total suspended particulates (TSP), sulfur dioxide (SO_2), carbon monoxide (CO), ozone (Ox), and nitrogen dioxide (NO_2).

Part D of the Act, added by the 1977 amendments, requires each state to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary National Ambient Air Quality Standards by December 31, 1982, and in certain circumstances no later than December 31, 1987 for ozone and/or carbon monoxide. The requirements for an approvable SIP are described in a **Federal Register** notice published April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182).

On April 25, 1979, the State of Michigan submitted its proposed SIP to USEPA to satisfy the requirements of Part D. USEPA published a notice of proposed rulemaking on the proposed revisions on August 13, 1979 (44 FR 47350). The notice of proposed rulemaking (NPR) described the nature of the SIP revisions. The notice also specified areas of the SIP submittal which in USEPA's judgment did not comply with the requirements of the Clean Air Act and needed either clarification or correction by the State. The State of Michigan submitted comments and commitments to USEPA in its October 12, 1979, response to the NPR. On March 31, 1980, Michigan submitted revisions to the conditional approval schedules for TSP. In addition, USEPA received several public comments on the Michigan submittal and on USEPA's proposed action on it. Significant comments and USEPA's response to them are discussed where applicable below.

In the August 13, 1979 notice, USEPA indicated that some of the regulations in the State's submittal were preliminarily adopted by the Michigan Air Pollution Control Commission (MAPCC) and would be finally adopted after completion of necessary State administrative procedures. USEPA stated that until all State administrative requirements were satisfied, it would not complete Federal rulemaking on the SIP revisions. On January 9, 1980, USEPA received a letter from the State which demonstrated that all regulations were finally adopted and would take full effect January 18, 1980. A review by USEPA of the regulations finally adopted by Michigan revealed that the final regulations were the same as those submitted April 25, 1979 as a part of Michigan's Part D State Implementation Plan except that Michigan had modified the numbering system slightly and had removed the provisions pertaining to Part C of the Act (Prevention of Significant Deterioration). The rules, however, contain a reference to the same numbers used in the original submittal so that comparison of the rules is easily accomplished. USEPA has reviewed these finally enacted regulations and has determined that the requirement for legal adoption of regulations contained in Section 110(a)(2) of the Clean Air Act has been met. Although Michigan submitted all the rules of the Michigan Air Pollution Control Commission on January 9, 1980 many of these rules had been previously submitted to and approved by USEPA. In this final rulemaking action USEPA is taking no action on the rules already approved by USEPA but will note the recodification of the rules. The only final rulemaking action taken today on Michigan Rules is on those rules which have not been previously approved by USEPA and on which Michigan is relying as part of its control strategy for nonattainment areas. The rules which are not part of Michigan's control strategy for nonattainment areas and which have not been previously approved by US EPA will be addressed in a separate notice of proposed rulemaking.

This **Federal Register** notice addresses public comments in two parts: (1) General comments on the Michigan SIP and on the criteria used by USEPA to evaluate all SIPs; and (2) Comments on specific portions of the Michigan submittal and on USEPA's evaluation of specific portions of the SIP. The second part of this notice briefly identifies by pollutant or topic the deficiencies cited in the August 13, 1979 **Federal Register** notice, discusses both the State's response and the response of other commentors, and contains USEPA's response to comments and its final determinations.

USEPA's final determinations take one of three forms: approval, conditional approval, or disapproval. A discussion of conditional approval and its practical effect appears in the July 2, 1979 **Federal Register** (44 FR 38583) in a supplement to the General Preamble. The conditional approval requires the State to submit additional materials by the specified deadlines negotiated between the State and the USEPA Regional Office. Schedules submitted by Michigan will be proposed for public comment elsewhere in this **Federal Register.** Although public comment is solicited on the deadlines, and the deadlines may be changed in light of the comments, the State remains bound by its commitment to meet the proposed deadlines, unless they are changed. USEPA will follow the procedures described below when determining if requirements of conditional approval have been met:

1. When the State submits the required additional documentation, USEPA will publish a notice in the **Federal Register** announcing receipt and availability that the conditional approval is continuing pending USEPA's final action in the submission.

2. USEPA will evaluate the State's submission and public comment on the submission to determine if noted deficiencies have been fully corrected. After review is complete, a **Federal Register** notice will either fully approve the plan if all conditions have been met, or 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 submit the required materials according to the negotiated schedule, USEPA 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.

The following chart summarizes the actions taken by USEPA today on the Michigan submittal:

1. Approval

a. Maintenance/malfunction provisions.

b. New source review regulations.

c. Carbon monoxide control strategy for the Saginaw area.

d. Hydrocarbon RACT rules contained in the Michigan Air Pollution Control Commission Rules, Part 6, with the exception of Rules 336.1603 and 1606.

e. Total suspended particulate study schedules for secondary nonattainment areas.

2. Conditional Approval

a. Hydrocarbon RACT rules R 336.1603 and 1606.

b. Total suspended particulates control strategy for primary and secondary nonattainment areas which do not include iron and steel sources.

3. No Action.

a. General requirements of the Clean Air Act which are not Part D requirements (Sections 121, 126, 127, 128 and 110(a)(2)(K).

Rulemaking on the following requirements will be published in a separate **Federal Register** notice to be published shortly.

b. Ozone control strategy.

c. Transportation control plans for Detroit, Flint, Lansing and Grand Rapids.

d. Inspection/maintenance for the Detroit urban area.

e. Carbon monoxide control strategy for the Detroit area.

f. Particulate regulations for iron and steel industries.

g. Sulfur dioxide control strategy for Ingham County.

Action on these provisions of the plan will be the subject of supplemental notices of proposed rulemaking. Until final action on these provisions, growth restrictions in the City of Detroit nonattainment area will continue for sources emitting photochemical oxidants and carbon monoxide and also in those nonattainment particulate areas where iron and steel industries are located; and in the sulfur dioxide nonattainment area of Ingham County, Michigan, for sources emitting sulfur dioxide.

h. Prevention of Significant Deterioration.

These provisions were withdrawn from the April 25, 1979 submittal by Michigan in a letter dated July 25, 1979. In this letter Michigan requested a delegation of authority to implement the prevention of significant deterioration program. A delegation of this authority was granted by USEPA on September 10, 1979. The notice of such delegation was published at 45 FR 8299 (February 7, 1980).

The following sections will discuss general and pollutant specific deficiencies in the Michigan SIP noted by USEPA in the August 13, 1979, Notice of Proposed Rulemaking, State and public comment in response to that Notice, and USEPA's final determinations and rulemaking actions. USEPA has determined that good cause exists for making these revisions immediately effective. By making this final rulemaking immediately effective, some of the restrictions on industrial growth contained in section 110(a)(2)(I) of the Clean Air Act will be lifted from the State of Michigan. These restrictions are imposed for failure to have a State Implementation Plan which meets the requirements of Part D after the final date for SIP approval specified in the Act. USEPA has determined that a major portion of the Michigan State Implementation Plan meets the requirements of Part D. Therefore, it would be contrary to the public interest to continue the restrictions on industrial growth in all nonattainment areas for thirty days after the publication of this notice.

Plan Requirements for Nonattainment Areas

In addition to the general requirements applicable to all State Implementation Plan revisions, the revised plan must satisfy the requirements of Part D of the Act. In the August 13, 1979 Notice of Proposed Rulemaking, USEPA indicated that the proposed revision to the Michigan SIP did not meet the requirements of section 172(b)(9) of the Act because it did not include an identification and analysis of the air quality, health welfare, economic, energy, and social effects of the plan provisions chosen, the alternatives considered, and a summary of the public comment on the analysis. USEPA believes that the State has satisfied these requirements through discussions in the original SIP submittal, the submittal of supplemental information identifying and analyzing the impact areas, and the submittal of a summary of public comments.

In addition to the comments submitted by the State of Michigan and the public specifically addressing the August 13, 1979 Notice of Proposed Rulemaking (44 FR 47350), one commentor submitted extensive national comments and requested that the comments be considered part of the record for each state plan. Although some of the issues are not relevant to provisions in Michigan's submission USEPA notified the public on its response to these comments at 45 FR 11472, 11474 (February 21, 1980).

Total Suspended Particulates

Part D of the Clean Air Act requires State Implementation Plans to include strategies and regulations adequate to insure attainment of the Primary National Ambient Air Quality Standards as expeditiously as practicable but not later than December 31, 1982, and in the interim, to provide reasonable further progress toward attainment through the application of reasonably available control technology (RACT). The statute requires that the secondary standards be attained within a reasonable time. Where attainment cannot be demonstrated despite the application of reasonably available control technology to traditional sources of particulate matter, USEPA will accept as a basis for approval a commitment by the State to conduct additional studies on the causes for particulate nonattainment, including the degree to which nontraditional area sources of particulate matter affect air quality, and to develop and to submit to USEPA additional enforceable strategies adequate to demonstrate attainment of the primary standards by the statutory attainment date.

Primary and Secondary Nonattainment Areas

Four areas of the State of Michigan including portions of the Detroit metropolitan area, Saginaw, Flint, and Albion, have been designated as nonattainment for the primary particulate National Ambient Air Quality Standards. An additional 20 areas are designated as nonattainment for the secondary particulate standard. These areas are delineated at 40 CFR Part 81.

As discussed in the August 13, 1979, **Federal Register** the State's analysis of the designated nonattainment areas indicates that despite the application of reasonably available control technology through new regulations, together with existing regulations, the particulate SIP may not be adequate to provide for attainment of the primary or secondary TSP NAAQS by December 31, 1982. Therefore, the Michigan SIP contained commitments to conduct additional studies including a study on nontraditional source control, to adopt industrial fugitive regulations that represent RACT for traditional sources, and to adopt additional controls beyond RACT on traditional sources if necessary. USEPA proposed to conditionally approve these commitments if the State submitted a more detailed schedule for the completion of the studies and the adoption of any necessary new regulations.

The State's October 12, 1979 response satisfactorily outlined a detailed plan to study the causes of particulate nonattainment and to develop strategies to attain and maintain the particulate standards. The State submitted revised schedule dates on March 31, 1980. The studies will focus on the ambient impact from nontraditional sources of particulates, on methods of controlling these sources, and on the contribution of traditional sources with RACT controls to particulate nonattainment.

The State has committed itself to complete additional studies in the Detroit area for an attainment strategy by June 1980 and to adopt statewide industrial fugitive regulations and any other regulations necessary to attain and maintain the particulate NAAQS. The State has also committed itself to submit to USEPA the adopted industrial fugitive regulations by January 1, 1981.

Because the State has been unable to demonstrate attainment despite the application of RACT to traditional sources of particulates and has made a satisfactory commitment to study the causes of particulate nonattainment and to adopt additional regulations to achieve attainment, USEPA approves the State's approach to demonstrating attainment. As discussed below, USEPA conditionally approves the Michigan particulates SIP for those nonattainment areas which do not include iron and steel sources. USEPA is taking no action at this time on the particulate plan as it is applied to iron and steel sources. Therefore, the growth prohibition of Section 110(a)(2)(I) of the Act continues to apply only in those particulate nonattainment areas containing iron and steel sources.

This notice follows the general format of the August 13, 1979 **Federal Register.** No public comments other than the State's response were received by USEPA on the TSP portion of Michigan's SIP.

Statewide

On January 9, 1980 the State submitted the officially adopted rules of the Michigan Air Pollution Control Commission. Part 3 of these rules covers emission limitations and prohibitions for particulate matter. Specific Statewide emission limitations for traditional sources are contained in Rule 336.1331 (formerly rule 336.44). This rule was amended and proposed for adoption by the State in February 1979 and submitted to USEPA on April 25, 1979. USEPA proposed approval of the amended rule in the August 13, 1979 **Federal Register.** The officially adopted rule submitted to USEPA on January 9, 1980, is essentially identical to the previously adopted rule. Therefore, USEPA approves Rule 336.1331 as meeting the requirements of the Clean Air Act with the exception of specific regulations covering sources in the iron and steel source category. As discussed above, USEPA is taking no action on this source category at this time.

Detroit

The August 13, 1979, Notice of Proposed Rulemaking identified deficiencies in the Michigan strategy which USEPA stated must either be clarified or be corrected. USEPA noted that while fugitive particulate emissions appear to be a significant contributor to nonattainment in the Detroit metropolitan area and may be an important component of the nonattainment problem in other areas, the State has not yet developed regulations to control particulates from these sources.

The April 25, 1979 submittal from the State contained commitments by the State to develop industrial fugitive regulations for at least the primary nonattainment area in Wayne County (Detroit) by October 1, 1979, to adopt site specific abatement orders, and to conduct additional studies, including the study of nontraditional source impacts. USEPA found this approach generally acceptable but noted the following deficiencies in the August 13, 1979 **Federal Register.**

1. The commitment by the State of Michigan to develop and adopt industrial fugitive regulations was not accompanied by a detailed schedule for the completion of the proposed and ongoing studies and for the adoption of any additional regulations beyond RACT that are shown to be necessary to demonstrate attainment. A detailed schedule must contain projected dates for all necessary actions to be carried out by the State of Michigan prior to submittal of a SIP revision to USEPA.

State Response

Since the publication of the Notice of Proposed Rulemaking, the State has submitted a draft of its industrial fugitive rules. In the draft rules the State has extended the rules' coverage to all primary and secondary particulate nonattainment areas. USEPA had indicated in the Notice of Proposed Rulemaking that the State had committed itself to apply these regulations at least in the primary nonattainment area in Wayne County.

The rules have been adopted by the Commission for the purpose of holding public hearings. Public hearings on the rules were held on January 22, 24, and 28, 1980. The remainder of the rule adoption schedule committed to by Michigan in its submittals of October 12, 1979 and March 31, 1980 includes the following items and completion dates:

1. Conduct public hearings throughout the State ..... Jan. 1980
2. Prepare a summary of the public comments and revise rules if appropriate ..... Feb. 1980
3. Formal rule adoption by the Commission ..... Apr. 1980
4. Obtain approval from the legislative Service Bureau, Attorney General's Office and Joint Legislative Rules Committee ..... Aug. 1980
5. File rules with Secretary of State and submit to USEPA for approval ..... Jan. 1981

In regards to the need for additional studies in the Detroit area, the State has committed itself to analyze the results of filter analysis, perform particle size distribution work, refine their source emission inventories and examine the appropriate meteorological parameters in order to demonstrate the adequacy of the control strategy. On March 31, 1980, the State submitted revisions to the schedule for the Detroit studies. Accordingly, the Air Quality Division commits itself to the following schedule:

Item	Completion date
1. Particle size distribution report	Feb. 1980.
2. Refinement of the emission inventory	June 1980.
3. Assessments of meteorological variables	June 1980.
4. Analysis of the microscopy report	June 1980.
5. Submit study results to USEPA	Sept. 1980.

USEPA Response and Final Determination

USEPA believes that both the State's commitment and schedule to adopt industrial fugitive regulations are acceptable. Therefore, USEPA approves the particulate control strategy for Detroit on the condition that the State submit its statewide, finally adopted, industrial fugitive regulations to USEPA by January 1, 1981. A notice soliciting public comment on the acceptability of the schedule to adopt the industrial fugitive regulations and to conduct further studies appears elsewhere in today's **Federal Register.**

2. In the Notice of Proposed Rulemaking, USEPA requested a commitment from the State to develop and adopt nontraditional area source controls and point source controls more stringent than RACT in the Detroit area if these controls are necessary to demonstrate attainment.

State Response

The State has committed itself to drafting and proposing additional regulations necessary for attainment of the primary NAAQS as expeditiously as

possible and within a reasonable time for the achievement of secondary standards. The State predicates this commitment upon the completion of the proposed studies.

USEPA Response

Michigan has committed to conduct additional studies in the Detroit area and has committed to review and adopt nontraditional source controls and any necessary additional regulations for controls beyond RACT. The Clean Air Act mandates that the TSP NAAQS be attained in all nonattainment areas by December 31, 1982, and the secondary standards as expeditiously as practicable. If the State of Michigan is unable to demonstrate attainment by the application of RACT and the adoption and enforcement of industrial fugitive regulations, the State will be required to submit further regulations in order to demonstrate attainment.

3. USEPA commented in the August 13, 1979 Notice of Proposed Rulemaking that the Michigan submittal did not contain specific test methods for measurement of visible emissions from either continuous or intermittent sources of particulates. USEPA stated that acceptable test method or methods for these source categories must be promulgated and submitted to USEPA as a portion of the SIP.

State Response

Michigan, in its response, directed our attention to Rule 336.1303, "Grading Visible Emissions", for visual emission observations of stationary sources. This test method is on file with the Commission. A copy of the method was resubmitted to USEPA in a letter dated February 6, 1980.

USEPA Response

USEPA's assessment that the submittal did not contain a test method was in error. The Michigan submittal referenced a rule on file with the Commission.

USEPA has reviewed the visible emission test method and finds it acceptable as an enforceable compliance test method for both continuous and intermittent sources.

As previously noted, no action is being taken on iron and steel sources. Specific deficiencies in the opacity regulations for iron and steel sources will be proposed for comment with the remainder of the rules covering these sources in a separate **Federal Register** package.

Saginaw, Flint, and Albion

The State of Michigan plans to develop specific abatement orders for controls beyond RACT which would apply to individual sources located in the Saginaw, Flint and Albion nonattainment areas, including sources of fugitive particulate emissions, that have been shown to cause or contribute to violations of the National Ambient Air Quality Standards. USEPA found this approach generally acceptable but noted the following deficiencies in the Notice of Proposed Rulemaking:

1. Specific abatement orders that require controls beyond RACT must be codified in a manner enforceable by the State and submitted to USEPA as a SIP revision before the State can claim emission reduction credits for control at these facilities.

State Response

The State has committed itself to submit the abatement orders or consent agreements which require controls beyond RACT along with air quality demonstrations for companies in the primary nonattainment areas of Flint, Albion, and Saginaw. All orders for these areas have been approved by the Air Pollution Control Commission and the air quality demonstrations supporting these orders have been completed. On March 10, 1980, the State submitted the abatement order for the Albion nonattainment area.

USEPA Response

The State has indicated that it is relying on these abatement orders to demonstrate attainment. Further, the State has committed to submit these abatement orders for specific sources and the accompanying attainment demonstrations for Saginaw, Flint, and Albion. The State's abatement order or consent agreement mechanism has been determined to provide legally enforceable emission limitations at the State level. The submittal of these orders or agreements to USEPA as site specific SIP revisions will also insure that these agreements are a legally enforceable part of Michigan's SIP. The approval or disapproval of specific abatement orders will be the subject of separate **Federal Register** notices.

2. Industrial fugitive regulations must be applicable to all particulate nonattainment areas unless the source specific regulations developed for these areas are sufficient to demonstrate attainment of NAAQS. The fugitive regulations should include control of particulates from storage piles, plant roads, loading and unloading operations, mineral handling and processing operations and emissions from building openings.

State Response

Michigan stated that the industrial fugitive rules that are now in the process of development and adoption will apply to all primary and secondary nonattainment areas in the State. In addition, for the Saginaw, Flint, and Albion nonattainment areas, the State plans to develop specific abatement orders which are beyond RACT for individual sources, including sources of fugitive particulate emissions, that have been shown to cause or contribute to violations of the NAAQS. On March 10, 1980, the State submitted the abatement order for the Albion nonattainment area.

USEPA Response

Michigan's response that the industrial fugitive regulations proposed for adoption will apply to all primary and secondary nonattainment areas and the commitment to develop and to propose adoption of specific abatement orders in Saginaw, Flint, and Albion is acceptable. The abatement orders will be reviewed as site specific SIP revisions and will be the subject of separate **Federal Register** notices.

Secondary Nonattainment Area Studies

Michigan's plan for secondary nonattainment areas consists of a commitment to conduct additional studies in all secondary nonattainment areas, and a commitment to develop regulations if necessary. The studies will include updating the point source emission inventory, adding area sources to the inventory, undertaking additional modeling and conducting particle microscopy work. The submittal includes a schedule for completing these studies which divides the secondary nonattainment areas into four categories based on the number of samples and the magnitude of the readings exceeding the standards. The studies in each of the four categories will be completed on June 30, 1980, October 30, 1980, February 28, 1981, and June 30, 1981, respectively.

The State has committed itself to develop enforceable control orders or additional emission limitations within one year of the completion of the studies for each area, as noted above. A commitment is also made to attain the secondary standards within four years of the completion of the studies in each area. Thus, the secondary standards will be attained within a period between June 1984 and July 1985.

USEPA proposed in the August 13, 1979 **Federal Register** to approve the schedule and the commitments to analyze, select and adopt control measures for the secondary particulate nonattainment areas on the condition

that key milestones are identified for evaluating progress in the development of a SIP to attain the secondary standards.

State Response

The types of studies that are contemplated for all of the secondary areas include a refinement of the emission inventory, an analysis of the impact of meteorological variables on the sample results, an analysis of the microscopy report and an examination of the desirability of conducting additional dispersion modeling.

The study schedule identified in the SIP at Table 2.14 on page 2–53 envisages completion of all of the items listed above within the specified time frame. The State reinforced its commitment to complete the studies according to schedule, but stated that interim milestones were not necessary.

USEPA Response

USEPA has reviewed the State's commitment and the time schedule for completing additional studies contained in the SIP. USEPA finds the State's reinforcement of their commitment to the necessary elements of the required additional studies is satisfactory without the addition of interim milestones. Therefore, USEPA approves the secondary nonattainment area study commitments. The adoption of any necessary additional control measures and the attainment demonstration will be the subject of a separate **Federal Register** notice.

Modeling Demonstrations

In the Notice of Proposed Rulemaking, USEPA stated that the State must provide a demonstration of attainment of the particulate National Ambient Air Quality Standard for all currently designated nonattainment areas. Estimates of industrial fugitive emission impacts must be supported by a comprehensive analysis of meteorological data, monitored air quality data, and filter analysis. A summary of any further modeling analyses should be submitted. The summary should include a map identifying monitored and modeled receptor locations and the highest predicted annual concentrations and highest and second highest concentrations predicted in the short term analysis at all receptors on all days modeled. A description of the derivation and use of background concentrations should be included.

State Response

The State pointed to previous difficulties with modeling in the secondary nonattainment areas, and committed itself to provide an attainment demonstration utilizing the best available analytical tools. This includes filter analysis, meteorological analysis and the compilation of microinventories.

USEPA Response

Becaue of the particular problems and constraints inherent in the previous dispersion modeling analysis conducted by the State, USEPA will not mandate an air quality demonstration supported by modeling. The alternative analytical tools identified by the State are technically sound and should provide the information necessary to support any additional necessary control measures. However, the filter analysis method on which the State places emphasis may not be sufficient as the only analytical tool for situations in which traditional sources are the prime contributors to nonattainment. For such circumstances the adequacy of a filter analysis alone may be restricted by (1) the limited number of available sampling sites for analysis, which may not provide an adequate picture of source culpability, (2) the limited number of filters analyzed per site which may not cover the appropriate set of meteorological conditions and (3) the limited number of filters analyzed over time may not adequately address the annual standard.

USEPA Final Determination

USEPA conditionally approved Michigan's control strategy for the attainment of the primary and secondary TSP NAAQS in particulate nonattainment areas that do not contain iron and steel sources with the condition that Michigan conduct the necessary particulate studies in the Detroit area and adopt final industrial fugitive regulations that represent RACT for traditional sources. The State must submit these regulations to USEPA by January 1, 1981.

USEPA's action today finally approves the Michigan TSP study schedules for attainment of the secondary TSP NAAQS.

Sulfur Dioxide

Portions of Midland and Ingham Counties were designated as nonattainment for the sulfur dioxide National Ambient Air Quality Standards. These two areas were designated nonattainment because a source in each area, in contravention to Section 123 of the Act, was utilizing a supplementary control system (SCS) to demonstrate attainment of the sulfur dioxide (SO_2) National Ambient Air Quality Standards (NAAQS). At the time of the designation neither source was meeting the emission limitations in the federally approved SIP. The State's control strategy for these SO_2 nonattainment areas was to rely on the existing SO_2 emission limitations in its present regulations while requiring the two sources in the nonattainment areas to apply "continuous emission control systems," to meet those emission limitations. The requirement of "continuous emission control" systems was to be implemented through individual Consent Orders entered into by the two sources and the Michigan Air Pollution Control Commission (MAPCC) and submitted to USEPA as SIP revisions.

Ingham County

In the August 13, 1979 Notice of Proposed Rulemaking USEPA stated that the existing SIP would be adequate to attain and maintain the SO_2 NAAQS when all sources are complying with the applicable rules and are utilizing constant emission controls; and that as a result, "no further rulemaking was necessary".

On August 22, 1979 Michigan submitted a Consent Order entered into by the Michigan Air Pollution Control Commission (MAPCC) and the Lansing Board of Water & Light (Board), located in the City of Lansing, Ingham County. The Board had been utilizing an SCS to keep from violating the SO_2 NAAQS instead of meeting the emission limitations in the federally approved SIP. The Order and technical support submitted with the Order demonstrated that the Board's recent compliance with the emission limitations in the existing SIP was not adequate to protect the NAAQS since a potential for violation of the SO_2 NAAQS occurred as a result of aerodynamic plume downwash at the facility. The Order to correct the downwash required additional controls in the form of GEP stacks.

American Lung Association of Michigan commented on the strategy and challenged USEPA's statement that the existing SIP is adequate and that no further rulemaking is necessary. USEPA agrees with American Lung that technically such statement was incorrect insofar as the nonattainment area in Ingham County was concerned. The State of Michigan also commented that it agreed with American Lung's evaluation. In the August 13, 1979 Notice of Proposed Rulemaking USEPA was requesting comment on Michigan's SO_2 control strategy while emphasizing that it was not necessary to take any additional rulemaking action on Michigan's existing federally approved

regulations controlling SO_2 emission limitations from power plants. Sulfur dioxide emission limitations for power plants are contained in Tables 3 and 4 of Rule 49 (R. 336.49). These tables and rule have been recodified in the Michigan submittal of January 9, 1980 as Tables 41 and 42 of Rule 401 (R. 336.1401).

USEPA finds that Michigan's control strategy for the Ingham County nonattainment area (requiring the Board to complete good engineering practice (GEP) designed stacks by December 31, 1982 to eliminate the downwash problem in addition to meeting the emission limitations in the federally approved SIP) is adequate to demonstrate attainment of the SO_2 NAAQS by December 31, 1982.

American Lung in its comments also asserted that the Board's use of a SCS while the GEP stacks are being built was prohibited under the Clean Air Act. In a letter dated February 13, 1980, addressed to the Regional Administrator, Michigan withdrew this part of the SIP revision from review by USEPA. Therefore, that provision will not be a part of the federal plan. The provision remains, however, as a matter of State law under the stipulation signed by MAPCC and the Board.

USEPA, in a Notice of Proposed Rulemaking to be published shortly, is proposing to approve the Lansing Board of Water & Light Order under Part D requirements on the basis that the Order requires the Board to continue to meet the existing emission limitations in the federally approved SIP while at the same time it imposes additional requirements on the Board in order to provide for the attainment of the SO_2 NAAQS by December 31, 1982. Under Part D of the Act when a source is meeting its existing requirements, the source may be granted additional time to meet any additional requirements which are necessary to provide for attainment of the NAAQS. See General Preamble for Proposed Revisions for Nonattainment Areas (44 FR 20371, 20373, April 4, 1979).

USEPA Determination

USEPA is not taking action in this rulemaking notice on Michigan's SO_2 control strategy for the nonattainment area of Ingham County. The strategy which is contained in a Consent Order and which requires a source to construct GEP stacks to correct a demonstrated downwash problem is the subject of a separate notice of proposed rulemaking. Until final action on the Order USEPA will be unable to enforce Michigan's control strategy. Therefore, final approval by USEPA on Michigan's control strategy for Ingham County will be contained in USEPA's final rulemaking on the Consent Order which implements that control strategy.

Midland County

A portion of Midland County was designated nonattainment because The Dow Chemical Co. (Dow), instead of meeting its emission limitation under the existing federally approved SIP, was using a SCS to demonstrate attainment of the NAAQS.

Michigan's control strategy is to require Dow to come into compliance with the existing emission limitations in the federally approved SIP by either burning compliance fuel or purchasing processed steam and electricity from a nuclear power facility still under construction. To implement its control strategy Michigan referenced in its Part D submittal a Consent Order entered into by Dow and the MAPCC on February 13, 1979. This Order had been previously submitted to USEPA as a site specific SIP revision on February 14, 1979.

USEPA disapproved this Order as a site specific SIP revision because (1) it lacked a demonstration that the primary and secondary NAAQS would be attained and maintained without use of SCS; (2) it did not provide for continuous emission reduction; and (3) it did not contain emission limitations for sulfur dioxide and particulates. See 45 FR 19566, March 26, 1980.

The Order was also reviewed to see if it met Part D requirements of the Act. In a Notice of Proposed Rulemaking published at 44 FR 9752 (February 13, 1980) USEPA proposes to disapprove the order because it grants Dow additional time to meet existing emission limitations.

As noted in the February 13, 1980 Notice of Proposed Rulemaking it is USEPA's position that Congress, in passing the 1977 Amendments, did not intend to provide sources more time to come into compliance with existing emission limitations. See General Preamble for Proposed Revisions for Nonattainment Areas (44 FR 20371, 20373, April, 1979).

American Lung commented that Michigan's sulfur dioxide control strategy does not provide for reasonable further progress by requiring sources in the nonattainment areas to adopt reasonably available control technology (RACT). USEPA has determined that the emission limitations in the federally approved SIP represent RACT and that reasonable further progress is met by Michigan's new source review regulations. These regulations require emission offsets of greater than one for one and also require minor sources to be included in the permit program.

It is USEP's position that there is no reason to question the adequacy of the emission limitations in Michigan's existing federally approved regulations. The Dow Chemical Co. has never met those limitations which call for Dow to use fuel with a sulfur content not to exceed 1.0 percent. The technical support submitted with those regulations demonstrated that enforcement of those regulations will protect the ambient air quality in Midland County.

On March 12, 1980 during the comment period on the February 13, 1980 Notice of Proposed Rulemaking, Michigan withdrew the Order as a SIP revision to meet Part D requirements on the basis that it was not necessary under Part D inasmuch as the enforcement of the existing SO_2 emission limitations was adequate to demonstrate attainment. USEPA agrees with the State's assessment. Therefore, no further rulemaking is necessary. A notice of withdrawal of USEPA's rulemaking in the Dow order as a Part D SIP revision will be published in the **Federal Register** shortly.

Ozone

As indicated in the August 13, 1979 Notice of Proposed Rulemaking, the Michigan submittal did not include ozone design values for each nonattainment area, a determination of the Volatile Organic Compound (VOC) reduction requirements of each area, or a demonstration of attainment of the ozone standard. USEPA proposed rulemaking only on the controls for stationary sources of VOC. Consequently, the measures approved in the discussion below constitute only a portion of the Michigan plan for attaining the ozone standard. Subsequent to the publication of the Notice of Proposed Rulemaking, the State submitted an ozone attainment demonstration which USEPA is in the process of reviewing. This final attainment demonstration and the adequacy of the ozone plan as a whole will be proposed for comment in the separate **Federal Register** notice. In addition, USEPA will propose rulemaking on Michigan's transportation control plans in a separate **Federal Register** notice to be published shortly.

Hydrocarbons From Stationary Sources

Section 172(b)(2) of the Clean Air Act requires the application of reasonably available control technology to stationary sources of VOC in nonattainment areas. USEPA has developed Control Techniques

Guidelines (CTGs) which provide information on available air pollution control techniques, and contain recommendations on what USEPA calls the "presumptive norm" for RACT. Where State regulations are not supported by the information in the CTGs, the State must provide an adequate demonstration that its regulations represent RACT, or amend the regulations to be consistent with the information in the CTGs. An explanation of CTGs and their practical effect is contained in a September 17, 1979 supplement (44 FR 53761) to the General Preamble (44 FR 20371).

The minimum acceptable level of stationary source control for ozone SIPs includes RACT requirements for VOC sources covered by CTGs the USEPA issued by January 1978 and schedules to adopt and submit by each future January additional requirements for sources covered by CTGs issued the previous January. The submittal date for the first set of additional RACT regulations was revised from January 1, 1980 to July 1, 1980 by an August 28, 1979 Federal Register notice (44 FR 50371). The Michigan submittal includes a commitment by the State to adopt any additional rules representing RACT on stationary sources of VOC for which USEPA issues CTGs. The Administrator approves this commitment by the State as part of the federally approved Michigan State Implementation Plan.

Approval of the ozone portion of the Michigan plan is contingent, however, on the submittal of the additional RACT regulations which are due July 1, 1980 (for CTGs published between January 1978 and January 1979). In addition, by each subsequent January beginning January 1, 1981, RACT requirements for sources covered by CTGs published by the preceding January must be adopted and submitted to USEPA. The above requirements are set forth in the "Approval Status" section of the final rule. If RACT requirements are not adopted and submitted to USEPA according to the time frame set forth in the rule, USEPA will promptly take appropriate remedial action.

Michigan submitted eighteen new rules containing stationary source controls representing RACT. These rules provide emission limitations and prohibitions for existing sources of volatile organic compounds. USEPA proposed to approve fourteen of these rules in the August 13, 1979 Notice of Proposed Rulemaking. No public comments were received on these rules or on USEPA's proposed approval. Therefore, USEPA approves Rules 336.1601, 1602, 1604, 1605, 1607, 1608, 1609, 1611, 1612, 1613, 1614, 1615, 1616, and 1617 as part of the federally approved Michigan SIP. USEPA also proposed to approve Rules 336.1603, 1606, 1610, and 1618 if the State clarified or corrected portions of each rule which, in USEPA's judgment, were deficient. On October 12, 1979, the State responded to USEPA's proposed rulemaking. With the exception of comments on Rule 336.1610 by the Ford Motor Company, no public comments were received on these four regulations or on USEPA's proposed action. As discussed below, USEPA approves Rule 336.1618 based on the State's response and Rule 336.1610 based on the State's response and on the Ford Motor Company's comments. Based on the State's response, Rules 336.1603 and 1606 are approved subject to the State satisfying the conditions outlined in the discussion below.

The following discussion identifies the deficiencies described in the August 13, 1979 Notice of Proposed Rulemaking, summarizes the State's response and any public comments, and contains USEPA's response and final determination.

1. Although Rule 336.1603 specifies final compliance dates for sources regulated under these rules, it does not contain the interim increments of progress required by 40 CFR Part 51.15.

State Response

The State of Michigan has made a commitment to submit detailed compliance schedules containing the increments of progress required by 40 CFR Part 51.15 within one year of the effective date of this rule for sources with final compliance dates prior to December 31, 1982, and by not later than 18 months from the effective date of this rule with final compliance dates beyond December 31, 1982.

USEPA Response and Final Determination

Based on this commitment, USEPA conditionally approves Rule 336.1603 as part of the federally approved Michigan SIP. USEPA also approves the two-tier schedule committed to by the State for satisfying this condition. The schedule is identical to the schedule proposed by USEPA in the August 13, 1979 notice. By March 31, 1981, the State must submit detailed compliance schedules for sources with final compliance dates prior to December 31, 1982. By September 30, 1981, the State must submit detailed compliance schedules for sources with final compliance dates beyond December 31, 1982.

2. Rule 336.1606 exempts gasoline dispensing facilities in major urban areas from the requirements for a vapor balance system when loading gasoline into existing stationary vessels of more than 2,000 gallons capacity if the throughput of the facility is less than 250,000 gallons per year. The exemption from controls for facilities with existing gasoline dispensing storage tanks of 2,000 gallon capacity or more and a throughput of less than 250,000 gallons per year is not technically supported by the State as representing RACT.

USEPA believes that vapor balance systems should be required for all existing gasoline dispensing storage tanks of 2,000 gallon or larger capacity regardless of throughput. USEPA has promulgated such a requirement in the past under section 110(c) of the Clean Air Act at 40 CFR Sections 52.336, 52.787, and 52.1144. In USEPA's judgment, the widespread implementation of vapor balance systems on tanks of 2,000 gallons or greater regardless of throughput demonstrates that this control is reasonable.

USEPA asked that the State of Michigan either submit documentation technically supporting its proposal as representing RACT, document that allowable emissions resulting from the use of this rule differ less than five percent from the allowable emissions resulting from a regulation which requires vapor balance systems on all gasoline storage tanks with a capacity of 2,000 gallons or more, or commit itself to extend the coverage of the rule to all gasoline dispensing facilities with storage tanks of 2,000 gallon or more capacity.

State Response

The State has made a commitment to either develop and submit to the Michigan Air Pollution Control Commission a new rule with a 120,000 gallon per year throughput exemption, or provide technical support demonstrating that allowable emissions resulting from the use of its existing rule deviate less than five percent from USEPA's recommended level of control. The State has made a commitment to fulfill these conditions within one year of the effective date of this rulemaking.

USEPA Response and Final Determination

USEPA finds the alternative commitments made by the State of Michigan acceptable. An August 17, 1979 memorandum by Richard Rhoads, Director of USEPA's Control Programs Development Division, on "Evaluation of 10,000 gallon per Month Thruput Exemption for Petroleum Marketing Operations" compares controlled

emissions using a 2,000 gallon capacity tank size exemption with controlled emissions using a 10,000 gallon per month (or 120,000 gallon per year) throughput exemption. This memorandum indicates that a 10,000 gallon per month throughput exemption results in 8 to 10 percent of the total national throughput being uncontrolled. According to the memorandum, a 2,000 gallon capacity tank size exemption results in 3 to 5 percent of the total national throughput being uncontrolled. Therefore, the allowable emissions resulting from the use of 10,000 gallon per month throughput exemption are within 5 percent of the allowable emissions resulting from the use of a 2,000 gallon capacity tank size exemption. Guidance contained in a June 30, 1978 memorandum by Richard Rhoads on "Vapor Recovery Regulations Required to Meet RACT Requirements for the 1979 SIP" indicates that if the impact on emission varies imperceptibly, USEPA can approve State regulations which differ only marginally from USEPA's technically supported levels of control without requiring technical justification from the State. The Rhoads' memorandum further indicated that as a guide, USEPA considers an impact on emissions of less than 5 percent imperceptible. Therefore, USEPA finds Michigan's commitment to develop a new rule with a 120,000 gallon per year throughput exemption acceptable. USEPA finds equally acceptable Michigan's alternative commitment to provide technical support demonstrating that allowable emissions resulting from the application of its existing rule are within five percent of the allowable emissions resulting from a 2,000 gallon tank size capacity exemption.

Based on this commitment and schedule, USEPA conditionally approves Rule 336.1606 as part of the federally approved Michigan SIP.

Although the State does not commit itself to promulgate the new rule, USEPA believes that the State's commitment and schedule to submit any necessary regulations to the Michigan Air Pollution Control Commission is adequate. USEPA recognizes that the State cannot legally prejudge the outcome of statutorily mandated regulatory proceedings. Nonetheless, in order to guarantee that the deficiency is adequately addressed and that the plan is adequate to satisfy the requirements of the Act, USEPA imposes the additional condition that any necessary regulation be finally promulgated by the State and submitted to USEPA by September 30, 1981.

In establishing the date by which any necessary regulation must be promulgated, USEPA has taken into consideration the lengthy Michigan Air Pollution Control Commission rulemaking procedures which require review of regulations by several State offices and committees and approval by the Michigan Legislature. A notice soliciting public comment on the acceptability of this schedule will appear in a separate Notice of Proposed Rulemaking published elsewhere in today's **Federal Register.**

3. Rule 336.1610 establishes an emission limitation for can end sealing of 4.2 pounds of VOC per gallon of coating less water prior to December 31, 1985 and 3.7 pounds of VOC per gallon of coating less water thereafter. The State's April 25, 1979 submittal did not technically support as representing RACT either the 4.2 pound emission limitation or the schedule for implementing a 3.7 pound emission limitation.

Technical support contained in the CTG document for can coating, of which can end sealing is a subcategory, demonstrates that RACT for can end sealing compounds is 3.7 pounds of VOC per gallon of coating less water. Further, the data in the CTG document indicates that final compliance can be achieved by the can coating source category by December 31, 1982. Therefore, USEPA asked the State either to technically support its rule as representing RACT for can end sealing or to demonstrate that even with this emission limitation for can end sealing, allowable emissions for the entire can coating source category differ by less than 5 percent from the allowable emissions resulting from the application of the presumptive norms supported in the CTG.

In addition to this issue, USEPA identified three issues related to Rule 336.1610 and requested public comment. These three issues are discussed below under the USEPA's response and final determination or Rule 336.1610.

State Response

In its October 12, 1979 response, the State demonstrated that for the can coating source category the difference in allowable emissions resulting from the application of its rules rather than the CTG's presumptive norms is less than 5 percent. In order to make this demonstration, the State examined current emissions inventories as well as projections of 1982 emissions for the four facilities in Michigan with can coating operations. In addition, the State compared projections of 1982 emissions from can end sealing using the emission limitation Michigan rule and using the recommended limit in the CTG.

With the exception of the emission limitation for can end sealing, Michigan's emission limitations for all other can coating operations are identical to the emission limitations technically supported in the CTG. Only two of the four can coating facilities in Michigan utilize can end sealing compounds. The State's comparison of 1982 projected emissions indicated that in the can coating category the difference between the allowable emissions resulting from the use of the Michigan can end sealing limitation of 4.2 pounds of VOC per gallon of coating less water and from the use of the CTG supported limitation of 3.7 is only 4.3 percent.

USEPA Response

USEPA has reviewed the State's demonstration and determined that it shows that allowable emissions resulting from the application of all Michigan rules for can coating operations are within five percent of the allowable emissions resulting from the application of the presumptive norms supported by the CTG. Therefore, USEPA approves the can end sealing emission limitations and schedule for their application in Rule 336.1610 as part of the federally approved Michigan SIP. A more detailed discussion of USEPA's review of the Michigan demonstration is contained in the rationale document located in the docket for this rulemaking.

In addition to the issue discussed above, USEPA highlighted and solicited public comment on three issues related to Rule 336.1610.

a. Rule 336.1610 contains two types of volatile organic compound emission limits for the surface coating of cans, coils, large appliances, metal furniture, magnet wire, fabric, vinyl, and paper. One limit is based on the maximum content of VOC in any coating applied and the second is based on a daily weighted average of all gallons of coating applied during any 24-hour period. USEPA noted in the August 13, 1979 **Federal Register** that averaging time is not addressed in the recommended CTG emission limits. USEPA also specifically identified cases in which either one or both of the emission limits in Rule 336.1610 vary from the emission limits recommended by the CTG.

Only the State of Michigan submitted comments on this issue. The State indicated that the emission control approach in Rule 336.1610 is not contradictory to the emission limits recommended in the CTG. Further, the

State argues that the averaging times specified in the rule are consistent with the overall oxidant control strategy. USEPA's review of the Michigan rule indicates that the State is correct. Seven of the eight surface coating operations must comply with emission limitations which reflect the limitations recommended in the CTG. The limitations for the eighth coating operation, vinyl surface coating, are discussed below in item b.

In an October 6, 1978 memorandum by Richard Rhoads containing "Comments on Auto Industry Proposals" and a November 21, 1978 memorandum by Richard Rhoads on "RACT Options for Can Coaters", USEPA allowed the use of daily weighted averaging for can and auto coaters. USEPA has subsequently determined that the use of daily weighted averaging is appropriate for all coating operations. USEPA bases this determination on the similar types and numbers of formulation for all surface coating operations.

b. Rule 336.1610 contains an emission limitation for vinly coating of 4.5 pounds of VOC per gallon of coating applied minus water. Because there is only one vinyl coating plant in Michigan, this limit represents a site specific RACT determination for the Ford Motor Company vinyl coating plant in St. Clements, Michigan. Based on information in the CTG and from other plants engaged in the coating of automobile and industry-related products, USEPA questioned discrepancies in the data used to determine the emission limitation. these discrepancies related to the density of the coatings and the percent of solids by volume in the coatings. Both the State and the Ford Motor Company submitted comments on these issues.

The percent solids and the average solvent density relied on by the State to establish its emission limitation vary from the data used in the development of the presumptive norm in the CTG. The CTG for surface coating of vinyl recommends an emission limitation of 3.8 lbs/gallon. This emission limitation is based on the coatings containing 15 percent volume solids, an average solvent density of 7.35 lbs/gallon, and use of an add-on control device with an overall control efficiency of 81 percent.

In determining the vinyl coating emission limit, the State relied on information submitted to it by the Ford Motor Company. The State used 8.5 percent volume solids as the average composition of all coating utilized at the Ford vinyl coating plant. The State used 6.74 pounds per gallon as the composite density of all solvents. Finally, the State based its determination on the use of add-on control devices with an overall control efficiency of 81 percent. Based on this data, the State concluded that an emission limitation of 4.5 lbs/gallon represents RACT for this vinyl coating plant. The comments and technical information submitted by the Ford Motor Company explain the discrepancies in data cited by USEPA in the Notice of Proposed Rulemaking and substantiate the data used by the State. A detailed discussion of USEPA's review of the data submitted by Michigan and the Ford Motor Company is contained in the rationale document located in the docket for this rulemaking.

USEPA believes that the technical support submitted by the State and the Ford Motor Company adequately documents that an emission limitation of 4.5 lbs/gallon represents RACT for this vinyl coating plant. USEPA believes that the technical support demonstrates that the Ford vinyl coating plant in Mt. Clements, Michigan is outside the industry norm in capabilities and characteristics. Pursuant to USEPA guidance contained in the Administrator's February 24, 1978 memorandum, RACT determinations may be case by case provided that adequate documentation exists. Therefore, USEPA approves the emission limitation in Rule 336.1610 as representing RACT for this vinyl coating plant.

c. Rule 336.1610 contains plant by plant extended schedules for compliance with the RACT emission limits for automobile and light duty truck coating. USEPA indicated in the proposed rulemaking that it believed that the schedules provided for compliance as expeditiously as practicable. No public comments were received on this issue. Therefore, USEPA approves the extended schedules as part of the federally approved SIP.

Because the State has satisfactorily responded to USEPA's concerns on Rule 336.1610, USEPA approves the rule a- part of the federally approved Michigan SIP.

4. Rule 336.1618 allows the use of cutback asphalt during the months of October through April. According to the CTG for this source category, cutback asphalt should be used only when ambient temperatures are less than 50 degrees Fahrenheit. Therefore, USEPA asked the State to demonstrate that temperature fluctuations occurring in the months of October and April necessitate the use of cutback asphalt.

State Response

In its October 12, 1979 response, the State of Michigan submitted information on temperature fluctuations in the months of April and October for three cities in Lower Michigan and one city in the Upper Peninsula. In addition, average normal temperatures were examined for other areas in the State during these months. Using this data, the State demonstrated that for significant portions of these two months temperatures are below 50 degrees Fahrenheit throughout the State.

USEPA Response

Based on the State's technical demonstration, USEPA believes the use of cutback asphalt is appropriate in Michigan during the period from October to April. Therefore, USEPA approves Rule 336.1618 as part of the federally approved Michigan SIP.

Carbon Monoxide

Two areas in the State of Michigan were designated as nonattainment for the carbon monoxide (CO) National Ambient Air Quality Standards. These areas are located in the City of Detroit and the County of Saginaw. In the August 13, 1979 Notice of Proposed Rulemaking (44 FR 47350, 47356) USEPA did not propose rulemaking on the control strategy for the City of Detroit nonattainment area. Proposed rulemaking on the CO control strategy for Detroit will appear in a supplemental notice of proposed rulemaking on the transportation plans, and on the requirement of inspection/maintenance.

In this notice USEPA is taking final action on the State's control strategy for the CO nonattainment area in Saginaw County. The State's control strategy for Saginaw County is based on the control of stationary source emissions from large ferrous cupolas and mobile source emission reductions which will be obtained through the Federal Motor Vehicle Program. Michigan submitted a new Rule (Rule 930, R. 336.1930) which provides for the control of emissions of carbon monoxide from ferrous cupola operations. USEPA's review of that rule noted that it did not provide for submittal of necessary increments of progress as required under Sections 110(a)(2)(B) and 172(b)(8) of the Clean Air Act. USEPA proposed to approve Rule 930 on the condition that the State provide specific assurances that detailed compliance schedules containing all the necessary increments of progress be submitted to USEPA as SIP revision, not later than six months after the effective date of the rule. No comments were received other than the

State's response to the deficiencies noted by USEPA.

State's Response

The State noted that the Rule requires subject sources to submit a program for compliance with the Rules within six months after the effective date of the rule. Section (4) of Rule 930 requires that sources submitting programs for compliance with Rule 930 include in their written programs dates by which equipment shall be ordered, date of commencement of construction, date of initial start-up of equipment and date final compliance will be achieved. Additionally, Michigan submitted a draft compliance order with detailed increments of progress and committed itself to submitting these schedules to USEPA.

USEPA Response

In USEPA's opinion this commitment resolves the noted deficiency.

Final Determination

USEPA approves Rule 930 (R. 336.1930) and the control strategy to attain the carbon monoxide NAAQS in Saginaw County.

Maintenance/Malfunction Provisions

USEAP, in its August 13, 1979 Notice of Proposed Rulemaking (44 FR 47350), stated that Michigan submitted Rules 911, and 912 (R 336.1911 and 1912) as its maintenance malfunction program. USEPA reviewed the Rules in that Notice and proposed to approve them as they were submitted. No comments were received regarding these Rules. The Rules require a source to prepare a malfunction abatement plan to detect, prevent, and correct malfunctions or equipment failures which would result in excess emissions. The Rules also specify what steps must be taken as a result of an abnormal condition or the breakdown of process or controlled equipment.

Final Determination

USEPA approves these Rules as submitted by the State. However, compliance with these requirements does not excuse violation of emission limitations.

New Source Review

As part of its Part D plan the State of Michigan submitted regulations which implemented a new source review program for nonattainment areas as well as regulations for the Prevention of Significant Deterioration (PSD) of attainment areas. This submittal included proposed Rules 101 through 285 (R 336.1101–1285). USEPA did not take any action on the PSD regulations in the August 13, 1979 Notice of Proposed Rulemaking. Later those regulations which pertained solely to PSD were withdrawn by the State. The numbers of the rules withdrawn are listed in the paragraph entitled "Prevention of Significant Deterioration".

In its August 13, 1979 Notice of Proposed Rulemaking (44 FR 47350), USEPA solicited comment on the State's proposed rules and noted several deficiencies therein. The only comment received on the new source review rules was from the State. The State's response to the deficiencies noted by USEPA are discussed below:

(1) The first deficiency pertained to USEPA's concern that the State's plan appeared to exempt carbon monoxide (CO) from the offset regulation and that the SIP did not demonstrate a margin for growth in those CO nonattainment areas where stationary sources contribute to ambient violations. Two areas of the State, in the City of Detroit and County of Saginaw, were listed as nonattainment for CO.

USEPA requested that the State correct the deficiency by submitting additional data for quantifying the growth margin provided for in the SIP or, in the alternative submit another SIP which does provide for a growth margin.

State Response

The State in its comments of October 12, 1979, responded by describing how the data submitted demonstrates the use of an accomodative approach for the reduction of CO. The State anticipates that its approach will result in a 100,000 ton per year margin of excess control for CO in the Detroit area by 1987 and a 60,000 ton per year margin for the Saginaw area in 1983.

USEPA Response

USEPA accepts Michigan's interpretation and use of the accomodative approach for the reduction of CO.

(2) The second deficiency cited by USEPA concerned a showing that issuance of permits would not interfere with reasonable further progress toward attainment as defined under Section 171 of the Act. USEPA stated that this deficiency could be corrected by State submitting a procedure for determining that reasonable further progress is being achieved.

State Response

The State in its comments pointed out that it has provided for reasonable further progress in the SIP because minor sources, in addition to major sources, are subject to the emission offset rules and because the offset requirement is greater than one for one.

USEPA Response

USEPA accepts Michigan's assessment that the SIP provides for reasonable further progress.

Final Determination

Rules 336.1101–1122, 1201, 1202, 1203(1), 1204, 1206–1236, 1239–1240(1) and (2)(a)(b)iv, (3), 1241, 1243, and 1280–1285 are approved as meeting the new source review requirements of Sections 110(a)(2)(I), 171, 172, and 173.

Part C—Prevention of Significant Deterioration

To meet the requirements of Section 110(a)(2)(D) and Part C of the Clean Air Act, Michigan had submitted proposed rules 203(2), 203(3), 205, and 231. In the August 13, 1979 Notice USEPA indicated that it would be taking action on these rules in a separate **Federal Register** Notice. On July 25, 1979 Michigan requested that the authority to implement the program for the prevention of significant deterioration (PSD) be delegated to them and withdrew the PSD rules from review by USEPA. The rules withdrawn from the April 25, 1979 submittal are as follows: 203(2), 203(3), 205, 231–237, and 242. In a letter dated September 10, 1979 USEPA granted Michigan authority to implement the PSD program. Notice of the delegation was given February 7, 1980 (45 FR 8299).

The 1978 edition of 40 CFR Part 52 lists in the subpart for each state 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 attainment by the deadline required by Section 172(a) of the Act, the new deadlines will be substituted on the attainment date charts. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the charts. 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 deadlines 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. If these new deadlines were permitted to supersede the deadlines established prior to 1977 Amendments,

sources that failed to comply with the pre-1977 plan requirements by the earlier deadlines would improperly receive more time to comply with those requirements. Congress, however, intended that the new deadlines apply to only new, additional control requirements and not to earlier requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source has 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 (123 Cong. Rec. H 11958, daily ed. November 1, 1977).

To implement fully 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. Such variances would impermissibly relax existing requirements beyond the applicable Section 110(a)(2)(A) attainment date under the plan. Therefore, for requirements adopted before the 1977 Amendments, USEPA will not approve a compliance date extension beyond pre-existing 110(a)(2)(A) attainment dates, even though a Section 172 plan revision with a later attainment date has been approved.

However, in certain exceptional circumstances, extensions beyond a pre-existing attainment date are permitted. For example, if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing requirements, the pre-existing requirements and deadlines may be revised if a state makes a case-by-case demonstration that a relaxation or revocation is necessary. Any such exemption granted by a state will be reviewed and acted upon by USEPA as a SIP revision. In addition, as discussed in the April 4, 1979 **Federal Register** (44 FR 20373), an extension may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.

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

This notice of final rulemaking is issued under the authority of Sections 110(a), 172 and 301(a) of the Clean Air Act, as amended (42 U.S.C. § 7410(a), 7502, 7601(a)).

Dated: April 23, 1980.

Douglas Costle,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

1. Section 52.1170(c) is amended by adding paragraphs 16 to 20 to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(16) On April 25, 1979, the State submitted its nonattainment area plan for areas designated nonattainment as of March 3, 1978 and as revised on October 5, 1978. This submittal contained Michigan's Part D attainment plans for particulate matter, carbon monoxide, sulfur dioxide, transportation, new source review, plus a copy of Michigan's existing and proposed regulations. USEPA is not taking action at this time to include in the federally approved SIP certain portions of the submittal: Michigan's sulfur dioxide control strategy for Ingham County; provisions in R 336.1310 concerning open burning; 336.1331, insofar as it may pertain to process sources in the iron and steel category and site specific revisions; 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, and 1357 as they pertain to specific iron and steel source operations; Part 5, Extension of Sulfur Dioxide Compliance Date for Power Plants Past January 1, 1980; Part 7, Emission Limitations and Prohibitions—New Sources of Volatile Organic Compound Emissions, R 336.1701–1710 controlling minor sources of volatile organic compounds; Part 11, Continuous Emission Monitoring; Part 13, Air Pollution Episodes; Part 16, Organization and Procedures; and Part 17, Hearings. In addition USEPA is taking no action on the State's control strategy for the attainment of carbon monoxide in the City of Detroit; the transportation control plans, the requirement of vehicle inspection and maintenance, and general requirements which are not Part D requirements.

(17) On October 12, 1979, the State submitted comments and commitments in response to USEPA's notice of proposed rulemaking.

(18) On January 9, 1980, the State submitted a copy of the finally adopted rules of the commission. These rules became fully effective January 18, 1980. All of the rules submitted are approved except those identified in paragraph (16) on which no action has been taken at this time. (March 1980).

(19) On February 6, 1980, the State submitted the visible emission test method for stationary sources referenced in R 336.1303 as being on file with the Michigan Air Pollution Control Commission.

(20) On March 31, 1980, the State submitted revisions to the conditional approval schedules for total suspended particulates.

§ 52.1171 [Amended]

2. Section 52.1171 is amended by changing the heading "Photochemical Oxidants (hydrocarbons)" to "Ozone".

3. Section 52.1172 is revised to read as follows:

§ 52.1172 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Michigan's plan for the attainment and maintenance of the National Ambient Air Quality Standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plan satisfies 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 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.

4. Section 52.1173 is revised as follows:

§ 52.1173 Control strategy: particulates.

(a) Part D—Conditional Approval—The Michigan plan for primary and secondary nonattainment areas which do not include iron and steel sources is approved provided that the following condition is satisfied:

(1) The State officially adopts final industrial fugitive regulations that represent RACT for traditional sources and submits these finally effective regulations to USEPA.

(b) Part D—No Action—USEPA takes no action on the adequacy of rules submitted by Michigan to control particulate emissions from the iron and steel making industries. Therefore, USEPA takes no action on the control strategy for particulates in those areas which are designated nonattainment for particulates and which contain iron and steel sources.

5. Section 52.1174 is revised as follows:

§ 52.1174 Control strategy: ozone.

(a) Part D—Conditional Approval—Michigan Rules 336.1603 and 336.1606 are approved provided that the following conditions are satisfied.

(1) Rule 336.1603—The State submits detailed compliance schedules containing increments of progress by March 31, 1981 for sources with final compliance dates prior to December 31, 1982 and by September 31, 1981 for sources with final compliance dates beyond December 31, 1982.

(2) Rule 336.1606—The State either promulgates a rule with a 120,000 gallon per year throughput exemption for gasoline dispensing facilities and submits it to USEPA or demonstrates that allowable emissions resulting from the application of its existing rule with 250,000 gallon per year throughput exemption for gasoline dispensing facilities are less than five percent greater than the allowable emissions resulting from the application of the CTG presumptive norm.

§ 52.1176 [Amended]

6. Sections 52.1176(c), (d), and (e) are hereby revoked pursuant to section 110(a)(5)(A) of the Clean Air Act (42 U.S.C. 7410) and reserved.

7. Section 52.1177 is revised as follows:

§ 52.1177 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect information presented in Michigan's plan, except where noted.

[06]0026

Air quality control region and nonattainment area	Pollutant						
	TSP		SO_2		NO_2	CO	O_x
	Primary	Secondary	Primary	Secondary			
South Bend-Elkhart-Benton Harbor Interstate (AQCR 82):							
a. Primary and Secondary Nonattainment Areas.	c	f	c	c	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	d
Central Michigan Intrastate (AQCR 122):							
a. Primary and Secondary	d	c	d	c	c	d	d
b. Remainder of AQCR	c	f	c	c	c	c	b
Metropolitan Detroit-Port Huron Intrastate (AQCR 123):							
a. Primary and Secondary	d	f	c	c	c	d	d
b. Remainder of AQCR	c	c	c	c	c	c	c
Metropolitan Toledo Interstate (AQCR 124):							
a. Primary and Secondary	c	f	c	c	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	c
South Central Michigan Intrastate (AQCR 125):							
a. Primary and Secondary	d	f	d	c	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	c
Upper Michigan Intrastate (AQCR 126):							
a. Primary and Secondary	c	f	c	c	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	b

NOTE.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable. These dates may be changed through revisions to the SIP by the State.

NOTE.—Sources subject to the 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 these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR § 52.727.

NOTE.—For actual nonattainment designations, refer to 40 CFR Part 81.

a. July 1975.
b. Air quality levels presently below primary standards or area is unclassified.
c. Air quality levels presently below secondary standards or area is unclassified.
d. December 31, 1982.
e. December 31, 1987.
f. July 31, 1985.

[FR Doc. 80-13894 Filed 5-5-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[FRL 1485-5; OPP-300007B]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Inert Ingredient; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: This notice reinstates in the Code of Federal Regulations (CFR) an inert ingredient that was inadvertently dropped out of the CFR.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John Shaughnessy, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460, 202/426-9425.

SUPPLEMENTARY INFORMATION: In FR Doc. 75-32972 appearing at page 57215, in the issue of Monday, December 8, 1975, an exemption from the requirement of a tolerance was established in § 180.1001(d) for residues of the inert ingredient alpha-alkyl(C_{12}-C_{18})-*omega*-hydroxypoly(oxyethylene/oxypropylene) heteric polymer in which the oxyethylene content averages 13-17 moles and the oxypropylene content averages 2-6 moles. The inert ingredient was subsequently published in the 1976 edition of the CFR but inadvertently was not printed in the 1977 and all subsequent CFR editions. This omission is being corrected by reinstating the dropped inert ingredient in alphabetical order in § 180.1001(d) to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * * * *		
alpha-Alkyl(C_{12}-C_{18})-*omega*-hydroxypoly(oxyethylene/oxypropylene) heteric polymer in which the oxyethylene content averages 13-17 moles and the oxypropylene content averages 2-6 moles.	.....	Surfactants, related adjuvants of surfactants.
* * * * *		

Dated: April 30, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-13892 Filed 5-5-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[PP 8F2106/R248; FRL 1485-2]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide propanil on wheat grain at 0.2 parts per million (ppm) and wheat straw at 0.75 ppm. The amendment to the regulations was requested by the Rohm & Haas Co. This rule establishes maximum permissible levels for residues of the herbicide on wheat grain and wheat straw.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202-755-2196).

SUPPLEMENTARY INFORMATION: On March 25, 1980, the EPA published a notice of proposed rulemaking in the **Federal Register** (45 FR 19282) in response to a pesticide petition (PP 8F2106) submitted to the Agency by Rohm & Haas Co., Independence Mall West, Philadelphia, PA 18105. This petition proposed that 40 CFR 180.274 be amended by the establishment of tolerances for combined residues of the herbicide propanil (3',4'-dichloropropionanilide) and its metabolites (calculated as propanil) in or on the raw argicultural commodities wheat grain at 0.2 ppm and wheat straw at 0.75 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 180.274 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 June 6, 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 the date of publication in the **Federal Register**, Part 180, Subpart C, § 180.274 is amended by adding tolerances for residues of propanil on wheat grain at 0.2 ppm and wheat straw at 0.75 ppm as set forth below.

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

Dated: April 29, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Part 180, Subpart C, § 180.274 is revised (1) in the heading by changing "3',4'-dichloropropionanilide" to its common name "propanil," (2) by editorially reformatting the section into an alphabetized columnar listing, and (3) by alphabetically inserting wheat grain at 0.2 ppm and wheat straw at 0.75 ppm in the table as follows:

§ 180.274 Propanil; tolerances for residues.

Tolerances are established for combined residues of the herbicide propanil (3',4'-dichloropropionanilide) and its metabolites (calculated as propanil) in or on the following raw agricultural commodities:

Commodity	*Parts per million*
Cattle, fat	0.1(N)
Cattle, mbyp	0.1(N)
Cattle, meat	0.1(N)
Eggs	0.05(N)
Goats, fat	0.1(N)
Goats, mbyp	0.1(N)
Goats, meat	0.1(N)
Hogs, fat	0.1(N)
Hogs, mbyp	0.1(N)
Hogs, meat	0.1(N)
Horses, fat	0.1(N)
Horses, mbyp	0.1(N)
Horses, meat	0.1(N)
Milk	0.05(N)
Poultry, fat	0.1(N)
Poultry, mbyp	0.1(N)
Poultry, meat	0.1(N)
Rice	2
Rice, straw	75(N)
Sheep, fat	0.1(N)
Sheep, mbyp	0.1(N)
Sheep, meat	0.1(N)
Wheat, grain	0.2
Wheat, straw	0.75

[FR Doc. 80-13880 Filed 5-5-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Part 57

Grants for Construction of Teaching Facilities, Educational Improvements, Scholarships and Student Loans; Grants for Nurse Practitioner Traineeship Programs

AGENCY: Public Health Service, HEW.

ACTION: Interim-final regulations.

SUMMARY: These regulations set forth requirements for grants to schools of nursing, medicine, and public health, to public or nonprofit private hospitals, and to other nonprofit entities to meet the costs of traineeships for the training of nurse practitioners. Trainees must reside in health manpower shortage areas and sign a commitment with the Secretary to practice full-time as nurse practitioners in areas having shortages of primary medical care manpower.

DATES: These regulations are effective May 6, 1980. As discussed below, comments on the regulations are invited. To be considered, comments must be received on or before July 7, 1980.

ADDRESS: Written comments may be addressed to the Director, Bureau of Health Professions, Health Resources Administration, 3700 East West Highway, Center Building, Hyattsville, Maryland 20782. All comments received will be available for public inspection and copying at the above address weekdays (Federal Holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Dr. Mary S. Hill, Chief, Nursing Education Branch, Division of Nursing, Bureau of Health Professions, Room 3-50 at the above address (Telephone 301-436-6681).

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, is adding a new Subpart AA to Part 57 of Title 42 of the Code of Federal Regulations to implement section 822(b) of the Public Health Service Act (the Act). Section 822(b) of the Act authorizes the Secretary to make grants to schools of nursing, medicine, and public health,

public or nonprofit private hospitals, and other nonprofit entities to establish and operate traineeship programs to train nurse practitioners. The trainees must be residents of health manpower shortage areas designated under section 332 of the Act and enter into a commitment with the Secretary to practice as nurse practitioners in areas having shortages of primary medical care manpower.

Eligible Entities—§ 57.2603. This section requires, as a condition of eligibility, that an entity provide a nurse practitioner training program which meets the guidelines governing grants for nurse practitioner training programs, 42 CFR Part 57, Subpart Y, Appendix. The Secretary believes that this requirement will assist in assuring that individuals receiving traineeships will be receiving high quality training, and will further the congressional interest in developing nurse practitioner programs which meet these guidelines.

This congressional direction is evidenced in both Titles VII and VIII of the Act and in the placement of the statutory authority for this program in section 822 of the Act, which provides support for projects to plan, develop, operate, expand, or maintain nurse practitioner training programs which are required to meet these guidelines.

Eligibility of Trainees—§ 57.2610. Section 822(b) of the Act requires each trainee to enter into a commitment with the Secretary to practice as a nurse practitioner in a health manpower shortage area designated under section 332 of the Act. Section 57.2614 of the regulations sets forth the requirements for this commitment, including a provision that the obligated practice must be conducted in a health manpower shortage area designated as being short of primary medical care manpower.

Under section 332 of the Act, the Secretary has designated areas as being short of health manpower personnel in specific specialities: dentistry, psychiatry, vision care, pharmacy, podiatry, and primary care. The primary medical care health manpower shortage areas include nurse practitioners since nurse practitioners deliver primary care services. (See 42 CFR Part 5).

Evaluation of Applications—§ 57.2605 describes how applications are evaluated. The Secretary will give first funding preference to applicants who provide nurse practitioner training in schools of nursing that award academic credit to students who complete the program. Second preference in funding is given to applicants other than schools of nursing that award academic credit to students who complete the program.

This approach recognizes that nurse practitioner training is advanced training in nursing emphasizing physical and psychosocial assessment and management of care. Schools of nursing offering advanced training in the physical and behavioral sciences and in the various nursing specialties have superior faculty and clinical resources for extending nursing competence to include the provision of primary care.

The second funding preference recognizes that courses offering academic credit undergo a more thorough internal review process than non-credit training. Moreover, the awarding of credit by the grantee institution supplements the trainee's previous nursing education with a recognized standard of scholarship which enhances the trainee's opportunity for career mobility. Therefore, the Department believes that academic programs provide a superior training experience.

Repayment—§ 57.2615 of the regulations requires the trainee to repay to the United States an amount equal to all traineeship support received, plus interest, if the trainee fails to begin or to complete the period of required practice.

However, § 57.2616 of the regulations provides for suspension or cancellation of the practice or repayment obligation. The obligation may be suspended for a maximum period of two years if the trainee requires additional time to secure employment in a health manpower shortage area or if the trainee's personal circumstances temporarily prevent practice or repayment. The obligation may be cancelled if the trainee becomes totally and permanently disabled or dies. Publication of these regulations clarifies the repayment requirement and extends the repayment period from 12 months to 36 months. Immediate extension of the repayment time through publication of these regulations will ease the otherwise heavy financial burden on nurse practitioners who do not meet the service commitment.

The reglations are needed to tell trainees about the period thay are required to practice as nurse practitioners in a designated health manpower shortage area. The regulations also tell the trainees how long they have to pay back funds if they fail to fulfill their commitment, and under what circumstances their obligation to practice in a shortage area or repay the training support funds may be cancelled or suspended.

The Secretary has determined, in accordance with 5 U.S.C. 533 and Department policy, that it would be contrary to public interest to follow proposed rulemaking procedures or to delay the effective date of these regulations. Although proposed rulemaking procedures were omitted, interested persons are invited to submit written comments on these regulations to the Director of the Bureau of Health Professions at the address given above.

The regulations will be effective May 6, 1980.

Accordingly, Subpart AA is added to Part 57 of Title 42 of the Code of Federal Regulations as set forth below.

Dated: April 18, 1980.

Charles Miller,

Acting Assistant Secretary for Health.

Approved: April 30, 1980.

Patricia Roberts Harris,

Secretary.

Subpart AA—Grants for Nurse Practitioner Traineeship Programs

Sec.
57.2601 To what programs do these regulations apply?
57.2602 Definitions.
57.2603 Who is eligible to apply for a grant?
57.2604 How to apply for a grant?
57.2605 How will applications be evaluated?
57.2606 How long does grant support last?
57.2607 How is the amount of the award determined?
57.2608 For what purposes may grant funds be spent?
57.2609 What financial support is available to trainees?
57.2610 Who is eligible for financial assistance as a trainee?
57.2611 What are the requirements for traineeships and the appointment of trainees?
57.2612 Duration of traineeships.
57.2613 Termination of traineeships.
57.2614 What must a trainee do in return for traineeship support?
57.2615 What are the consequences if the trainee fails to comply with the terms of the commitment?
57.2616 When can the practice or payment obligation be cancelled or suspended?
57.2617 What additional Department regulations apply to grantees?
57.2618 What other record keeping, audit and inspection requirements apply to grantees?
57.2619 Additional conditions.

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216); sec. 822(b) of the Public Health Service Act, 91 Stat. 393 (42 U.S.C. 296m).

§ 57.2601 To what programs do these regulations apply?

These regulations apply to grants awarded to schools of nursing, medicine, and public health, public or nonprofit private hospitals, and other nonprofit entities to meet the costs of traineeships under section 822(b) of the Public Health Service Act.

§ 57.2602 Definitions.

"Act" means the Public Health Service Act, as amended.

"Health manpower shortage area" means a geographic area, population group, public or nonprofit private medical facility, or other public facility which has been determined by the Secretary to have a shortage of health manpower under section 332 of the Act and its implementing regulations (42 CFR Part 5).

"National of the United States" means a citizen of the United States or a person who, though not a citizen of the United States, owes permanent allegiance to the United States (as defined in 8 U.S.C. 1101(a)(22), the Immigration and Nationality Act).

"Nonprofit," as applied to any entity, means an entity no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

"Nurse practitioner" means a registered nurse who has successfully completed a formal program of study designed to prepare registered nurses to perform in an expanded role in the delivery of primary health care, including the ability to:

(a) Assess the health status of individuals and families through health and medical history taking, physical examination, and defining health and developmental problems;

(b) Institute and provide continuity of health care to clients (patients), work with the client to insure understanding of and compliance with the therapeutic regimen within established protocols, and recognize when to refer the client to a physician or other health care provider;

(c) Provide instruction and counseling to individuals, families, and groups in the areas of health promotion and maintenance, including involving these persons in planning for their health care; and

(d) Work in collaboration with other health care providers and agencies to provide and, where appropriate, coordinate services to individuals and families.

"Nurse practitioner training program" means a full-time educational program for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) which meets the guidelines prescribed by the Secretary in 42 CFR Part 57, Subpart Y, Appendix. The objective of this program is the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in this program, be qualified to perform effectively in an expanded role in the delivery of primary health care, including care in homes, in ambulatory and long-term care facilities, and in other health care institutions.

"Primary health care" means care which may be initiated by the client or provider in a variety of settings and which consists of a broad range of personal health care services, including:

(a) Promotion and maintenance of health;

(b) Prevention of illness and disability;

(c) Basic care during acute and chronic phases of illness;

(d) Guidance and counseling of individuals and families; and

(e) Referral to other health care providers and community resources when appropriate.

"School of Medicine" or "school of public health" means a school of medicine or a school of public health as defined in section 701(4) of the Act, which is accredited under section 772(b) of the Act.

"School of nursing" means a collegiate, associate degree, or diploma school of nursing, as defined in section 853 of the Act.

"Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare (HEW), to whom the authority involved has been delegated.

"State" means any one of the several states of the United States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands or the Trust Territory of the Pacific Islands.

"Trainee" means a student who is receiving a traineeship from a grant under this subpart.

§ 57.2603 Who is eligible to apply for a grant?

Any school of nursing, medicine, or public health, public or nonprofit private hospital, or other public or nonprofit private entity which is located in a State and which provides nurse practitioner training programs is eligible to apply for a grant.

§ 57.2604 How to apply for a grant?

(a) The Secretary will periodically notify the public about the availability of grant applications and the deadlines for submitting them. An applicant must submit an application in the form and at the time that the Secretary requires.

(b) The application must be signed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

§ 57.2605 How will applications be evaluated?

(a) The Secretary will approve projects which will best promote the purposes of section 822(b) of the Act. The Secretary will take into consideration, among other factors:

(1) the adequacy of the qualifications and experience of the program director, staff and faculty to carry out the program; and

(2) the administrative and managerial ability of the applicant to carry out the proposed project.

(b) In determining priority for funding applicants approved under paragraph (a) of this section, the Secretary will give first preference to applicants who provide nurse practitioner training in schools of nursing that award academic credit to students who complete the program. The Secretary will give second preference to applicants other than schools of nursing that award academic credit to students who complete the program.

§ 57.2606 How long does grant support last?

(a) The notice of grant award specifies the length of time HEW intends to support the project without requiring the project to recompete for funds. This period, called the project period, will not exceed 3 years.

(b) Generally, the grant will initially be funded for one year, and subsequent continuation awards will also be for one year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding levels of these awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by the Secretary that continued funding is in the best interest of the Government.

(c) Neither the approval of any application nor the award of any grant commits or obligates the United States in any way to make any additional, supplemental, continuation or other award with respect to any approved application or portion of an approved application.

(d) The Secretary may permit unobligated grant funds remaining in the grant account at the close of a budget period to be carried forward for obligation during a subsequent budget period, provided a continuation award is made for that period and the Secretary's written approval is obtained. A budget period is an interval of time (usually 12 months) into which the project period is divided for funding and reporting purposes.

§ 57.2607 How is the amount of the award determined?

The amount of the award to the grantee will be determined on the basis

of the Secretary's estimate of the sum necessary during the budget period to cover the trainees' costs of tuition, reasonable living and moving expenses (including stipends), books, fees, and necessary transportation.

§ 57.2608 For what purposes may grant funds be spent?

(a) Any funds granted under this subpart shall be spent solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

(b) Grantees may not spend grant funds for sectarian instruction or for any religious purpose.

§ 57.2609 What financial support is available to trainees?

The grantee must pay each trainee, from grant funds, the entire cost of tuition and fees for the program, and a stipend and allowance, as set forth by the Secretary in the notice of grant award. This allowance must include costs incurred for:

(a) Books and equipment necessary to the course of study;

(b) Initial necessary travel from the trainee's residence to the training site;

(c) Travel required for clinical practice during the training program; and

(d) Necessary travel and moving expenses from the training site to the site of the obligated practice.

§ 57.2610 Who is eligible for financial assistance as a trainee?

To be eligible for a traineeship, an individual must:

(a) Be a national of the the United States or a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands, or a lawful permanent resident of the United States, Puerto Rico, the Virgin Islands, or Guam;

(b) Be accepted for enrollment, or be enrolled, as a full-time student in a nurse practitioner training program;

(c) Be a resident of a health manpower shortage area; and

(d) Have signed a commitment with the Secretary in accordance with § 57.2614.

§ 57.2611 What are the requirements for traineeships and the appointment of trainees?

(a) The grantee must require each trainee to complete a statement of appointment by the beginning of the training period. The program director must sign the statement of appointment and the grantee must retain it for three years.

(b) The grantee must require each trainee to agree to respond to communications from the Department of Health, Education, and Welfare regarding the trainee's professional activities for five years following completion of the training program for which the traineeship is awarded.

(c) The grantee must require each trainee to sign a commitment with the Secretary to practice as a nurse practitioner in a health manpower shortage area, designated as being short of primary medical care health manpower. The commitment must meet the requirements of § 57.2614.

(d) The grantee may not require trainees to perform any work which is not an integral part of the nurse practitioner training program and required of all students in the program.

(e) the grantee may not discriminate on the basis of religion in the admission of individuals to its training program.

§ 57.2612 Duration of traineeships.

Initial appointments to traineeships must be made for a full academic year, not to exceed 12 months, except that a shorter appointment may be made when necessary to enable the trainee to complete the training program. Appointments may be extended on a year-to-year basis. The total period of support for any trainee may not exceed 24 months.

§ 57.2613 Termination of traineeships.

The grantee must terminate a traineeship:

(a) Upon request of the trainee;

(b) If the trainee is no longer enrolled fulltime in the nurse practitioner training program for which the trainee was receiving a traineeship under this subpart; or

(c) If the trainee fails to maintain the level of academic standing required by the institution's standards and practices for fulltime enrollment.

§ 57.2614 What must a trainee agree to do in return for traineeship support?

(a) *General.* Each trainee must sign a commitment with the Secretary to practice as a nurse practitioner on a full-time basis (at least 40 hours per week) in a health manpower shortage area designated as having a shortage of primary medical care manpower. At the end of the training program, the trainee must inform the Secretary of the location where he or she will be serving the practice commitment. The trainee must also inform the Secretary of any changes in name, address, and employment during this period of practice.

(b) *Duration of practice.* The period for which a trainee must agree to practice is equal to twelve months for each academic year for which the trainee receives support from grant funds. Once practice has begun, it must be continuous for the entire period of practice required by the commitment, unless the Secretary permits suspension of the obligation in accordance with § 57.2616.

(c) *Beginning of practice.* The trainee must begin the practice described in paragraph (a) of this section within three months of the completion of the training program.

§ 57.2615 What are the consequences if the trainee fails to comply with the terms of the commitment?

If a trainee fails to begin or complete the period of practice required by the commitment under § 57.2614, the trainee must repay the traineeship support to the United States Treasury. The amount of repayment must equal the sum of all traineeship support received, together with interest at the maximum legal prevailing rate in effect on the date the trainee initially received traineeship assistance, less an amount which bears the same ratio to this sum as the number of months the trainee has practiced in a health manpower shortage area, designated as having a shortage of primary medical care manpower, bears to the total number of months of practice required under the commitment. The trainee must pay the amount owed within 36 months of the date on which he or she failed to begin or complete the period of required practice, as determined by the Secretary.

§ 57.2616 When can the practice or payment obligation be cancelled or suspended?

(a) *Application for cancellation or suspension.* A trainee may seek cancellation or suspension of the commitment to practice or obligation to repay traineeship support by written request to the Secretary setting forth the basis, circumstances, and causes which support the requested action. The total period during which the practice or repayment obligation may be suspended may not exceed 2 years.

(b) *Conditions for suspension.* The Secretary may suspend any practice or repayment obligation whenever he or she finds good cause based on such factors as:

(1) The trainee's efforts to secure employment which satisfies the practice obligation;

(2) The trainee's present and estimated future financial resources and obligations; or

(3) The extent to which the trainee has problems of a personal nature, such as physical or mental disability, or terminal illness in the immediate family, which temporarily prevent the trainee from performing the obligation incurred.

(c) *Conditions for cancellation.* The Secretary may cancel any practice or repayment obligation:

(1) Upon the death of the trainee:

(2) If the trainee is found to be permanently and totally disabled as supported by whatever medical certification the Secretary may require. A trainee is totally and permanently disabled if he or she is unable to engage in any substantial gainful activity because of a medically determinable impairment which is expected to continue indefinitely or result in death.

§ 57.2617 What additional Department regulations apply to grantees?

Several other regulations apply to grantees. They include, but are not limited to:

42 CFR Part 50 PHS grant appeals process
45 CFR Part 16 Department grant appeals process
45 CFR Part 46 Protection of human subjects
45 CFR Part 74 Administration of grants
45 CFR Part 80 Nondiscrimination under programs receiving Federal assistance from the Department—Implements Title VI of the Civil Rights Act of 1964
45 CFR Part 81 Practice and procedure for hearings under Part 80
45 CFR Part 83 Nondiscrimination on the basis of sex in the admission of individuals to training programs
45 CFR Part 84 Nondiscrimination on the basis of handicapped in Federally assisted programs
45 CFR Part 86 Nondiscrimination on the basis of sex in Federally assisted education programs
45 CFR Part 91[1] Nondiscrimination on the basis of age in Department programs or activities receiving Federal financial assistance

§ 57.2618 What other record keeping, audit, and inspection requirements apply to grantees?

Each grantee must, in addition to the requirements of 45 CFR Part 74, meet the requirements of section 705 of the Act concerning record keeping, audit, and inspection.

§ 57.2619 Additional conditions.

The Secretary may impose additional conditions on any grant award before or at the time of any award if he or she determines that these conditions are necessary to assure or protect the advancement of the approved activity, the interest of the public health, or the conservation of grant funds.

[FR Doc. 80-13798 Filed 5-5-80; 8:45 am]

BILLING CODE 4110-83-M

[1] When issued.

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the City of Scottsdale, Ariz.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Scottsdale, Arizona. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Scottsdale, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 045012A Panel 20, published on October 23, 1979, in 44 FR 61025, indicates that Lots 93 through 116, 132 through 141, 156 through 160, 166 through 183, and Tracts E, F, and G, Scottsdale Monterey Subdivision, Scottsdale, Arizona, as recorded in Book 200, Page 7, in the Office of the Recorder, Maricopa County, Arizona, are partially or totally within the Special Flood Hazard Area.

Map No. H & I 045012A Panel 20 is hereby corrected to reflect that Lots 93 through 106, 110 through 116, 132 through 141, 156 through 160, 166 through 174, 178 through 183, and Tracts E, F, and G of the above mentioned property are not within the Special Flood Hazard Area identified on January 9, 1976. These properties are in Zone B.

Map No. H & I 045012A Panel 20 is also hereby corrected to reflect that the existing structures on Lots 107 through 109 and 175 through 177 of the above mentioned property are not within the Special Flood Hazard Area identified on January 9, 1976. These structures are in Zone B.

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13811 Filed 5-5-80; 8:45 am]

BILLING CODE 5718-03-M

44 CFR PART 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the City of Aurora, Colo.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Aurora, Colorado. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Aurora, Colorado, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes

the requirment to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 080002 Panel 0015A, published on October 23, 1979, in 44 FR 61024, indicates that Lots 11 through 33, Block 1; and Lots 10 and 11, Block 2, Kingsborough Subdivision Filing No. 7, Aurora, Colorado, recorded as Reception No. 1694–880 in Book 33, Page 20, in the Office of the Recorder, Arapahoe County, Colorado, are within the Special Flood Hazard Area.

Map No. H & I 080002 Panel 0015A is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on June 1, 1978. These lots are in Zone B.

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

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–13812 Filed 5–5–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR PART 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the City of New London, Conn.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of New London, Connecticut. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of New London, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 090100A Panel 06, published on October 23, 1979 in 44 FR 61005 indicates that the Winthrop Urban Renewal Area, CONN R–45, Disposition Parcels K–1 and L–1 as shown on the survey prepared by Cahn Engineers, Incorporated dated March, 1979 and revised May 4, 1979, are partially within the Special Flood Hazard Area.

Map No. H & I 090100A Panel 06 is hereby corrected to reflect that those portions of the above mentioned properties that are at or above eleven (11) feet (Mean Sea Level) as shown on the above mentioned survey are not within the Special Flood Hazard Area identified on May 2, 1977. Those portions of the properties which are between eleven (11) feet (Mean Sea Level) and fourteen (14) feet (Mean Sea Level) are in Zone B. Those portions which are at or above fourteen (14) feet (Mean Sea Level) are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1968 (33 FR 17804, November 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 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–13813 Filed 5–5–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FI-3012]

National Flood Insurance Program; Letter of Map Amendment for the Unincorporated Area of Sussex County, Del.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Unincorporated Area of Sussex County, Delaware. It has been determined by the Federal Insurance Admihistrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Unincorporated Area of Sussex County, Delaware, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–6570 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. H&I 100029A, Panel No. 34, published on June 29, 1977, in 42 FR 33207, indicates that Lot No. 31, as designated upon a Plot of Supplement No. 1 of the Culver Development of "North Shores", Unincorporated Area of Sussex County, Delaware, as recorded in Volume 948, Page 258, in the Office of the Recorder of Deeds of Sussex County, Delaware, is located within the Special Flood Hazard Area.

Map No. H&I 100029A, Panel No. 34, is hereby corrected to reflect that the existing structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on October 6, 1976. The structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII Of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 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: March 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–13814 Filed 5–5–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–5712]

National Flood Insurance Program; Letter of Map Amendment for Dade County, Fla.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Dade County, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Dade County, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 125098 Panel 0175C, published on October 23, 1979, in 44 FR 61014, indicates that Lot 9, Block 2, The Homes of Coral Way, Dade County, Florida, as recorded in Plat Book 108, Page 40 in the Office of the Public Records of Dade County, Florida, is within the Special Flood Hazard Area.

Map Number H & I 125098 Panel 0175C is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on August 25, 1978.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C 4001–4128; Executive Order 12127, 44 FR 19367, and delegation of authority to Federal Insurance Administrator 43 FR 7719)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–13815 Filed 5–5–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–5712]

National Flood Insurance Program; Letter of Map Amendment for the County of Dade, Fla.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the County of Dade, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the County of Dade, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to

purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 125098, Panel 0200C, published on October 23, 1979, in 44 FR 61014, indicates that Lot 65 and the East 6.5 feet of Lot 27, "Amended Plat of Lawrence Park," less the Southerly portions thereof for right-of-way of Lawrence Canal and State Road 836, Dade County, Florida, as recorded in the Deed, Official Record 10371, Page 1616, in the Office of Public Records of Dade County Florida, is located within the Special Flood Hazard Area.

Map Number H & I 125098, Panel 0200C, is hereby corrected to reflect that the existing structure located on the above property is not within the Special Flood Hazard Area identified on September 30, 1972. the structure is in Zone C.

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

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13816 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for Dade County, Fla.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Dade County, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Dade County, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294 Bethesda, Maryland 20034 Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 125098, Panel 0100C, published on October 23, 1979, in 44 FR 61014, indicates that Lot 645 of Biscayne Gardens Section "D", Dade County, Florida, as recorded in Plat Book 44, Page 36 in the Office of the Public Records of Dade County, Florida, is within the Special Flood Hazard Area.

Map Number H & I 125098, Panel 0100C is hereby corrected to reflect that the above-mentioned property is in Zone C and is not within the Special Flood Hazard Area identified on August 25, 1978.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 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 23, 1980.

Gloria M. Jimanez,

Federal Insurance Administrator.

[FR Doc. 80-13817 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for Dade County, Fla.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the County of Dade. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the County of Dade that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6570 or toll free line, (800) 424-8872 (in Alaska and Hawaii call toll free 800-424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or

broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034 Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b): Map No. H & I 125098, Panel 0275C published on October 23, 1979 in 44 FR 61014 indicates that Lot 12, Block 2, Calusa Corners, as recorded in Plat Book 107, Page 97, in the Office of Public Records of Dade County, Florida, is within the Special Flood Hazard Area.

Map No. H & I 125098, Panel 0275C is hereby corrected to reflect that the existing structure located on the above property is not within the Special Flood Hazard Area identified on August 25, 1978. The structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1968 (33 FR 17804, November 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 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–13818 Filed 5–5–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

National Flood Insurance Program; Letter of Map Amendment for the City of Jacksonville, Fla.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Jacksonville, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Jacksonville, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294 Bethesda, Maryland 20034 Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 120077B, Panel 09, published on October 23, 1979, in 44 FR 61014, indicates that Huntington Forest, Unit Three, Jacksonville, Florida, as recorded in Plat Book 36, Page 95, in the Office of Public Records of Duval County, Florida, is within the Special Flood Hazard Area.

Map Number H & I 120077B, Panel 09, is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on December 1, 1977. The property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 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 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–13819 Filed 5–5–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

National Flood Insurance Program; Letter of Map Amendment for the City of Jacksonville, Fla.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Adminstrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Jacksonville, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Jacksonville, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 120077B Panel 09, published on October 23, 1979, in 44 FR 61014, indicates that Mandarin Station Subdivision, Phase I, Jacksonville, Florida, being a proposed subdivision of a tract of land recorded in Volume 4401, Pages 294 and 295 in the Office of the Recorder of Duval County, Florida, is within the Special Flood Hazard Area.

Map No. H & I 120077B Panel 09 is hereby corrected to reflect that the above-mentioned property, with the exception of drainage ditches "A", "A–1", "B" and "C", the overflow ditch and

the borrow pit lake as shown on the Mandarin Station Phase I, Overall Ditch Plan prepared by All State Land Surveyors and Planners, Inc., dated September 13, 1979, is not within the Special Flood Hazard Area identified on December 1, 1977. Those portions of the proposed subsdivision which are not part of the completed drainage system shown on the above plan are in Zone C.

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

Issued: March 24, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13820 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the City of Oakland Park, Fla.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Oakland Park, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Oakland Park, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 12.0050 Panel 0001B, published on October 23, 1979, in 44 FR 61014, indicate that Tracts One and Two, Rainbow Plaza, Oakland Park, Florida as recorded in Plat Book 77, Page 29, in the Records of Broward County, Florida, are located within the Special Flood Hazard Area.

Map No. H & I 12.0050 Panel 0001B is hereby corrected to reflect that the existing structures located on the above properties are not within the Special Flood Hazard Area identified on December 1, 1977. The structures are in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1968 (33 FR 17804, November 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 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13821 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR PART 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the County of Okaloosa, Fla.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the County of Okaloosa, Florida. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the County of Okaloosa, Florida that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free 800–424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b): Map No. H & I 120173, Panel 0008B published on October 23, 1979 in 44 FR 61014 indicates that the property located in Section 16, Township 1 South, Range 22 West, Okaloosa County, Florida, as recorded in the Warranty Deed, Book 874, Page 750, in the Office of Public Records of Okaloosa County, Florida, is within the Special Flood Hazard Area.

Map No. H & I 120173, Panel 0008B is hereby corrected to reflect that the existing structure located on the above property is not within the Special Flood Hazard Area identified on July 1, 1977. The structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1968 (33 FR 17804, November 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 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13822 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the City of Pembroke Pines, Fla.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Pembroke Pines, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Pembroke Pines, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H&I 120053 Panel 0002A, published on October 23, 1979, in 44 FR 61014, indicates that Lot 44, Block 6, Westview, Section Three, Part One Amended, Pembroke Pines, Florida, as recorded in Plat Book 86, Page 42 of the Public Records of Broward County, Florida, is within the Special Flood Hazard Area.

Map No. H&I 120053 Panel 0002A is hereby corrected to reflect that the existing structure located on the above property is not within the Special Flood Hazard Area identified on December 15, 1977. The structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1968 (33 FR 17804, November 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 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13823 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA 5712]

National Flood Insurance Program; Letter of Map Amendment for the Borough of Fairfield, N.J.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Borough of Fairfield, New Jersey. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Borough of Fairfield, New Jersey that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free 800-424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b): Map No. H & I 345295A, Panel 04 published on October 23, 1979 in 44 FR 61007 indicates that the property located at 42 Fairfield Road, Fairfield, New Jersey, as recorded in Book 4580, Pages 565 and 566 in the Office of the Register of Essex County, New Jersey, is within the Special Flood Hazard Area.

Map No. H & I 345295A, Panel 04 is hereby corrected to reflect that the existing structure located on the above property is not within the Special Flood Hazard Area identified on July 16, 1976. The structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1968 (33 FR 17804, November 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: January 25, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13837 Filed 5-6-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the Township of Pequannock, N.J.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Township of Pequannock. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Township of Pequannock that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410. (202) 755–6570 or toll free line, (800) 424–8872 (in Alaska and Hawaii call toll free 800–424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b): Map No. H & I 345311A, Panel 04 published on October 23, 1979 in 44 FR 61007 indicates that Lot 2, Block 308, also known as 15 Adams Street, Pequannock, New Jersey, as recorded in the Plat, Book 2507, Page 1097, in the Office of the Clerk of Morristown, New Jersey, is within the Special Flood Hazard Area.

Map No. H & I 345311A, Panel 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on May 21, 1971. The property is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1968 (33 FR 17804, November 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 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13838 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the Township of Woodbridge, N.J.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Township of Woodbridge, New Jersey. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Township of Woodbridge, New Jersey, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 345331B Panel 01, published on October 23, 1979, in 44 FR 61008, indicates that the property located at 10 Hawthorne Avenue, Woodbridge Township, New Jersey, as recorded in the Deed, Book 3011, Page 179, in the Office of the Clerk of Middlesex County, New Jersey, is within the Special Flood Hazard Area.

Map No. H & I 345331B Panel 01 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on April 30, 1976. The structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 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 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13839 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the City of Carlsbad, N. Mex.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Carlsbad, New Mexico. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Carlsbad, New Mexico, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related

financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 350017 Panel 0003B, published on October 23, 1979, in 44 FR 61021, indicates that Lot 9, Block 7, Riverside Country Club Addition, Carlsbad, New Mexico, as recorded in Book 227, Page 162, in the Office of the Clerk, Eddy County, New Mexico, is partially within the Special Flood Hazard Area.

Map No. H & I 350017 Panel 0003B is hereby corrected to reflect that the existing structure located on the above mentioned property is not within the Special Flood Hazard Area identified on March 15, 1978. The structure is in Zone B.

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

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13840 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the Town of Cheektowaga, N.Y.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Cheektowaga, New York. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Cheektowaga, New York, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 360231, Panel 0010C, published on October 23, 1979, in 44 FR 61008, indicates that the land situated in the Town of Cheektowaga, Erie County, New York, being part of Lot Number 43, Township 10, Range 7 of Buffalo Creek Reservation and also being parts of Panels I and II as filed in the Erie County Clerk's Office under Cover Number 2274 and further recorded in the Deeds, Liber 8091, Pages 551 to 552 and Liber 8605, Pages 503 to 504, in the Office of the Erie County Clerk, Erie County, New York, is within the Special Flood Hazard Area.

Map Number H & I 360231, Panel 0010C, is hereby corrected to reflect that the portions of the above-mentioned property at or above 661.5 feet National Geodetic Vertical Datum are not within the Special Flood Hazard Area identified on June 16, 1978. These portions are in Zone C.

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

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13841 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the Town of Cheektowaga, N.Y.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Cheektowaga, New York. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Cheektowaga, New York, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid on the current policy year, provided that no claim is pending or has been paid for the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 360231, Panel 0010C, published on October 23, 1979, in 44 FR 61008, indicates that a parcel of land situated in the Town of Cheektowga, New York, as recorded in Deed, Liber 8741, Pages 415 and 416, in the Office of the Erie County Clerk, Erie County, New York, is within the Special Flood Hazard Area.

Map No. H & I 360231, Panel 0010C, is hereby corrected to reflect that the portions of the property that are located outside the boundaries of the floodway of Slate Bottom Creek and at or above 660.25 feet National Geodetic Vertical Datum (NGVD) are not within the Special Flood Hazard Area identified June 16, 1978. These portions are in Zone C.

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

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13842 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the Town of Ogden, N.Y.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Ogden, New York. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Ogden, New York, that certain property is within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is within the Special Flood Hazard Area, results in the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872, (in Alaska and Hawaii call toll free (800) 424–9080).

The map amendments listed below are in accordance with S 70.7(b):

Map Number H & I 360424 Panel 0005B, published on October 23, 1979, in 44 FR 61009, indicates that Lots 3, 21 through 24, 50, and 60 through 63 of proposed Whittier-Buff Subdivision, Section 3, Ogden, New York, being a portion of the property described in the Deed, recorded in Liber 3946 of Deeds, Page 450 in the Office of the Clerk of Monroe County, New York, are not within the Special Flood Hazard Area.

Map Number H & I 360424 Panel 0005B is hereby corrected to reflect that the above-mentioned lots are within the Special Flood Hazard Area identified on April 16, 1979.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 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 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13843 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the City of Dickinson, N. Dak.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Dickinson, North Dakota. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Dickinson, North Dakota, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program

(NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, telephone: (800) 638-6620.

The map amendments listed below are in accordance with S 70.7(b):

Map No. H & I 380117 Panel 0001B, published on October 23, 1979, in 44 FR 61025, indicates that the Mobile Home Sites on Lot 12, Block 3; Lots 7 through 11, Block 5; Lots 2, 3, and 26 through 30, Block 7; and Lots 17 and 18, Block 9, as shown on the Plans for Green Acres First Addition by L. W. Veigel and Company, P. C. and being an unplatted subdivision recorded as Document No. 173828 in Book A154, Pages 495 through 502, in the Office of the Register of Deeds, Stark County, North Dakota, are not within the Special Flood Hazard Area.

Map No. H & I 380117 Panel 0001B is hereby corrected to reflect that the above mentioned lots are within the Special Flood Hazard Area identified on June 1, 1978. These lots are in Zone A8.

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

Issued: March 4, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13844 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FI-3012]

National Flood Insurance Program; Letter of Map Amendment for the City of Newark, Ohio

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Newark, Ohio. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Newark, Ohio that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410 (202) 755-6570 or Toll Free Line (800) 424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, phone: (800) 638-6620 toll free.

The Map amendments listed below are in accordance with S70.7(b):

Map No. H&I 390335B, Panel No. 03, published on June 29, 1977, in 42 F.R. 33226 indicates that a 7.0453 and 11.7341 acre parcels of land, City of Newark, Licking County, Ohio, as recorded in Volume 795, Page 566 and Volume 783, Page 1004, in the Office of the Recorder of Deeds of Licking County, Ohio, are located within the Special Flood Hazard Area.

Map No. H&I 390335B, Panel No. 03, is hereby corrected to reflect that the existing K-Mart and Retail Stores structures, located on the above-mentioned property are not within the Special Flood Hazard Area identified on April 15, 1977. The structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII Of Housing and Urban Development Act of 1968), effective Janury 28, 1969 (33 FR 17804, November 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: March 24, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13848 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the City of Oklahoma City, Okla.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Oklahoma City, Oklahoma. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Oklahoma City, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410. (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, telephone: (800) 638-6620.

The map amendments listed below are in accordance with S 70.7(b):

Map No. H & I 405387A Panel 38, published on October 23, 1979, in 44 FR 61021, indicates that the Apartments at

Summerfield, a 9.00 acre parcel in Section 22, Township 13 North, Range 4 West, Oklahoma City, Oklahoma, and being a portion of the Deed as recorded in Book 4204, Pages 1462 through 1464, in the Office of the Clerk, Oklahoma City, Oklahoma, is partially within the Special Flood Hazard Area. This property is a part of a Community Unit Plan known as Summerfield and The Arbors.

Map No. H & I 405387A Panel 38 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on February 2, 1979. This property is in Zone C.

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

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13845 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment For the City of Tulsa, Okla.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tulsa, Oklahoma. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tulsa, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080)

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with S 70.7(b):

Map No. H & I 405381D Panel 112, published on October 23, 1979, in 44 FR 61021, indicates that Lot 1, Block 10, Walter Foster Addition, Tulsa, Oklahoma, recorded as Plat 1607, in the Office of the Clerk, Tulsa County, Oklahoma, is partially within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 112 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on August 14, 1979. This structure is in Zone C.

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

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13847 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the City of Tulsa, Okla.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Adminstrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tulsa, Oklahoma. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tulsa, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Telephone: (800) 638–6620.

The map amendments listed below are in accordance with S 70.7(b):

Map No. H & I 405381D Panel 140, published on October 23, 1979, in 44 FR 61021, indicates that Lot 10, Block 1, Walnut Creek II, Tulsa, Oklahoma, recorded as Document No. 141295, Plat 3203, in the Office of the Clerk, Tulsa County, Oklahoma, is partially within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 140 is hereby corrected to reflect that the existing structure on the above-mentioned property is not within the Special Flood Hazard Area identified on August 14, 1979. This structure is in Zone C.

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

Issued: February 13, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13846 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

National Flood Insurance Program; Letter of Map Amendment for the City of Harlingen, Tex.

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Harlingen, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Harlingen, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H&I 485477A Panel 11, published on October 23, 1979, in 44 FR 61022, indicates that Lots 4 through 6 and 10, Block 3; Lots 5 through 13, Block 4; Lots 8 through 16, Block 5; Lots 1 through 27, Block 7; Lots 5 through 15, Block 8; Lots 2 through 7, 10, 11, 15 through 17, and 19 through 24, Block 9; Lots 1 through 8, 10, and 12 through 15, Block 10; Lots 1 through 13, Block 11; and Tract A, Treasure Hills Subdivision Unit No. 5, Harlingen, Texas, as recorded in Cabinet 1, Pages 5A, 5B, 6A, and 6B of Map Records, in the Office of the Clerk, Cameron County, Texas, are within the Special Flood Hazard Area.

Map No. H&I 485477A Panel 11 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on October 17, 1975. These lots are in Zone C.

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

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13849 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H&I 480287B Panel 42, published on October 23, 1979, in 44 FR 61022, indicates that Woodgate Section Three, Harris County, Texas, as recorded in Volume 252, Page 22 of Map Records, under File Code Number F176984, in the Office of the Clerk, Harris County, Texas, is within the Special Flood Hazard Area.

Map No. H&I 480287B Panel 42 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on July 30, 1976. This property is in Zone C.

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

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13851 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Adminstrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Telehone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287B, Panels 78 and 84, published on October 23, 1979, in 44 FR 61022, indicates that Lots 8 through 44, Block 7; Lots 9 through 30, Block 11; and Lots 8 through 31, Block 12, Brays Village East, Section 1; and Harris County Municipal Utility District No. 184, Harris County, Texas, as recorded in Volume 264, Page 88; and Document No. G212922 under Film No. 137-84-0857 through 137-84-0864, respectively, in the Office of the Clerk, Harris County, Texas, are partially or totally within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 78 is hereby corrected to reflect that the above mentioned lots for Brays Village East, Section 1, are not within the Special Flood Hazard Area identified on July 30, 1976. These lots are in Zone C.

Map Number H & I 480287B Panels 78 and 84 is also corrected to reflect that the Harris County Municipal Utility District No. 184, with the exception of the area designated for Drainage Easement in the recorded Deed cited above, is not within the Special Flood Hazard Area indentified on July 30, 1976. This property is in Zone C.

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

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13852 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office; National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the permium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287B Panel 61, published on October 23, 1979, in 44 FR 61022, indicates that Lots 3 through 9 and 11 through 19, Block 2, Bear Creek Trails; and Lots 85 through 106, 108 through 113, 128, and 130, Block 9; Lots 2 through 36, 42 through 51, and 100 through 126, Block 31; and Lots 4 through 22, Block 32, Bear Creek Village, Section 12, Harris County, Texas, as recorded in Volume 272, Page 68, and Volume 273, Page 146 of Map Records, respectively, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 61 is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on July 30, 1976. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42

U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13853 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287B Panels 22 and 23, published on October 23, 1979, in 44 FR 61022, indicates that Lot 67, Block 14; Lots 1 through 10, Block 32; Lots 2 through 12, Block 33; Lot 5, Block 39; and Lots 1 and 2, Block 40, Greengate Place, Section Five; and Lots 17 through 19, Block 5; Lots 42 through 51 and 63 through 67, Block 6; Lots 9 through 12, Block 41; and Lots 5 through 10, Block 42, Greengate Place, Section Six, Harris County, Texas, as recorded in Volume 244, Page 78, and Volume 245, Page 109 of Map Records, respectively, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480387B Panels 22 and 23 are hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on July 30, 1976. The lots are in Zone C.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13854 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080)

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287B Panel 21, published on October 23, 1979, in 44 FR 61022, indicates that structures numbered 13 and 14 located on a 15.277 acre tract in the Daniel Harmon Survey A–315, and being a portion of unrestricted Reserve D, Block 12, Cypress Station, Section Two, Harris County, Texas, as recorded in Volume 222, Page 74, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area. The location of the structures are as shown on the Site Grading and Drainage Plan for Cypress Point by House Reh & Associates, dated November 2, 1978.

Map No. H & I 480287B Panel 2 is hereby corrected to reflect that structures numbered 13 and 14 of the above mentioned property are not within the Special Flood Hazard Area identified on July 30, 1976. These structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42

U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13855 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287B, Panel 41, published on October 23, 1979, in 44 FR 61022, indicates that Lots 1 through 7, Block 1; Lots 30 through 39, 70 and 71, Block 2; Lots 1, 28 through 62, and 87, Block 3; Lots 1, 2, 19 through 37 and 46 through 49, Block 4; all of Block 5; Lots 2 through 21, Block 6; Lots 1 through 5, Block 7; and Reserves A, B, G, and H, White Oak Bend, Section One, Harris County, Texas, as recorded in Volume 276, Page 70 of the Record Maps, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 41 is hereby corrected to reflect that Lots 1 through 7, Block 1; Lots 30 through 39, 70, and 71, Block 2; Lots 1, 28 through 41, 46 through 62, and 87, Block 3; Lots 1, 2, 19 through 37, and 46 through 49, Block 4; all of Block 5; Lots 8 through 21, Block 6; and Lots 1 through 5, Block 7; and Reserves A, B, G, and H of the above mentioned property are not within the Special Flood Hazard Area identified on July 30, 1976. This property is in Zone C.

In addition, Lots 42 through 45, Block 3, and Lots 2 through 7, Block 6, of the above mentioned property are not within the Special Flood Hazard Area identified on July 30, 1976, with the exception of the 20-foot building setback line as shown on the recorded plat map cited above. This property is in Zone C.

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

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13856 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Harris County, Tex.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287B Panel 40, published on October 23, 1979, in 44 FR 61022, indicates that the proposed Lots 35 through 73, Block 5; Lots 14 through 26, Block 6; Lots 17 through 32, Block 7; Lot 11, Block 8; Lots 1 through 3, Block 9; Lots 1 through 20 and 33 through 49, Block 10; Lots 1 through 15 and 20 through 43, Block 11; all of Block 12; and Lots 1 through 21, Block 13, Oak Cliff Place, Section Two, being a 50.0069 acre tract of land out of the William Jones Survey, Abstract 489, Harris County, Texas, as recorded in Film Code Numbers 142–94–1710 through 142–94–1713, in the Office of the Clerk, Harris

County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 40 is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on July 30, 1976. These lots are in Zone C.

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

Issued: March 24, 1980.

Gloria M. Jimenez

Federal Insurance Administrator.

[FR Doc. 80–13857 Filed 5–5–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Harris County, Tex.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator pulished a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurnce Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287B Panel 60, published on October 23, 1979, in 44 FR 61022, indicates that Lots 1 through 6, 10 through 18, and 26 through 28, Block 1; all of Block 2; and Lots 1 through 8, Block 3, proposed Westlake Place, Section Two, being a portion of the 52.87 acre tract of land out of the James Clifford Survey A–216, Harris County, Texas, recorded as Microfilm Number 129–06–1203, in the Office of the Recorder, Harris County, Texas, is within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 60 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on July 30, 1976. These lots are in Zone C.

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

Issued: April 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–13858 Filed 5–5–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Harris County, Tex.; Under National Floor Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287B Panels 64, 65, 72, and 73, published on October 23, 1979, in 44 FR 61022, indicates that all of Block 1; Lots 1 through 7, Block 2; Lots 1 through 26, 45 through 56, and 58 through 81, Block 3; all of Blocks 4 and 5; and Lots 1 through 24, Block 6, Sterling Green, Section Three; Lots 1 through 7 and 12 through 17, Block 1; Lots 9 through 16, Block 2, and all of Block 3, Sterling Green, Section Four; lots 1 and 13, Block 1; all of Blocks 2 and 3; Lots 1 through 5 and 25 through 30, Block 4; and Reserves A and B, Sterling Green, Section Six; Lots 23 and 24, Block 2; Lots 12 through 20, Block 3; and Lots 5 through 7, Block 5, Sterling Green, Section Seven; Lots 5 through 16, 21 through 37, and 44 through 47, Block 1; Lots 1 through 5, 18 through 24, and 28 through 31, Block 2; all of Blocks 3 through 7; and Lots 1 through 8, Block 8,

Sterling Green, Section Eight; Lots 1 through 7 and 13 through 25, Block 1; Lots 1 through 3, Block 2; all of Block 4; Lots 9 through 36, Block 5; and Lots 40 through 45, Block 6, Sterling Green, Section Nine; all of Blocks 1 through 6; Lots 1 through 9, Block 7; all of Blocks 8 and 9; and Reserves A and B, Sterling Green South, Section One; and Lots 56 through 61 and 63 through 72, Block 1, Reserve C, Sterling Green South, Section One, as recorded in Volume 252, Page 36; Volume 262, Page 47; Volume 262, Page 40; Volume 275, Page 65; Volume 291, Page 92; Volume 291, Page 101; Volume 272, Page 73; and Volume 278, Page 6, respectively, in the Office of the Clerk, Harris County, Texas, are partially or totally within the Special Flood Hazard Area.

Map No. H & I 480287B Panels 64, 65, 72, and 73 is hereby corrected to reflect that all of Block 1; Lots 1 through 7, Block 2; Lots 1 through 26, 45 through 56, and 58 through 81, Block 3; all of Blocks 4 and 5; and Lots 1 through 24, Block 6, Sterling Green, Section Three; Lots 1 through 7 and 12 through 17, Block 1; Lots 10 through 13, Block 2, and all of Block 3, Sterling Green, Section Four; Lots 1 and 13, Block 1; all of Blocks 2 and 3; Lots 1 through 5 and 25 through 30, Block 4; and Reserves A and B, Sterling Green, Section Six; Lots 23 and 24, Block 2; Lots 12 through 20, Block 3; and Lots 5 through 7, Block 5, Sterling Green, Section Seven; Lots 5 through 16, 21 through 37, and 44 through 47, Block 1; Lots 1 through 5, 18 through 24, and 28 through 31, Block 2; all of Blocks 3 through 7; and Lots 1 through 8, Block 8, Sterling Green, Section Eight; Lots 1 through 7 and 13 through 25, Block 1; Lots 1 through 3, Block 2; all of Block 4; Lots 9 through 36, Block 5; and Lots 40 through 45, Block 6, Sterling Green, Section Nine; all of Blocks 1 through 6; Lots 1 through 9, Block 7; all of Blocks 8 and 9; and Reserves A and B, Sterling Green South, Section One; and Lots 56 through 61 and 63 through 72, Block 1, Reserve C, Sterling Green South, Section One, are not within the special Flood Hazard Area identified on July 30, 1976. These properties are in Zone C.

In addition, Lots 9 and 14 through 16, Block 2, Sterling Green, Section Four, are not within the Special Flood Hazard Area identified on July 30, 1976, with the exception of the areas designated for Easements on the recorded plat map cited above. These lots are in Zone C.

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

Issued: January 25, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–13859 Filed 5–5–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the City of Longview, Tex.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Longview, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Longview, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872, (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480264 Panel 0001B, published on October 23, 1979, in 44 FR 61022, indicates that Lot 1, Block 4159, Royal Forest Estates, Unit No. 2, Longview, Texas, recorded as File Number 10975 in Volume 1031, Page 380, in the Office of the Recorder, Gregg County, Texas is partially within the Special Flood Hazard Area.

Map No. H & I 480264 Panel 0001B is hereby corrected to reflect that the above mentioned lot is not within the Special Flood Hazard Area identified on December 15, 1977. This lot is in Zone C.

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

Issued: March 24, 1980.

Gloria M. Jimenez

Federal Insurance Administrator.

[FR Doc. 80–13861 Filed 5–5–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the City of Longview, Tex.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Longview, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Longview, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a

condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office; National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480264 Panel 0002B, published on October 23, 1979, in 44 FR 61022, indicates that Lots 26 and 28, Block 962, Belmont Subdivision, Longview, Texas, as recorded in Volume 938, Page 275, in the Office of the Recorder, Gregg County, Texas, are located within the Special Flood Hazard Area.

Map No. H & I 480264 Panel 0002B is hereby corrected to reflect that the structures on the above mentioned property are not within the Special Flood Hazard Area identified on December 15, 1977. The structures are in Zone C.

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

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–13862 Filed 5–5–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Mesquite, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Mesquite, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Mesquite, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 485490A Panel 05, published on October 23, 1979, in 44 FR 61022, indicates that Lots 1 through 10, Block 24; and Lots 26 through 30, Block 25, Meadowdale No. 5, Mesquite, Texas, as recorded in Volume 78166, Page 1176, in the Office of the Recorder, Dallas County, Texas, are located within the Special Flood Hazard Area.

Map No. H & I 485490A Panel 05 is hereby corrected to reflect that the structures on the above mentioned property are not within the Special Flood Hazard Area identified on September 26, 1975. These structures are in Zone C.

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

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–13863 Filed 5–5–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Mesquite, Tex.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Mesquite, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Mesquite, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080)

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 485490A Panel 05, published on October 23, 1979, in 44 FR 61022, indicates that the proposed Lots 16 through 21 and 24 through 29, Block 1; Lots 15 through 20 and 22 through 26, Block 2; and Lots 18 through 22, Block 3, Green Canyon Estates, being a 39.181 acre tract of land out of the Adaline S. Warrall Survey, Abstract Number 1605, and the J. R. Warrall Survey, Abstract Number 1606, Mesquite, Texas, as recorded in Volume 80014, Pages 0721 through 0724, in the Office of the Clerk, Dallas County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 485490A Panel 05 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on September 26, 1975. These lots are in Zone C.

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

Issued: April 15, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13864 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Mesquite, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Adminstrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Mesquite, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Mesquite, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid for the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 485490A Panel 05, published on October 23, 1979, in 44 FR 61022, indicates that Lots 18 through 23, Block 2, and Lots 10 through 14 and 27 through 32, Block 3, Stoneridge, Mesquite, Texas, as recorded in Volume 79184, Page 0599, in the Office of the Recorder, Dallas County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 485490A Panel 05 is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on September 26, 1975. These lots are in Zone C.

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

Issued: January 25, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13865 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Provo, Utah, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Provo, Utah. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Provo, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may

obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 490159 Panel 0010B, published on October 23, 1979, in 44 FR 61025, indicates that Parcels 03 and 04, as shown in Book 22, Page 50, of Utah County Plats, and recorded in Book 1390, Page 137, and Book 1390, Page 139, respectively, in the Office of the Recorder, Utah County, Utah, are located within the Special Flood Hazard Area. These parcels are at 1775 South 350 East.

Map Number H & I 490159 Panel 0010B is hereby corrected to reflect that the existing structures on the above mentioned parcels are not within the Special Flood Hazard Area identified on February 1, 1979. These structures are in Zone B.

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

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13866 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Provo, Utah, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Provo, Utah. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Provo, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 40159 Panel 0001B, published on October 23, 1979, in 44 FR 61025, indicates that Lot 2, The Villages of Quail Valley, Plat B, Provo, Utah, recorded as Entry Number 18279, Map Filing Number 1427, in the Office of the Recorder, Utah County, Utah, is within the Special Flood Hazard Area.

Map No. H & I 490159 Panel 0001B is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on February 1, 1979. This property is in Zone B.

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

Issued: March 24, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13867 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Springville, Utah, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Springville, Utah. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Springville, Utah, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 490163B Panel 0005B, published on October 23, 1979, in 44 FR 61025, indicates Lot 4, Block 1, Brookside

Park Subdivision, Springville, Utah, recorded as Entry No. 10008, Map No. 177, in the Office of the Recorder, Utah County, Utah, is within the Special Flood Hazard Area.

Map No. H & I 490163 Panel 0005B is hereby corrected to reflect that the above-mentioned property, is not within the Special Flood Hazard Area identified on September 29, 1978. This lot is in Zone B.

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

Issued: February 13, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13868 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FI-3012]

Letter of Map Amendment for the Unincorporated Area of Fairfax County, Va., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Unincorporated Area of Fairfax County, Virginia. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Unincorporated Area of Fairfax County, Virginia, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 515525C, Panel No. 18, published on June 29, 1977, in 42 FR 33235, indicates that Lots Nos. 7 and 10, Section 1, Holmes Run Crossing, Providence District, Unincorporated Area of Fairfax County, Virginia, as recorded in Deed Book 4518, Page 702, in the Office of the Clerk of the Circuit Court of Fairfax County, Virginia, are partially located within the Special Flood Hazard Area. The map panel also indicates that Lot No. 12, Section 1, Holmes Run Crossing, Providence District, Unincoporated Area of Fairfax County, Virginia, as recorded in Deed Book 4518, Page 702, in the Office of the Clerk of the Circuit Court of Fairfax County, Virginia, is not located within the Special Flood Hazard Area.

Map No. H & I 515525C, Panel No. 18, is hereby corrected to reflect that Lots Nos. 7 and 10 are not within the Special Flood Hazard Area identified on May 14, 1976 and that Lot No. 12 is partially within the Special Flood Hazard Area. Lots Nos. 7 and 10 are in Zone C. The existing structure located on Lot No. 12 will remain in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 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 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13869 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Winchester, Va., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Winchester, Virginia. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Winchester, Virginia, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 510173, Panel No. 0005B, published on October 23, 1979, in 44 FR 61013, indicates that Lots Nos. 16 through 18, 18A, 18B and 18C, Shawnee

Heights Subdivision, Block F, City of Winchester, Virginia, as recorded in Deed Book 51, Pages 549 and 550, in the Office of the Clerk of the Corporation Court of the City of Winchester, Virginia, are located within the Special Flood Hazard Area.

Map No. 510173, Panel No. 0005B, is hereby corrected to reflect that the existing structures located on the above-mentioned property are not within the Special Flood Hazard Area identified on November 15, 1978. The structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 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: March 24, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13870 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for King County, Wash.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Adminstrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included King County, Washington. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for King County, Washington, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 530071 Panel 0200A, published on October 23, 1979, in 44 FR 61027, indicates that Lot 12, Block 2, Newport Hills No. 10, King County, Washington, as recorded in Volume 70, Page 4 of Plats, in the Office of the Auditor, King County, Washington, is within the Special Flood Hazard Area.

Map No. H & I 530071 Panel 0200A is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on September 29, 1978. This property is in Zone C.

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

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13871 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Redmond, Wash., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Redmond, Washington. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Redmond, Washington, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for the property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 530087 Panel 0005B, published on October 23, 1979, in 44 FR 61027, indicates that Buildings "J" through "L" and "O" through "Q" and the East Laundry Building, recorded as Document Number 7808291044 in Volume 23 of Condominiums, Pages 22 through 29; and as Document Number 7902080801 in Volume 28 of Condominiums, Pages 48 and 49, in the Office of the Recorder, King County, Washington, are within the Special Flood Hazard Area.

Map No. H & I 530087 Panel 0005B is hereby corrected to reflect that the above mentioned structures are not within the Special Flood Hazard Area identified on February 1, 1979. These structures are in Zone B.

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

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13872 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Oshkosh, Wis., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Oshkosh, Wisconsin. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Oshkosh, Wisconsin, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755–6570 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, phone: (800) 638–6620 toll free.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 550511B, Panel No 01, published on October 23, 1979, in 44 FR 61020, indicates that part of the South East ¼ of the North East ¼ of Section 22, Township 18 North, Range 16 East, lying East of the East line of Josslyn Street, West of Campbell Creek, and North of line that is 2107.0 feet South of the North line of the North East ¼ of said Section 22, 6th Ward, City of Oshkosh, Winnebago County, Wisconsin, recorded as Document Nos. 471814 and 468543 in the Office of the Register of Deeds of Winnebago County, Wisconsin, is partially located within the Special Flood Hazard Area.

Map No. H & I 550511B, Panel 01, is hereby corrected to reflect that the portion of the above-mentioned property lying North of the line that is 1900.60 feet South of the North line of the North East ¼ of Section 22, which lies above elevation (749.5 feet National Geodetic Vertical Datum), is not within the Special Flood Hazard Area identified on May 16, 1977. Portions of the property are in Zone B and Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 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: March 24, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13873 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712

Letter of Map Amendment for the City of Oshkosh, Wis., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Oshkosh, Wisconsin. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Oshkosh, Wisconsin, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. H&I 550511B, Panel No. 02, published on October 23, 1979, in 44 FR 61020, indicates that Lots Nos. 2 through 4, Whidden's Subdivision of Lot 5 of the South West ¼, Section 23, T–18, R–16 East, City of Oshkosh, Winnebago County, Wisconsin, as recorded in Volume 3, Page 17 of Plats, in the Office of the Register of Deeds of Winnebago County, Wisconsin, are located within the Special Flood Hazard Area

Map No. H&I 550511B, Panel No. 02, is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on May 16, 1977. Lots Nos. 2 and 4 are in Zone C. Lot No. 3 is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII Of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 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: March 24, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13874 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

45 CFR Parts 205 and 235

State Plan and Federal Matching Funds for State and Local Training

AGENCY: Social Security Administration, HEW.

ACTION: Final rules.

SUMMARY: These rules describe the requirements for training of State and local staff in the financial assistance programs under title I, IV–A, X, XIV, or XVI (AABD) of the Social Security Act. They also specify the conditions under which the States can receive Federal matching funds for monies spent on training and staff development. These rules are designed to improve the management and effectiveness of the financial assistance programs and to assure that training expenditures achieve the purposes for which they are authorized.

EFFECTIVE DATE: These regulations shall be effective September 2, 1980.

FOR FURTHER INFORMATION CONTACT: Miss Evelyn Greene, Social Security Administration, Office of Family Assistance, 330 C Street, S.W., Washington, D.C. 20201, telephone (202) 245–2090.

SUPPLEMENTARY INFORMATION:

Background

Two notices on Federal matching funds for State and local training were published in the **Federal Register** on January 11, 1977. A Notice of Intent (42 FR 2440) requested comments on the structure of the regulations. Specifically, we asked if training rules for (1) the Medical Assistance program, (2) the Social Services program, and (3) the Financial Assistance Payments programs should be consolidated, or whether each program should have separate rules for training.

Twenty-one commenters favored consolidating the training rules for these three programs and eight commenters favored separate rules. This is now a moot point because the Social and Rehabilitation Service which administered these three programs was abolished as part of this Department's reorganization of March 8, 1977. The Medical Assistance program is now administered by the Health Care Financing Administration and the Social Services program is now administered by the Administration for Public Services. The Financial Assistance Payments programs are now administered by the Social Security Administration. In view of this new structure it is no longer feasible to have consolidated training rules.

A Notice of Proposed Rule Making (NPRM) was also published on January 11, 1977 (42 FR 2445), requesting comments on proposed training rules for the financial and medical assistance programs. Since that time training rules for the social services program and the medical assistance program have been published in 45 CFR Part 228, Subpart H, and 42 CFR 432.1, 432.30–432.32; 432.50–432.55, and 432.60, respectively. The training rules for social services programs under title I, IV–A, X, XIV, or XVI (AABD) in Guam, Puerto Rico, and the Virgin Islands are currently in § 205.202.

The attached final rules affect the financial assistance programs administered under title I, IV–A, X, XIV, or XVI (AABD) of the Social Security Act. The comments received on the NPRM are discussed under the subheading entitled Discussion of Comments.

The training rules for the social services programs in Guam, Puerto Rico, and the Virgin Islands remain in § 205.202. The amended training rules for the financial assistance programs in all jurisdictions are in §§ 235.60–235.66.

Delayed Effective Date

We are providing a 120 day delayed effective date for these regulations. This is being done so that any States that have already started training programs for the current fiscal year may complete them before these rules become effective.

Scope of Final Rules

1. Section 235.60 explains that the regulations contain the State plan requirements and the conditions for Federal financial participation (FFP) for State and local training costs under title I, IV–A, X, XIV, or XVI (AABD) of the Social Security Act.

2. Section 235.61 defines terms used throughout §§ 235.60–235.66.

3. Section 235.62 sets forth the State plan requirements for a training program for agency personnel and for persons preparing for employment. Among other requirements, the training program must include initial in-service training for newly appointed staff and continuing agency training opportunities for personnel to improve the operation of the program.

4. Section 235.63 states the conditions under which FFP is available for training programs provided personnel employed in all positions, volunteers, and persons preparing for employment by the State or local agency administering the program.

This section also states the conditions under which FFP is available in payments for services rendered under grants to education institutions.

5. Section 235.64 provides the rates of FFP, and describes the activities and costs that are matchable as training expenditures.

6. Section 235.65 states that salaries of supervisors and employment of students on a temporary basis are not considered training expenses and, therefore, FFP is not available for these activities as training costs. However, expenditures for these activities may be matchable as administrative costs.

7. Section 235.66 explains when public funds may be considered as the State's share in claiming Federal reimbursement. When public funds are appropriated directly to the State or local agency, or transferred from another public agency, or are Federal funds authorized by Federal law to be used to match other Federal funds they may be considered as the State's share.

This section also explains when funds donated from private sources may be considered as the State's share in claiming Federal reimbursement. When private funds are donated to the State or local agency without any restrictions and do not revert to the donor's use, these funds may be considered as the State's share.

Discussion of Comments

Interested persons were given the opportunity to submit data, views, or arguments with regard to the Notice of Proposed Rule Making published on January 11, 1977 (42 FR 2445). A number of comments were received from Federal, State, and local agencies and organizations and private citizens. Summarized comments and our responses follow:

1. Coordination With Human Service Agencies

Comment: A requirement to coordinate the State agency training program with other human service agencies was supported by two commenters and opposed by four commenters.

Response: The arguments that implementation of a requirement for coordination would be unproductive and unworkable were persuasive. It would be difficult to measure compliance and to describe in regulations the nature and scope of coordination required. Therefore, we have not provided for this requirement. This is an area in which voluntary action will be encouraged.

2. Definitions—§ 235.61 (§ 205.202(b) in the NPRM)

Comment: Definitions of "orientation" and "part-time training" are confusing and, when tied to matchable cost, restrict the agency in carrying out essential in-service training activities.

Response: The definition of "orientation" has been eliminated, and the definition of "part-time training" has been clarified. A definition of "initial in-service training" has been substituted for the definition of "orientation."

Federal financial participation flows from the definition of "initial in-service training," and assists the State agencies in developing and implementing essential training activities for new employees.

Comment: One commenter felt that the word "grant" was a misnomer to describe the agreement between the State agency and an educational institution for training provided by the educational institution. "Contract" would be a more accurate word.

Response: "Grant" is used because it is the term used in section 403(a)(3)(A) of the Social Security Act authorizing grants to educational institutions. The definition has not been changed.

3. State Plan Requirements—§ 235.62 (§ 205.202(c) in the NPRM)

Comment: Nine commenters opposed the elimination of the State plan requirement for a training program, stating that a mandated training program represented a Federal commitment to develop and maintain qualified staff resources that are needed to operate a quality program. None of the commenters expressed support of the elimination of the State plan requirement. Seven commenters requested that the regulation include a requirement providing that the State submit an annual training plan to the Department.

Response: The two sets of comments are related. A clear distinction had not been made between a requirement for a training program and a requirement for a training plan. We have interpreted these comments as requesting a Federal mandate for training beyond that expressed in the proposed revision. The State plan requirement for a training program has been retained in § 235.62 as necessary for the proper and efficient administration of the State plan. This requirement is based on section 402(a)(5) of the Social Security Act for the AFDC program, and parallel provisions for the other financial assistance programs. This requirement commits the State to have a training program which supports the financial assistance programs under the titles of this regulation.

The final rules also require an annual training plan. The training plan is an operational tool for the State in carrying out its training program. We believe that the training plan will be a useful tool that can be used by the State and Federal staff to monitor, evaluate, and improve the training program.

4. Conditions for FFP—§ 235.63 (§ 205.202(d) in the NPRM)

Comment: There were two objections to requiring schools to have accreditation status as a acondition for providing training for the State agency under grants to educational institutions. One commenter supported this requirement.

Response: We believe that this requirement provides assurance of a basic level of quality, and we have retained it.

Comment: There was objection to the authority of the panel which evaluates grants to terminate a grant. It was felt that this should be a State responsibility.

Response: Mandatory participation by Federal staff in the evaluation process has been deleted. The State agency and educational institution will carry responsibility for this process. Federal staff may be involved in the monitoring of the use of funds for educational grants as part of ongoing technical assistance and consultation responsibilities.

Comment: Under financial assistance to students, use the same language as in title XX policies when those policies are consistent with title XX.

Response: Under § 235.63, financial assistance to students, suggested changes have been made for clarity.

Comment: Allow six-months instead of thirty-days availability for a person to be employed.

Response: It is the intent of these rules that persons trained move into employment upon completion of the training. States are expected to minimize the length of time between completion of training and employment. Under § 235.63(b)(6), the person trained is not required to be available for an offer of employment for a period longer than two months after training is completed.

Comment: Allow the State agency more discretion in determining exemptions from fulfilling commitments after full-time training.

Response: Under § 235.63(b)(1), the State has been allowed more discretion in determining when a person can be exempted from fulfilling a commitment for employment.

5. Activities and Costs Matchable as Training Expenditures—§ 235.64 (§ 205.202(c) in the NPRM)

Comment: Twenty-four commenters opposed the changes in the Federal reimbursement for expenditures in providing in-service training. The complex and changing nature of the financial assistance programs and the lack of formal educational programs to prepare staff for the specific durites of the programs make it necessary for the State agency to assume the major responsibility for training the financial assistance staff.

Response These rules are intended to encourage and strengthen the State agency's training activites. Therefore, the changes that have been made authorize Federal matching funds for most of the same activities funded under the current regulations. Changes from the Notice of Proposed Rule Making allow FFP in: salaries for initial in-service training, salaries for full-time, short-term training of four or more consecutive work weeks, travel and per diem for State agency employees in training sessions away from the work site, and costs of maintaining and operating the agency library.

6. Activities and Costs not Matchable as Training Expenditures—§ 235.65 (§ 205.202(f) in the NPRM)

Comment: Allow FFP in expenditures for attendance at conferences sponsored by profesional organizations.

Response: State staff development personnel may determine that the agenda of a professional conference will provide a useful training experience for selected staff. If such agenda or part of the agenda meets an identified agency training objective as part of the agency's continuing training program, travel and per diem are allowable under § 235.64(b)(2).

Comment: Allow FFP in salaries of students employed in summer work training programs.

Response: Costs of training students in these programs, other than salary costs, are reimbursable as training costs. The value of these programs is not being questioned. However, the primary purposes of such programs, recruitment

and selection, are considered to be administrative expenses rather than training expenses.

7. Sources of State Funds—§ 235.66 (§ 205.202(g) in the NPRM)

Comment: Eliminate restrictions on private donations so that policy will be consistent with title XX policy. This would allow training to be provided by a donor if the donor is a non-profit organization, and it is an independent decision of the State agency to purchase the training.

Response: The provision has not been changed. A change would not comport with the intent of the laws governing the financial assistance programs.

Comment: Allow private donations on the same basis as public donations.

Response: This question will need further study. Previous review of this question resulted in the decision that this change would require legislation.

We carefully considered each comment and suggestion in preparing these final rules. We believe that the issues have been addressed, and that these final rules are responsive to State agency training needs. Accordingly, with these clarifying and editorial changes, these rules are adopted as set forth below.

(Secs. 2, 3, 402, 403, 1002, 1003, 1402, 1403, 1602, and 1603, Social Security Act as amended; 49 Stat. 620 as amended, 49 Stat. 621, as amended, 49 Stat. 627, as amended, 49 Stat. 628 as amended, 49 Stat. 645 as amended, 49 Stat. 646, as amended, 49 Stat. 647, as amended, 64 Stat. 555, as amended, 76 Stat. 198, as amended, 76 Stat. 200, as amended; 42 U.S.C. 302, 303, 602, 603, 1202, 1203, 1302, 1352, 1353, 1382, and 1383)

(Catalog of Federal Domestic Assistance program No. 13.761, Public Assistance State and Local Training)

Dated: February 25, 1980.

William J. Driver,

Commissioner of Social Security.

Approved: April 30, 1980.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

Part 205 and Part 235, Chapter II, Title 45 of the Code of Federal Regulations are amended as set forth below:

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

1. Section 205.202 is amended by adding introductory text and by revising the introductory text of paragraph (a) to read as follows:

§ 205.202 Staff development.

These rules apply only to the social services programs in Guam, Puerto Rico, and the Virgin Islands. Rules for the financial assistance programs under title I, IV–A, X, XIV, or XVI (AABD) in all jurisdictions are found in Part 235, §§ 235.60–235.66 of this title.

(a) *State plan requirements.* A State plan for social services programs in Guam, Puerto Rico, or the Virgin Islands under title I, IV–A, X, XIV, or XVI (AABD) of the Social Security Act must provide for a staff development program for personnel in all classes of positions and for volunteers, to improve the operation of the State program and to assure a high quality of service including:

* * * * *

PART 235—ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

2. Part 235 is amended by adding new §§ 235.60 through 235.66 to read as follows:

Sec.
235.60 Federal financial participation (FFP) for State and local training.
235.61 Definition of terms.
235.62 State plan requirements for training programs.
235.63 Conditions for FFP.
235.64 FFP rates, and activities and costs matchable as training expenditures.
235.65 Activities and costs not matchable as training expenditures.
235.66 Sources of State funds.

§ 235.60 Federal financial participation (FFP) for State and local training.

Sections 235.61 through 235.66 contain (a) State plan requirements for training programs and (b) conditions for Federal financial participation (FFP) for training costs under the State plans. These sections apply to the State plans for the financial assistance programs in all jurisdictions under title I, IV–A, X, XIV, or XVI (AABD) of the Social Security Act.

§ 235.61 Definition of terms.

For purposes of §§ 235.60–235.66—

"Act" means the Social Security Act, as amended.

"A grant to an educational institution" means payments to an educational institution for services rendered under a time limited agreement between the State agency and the eligible educational institution which provides for the training of State or local agency employees or persons preparing for employment with the State or local agency.

"A training program" is the method through which the State agency carries out a plan of educational and training activities to improve the operation of its programs.

(a) *"Initial in-service training"* means a period of intensive, task-oriented training to prepare new employees to assume job responsibilities.

(b) *"Continuing training"* means an on-going program of training planned to enable employees to (1) reinforce their basic knowledge and develop the required skills for the performance of specific functions, and (2) acquire additional knowledge and skill to meet changes such as enactment of new legislation, development of new policies, or shifts in program emphasis.

(c) *"Full-time training"* means training that requires employees to be relieved of all responsibility for performance of current work to participate in a training program.

(d) *"Part-time training"* means training that allows employees to continue full time in their jobs or requires only partial reduction of work activities to participate in a training program outside of the State or local agency.

(e) *"Long-term training"* means training for eight consecutive work weeks or longer.

(f) *"Short-term training"* means training for less than eight consecutive work weeks.

"FFP or Federal financial participation" means the Federal government's share of expenditures made by a State or local agency under a training program.

"Fringe benefits" means the employer's share of premiums for industrial compensation, employee's retirement, unemployment compensation, health insurance, and similar expenses.

"Persons preparing for employment" means individuals who are not yet employed by the State or local agency, but who have received financial assistance from the State agency for training, and have made a legally binding commitment with the State or local agency for future employment under the conditions of these regulations.

"Stipend" means the basic living allowance paid to a student.

§ 235.62 State plan requirements for training programs.

A State plan under title I, IV–A, X, XIV, or XVI (AABD) of the Act must provide for a training program for agency personnel and for persons preparing for employment. The training program must—

(a) Include initial in-service training for newly appointed staff, and continuing agency training opportunities to improve the operation of the program. The training program may also include

short-term and long-term training at educational institutions through grants to institutions or by direct financial assistance to students enrolled in institutions who are agency employees or persons preparing for employment with the State or local agency;

(b) Be related to job duties performed or to be performed by the persons trained, and be consistent with the program objectives of the agency; and

(c) Be described in an annual training plan prepared prior to the beginning of the fiscal year. Copies of the training plan shall be made available upon request to the Regional Office of Family Assistance for review by the Federal staff.

§ 235.63 Conditions for FFP.

(a) *Who may be trained.* FFP is available only for training provided personnel employed in all classes of positions, volunteers, and persons preparing for employment by the State or local agency administering the program.

(b) *When FFP is available.* FFP is available for personnel employed and persons preparing for employment by the State or local agency provided the following conditions are met, and with the following limitations:

(1) Employees in full-time, long-term training make a commitment to work in the agency for a period of time equal to the period for which financial assistance is granted. A State agency may exempt an employee from fulfilling this commitment only if failure to continue in employment is due to death, disability, employment in a financial assistance program in a public assistance agency in another State, or other emergent circumstances determined by the single State agency head to be valid for exemption;

(2) An employee retains his or her rights and benefits in the agency while on full-time, long-term training leave;

(3) Persons preparing for employment are selected by the State agency and accepted by the school;

(4) Persons preparing for employment are pursuing educational programs approved by the State agency;

(5) Persons preparing for employment are committed to work for State or local agency for a period of time at least equal to the period for which financial assistance is granted if employment is offered within 2 months after training is completed;

(6) The State or local agency offers the individual preparing for employment a job upon completion of training unless precluded by merit system requirements, legislative budget cuts, position freezes, or other circumstances beyond the agency's control; and if unable to offer employment, releases the individual from his or her commitment;

(7) The State agency keeps a record of the employment of persons trained. If the persons are not employed by the State or local agency, the record specifies the reason for non-employment;

(8) The State agency evaluates the training programs; and

(9) Any recoupment of funds by the State from trainees failing to fulfill their commitment under this section shall be treated as a refund and deducted from total training costs for the purpose of determining net costs for FFP.

(c) *Grants to educational institutions.* FFP is available in payments for services rendered under grants to educational institutions provided all of the following conditions are met:

(1) Grants are made for the purpose of developing, expanding, or improving training for personnel employed by the State or local agency or preparing for employment by the State or local agency administering the program. Grants are made for an educational program (curriculum development, classroom instruction, field instruction, or any combination of these) that is directly related to the agency's program. Grants are made for not more than 3 years, but may be renewed, subject to the conditions of this section;

(2) Grants are made to educational institutions and programs that are accredited by the appropriate institutional accrediting body recognized by the U.S. Commissioner of Education. When a specialized program within the institution for which there is a specialized accrediting body is used, that program must be accredited by or have pre-accreditation status from that body. (Part 149 of this title explains the requirements and procedures for obtaining recognition as an accrediting agency or association. Lists of currently recognized accrediting bodies are published in the **Federal Register** periodically. *See also Nationally Recognized Accrediting Agencies and Associations* published by the Office of Education);

(3) The State agency has written policies establishing conditions and procedures for such grants;

(4) Each grant describes objectives in terms of how the educational program is related to the financial assistance programs and how it is designed to meet the State or local agency's manpower needs; and

(5) An evaluation of the educational program funded by each grant is made no later than the close of the second year of the grant. The evaluation shall be conducted by representatives from the educational institution and the State agency to determine whether conditions and objectives described in the grant are being met. If the educational program does not meet these conditions and objectives, payment shall be terminated no later than the close of the second year of the grant.

§ 235.64 FFP rates, and activities and costs matchable as training expenditures.

Under title I, IV-A, X, XIV, or XVI (AABD) of the Act, FFP is available at the rate of 75 percent* for the following costs:

(a) Salaries, fringe benefits, travel and per diem for—

(1) Staff development personnel (including support staff) assigned full time to training functions and;

(2) Staff development personnel assigned part time to training functions to the extent time is spent performing such functions.

(b) For agency training sessions, FFP is available for—

(1) Salaries, fringe benefits, travel and per diem for employees in initial in-service training of at least one week;

(2) Travel and per diem for employees in agency training sessions away from the employee's work site, or in institutes, seminars or workshops related to the job and sponsored by professional organizations;

(3) Salaries, fringe benefits, travel and per diem for experts outside the agency engaged to develop or conduct special programs; and

(4) Costs of space, postage, teaching supplies, purchase or development of teaching material and equipment, and costs of maintaining and operating the agency library as an essential resource to the agency's training program.

(c) For training and education outside of the agency, FFP is available for—

(1) Salaries, fringe benefits, dependency allowance, travel, tuition, books, and educational supplies for employees in full-time, long-term training programs (with no assigned agency duties);

(2) Salaries, fringe benefits, travel, tuition, books, and educational supplies for employees in full-time, short-term training programs of four or more consecutive work weeks;

(3) Travel, per diem, tuition, books and educational supplies for employees

*However, for title IV-A in Guam, Puerto Rico, and the Virgin Islands, FFP is available at the rate of 60 percent.

in short-term training programs of less than four consecutive work weeks, or part-time training programs; and

(4) Stipends, travel, tuition, books and educational supplies for persons preparing for employment with the State or local agency.

(d) FFP is available for payments to educational institutions, as described in § 235.63(c) for salaries, fringe benefits, and travel of instructors, clerical assistance, teaching materials and equipment.

§ 235.65 Activities and costs not matchable as training expenditures.

FFP is not available for the following expenditures as training costs; however, the expenditures described in this section may be matched as administrative costs, if conditions for such matching are met:

(a) Salaries of supervisors (day-to-day supervision of staff is not a training activity); and

(b) Employment of students on a temporary basis, such as in the summertime.

§ 235.66 Sources of State funds.

(a) *Public funds.* Public funds may be considered as the State's share in claiming Federal reimbursement where the funds—

(1) Are appropriated directly to the State or local agency, or transferred from another public agency (including Indian tribes) to the State or local agency and under its administrative control, or certified by the contributing public agency as representing expenditures eligible for FFP under §§ 235.60–235.66;

(2) Are not used to match other Federal funds; and

(3) Are not federal funds, or are Federal funds authorized by Federal law to be used to match other Federal funds.

(b) *Private funds.* Funds donated from private sources may be considered as the State's share in claiming Federal reimbursement only where the funds are—

(1) Transferred to the State or local agency and under its administrative control;

(2) Donated without any restriction which would require their use for the training of a particular individual or at particular facilities or institutions; and

(3) Do not revert to the donor's facility or use.

[FR Doc. 80-13797 Filed 5-5-80; 8:45 am]
BILLING CODE 4110-07-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Commission Organization; Reflecting Change in Organizational Title Concerning the Certificate of Compliance Division of the Cable Television Bureau

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the Commission's Rules to incorporate a change in the organization of the Cable Television Bureau. The revision is caused by the Commission's action in September to eliminate the certificate of compliance process for cable television systems.

EFFECTIVE DATE: May 12, 1980.

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

FOR FURTHER INFORMATION CONTACT: Charles Marietta, Jr., Office of Executive Director, (202) 632-7513.

Adopted: April 21, 1980.

Released: April 23, 1980.

1. In September 1976, the Commission eliminated the certificate of compliance process for cable television systems. As a result, the title and functions of the Certificate of Compliance Division are being revised. Part 0 is being changed to reflect the new title.

2. The newly-named Compliance Division has general responsibility for enforcing cable television regulations, ensuring annual reports by cable system operators, and providing consumer assistance in cases of inquiries and complaints.

3. The amendment adopted herein is editorial and pertains to agency procedure and practice. The prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are therefore inapplicable. Authority for the amendment adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended.

4. In view of the foregoing, IT IS ORDERED, effective May 12, 1980, that Part 0 of the Rules and Regulations is amended as set forth in the Appendix hereto.

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

R. D. Lichtwardt,
Executive Director.

Appendix

Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations is hereby amended as indicated below.

1. Section 0.84 is amended to read:

§ 0.84 Units in the Bureau.

The Cable Television Bureau is comprised of the following units:

(a) Office of the Bureau Chief
(b) Policy Review and Development Division
(c) Research Division
(d) Special Relief and Microwave Division
(e) Records and Systems Management Division
(f) Compliance Division

§§ 0.85, 0.86, 0.87, 0.88, 0.89, and 0.90 [Deleted].

2. Sections 0.85, 0.86, 0.87, 0.88, 0.89, and 0.90 are deleted.

[FR Doc. 80-13772 Filed 5-5-80; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-155; RM-3261 and RM-3469]

FM Broadcast Station in Mountain Home, Ark.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: Action taken herein assigns Channel 288A to Mountain Home, Arkansas, as that community's second FM assignment, in response to a petition filed by Tri-Rivers Broadcasting Company, Inc. Further action denies the counterproposal of Mountain Valley Broadcasters, Inc., to assign Channel 282 to Mountain Home.

EFFECTIVE DATE: June 9, 1980.

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

FOR FURTHER INFORMATION CONTACT: Molly Pauker, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Mountain Home, Arkansas). BC Docket No. 79-155 RM-3261 RM-3469. Report and order. (Proceeding Terminated).

Adopted: April 23, 1980.

Released: April 30, 1980.

By the Chief, Policy and Rules Division.

1. By *Notice of Proposed Rule Making*, 44 Fed. Reg. 37518, June 27, 1979, the

Commission proposed to assign Channel 288A to Mountain Home, Arkansas, as that community's second FM service, in response to a petition from Tri-Rivers Broadcasting Company, Inc. ("Tri-Rivers"). Mountain Valley Broadcasters, Inc. ("Mountain Valley"), filed a counterproposal seeking instead the assignment of Channel 282 to Mountain Home. Tri-Rivers filed comments and reply comments, affirming its intention to apply for Channel 228A, if assigned, and opposing Mountain Valley's counterproposal. Mountain Valley filed reply comments affirming its intention to apply for Channel 282, if assigned, and purporting to justify the assignment of a Class C channel to Mountain Home. Marshall Broadcasting Company filed a letter opposing the assignment of Channel 282 to Mountain Home and stating its interest in assigning Channel 282 at Marshall, Arkansas, as an alternative.[1]

2. Mountain Home (pop. 3,939),[2] seat of Baxter County (pop. 15,319) is located in north central Arkansas, 173 kilometers (108 miles) north of Little Rock. Mountain Home is currently served by Stations KLTO(AM) and KLTO-FM (Channel 252A). Channels 282 and 288A can be assigned to Mountain Home in compliance with the minimum distance separation requirements.

3. As a preliminary matter, Tri-Rivers objected to the assignment of Channel 282 to Mountain Home because this would conflict with the proposed substitution of Channel 285A for Channel 244A at Thayer, Missouri. See *Poplar Bluff, Mo.*, Dkt. 78-188, 45 Fed. Reg. 21636 (1980). However, we resolved this conflict by the assignment of Channel 296A to Thayer instead of Channel 288A. Tri-Rivers raises the argument that Mountain Valley's pleading is not properly a counter-proposal, because both Channel 282 and Channel 288A could be assigned to Mountain Home without conflict. However, there are factors, such as population criteria and intermixture, which the two proposals have in common making joint consideration appropriate.

4. With respect to the assignment of Channel 288A to Mountain Home, preclusion would occur on the co-channel only, and no communities of over 1,000 population would sustain preclusion. Tri-Rivers, in response to the *Notice*, provided a *Roanoke Rapids* showing which indicated that negligible first FM and second nighttime aural service could be provided by its proposed facility, though second FM service could be provided to 6,770 persons within a 680 square kilometer (258 square miles) area and a second nighttime aural service could be provided to 5,747 people in a 600 square kilometer (230 square mile) area.[3]

5. Mountain Valley's proposed assignment would cause preclusion on Channels 282 and 285A. The communities affected would be Marshall, Arkansas (pop. 1,397) with a daytime-only AM station; West Plains, Missouri (pop. 7,100), with both AM and FM assignments; and Mountain View, Missouri (pop. 1,320), with no local aural service. We have not been afforded adequate showing that other channels are available for assignment to Marshall or Mountain View. Mountain Valley suggests that Channel 249A could be assigned to Marshall; however, with the site limitation which would be required, 10.5 kilometers (6.5 miles) north of Marshall, it it not at all clear that city-grade coverage could be provided to the entire community, given the mountainous terrain. Mountain Valley's showing of first and second FM and nighttime aural service is inadequate, because it has not taken into account several substandard stations and unoccupied assignments under *Roanoke Rapids*[4] criteria.[5] In the instant case, a showing of significant first and second service would be essential to our making an exception to our policies against intermixture,[6] and against assigning high-powered channels to smaller communities.

6. We believe that the assignment of a second Class A channel to Mountain Home, as Tri-Rivers requests, would be appropriate. Mountain Home's need for increased broadcast service can be met by a competing station of facilities comparable to the existing Class A station. However, to justify the assignment of a higher-powered facility either as a second or third assignment, our concerns of intermixture, preclusion impact and lack of need for a wide coverage area station would have to be overcome. In this regard, Mountain Valley failed to demonstrate first or second services accurately enough for us to confirm any such service. It was alleged that the proposed service area is the fastest growing area in Arkansas, and now has 90,000 population. However, we have not been shown that this area is actually underserved. Further, as for preclusion, we have not been shown that alternative channels are available for assignment to Marshall, Arkansas, or Mountain View, Missouri. Finally, if we were to treat the Mountain Valley requests as a third assignment proposal for Mountain Home, we would also need to minimize the preclusive impact on affected communities. See *Waycross, Ga.*, Dkt. 79-149, 45 FR 25806 (1980); and *Poplar Bluff, Mo.*, Dkt. 78-188, 45 FR 21636 (1980). Therefore, having found insufficient justification for a Class C assignment, we have denied the request of Mountain Valley.

7. Nevertheless, this action is taken without prejudice to Mountain Valley seeking to refile the request to overcome the policy problems we have indicated. In particular, such a showing should include an accurate *Roanoke Rapids* study, as detailed in foot note 6, *supra*.[7]

8. Accordingly, pursuant to authority contained in sections 4(i), 4(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, *it is ordered*, That effective June 9, 1980, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended with respect to Mountain Home, Arkansas, as follows:

City	Channel No.
Mountain Home, Arkansas	252A, 288A

9. *It is further ordered*, That the counterproposal of Mountain View Broadcasters, Inc., to assign Channel 282 to Mountain Home, Arkansas, is denied.

10. *It is further ordered*, That this proceeding is terminated.

11. For further information concerning this proceeding, contact Molly Pauker, Broadcast Bureau, (202) 632-7792.

[1] Zero Broadcasting, Inc. ("Zero") subsequently petitioned for the assignment of Channel 282 to Marshall (RM-3560) and stated that it would apply for the channel if assigned to Marshall. The proposal was submitted too late to be considered in this proceeding even though it is mutually exclusive. It will be considered in a later proceeding.

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

[3] Tri-Rivers' figures for second nighttime aural service should be cut in half since it did not properly take into account the signal of KAAY(AM), Little Rock.

[4] See 9 F.C.C. 2d 672 (1967).

[5] A proper *Roanoke Rapids* study by Mountain Valley should have taken into account unused Channel 272A, assigned to West Plains, Missouri; the larger of the facilities applied for on Channel 226 in Batesville, Arkansas; reasonable facilities for Station KHOZ and unused Channel 224A in Harrison, Arkansas; reasonable facilities for Station KAMS, Mammouth Springs, Arkansas; the facilities applied for on Channel 277, Mountain View, Arkansas; and reasonable facilities for Station KSAR, Salem, Arkansas.

[6] See Fayetteville, Arkansas, Dkt. 19879, *Second Report and Order*, 43 Fed. Reg. 36104, released August 15, 1978.

[7] In this regard, Mountain Valley should follow the progress of the proceeding involving a request for Channel 282 at Marshall, Arkansas. See footnote 1, *supra*.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-13791 Filed 5-5-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-3; RM-3517]

FM Broadcast Station in Paxton, Ill.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns a Class A FM channel to Paxton, Illinois, in response to a petition filed by Roger C. Elliott. The channel can be used to provide a first local aural broadcast service to the community.

EFFECTIVE DATE: June 6, 1980.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Paxton, Illinois). BC Docket No. 80-3 RM-3517. Report and Order (Proceeding terminated).

Adopted: April 18, 1980.

Released: April 25, 1980.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, adopted January 8, 1980, 45 Fed. Reg. 3941, in response to a petition filed by Roger C. Elliott ("petitioner"), which proposed the assignment of FM Channel 285A to Paxton, Illinois. Supporting comments were filed by petitioner in which he stated he will promptly apply for the channel, if assigned. No oppositions to the proposal have been received.

2. Paxton (pop. 4,373),[1] in Ford County (pop. 16,382), is located approximately 116 kilometers (72 miles) east of Peoria, Illinois. It has no local aural broadcast service.

3. Petitioner states the economic status of Paxton is stable and promising. He previously submitted demographic data with respect to Paxton which is persuasive as to its need for a first FM assignment.

4. The Commission believes it would be in the public interest to assign Channel 285A to Paxton, Illinois. The channel could provide for a first local aural broadcast service to the community. The assignment can be made in conformity with the minimum distance separation requirements.

5. Accordingly, *it is ordered*, That effective June 6, 1980, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to the community listed below as follows:

City	Channel No.
Paxton, Illinois	285A

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

7. *It is further ordered*, That this proceeding is terminated.

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

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Brueau.

[FR Doc. 80-13792 Filed 5-5-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-2; RM-3515]

FM Broadcast Station in Bloomfield, Iowa; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns a Class A FM channel to Bloomfield, Iowa, in response to a petition filed by Robert L. McDavid. The channel could provide a first local aural broadcast service to the community.

EFFECTIVE DATE: June 9, 1980.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Bloomfield, Iowa) BC Docket No. 80-2 RM-3515. *Report and order* (Proceeding Terminated).

Adopted: April 23, 1980.

Released: April 30, 1980.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 45 Fed. Reg. 3940, adopted January 8, 1980, proposing the assignment of Channel 292A as a first FM assignment to Bloomfield, Iowa. The *Notice* was issued in response to a petition filed by Robert L. McDavid ("petitioner"). Petitioner filed supporting comments reaffirming his intention to file for the channel, if assigned.

2. Bloomfield (pop. 2,817),[1] seat of Davis County (pop. 8,207), is located approximately 74 kilometers (46 miles) north of Kirksville, Missouri, and approximately 32 kilometers (20 miles) south of Ottumwa, Iowa.

3. Petitioner has submitted sufficient information which is persuasive as to its need for a first local aural broadcast service in Bloomfield.

4. We believe it would be in the public interest to assign Channel 292A to Bloomfield, Iowa. An interest has been shown for its use, and the assignment would provide for an FM station which could render a first local aural broadcast service to the community.

5. In view of the foregoing, *it is ordered*, That effective June 9, 1980, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended to read as follows for the community listed below:

City	Channel No.
Bloomfield, Iowa	292A

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

7. *It is further ordered*, That this proceeding is terminated.

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

(Secs. 4, 5, 503, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-13793 Filed 5-5-80; 8:45 am]

BILLING CODE 6712-01-M

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

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

47 CFR Part 73

[BC Docket No. 80-24; RM-3527]

Radio Broadcast Services FM Broadcast Station in Boyce, La.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns a Class A FM channel to Boyce, Louisiana, in response to a petition filed by Robert Allen. The channel can be used to provide a first local aural broadcast service to the community.

EFFECTIVE DATE: June 6, 1980.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: April 18, 1980.

Released: April 25, 1980.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, adopted January 22, 1980, 45 FR 6970, in response to a petition filed by Robert Allen ("petitioner"), which proposed the assignment of FM Channel 252A to Boyce, Louisiana. Supporting comments were filed by petitioner reaffirming his intention to apply promptly for the channel, if assigned. No oppositions to the proposal have been received.

2. Boyce (pop. 1,240),[1] in Rapides Parish, is located on the west bank of the Red River, approximately 161 kilometers (100 miles) southeast of Shreveport, Louisiana. It has no local aural broadcast service.

3. Petitioner previously stated that Boyce's commercial and service economy consists of a strip of highway commercial development, a central business district and a small percentage of scattered neighborhood developments. Petitioner submitted sufficient information with respect to Boyce and its need for a first FM assignment.

4. We believe the public interest would be served by the assignment of FM Channel 252A to Boyce, Louisiana. An interest has been expressed in its use, and such an assignment could provide the community with a first local aural broadcast service.

5. In view of the foregoing, it is ordered, that effective June 6, 1980, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, as regards the community listed below, is amended as follows:

City	Channel No.
Boyce, Louisiana	252A

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

7. It is further Ordered, that this proceeding is terminated.

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

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

Federal Communcations Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-13794 Filed 5-5-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figure taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 78-364; RM-2936, RM-2968, and RM-2988]

Radio Broadcast Services FM Broadcast Station in Grand Rapids and Hibbing, Minn.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes a Class C channel for the Class A channel at Grand Rapids, Minnesota, and assigns a Class C channel to Hibbing, Minnesota, as that community's second FM assignment, in response to petitions of Grand Rapids Radio, Inc., and Jerry J. Collins, respectively. These assignments could also provide substantial first and second FM service to outlying areas.

EFFECTIVE DATE: June 6, 1980.

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

FOR FURTHER INFORMATION CONTACT: Molly Pauker, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Adopted: April 21, 1980.

Released: April 28, 1980.

By the Chief, Policy and Rules Division.

1. By *Notice of Proposed Rule Making and Order to Show Cause*, 43 FR 53475, November 16, 1978, the Commission solicited comments on four alternative plans concerning the assignment of FM channels to Grand Rapids and Hibbing, Minnesota, as follows:

	Grand Rapids	Hibbing
Present	244A	292A
Proposed:		
Plan I	228A, 244A	269A, 292A
Plan II	244A, 252A	269A, 292A
Plan III	245, 282	230, 271
Plan IV	244A, 252A	230, 271

The *Notice* was adopted in response to petitions filed by (1) Itasca Broadcasting Company ("Itasca"), licensee of fulltime AM Station KOZY, Grand Rapids, seeking the assignment of a second commercial FM channel to Grand Rapids (RM-2936); (2) Jerry J. Collins ("Collins"), licensee of daytime-only AM Station WKKQ, Hibbing, seeking the assignment of a second FM channel, Channel 230, to Hibbing (RM-2968); and (3) Grand Rapids Radio, Inc. ("GRR"), licensee of Station KXGR (Channel 244A), Grand Rapids, seeking substitution of Channel 245 for its present assignment (RM-2988). Since Plans III and IV would require the licensee currently using Channel 292A, Hibbing Broadcasting Co. ("HBC"), licensee of Station WMFG-FM, Hibbing, to substantially improve its facilities in order to avoid intermixture of Class A and Class C channels at Hibbing, the *Notice* solicited comment from HBC as to its willingness to undertake such modification. Comments and replies were filed by Collins, GRR, HBC, Iron Range Broadcasting, Inc. ("Iron Range"), licensee of Stations WEVE(AM) and WEVE-FM (Channel 261A), Eveleth, Minnesota, and Sorenson Broadcasting Corporation ("Sorenson"), replacing Itasca as party in interest.[1]

2. Grand Rapids (pop. 7,247),[2] seat of Itasca County (pop. 35,530), is located 256 kilometers (160 miles) north of Minneapolis, Minnesota. Grand Rapids is currently served by noncommercial educational Station KAXE(FM) (Channel 219C), by commercial station (KXGR(FM) (Channel 244A)) and fulltime AM Station KOZY. Hibbing (pop. 16,104),[3] located in St. Louis

[1] On November 8, 1978, Sorenson purchased the broadcast facilities of Station KOZY(AM).

[2] Population figures are based on 1970 U.S. Census.

[3] WKKQ, Inc., through Collins, brings to our attention that since the filing of comments in this proceeding, the Minnesota Municipal Board authorized the annexation of the town of Stuntz (1975 pop. 5,229, according to Collins) by Hibbing.

County (pop. 220,693), is 48 kilometers (30 miles) northeast of Grand Rapids and 96 kilometers (60 miles) northwest of Duluth, Minnesota. Hibbing is currently served by Stations WMFG(AM) and WMFG–FM (Channel 292A), and daytime-only AM Station WKKQ.

3. In comments and reply comments, Sorenson, licensee of various South Dakota stations, stated that it has entered into a contract with Itasca for the purchase of Station KOZY. Initially affirming an interest in applying for a Grand Rapids station, Sorenson later stated that it is no longer interested in a Grand Rapids FM station.

4. Several parties, including HBC, in response to the *Order to Show Cause*, have pointed out that Commission policy against multiple ownership would prevent HBC from upgrading its facility at Hibbing.[4] Frank P. and Claire C. Befera are said to have control and ownership of HBC and Virginia Broadcasting Co., licensee of Station WHLB–FM (Channel 296A), Virginia, Minnesota.[5] Virginia is 32 kilometers (20 miles) from Hibbing, and HBC operates Station WMFG–FM with substandard Class A facilities (600 W at 61 meters (200 feet) HAAT) in order to avoid overlap of the 1 mV/m contours. Unless granted a waiver of the duopoly rule, HBC cannot increase its facilities to Class C, as proposed in Plans III and IV.[6] Therefore, we are left with two proposals, a Class C assignment for Hibbing as a second channel and a Class C channel in place of a Class A channel for Grand Rapids.

Hibbing Proposal (RM–2968)

5. If the Commission were to grant the Collins petition and assign an additional channel (Class C) to Hibbing, HBC asserts that the resulting intermixture would pose an economic threat to its operation. Collins responds that the Beferas, with a total of four stations (two AM and two FM) in Hibbing and Virginia, are in fact in a competitively strong position in the area. Nevertheless, we are generally wary of assigning a high-powered channel to a community where a low-powered facility is already in operation. However, there have been instances where other public interest factors outweighed our concerns regarding intermixture. For example, in *Lewiston, Idaho*, Dkt. 78–25, *Report and Order*, 45 Fed. Reg. 13078, we held that a showing of substantial second nighttime aural service better served the public interest than preservation of the economic interest of a multiple owner. In *Fayetteville, Ark.*, Dkt. 19879, *Second Report and Order*, 43 Fed. Reg. 36104, released August 15, 1978, we announced that provision of first or second aural service is a higher priority than avoidance of intermixture. In the instant case, we would likewise be inclined to favor efficient frequency utilization over protection of HBC's competitive position, were we shown that first or second FM service could be provided to a significant number of people. This approach stems initially from the consideration that a Class C channel appears appropriate to Hibbing, particularly in view of its significance as a major city in the area. Collins argues that a Class C facility would provide substantial first and second services. However, its engineering data was inaccurate, prompting the staff to conduct its own *Roanoke Rapids*[7] study for Hibbing. A Class C assignment at Hibbing would provide first FM service to a significant population in an area of 3,620 square kilometers (1,398 square miles) which includes the communities of Sturgeon Lake (pop. 167), and Cook (pop. 687); and second FM service to a 308 square kilometer (119 square miles) area which includes the communities of Grand Rapids (pop. 7,247), Keewatin (pop. 1,382), Hibbing (pop. 16,104), and Chisholm (pop. 5,913).[8] While we remain concerned about intermixture, we believe that, on balance, the amount of first and second service which could be provided by a Class C assignment at Hibbing, weighs more heavily in favor of the assignment in terms of public interest considerations.

6. Sorenson, HBC and Iron Range favor assignments of Class A channels exclusively to both Hibbing and Grand Rapids, because the preclusive impact would be less. However, preclusion does not appear significant with the assignment of these Class C channels. Collins submitted a list of alternative available channels for each of the communities which the *Notice* stated would sustain preclusion, should Channel 230 be assigned to Hibbing. GRR suggested alternative channels for most of the communities listed in the *Notice* should Channel 245 be substituted for Channel 244A in Grand Rapids, with the exception of Two Harbors (pop. 4,437) and Buhl (pop. 1,303), which it argued would not in fact sustain preclusion. However, Collins did indicate an alternative channel for Two Harbors. Buhl would be precluded on Channel 246, but it is currently precluded by Channel 244A at Grand Rapids in any event. GRR also stated that the precluded community of Proctor (pop. 3,123) is wholly contained in the Duluth-Superior urbanized area and is therefore already sufficiently served.

Grand Rapids Proposal (RM–2988)

7. As for Grand Rapids, the staff also had to conduct its own study due to serious deficiencies in GRR's showing. A Class C channel would provide first FM service to a significant population in an area of 6,174 square kilometers (2,384 square miles),[9] which includes the communities of Deer River (pop. 815), Remer (pop. 403), Hill City (pop. 357); and second FM service to an area of 1,730 square kilometers (668 square miles) which includes Hibbing (pop. 16,104), Keewatin (pop. 1,382), Chisholm (pop. 5,913), and Floodwood (pop. 650).[10] The magnitude of sparsely populated rural areas outside the community itself which would be served by a Class C channel located at Grand Rapids would justify assignment of a Class C channel there.

8. Given the minor preclusive impact of the assignment of Class C channels to Grand Rapids as well as the relatively large areas of potential first and second FM service, we are inclined to assign the Class C channel. GRR has made an adequate showing that the public interest would be served by the assignment of a Class C channel, even though the community is small, because the sparsely populated outlying areas which would be covered are relatively large. Since Sorenson has indicated that neither it nor Itasca is interested in applying for an FM channel, it is not necessary for us to assign two FM channels to Grand Rapids. Channel 245 can be substituted for Channel 244A in Grand Rapids at the present site of Station KXGR in full compliance with the spacing rules. Channel 230 can be assigned to Hibbing in compliance with the spacing rules. Also, as to the Grand Rapids Class C assignment, no other

[4] See Section 73.240(a) of the Commission's Rules.

[5] Former call letters are WIRN.

[6] As HBC points out, it is unlikely that the Commission would grant a waiver, absent compelling public interest reasons, especially where the grant of an alternative application would not violate the duopoly rule. See *Piedmont Service Corp.*, 43 FR 45475, October 2, 1978; and *Town and Country Radio*, 65 F.C.C. 2d 694 (1977).

[7] 9 F.C.C. 2d 672 (1972).

[8] Also, Collins asserts that a Class C channel at Hibbing would serve at least the approach area to the Bois Forte Reservation at Nett Lake, Minnesota, which could improve relations between Hibbing and the native American population. Collins has attached a supporting letter from the Bois Forte Reservation Business Community to his comments.

[9] This is in addition to 1,720 square kilometers (644 square miles) currently served by the Class A channel at Grand Rapids.

[10] There is a substantial area, which, if Class C channels were assigned to both Hibbing and Grand Rapids, could progress from no present FM service to reception of two signals.

interest in the new channel has been expressed. Therefore, we shall approve a modification of the license for Station KXGR to specify Channel 245 at Grand Rapids.

9. Canadian concurrence in these assignments has been obtained.

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

11. In view of the foregoing, *it is ordered*, That effective June 6, 1980, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, as regards Grand Rapids and Hibbing, Minnesota, is amended as follows:

City	Channel No.
Grand Rapids, Minnesota	245
Hibbing, Minnesota	230, 292A

12. *It is further ordered*, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license of Station KXGR, Grand Rapids, Minnesota, is modified, effective June 6, 1980, to specify operation on Channel 245 instead of Channel 244A. The licensee shall inform the Commission in writing no later than June 6, 1980, of its acceptance of this modification. Station KXGR may continue to operate on Channel 244A for one year from the effective date of this action or until it is ready to operate on Channel 245, or the Commission sooner directs, subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 245 the licensee of Station KXGR shall submit to the Commission the technical information normally required of an applicant for Channel 245 including that connected with a change in transmitter site.

(b) At least 10 days prior to commencing operation on Channel 245, the licensee of Station KXGR shall submit the measurement data required of an applicant for a broadcast station license; and

(c) The licensee of Station KXGR shall not commence operation on Channel 245 without prior Commission authorization.

13. *It is further ordered*, That the petition of Itasca Broadcasting Company for a second FM channel to Grand Rapids, Minnesota, is dismissed.

14. *It is further ordered*, That this proceeding is terminated.

15. For further information concerning this proceeding, contact Molly Pauker, Broadcast Bureau (202) 632–6302.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-13795 Filed 5-5-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-21 ; RM-3478]

Radio Broadcast Services FM Broadcast Station in Commerce, Tex.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns a Class A FM channel to Commerce, Texas, in response to a petition filed by FIRSTation Radio. The assigned channel can provide a first local commercial broadcast service to the community.

EFFECTIVE DATE: June 6, 1980.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: April 18, 1980.

Released: April 25, 1980.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, adopted January 18, 1980, 45 FR 6633, in the above-entitled proceeding, instituted in response to a petition filed by FIRSTation Radio ("petitioner"). The petition proposed the assignment of Channel 221A to Commerce, Texas, as a first commercial FM assignment to that community. Petitioner reaffirmed its intention to file for the channel, if assigned. No oppositions to the proposal were filed.

2. Commerce (pop. 9,534)[1] in Hunt County (pop. 46,564), is located approximately 106 kilometers (66 miles) east northeast of Dallas, Texas. It is served locally by noncommercial educational FM Station KETR (Channel 206), licensed to East Texas State University. Commerce has no local commercial broadcast service.

3. Petitioner states that Commerce is the second largest city in Hunt County. In support of its proposal, petitioner has submitted information with respect to Commerce in order to demonstrate its need for a first commercial FM assignment.

4. Since it has been shown that there is a need and demand for a commercial FM assignment in Commerce, and that the proposed station would provide a first local commercial broadcast service to the community, we conclude that the public interest would be served by making this assignment.

5. Accordingly, IT IS ORDERED, That effective June 6, 1980, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, IS AMENDED with regard to the community listed below:

City	Channel No.
Commerce, Texas	221A

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

7. *It is further ordered*, That this proceeding is TERMINATED.

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

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-13796 Filed 5-5-80; 8:45 am]

BILLING CODE 6712-01-M

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

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1425]

The Atchison, Topeka & Santa Fe Railway Co. Authorized To Transport Grain in Covered Hopper Cars to Mexico at Reduced Carload Minimum Weights

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1425.

SUMMARY: This order amends Service Order No. 1425 which authorized the Atchison, Topeka and Santa Fe Railway Company to transport grain in covered hopper cars to Mexico at reduced carload minimum weights, by extending the expiration date until 11:59 p.m., July 31, 1980.

DATES: Effective date: 11:59 p.m., April 30, 1980. Expiration date: 11:59 p.m., July 31, 1980.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided April 29, 1980.

Upon further consideration of Service Order No. 1425 (45 FR 7551), and good cause appearing therefor:

It is ordered,

§ *1033.1425 The Atchison, Topeka and Santa Fe Railway Company authorized to transport grain in covered hopper cars to Mexico at reduced carload weights.* Service Order No. 1425 is amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1980, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1980.

This action is taken under authority of 49 U.S.C. 10304–10305 and 11121–11126.

This amendment 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. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-13896 Filed 5-5-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Service Order No. 1399]

Pend Oreille Valley Railroad, Inc., Authorized To Operate Over Tracks Formerly Operated by Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Revised Service Order No. 1399.

SUMMARY: Revised Service Order No. 1399, permits the Pend Oreille Valley Railroad to operate over tracks formerly owned and operated by the Chicago, Milwaukee, St. Paul and Pacific Railroad. This order amends Revised Service Order No. 1399, by extending the expiration date.

EFFECTIVE DATE: 11:59 p.m., April 30, 1980, and continuing in effect until July 31, 1980, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: April 29, 1980.

Upon further consideration of Revised Service Order No. 1399, (45 FR 23698), and good cause appearing therefore:

It is ordered,

§ *1033.1399 Pend Oreille Valley Railroad, Inc. authorized to operate over tracks formerly operated by Chicago, Milwaukee, St. Paul and Pacific Railroad Company.* Revised Service Order No. 1399 is amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

Effective date. This order shall become effective at 11:59 p.m., April 30, 1980.

This action is taken under authority of 49 U.S.C. 10304–10305 and 11121–11126.

This amendment 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. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-13897 Filed 5-5-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Sport Fishing; Tamarac National Wildlife Refuge

AGENCY: Fish and Wildlife Service.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which sport fishing will be permitted on Tamarac National Wildlife Refuge, Minnesota.

DATES: Effective on May 6, 1980, for duration of calendar year 1980.

FOR FURTHER INFORMATION CONTACT: The Area Manager or Refuge Manager at the address or telephone number listed below:

George G. P. Bekeris, Area Manager, U.S. Fish and Wildlife Service, 530 Federal Building and U.S. Court House, 316 North Robert Street, St. Paul, MN 55101. Telephone: (612) 725–7641.

Omer N. Swenson, Refuge Manager, Tamarac National Wildlife Refuge, Rural Route, Rochert, MN 56578. Telephone: (218) 847–4355.

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

The recreational use authorized by these regulations will not interfere with the primary purposes for which Tamarac National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final

Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

Sport fishing on Tamarac National Wildlife Refuge shall be in accordance with all applicable State, Federal and White Earth Reservation regulations. Portions of the refuge which are open to sport fishing are designated by signs and/or delineated on maps. Special conditions and maps are available at refuge headquarters or from the Office of the Area Manager (address listed above).

Only the part of Tamarac Lake north of the dike is open during all regular State fishing seasons. Fishing on Two Island, Wauboose, Lost and Blackbird Lakes is permitted only from the State season opening on May 17, 1980 through Labor Day. Bank fishing 50 yards either side of the Ottertail River bridges on County Roads No. 26 and No. 126 is the only stream fishing permitted.

Richard E. Toltzmann,

Acting Area Manager.

April 24, 1980.

[FR Doc. 80-13746 Filed 5-5-80; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 45, No. 89
Tuesday, May 6, 1980

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 915 and 944

Avocados Grown in South Florida and Imported Avocados; Proposed Grade and Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposal which would establish minimum grade and maturity requirements for shipments of 1980–81 season avocados grown in South Florida, and for avocados imported into the United States, for the period May 9, 1980, through April 30, 1981. The proposed requirements are designed to assure the shipment of ample supplies of mature avocados of acceptable quality in the interest of producers and consumers.

DATE: Comments must be received on or before May 21, 1980.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, DC 20250, where they will be available for public inspection during business hours (7 CFR 1.27(b)).

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

SUPPLEMENTARY INFORMATION: *Findings.* The proposed Florida avocado regulation would be issued under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed avocado import regulation would be issued under section 8e (7 U.S.C. 608e–1) of this act. The proposed grade and maturity requirements applicable to Florida avocado shipments were recommended by the Avocado Administrative Committee, which locally administers this marketing order program.

The proposed regulations would establish U.S. No. 3 as the minimum grade, and prescribe minimum weights or diameters by specified dates as the maturity requirements for the various varieties of avocados. Minimum weights or diameters and picking dates are used as indicators during harvest to determine which avocados are sufficiently mature to complete the ripening process. Skin color would also be authorized as a method of determining maturity, for those varieties which turn red or purple when mature. The proposed requirements are designed to assure that the various varieties of avocados will be of suitable quality and maturity so they provide consumer satisfaction, which is essential for the successful marketing of the crop. They are also designed to provide the trade and consumers with an adequate supply of mature avocados of acceptable quality, in the interest of producers and consumers pursuant to the declared policy of the act.

The import requirements would be issued under section 8e of the act, which requires that when specified commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

These recommendations reflect the Avocado Administrative Committee's appraisal of the avocado crop and current and prospective market conditions. The committee has adopted a marketing policy for the 1980–81 season Florida avocado crop, in which it estimates that 1,250,000 bushels of Florida avocados will be shipped to the fresh market, compared with about 1,017,000 in 1979–80, 894,375 in 1978–79, and 411,024 in 1977–78. Shipment of this season's crop is expected to begin with light shipments of early varieties in late May, but volume shipments will not begin until late June or early July. California is currently producing an avocado crop estimated at 2,636,000 bushels for the season ending October 31. Relatively small quantities of avocados were imported into the United States last season, with the majority from the Dominican Republic.

This proposal has been reviewed under USDA criteria for implementing Executive Order 12044. It is being published with less than a 60-day comment period because of insufficient time between the date when information became available upon which these proposals are based and the effective date necessary to effectuate the declared policy of the act. A determination has been made that these actions should not be classified "significant." A Draft Impact Analysis is available from Malvin E. McGaha, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250, telephone 202–447–5975.

The proposed regulations read as follows:

§ 915.322 Florida avocado regulation 22.

(a) *Order.* (1) During the period May 19, 1980, through April 30, 1981, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade: *Provided,* That avocados which fail to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305, as amended (7 CFR Part 915), for the handling of avocados between the production area and any point outside thereof;

(2) On and after the effective date of this regulation, except as otherwise provided in paragraphs (8) and (9) of this section, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, and thereafter each such variety shall be handled only in conformance with paragraphs (3), (4), (5), (6), and (7) hereof;

(3) From the date listed for the respective variety in Column 2 of Table I to the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) From the date listed for the respective variety in Column 4 of Table I to the date listed for the respective variety in Column 6 of such table, no

handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) From the date listed for the respective variety in Column 6 of Table I to the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is at least the diameter specified for such variety in said Column 7;

(6) Except as otherwise provided in paragraphs (8) and (9) of this section, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to June 30, 1980.

(ii) From June 30, 1980, through July 27, 1980, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From July 28, 1980, through August 31, 1980, the individual fruit in each lot of such avocados shall weight at least 16 ounces.

(iv) From September 1, 1980, through September 28, 1980, individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(7) Except as otherwise provided in paragraphs (8) and (9) of this section, varieties of avocados not covered by paragraphs (2) through (6) hereof shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 15, 1980.

(ii) From September 15, 1980, through October 12, 1980, the individual fruit in each lot of such avocados shall weight at least 15 ounces.

(iii) From October 13, 1980, through December 14, 1980, the individual fruit in each lot of such avocados shall weight at least 13 ounces.

(8) Notwithstanding the provisions of paragraphs (2) through (7) hereof regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weight less than the minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in paragraphs (6), and (7) of this section. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(9) The provisions of paragraphs (2) through (8) of this section shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

Table I

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Kosel	May 26, 1980	16 oz	June 9, 1980	13 oz	June 23, 1980		
Arue	May 26, 1980	16 oz	June 9, 1980	14 oz, 3 3/16 in	July 14, 1980		
Roland 2-2	June 9, 1980	22 oz	June 23, 1980	20 oz	July 14, 1980		
J. M. Poropat	June 16, 1980	20 oz	June 23, 1980	18 oz	July 14, 1980	16 oz	July 28, 1980.
Fuchs	June 16, 1980	14 oz, 3 5/16 in	June 30, 1980	12 oz, 3 9/16 in	July 14, 1980		
Dr. DuPuis #2	June 16, 1980	16 oz, 3 9/16 in	June 30, 1980	14 oz, 3 7/16 in	July 14, 1980	12 oz, 3 9/16 in	July 28, 1980.
K-5	June 23, 1980	18 oz, 3 5/16 in	July 7, 1980	14 oz, 3 9/16 in	July 21, 1980		
Hardee	June 30, 1980	16 oz, 3 5/16 in	July 7, 1980	14 oz, 2 15/16 in	July 28, 1980		
Pollock	June 30, 1980	18 oz, 3 1/16 in	July 14, 1980	16 oz, 3 7/16 in	July 28, 1980	14 oz, 3 5/16 in	Aug. 11, 1980.
Simmonds	June 30, 1980	16 oz, 3 5/16 in	July 14, 1980	14 oz, 3 7/16 in	July 28, 1980	12 oz, 3 1/16 in	Aug. 11, 1980.
Nadir	June 30, 1980	14 oz, 3 3/16 in	July 7, 1980	12 oz, 3 1/16 in	July 14, 1980	10 oz, 2 15/16 in	July 28, 1980.
Katherine	June 30, 1980	16 oz	July 14, 1980	14 oz	July 28, 1980		
Haile	June 30, 1980	20 oz	July 14, 1980	16 oz	July 21, 1980	14 oz	Aug. 11, 1980.
Donnie	July 7, 1980	16 oz, 33 9/16 in	July 21, 1980	14 oz, 33 9/16 in	Aug. 18, 1980		
Ruehle	July 14, 1980	18 oz, 3 1/16 in	July 21, 1980	16 oz, 3 9/16 in	July 28, 1980	14 oz, 3 7/16 in	
Ruehle					Aug. 11, 1980	12 oz, 3 9/16 in	Aug. 25, 1980.
Dawn	July 14, 1980	12 oz, 3 5/16 in	July 28, 1980	10 oz, 3 9/16 in	Aug. 11, 1980		
Webb-2	July 14, 1980	18 oz	July 28, 1980	16 oz	Aug. 11, 1980		
Cash	July 14, 1980	16 oz	Sept. 29, 1980				
Alpha	July 21, 1980	16 oz, 3 9/16 in	Aug 11, 1980				
Biondo	July 21, 1980	13 oz	Aug. 25, 1980				
Peterson	July 21, 1980	14 oz, 3 9/16 in	Aug. 4, 1980	10 oz, 3 9/16 in	Aug. 18, 1980		
232	July 28, 1980	14 oz	Aug. 11, 1980	12 oz	Aug. 25, 1980		
Gretchen	July 28, 1980	14 oz	Aug. 11, 1980	12 oz	Aug. 25, 1980		
Trapp	July 28, 1980	14 oz, 3 13/16 in	Aug. 11, 1980	12 oz, 3 7/16 in	Aug. 25, 1980		
B&B	July 28, 1980	16 oz, 3 9/16 in	Sept. 1, 1980				
Pinelli	July 28, 1980	18 oz, 3 13/16 in	Aug. 11, 1980	16 oz, 3 15/16 in	Aug. 25, 1980		
Miguel	July 28, 1980	22 oz, 3 13/16 in	Aug. 11, 1980	20 oz, 3 13/16 in	Aug. 25, 1980	18 oz, 3 15/16 in	Sept. 8, 1980.
Nesbitt	July 28, 1980	22 oz, 3 13/16 in	Aug. 11, 1980	18 oz, 3 9/16 in	Aug. 18, 1980	16 oz, 3 9/16 in	Sept. 1, 1980.
Chapple	July 28, 1980	18 oz	Aug. 25, 1980				
Waldin	Aug. 11, 1980	16 oz, 3 5/16 in	Aug. 25, 1980	14 oz, 3 7/16 in	Sept. 8, 1980	12 oz, 3 5/16 in	Sept. 22, 1980.
Millie-D	Aug. 11, 1980	18 oz	Sept 8, 1980				
Shula	Aug. 11, 1980	22 oz	Sept. 1, 1980				
Tonnage	Aug. 11, 1980	16 oz, 3 5/16 in	Aug. 25, 1980	14 oz, 3 5/16 in	Sept. 1, 1980	12 oz, 3 9/16 in	Sept. 8, 1980.
Beta	Aug. 11, 1980	18 oz, 3 5/16 in	Aug. 18, 1980	16 oz, 3 9/16	Sept. 8, 1980		
K-9	Aug. 11, 1980	16 oz	Sept. 1, 1980				
Gorham	Aug. 11, 1980	29 oz, 4 5/16 in	Aug. 25, 1980	27 oz, 4 9/16 in	Sept. 8, 1980		
Tower-2	Aug. 11, 1980	14 oz, 3 5/16 in	Aug. 25, 1980	12 oz, 3 9/16 in	Sept. 15, 1980		
The Franvee	Aug. 18, 1980	23 oz	Sept. 15, 1980				
Lisa	Aug. 18, 1980	12 oz, 3 9/16 in	Aug. 25, 1980	11 oz, 3 9/16 in	Sept. 1, 1980		
Fairchild	Aug. 25, 1980	16 oz, 3 15/16 in	Sept. 8, 1980	14 oz, 3 7/16	Sept. 22, 1980	12 oz, 3 1/16 in	Sept. 29, 1980
Nirody	Aug. 25, 1980	18 oz, 3 15/16 in	Sept. 8, 1980	16 oz, 3 15/16 in	Sept. 22, 1980		
Loretta	Aug. 25, 1980	28 oz, 4 1/16 in	Oct. 6, 1980				
Catalina	Aug. 25, 1980	24 oz	Sept. 8, 1980	22 oz	Sept. 29, 1980		
Booth 8	Aug. 25, 1980	16 oz, 3 9/16 in	Sept. 29, 1980	14 oz, 3 9/16 in	Oct. 13, 1980	10 oz, 3 1/16 in	Oct. 27, 1980.
Black Prince	Sept. 8, 1980	23 oz, 3 15/16 in	Sept. 22, 1980	16 oz, 3 9/16 in	Oct. 13, 1980		
Blair	Sept. 8, 1980	16 oz, 3 9/16 in	Sept. 22, 1980	14 oz, 3 9/16 in	Oct. 13, 1980		
Booth 7	Sept. 8, 1980	18 oz, 3 13/16 in	Sept. 22, 1980	16 oz, 3 15/16 in	Oct. 6, 1980	14 oz, 3 9/16 in	Oct. 20, 1980.

Table I—Continued

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Csonka	Sept. 15, 1980	22 oz	Oct. 13, 1980				
Brooks 1978	Sept. 15, 1980	12 oz	Sept. 22, 1980	10 oz	Sept. 29, 1980	8 oz	Oct. 20, 1980.
Booth 5	Sept. 15, 1980	14 oz, 3 9/16 in	Sept. 29, 1980	12 oz, 3 9/16	Oct. 13, 1980		
Marcus	Sept. 15, 1980	32 oz, 4 13/16 in	Sept. 29, 1980	24 oz, 4 9/16 in	Nov. 10, 1980		
Collinson	Sept. 22, 1980	16 oz, 3 19/16 in	Oct. 20, 1980				
Chica	Sept. 22, 1980	12 oz, 3 7/16 in	Oct. 6, 1980	10 oz, 3 5/16 in	Oct. 20, 1980		
Rue	Sept. 22, 1980	30 oz, 4 3/16 in	Sept. 29, 1980	24 oz, 3 15/16 in	Oct. 13, 1980	18 oz, 3 9/16 in	Oct. 27, 1980.
Hickson	Sept. 22, 1980	12 oz, 3 1/16 in	Oct. 6, 1980	10 oz, 3 9/16 in	Oct. 20, 1980		
Simpson	Sept. 29, 1980	16 oz, 3 9/16 in	Oct. 20, 1980				
Vaca	Sept. 29, 1980	16 oz, 3 9/16 in	Oct. 20, 1980				
Sherman	Sept. 29, 1980	16 oz	Oct. 13, 1980	14 oz	Oct. 27, 1980	10 oz	Nov. 17, 1980.
Choquette	Sept. 29, 1980	24 oz, 4 1/16 in	Oct. 13, 1980	20 oz, 3 15/16 in	Oct. 27, 1980	16 oz, 3 9/16 in	Nov. 10, 1980.
Booth 10	Oct. 6, 1980	16 oz, 3 19/16 in	Nov. 3, 1980				
Avon	Oct. 6, 1980	15 oz, 3 15/16 in	Oct. 27, 1980				
Booth 11	Oct. 6, 1980	16 oz, 3 13/16 in	Oct. 27, 1980				
Leona	Oct. 6, 1980	18 oz, 3 19/16 in	Oct. 20, 1980				
Winslowson	Oct. 6, 1980	18 oz, 3 15/16 in	Oct. 27, 1980				
Nelson	Oct. 6, 1980	14 oz, 3 9/16 in	Oct. 20, 1980	12 oz, 3 9/16 in	Nov. 3, 1980	10 oz, 3 1/16 in	Nov. 24, 1980.
Hall	Oct. 6, 1980	26 oz, 3 15/16 in	Oct. 20, 1980	20 oz, 3 9/16 in	Nov. 3, 1980	18 oz, 3 9/16 in	Nov. 17, 1980.
Lula	Oct. 13, 1980	18oz, 3 1/16 in	Oct. 27, 1980	14 oz, 3 9/16 in	Nov. 10, 1980	12 oz, 3 9/16 in	Nov. 24, 1980.
Herman	Oct. 13, 1980	16 oz, 3 9/16 in	Oct. 27, 1980	14 oz, 3 9/16 in	Nov. 10, 1980		
Murphy	Oct. 13, 1980	16 oz,	Oct. 27, 1980	14 oz	Nov. 10, 1980	11 oz	Dec. 1, 1980.
Ajax (B-7)	Oct. 20, 1980	18 oz, 3 15/16 in	Nov. 10, 1980				
Booth 3	Oct. 20, 1980	16 oz, 3 9/16 in	Oct. 27, 1980	14 oz 3 9/16 in	Nov. 10 1980		
Taylor	Oct. 20, 1980	14 oz, 3 9/16 in	Nov. 3, 1980	12 oz, 3 7/16 in	Nov. 17, 1980		
Dunedin	Nov. 3, 1980	16 oz, 3 19/16 in	Nov. 17, 1980	14 oz, 3 9/16 in	Dec. 1, 1980	10 oz 3 1/16	Dec. 22, 1980.
Byars	Nov. 10, 1980	16 oz, 3 15/16 in	Dec. 1, 1980				
Monroe	Nov. 10, 1980	24 oz, 4 1/16 in	Nov. 24, 1980	20 oz, 3 15/16 in	Dec. 8, 1980	16 oz, 3 9/16 in	Dec. 22, 1980.
Linda	Nov. 10, 1980	18 oz, 3 13/16 in	Dec. 1, 1980				
Nabal	Nov. 10, 1980	14 oz, 3 9/16 in	Dec. 1, 1980				
Booth 1	Nov. 17, 1980	16 oz, 3 13/16 in	Dec. 1, 1980	12 oz, 3 9/16 in	Dec. 15, 1980		
Zio	Nov. 24, 1980	12 oz, 3 1/16 in	Dec. 8, 1980	10 oz, 2 15/16 in	Dec. 22, 1980		
Wagner	Dec. 1, 1980	12 oz, 3 5/16 in	Dec. 15, 1980	10 oz, 3 3/16 in	Dec. 29, 1980		
Schmidt	Dec. 1, 1980	16 oz	Dec. 29, 1980				
Meya	Dec. 22, 1980	13 oz, 3 3/16 in	Jan. 5, 1981	11 oz, 3 3/16 in	Jan. 19, 1981		
Brookslate	Dec. 29, 1980	14 oz, 3 9/16 in	Jan. 19, 1981	12 oz, 3 9/16	Feb. 2, 1981	10 oz	Feb. 16, 1981.
Itzamna	Feb. 9, 1981	12 oz	Feb. 16, 1981				

(b) Terms used in the amended marketing order, when used herein, have the same meaning as is given to the respective term in said marketing order; the term "diameter" shall mean the greatest dimension measured at right angles to a straight line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the United States Standards for Florida Avocados (7 CFR 2851.3050–2851.3069).

(c) The provisions of this regulation shall become effective May 19, 1980.

§ 944.20 Avocado import regulation 28.

(a) *Applicability to imports.* Pursuant to section 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any avocados is prohibited during the period May 19, 1980, through April 30, 1981, unless such avocados meet the following minimum grade and maturity requirements:

(1) All avocados imported during the period May 19, 1980, through April 30, 1981, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to June 30, 1980; (ii) from June 30, 1980, through July 13, 1980, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least 3 11/16 inches in diameter; (iii) from July 14, 1980, through July 27, 1980, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least 3 7/16 inches in diameter; and (iv) from July 28, 1980, through August 10, 1980, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least 3 5/16 inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to August 25, 1980, (ii) from August 25, 1980, through September 7, 1980, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 8, 1980, through September 28, 1980, unless the individual fruit in each lot of such avocados weighs at least 22 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to July 28, 1980; (ii) from July 28, 1980, through August 10, 1980, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least 3 9/16 inches in diameter; and (iii) from August 11, 1980, through August 24, 1980, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 7/16 inches in diameter.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian varieties not listed elsewhere in this regulation, shall not be imported (i) prior to June 30, 1980; (ii) from June 30, 1980, through July 27, 1980, unless the individual fruit in each lot of such avocados weighs at least 18 ounces; (iii) from July 28, 1980, through August 31, 1980, unless the individual fruit in each lot of such avocados weighs at leat 16 ounches; (iv) from September 1, 1980, through September 28, 1980, unless the individual fruit in each lot of such avocados weighs at least 14 ounces: *Provided*, That any lot of such avocados may be imported without regard to the date or minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and

hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 15, 1980; (ii) from September 15, 1980, through October 12, 1980, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 13, 1980, through December 14, 1980, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of paragraphs (2) through (6) of this section regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified and be less than the specified diameter: *Provided*, That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Quality Division, Food Safety and Quality Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection and Certification (7 CFR 944.400).

(c) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(d) It is hereby found that the application of the maturity restrictions being imposed, pursuant to Order No. 915 (7 CFR Part 915), upon avocados grown in south Florida to imported avocados, other than of the Pollock, Catalina, and Trapp varieties is not practicable because of variations in characteristics between the domestic and imported avocados; and the maturity restrictions applicable to imported avocados other than of the Pollock, Catalina, and Trapp varieties are comparable to those imposed upon the domestic commodity. The quality restrictions for all imported avocados and the maturity restrictions for imported avocados of the Pollock, Catalina, and Trapp varieties are the same as those being imposed upon the domestic commodity.

(e) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(f) Nothing contained in this section shall be deemed to preclude any importer from reconditioning, prior to importation, any shipment of avocados for the purpose of making it eligible for importation.

(g) The terms relating to grade, as used herein, shall have the same meaning as when used in the United States Standards for Florida Avocados (7 CFR 2851.3050–2851.3069). "Diameter" shall mean the greatest dimension measured at right angles to a straight line from the stem to the blossom end of the fruit. "Importation" means release from custody of the United States Customs Service.

Dated: April 30, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-13654 Filed 5-5-80; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 953

Irish Potatoes Grown in the Southeastern States; Vegetables: Import Regulations; Notice of Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would require fresh market shipments of potatoes grown in designated counties of Virginia and North Carolina to be inspected and meet minimum grade and size requirements. The regulation should promote orderly marketing of such potatoes and keep less desirable qualities and sizes from being shipped to consumers.

DATES: Comments should be received on or before May 21, 1980.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, (202) 447–2615.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 104 and Order No. 953, both as amended, regulate the handling of potatoes grown in designated counties of Virginia and North Carolina. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Southeastern Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at its public meeting in Norfolk, Virginia, on April 10, 1980.

The proposed grade and size requirements are the same as those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undesirable sizes from being distributed to fresh market outlets. The proposal would benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area.

Again this season the minimum quantity exemption is proposed to be five hundredweight. This should relieve the burden on handling noncommercial quantities of potatoes and allow direct marketing outlets to operate in greater freedom.

Exceptions are proposed to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be allowed to certain special purpose outlets without regard to the grade, size, and inspection requirements, provided that safeguards were met to prevent such potatoes from reaching unauthorized outlets. Shipments for use as livestock feed would be so exempt because requirements for this outlet differ greatly from those for fresh market. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments also would be exempt. Also, potatoes for most processing uses are exempt under the legislative authority for this part.

This proposal has been reviewed under USDA criteria for implementing Executive Order 12044. A determination has been made that this action should be classified "not significant." A Draft Impact Analysis has been prepared and is available upon request from Charles W. Porter (202) 447–2615.

§ 953.319 [Deleted]

It is proposed that § 953.319 (44 FR 29642, May 22, 1979) be deleted and a new § 953.320 be added as follows:

§ 953.320 Handling regulation.

During the period June 5 through July 31, 1980, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) or (e) of this section.

(a) *Minimum grade and size requirements.*

All varieties U.S. No. 2, or better grade, 1½ inches (38.1 mm) minimum diameter.

(b) *Inspection.*

Except as provided in paragraphs (c) and (e), no handler shall ship any potatoes unless an appropriate inspection certificate covering them has been issued by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not apply to potatoes shipped for canning, freezing, "other processing" as hereinafter defined, livestock feed or charity, except that the handler of them shall comply with the safeguard requirements of paragraph (d) of this section.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) Minimum quantity exemption. Each handler may ship up to, but not to exceed, five hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds five hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes as amended (7 CFR 2851.1540 through 2851.1566), including the tolerances set forth in it. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to § 8e of the Act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

Dated: May 1, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-13931 Filed 5-5-80; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Contract Approval Requirements—Generation; Proposed Supplement to REA Bulletin 40-6

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed Rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to issue a supplement to REA Bulletin 40-6, "Construction Methods and Purchase of Materials and Equipment." This proposed supplement would reduce the number of plans and specifications, contracts, contract amendments, and subcontracts related to power plant construction which will be subject to REA approval. This action is intended to reduce REA's workload and that of its power supply borrowers while allowing REA to maintain necessary control in this vital area.

DATE: Public comments must be received by REA no later than July 7, 1980.

ADDRESS: Submit written comments to the Director, Engineering Standards Division, Rural Electrification Administration, Room 1268, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: E. N. Limberger, telephone (202) 447-5117. A Draft Impact Analysis has been prepared and is available from the Director, Engineering Standards Division, at the above address.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to REA Bulletin 40-6, "Construction Methods and Purchase of Materials and Equipment."

The proposed changes in REA policy are as follows: (a) reduce the number of equipment and construction contracts required to be submitted for REA approval for construction of a major generating station from about 100 to about 12, (b) raise the minimum dollar estimated amount of generating plant equipment and construction contracts for which REA reviews and approves plans and specifications from $200,000 to $500,000, (c) eliminate REA approval of subcontracts, (d) eliminate the requirement for REA review and approval of power plant contract amendments except that when the total cost of the contract and all its amendments exceed 120 percent of the price of the base contract, the amendment which causes the total amended price to exceed 120 percent of the base price and all subsequent amendments to that contract must be submitted to REA for review and approval, and (e) will increase the responsibility of borrowers to comply with proper bidding and contract award procedures. Copies of the draft supplement are available from the Director, Engineering Standards Division, at the above address.

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Draft Impact Analysis has been prepared and is available from the

Director, Engineering Standards Division, at the above address.

Dated: April 29, 1980.

Robert W. Feragen,

Administrator.

[FR Doc. 80-13933 Filed 5-5-80; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 211 and 214

Nonimmigrant Classes; the Effect of a Strike on the Admission and Continued Employment of Certain Nonimmigrants

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed Rule.

SUMMARY: These proposed rules set forth the restrictions on the admission and continued employment of nonimmigrant temporary workers, intra-company transferees, and students in the occupations and at the places of labor strikes. The rules are necessary to protect U.S. labor. These proposed rules also eliminate a restriction on the admission of commuters destined to the site of a strike which was declared invalid by a U.S. Court of Appeals.

DATE: Representations must be received on or before July 7, 1980.

ADDRESS: Please submit representations, in duplicate, to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, NW., Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, DC 20536, telephone: (202) 633-3048.

For Specific Information: Paul W. Schmidt, Deputy General Counsel, Immigration and Naturalization Service, 425 Eye Street NW., Washington, DC 20536, telephone: (202) 633-2895.

SUPPLEMENTARY INFORMATION: On April 18, 1979, the Department of Justice, Office of Legal Counsel ("OLC") advised the Immigration and Naturalization Service ("INS") that 8 CFR 214.2(h)(10), which relates to the effect of a labor dispute on H nonimmigants, did not apply to aliens in the United States. In the opinion, the OLC questioned whether the regulation was rationally related to the purpose of 8 U.S.C. 1101(a)(15)(H)(ii) and concluded that its application to an alien already in the United States would contravene the alien's right to strike or not to strike guaranteed him under section 7 of the National Labor Relations Act ("NLRA").

The Department of Labor expressed its concern over the OLC opinion. It contended that the continued employment or training of H nonimmigrants during a strike would adversely affect U.S. labor. Moreover, it argued that, as a practical matter, the rights of a nonimmigrant under the NLRA are more theoretical than real, and urged that the labor policy interests underlying the Immigration and Nationality Act outweighed those underlying the NLRA in most strike situations.

We have prepared an amendment to 8 CFR 214.2(h)(10) which in our view, protects U.S. labor while at the same time satisfying the legal concerns of the OLC. Under the amendment, before INS suspends the employment or training authorization of any H nonimmigrants, a determination will have been made by the Department of Labor, which has the labor market expertise, that the continued employment or training would adversely affect U.S. wages and working conditions. In the case of aliens covered by the NLRA, it must also be shown that more than 30% of the workforce involved are U.S. citizens or resident alien workers and that the strike has been authorized by a majority of such workers. This latter provision is included to provide the public with guidelines to identify those situations where the impact upon U.S. labor will not be considered significant enough to override the alien's rights under the NLRA.

A similar amendment is proposed to 8 CFR 214.2(1)(3a) pertaining to the admission of intra-company transferees. It is also proposed to suspend employment authorization for nonimmigrant students upon certification by the Department of Labor that a strike is in progress in the occupation and at the place of employment and that the continued employment of the nonimmigrant student would adversely affect U.S. labor. Because employment is not the purpose for which a nonimmigrant student is present in the United States, we view their rights under the NLRA less significant that those of nonimmigrants who are admitted for the purpose of employment. Consequently, we have not provided guidelines similar to those proposed for nonimmigrant temporary workers and intra-company transferees.

Since 8 CFR 211.5(d), relating to the admission of commuters destined to the site of a strike, has been declared invalid by the U.S. Court of Appeals for the Ninth Circuit in *Sam Andrews' Sons v. Mitchell*, 457 F.2d 745 (9th Cir. 1972), the deletion of that subseciton is also proposed.

In view of the above, the following amendments are proposed to Chapter I of Title 8 of the Code of Federal Regulations:

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

1. It is proposed to revise 8 CFR 214.2(h)(10) to read as follows:

(h) * * *

(10) *Effect of strike.* (i) A petition to classify an alien as a nonimmigrant as defined in section 101(a)(15)(h) of the Act shall be denied if the Secretary of Labor certifies to the Commissioner of Immigration and Naturalization that a strike is in progress in the occupation and at the place the beneficiary is to be employed or trained, and that the employment or training of the beneficiary would adversely affect the wages and working conditions of U.S. citizen or resident alien workers. (ii) If a petition has been approved, but the beneficiary has not yet entered the United States to take up the approved employment or training, and the Secretary of Labor certifies to the Commissioner of Immigration and Naturalization that there is a strike in progress in the occupation and at the place the beneficiary is to be employed or trained, and that the employment or training of the beneficiary would adversely affect the wages and working conditions of U.S. citizen or resident alien workers, the approval of the petition is automatically suspended and application for admission on the basis of the petition shall be denied. (iii) For the beneficiary already in the United States, the approval of the beneficiary's employment or training is automatically suspended upon certification of the Secretary of Labor to the Commissioner of Immigration and Naturalization that a strike is in progress in the occupation and at the place of employment and that the continued employment of the beneficiary during the strike would adversely affect the wages and working conditions of the U.S. citizen or resident alien workers: *Provided,* In the case of a beneficiary already in the United States who falls within the definition of "employee" under the National Labor Relations Act (29 U.S.C. 152(3)), that the Secretary of Labor has certified that (A) more than 30% of the workforce in the occupation and at the place of employment or training are U.S. citizen or resident alien workers, and (B) the

strike has been authorized by a majority of such workers.

* * * * *

§ 214.2 [Amended]

2. It is proposed to revise 8 CFR 214.2(l)(3a) to read as follows:

* * * * *

(l) * * *

(3a) *Effect of strike:* (i) A petition to classify an alien as a nonimmigrant as defined in section 101(a)(15)L) of the Act shall be denied if the Secretary of Labor certifies to the Commissioner of Immigration and Naturalization that a strike is in progress in the occupation and at the place the beneficiary is to be employed and that the employment of the beneficiary would adversely affect the wages and working conditions of U.S. citizen or resident alien workers. (ii) If a petition has been approved, but the beneficiary has not yet entered the United States to take up the approved employment, and the Secretary of Labor certifies to the Commissioner of Immigration and Naturalization that there is a strike in progress in the occupation and at the place the beneficiary is to be employed and that the employment of the beneficiary would adversely affect the wages and working conditions of U.S. citizen or resident alien workers, the approval of the petition is automatically suspended and the application for admission on the basis of the petition shall be denied. (iii) For the beneficiary already in the United States, the approval of the beneficiary's employment is automatically suspended upon certification by the Secretary of Labor to the Commissioner of Immigration and Naturalization that a strike is in progress in the occupation and at the place of employment and that the continued employment of the beneficiary during the strike would adversely affect the wages and working conditions of the U.S. citizen or resident alien workers: *Provided,* In the case of a beneficiary already in the United States who falls within the definition of "employee" under the National Labor Relations Act (29 U.S.C. 152(3)), that the Secretary of Labor has certified that (A) more than 30% of the workforce in the occupation and at the place of employment are U.S. citizen or resident alien workers, and (B) the strike has been authorized by a majority of such workers.

* * * * *

3. It is proposed to amend 8 CFR 214.2(f)(6) by amending the last sentence in the paragraph to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(f) * * *

(6) *Employment.* * * * Permission which is granted to a student to engage in any employment shall not extend beyond the expiration date of his/her authorized stay, and authorization for all employment, whether or not part of any academic program, is automatically suspended upon certification by the Secretary of Labor to the Commission of Immigration and Naturalization that a strike is in progress in the occupation and at the place of employment and that the continued employment would adversely affect the wages and working conditions of the U.S. citizen or resident alien workers.

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PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

4. It is proposed to revoke 8 CFR 211.5(d) in its entirety.

§ 211.5 Alien commuters.

* * * * *

(d) [Revoked]

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(Sec. 103, and 214; (8 U.S.C. 1103, and 1184))

Public Comments Invited

In accordance with 5 U.S.C. 553, the Service invites comments from interested parties on the proposed rules. All relevant data, views, and arguments submitted before July 7, 1980, will be considered. Representations should be submitted in writing, in duplicate, to the Commissioner of the Immigration and Naturalization Service at the address shown in this notice.

Dated: May 1, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-13893 Filed 5-1-80, 4:03 pm]

BILLING CODE 4410-10-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33-6208; File No. S7-834]

Accountants' Liability Under Securites Act of 1933 for Reports on Certain Unaudited Supplementary Financial Information

AGENCY: Securites and Exchange Commission.

ACTION: Proposed rule.

SUMMARY The Commission is proposing for comment amendments to a rule which would provide that a "report" prepared or certified by an accountant within the meaning of Sections 7 and 11 of the Securities Act of 1933 shall not include a report by an independent accountant on two types of unaudited suppelementary financial information included in a document containing financial statements. The amendments, if adopted, would have the effect of excluding accountants from Section 11(a) liability for reports on unaudited supplementary informationas to the effects of changing prices and as to oil and gas reserves.

DATE: Comments should be received by the Commission on or before June 30, 1980.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securites and Exchange Commission, 500 North Capitol Street, Washington, D. C. 20549. Comment letters should refer to File No S7-834. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D. C. 20549.

FOR FURTHER INFORMATION CONTACT: Linda L. Griggs (202-272-2130), Office of the Chief Accountant; Steven Hamilton (202-272-2573), Division of Corporation Finance; or Robert Chira (202-272-2437), Office of the General Counsel, Securities and Exchange Commission, 500 North Capitol Steet, Washington D. C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is proposing for public comment amendments to 17 CFR 230.436 which would exclude from the definition of a "report" for purposes of Sections 7 and 11 of the Securities Act of 1933 ("Securities Act") reports by independent accountants on unaudited supplementary information as to the effects of changing prices and as to oil and gas reserves. Adoptionof these amendments would mean that accountants would not be required by Section 7 of the Securities Act to consent to the inclusion of such reports in registration statements and that accountants would not be liable for such reports under Section 11(a). In Accounting Series Release No. 274 ("ASR No. 274") [1] issued in December, 1979, the Commission announced the adaption of similar amendments regarding reports by independent accountants on reviews of unaudited interim financial information pursuant to

[1] Securities Act Release No. 6173, December 28, 1979 (45 FR 1601).

Statement on Auditing Standards No. 24 ("SAS No. 24").[2]

I. Background

As part of its Conceptual Framework project, the Financial Accounting Standards Board ("FASB") intends to develop criteria for distinguishing information to be included in financial statements from that which should be provided by other means of financial reporting. Statement of Financial Accounting Concepts No. 1, *Objectives of Financial Reporting by Business Enterprises*, issued by the FASB in November 1978, states:

> Although financial reporting and financial statements have essentially the same objectives, some useful information is better provided by financial statements and some is better provided, or can only be provided, by means of financial reporting other than financial statements.

At its Spring 1979 meeting, the Council of the American Institute of Certified Public Accountants ("AICPA") approved a resolution designating the FASB as the body under Rule 204 of the AICPA Rules of Conduct to establish standards for the disclosure of financial information outside of financial statements in published financial reports. As a result of that resolution, the Auditing Standards Board ("ASB") of the AICPA added to its agenda a project to develop general standards for the involvement of auditors with all types of supplementary information measured and presented within guidelines established by the FASB. On October 1, 1979, the ASB issued for comment a proposed Statement on Auditing Standards ("the proposed SAS") relating to such general standards.[3] After considering the comments, the ASB issued Statement on Auditing Standards No. 27 ("SAS No. 27").[4]

SAS No. 27 requires an independent accountant to follow certain limited review procedures, which are substantially less extensive than an audit, when supplementary information is required to be presented pursuant to FASB pronouncements. Instead of requiring an accountant to report explicitly on such information, SAS No. 27 requires an accountant to expand his report on the audited financial statements only to call attention to his inability to complete the prescribed procedures, the omission of supplementary information required by the FASB or material departures from FASB guidelines on the measurement or presentation of such information.[5]

The ASB stated in SAS No. 27 that additional procedures to followed by auditors reviewing specific types of supplementary information might be specified in other Statements on Auditing Standards. Thus far, the ASB has issued for comment proposed Statements on Auditing Standards which elate specifically to the two types of supplementary information now required: information about the effects of changing prices [6] and information about oil and gas reserves.[7]

Certain public companies are required by Statement of Financial Accounting Standards No. 33 [8] of the FASB to include in their published annual reports for years ending on or after December 25, 1979 certain supplementary information on the effects of changing prices.[9]

Oil and gas producing companies are permitted by Statement of Financial Accounting Standards No. 25 [10] to include as supplementary information in documents containing their financial statements disclosure of the estimated quantities of proved oil and gas reserves required by Statement of Financial Accounting Standards No. 19.[11] Rule 3-18 of Regulation S-X requires disclosure of the estimated future net revenues from production of proved reserves, the present value of the estimated future net revenues and annual changes therein, and a summary of oil and gas producing activities prepared on the basis of reserve recognition accounting as well as disclosure of the estimated quantities of oil and gas reserves. (All of this information is collectively referred to herein as "oil and gas reserve information" or "reserve information.") In Accounting Series Release No. 270,[12] the Commission delayed until fiscal years ending after December 25, 1980 the requirement that these oil and gas reserve disclosures be audited. Recently, in Accounting Series Release No. 277 ("ASR No. 277"),[13] the Commission amended Rule 3-18 to extend the postponement of the audit requirement until a decision is reached on requiring reserve information in the primary financial statements.[14] The rule amendments in ASR No. 277 also permit this unaudited reserve information to be reported as supplementary information accompanying, but outside, the financial statement.[15]

As noted above, SAS No. 27 does not require auditors to report explicitly on either of these types of supplementary financial information. The ASB stated in SAS No. 27:

> The Auditing Standards Board has under consideration the issue of whether the auditor should report explicitly on such information, that is, whether the auditor should issue a report, based on the limited procedures prescribed by this Statement, that states he is not aware of any material modifications that should be made to the information for it to conform with guidelines established by the FASB. This issue has not been resolved because of uncertainties

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[2] Statement on Auditing Standards No. 24, "Review of Interim Financial Information," AICPA, March 1979.

[3] Proposed Statement on Auditing Standards, "Reporting on Required Supplemental Information," AICPA, October 1, 1979.

[4] Statement on Auditing Standards No. 27, "Supplementary Information Required by the Financial Accounting Standards Board," AICPA, December 1979.

[5] The "exception" reporting standard contained in SAS No. 27 represents a significant change from the proposed SAS, which would have required the accountant to explicitly report whether or not he was aware of any material modifications that should be made to the suplementary information for it to conform with the FASB guidelines.

[6] Proposed Statement on Auditing Standards, "Supplementary Information on the Effects of Changing Prices," AICPA, December 31, 1979. Rather than prescribing additional review procedures for the accountant to follow beyond those specified in SAS No. 27, the proposed statement provides additional guidance on the nature of the auditor's inquiries of management concerning the information on changing prices.

[7] Proposed Statement on Auditing Standards, "Supplementary Oil and Gas Reserve Quantity Information," AICPA, December 31, 1979. The proposed statement relates to information required by the Commission as well as by the FASB. See note 14 infra.

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

[9] In March 1980, the Commission proposed amendments to Regulation S-K and to various reporting provisions which would require companies subject to FAS 33 to include supplementary information on the effects of changing prices invarious registration statements and certain proxy statements filed with the Commission. Securites Act Release No. 6201, March 27, 1980 (45 FR 23470).

[10] Statement of Financial Accounting Standards No. 25, "Suspension of Certain Accounting Requirements for Oil and Gas Producing Companies," FASB, February 1979.

[11] Statement of Financial Accounting Standards No. 19, "Financial Accounting and Reporting by Oil and Gas Producing Companies," FASB, December 1977.

[12] Securities Act Release No. 6128, September 24, 1979 (44 FR 57037).

[13] Securities Act Release No. 6207, April 17, 1980 (45 FR 27747).

[14] In ASR No. 253, August 31, 1978 (43 FR 40688), the Commission discussed its decision to seek the development of reserve recognition accounting, which would involve recognition of valuations of proved oil and gas reserves in the primary financial statements.

[15] The Commission notes that the ASB's proposed SAS on "Supplementary Oil and Gas Reserve Quantity Information" (see note 7 supra) would apply to, and would extend the provisions of SAS No. 27 generally to, the reserve information required by Regulation S-X when such information is included in an unaudited note to the financial statements. The Commission expects that the final SAS will reflect the action taken in ASR No. 277 and, accordingly, be made applicable to reserve information required by Rule 3-18 of Regulation S-X and reported as supplementary information.

concerning (a) the implications that the location of the information (outside or inside the basic financial statements) may have on explicit versus exception reporting, (b) whether Section 11(a) of the Securities Act of 1933 would apply to an auditor's explicit report on supplementary information included in a securities act filing, and (c) the nature of information that may become required supplementary information. The board intends to decide whether explicit reporting is appropriate when sufficient knowledge is obtained to clarify these matters.[16]

The Commission believes that, by excluding accountants from potential liability under Section 11(a) of the Securities Act for their reports on supplementary information as to the effects of changing prices and as to oil and gas reserves included in Securities Act filings, the proposed amendments, if adopted, will encourage the ASB to require explicit reporting by auditors for the year 1980. The proposed amendments, if adopted, would be inoperable unless auditors are required to state in explicit reports on this supplementary information whether or not they are aware of any material modification that should be made to the information for it to conform with guidelines established by the FASB or the Commission.

II. Proposed Amendments

The Commission has encouraged the FASB to look beyond the reporting of financial information in financial statements to a broader concept of financial reporting [17] and has supported the expansion of auditors' responsibilities beyond audits of financial statements to reports containing limited statements of assurance concerning unaudited financial information. [18] Thus far, accountants' reports on unaudited interim financial information pursuant to SAS No. 24 are the only reports which accountants may give after undertaking reviews which are less extensive than audits.

The Commission believes that adoption of the proposed amendments will encourage the development of explicit reporting on supplementary financial information. In addition, the Commission expects that, if the proposed amendments are adopted and if explicit reports on unaudited supplementary information as to the effects of changing prices and as to oil and gas reserves are included in registration statements, directors and underwriters will continue to exercise due diligence in a vigorous manner with respect to such supplementary information. Directors and underwriters should not be able to claim in defense to a suit for damages under Section 11(a) that these accountants' reports were statements "purporting to be made on the authority of an expert * * * which they had no reasonable ground to believe were untrue * * *" under Section 11(b)(3)(C). [19] Directors and underwriters should be required, as has historically been the case with respect to unaudited information included in a registration statement, to demonstrate affirmatively under Section 11(b) (3)(A) that, after conducting a reasonable investigation, they had reasonable ground to believe, and did believe, that the supplementary information was true.[20]

Adoption of these amendments would foreclose both private actions and actions by the Commission against accountants pursuant to Section 11(a) of the Securities Act for their reports on required supplementary information as to the effects of changing prices and as to oil and gas reserves used in connection with registration statements; however, the Commission could still take action against accountants for such reports pursuant to Section 17(a) of the Securities Act.[21] The Commission has utilized Section 17(a) as an alternate vehicle for securing many of the protections afforded under Section 11 of the Securities Act,[22] although there are significant differences between the two sections. Furthermore, accountants could be liable to investors and shareholders for their reports on this supplementary information under common law, state statutes, and the general antifraud provisions of the federal securities statute. For example, a shareholder could bring an action under Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder, although the plaintiff will have the burden of proving scienter in that case.[23] Directors and underwriters who relied on the accountants' reports on changing prices or oil and gas reserve information could bring actions under other applicable laws.

III. Accountants' Acknowledgments and Additional Disclosure

While the proposed amendments would eliminate the requirement of Section 7 of the Act that accountants consent to the use of their reports on required supplementary information as to the effects of changing prices and as to oil and gas reserves, the Commission believes that independent Accountants should acknowledge their awareness

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[16] SAS No. 27, paragraph 11.

[17] See, e.g., Securities and Exchange Commission Report to Congress on the Accounting Profession and the Commission's Oversight Role, U.S. Government Pringing Office, July 1979, pages 188–193.

[18] See, e.g., id., pages 241–243.

[19] Section 11(b)(3)(C) provides a defense to Section 11(a) liability to every person named in Section 11(a), other than an issuer, if such person sustains the burden of proof that as regards any part of the registration statement purporting to be made on the authority of an expert (other than himself) or purporting to be a copy of or extract from a report or valuation of an expert (other than himself), he had no reasonable ground to believe, and did not believe, at the time such part of the registration statement became effective, that the statements therein were untrue or that there was an ommission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, or that such part of the registration statement did not fairly represent the statement of the expert or was not a fair copy of or extract from the report or valuation of the expert. . .

[20] Section 11(b)(3)(A) provides a defense to Section 11(a) liability to every person named in Section 11(a), other than an issuer, if such person shall sustain the burden of proof that as regards any part of the registration statement no purporting to be made on the authority of an expert and not purporting to be a copy of or extract from a report or valuation of an expert, and not purporting to be made on the authority of a public official document or statement, he had, after reasonable investigation, reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading. . . .

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

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

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

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

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

[22] With respect to Commission enforcement actions, Section 17(a) has generally been interpreted by the courts to impose civil liability without *scienter*. *Securities and Exchange Commission* v. *World Radio Mission*, 544 F.2d. 535 (1st Cir. 1976); *Securities and Exchange Commission* v. *Coven*, 581 F.2d 1020 (2d Cir. 1978), *cert. denied*, 47 U.S.L.W. 3568 (1979); *Securities and Exchange Commission* v. *Aaron*, CCH Fed. Sec. L. Rep. ¶96,800 (2d Cir. 1979), *cert. granted*, October 15, 1979, Docket Number 79-68; *Securities and Exchange Commission* v. *American Realty Trust*, (1978) CCH Fed. Sec. L. Rep. ¶96,605 (4th Cir. 1978). Therefore, insofar as material misstatements or omissions are made by accountants, in reports on required supplementary information used in registration statements, the Commission may take appropriate enforcement action against such accountants under Section 17(a). Of course, where an accountant's report is found to be fraudulent, and the fraud has occurred in connection with the purchase or sale of a security, civil liability would also arise pursuant to Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78j(b), and Rule 10b-5 thereunder, 17 CFR 240.10b-5. See, e.g., *Blue Chip Stamps* v. *Manor Drug Stores*, 421 U.S. 723 (1975).

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

that such reports are being included in a registration statement. The Commission intends to adopt an amendment to the exhibit requiremments applicable to appropriate forms for the registration of securities which would require issuers to file as an exhibit to a registration statement a letter from the independent accountants which acknowledges their awareness of the use in a registration statement of any of their reports which are not subject to the consent requirement of Section 7. If the proposed amendments are adopted, this amended exhibit requirement would therefore require an acknowledgement whenever an issuer makes use in a registration statement of a report on required supplementary information as to the effects of changing prices or as to oil and gas reserves.[24]

If the proposed amendments are adopted and accountants' reports on supplementary information are included in registration statements, the Commission believes that disclosure which clarifies the distinction between the role of accountants in preparing such reports as opposed to their role in certifying financial statements is needed in order to fully inform investors. Such disclosure would correct any misleading implication about the extent of accountants' involvement which might otherwise arise from the inclusion of both a report on the required supplementary information and a certification in a registration statement and thus satisfy the requirements of Rule 408 of Regulation C under the Securities Act. Accordingly, the Commission expects that, if the proposed amendments are adopted, a prospectus which includes a discussion about the accountants' involvement in a registration statement should clarify that reports on required supplementary information as to the effects of changing prices or as to oil and gas reserves included in such registration statement are not "reports" or "parts" of the registration statement within the meaning of Sections 7 and 11 of the Securities Act. In addition, the prospectus should state specifically that the independent accountants' Secton 11 liability does not extend to such reports.

[24] The Commission has proposed amendments to Regulation S-K and certain forms for the registration of securities under the Securities Act of 1933 in order to integrate the exhibit filing requirements and eliminate certain exhibit filing requirements. Securities Act Release No. 6149, November 16, 1979 (44 FR 67143). The exhibit filing requirement discussed above will be adopted at the same time as final action is taken on the amendments to the exhibt requirements proposed in Securities Act Release No. 6149.

IV. General Rule Regarding Supplementary Information

The Commission understands that the establishment by the ASB of a general explicit reporting requirement may be desirable in promoting consistency in reporting on new types of supplementary financial information and in ensuring timeliness of reporting requirements as new types of supplementary information are required. Furthermore, the Commission recognizes that the ASB may be encouraged to establish a general standard for explicit reporting on supplementary financial information if the Commission establishes a general rule concerning liability.

The Commission, thus, is looking toward the possibility of a general framework which provides a proper link between auditor liability and responsibility. The inclusion by public companies of supplementary unaudited financial information within their annual reports and other public documents is a new and evolving area of disclosure and one which the Commission has been encouraging. The accounting profession is participating in the development of meaningful supplementry financial information through the establishment of standards by the FASB and through limited reviews of the supplementary information conducted by companies' independent auditors. The Commission believes that accountants should report explicitly on the supplementary information, but also recognizes that their exposure to liability for such reports must be consistent with responsibilities which they assume.

Accordingly, in the near future, the Commission intends to issue a concept release which invites comments on whether the Commission should develop such a general rule. In addition, comment will be invited on the appropriate approach to the liability issue if a general rule should be developed. Two alternate approaches may be discussed: (i) a general exemptive rule, similar to the amendments proposed herein, which would exclude from the definition of a "report" for purposes of Sections 7 and 11 of the Securities Act all reports on supplementary financial information; and (ii) a general definitional rule which would define "reasonable investigation" for purposes of an accountant's defense to liability for such reports under Section 11 of the Securities Act and "reasonable grounds for belief" for purposes of the defense of other persons to liability for such reports under Section 11.

V. Authority for Proposed Amendments

The proposed amendments would be promulgated pursuant to Section 19(a) of the Securities Act of 1933 which grants the Commission authority to define "accounting, technical and trade terms used in this title."

VI. Request for Comments

All interested persons are invited to submit their views and comments on the foregoing in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C., 20549 on or before June 30, 1980. Such communications should refer to File S7-834 and will be available for public inspection.

In ASR No. 274, the Commission emphasized that adoption of the rule excluding accountants from potential liability under Section 11 of the Securities Act with respect to unaudited interim financial information is not its final view as to the proper resolution of the issue of Section 11 liability for reports by accountants containing limited assurances based on procedures less extensive than audits. The Commission, accordingly, specifically solicits the views of registered companies, shareholders, directors, underwriters, accountants and their respective counsel, as well as other interested parties, as to whether exclusion of potential Section 11 liability for reports issued by accountants based upon reviews less extensive than audits is appropriate and desirable in these circumstances. In addition, the Commission invites comments on whether this proposed action may affect the ability of directors and underwriters to meet their due diligence defense under Section 11(b)(3)(A) and whether more appropriate alternative approaches to this issue exist.

VII. Text of Proposed Rule

In consideration of the foregoing, it is proposed to amend 17 CFR Chapter II as follows:

Part 230 of Chapter II of the Title 17 of the Code of Federal Regulations is proposed to be amended by revising parapgraph (c) and adding paragraphs (e) and (f) to § 230.436 as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

§ 230.436 Consents required in special cases.

* * * * *

(c) Notwithstanding the provisions of paragraph (b), the following reports issued by independent accountants shall not be considered a part of a registration

statement prepared or certified by an accountant or a report prepared or certified by an accountant within the meaning of sections 7 and 11 of the Act:

(1) A report on unaudited interim financial information as defined in paragraph (d) of this section,

(2) A report on unaudited supplementary information as to the effects of changing prices as defined in paragraph (e) of this section; and

(3) A report on unaudited supplementary oil and gas reserve information as defined in paragraph (f) of this section.

(d) (No Change)

(e) The term "report on unaudited supplementary information as to the effects of changing prices" shall mean a report which consists of the following:

(1) An identification of the specific supplementary information as to the effects of changing prices to which procedures have been applied;

(2) A brief description of the procedures;

(3) A statement that the information is not part of the financial statements and is not audited; and

(4) A statement about whether the accountant is aware of any material modifications that should be made to the information for it to conform with guidelines established by the Financial Accounting Standards Board.

(f) The term "report on unaudited supplementary oil and gas reserve information" shall mean a report which consists of the following:

(1) An identification of the specific supplementary oil and gas reserve information to which procedures have been applied;

(2) A brief description of the procedures;

(3) A statement that the information is not part of the financial statements and is not audited; and

(4) A statement about whether the accountant is aware of any material modifications that should be made to the information for it to conform with guildelines established by the Financial Accounting Standards Board or with reporting requirements established by the Commission in Rule 3-18 of Regulation S-X.

By the Commission.

George A. Fitzsimmons,

Secretary.

April 30, 1980.

[FR Doc. 80-13930 Filed 5-5-80; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Part 240

[Release No. 34-16770; File No. S7-833]

Stock Options

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is publishing for comment a proposed amendment to Rule 16b-3 under the Securities Exchange Act of 1934 that would exempt from the short-swing profit recovery provisions of Section 16(b) of the Act the delivery of stock by an officer or director upon the exercise of an employee stock option. In addition, the Commission is proposing to amend the caption for Rule 16b-3 to reflect the broadened coverage of the rule. The proposed changes are being published as a result of several requests from the public that the Commission provide relief from Section 16(b) for the use of stock as payment for the exercise of employee stock option.

DATE: Comments should be submitted on or before June 9, 1980.

ADDRESS: Comments should refer to File No. S7-833 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Michael R. Kargula or Peter J. Romeo, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2573.

SUPPLEMENTARY INFORMATION: On April 27, 1979, the Internal Revenue Service issued a ruling which held that an employee could deliver stock already owned by him as payment for the exercise of an employee stock option without recognizing any taxable gain on the unrealized appreciation of the delivered shares.[1] Pursuant to this ruling, the optionee is not taxed on the difference between his cost basis for the old shares and their market value on the date of delivery, even though the delivered shares are valued at their current market price for purposes of paying all or part of the option price.

In essence, the IRS ruling in many instances permits an employee who uses stock to exercise a stock option to acquire, without any cash outlay, not only a number of shares equal in all respects to the surrendered shares but also additional shares equal to the difference between the option price and the market price at the time of exercise.[2] The tax and other advantages flowing from this ruling, however, are for all practical purposes not presently available to officers and directors of issuers which have a class of equity securities registered under Section 12 of the Securities Exchange Act of 1934 ("1934 Act") [15 U.S.C. 78a et seq.]. Such persons are subject to Section 16(b) of the 1934 Act, which allows an issuer to recover any profits realized by its officers and directors on any purchase and sale, or sale and purchase, of the issuer's equity securities occurring in a period of less than six months. Since the delivery of stock upon exercise of an option could be considered a "sale" to the issuer, and the acquisition of stock as a result of exercising the option could be deemed a "purchase," the profit on the combined sale and purchase would be recoverable by the issuer under Section 16(b) because it occurred in a period of less than six months.

In recent months, the Commission and its staff have received a number of informal requests, as well as a formal rulemaking petition,[3] that it provide exemptive relief from Section 16(b) for the delivery of stock upon the exercise of a stock option. In this regard, Section 16(b) grants authority to the Commission to exempt by rules and regulations any transaction or transactions which it believes are not comprehended within the purpose of that section. The Commission has exercised its exemptive authority under Section 16(b) on numerous occasions in the past, as evidenced by the various rules it has adopted under that section.

Those persons who have requested exemptive relief have stated that the use of already-owned stock to exercise a stock option does not present an opportunity for the abuses which Section 16(b) is designed to prevent.[4]

[1] CCH Standard Federal Tax Reporter, ¶ 6979. The ruling dealt with non-qualified stock options.

[2] For example, if a person who holds an option for 200 shares at an exercise price of $10 per share decided to exercise the option when the stock was trading at $20 a share, he could do so by delivering 100 shares previously acquired by him (with a value of $2,000) for the 200 shares under the option.

[3] The rulemaking petition was submitted under Rule 4(a) of the Commission's Rules of Practice [17 CFR 201.4(a)] by the firm of Rodden and Marshall on March 4, 1980 on behalf of Consolidated Oil & Gas, Inc. Requests of a similar nature were received in writing from Messrs. Jesse Brill, Warren Grienenberger, John Bitner, and Monty Barber. Moreover, many members of the public have expressed the view in telephone conversations with the staff that the Commission should provide the type of relief being proposed herein.

[4] Generally, the purpose of Section 16(b) is to prevent insiders from unfairly utilizing confidential

Footnotes continued on next page

The Commission, to some extent, has previously recognized this view by its prior adoption of amendments to Rule 16b–3 [17 CFR 240.16b–3] exempting from Section 16(b) certain transactions involving stock appreciation rights.[5] The use of already-owned stock to exercise a stock option is in substance another form of stock appreciation right[6] and does not appear to present any more opportunity for speculative abuse than stock appreciation rights payable in securities.

Under the circumstances, the Commission believes it is appropriate to propose the adoption of an amendment to Rule 16b–3 that would provide the requested exemptive relief. Rule 16b–3 exempts from Section 16(b) certain transactions occurring under specified types of employee benefit plans. It reflects the Commission's recognition that without such an exemption the legitimate use of the types of plans covered by it as a means of executive compensation would be largely frustrated. Because of the safeguards inherent in the rule, such as the requirements for shareholder approval of the plan and disinterested plan administrators, the opportunities for abuse under it are slight.

The proposed amendment would appear in the first sentence of Rule 16b–3 and would exempt "any surrender or delivery to the issuer of securities of the issuer pursuant to the exercise of an option for securities of the same class." It should be noted that the amendment would exempt only the stock delivered to the issuer upon the exercise of an option. Stock acquired by the optionee upon such an exercise would not be exempt from Section 16(b) just as stock acquired upon the exercise of a stock appreciation right is not exempt under the rule. This is generally due to the fact that insiders usually can control the timing of the exercise of an option (or a stock appreciation right, for that matter) and thus can take unfair advantage of inside information if they are allowed to acquire stock pursuant to an option and then immediately resell it to the public without Section 16(b) consequences. Thus, stock acquired in a transaction covered by the proposed amendment could be matched under Section 16(b) against any sales of such stock occurring within less than six months before or after the acquisition.

Other Matters

The caption for Rule 16b–3 indicates that the rule covers "acquisitions of shares and stock options and stock appreciation rights under certain stock incentive, stock option or similar plans." Because the proposed amendment described above would expand the rule to cover certain dispositions of stock, the caption would no longer reflect the contents of the rule if the amendment were adopted. Accordingly, as a related matter, the Commission is proposing to change the caption for Rule 16b–3 to state that the rule exempts from Section 16(b) "certain transactions occurring under employee benefit plans."

In addition to the foregoing, the Commission is aware that the proposed amendment to Rule 16b–3 described herein would, if adopted, raise the question whether an amendment to an existing stock option plan allowing the delivery of already-owned stock upon exercise of an option would be a material amendment requiring shareholder approval under paragraph (a) of the rule.[7] The Commission is of the view that such an amendment would not be material and therefore would not necessitate shareholder approval, since it would not result in any additional remuneration for directors and officers not already contemplated by such a plan. Instead, it would simply allow issuers to revise the form of consideration acceptable for the exercise of options. The Commission welcomes any comments on this view that interested persons may wish to submit.

Text of Proposed Amendments

17 CFR Part 240 is proposed to be amended by revising the introductory paragraph of § 240.16b–3 to read as follows:

§ 240.16b–3 Exemption from section 16(b) of certain transactions occurring under employee benefit plans.

Any acquisition of shares of stock (other than stock acquired upon the exercise of an option, warrant or right) pursuant to a plan as defined in paragraph (d)(1) hereof, or any acquisition, expiration, cancellation or surrender to the issuer of a stock option or stock appreciation right pursuant to such a plan, or any surrender or delivery to the issuer of securities of the issuer pursuant to the exercise of an option for securities of the same class under such a plan by a director or officer of the issuer shall be exempt from the operation of section 16(b) of the Act if the plan meets the following conditions:

* * * * *

(Secs. 16(b), 23(a), 48 Stat. 896, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379, sec. 18, 89 Stat. 155; 15 U.S.C. 78;(b), 78w(a))

Authority

The Commission hereby publishes for comment the amendments to Rule 16b–3 described herein pursuant to the Securities Exchange Act of 1934, particularly Sections 16(b) and 23(a) thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

April 30, 1980.

[FR Doc. 80–13929 Filed 5–5–80; 8:45 am]

BILLING CODE 8010–01–M

Footnotes continued from last page information to profit from short-term trading transactions in an issuer's securities.

[5] Release Nos. 34–13097 (December 22, 1976) [42 FR 755] and 34–13659 (June 22, 1977) [42 FR 33283].

[6] Both the use of stock to exercise an option and the exercise of a stock appreciation right for securities result in the acquisition of additional stock without any out-of-pocket expense on the basis of a preselected measure of appreciation.

[7] Rule 16b–3(a) states at the end thereof that any amendment to a plan must be approved by shareholders "if the amendment would: (A) materially increase the benefits accruing to participants under the plan . . ."

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Labor Certification Process for the Temporary Employment of Aliens in Agriculture: Adverse Effect Wage Rate Methodologies; Proposed Rulemaking; Extension of Comment Period

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rulemaking; extension of comment period.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (DOL) extends the comment period through July 14, 1980, on the proposal to adopt a new methodology for establishing an adverse effect wage rate governing the temporary alien employment certification program in agriculture. This action is being taken to allow commenters more time to make meaningful comments on the issue.

DATE: Interested persons are invited to submit written comments on the proposed rule on or before July 14, 1980.

ADDRESS: Send written comments to: Mr. David O. Williams, Administrator, United States Employment Service, Employment and Training Administration, United States Department of Labor, Suite 8000, Patrick Henry Building, 601 "D" Street NW., Washington, DC 20213.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Bell, United States Employment Service, Employment and Training Administration, United States Department of Labor, Suite 8410, Patrick Henry Building, 601 "D" Street NW., Washington, DC 20213. Telephone: 202-376-6297.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 11, 1980 (45 FR 15914), ETA proposed a new methodology for computing adverse effect wage rates (AEWRs) in agriculture and proposed continuing the old methodology for logging. AEWRs are the minimum wages that must be offered and paid by employers seeking to temporarily employ nonimmigrant alien workers. See 20 CFR § 655.207. If lower wages were permitted to be offered or paid, the wages of similarly employed U.S. workers would be adversely affected and an adequate test of the availability of U.S. workers would be frustrated.

On April 11, 1980, the 30-day comment period announced in the Notice of Proposed Rulemaking was extended until May 12, 1980. 45 FR 24902. DOL has received numerous requests from interested parties that the comment period be extended further. DOL has determined that it would be in the public interest to extend the comment period again, and that an extension through July 14, 1980, would be appropriate.

Accordingly, the comment period is hereby extended through July 14, 1980.

Signed at Washington, D.C., this 1st day of May, 1980.

Ray Marshall,

Secretary of Labor.

[FR Doc. 80-13907 Filed 5-5-80; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 203 and 234

[Docket No. R-80-808]

Modification of Graduated Payment Mortage Program

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of interim rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the **Federal Register.** This Notice lists and summarizes for public information an interim rule which the Secretary is forwarding to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following interim rulemaking document:

34 CFR Parts 203 and 234—Modification of Graduated Payment Mortgage Program

This interim rule would modify the Graduated Payment Mortgage Program to implement a 1979 amendment to Section 245 of the National Housing Act. It would provide for a limited program with reduced down payment requirements, to aid potential home purchasers who are priced out of the present housing market.

(Sec. 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., April 22, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-13771 Filed 5-5-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Chapter VII

Louisiana Permanent Regulatory Program; Correction

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Correction.

SUMMARY: This document corrects the date announcing a public hearing on the substance of the proposed Louisiana Regulatory Program to be conducted by the State of Louisiana which was published in the **Federal Register** on Friday, April 25, 1980 (45 FR 27955)

EFFECTIVE DATE: May 5, 1980.

ADDRESS: Regional Director, Office of Surface Mining, Region IV, 818 Grand Avenue, Scarritt Bldg., Kansas City, Missouri, 64106.

FOR FURTHER INFORMATION CONTACT: Ricard Rieke, Assistant Regional Director, Office of Surface Mining, Reclamation and Enforcement, Scarritt Bldg., 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374-3920.

The following correction is made: On page 27955, column 3, the seventh paragraph under SUPPLEMENTARY INFORMATION is corrected to read: "1. Proposed amendments to Statewide Order 29-0-1, the Louisiana Regulations. These regulations will be subject to a public hearing conducted by the state in Baton Rouge on May 7, 1980."

Dated: April 29, 1980.

Allyn O. Lockner,

Acting Regional Director.

[FR Doc. 80-13940 Filed 5-5-80; 8:45 am]

BILLING CODE 4310-05-M

CENTRAL INTELLIGENCE AGENCY

32 CFR Part 1900

Public Access to Documents and Records and Declassification Requests

AGENCY: Central Intelligence Agency.

ACTION: Proposed rule.

SUMMARY: The Central Intelligence Agency (CIA) amends its regulations relating to public access to documents and records by clarifying policies and procedures regarding historical research requests. Based upon the Agency's experience in handling requests from historical researchers for access to classified information held in the file systems, a modification of the regulation is necessary. The amendment will allow the CIA to process such requests with less burden upon its limited resources. This document also corrects the text by setting forth language which was inadvertently omitted when first promulgated.

DATE: Comments must be received on or before July 7, 1980.

ADDRESS: Chief, Information and Privacy Division, Central Intelligence Agency, Washington, DC 20505.

FOR FURTHER INFORMATION CONTACT: Mr. Charles E. Savige, Phone: (703) 351-5659.

SUPPLEMENTARY INFORMATION: Executive Order 12065 (43 FR 28949, July 3, 1978) authorizes access to classified information for persons engaged in historical research. In order to accommodate such requesters, the Agency must conduct background security investigations of the applicants, make special arrangements for work space in areas where the researchers'

contacts with Agency personnel will be limited, provide badging and escort services, assign personnel to continually monitor the researchers' activities and movements, and arrange for the review of all notes and manuscripts. Needless to say, these requirements tax our manpower resources. Moreover, our experience in dealing with historical research requests has demonstrated that the same results can often be obtained, and with less of a burden upon the Agency's limited resources, through processing requests for access to reasonably described records in accordance with the mandatory classification review provisions of Executive Order 12065.

In consideration of the foregoing, Part 1900, Chapter XIX of Title 32, Code of Federal Regulations, is amended by revising paragraph (a) of 1900.61 to read as follows:

§ 1900.61 Access for historical research.

(a) Any person engaged in an historical research project may submit a request, in writing, to the Coordinator to be given access to information classified pursuant to an Executive order for purposes of that research. Any such request shall indicate the nature, purpose, and scope of the research project. It is the policy of the Agency to consider applications for historical research privileges only in those rare instances where the researcher's needs cannot be satisfied through requests for access to reasonably described records.

* * * * *

Don I. Wortman,

Deputy Director for Administration.

[FR Doc. 80-13748 Filed 5-5-80; 8:45 am]

BILLING CODE 6310-02-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 50

Demonstrations and Special Events; Proposed Rule

AGENCY: National Park Service, Interior.

ACTION: Proposed rule and policy statement with request for comments.

SUMMARY: This proposed rule suggests amendments to the National Park Service regulations governing demonstrations and special events in Washington, D.C. and its environs. A proposed Administrative Policy Statement explains the administration of these regulations. These amendments and statements are intended to clarify and simplify the procedures for obtaining demonstration and special event permits.

DATES: Written comments must be received on or before June 5, 1980.

ADDRESSES: Written comments may be sent to: Manus J. Fish, Jr., Regional Director, National Capital Region, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242.

FOR FURTHER INFORMATION CONTACT: George Berklacy, Public Affairs, National Capital Region, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242, telephone: 202-426-6690. Richard G. Robbins, Assistant Solicitor, National Capital Parks, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, telephone: 202-343-4338.

SUPPLEMENTARY INFORMATION: The following persons participated in the writing of this regulation: Richard G. Robbins and Barbara I. Berschler, Office of the Solicitor.

Background

On March 29, 1976, the current regulations governing demonstrations and special events were published in the **Federal Register**, 41 FR 12881. Those regulations had been the subject of extensive litigation in *A Quaker Action Group* v. *Morton*, 516 F. 2d 717 (1975), and were adopted to conform with the court's direction in that case. Since the adoption of those regulations, the National Park Service has gained over three years of experience in administering the regulations and has identified areas which need change and clarification in order to simplify the demonstration/special event permit system.

Furthermore, on August 12, 1977, the lawsuit *Women Strike For Peace* v. *Andrus*, C.A. No. 74-1303 (D.D.C.), was amended to raise certain additional challenges to the constitutionality of the regulations. After that amendment was filed, officials of the National Park Service entered into discussions with officials of the American Civil Liberties Union who represent plaintiffs in that litigation. During the course of those discussions it was discovered that no controversy existed between the National Park Service and the American Civil Liberties Union with regard to several of the issues in litigation. Moreover, the discussions dealt with some other aspects of the regulations which the parties thought required clarification. Accordingly, the following proposed amendments to the regulations and proposed Administrative Policy Statement are intended to settle several of the issues in litigation and to clarify and simplify the regulatory system.

Proposed Regulation Changes

Definitions

Included in the current definition paragraph, 36 CFR 50.19(a), are definitions for the terms the "Kennedy Center," "Lincoln Memorial," "Jefferson Memorial," and "Washington Monument." In order to eliminate the need for cross-referencing, it is proposed that the definitions of these terms be incorporated directly into the applicable subparagraph 36 CFR 50.19(c)(2). The definition for the term "Constitution Gardens" will be eliminated because the National Park Service has determined that the new plantings can now withstand a sizeable increase in park visitor use.

As a further aid in understanding the regulations, diagrams of those locations where demonstrations or special events are not permitted will be placed at the conclusion of the section.

In light of the recent ruling in *O'Hair* v. *Andrus*, No. 2170 (D.C. Cir. October 5, 1979), in which the plaintiffs challenged the Park Service's issuance of a permit for the use of park land for a papal mass and the provision of services by the government in anticipation of the large number of expected park visitors, the definition for the term "demonstrations" in this paragraph will be expanded to make it clear that requests for religious services are treated in the same manner as other First Amendment activities.

Exemption of Small Groups and Waiver of 48 Hour Notice Requirement

At present the regulations require any individual or group planning to conduct a demonstration to obtain a permit and to give at least 48 hours notice in advance of the activity. As a result of its extensive prior experience in dealing with demonstrations of all sizes and formats, the Park Service has concluded that an exemption of small groups from the permit requirements under certain conditions will not hinder fulfillment of its responsibilities to administer park lands and to provide visitor services. Thus, the National Park Service proposes to amend § 50.19(b) to exempt individuals or groups of up to 25 persons from the permit requirement provided that the demonstrators observe the other applicable requirements in the regulation, that they are not an extension of another group already taking advantage of the exemption, or that they will not unreasonably interfere with other demonstrations or special events.

The Park Service believes that the 48 hour advance application requirement may be waived under certain conditions without jeopardizing fulfillment of its

park responsibilities. To this end, the Park Service proposes to amend paragraph 50.19(c) to allow the Director of the National Capital Region to waive the 48 hour notice requirement in those instances when the size and nature of the planned activity do not require the assignment of park resources or personnel in excess of that which are normally available or reasonably can be obtained within the abbreviated time frame. The National Park Service plans to monitor carefully the implementation of this provision over the summer season and will meet again with ACLU representatives in the fall to explore administrative procedures to simplify this process to the greatest practical extent.

Waiver of Numerical Limitations

The current regulations, 36 CFR 50.19(e), provide that no more than 3,000 persons may demonstrate in Lafayette Park and no more than 750 persons may demonstrate on the White House Sidewalk at any one time. The regulations also provide that these numerical limitations may be waived if the applicant files certain information with the Director, National Capital Region, at least 15 days in advance of the demonstration. Also, the applicant must show that the activity has been planned and will be patrolled in such a fashion as to render unlikely any substantial risk to legitimate government interests in the area.

The proposed regulations will change the current paragraph in three ways. First, the time period in advance of the demonstration required for filing a waiver request is shortened from 15 to 10 days. Second, the amount of information an applicant must furnish has been reduced. The proposed regulations will require, in addition to the standard permit application, that the waiver application contain only certain information to be furnished concerning the demonstration marshals. Third, the criteria for granting a waiver have been clarified. The proposed regulation will require the applicant to show that good faith efforts will be made to plan and marshal the demonstration so as to render unlikely any disruption or violence so substantial as to be unreasonable.

Paragraph 36 CFR 50.19(e) will be further amended by revising subparagraph (4) to eliminate (i) which is now viewed as no longer necessary.

Rush-Hour Demonstrations

The proposed regulations will change the current subparagraph on demonstrations and special events held during rush-hour periods (36 CFR 50.19(e)(6)) to make it clear that demonstrations and special events may be conducted during rush-hour unless it is necessary to restrict the activity to avoid unreasonable interference with traffic.

Temporary Structures and General Visitor Services

In connection with permitted demonstrations or special events, the construction of temporary structures has been allowed under 36 CFR 50.19(e)(8). The proposed change in the regulation makes it clear that the National Park Service allows all groups to erect and to use such structures to the same extent as those constructed in connection with government sponsored or co-sponsored events.

In administering this regulation, minor injury to the turf resulting from the construction of temporary structures will not result in permit denial or revocation.

Moreover, it has been the long standing policy of the National Park Service to make available to all groups, irrespective of their views or purpose in conducting their activity, a level of visitor services (e.g. security, sanitation facilities, water, etc.) commensurate with the size and nature of the activity scheduled.

Parks Where No Permits Are Required

The current regulations at 36 CFR 50.19(b) specify certain parks where no permit is required if the demonstration is limited to the number of persons listed for each of the named park areas. This system is retained in the proposed regulations, but the language is changed to make clear that demonstrations may be conducted in excess of the numbers listed if a permit is secured.

Areas Where Demonstrations and Special Events Are Prohibited—Maps

The current regulations prohibit demonstrations and special events in certain portions of the park areas (36 CFR 50.19(c)(2)). These prohibitions are designed to protect legitimate government interests in the areas and for the most part are designed to set aside areas of peace, calm, tranquility and reverence where the park visitor may be free of activity intrusions found in other areas. However, the proposed regulations have been supplemented with the relevant definitions and with reference to maps to delineate clearly the areas where demonstrations and special events may not be held. The definitions for the terms "Washington Monument" and "Kennedy Center," which were found at § 50.19(a), will be revised in this subparagraph to describe these areas more clearly.

Place of Filing

The proposed regulations add the main information desk of the National Visitor Center, Union Station, as an area where applications for demonstration and special event permits may be obtained and filed. Applications may still be submitted either in person or by mail at the National Capital Regional Office, 1100 Ohio Drive, SW. This addition is designed to make it easier for persons to seek a demonstration or special event permit. Park areas will be allocated on a first-come, first-served basis determined by the time an application is received at either the National Visitor Center, Union Station, or the 1100 Ohio Drive offices.

National Celebration Events

Each year the National Park Service sponsors several events which occur at the same time and location. These events have been called National Celebration Events. The current regulation found at 36 CFR 50.19(d)(1) specifies that these events have priority use of designated park areas.

The amended regulation will make it clear that other permitted demonstrations or special events can take place in the same park areas as the National Celebration Events provided they do not significantly interfere with the National Celebration Event. Also, an activity containing structures can not be closer than 50 feet to another activity containing structures without the mutual consent of the interested parties.

Reference to Prefatory Statement

In order to aid readers in understanding the administrative policies which have been developed to implement the revised regulations, a citation to the applicable **Federal Register** reference will be included at the conclusion of 36 CFR 50.19.

Administrative Policy Statement:

Clear and Present Danger

The current regulations provide that a permit for a demonstration or special event may be denied or revoked by the Director if it reasonably appears that the proposed demonstration or special event will present a clear and present danger to the public safety, good order or health and that a permit may be revoked by the ranking United States Park Police supervisory official in charge if continuation of the event presents a clear and present danger to the public safety, good order or health as well as for any violations of applicable law or

regulation. When applying this standard the policy of the National Capital Region has been and will continue to be to apply the ordinary meaning of clear and present danger as it has been developed by court decisions. In arriving at a determination, either prior to or during the course of a demonstration or special event, the deciding official will consider the following:

(a) Whether the sponsor of the demonstration or special event indicates a specific intent to or does cause violence manifested by specific plans or actions. A general intent extrapolated only from rhetoric or previous exploits is not enough. Concrete evidence is required. Also, substantial violence caused by the sponsor in the period immediately preceding the application will justify denial for a reasonably brief cooling off period.

(b) Whether conditions exist which will, or do at the time of the activity, necessitate restricting access by the general public to the area or invoking a general curfew because of natural disaster, emergency or conditions of violence.

Application and Permit Forms

In order to improve the permit application process, the current form has been shortened and simplified. In addition, the standard application form and application form for a waiver of the limitation on the number of persons who may demonstrate in the White House area have been combined. These changes will reduce the amount of paperwork required of an applicant and will speed up the application process. Copies of these new forms are available from the Office of Public affairs, National Capital Region, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242, and the National Visitor Center, Union Station, Main Information Desk, Washington, D.C.

Structures and Campsites

The current regulations (36 CFR 50.19(e)(8)) permit structures to be used in the conduct of demonstrations and special events except on the White House sidewalk. In administering this section, the National Park Service permits all groups to erect structures, props and displays of the same size, number, space, character and duration as structures used in connection with government sponsored or co-sponsored events.

Camping is prohibited in all park areas except those specially designated as official campsites (36 CFR 50.27). The National Park Service does permit the use of symbolic campsites reasonably related to First Amendment activities. However, camping primarily for living accommodation must be confined to designated campsites.

National Celebration Events

The National Park Service sponsors numerous special event activities throughout the National Capital Region on a year round basis. These activities vary widely in nature and include musical presentations, athletic events, pageants, dramas, walking tours, parades, etc. The times and places for these events are allocated by the National Park Service with regard to privately sponsored demonstrations and special events on a first-come, first-served basis. That is, if an application for a demonstration is received prior to the official scheduling of a Park Service sponsored event, the demonstration is given priority use of the park area applied for and vice versa.

Certain Park Service events occur at the same time and locations annually. Notice of the times and locations of these events has been given in 36 CFR 50.19(d), and they have been called National Celebration Events. While still following the first-come, first-served principle, the National Park Service has, within the regulations, determined because these events recur annually for the same locations and times, that they will enjoy a preference for those times and locations. These events include the Christmas Pageant of Peace, President's Cup Regatta, Cherry Blossom Festival, Fourth of July Celebration, Festival of American Folklife and Columbus Day Commemorative Wreath-Laying.

It is the policy of the National Park Service to permit demonstrations and special events within the same park areas as the National Celebrations Events, and immediately adjacent thereto. Permits in these areas shall be granted except when such demonstrations or special events will significantly physically or audibly interfere with the National Celebration Event or another authorized activity. When enforcing the regulations during the conduct of a National Celebration Event, it is anticipated that insignificant interferences will not result in permit denial or cancellation.

Moreover, it is the policy of the National Park Service to permit demonstrators who do not unreasonably interfere with a National Celebration Event or with ingress or egress to the event to engage in activity up to the entrance of a National Celebration Event or around its perimeter in accordance with the requirements of 36 CFR 50.19. The distribution of literature within a National Celebration Event is permissible in accordance with the requirements of 36 CFR 50.52.

While the National Celebration Events are sponsored by the National Park Service, the Park Service encourages the expresson of views regarding these events and participation in them by all members of the public. For the annual Christmas Pageant of Peace, the National Park Service will conduct a public meeting to present its general plan for the coming event and to obtain the views of members of the public on proposals as well as to solicit any additional suggestions for activities within the theme and format of the Christmas Pageant. Notice of the open meeting will appear in the Federal Register and in newspapers of general circulation. Although the National Park Service will consider written comments and suggestions prior to the public meeting, these comments and those presentations at the meeting will be the only public input considered toward establishing the plan for the Pageant. This procedure will be followed so that all members of the public may have an equal opportunity to have their views considered. The Park Service will review all written comments and the suggestions presented at the public meeting before deciding on the final plan for the Pageant.

If the National Park Service decides to expand the traditional activities included in any of the other National Celebration Events, then it will follow the procedures outlined above as an aid in developing the event's format.

Persons or groups wishing to participate in any of the events within their theme and format should write or contact the Office of Public Affairs, National Capital Region, 1100 Ohio Drive, SW., Washington, D.C. 20242, and outline the type of participation being sought and the appropriateness of that participation to the event's theme. Persons and groups offering participation in accord with the event's theme and format will be permitted to participate in the program subject to reasonable limitations on number of groups or persons who can be accommodated.

The themes and formats of the various National Celebration Events are as follows:

The Christmas Pageant of Peace which is held in the oval portion of the Ellipse during approximately the last three weeks in December is presented as a celebration of the holiday season. This event provides the park visitor an opportunity to view the lighting of the National Christmas tree, attend musical presentations and visit the yuletide displays.

The President's Cup Regatta is held in East Potomac Park for approximately two days during the fist week in June. This event continues an annual tradition begun in 1929 under the direction of President Calvin Coolidge and gives the public an opportunity to view limited and unlimited power boat races on the Potomac River. Boats are entered, selected and registered in accordance with prevailing regulations.

The Cherry Blossom Festival is scheduled for six days usually in late March or early April. This event celebrates the beauty of the blossoming Japanese Cherry Trees and commemorates the gift of those trees by Japan to the people of the United States. The opening cermony of the Festival is held at the Japanese Lantern adjacent to the Tidal Basin. At this event, greetings are extended by the Mayor of the District of Columbia, the Director, National Park Service, and the Ambassador of Japan. The Embassy of Japan traditionally is accorded a role in the sponsorship of this event. The Festival ends with a parade down Constitution Avenue from 7th to 17th Streets, N.W. Other Festival events, such as band competitions, are held on the Ellipse or the Washington Monument Grounds, adjacent to Constitution Avenue, between 15th and 17th Streets, N.W., during the 6-day period.

The Fourth of July Celebration is held on the Washington Monument Grounds. This event provides entertainment to celebrate Independence Day and ordinarily attracts large numbers of persons. During this event, the Mayor of the District of Columbia welcomes visitors. Musical groups participate, and the day is traditionally concluded with a fireworks display.

The Columbus Day Commemorative Wreath-Laying is conducted at the Columbus statue on the Union Plaza on Columbus Day. This event marks the anniversary of Columbus' discovery of America. Speaker and musical groups participate in the program.

PUBLIC PARTICIPATION: The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulation to the address noted at the beginning of the rulemaking.

IMPACT ANALYSIS: The National Park Service has determined that this document is not a significant rule requiring preparation of a regulatory analysis under Executive Order 12044 and Part 14 of Title 43 of the Code of Federal Regulations; nor is it a major Federal action significantly affecting the quality of the human environment, which would require preparation of an Environmental Impact Statement.

David V. Tobin, Jr.,

Acting, National Park Service.

In consideration of the foregoing, § 50.19 of Title 36 of the Code of Federal Regulations is accordingly amended:

PART 50—NATIONAL CAPITAL PARK REGULATIONS

1. By revising the first sentence of § 50.19(a)(1) to read as follows:

§ 50.19 Demonstrations and special events.

(a) Definitions. (1) The term "demonstrations" includes demonstration, picketing, speechmaking, marching, holding vigils or religious services and all other like forms * * *.

2. By deleting from § 50.19(a) definitions (8) through (12).

3. By changing the number of the definition in § 50.19(a) for the term "director" from (13) to (8).

4. By changing the number of the definition in § 50.19(a) for the term "other park areas" from (14) to (9).

5. By adding at the conclusion of § 50.19(a):

Note.—The darkened portions of the diagrams at the conclusion of this section show the areas where demonstrations or special events are prohibited.

6. By deleting the introductory clause in § 50.19(b) and replacing it with the following:

(b) Demonstrations and special events may be held only pursuant to a permit issued in accordance with the provisions of this section except:

(1) Demonstrations involving 25 persons or less may be held without a permit *provided* that the other conditions required for the issuance of a permit are met and *provided further* that the group is not merely an extension of another group already availing itself of the 25-person maximum under this provision or will not reasonably interfere with other demonstrations or special events.

(2) Demonstrations may be held in the following park areas without an official permit *provided* that the conduct of such demonstrations is reasonably consistent with the protection and use of the indicated park area and the other requirements of this regulation. The numerical limitations listed below are applicable only for demonstrations conducted without a permit in such areas. Larger demonstrations may take place in these areas pursuant to a permit.

7. By renumbering subparagraphs (1) through (5) in § 50.19(b) and amending subparagraph (v) as follows:

(i) * * *

(ii) * * *

(iii) * * *

(iv) * * *

(v) * * * and south of D Street, S.E., for no more than 25 persons.

8. By substituting the following for the first two sentences of § 50.10(c):

§ 50.10 Dogs, cats and livestock.

* * * * *

(c) Permit applications may be obtained at the Office of Public Affairs, National Capital Region, 1100 Ohio Drive, SW., Washington, D.C. 20242, or at the main information desk of the National Visitor Center, Union Station, Washington, D.C. 20240. Permit applications shall be submitted to the Director, National Capital Region, at either location. Permit applications shall be submitted in writing on a form provided by the National Park Service so as to be received by the Director at least 48 hours in advance of any proposed demonstration or special event. This 48 hour period will be waived by the Director if the size and nature of the activity will not reasonably require the commitment of park resources or personnel in excess of that which are normally available or which can reasonably be made available within the necessary time period.

9. By revising § 50.19(c)(2) (i)–(iv) and deleting (v) as follows:

§ 50.19 Demonstrations and special events.

(2) * * *

(i) The Washington Monument, which means the area enclosed within the inner circle that surrounds the Monument's base, except for the official annual commemorative Washington birthday ceremony.

(ii) The Kennedy Center, which means the area under the administration of the National Park Service within the building known as the John F. Kennedy Center for the Performing Arts and includes the roof terrace and the outdoor terraces on the north, south, and west portions of the institution as well as the driveways leading to the parking garages. For the purpose of this section, the term "Kennedy Center" does not include the east building sidewalk, outdoor plaza or grassy areas at the Center. Demonstrations are permitted on those areas provided entrances to the Center are not obstructed or vehicular traffic in its vicinity is not impeded.

(iii) The Lincoln Memorial, which means that portion of the park area which is on the same level or above the base of the large marble columns surrounding the structure, and the single series of marble stairs immediately

adjacent to and below that level, except for the official annual commemorative Lincoln birthday ceremony.

(iv) The Jefferson Memorial, which means the circular portion of the Jefferson Memorial enclosed by the outermost series of columns, and all portions on the same levels or above the base of those columns, except for the official annual commemorative Jefferson birthday ceremony.

10. By adding at the conclusion of the revised § 50.19(c):

Note.—The darkened portions of the diagrams at the conclusion of this section show the areas where demonstrations or special events are prohibited.

11. By revising § 50.19(d)(1)(iii) as follows:

(1) * * *

(i) * * *

(ii) * * *

((iii) *Cherry Blossom Festival.* In the Japanese Lantern area adjacent to the Tidal Basin and on the Ellipse and the Washington Monument Grounds adjacent to Constitution Avenue, between 15th & 17th Streets, N.W., for six days usually in late March or early April.

(iv) * * *

(v) * * *

(vi) * * *

12. By adding at the end of the revised § 50.19(d)(1):

Other demonstrations or special events shall be permitted in these particular park areas to the extent that they do not significantly interfere with the National Celebration Events listed in this paragraph. No activity containing structures shall be permitted closer than 50 feet to another activity containing structures without the mutual consent of the sponsors of those activities.

13. By revising § 50.19(e)(3) to read as follows:

(3) The Director may waive the 3,000 person limitation for Lafayette Park and/or the 750 person limitation for the White House sidewalk upon a showing by the applicant that good faith efforts will be made to plan and marshal the demonstration in such a fashion so as to render unlikely any substantial risk of unreasonable disruption or violence. In making a waiver determination, the Director shall consider and the applicant shall furnish at least ten days in advance of the proposed demonstration the functions marshals will perform, the means by which they will be identified, and their method of communication with each other and the crowd.

14. By revising § 50.19(e)(4) to read as follows:

(4) No permit shall be issued for a demonstration on the White House sidewalk and in Lafayette Park at the same time except when the organization, group, or other sponsor of such demonstration shall undertake in good faith all reasonable action, incluing the provision of sufficient marshals, to insure good order and selfdiscipline in conducting such demonstration and any necessary movement of persons, so that the numerical limitations and waiver provisions described in subparagraphs (e)(1)and (2) of this section are observed.

15. By revising § 50.19(e)(6) to read as follows:

(6) The Director may restrict demonstrations and special events weekdays (except holidays) between the hours of 7:00–9:30 a.m. and 4:00–6:30 p.m. if it reasonably appears necessary to avoid unreasonable interfence with rush-hour traffic.

16. By deleting from the first sentence in § 50.19(e)(8) the words "reasonably necessary for the conduct of the demonstration or special event".

17. By deleting from § 50.19(e)(8)(ii) the words "to cause the least possible damage to park property and basic park values" and substituting in their place "not to unreasonably harm park resources".

18. By deleting from § 50.19(e)(9) the words "reasonably necessary for the conduct of the demonstration or special event".

19. By adding at the conclusion of § 50.19:

(g) Further information on administering these regulations can be found at ———— FR ———— (date).

(41 FR 12881, March 29, 1979, as amended at 43 FR 14654, April 7, 1978)

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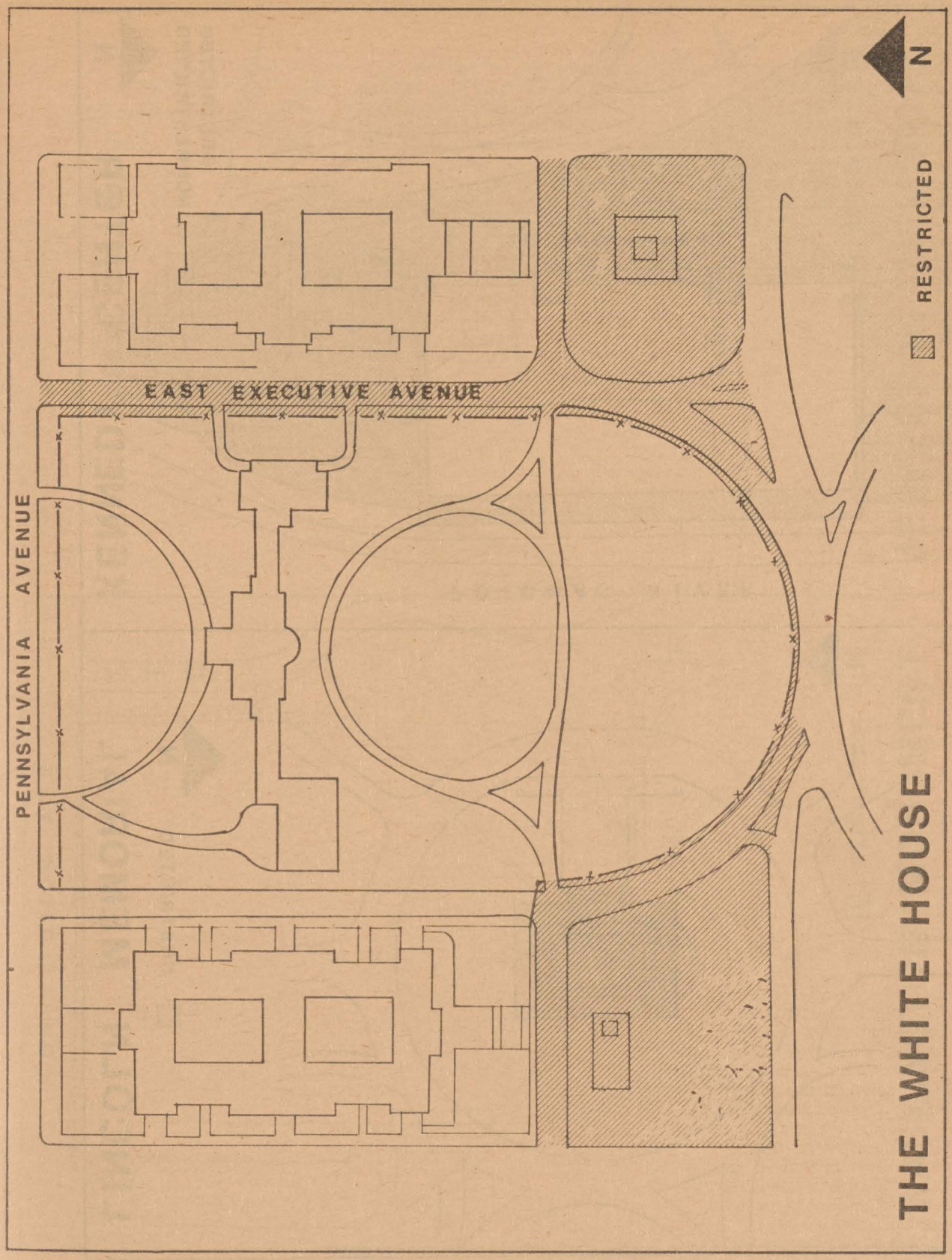
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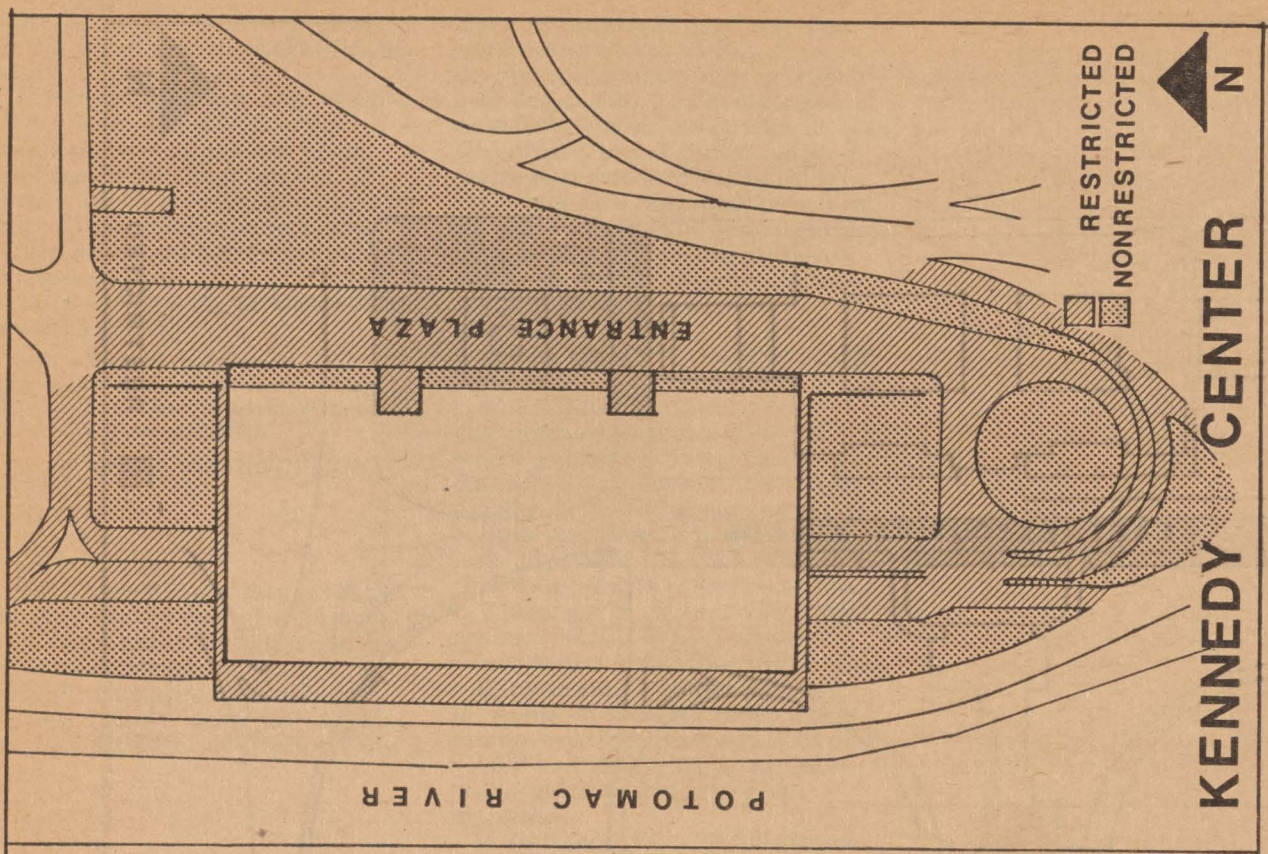
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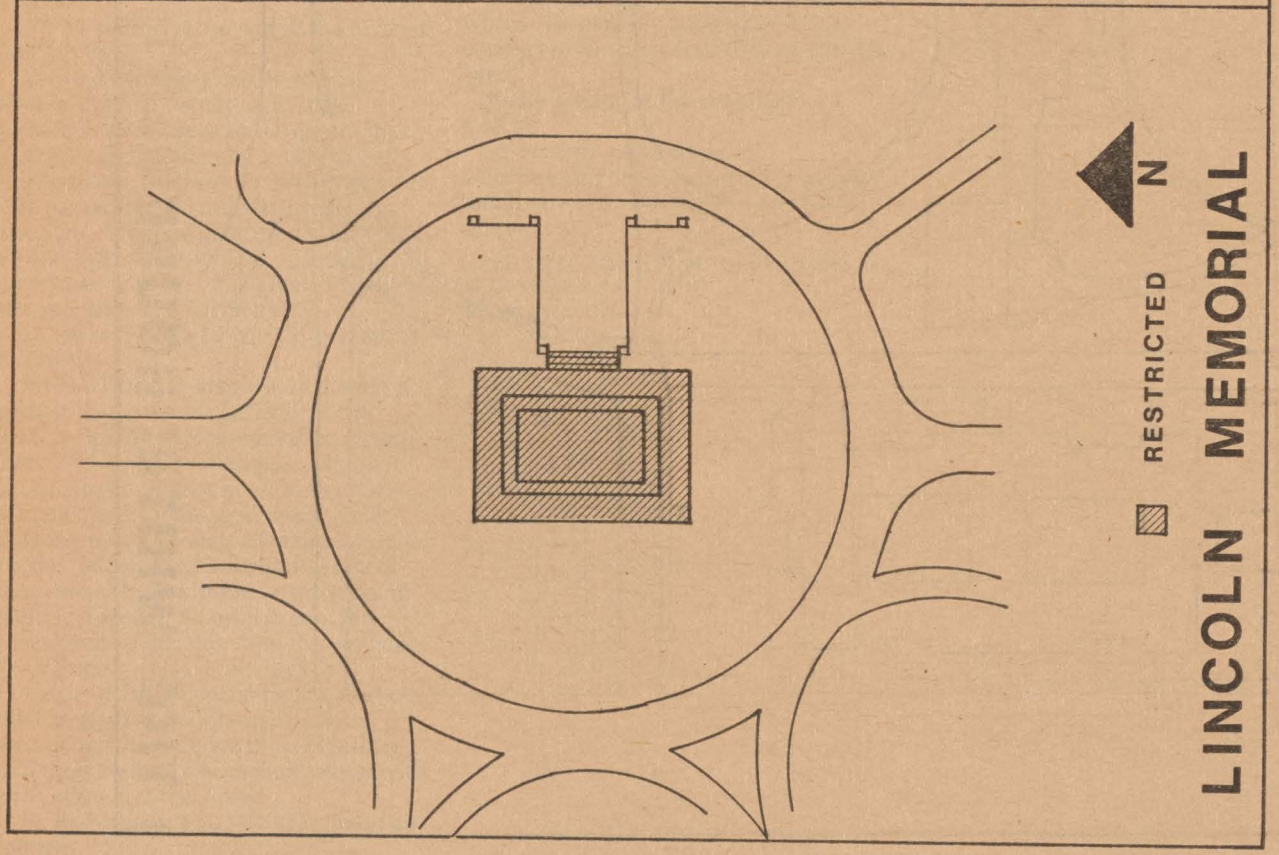
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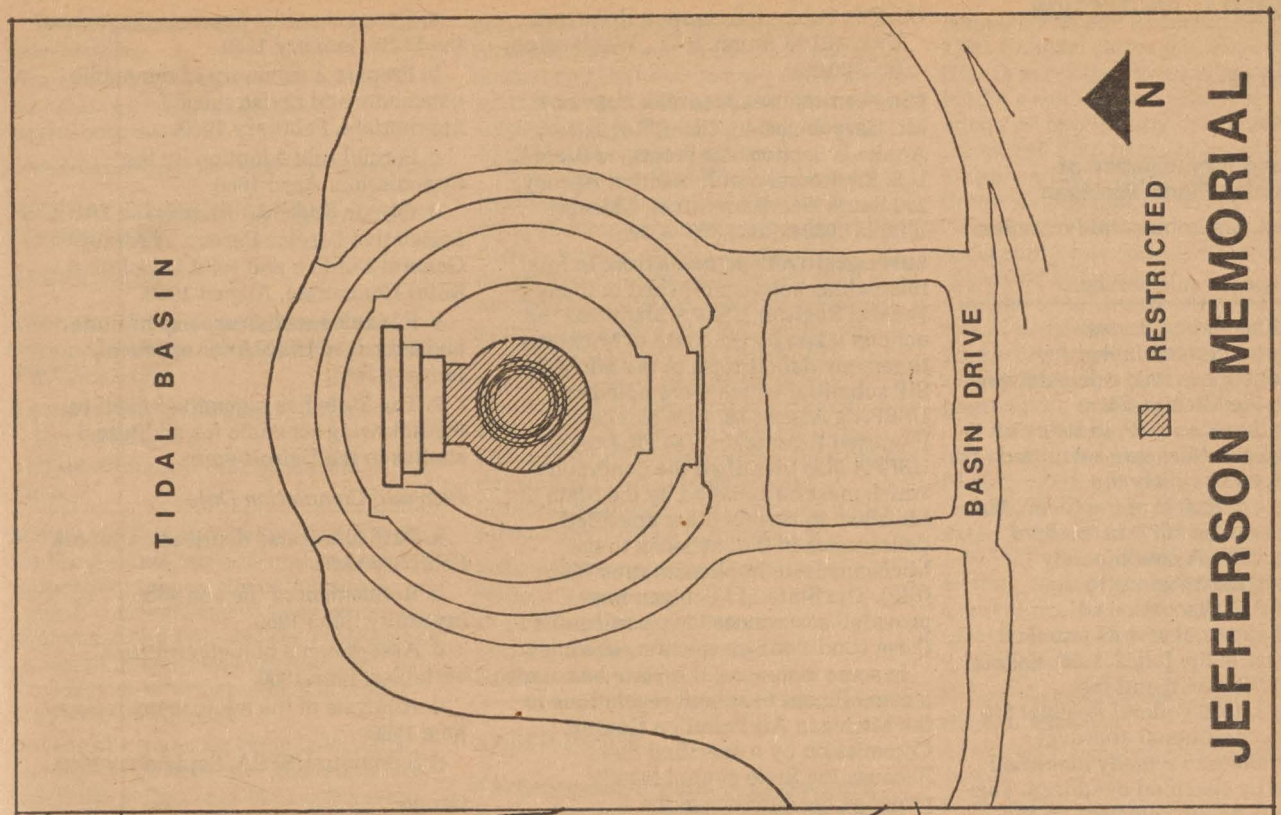

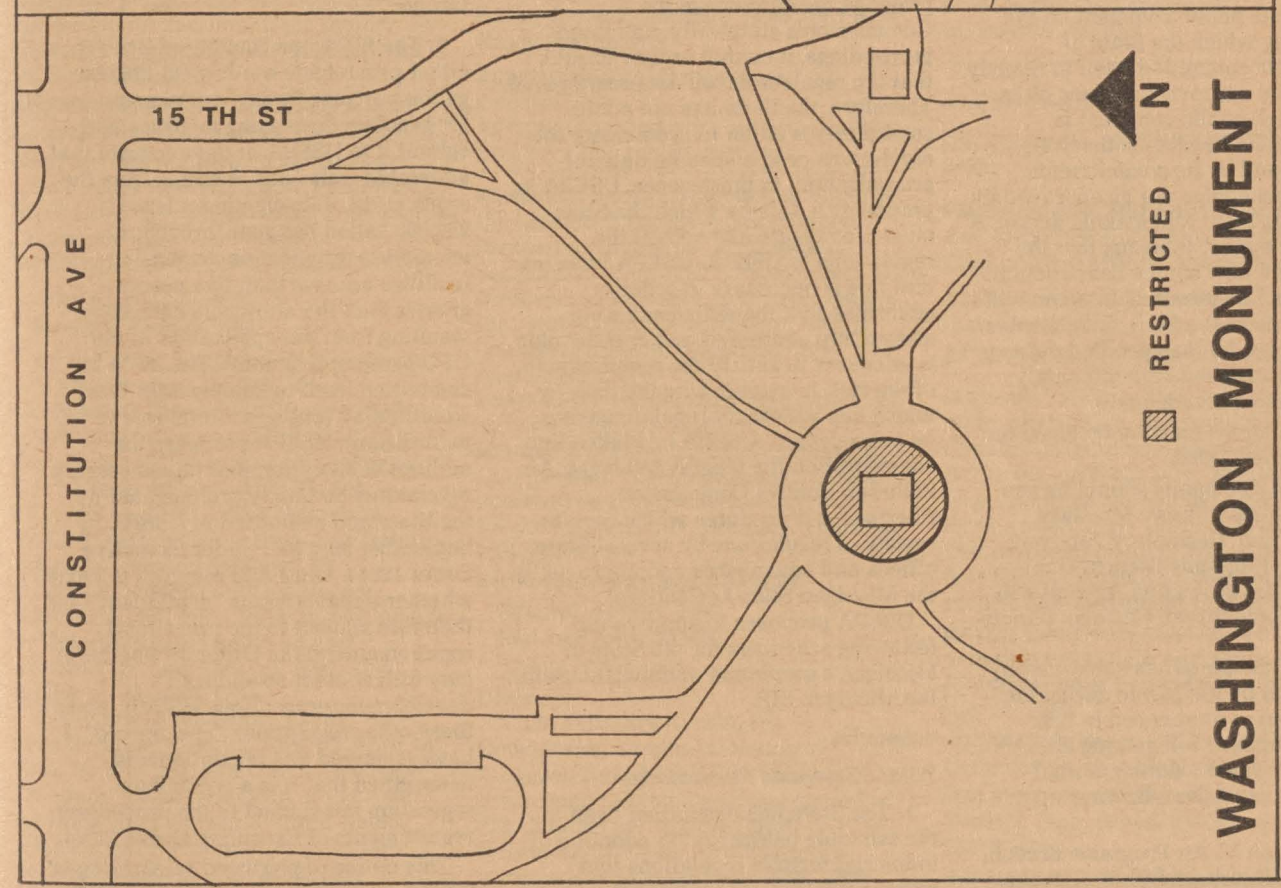

[FR Doc. 80-14068 Filed 5-5-80; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1484-8]

Approval and Promulgation of Implementation Plans: Michigan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The United States Environmental Protection Agency (USEPA) announces final rulemaking on revisions to the Michign State Implementation Plan (SIP) in today's **Federal Register.** Michigan submitted these revisions to satisfy the requirements of Part D of the Clean Air Act, as amended in 1977. In the final rulemaking, USEPA conditionally approved certain revisions to the Michigan SIP. A discussion of conditional approval and its practical effect appears in the July 2, 1979, **Federal Register** (44 FR 38583) and the November 23, 1979 **Federal Register** (44 FR 67182). A conditional approval requires the State to remedy identified deficiencies by specified deadlines. This notice solicits public comment on the deadlines by which the State of Michigan has committed itself to remedy conditionally approved portions of its SIP. Although public comment is solicited on the deadlines, the State remains bound by its commitments unless the schedules are disapproved by USEPA in its Final Rulemaking action. A conditional approval means that the restriction on new source construction in designated nonattainment areas will not apply unless the State fails to submit the corrections by the specified date, or unless the corrections are ultimately determined to be inadequate.

DATES: Comments must be received on or before June 5, 1980.

ADDRESSES: Comments should be sent to the following address: Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the materials submitted by the State and by the public during the comment period announced in this notice of proposed rulemaking are available for review during normal business hours at the following addresses:

USEPA Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

USEPA, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6029.

SUPPLEMENTARY INFORMATION: In final rulemaking action published in today's **Federal Register** USEPA identified the actions taken by the State of Michigan to remedy deficiencies in the Michigan SIP submittal which were noted in USEPA's August 18, 1979 Notice of Proposed Rulemaking (44 FR 47350). USEPA also identified the conditions which must be satisfied by the State of Michigan to correct other specified deficiencies in the revisions to the Michigan State Implementation Plan (SIP). The State of Michigan has provided assurances that it will satisfy these conditions on specific schedules.

In some instances, the State has made a commitment to submit regulations to the Michigan Air Pollution Control Commission by a specified date. Because the State cannot legally prejudge the outcome of the Commission's statutorily mandated proceedings, it cannot assure USEPA that the regulations will be promulgated. Therefore, the State has not made commitments either to promulgate the regulations or to a specific date for promulgation. In these cases, USEPA is proposing a date by which the State must promulgate and submit the regulations to USEPA. USEPA believes that this is necessary in order to guarantee that the deficiencies are adequately addressed and that the plan is adequate to satisfy the requirements of the Act. In establishing the date by which any necessary regulations must be promulgated, USEPA has taken into consideration the lengthy Michigan Air Pollution Control Commission rulemaking procedures which require review of regulations by several State offices and committees and approval by the Michigan State Legislature.

USEPA proposes to approve the following schedules for the State of Michigan's correction of deficiencies in the Michigan SIP.

Schedules

Total Suspended Particulates

1. The State has committed itself to the schedule below for the adoption of industrial fugitive regulations that represent RACT for traditional sources. This commitment does not extend to sources in the iron and steel category.

a. Conduct public hearings throughout the State, January 1980.

b. Prepare a summary of the public comments and revise rules if appropriate, February 1980.

c. Formal rule adoption by the Commission, April 1980.

d. Obtain approval from the Legislative Service Bureau, Attorney General's Office and Joint Legislative Rules Committee, August 1980.

e. File rules with Secretary of State and submit to USEPA for approval, January 1981.

2. The State has committed itself to the following schedule for additional studies in the Detroit area:

Item and Completion Date

a. Particulate size distribution report, February 1980.

b. Refinement of the emission inventory, June 1980.

c. Assessments of meteorological variables, June 1980.

d. Analysis of the microscopy report, June 1980.

e. Submit to USEPA, September 1980.

Ozone

1. The State has committed itself to either promulgate a rule with 120,000 gallon per year throughput exemption for gasoline dispensing facilities and submit it to USEPA or demonstrate that allowable emissions resulting from the application of its existing rule with 250,000 gallon per year throughput exemption for gasoline dispensing facilities are less than five percent greater than the allowable emissions resulting from the application of the CTG presumptive norm. The State has committed itself to comply with this condition by (one year from date of publication). USEPA proposes the additional condition that any necessary regulations be finally promulgated by the State and submitted to USEPA by September 30, 1981. Under Executive Order 12044, USEPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of proposed rulemaking is issued under authority of Sections 110, 172 and 301(a) of the Clean Air Act, as amended, (U.S.C. 7410, 7502, 7601(a)).

Dated: March 11, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-13895 Filed 5-5-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

Interface of the International Telex Service With the Domestic Telex and TWX Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of Time.

SUMMARY: This order extends the times for filing comments and replies on the proposal to require the carriers to detariff their offering of telex terminal equipment and tielines. The extension is to permit the parties to review the Commission's forthcoming decision in the Computer Inquiry.

DATES: The times for filing comments and replies have been extended for an indefinite period until the Commission has issued its decision in the inquiry. By subsequent order, the Commission will set a new schedule.

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

FOR FURTHER INFORMATION CONTACT: John F. Copes, International Programs Staff, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554. (202) 632-3214.

Adopted: April 22, 1980.

Released: April 25, 1980.

By the Chief, Common Carrier Bureau:

1. On February 15, 1980, the Commission released its Report, Order and Notice of Proposed Rulemaking in the above-captioned matter, Customer Use of Telex Service, FCC 79-844, — F.C.C. 2d—, 45 FR 19278, (March 25, 1980). In that decision, the Commission, *inter alia* allowed comment by interested persons on its tentative preference that telex terminal equipment be detariffed. Comments on that question are due April 30, 1980, and replies on May 30, 1980.

2. We now have before us for consideration a motion filed on April 14, 1980, by The Western Union Telegraph Company for an extension of the time for filing comments until three weeks after the release of the Commission's decision in Docket No. 20828 (the "Computer Inquiry"). In support of its request, Western Union notes that the Commission in *Computer II* has proposed to require detariffing of terminal equipment in the domestic market and that the Commission's views on that subject will be important to the respondents in the instant rulemaking. The request was not opposed.

3. We believe that Western Union has justified an extension of time for the filing of comments and replies. Since the date of release of the *Computer II* decision is not now known, we shall extend the comment period indefinitely until further order of the Commission.

4. Accordingly, IT IS ORDERED pursuant to Section 0.291(c) of the Commission's Rules and Regulations, 47 CFR 0.291(c)(1979), the time for filing comments and replies on the question of detariffing the provision of telex terminal equipment is postponed until further order of the Commission.

Federal Communications Commission.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80-13773 Filed 5-5-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

FM Broadcast Station in Bridgeport, Nebr.; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; order extending time for filing reply comments.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding involving the proposed assignment of a Class C FM channel to Bridgeport, Nebraska. Petitioner, Media, Inc., states that the additional time is needed in order to prepare a fully responsive reply.

DATE: Reply comments must be filed on or before May 12, 1980.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: April 24, 1980.

Released: April 28, 1980.

By the Chief, Policy and Rules Division:

1. On February 6, 1980, the Commission adopted a *Notice of Proposed Rulc Making,* 45 FR 12457, concerning the proposed assignment of FM Channel 267 to Bridgeport, Nebraska. The date for filing reply comments is presently April 28, 1980.

2. On April 21, 1980, counsel for Media, Inc., filed a request seeking extension of time for filing reply comments to and including May 12, 1980. Counsel states that the additional time is necessary so as to provide Media's counsel and principals an adequate opportunity to review the comments filed in the proceeding and to prepare a fully responsive reply. Counsel adds that the Tracy Corporation, another party in this proceeding, has consented to the requested extension.

3. Since the Commission believes it would be in the public interest to have all material available to it in arriving at a decision in this proceeding, we are granting the additional time requested.

4. Accordingly, it is ordered, that the above request for an extension of time filed by Media, Inc. is granted and the date for filing reply comments is extended to and including May 12, 1980.

5. This action is taken pursuant to Section 4(i), 5(d)(1) and 303(r), of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-13774 Filed 5-5-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-177; RM-3373; RM-3495]

FM Broadcast Stations in Springdale, Ark. and Washburn, Mo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes, in the alternative, the assignment of FM Channel 237A to either Springdale, Arkansas, or Washburn, Missouri, in response to petitions filed by Robert R. Estes and William Carney, respectively. The proposed channel would provide a first FM assignment to Washburn or a second FM assignment to Springdale.

DATES: Comments must be filed on or before June 23, 1980, and reply comments must be filed on or before July 14, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Springdale,

Arkansas, and Washburn, Missouri). BC Docket No. 80–177, RM–3373, RM–3495. Notice of proposed rulemaking.

Adopted: April 18, 1980.
Released: April 28, 1980.

By the Chief, Policy and Rules Division: 1. The Commission has before it two separate petitions for rule making. The first filed by Robert R. Estes ("Estes") proposed the assignment of FM Channel 237A to springdale, Arkansas.[1] The second was filed by William Carney ("Carney") which proposes the assignment of FM Channel 237A to Washburn, Missouri, as that community's first FM assignment.[2] The distance between Springdale and Washburn is 47 kilometers (30 miles), and the required separation for co-channel Class A assignments is 104 Kilometers (65 miles). No other channels are available for assignment to either community. Therefore, these proposals are mutually exclusive. No other comments were submitted. Numerous letters supporting each proposal were attached to the respective petitions.

2. Springdale (pop. 20,100)[3] is located in Washington County (pop. 77,370), approximately 232 kilometers (145 miles) northwest of Little Rock, Arkansas. Springdale is being served locally by FM Station KCIZ, fulltime AM Station KBRS, and daytime-only AM Station KSPR. Washburn (pop. 233) is located in Barry County (pop. 19,597) approximately 92 kilometers (57 miles) southeast of Springfield, Missouri. Washburn has no local aural broadcast service.

3. Petitioners have submitted community profiles which are intended to reflect the need for this assignment in their respective communities. In the case of Springdale, this assignment would provide the second FM service in a community of over 20,000 persons. In the case of Washburn, this assignment would provide that community with its first local aural broadcast service.

4. The assignment of Channel 237A to Springdale will cause preclusion to three communities with populations greater than 1,000. Of these, only one, Pea Ridge, Arkansas (pop. 1,332), has no current AM station or FM assignment. No preclusion study is required for Washburn because it is for a first Class A assignment.

5. Ordinarily, we would be inclined to favor a first local aural service over a second FM service to a community in accordance with established Commission priorities. However, in the instant case we believe that additional factors should be taken into account on a comparative basis in view of the respective sizes of the communities and the small population of Washburn. The parties will be given this opportunity to compare the needs for broadcast service at each community. In particular, we would like to have recent and future estimates of population growth at Washburn and Springdale and the extent of aural services from nearby stations.

6. The Commission feels consideration of both proposals would be in the public interest. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, for either one of the below named communities:

City	Channel No.	
	Present	Proposed
Springdale, Arkansas	285A	237A, 285A
or Washburn, Missouri		237A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before June 23, 1980, and reply comments on or before July 14, 1980.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules. It is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on

[1] Public notice of the petition was given on May 4, 1979, Report No. 1176. This request previously specified Channel 252A for assignment to Springdale. However, a conflicting request to assign that channel to Bentonville, Arkansas, prompted Estes to amend the petition to specify Channel 237A.

[2] Public Notice of the petition was given on October 10, 1979, Report No. 1196. Carney specified, in the alternative, Cassville, Missouri, as the community of assignment. However, due to a significant short-spacing, Channel 237A cannot be assigned to Cassville in compliance with our rules.

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

the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 80-13785 Filed 5-5-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-178; RM-3410]

FM Broadcast Station in Bullhead City, Ariz.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the substitution of Class C FM Channel 274 for Class A Channel 272 at Bullhead City, Arizona, in response to a petition filed by Holiday Broadcasting Company. The proposed substitution of channels would provide a wide coverage area service to substantial unserved areas. The license for Channel 272A is proposed to be modified to specify Channel 274.

DATES: Comments must be filed on or before June 23, 1980, and reply comments must be filed on or before July 14, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Bullhead City, Arizona). BC Docket No. 80-178, RM-3410. Notice of proposed rulemaking.

Adopted: April 18, 1980.
Released: April 29, 1980.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:* (a) A petition for rulemaking [1] was filed by Holiday Broadcasting Company ("petitioner"), licensee of Station KRHS-FM, to substitute Class C Channel 274 for its present assignment on Channel 272A at Bullhead City, Arizona.

(b) The channel can be assigned in compliance with the minimum distance separation requirements.

(c) Petitioner states it will apply for the channel, if assigned. Comments were received from Shoblom Broadcasters, Inc., licensee of Stations KFWJ(AM) and KRFM(FM), Lake Havasu City, Arizona, to which petitioner replied.

2. *Community Data:* (a) *Location:* Bullhead City, in Mohave County, is located approximately 288 kilometers (180 miles) northwest of Phoenix, Arizona.

(b) *Population:* Bullhead City—Not listed in 1970 U.S. Census; Mohave County—25,827.[2]

(c) *Local Aural Broadcast Service:* Bullhead City is served locally by Station KRHS-FM (Channel 272A), and there are two outstanding applications for AM stations (one for unlimited time and one for daytime-only).

3. As a preliminary matter, Shoblom suggests that since the proposed Class C assignment for Bullhead City would enable a station to provide a city-grade signal to Lake Havasu City, Arizona, and in view of the pendency for a Class C assignment to Lake Havasu City (RM-3440), the two petitions should be considered together. Holiday replied that the two requests are not mutually exclusive and should therefore be considered separately. We agree that the petitions are sufficiently unrelated and will not be joined. The potential service from each proposed station to the other city can be considered as it relates to the separate requests.

4. *Additional Considerations:* (a) A preclusion study indicates that preclusion would occur on Channels 272A, 273, 274, 275, 276A and 277. Several communities within the precluded area would be affected.[3] Petitioner should indicate whether alternate channels are available for assignment to these communities.

(b) Secondly, petitioner did not submit a *Roanoke Rapids/Anamosa* showing to demonstrate if any first or second FM service would be provided. However, petitioner states that with an increase to Class C facilities the coverage area gain would be almost 2,000 square miles and almost 100% more population. The gain area is said to be served by only two daytime-only AM stations (KSFE, Needles, Calif., and KDWN, Las Vegas, Nev.). Thus, it appears that substantial first FM and first nighttime aural service would be provided.

(c) In accordance with established policy, we shall propose to modify the license of Station KRHS to specify Channel 274. However, if another party should indicate an interest in the Class C assignment, then the modification could not be effectuated. Instead, an opportunity for the filing of a competing application must be provided.

(d) Mexican concurrence in this assignment is required since it is within 320 kilometers (199 miles) of the Mexican-U.S. border.

5. Therefore, in view of the apparent need for a wide-coverage area station, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, as it pertains to Bullhead City, Arizona, as follows:

City	Channel No.	
	Present	Proposed
Bullhead City, Arizona	272A	274

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before June 23, 1980, and reply comments on or before July 14, 1980.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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[1] Public Notice of the petition was given on August 3, 1979, Report No. 1187.

[2] Population figure is taken from the 1970 U.S. Census.

[3] *California:* Eagle Mountain (pop. 2,453); *Utah:* Hurricane (1,408); Kanab (1,381); *Arizona:* Bagdad (2,079).

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponents(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-13786 Filed 5-5-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-180; RM-3405]

FM Broadcast Station in Missoula, Mont.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a fourth FM channel to Missoula, Montana, in response to a petition filed by KGVO Broadcasters, Inc. The proposed channel could provide Missoula, Montana, with an additional FM broadcast service.

DATES: Comments must be filed on or before June 23, 1980, and reply comments must be filed on or before July 14, 1980.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Missoula, Montana). BC Docket No. 80-180 RM-3405. Notice of proposed rulemaking.

Adopted: April 23, 1980.
Released: April 29, 1980.

By the Chief, Policy and Rules Division: 1. The Commission has before it a petition[1] filed by KGVO Broadcasters, Inc. ("petitioner"), licensee of KGVO, Missoula, Montana, proposing the assignment of Class C Channel 271 as a fourth FM assignment to Missoula. The channel can be assigned to Missoula in conformity with the minimum distance separation requirements provided the transmitter site is located approximately 16 kilometers (10 miles) southeast of Missoula. Scottie Broadcasting Company ("Scottie"), licensee of Stations KYLT(AM) and KYLT-FM (Channel 261A), Missoula, Montana, filed opposing comments, to which petitioner responded.

2. Missoula (pop. 29,497,[2] seat of Missoula County (pop. 58,263), is located approximately 152 kilometers (95 miles) west of Helena, Montana. It is served locally by three FM stations: KDXT (Channel 227); KYSS (Channel 235) and KYLT (Channel 261A); three fulltime AM stations (KGRZ, KGVO and KYLT) and one daytime-only station (KYSS).

3. Petitioner states that there has been an 8.9% increase in the population of Missoula between 1960 and 1970. According to the Bureau of Business and Economic Research, University of Montana, the 1977 population of Missoula County was 66,800 as compared to the 1970 population of 58,263. Petitioner asserts that Missoula is the largest city in Missoula County. Petitioner has submitted demographic and economic data with respect to Missoula in order to demonstrate the need for an additional FM assignment.

4. Petitioner contends that KGVO(AM), of which it is the licensee, is the only commercial AM station among the four AM stations authorized to serve Missoula which does not have a sister FM station, and as such is at a distinct competitive disadvantage in generating local, regional and national advertising revenues. It points out that the advantage enjoyed by the Missoula combination stations also extends to programming. Petitioner states that in combining AM and FM personnel, the combination broadcast facilities are able to minimize the substantial burden imposed on small market stations with limited staffs to fulfill license obligations.

5. Scottie argues that although the proposed assignment would increase KGVO's revenues, petitioner has not explained how it would better serve the broadcast audience in Missoula. It contends that, because other stations in Missoula are AM-FM combinations, this does not establish that petitioner is suffering economic injury. Scottie asserts that the Commission has

[1] Public Notice of the petition was given on August 3, 1979, Report No. 1187.

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

recently indicated that the creation of new AM–FM combinations may be counter to the public interest.[3] Scottie points out that a city of Missoula's size is generally limited to one or two FM channels, and an exception is made only where one or more of the channels is educational or where a showing is made that service will be provided to unserved or underserved areas.[4] It contends further that petitioner has failed to show that the preclusive impact of the proposed assignment would be insignificant.

6. In response, petitioner asserts that Scottie is in no position to attack the possible addition of a new AM–FM combination in Missoula since it is itself the owner of an AM–FM combination in that community and adds that the AM–FM cobination question is one better dealt with in the comparative hearing process. Petitioner claims that it is to Scottie's financial interest to take whatever steps are necessary to preclude, or delay the assignment of an additional FM assignment to Missoula, thereby perpetuating its competitive advantage. Petitioner notes the increase in the population of Missoula and Missoula County and states that rapid population growth, with a corresponding need for new broadcast services, has always been a public interest criteria viewed favorably by the Commission.

7. *Preclusion Study:* Channels 268, 269A, 270, 271, 272A and 273 would be precluded from use in various areas as a result of the proposed assignment. Thirty-two communities of over 1,000 population are located in these precluded areas. Of these, eighteen are without an FM assignment.[5] Three (Polson and Deer Lodge, Montana, and McCall, Idaho) have AM stations. Petitioner should indicate whether there are any other channels available for assignment to those precluded communities without FM assignments.

8. The assertions raised by Scottie concerning petitioner's need for an AM–FM combination in Missoula to remain competitive is not a question we are concerned with here. Rather, the application processing stage could more appropriately treat that matter in connection with other parties that may apply. The only major factor is the need for a fourth FM assignment to Missoula which exceeds the FM population guidelines. However, the proposal is being advanced for the purpose of determining whether such an assignment is warranted and whether the public interest would be served by making the additional assignment. The population guidelines are used to give guidance in resolving matters of equitable distribution of channels to the various communities. See Section 307(b) of the Communications Act. Generally, where the preclusion impact is insignificant and fails to elicit demand from such areas, we have given favorable treatment to such requests for additional assignments. See *Poplar Bluff, Mo.*, Dkt. 78–188, 45 Fed. Reg. 21636 (1980); and *Waycross, Ga.*, Dkt. 79–149, 45 Fed. Reg. 25806 (1980). Here, although the proposed channel would preclude several communities, other channels may be available for assignment. Petitioner should provide data as to current population growth in Missoula and indicate the source of this information.

9. In view of the foregoing, the Commission proposes to amend the Table of Assignments (Section 73.202(b) of the Commission's Rules) with regard to Missoula, Montana, as follows:

City	Channel No.	
	Present	Proposed
Missoula, Montana	227, 235, 261A	227, 235, 261A, 271

10. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before June 23, 1980, and reply comments on or before July 14, 1980.

12. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons

[3] Citing Public Notice of June 8, 1979, FCC 79–376 and *Combined Communications Corp.*, 72 F.C.C. 2d 631 (1979).

[4] Citing *Grand Island, Nebr.*, Dkt. 78–115, 43 Fed. Reg. 35924, 43 R.R. 2d 1255 (1978); *Clovis, N. Mex.*, Dkt. 78–20, 43 Fed. Reg. 25344, 43 R.R. 2d 181 (1978).

[5] *Idaho:* Pierce (pop. 1,218), Kamiah (1,307), McCall (1,758); *Montana:* Fort Benton (1,863), Polson (2,464), Thompson Falls (1,356), Choteau (1,586), Conrad (2,770), Plains (1,046), Whitehall (1,035), Walkerville (1,097), Three Forks (1,188), Boulder (1,342), Townsend (1,371), White Sulphur Springs (1,200), East Helena (1,651), Deer Lodge (4,306), and Philipsburg (1,128).

acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street N.W., Washington, D.C.

[FR Doc. 80-13787 Filed 5-5-80; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-171; RM-3353]

FM Broadcast Station in Quincy, Calif.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a Class B channel to Quincy, California. It also proposes the deletion of an unoccupied Class A channel at Quincy in order to avoid intermixture and to allow the channel to be used elsewhere.

DATES: Comments must be filed on or before June 16, 1980, and reply comments must be filed on or before July 7, 1980.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Quincy, California). BC Docket No. 80-171 RM-3353. Notice of proposed rulemaking.

Adopted: April 16, 1980.

Released: April 28, 1980.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making [1] was filed by Ralph E. Wittick d/b/a KPCO Radio ("petitioner"), licensee of daytime-only AM Station KPCO, Quincy, California, proposing the substitution of Class B Channel 270 for Channel 240A (unoccupied and unapplied for) at Quincy, California. No responses to the proposal have been filed.

(b) The proposed assignment can be made in compliance with the minimum distance separation requirements.

(c) Petitioner states it will apply for the channel, if assigned.

2. *Demographic Data:* (a) *Location:* Quincy, seat of Plumas County, is located approximately 272 kilometers (170 miles) northeast of San Francisco, California.

(b) *Population:* Quincy—2,500; [2] Plumas County—11,707.

(c) *Local Aural Broadcast Service:* Quincy is served locally by daytime-only AM Station KPCO, licensed to petitioner.

3. *Economic Considerations:* Petitioner asserts that Quincy has a variety of businesses and is the center of trade for the area. Quincy's population is presently estimated at 5,000, according to petitioner.

4. Petitioner states that KPCO(AM) has extremely poor coverage capability, other than to the confines of the immediate Quincy area, due to very bad ground conductivity and the surrounding mountainous terrain. It claims that the Class A FM channel assignment at Quincy would serve the same area which KPCO(AM) now serves, but the proposed Class B channel would enable excellent coverage of most of the outlying towns in the county.

5. *Preclusion Studies:* Preclusion would be caused on Channels 269A, 270, 271 and 272A. Twenty communities with populations greater than 1,000 would sustain preclusion on one or more of these channels. Ten [3] of these have no AM stations or FM assignments. Petitioner should indicate whether alternate channels are available for assignment to these communities.

6. *Additional Considerations:* Petitioner states that the assignment of a Class B channel would provide first FM and first nighttime aural service to 11,893 persons in an approximate area of 52,000 square kilometers (20,300 square miles), whereas a Class A channel would provide first FM and first nighttime aural service to 6,280 persons in a 803 square kilometer (314 square miles) area. However, our staff has found several errors which would substantially decrease these estimates. For example, petitioner failed to include Stations KFMF (Channel 229) and KPAY (Channel 236), Chico, California, and underestimated the contour of Station KSUE, Susanville, California.[4] Petitioner should correct these errors and provide and accurate *Roanoke Rapids/Anamosa* showing if it wishes us to consider this information.

7. Since no one has expressed an interest in applying for Channel 240A, presently unoccupied at Quincy, we shall propose its deletion and allow the channel to be utilized elsewhere.

8. We believe consideration of the proposal is warranted in order to get comments on the desirability of a wide-area coverage channel for the Quincy area. Accordingly, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, with regard to the city listed below, as follows:

City	Channel No.	
	Present	Proposed
Quincy, California	240A	270

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before June 16, 1980, and reply comments on or before July 7, 1980.

11. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at

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[1] Public Notice of the petition was given on April 16, 1979, Report No. 1172.

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

[3] *California:* Palermo (pop. 1,966); Greenville (1,073); Chester (1,531); Westwood (1,862); Central Valley (2,361); Project City (1,431); Willits (3,091); Gridley (3,534); Portola (1,625); *Nevada:* Lovelock (1,571).

[4] Petitioner also failed to accurately depict the 1mV/m contour of the proposed station and of the present Class A assignment.

the Commission or oral presentation required by the Commission.

Federal Communications Commission,

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 72.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-13788 Filed 5-5-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-172; RM-3352]

FM Broadcast Station in Stephenville, Tex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the substitution of a Class C FM channel for a Class A channel at Stephenville, Texas, in response to a petition filed by Dixie Broadcasters, the Class A license. The proposed Class C channel could provide first and second FM services to a large area and population.

DATES: Comments must be filed on or before June 16, 1980, and reply comments on or before July 7, 1980.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Stephenville, Texas). BC Docket No. 80-172; RM-3352. Notice of proposed rulemaking.

Adopted: April 16, 1980.

Released: April 28, 1980.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making [1] filed by Dixie Broadcasters ("petitioner"), licensee of daytime—only AM Station KSTV and Station KWWM-FM (Channel 252A), Stephenville, Texas, which seeks the substitution of Class C FM Channel 289 for Channel 252A at Stephenville and the reassignment of Channel 252A from Stephenville to Cisco, Texas, as that community's first FM assignment. The proposed substitution of channels at Stephenville could be made in conformity with the minimum distance separation requirements. Comments in support were filed by Richard L. Whitworth of Crockett County Broadcasters, licensee of Station KRCT, Ozona, Texas.

2. Stephenville (pop. 9,277) [2] seat of Erath County (pop. 18,141), is located approximately 144 kilometers (90 miles) southwest of Dallas, Texas. Stephenville is served locally by daytime-only AM Station KSTV and Station KWWM-FM (Channel 252A), on which petitioner operates.

3. Petitioner asserts that Stephenville is the largest city in Erath County. It notes that Tarleton State University, with almost 4,000 students, is located there and the majority of these students live throughout Erath County. Petitioner states that not only these students but farmers, dairymen and schools look to Station KWWM-FM before sunrise to advise them of weather, road and other matters, however, it asserts that its Class A facility does not cover enough area. it therefore urges a Class C facility for the Stephenville area. Petition has submitted numerous letters from community leaders, merchants and listeners, expressing their support for a Class C station.

4. *Preclusion Studies:* A preclusion study conducted for the assignment of Channel 289 to Stephenville reveals that thirty-one communities, with populations greater than 1,000, would be preclude as a result of this assignment. Of these, seventeen [3] have no AM stations or FM assignments. Petitioner indicates that alternate channels are

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[1] Public Notice of the petition was given on April 16, 1979, Report No. 1172.

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

[3] *Texas:* Throckmorton (pop. 1,105) (Channel 288A); Olney (3,624) (Channel 288A); Archer City (1,722) (Channel 288A); (Channel 288A); Goldthwaite (1,693) (Channels 288A, 289, 292A); Eldorado (1,446) (Channel 289); Eden (1,291) (Channels 289, 290); Menard (1,740) (Channels 289, 290); Mason (1,806) (Channel 289, 290); Dublin (2,810) (Channel 289); Bangs (1,214) (Channels 290, 292A); Santa Anna (1,310) (Channel 290); Cisco (4,160) (Channel 292A); Cross Plains (1,129) (Channel 292A); Rising Star (1,009) (Channel 292A); Ranger (3,094) (Channel 292A); Gorman (1,236) (Channel 292A); DeLeon (2,170) (Channel 292A).

available in Olney and Cisco, Texas. It is requested to indicate whether channels are available to the remaining fifteen communities having no FM assignments. Petitioner claims that a Class C station at Stephenville would provide a first FM service to 68,474 persons in a 5,836 square kilometer (2,280 square miles) area, and a second FM service to 11,871 persons in a 1,868 square kilometer (730 square miles) area. No first or second nighttime service is indicated. It appears that petitioner's *Roanoke Rapids/Anamosa* showing did not take into account all necessary stations. If included, the first FM service figures would be reduced and the second FM service population figure would be cut in half. Nevertheless, the proposed services appear to be substantial and warrant consideration of the proposal as described above. However, we will not propose the assignment of Channel 252A at Cisco, Texas, as suggested by petitioner, since no interest has been expressed for an assignment to that community. However, should such an interest come forth, we will consider proposing an assignment to Cisco at that time.

5. Petitioner has not specifically requested modification of its license to specify the proposed assignment of Channel 289. In view of our policy as expressed in *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976), we have held that the public interest is best served where interested parties are afforded an equal opportunity to apply for such a Class C channel newly assigned to a community. Indeed, another party, Crockett County Broadcasters, expressed an interest in the proposed assignment of Channel 289 to Stephenville. Therefore, we shall not propose to modify petitioner's license to specify the Class C channel. Petitioner may continue to operate its Class A station, which we propose to retain, while it applies for a Class C operation.

6. In view of the above, the Commission proposes to amend the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) with regard to the city listed below as follows:

City	Channel No.	
	Present	Proposed
Stephenville, Texas	252A	252A, 289

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before June 16, 1980, and reply comments on or before July 7, 1980.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who file comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-13789 Filed 5-5-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-179; RM-3417]

FM Broadcast Station in West Salem, Wis.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a second Class A FM channel to West Salem, Wisconsin, in response to a petition filed by Good News Radio, Inc. The proposed channel could provide West Salem with a second local aural broadcast service.

DATES: Comments must be filed on or before June 23, 1980, and reply comments must be filed on or before July 14, 1980.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (West Salem, Wisconsin). BC Docket No. 80-179 RM-3417. Notice of proposed rulemaking.

Adopted: April 18, 1980.

Released: April 28, 1980.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Good News Radio, Inc. ("petitioner"), proposing the assignment of Channel 269A to West Salem, Wisconsin, as its second FM assignment.

(b) The channel can be assigned in compliance with the minimum distance separation requirements, provided the transmitter site is located approximately 5 kilometers (3 miles) southeast of the community.

2. *Community Data:*

(a) *Location:* West Salem, in La Crosse County, is located approximately 160 kilometers (100 miles) northest of Madison, Wisconsin.

(b) *Population:* West Salem—2,180; [2] La Crosse County—80,468.

(c) There is no local aural broadcast service in West Salem. Channel 261A is assigned to the community with two applications pending.[3]

3. *Economic Considerations:* Petitioner states that West Salem is part of an important trading center serving adjacent counties in Minnesota and Iowa as well as Wisconsin. Petitioner has submitted demographic and economic data with respect to West Salem in an effort to show the need for a second FM assignement.

4. A preclusion study indicates that the assignment of Channel 269A to West Salem, Wisconsin, would not cause preclusion to any community with a population over 1,000.

5. In light of the foregoing information and the fact that the proposed assignment would provide the community with an opportunity to develop a second local FM broadcast service, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to West Salem, Wisconsin:

City	Channel No.	
	Present	Proposed
West Salem, Wisconsin	261A	261A, 269A

6. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements, are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before June 23, 1980, and reply comments on or before July 14, 1980.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-13790 Filed 5-5-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Public Notice of the petition was given on August 3, 1979, Report No. 1187.

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

[3] Applications filed by Everybodys Mood, Inc. (BPH-780929AB), and Hilltop Radio, Inc. (BPH790328AE).

Notices

Federal Register
Vol. 45, No. 89
Tuesday, May 6, 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.

ACTION

Proposed Notice of Guidelines for Mini-Grant Program

Summary

The following notice sets forth the proposed guidelines under which applications for Mini-Grants will be accepted and reviewed. The notice describes the program purpose, applicant eligibility, grant scope, and application procedure.

In accordance with ACTION's response to Executive Order 12044, Improving Government Regulations, a working group met on March 20, 1980, and determined that a regulation in the form of guidelines was necessary to accomplish the purposes of this notice. Also, because the group found that the notice affects an important agency program (the Mini-Grant Program) and imposes the standard grant-reporting requirements, it was decided that the notice was significant. Therefore, the guidelines are published in proposed form for a 60-day period during which written comments will be accepted and regional meetings held for public discussion, if requested.

DATE: Written comments should be submitted no later than June 30, 1980 to Jeffrey M. Hammer, OVCP, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

FOR FURTHER INFORMATION OR TO REQUEST A REGIONAL MEETING, CONTACT: Jeffrey M. Hammer, OVCP, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525, or telephone toll-free 800-424-8867. The addresses and phone numbers of State ACTION Offices may also be obtained by calling this number.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the authority contained in section 123 of the Domestic Volunteer Service Act of 1973, as amended (42 USC section 4993), applications will be accepted for Mini-Grants.

1. Program Purpose

(a) The ACTION Mini-Grant Program is intended to utilize and promote volunteering and voluntary action; and to assist emerging or established organizations, particularly low-income and community based-groups.

(b) The purpose of this program is to initiate, strengthen and/or supplement volunteer efforts and to encourage broad-based volunteer citizen participation which will develop and enhance community self-reliance. Mini-Grants are intended to be directed to meet a broad range of basic human needs, especially in the poverty sector—health and nutrition; food and water; knowledge and skills; economic development and income; housing; community services; energy conservation; and legal rights.

2. Eligibility

Public or private non-profit organizations, including hospitals or institutions of higher learning, and local units of government which utilize, or will utilize, volunteers as an integral part of their provision of services may apply for grants.

3. Scope of Grant

The Mini-Grant Program provides funds on a one-time, non-renewable basis for a project period not to exceed one year under the following conditions:

(a) The federal share of the grant award shall not exceed $5,000 to organizations for a local project or $10,000 to organizations for a project that relates to an entire state or ACTION region.

(b) All grants of $3,500 or more in federal funds require a minimum matching share of 10% of the total grant cost. The matching share can be cash or an in-kind contribution, e.g., project director's salary and fringe benefits, space or equipment used by the project, or meals provided to project volunteers.

(c) The use of federal funds must be related directly to supporting the project volunteers, e.g., meals, transportation, child care, training, printing, supervision, etc. Grantees are encouraged not to spend Mini-Grant monies on expensive office equipment. If the purchase of office equipment will contribute directly to the generation of volunteer hours, a justification must be presented in the grant application. Equipment for program (tools, seeds, sports, etc.) purchased with grant monies also must directly generate volunteer hours.

(d) Mini-Grants will be awarded for projects which have measurable goals achievable in a specified time frame not to exceed one year.

(e) Mini-Grants should be considered and used as a means to establish or strengthen activities, mechanisms, and programs which may be one-time or on-going in nature, but which must demonstrate a solid potential for long-term effect upon improving poverty-related conditions and/or enhancing community self-reliance. The funding of conferences, workshops, seminars, fairs, etc. is at the discretion of the regions, but these kinds of projects must also contain a strong volunteer component.

(f) Mini-Grants are basically for the mobilization of volunteers to impact on a community problem. It is expected that for each federal dollar awarded, at least one (1) hour of volunteer service will be generated. If the project is of a nature that numbers of volunteers and volunteer hours cannot be documented, then the grantee is asked to describe the impact of the project on the larger issue of volunteer activity in the organization/community.

(g) ACTION reserves the right to establish funding priorities each year in order to meet national needs and agency goals. These priorities will affect the obligation of 50% of Mini-Grant funds or $500,000 annually, whichever is less.

4. Procedures

(a) Mini-Grant applications will be submitted to ACTION State Program Offices on OMB Standard Form 424, Application for Federal Assistance (Short Form).

(1) Part I *Face Sheet*—Complete all items in Sections I and II. Do *not* make any entires in Section III.

(2) Part II *Budget Data*—Submit budget information as requested. Include a narrative justification for each line item in the budget.

(3) Part III *Program Narrative Statement*—The Program Narrative Statement should be brief, showing the need, objectives, approach, anticipated number of volunteer and volunteer hours, geographical location of the project, and the benefits expected.

(4) Part IV *Assurances*—Applicants must sign and date "Assurances" page.

5. Deadlines

Deadlines for submission of applications are established by the individual regions.

6. Reports and Records

(a) *Reports Requirements.*

Grantee should maintain sufficient records in order to validate required financial and program reporting. Grantee will make financial reports on ACTION Form A–451, Financial Status Report, within ninety (90) days after the end of the project period. Grantee will submit a program report at the conclusion of the project in a format to be prescribed by the ACTION Regional Office. The final program report should reflect degree of achievement toward goals as outlined in the program narrative, including the actual number of volunteers and volunteer hours generated. ACTION Regional Offices will provide a narrative Close-Out Report which describes project benefits, success and limitations to the National Program Manager, upon completion of each project.

(b) *Records Retention.*

Grantee must retain all financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of three (3) years after submission of the final Financial Status Report. If any litigation, claim, or audit is begun before the expiration of the three-year period, the records shall be retained until all litigations, claims, or audit findings involving the records have been resolved.

Dated at Washington, D.C., this 30th day of April, 1980.

Sam Brown,

Director.

[FR Doc. 80-13759 Filed 5-5-80; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Food Stamp Program Policy Interpretation Response

SUMMARY: This notice advises the public of a policy interpretation by the Food and Nutrition Service in the applicability of current policy regarding rental refund payments that will be issued shortly by the Department of Housing and Urban Development and may be received by Food Stamp households.

FOR FURTHER INFORMATION CONTACT: Larry R. Carnes, Chief, Policy and Regulations Section, Program Standards Branch, Program Development Division, Family Nutrition Program, Food and Nutrition Service, Washington, D.C. 20250, 202–447–9075.

SUPPLEMENTARY INFORMATION: In 1974 Congress approved additional funds to the Department of Housing and Urban Development (HUD) to grant greater subsidies to landlords of Section 236 housing projects to offset increasing utility and property tax cost. HUD declined to implement this program and, as a result, some landlords passed the increased costs on to their tenants through higher rental fees. Subsequently, a series of class action suits was filed against HUD (e.g., *Underwood* v. *Harris*, Civil No. 16–0469, D.D.C.) resulting in stipulated settlements under which households required to pay the rent increases are entitled to retroactive payments.

Notice: Policy Interpretation 80–6

Regulation Citation: Sections 273.9(c)(8) and 273.8(c).

Subject: Treatment of HUD Rental Refund Payments.

Question: Can these payments be excluded as income and resources in determining eligibility for Food Stamp Program?

Response: Pursuant to the Food Stamp Act of 1977 and in accordance with section 273.9(c)(8) of Food Stamp Program regulations, the HUD rental refund payments described above shall be considered nonrecurring lump sum payments and, as such are excluded from consideration as income for Food Stamp Program purposes. In accordance with section 273.8(c) of the regulations, however, these payments shall be considered a resource in the month received.

It is significant to note that, pursuant to section 273.12 of the regulations, household need not report the receipt of these payments unless, during the month it received the payment, its total liquid resources (including the HUD payment) exceeds $1,750. If the HUD payment does cause the household's liquid resources to exceed $1,750 the household has ten days from the date it received the payment to report it.

Dated: April 14, 1980.

Robert Greenstein,

Administrator.

[FR Doc. 80-13722 Filed 5-5-80; 8:45 am]

BILLING CODE 3410-30-M

CIVIL AERONAUTICS BOARD

[Docket 37987]

Miami-London Service Case (Gatwick Phase); Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Pope, II. Future communications should be addressed to Judge Pope.

Dated at Washington, D.C., May 1, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-13876 Filed 5-5-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37987]

Miami-London Service Case (Gatwick Phase); Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held on June 3, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

In order to facilitate the conduct of the conference, the parties are instructed to submit one copy to each party and four copies to the judge of (1) proposed statement of issues, (2) proposed stipulations, (3) proposed requests for information and for evidence, (4) statements of position, (5) proposed procedural dates, and (6) proposals for organizing cross-examination or otherwise expediting the hearing.

The Bureau of International Aviation shall deliver its material on or before May 14, 1980. The submissions of the other parties shall be delivered on or before May 28, 1980. The submissions of the other parties shall be limited to points on which they differ with BIA and shall follow the numbering and lettering used by the Bureau to facilitate cross referencing. Parties with Washington counsel should hand-deliver such submissions, and other parties should utilize express services to insure that delivery is made by the dates specified.

Dated at Washington, D.C., May 1, 1980.

William A. Pope, II,

Administrative Law Judge.

[FR Doc. 80-13877 Filed 5-5-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80-4-224; Docket 38086]

Republic Airlines, Inc.; Application for Approval of the Acquisition of Hughes Air Corp., d.b.a. Hughes Airwest

Order and Notice to all Parties

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C. on the 30th day of April, 1980.

On April 25, 1980, Republic Airlines filed an application for approval of the acquisition of Hughes Air Corp., d.b.a. Hughes Airwest pursuant to section 408(b) of the Federal Aviation Act and new Part 315 of the Board's Procedural Regulations (14 CFR 315). Part 315 and the supplementary information that accompanied it (PR-221), adopted and effective April 2, 1980) provide that applications will be processed by hearing unless the Board states otherwise. Our preliminary analysis of the application indicates that a hearing may not be necesssry to handle adequately the legal and factual issues involved, and we are therefore considering handling this proceeding by a show-cause order.

Part 315 of our regulations allows interested parties ten business days from the filing date of an application to comment on whether the application meets the information requirements of Part 315. Comments on the application are now due on May 9. Interested parties should include in their comments any objections they might have to the use of show-cause procedures, and an explanation why they believe that the intended acquisition, or certain aspects of it, raises legal or factual issues that would require an oral evidentiary hearing before an Administrative Law Judge for their proper disposition. Our tentative conclusion that a show-cause order is the best method by which to handle this application does not foreclose the possibility that we may find that some, but not all, of the issues should be sent to hearing. Comments may be addressed to the suitability of our taking such a hybrid approach.

Notice is hereby given that, in the event that comments from interested parties or our further analysis indicates that a hearing is required, a prehearing conference will be held on May 19.

Accordingly: 1. We request comments from interested persons by May 9, on whether the application of Republic for acquisition of Hughes Airwest should be handled in whole or in part by show-cause procedures, and

2. Comments should be filed concurrently with comments on whether the application has met the information requirements of Part 315 of our Procedural Regulations.

This order shall be published in the Federal Register.

By the Civil Aeronautics Board.[1]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-13879 Filed 5-5-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 30356]

Transcontinental Low Fare Route Proceeding (Air United States, Air Transport Associates, Standard Airways and United Overseas Airlines—Remanded); Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on May 6, 1980 (45 FR 24519, April 10, 1980), is postponed to November 4, 1980, at 10 a.m. (local time), and will be held in Room 1003 B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., April 30, 1980.

Henry M. Switkay,

Administrative Law Judge.

[FR Doc. 80-13878 Filed 5-5-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Performance Review Board Establishment

This notice announces the establishment by the Department of Commerce Deputy Under Secretary for International Trade Donald A. Furtado, of the Performance Review Board for ITA and of the appointment of its initial members. The purpose of the International Trade Administration PRB is to review performance appraisal ratings and performace award actions for recommendations to the appointing authority as well as other related matters. The names and titles of the members are:

International Trade Administration

Milton A. Berger, Director, Office of Foreign Investment in the U.S.

Author Garel, Director, Office of Textitles and Apparel.

Frederick L. Montgomery, Acting Deputy Assistant Secretary of Trade Agreements.

Franklin J. Vargo, Acting Deputy Assistant Secretary for Policy Planning and Analysis.

J. Raymond DePaulo, Deputy Assistant Secretary for the U.S. Commercial Service.

Allen J. Lenz, Director, Office of East West Policy and Planning.

John B. Roose, Director, Office of Export Promotion.

Economic Development Administration

Charles W. Coss, Director, Office of Public Investments.

Dated: April 30, 1980.

James T. King, Jr.,

Personnel Officer, ITA.

[FR Doc. 80-13799 Filed 5-5-80; 8:45 am]

BILLING CODE 3510-25-M

[1] All Members concurred.

National Oceanic and Atmospheric Administration

New England Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has established a Scientific and Statistical Committee (SSC), which will meet to discuss fishery management plan development for scallops and groundfish; multispecies task force; expansion of SSC role, and other Council-related business.

DATES: The meeting will convene on Wednesday, May 21, 1980, at 10 a.m., and will adjourn at approximately 4 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Crowell House, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, Five Broadway (Route One), Saugus, Massachusetts 01906. Telephone: (617) 231-0422.

Dated: May 1, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-13898 Filed 5-5-80; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Additional Import Controls on Certain Cotton Textile Products From Pakistan

April 30, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling women's, girls', and infants' cotton knit shirts and blouses in Category 339, produced or manufactured

in Pakistan and exported during the year which began on January 1, 1980. (A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463)).

SUMMARY: Under the terms of the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan, the United States Government has decided to control imports of cotton textile products in Category 339, produced or manufactured in Pakistan and exported to the United States during the twelve-month period which began on January 1, 1980, in addition to those categories previously designated. (See 44 FR 76572)

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230. (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 27, 1979, there was published in the **Federal Register** (44 FR 76572) a letter dated December 20, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton textile products, produced or manufactured in Pakistan, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980. In accordance with the terms of the bilateral agreement, the United States Government has decided also to control imports of cotton textile products in Category 339 at a level of 397,535 dozen with a sublimit therein of 139,773 dozen for unornamented cotton knit shirts in T.S.U.S.A. numbers 382.0669 and 382.0671 during that same period. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption or withdrawal from warehouse for consumption of cotton textile products in Category 339 in excess of the designated levels of restraint. The levels have not been adjusted to reflect any imports after December 31, 1979. As the data become available, charges will be made for the period beginning on January 1, 1980 and extending through the effective date of this action.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

April 30, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 20, 1979 from the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textile products, produced or manufactured in Pakistan.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended between the Governments of the United States and Pakistan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 6, 1980 and for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 339, produced or manufactured in Pakistan, in excess of the following level of restraint:

Category	Twelve-month level of restraint [1]
339	397,535 dozen of which not more than 139,773 dozen shall be in T.S.U.S.A. numbers 382.0669 and 382.0671.

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1979.

Textile products in Category 339 which have been exported prior to January 1, 1980 shall not be subject to this directive.

The action taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreement.

[FR Doc. 80-13900 Filed 5-5-80; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Draft Environmental Impact Statement (DEIS) for a Proposed Navigation Improvement in Bogue Inlet, North Carolina

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action to improve navigation in Bogue Inlet, NC, is to dredge and maintain an 8' x 150' channel across the ocean bar, which will extend the existing side channel from the Atlantic Intracoastal Waterway (AIWW) to the ocean. The ocean bar channel will be dredged and maintained by either a side-casting dredge or hopper dredge. Material from the hopper dredge will be deposited in the nearshore zone of the beaches on the west end of Emerald Isle.

2. Alternatives for navigation improvement that have been investigated include dual rock jetties with an excavated 12' x 300' entrance channel and 10' x 150' interior channel extending to the AIWW, dual rock jetties with sand dike extension and with an excavated 12' x 300' entrance channel and 10' x 150' interior channel to the AIWW, and a single rock jetty with 12' x 300' excavated entrance channel and 10' x 150' interior channel to the AIWW.

3. a. The public involvement program was begun with a public meeting held on 29 January 1971, which initiated the study. In 1977 a letter was sent to interested agencies and persons announcing the first stage of planning for feasible navigation improvements in Bogue Inlet and requesting preliminary comments. A second public meeting was held on 28 February 1980. In the future an additional public meeting will be held to present the recommend project. Throughout the study, agencies have also been briefed on the project in informal meetings. All agencies, organizations, and interested parties which have not been previously notified are invited to comment at this time.

3. b. The significant issue to be analyzed in the DEIS involves the selection of a plan to improve navigation in Bogue Inlet.

3. c. The U.S. Fish & Wildlife Service will furnish comments in accordance with the provisions of the Fish & Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.)

3. d. A section 401 Water Quality Certificate shall be required from the State of North Carolina.

4. Public meetings were held in January of 1971 and in February of 1980. A late stage public meeting is tentatively scheduled in August 1980.

5. Estimated date of public availability of the DEIS is August 1980.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Richard Jackson, Environmental Resources Branch, U.S. Army Engineer District, Wilmington, PO Box 1890, Wilmington, NC 28402.

Dated: April 23, 1980.

Adolph A. Hight,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80-13801 Filed 5-5-80; 8:45 am]

BILLING CODE 3710-N-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of February 1980. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Price Regulations and the General Allocation and Price Regulations, and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height, or in a prominent place elsewhere at the retail outlet in numbers or letters not less than four inches high;

3. Properly maintain records required under the aforementioned regulations; and

4. Cease and desist from employing any discriminatory and/or unlawful business practices prohibited by the aforementioned regulations.

For further information regarding these Consent Orders, please contact James C. Easterday, District Manager, Southeast District, Department of Energy, Office of Enforcement, 1655 Peachtree Street, NE, Atlanta, Georgia 30309, telephone number (404) 881-2661.

Firm name and address	Audit date
Kendrick Shell, 1920 U.S. 19 N, Clearwater, FL 33515	2-14-80
Bob & John's Union 76, 4607 14th St. W, Bradenton, FL	2-15-80
Petry's Texaco, 4130 McFarland Blvd., Tuscaloosa, AL 35401	2-19-80
Bill's 434 Mobil, Rt. 2, Box 589, Longwood, FL 32750	2-20-80
Doris' Little Market, Rural Rt. 2, Hiram, GA 30141	2-15-80
W. H. Strickland, Route 2, Ashburn, GA 31714	2-15-80
Chesley F. Watson, P.O. Box 84, Cordele, GA 31015	2-15-80
George R. Hatcher, Route 2, I-75 Twin Lakes, Lake Park, GA 31636	2-15-80
Ed Gees Exxon Service, 3400 Manatee Avenue, Bradenton, FL 33505	2-15-80
Russ Thatchers Chevron, 3320 Cortez Road W, Bradenton, FL 33505	2-15-80
Mathis Garage, 710 N. Parkway, Memphis TN 38105	2-15-80
Mike's Fina, 401 S. Dixie Hwy., Casselberry, FL 32707	2-19-80
Amoco Food Store, 401 N Hwy. 17/92, Casselberry, FL 32707	2-19-80
Crawford's Amoco, 1500 McFarland Blvd., Tuscaloosa, AL 35401	2-19-80
George's Union 76, 760 E. Colonial Dr., Orlando, FL 32807	2-20-80
Doug Carter Shell, Hwy. 27 & Oak St. So., Lake Wales, FL 33852	2-21-80
Carter's Chevron, U.S. Hwy. 27 & 542, Dundee, FL 33838	2-21-80
Circus World Shell, I4 & U.S. 27, Davenport, FL 33837	2-21-80
Lake Wales Mobil, U.S. 27 & Central Ave., Lake Wales, FL 33853	2-21-80
Daniel Lewis, 1311 Versailles Road, Lexington, KY 40504	12-18-79
Ford's Standard Service, Rt. 7, Box 92, Gulfport, MS 39501	1-20-80
West Main Exxon, 595 West Main Street, Danville, VA 24541	1-22-80
Armstrong's Gulf, 3101 Cahaba Heights Road, Birmingham, AL 35243	2-7-80
Robert B. Wheeler, 8781 Sunset Drive, Miami, FL 33173	2-8-80
Club Village Service Sta., 100 Euclid Ave., Mt. Brook, AL 35213	2-8-80
Clyde Doug Parrish, U.S. 70 & I-95, Route 2, Smithfield, NC 27577	2-13-80
Mayberry Mall 66, 455 Fredrick Street, Mt. Airy, NC 27030	2-18-80
Howard Rosenburg, 5701 Old Providence Road, Charlotte, NC 28211	2-14-80
Aubry's Exxon, 946 S. Parkway, Memphis, TN 38106	2-14-80
Ralph Sorrels, 1715 31st SW, Birmingham, AL 35221	2-14-80
Gilberto Carmona, 2090 SW 67th St., Miami, FL	2-19-80
Northside Exxon, 351 Akron Drive, Winston Salem, NC 27105	2-19-80
Summer Ave. Amoco, 3608 Summer Avenue, Memphis, TN 38122	2-19-80
Robert A. Hearn, Rt. 1, Box 698D, Verona, VA 24482	2-20-80
Jefferson Garage, 199 Jefferson, Memphis, TN 38103	2-20-80
Counce Street Gulf, 1414 Thomas Street, Memphis, TN 38107	2-20-80
Florida Beacon Gulf, 2101 S. Florida Avenue, Lakeland, FL 33803	2-12-80
Scotty's Standard Service, 1305 S. Florida Avenue, Lakeland, FL	2-12-80
Bills Amoco, 3304 S. Florida Avenue, Lakeland, FL 33803	2-12-80
Jax-American Truck Plaza, 5912 New Kings Rd., Jacksonville, FL 32209	2-13-80
Whaley's Exxon, 3230 Austin Peay Hwy., Memphis, TN 38128	2-13-80
Frank Smith, 3157 W. 5th St., Jacksonville, FL 32205	2-13-80
Jim Shoemake, 8237 Arlington Expressway, Jacksonville, FL 32211	2-13-80
Millers Gulf Service, 4360 Henderson Blvd., Tampa, FL 33609	2-13-80
Corner Grocery, 5705 Stage Rd., Memphis, TN 38134	2-13-80
Dale Mabry Standard, 1001 S. Dale Mabry, Tampa, FL 33609	2-13-80
Raleigh Springs Texaco, 3492 Covington Pike, Memphis, TN 38128	2-13-80
Rye's Summer Shell, 5151 Summer Avenue, Memphis, TN 38122	2-14-80
Harjers Texaco, 198 U.S. Hwy. 19 N, Clearwater, FL 33515	2-14-80
Ralph Sarrels, 1715 31st SW, Birmingham, AL 35221	2-14-80
Howard Pensworth, 640 Stockton St., Jacksonville, FL 32204	2-14-80
East Bay Exxon, 15790 U.S. Hwy. 19 So., Clearwater, FL 33516	2-14-80
Sunset Point Chevron, 1900 U.S. Hwy. 19 N, Clearwater, FL 33515	2-14-80
Boyd Hughes & Luther West, 2000 Drew Street, Clearwater, FL 33515	2-14-80
AAA Auto Service, 3020 Thomas, Memphis, TN 38127	2-20-80
Cagle's Hazelwood Exxon, 7800 Sumter Hwy., Columbia, SC 29209	2-20-80
Family Auto Service, 7375 SW 57th Ave., Miami, FL 33143	2-20-80
Hanna's Texaco, P.O. Box 58, Byhalia, MS 38611	2-21-80
Lynnville Exxon Service, Rt. 3, I-40 and Linville Rd., Kernersville, NC 27284	2-21-80
Metropolitan Dade County, 234 West Flagler St., Miami, FL 33130	2-22-80
Leo's Fina, 315 S. Orange Blossom Trail, Orlando, FL 32805	2-22-80
Dixie Express Exxon, 4116 Dixie Highway, Louisville, KY 40216	2-26-80

Issued in Atlanta, Georgia, on the 17th day of April 1980.

James C. Easterday,

District Manager.

Concurrence:

Leonard F. Bittner,

Chief Enforcement Counsel.

[FR Doc. 80-13802 Filed 5-5-80; 8:45 am]

BILLING CODE 6450-01-M

Edwards Producing Company, Inc.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: Effective date: March 10, 1980.

COMMENTS BY: June 5, 1980.

ADDRESS: Send comments to : James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, N.E., Atlanta, Georgia 30309.

FOR FURTHER INFORMATION CONTACT:

James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, N.E., Atlanta, Georgia 30309; Telephone (404) 881-22661.

SUPPLEMENTARY INFORMATION: On March 10, 1980, the Office of Enforcement of the ERA executed a Consent Order with Edwards Producing Company, a Jackson, Mississippi, crude producer. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution. Because of the settlement negotiations involved in this case and the desire to conclude this matter expeditiously, the DOE has determined that it is in the public interest to make the Consent Order with Edwards Producing Company effective as of the date of its execution by the DOE and Edwards Producing Company.

I. The Consent Order

Edwards Producing company (Edwards), with its home office located in Jackson, Mississippi, is a crude oil producer, and is subject to the jurisdiction of the DOE with regard to prices charged in sales of crude oil, pursuant to 10 CFR 212.93. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Edwards, the Office of Enforcement, ERA, and Edwards entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order relates to production and sales of crude oil by Edwards during the period September 1, 1973 through December 31, 1977.

2. From the audit conducted during the above period, the Office of Enforcement concluded that Edwards erroneously classified properities so that curde oil production was sold as stripper well oil in violation of applicable DOE pricing regulations.

3. Edwards agrees to refund the total sum of $106,732.34, plus applicable interest, in full settlement of all outstanding overcharges found by DOE during the audit period. Payments shall be in the form of a certified check submitted monthly to the Assistant Administrator for Enforcement, ERA, Washington, D.C., who will ensure distribution in accordance with current DOE policies and procedures.

4. The Consent order provides that Edwards shall make refunds totalling $106,732.34, plus applicable interest, within a three (3) year period of time from the date of execution of the Consent Order. If the total sum is not repaid within three (3) years, Edwards shall repay the remaining overcharges and interest by paying an equivalent sum to the Assistant Administrator for Enforcement.

5. In the event of any permanent shut-in, abandonment or other permanent disposition of the properities specified in the Consent Order prior to three (3) years from the date of execution of the Consent Order, Edwards shall repay the remaining overcharges and interest by paying an equivalent sum to the Assistant Administrator for Enforcement.

6. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In the Consent Order, Edwards agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. and I.2. above, the sum of $106,732.34, within three (3) years of execution of the Consent Order. Refund methodology will be as specified in I.B., and I.4. and I.5. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, N.E., Atlanta, Georgia 30309. You may obtain a copy of this Consent Order with proprietary information deleted by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Edwards Consent Order." Comments received by 4:30 p.m., local time, on June 5, 1980 will be considered. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Atlanta, Georgia on the 17th day of April 1980.

James C. Easterday,
District Manager of Enforcement.

Concurrence:

Leonard F. Bittner,
Chief Enforcement Counsel.

[FR Doc. 80-13766 Filed 5-5-80; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-C30182; FRL 1485-3]

Ciba-Geigy Corp.; Approval of Application to Conditionally Register Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the approval of an application by Ciba-Geigy Corp. to conditionally register the pesticide RIDOMIL 2E containing a new active ingredient.

SUPPLEMENTARY INFORMATION: Notice was given that Ciba-Geigy Corp., Agricultural Div., P.O. Box 11422, Greensboro, NC 27409, had filed an application (EPA File Symbol No. 100-ANT) with EPA to conditionally register the pesticide product RIDOMIL 2E containing 25.1% of the active ingredient *N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl)alanine methylester, which was not previously registered at the time of submission.

This application was approved February 28, 1980, and the product has been assigned EPA Registration No. 100-607. RIDOMIL 2E is classified for general use as a fungicide to control blue mold on tobacco.

PUBLIC RECORD/INSPECTION: A copy of the approved label and list of data references used to support registration are available for public inspection in the Product Manager's (PM-21, Mr. Henry Jacoby) office, Room E-305, Registration Division (TS-767), office of Pesticide Programs, 401 M St., SW, Washington, DC 20460, telephone number 202/755-2562. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) will be available for public inspection in the Information Services Branch, Room EB-35, EPA, telephone number 202/426-8850 in accordance with section 3(c)(2) of FIFRA, within 30 days after the registration date of February 28, 1980. Requests for data must be made in accordance with the Provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, at the above address. Such requests should: (1) Identify the product by name and registration number; and (2) specify the data or information desired.

(Sec. 3(c)(5), 92 Stat. 824, (7 U.S.C. 136))

Dated: April 30, 1980.

Edwin L. Johnson,

Deputy Assistant Adminstrator for Pesticide Programs.

[FR Doc. 80-13881 Filed 5-5-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180428; FRL 1485-4]

New York Department of Environmental Conservation; Issuance of Specific Exemption To Use Chlorpyrifos To Control Onion Maggot

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a specific exemption to the New York Department of Environmental Conservation (hereafter referred to as the "Applicant") to use chlorpyrifos to control the onion maggot on 6,700 acres of onions in Madison, Oneida, Ontario, Orleans, Oswego, Steuben, Wayne, and Yates Counties, New York. The specific exemption is issued under the Federal Insectide, Fungicide, and Rodenticide Act.

DATE: This exemption ends on June 30, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767), Rm. E-124, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, 202-426-0223.

It is suggested that interested persons telephone before visiting the EPA Headquarters so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: Onion maggot, *hylemya antiqua* (Meigen), is a single host pest that annually threatens onion crops grown in New York. The larvae tunnel into growing bulbs and either destroy them completely or render them unusable, according to the Applicant. Because the onion maggot is a single host pest, the entire population is exposed to the chemical being applied, resulting in eventual resistance to the chemical. Fensulfothion and fonophos are the only registered pesticides still recommended for use as preventive applications at planting time before the larvae invade the plants; according to the Applicant, neither provides satisfactory control. There are no alternative cultural or biological practices. The Applicant states that chlorpyrifos, the active ingredient (a.i.) in Lorsban 4E and Lorsban 15G, provides good control. The applicant claims that significant economic losses could result if the onion maggot is not controlled.

EPA has concluded that residues of chlorpyrifos in onions are not expected to exceed 0.5 part per million (ppm) from the proposed use rate of one pound a.i. per acre with a 90-day pre-harvest interval. This residue level has been deemed adequate to protect the public health. EPA has also determined that the proposed use should not pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of onion maggot on onions has occurred or is about to occur; (b) there is no effective pesticide presently registered and available for use to control the onion maggot in New York; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the onion maggot 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 June 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 products Lorsban 4E (EPA Reg. No. 464-484) and Lorsban 15G (EPA Reg. 464-523) is authorized at a dosage rate of 0.029 pound a.i. per 1,000 linear-foot of row, or one pound a.i. per acre based on the standard fifteen-inch row width. If unregistered labels are used, they must contain the identical, applicable precautions and restrictions which appear on the registered labels;

2. A maximum of one application is authorized. Application will be made at planting time only;

3. Applications may be made by growers State-certified as private applicators or by persons in their employ and under their supervision;

4. A maximum of 6,700 acres of dry bulb onions in the counties named above may be treated;

5. A maximum of 6,700 pounds a.i. may be applied;

6. Application may be made by (a) drench treatment, using 75 gallons of water per acre, (b) a furrow spray, using 25 to 40 gallons of water per acre, or (c) granules;

7. Onions with residue levels of chlorpyrifos not exceeding 0.5 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

8. There is to be a pre-harvest interval of not less than 90 days;

9. All applicable label directions, precautions, and restrictions must be adhered to;

10. The EPA shall be immediately informed of any adverse effects resulting from the use of chlorpyrifos in connection with this exemption; and

11. The Applicant shall be responsible for assuring that all of the provisions of this specific exemption are followed and must submit a report summarizing the results of this program by December 31, 1980.

(Sec. 18, as amended, (92 Stat. 819; 7 U.S.C. 136)).

Dated: April 30, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-13882 Filed 5-5-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 80-96; CC Docket No. 78-99]

The Western Union Telegraph Co.; Memorandum Opinion and Order; Enlarging Issues

Adopted: February 28, 1980.

Released: March 25, 1980.

By the Commission: Commissioner Lee absent.

In the Matter of Revisions to Tariff F.C.C. No. 261, Satellite Transmission Services, Transmittal Nos. 7546 and 7549.

1. Before the Commission are several petitions seeking rejection or, alternatively, suspension and investigation of proposed revisions to Tariff F.C.C. No. 261 filed by Western Union Telegraph Company (Western Union). The revisions, which are scheduled to become effective March 3, 1980, provide for rate structure and rate level changes for occasional video channel and associated transponder services.[1] For reasons to be explained, we are denying the petitions for rejection and granting in part the requests for investigation.

I. Background

2. Western Union's Westar satellite system consists of three satellites each having twelve transponders. Each transponder is capable of relaying channels of varying bandwidths between transmit and receive earth stations. Among the various kinds of services offered through the Westar satellite system are: occasional video channel service, full time or whole transponder service, and multiple-access special channel service. With respect to occasional video channel service, Western Union currently furnishes, and would continue to furnish under the proposed revision, hourly use of transponders with optional leasing of Western Union's earth stations and terrestrial access facilities for transmission and reception of television programming. Full time transponder service enables subscribers to lease a whole transponder 24 hours a day, seven days a week. This service is currently offered on a month to month basis. Under the proposed revisions, this service would continue to be offered on this basis, but also for the first time be offered for a fixed period of two years. Generally, subscribers to this service maintain and utilize their own earth station facilities. Multiple-access special channel service enables a subscriber to obtain varying amounts of transponder capacity. Western Union currently offers this service on the same basis as the full time transponder service noted above, and would continue to do so under the proposed revisions.

3. The proposed revisions would accomplish the following: (1) a restructuring of service categories and rate elements for occasional video channel service; (2) a restructuring of service categories and rate elements for full time or whole transponder service, including reinstatement of the category of Fixed Term Transponder Service; and (3) a change in rate levels for occasional video channel service, full time transponder service, and multiple-access special channel service. We turn now to a brief description of the current tariff and the proposed changes to the rate structures and certain tariff provisions under occasional video channel service and full time transponder service.

Occasional Video Channel Service

4. The current tariff contains two principal categories of occasional video channel service, namely, Long Term MultiSchedule and Occasional. The Long Term MultiSchedule service is further subdivided into Program Distribution Channels and Reserved Time. In each of these subcategories of service and in the Occasional category the rates for service differ on the basis of three time of day classifications: (1) Prime Time (4 p.m. to 2 a.m. Eastern Time Monday through Friday, and 2 p.m. to 2 a.m. Saturday; Sunday and certain major holidays); (2) Daytime (12 Noon to 2 p.m. Eastern Time Monday through Friday, and 8 a.m. to 2 p.m. Saturday, Sunday, and certain major holidays); and (3) Earlybird (all other times).

5. The proposed revisions would retain the two principal categories of occasional video channel service: (1) Long Term Commitment (formerly, Long Term MultiSchedule) and (2) Occasional. The subcategories under Long Term MultiSchedule would be eliminated and the time of day rate differentiation applicable to both principal categories of service would be redefined in terms of two time periods: (1) Prime Time and (2) Earlybird. The Prime Time period would be expanded by one hour between 1 p.m. and 2 p.m. Eastern Time on Saturdays, Sundays, and certain enumerated holidays. The Earlybird period would be expanded to include the time previously designated as Daytime except for the periods of time now included in Prime Time.

6. In addition, unlike the current tariff, both principal categories of service and time of day periods would contain separate rates for each of three principal components of service: (1) transmit channels (uplinks), (2) space segment (satellite transponder), and (3) receive channels (downlinks). In turn, the transmit and receive channels would be further classified into three types: Type 1, representing charges associated with either transmit or receive channels where a customer uses a Western Union Television Operating Center, a terrestrial interconnection link, and Western Union earth station equipment; Type 2, representing charges associated with either transmit or receive channels where a customer uses only Western Union's earth station equipment; and Type 3, representing charges associated with either transmit or receive channels furnished solely by the customer.

7. The proposed Long Term Commitment service category would retain the provision of the Long Term MultiSchedule service category which requires the customer to commit to a minimum service term of three years and to an average usage charge of $950,000 per year. Service may be terminated prior to the end of three years if certain conditions occur, or upon payment of a termination charge. At their option, present customers of Long Term MultiSchedule service may continue to take service under Long Term Commitment service. If they choose, all payments made under the former schedule would be applied toward the minimum commitment of the new schedule.

8. The proposed revisions also contain a revised cancellation charge. The current cancellation charge is $125 per occasion when a service order is

[1] Petitions have been filed by Hughes Television Network, Inc. (HTN); Robert Wold Company, Inc. (Wold); Public Service Satellite Consortium (PSSC); Independent Television News Association (ITNA); Association of Independent Television Stations (INTV); and the three television networks, ABC, CBS, and NBC (TV Networks).

In response to a request by the Commission staff, Western Union supplemented its initial filing with additional cost support material pursuant to Section 61.38 of our Rules, 47 CFR § 61.38. Comments on the additional information have been filed by all petitioners except the TV Networks.

cancelled in whole or in part. The cancellation charge does not apply, however, to service scheduled on less than 30 days notice and cancelled prior to 2 hours in advance of the scheduled start of service. Under the revised cancellation provision, cancellation charges would be assessed for cancellation of all scheduled service hours within 30 days of the scheduled use, regardless of when ordered. The cancellation charge would be the charge applicable to the scheduled service, except for Type 3 channels, up to a maximum of two hours.

Full Time or Whole Transponder Service

9. With respect to full time or whole transponder services, the category of Fixed Term Transponder service would be reinstated under the proposed revisions. In addition, the types of whole transponder services available under both the Fixed Term Transponder and Month to Month categories would be expanded to include Protected, Unprotected, and Unprotected-Interruptible service. The reinstated Fixed Term Transponder category requires the customer to commit to a minimum initial service period of at least two years. Also, a customer taking Fixed Term Transponder service for use in connection with video and audio broadcasting may take additional video service under the Long Term Commitment schedule provided he meets the minimum service period and minimum payment requirements associated with the latter service. Payments for Fixed Term Transponder service would be counted in determining the minimum payments.

Related Matters

10. We initially note here that an investigation into certain issues raised with respect to the predecessor to the present tariff filing, Transmittal No. 7314, was ordered by the Commission in a *Memorandum Opinion and Order*, 67 FCC 2d 96 (1977). The specific issues for investigation were designated to be heard in Docket No. 78-99, *Western Union Telegraph Company*, 68 FCC 2d 689 (1978). However, this proceeding, as well as other similar investigations involving the tariffs of RCA American Communications, Inc., and American Satellite Corporation, were later held in abeyance by the Commission pending the institution of a broad rulemaking proceeding which would consider basic principles for the regulation of competitive offerings and would be likely to resolve many of the issues raised by recent tariff filings. *See, RCA American Communications, Inc.*, 69 FCC 2d 426 (1978). Since then, by notice of inquiry and proposed rulemaking we have instituted such a proceeding. See, *Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Therefor* (hereafter *Competitive Carrier Rulemaking)*, FCC 79-599, released November 2, 1979. There, we have indicated our intent to terminate or settle pending dockets on the basis of the policies and rules adopted in this proceeding to the extent possible. *Competitive Carrier Rulemaking, supra*, paras. 94-96. Further, we have ordered active parties in these dockets to inform us as to their intentions in this regard.

II. Petitioners' Contentions for Rejection

11. Initially, several petitioners argued that the explanatory and economic material originally submitted by Western Union in support of the tariff filing failed to comply with the requirements of Section 61.38 of the Commission's Rules, 47 CFR 61.38. Specifically, HTN, Wold, INTA and INTV alleged that Western Union's support material failed to provide a breakdown of aggregate cost information for occasional video channel and full time transponder service. Additionally, they were critical of the support material underlying the initial cost allocations and projections on which the rate levels were based. HTN complained of a vague description of Western Union's computerized Westar Cost Model, while Wold criticized the lack of allocation factors associated with distributing costs among the various satellite services. Petitioners further faulted Western Union for not providing adequate cost justification for Type 3 uplink and downlink charges for customer owned and maintained earth stations and for the revised cancellation charges. Finally, Wold argued that Western Union's 61.38 data appeared to have been superseded as a result of an announced transaction by Western Union with American Satellite Corporation, Fairchild Industries, Inc., and Continental Telephone Company (ASC/Fairchild/Continental), involving the sale of a 20 percent interest in the Westar satellite system.

12. Western Union's supplemental support material addresses many of these concerns. It contains, among other things, the following: (1) updated base year data for January through September 1979 with projections for the remaining months of 1979; (2) separate cost information for occasional video channel and full time transponder service and cost justification rationale for the major rate classifications for these services; (3) supplemental information with respect to Western Union's Westar Cost Model, which includes the actual computer programs and an explanation of the fixed and variable factors employed by the computer programs; (4) the satellite transponder fill factors for all satellite services and an explanation of the methodology utilized in allocating costs among the various categories of service based on these factors; (5) a breakdown of traffic and revenue data with an explanation of the methodology utilized in performing these projections; (6) the activities and cost factors associated with Type 3 uplink and downlink charges; and (7) the factors considered by Western Union when revising its cancellation charge provision.

13. Wold and ITNA now essentially agree that the information provided by Western Union is substantially responsive and basically addresses their concerns with respect to Section 61.38 compliance. However, HTN still maintains that Western Union has not provided quantitative costs associated with the cancellation of a video program as requested by Commission staff. PSSC also finds that Western Union has failed to comply with the staff's request to provide quantitative costs associated with Type 3 uplink and downlink charges. Finally, INTV questions whether the cost support material even now takes into account the proposed sale be Western Union of a 20 percent interest in the Westar Satellite System to ASC/Fairchild/Continental. Specifically, INTV argues that contrary to prior statments, the supplementary material shows that the transponders leased to ASC are expected to decline from four in 1980 to two in 1981 to none in 1982. Stated differently, it believes ASC's present leasing of Westar transponders will be converted to a 20 percent ownership interest by 1982. In view of this prospective ownership interest by ASC, INTV asserts that Western Union's cost material cannot show corresponding adjustments to investment and expenses assigned to occasional video channel service.

14. Wold additionally continues to press for rejection on the theory that Western Union's filing is in violation of its own tariff provisions which since 1977 has offered Long Term MultiSchedule service for a minimum period of three years. Wold asserts it has assumed substantial risk by having to guarantee annual payments averaging $950,000 over the three year term of the commitment, and accordingly, Western Union should not be allowed to impose higher rates over the balance of the minimum three year commitment period.

HTN, for its part asserts that the cancellation charge provision for occasional video channel service is unlawful on its face because the charges, which are unrelated to costs, amount to the imposition of a penalty on the cancelling customer.

Discussion

15. Section 61.38 of our Rules requires a carrier to submit with its tariff filing certain support material and economic data to assist our threshold evaluation of the lawfulness of a tariff filing pursuant to our statutory responsibilities under Section 201(b) and 202(a) of the Communications Act, 47 USC § 201(b), 202(a). After careful review, we find the material submitted by Western Union in support of its proposed revisions on the whole accomplishes this purpose. Simply put, we find Western Union has provided substantial economic data which addresses all the major changes in rate levels and rate structure for the proposed service offerings.

16. Petitioners themselves really do not assert otherwise. Thus, they generally admit that a major number of their initial concerns over compliance with Section 61.38 have been amply satisfied by Western Union's supplemental support material. What few bones of contention remain concern alleged inadequacies in the support material associated with the Type 3 uplink and downlink charges, the cancellation provision and, Western Union's failure to take into account the financial implications of its proposed transaction with ASC/Fairchild/Continental. For reasons we now turn to, we cannot agree that rejection is warranted on the asserted bases.

17. With regard to the Type 3 uplink and downlink charges for customer owned and maintained earth stations, Western Union has provided a description of the administrative activities and cost factors involved, some overall cost figures relating to al types of uplinks and downlinks, and a general explanation of the ratemaking methodology employed in arriving at the Type 3 uplink and downlink charges. While we recognize that Western Union might have undertaken to furnish more information in greater detail, we nevertheless find that the support material just described satisfies Section 61.38—that is, it is sufficient to enable us to make a threshold judgment as to the lawfulness of the Type 3 uplink and downlink charges. (See, also paragraph 30, *infra.*)

18. Similarly, we do not view Western Union's failure to submit specific costs underlying its cancellation provision as a ground for rejection of the tariff filing. Although costs are incurred for which Western Union should be reimbursed when scheduled program hours are cancelled, we appreciate the difficulty that may be involved in precisely quantifying these costs for purposes of ratemaking. At the same time, we recognize that this provision is intended to deter irresponsible scheduling and cancelling of program hours by occasional video channel users which can result in lost revenues to the carrier. In view of these factors, we accept Western Union's explanatory justification for purposes of Section 61.38 compliance.[2]

19. Finally, we see no merit in the allegations regarding the treatment of the proposed ASC/Fairchild/Continental transaction and the effect it might have on the adequacy of Western Union's Section 61.38 support material. As pointed out in Western Union's response, ASC is currently operating under a leasing arrangement pursuant to F.C.C. Tariff No. 264 which by its terms terminates in June, 1981. Under these circumstances, it appears reasonable for Western Union to reflect the continuation and projected termination of this arrangement in its tariff support material. We therefore shall not reject this filing for Western Union's admitted failure to take into account in its projections a corporate transaction which was not finally agreed upon at the time of the initial submission and, furthermore, is still subject to certain contingencies.

20. Wold's additional argument that the proposed revisions patently violate the current tariff rests on an assumption that Western Union has previously waived its statutory right to initiate tariff changes. In our view, however, Wold misinterprets the three-year commitment provision under which it subscribed to Long Term MultiSchedule service in 1977. The current tariff clearly indicates that Western Union intended to retain its right to increase rates or change the terms and conditions of this service offering during a customer's three-year commitment period. Thus, as Wold itself seems to recognize, the current tariff contemplates customer termination without liability during the commitment period in the event of a rate increase. Viewed as a whole, we construe the service commitment as unilaterally imposed by Western Union, in return for which it offers a lower rate to the long term customer. In other words Western Union has not bound itself to refrain from raising its rates for the full three year period. Accordingly, we find no basis to reject the proposed revisions.[3]

III. Parties' Contentions Concerning Suspension and Investigation

21. Several petitioners complain that the rate increases for comparable Western Union service are so large on their face they raise a serious question regarding their reasonableness.[4] They view Western Union's decision to propose these huge increases as prima facie evidence that Westar customers are "captive" in the sense that there is no reasonable alternative source of supply and, therefore, that competition is not truly effective in the satellite video marketplace. Thus, petitioners claim rate increases of this magnitude could have severe repercussions for television stations which are dependent upon the program offerings of INTV, ITNA, Wold, and HTN, and could stifle the efforts of these independent programmers to compete with the major television networks and their affiliated stations.

22. Petitioners additionally argue that the rates of return projected for video channel and full time transponder services are unreasonably high in relation to Western Union's earnings on its other satellite operations and communications activities. In their view this indicates improper cross-subsidization and unlawful discrimination. For example, ITNA sees no justification for return levels which are considerably above the forecasted rates of return for the company as a whole during the years 1981 and 1982. Wold, for its part, objects to video channel and transponder rates which by 1982 would collectively yield a pre-tax return on investment of 20 percent or more in the face of the negative return anticipated for "other Westar offerings." According to this petitioner, it would be required to subsidize American Satellite Corp., PBS, and other satellite customers. Wold also questions the lawfulness of the rate increases, noting that the percentage increase in Long Term Commitment rate levels is substantially higher than the percentage increase in Occasional service rate levels. INTV, on the other hand, regards Long Term Commitment and Fixed Term

[2] See also para. 31 below, in which we discuss the probable lawfulness of the charge.

[3] Petitioners' remaining arguments for rejection—that the projected rates of return are unlawfully high and that the cancellation charge is an unlawful penalty—go more to the issue of reasonableness. Therefore, we consider these contentions in our discussion of suspension and investigation below. *See* paras. 24–31, *infra.*

[4] ITNA and HTN estimate that their costs for video distribution will increase by more than 100 percent; while Wold predicts it will experience a 70–81 percent increase in charges for Westar service.

Transponder services as "like" within the meaning of Section 202(a) of the Act, and the differential between the minimum dollar commitment amounts required of customers taking these services as unreasonably discriminatory. In addition, ITNA views the disparity in the projected rates of return for occasional video channel and full time transponder services as undully preferential of transponder customers.

23. Petitioners next maintain that the proposed charges for customer provided Type 3 uplinks and downlinks cannot be justified on either a cost or policy basis. They take issue with Western Union's claim that the administrative costs it incurs when a customer uses its own earth stations justifies these charges. Wold additionally asserts that it is impossible to ascertain from Western Union's support material whether the Type 3 uplink and downlink charges unlawfully discriminate against customers who supply their own facilities. PSSC notes in this regard that Western Union would apply the proposed Type 3 rates even in instances where Western Union incurred none of the variable administrative costs it described. HTN, INTV and the TV Networks are critical of the fact that Type 3 downlink rates would decline as the number of customer-owned earth stations increased. They maintain that Western Union does not incur additional administrative costs each time a customer uses one of its earth stations, nor could it incur costs in direct proportion to the number of earth stations a customer operates. Finally, petitioners ask for investigation of the revised cancellation charge which would apply to users of occasional video channel service. The TV Networks contend that this provision is not related to costs since the cancelling customer would be charged even if the carrier finds a substitute customer.

Discussion

24. As noted, the Docket No. 78–99 investigation into prior Westar tariff revisions has been held in abeyance pending the development of general policies to resolve recurring controversies as to permissible rate structures, rate levels, service features, etc. in this and other markets. One of our major efforts in the *Competitive Carrier Rulemaking, supra,* will be to assess the degree to which competition presently exists and is likely to exist in the future in the domestic common carrier communications satellite industry. On the basis of our analysis there, we shall determine to what extent market forces are and will be, sufficient to ensure just, reasonable, and not unduly discriminatory rates and practices on the part of the satellite carriers. We thus hope to arrive at a much better sense of where to apply our limited regulatory resources to achieve an overall public interest result. It is in this context that we consider the petitioners' contentions.

25. Despite some present uncertainty as to these broader issues, we can nevertheless make the required judgments concerning the lawfulness of the proposed revisions. As explained below, we believe certain aspects of the filing warrant investigation, and for this reason, are incorporating the instant revisions for consideration in Docket No. 78–99. On the whole, however, the proposed charges in video channel service rate levels and rate structure do not appear to require investigation.

26. Initially, we disagree that the sheer size of the rate increases in various service categories creates a presumption of unlawfulness, as petitioners claim. In the first place, petitioners' figures assume they will continue to purchase the same class of service as before. We do not know this to be the case. Indeed, to the contrary, it strikes us that there may be better economic choices under the significantly restructured tariff, including the possibility of purchasing service from full time transponder users. Furthermore, we are cognizant that the domestic satellite industry is still in an early stage of development, and until just recently, has been plagued by a lack of sufficient demand to cover the high fixed costs of operation. These market conditions have apparently begun to change with the expansion of uses for satellites, particularly in the area of television program distribution. Thus, for the the first time Western Union may be in a position to earn a fair return on its satellite video services. In this connection, Western Union understandably points out that its video channel program transmission services have not been earning a positive rate of return. It would be a significant disincentive to the use of satellite technology if we were to evaluate rates of return at any discrete moment in time without recognizing the historical pattern of development of the market and the attendant risks. We do not desire to foreclose firms in this position from making substantial investments to serve new markets. We believe a longer run perspective comports with the nature of the market and services in issue.[5]

27. We similarly are not persuaded that the differences among the projected rates of return found in Western Union's support material draw into question the lawfulness of the revisions.[6] Petitioners' allegations of unlawful cross-subsidization and discrimination are based on a comparison between the various rates of return for occasional, full time, other satellite offerings, and the company as a whole. Significantly, we have never required Western Union to design its rates so that each service category yields the same rate of return or a return equal to that realized by the company overall. Standing alone, the fact that these rates of return may vary does not signify that unlawful cross-subsidization is present or that the rates charged users of the more profitable services are unreasonably high. Petitioners, by their allegations of improper cross-subsidization, impliedly assume that a rate can be established at just and reasonable levels and still be generating sufficient excess revenues to subsidize the (unreasonable) shortfall of another service. We disagree with this interpretation. Furthermore, pricing practices which take into account differentials in demand and other market conditions may be perfectly acceptable in a given situation.

28. Looking at the specific pre-tax rates of return projected for the occasional and full time classes of service, we find little indication that the revised rates will be too high. Although Western Union shows a 1982 pre-tax rate of return for occasional video channel services of 31 percent, we are reluctant to investigate the revisions solely on the basis of a third-year forecast which is subject to many variables and unknowns relating to a potentially evolving program distribution market. As for the near-term projections, we do not believe that pre-tax returns on this service of the magnitude indicated here raise questions of lawfulness, particularly since Western Union has operated both its video channel and other satellite service offerings at a loss since their inception.

29. We address now Wold's claim that since service offered under both the Long Term Commitment and Occasional schedules is functionally the same, Western Union unlawfully discriminates

[5] The Commission recognized in its Second Report and Order in Docket 16495, 35 FCC 2d 844 (1972), recon., 38 FCC 2d 665 (1972), that substantial risk existed for firms attempting to enter the domestic satellite market, both as a result of unproven customer demand and the existence of AT&T's terrestrial network.

[6] For the years 1980, 1981, and 1982 Western Union shows the following pre-tax rates of return for occasional video channel services: 4.6 percent, 19.5 percent, and 31.0 percent. Full time transponder services are expected to yield 22.4 percent, 18.2 percent, and 17.1 percent respectively.

against customers in the former category by subjecting them to a larger percentage increase than Occasional customers. We find this argument to be without merit. Both types of customers are obtaining the same occasional video channel service. However, the willingness of the Long Term Commitment customer to agree to a fixed annual minimum dollar commitment over a three year period, regardless of the amount of service actually purchased, entitles this user to obtain occasional video channel service at a rate lower than that charged an Occasional customer who makes no such commitment. In this regard, we recognize that in the latter case there is a far greater risk or uncertainty as to the continuing use of in-place facilities. Since this far greater risk is a legitimate cost to the carrier which may be reflected in its prices, the existence of a differential between these two categories, standing alone, is not unreasonable. We also note that the proposed tariff revisions would actually reduce the rate disparity between the Long Term Commitment and Occasional services. We plan, however, to consider the use of service commitment provisions by satellite carriers as a general matter in the *Competitive Carrier Rulemaking, supra.* We reject INTV's related claim of discrimination between Long Term Commitment and Fixed Term Transponder Services for the same reason, namely, that differences exist in the nature of these offerings. For example, Fixed Term Transponder service entails the leasing of an individual transponder on a full time basis (24 hours per day, 7 days a week) while Long Term Commitment service permits a customer to purchase, as needed, service on an hourly basis from a group of transponders. Therefore, Long Term Commitment users have greater flexibility to simultaneously transmit different video programs at a preferred time. Thus, we cannot say that the annual dollar guarantees for Long Term Commitment and Fixed Term Transponder services necessarily must be the same.[7]

30. We are, however, concerned that the Type 3 uplink and downlink charges may be unlawful insofar as they apply to customer owned earth stations. Although Western Union may legitimately incur some administrative costs when a customer provides its own transmit or receive facilities, we are not convinced that these costs are sufficiently great to justify those charges, or that charges of this nature can be justified under any other theory of ratemaking. Similarly, we question whether Western Union has employed a proper ratemaking methodology in devising the Type 3 downlink rate structure whereby the rate for each downlink declines in steps as the number of downlinks increase. We, therefore, intend to explore this matter further in Docket No. 78–99.

31. Petitioners' remaining dispute lies with the two-hour cancellation charge applicable to occasional video channel service. While we readily acknowledge that some form of cancellation provision may be reasonable, we question whether the specific cancellation charge proposed by Western Union is unlawfully high or overbroad in its application. As we read the proposal, a customer apparently would be liable for the full charge irrespective of Western Union's reselling the cancelled service hours to another customer. HTN's conclusion that the cancellation provision amounts to an unlawful penalty rests on its belief that this charge far exceeds any legitimate costs associated with customer cancellation and that a carrier should not be permitted to engage in this degree of averaging of its costs among customers. This is in essence a reasonableness argument, which requires further examination. At this juncture, we are unwilling to characterize the cancellation charge as a penalty. We have stated earlier our belief that it would be extremely difficult for a carrier to justify this type of provision through a showing of precise costs.[8] Rather, we intend to pass on the reasonableness of Western Union's cancellation provision through a liberal balancing of the cost factors, revenue losses, and other considerations supporting such a charge, as well as by examining alternative means of accomplishing the carrier's stated objective of deterring irresponsible scheduling and cancellation.

32. To sum up, then, although we find that Western Union's proposed charges for service cancellation and customer-provided earth stations raise questions of lawfulness and will be investigated, the revisions overall do not in our opinion require suspension or the imposition of an accounting order. Since the objectional provisions appear to represent a minor portion of the charges for occasional video channel service, we see no need to forestall the impact of these revisions upon customers or require the carrier to maintain detailed accounts to facilitate a possible refund.

33. In turn, as indicated, Docket No. 78–99 will be enlarged to encompass these revisions, primarily for the purpose of resolving the specific questions we have raised. We do not foreclose the possibility, however, of delving into other features of these revisions in Docket No. 78–99, should subsequent events and our ongoing analysis convince us that investigation is required.

34. Accordingly, IT IS ORDERED, that the petitions for rejection of Western Union's revised Tariff F.C.C. No. 261, ARE DENIED.

35. IT IS FURTHER ORDERED, that the petitions for suspension and investigation of Western Union's revised Tariff F.C.C. No. 261 ARE GRANTED to the extent indicated and otherwise, ARE DENIED.

36. IT IS FURTHER ORDERED that Docket No. 78–99 is enlarged to include Western Union Transmittal Nos. 7546 and 7549.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80–13754 Filed 5–5–80; 8:45 am]

BILLING CODE 6712–01–M

[7] Several petitioners imply that meaningful comparisons can be drawn between the rate relationships under the current revisions and the rate relationships under American Telephone and Telegraph Company's (AT&T) latest rate structure proposal for its Series 7000 video transmission service. See, *AT&T Series 7000 Rejection,* 67 F.C.C. 2d 1134 (1978), *recon.* 70 F.C.C. 2d 2031 (1979), *appeal docketed,* No. 79–1261, D.C. Cir., March 9, 1979. There, among other things, we rejected AT&T's revisions on the ground that the carrier had provided no colorable justification for rate differentials between part-time and full-time services as required by a prior order. 67 F.C.C. 2d at 1135. In that filing, AT&T had assumed at the outset that its part-time and full-time video services were different and therefore designed two separate facilities networks to provide them. Implicit in our refusal to accept AT&T's use of dedicated networks in the Series 7000 filing as a valid basis for differentiating part-time and full-time rates was the requirement that AT&T composite facilities used for television service, as it does with other services. See, *e.g.,* 67 FCC 2d F at 1173. Here, on the other hand, Western Union relies on a common facility plant, *i.e.* a base of costs common to both services. Under these circumstances any differentiation of costs and rates as between part-time and full-time services can then be justified on the basis of actual differences in attributes of the two sets of market requirements.

[8] We have, as a matter of course, allowed carriers reasonable latitude in distributing costs as between recurring and non-recurring charges, the latter including installation, relocation, and termination charges associated with general tariff offerings. For example, in the private line channel service area, the longstanding telephone company practice has been to require payment for a minimum of one month's service.

[Report A-9]

TV Broadcast Application Accepted for Filing and Notification of Cut-Off Date

Released: May 1, 1980.

Cut-Off Date: June 18, 1980.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. They will be considered to be ready and available for processing after June 18, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on June 18, 1980 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. no later than June 18, 1980.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on June 18, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment

Report No. A-9

BMPET-791001KS, KYNE-TV, Omaha, Nebraska, Nebraska ETV Commission, Channel 26, Change ERP Vis. to 520 kW; change HAAT to 425.3 feet.

BPCT-800131KI (New), New Bedford, Massachusetts, Metrovision, Inc., Channel 28, ERP: Vis. 1242 kW; HAAT: 944 feet.

BPET-790604KH (New), Terre Haute, Indiana, Indiana State University Board of Trustees, Channel 26, ERP: Vis. 1520 kW; HAAT: 475 feet.

BPET-790700KE (New), Casa Grande, Arizona, Casa Grande Union High School, Channel 43, ERP: Vis. 4.19kW; HAAT: 45 feet.

BPCT-791107LD (New), San Angelo, Texas, Sage Broadcasting Corp., Channel 6, ERP: Vis. 100kW; HAAT: 946 feet.

BPET-800108KF (New), Garden City, Kansas, Garden City Community Junior College, Channel 9, ERP: Vis. 316 kW; HAAT: 1270 feet.

BPET-790926KE, KOED(TV), Tulsa, Oklahoma, Oklahoma ETV Authority, Channel 11, Change ERP Vis. to 316 kW; change HAAT to 1661 feet; change site.

[FR Doc. 80-13755 Filed 5-5-80; 8:45 am]

BILLING CODE 6712-01-M

[FCC 80-215; BC Docket No. 80-165, File No. BPCT-5088; BC Docket No. 80-166, File No. BPCT-5158]

Astro Enterprises, Inc. and Good Life Broadcasting, Inc.; Applications for Construction Permit for a New Television Broadcast Station; Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: April 15, 1980.

Released: April 30, 1980.

By the Commission:

1. The Commission has before it the above-captioned applications of Astro Enterprises, Inc. (Astro) and Good Life Broadcasting, Inc. (Life) for authority to construct a new commercial television broadcast station on channel 52, Cocoa, Florida. These applications are mutually exclusive in that operation of both stations, as proposed, would result in mutually destructive interference.

2. The predicted Grade A contour of Astro's proposed television station completely encompasses the community of license of Astro's AM station, WWBC. Section 73.636(a)(1) of the rules, 47 CFR 73.636(a)(1) (the "one-to-a-market" rule), sets forth a policy against granting television construction permits to applicants who directly or indirectly own, operate or control a radio station licensed to a community which is completely encompassed by the predicted Grade A contour of their proposed television station. Note 8 to this rule provides, *inter alia*, that applications for UHF television facilities ". . . will be handled on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest." Accordingly, an appropriate issue will be specified to determine whether common ownership of Astro's AM station and its proposed television station would be consistent with the public interest.

3. Astro's application indicates that it will require $215,531 to construct its proposed station and an additional $75,137 to operate the station for three months. To meet these costs, applicant relies upon the following:

Existing capital	$5,000
Net Meritt Square Bank loan (assuming a 14% prime rate)	222,720
Net deferred credit from equipment supplier	143,240
Sale of broadcast time	672,060
Program production contracts	196,000
Total	1,241,020

4. The Meritt Square Bank loan requires a first lien on all fixed assets of the applicant. However, Astro's letter from its equipment supplier, RCA, does not indicate whether net deferred credit will be available to Astro on terms which will allow the Bank to have a first lien on applicant's broadcasting equipment. Further, Astro's reliance on revenues from the sale of broadcasting time and production services to demonstrate its financial qualifications is misplaced. The present television financial standard requires applicants to demonstrate an ability to construct and operate a proposed station for three months without operating revenues. Since Astro has shown $148,240 available to meet construction and operating costs totaling $290,668, an appropriate financial issue will be specified.

5. Further, a number of defects are contained in the documentation of Astro's ascertainment efforts. There is no demographic data showing the minority, racial or ethnic composition of Cocoa. It is unclear whether community leader interviews were conducted in person or over the telephone. Also, it appears that none of Cocoa's highest ranking elected officials were contacted, *e.g.*, mayor, city council members, etc. Accordingly, an appropriate issue will be specified inquiring into Astro's compliance with the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971).

6. Finally, review of Astro's engineering showing reveals the following deficiencies: (a) the antenna height above average terrain listed in response to Questions 2 and 14, Section V-C of applicant's FCC Form 301 is incorrect; (b) the vertical plan sketch for the proposed antenna structure required by Question 7(a) of Section V-C is incorrect; and (c) the antenna data submitted pursuant to Question 7(b) of Section V-C indicates that an antenna without electrical beam tilt will be used; however, the antenna vertical pattern submitted is for an antenna with one-quarter degree beam tilt: Thus, an appropriate issue will be specified to determine the height above average terrain of applicant's proposed transmitting antenna and the correct area within the predicted Grade A and Grade B contours of the proposed station.

7. Except as indicated in the issues specified below, we find Astro and Life legally, financially, technically and otherwise qualified to operate as proposed. Since these applications are mutually exclusive, we are unable to make the statutory finding that their grant would serve the public interest, convenience and necessity. These applications must therefore be designated for hearing in a consolidated proceeding on the issues set out below.

8. Accordingly, IT IS ORDERED, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Astro Enterprises, Inc. and Good Life Broadcasting, Inc. are designated for hearing in a consolidated proceeding to be held before an administrative law judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether common ownership, operation or control of Station WWBC and Astro Enterprises, Inc.'s

proposed television station would be in the public interest.

2. To determine whether Astro Enterprises, Inc. has reasonable assurance of the availability of a $222,720 loan from the Meritt Square Bank and, if not, the effect thereof on applicant's financial qualifications.

3. To determine the efforts made by Astro Enterprises, Inc. to ascertain the community needs and problems of the area to be served by its proposed station, the means by which applicant proposes to meet these needs and problems, and the effect thereof on applicant's basic and/or comparative qualifications.

4. To determine the correct antenna height above average terrain and the correct areas within the predicted Grade A and Grade B contours of Astro Enterprises, Inc.'s proposed station, and the effect thereof on applicant's technical qualifications.

5. To determine, in the event both applicants are found basically qualified to be Commission licensees, which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. it is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to Section 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

10. it is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-13756 Filed 5-5-80; 8:45 a.m.]

BILLING CODE 6712-01-M

[FCC-80-216; BC Docket No. 80-167, File No. BPCT-5223; BC Docket No. 80-168, File No. BPCT-781010KG]

Troy Raymond Moran and Robert M. Voelker; Application for Construction Permits; Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: April 15, 1980.

Released: May 1, 1980.

By the Commission.

1. The Commission has before it the above-captioned mutually exclusive applications of Troy Raymond Moran (Moran) and Robert M. Voelker (Voelker) for a new commercial television station to operate on Channel 34, Lubbock, Texas.

2. Lubbock is the community of license of KTEZ-FM, which is licensed to Southwest Record Suppliers, Ltd. (Southwest), of which Moran is 100% owner, President, and Director.[1] Section 73.636(a)(1) of the Commission's Rules (47 CFR 73.636(a)(1)) sets out a policy against granting a television construction permit to an applicant, such as Moran, who directly or indirectly owns, operates, or controls an FM radio station licensed to the same community as his proposed television station. However, because Moran filed his application before September 13, 1979, it is subject to Note 8 of the Rule, which provides that applications for UHF television facilities "will be handled on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest." *Notice of Proposed Rule Making in BC Docket 79-233*, 44 FR 55603 (1979). Accordingly, an appropriate issue will be designated to determine whether common ownership of KTEZ-FM and the proposed television station would be consistent with the public interest.

3. Moran proposes to lease broadcast equipment for $2,945 per month from Western Commercial Leasing, Inc. (Western). Western is equally owned by Moran and Herb Marchman and has been "set up" to lease equipment to entities owned by them; however, it does not appear that Western has any communications equipment available to rent. Accordingly, an issue with respect to the availability of equipment will be specified.

4. Because Moran has failed to submit a copy of his lease agreement with Western, the cost of leasing the equipment cannot be established, as required by Question 1(b), Section III of the application. Accordingly, an appropriate financial issue will be specified.

5. Further analysis of the financial data submitted by Moran indicates that, in addition to equipment costs, approximately $150,000 will be required to construct and operate his proposed station for three months, itemized as follows:[2]

Satellite earth station	$16,000
Other	28,500
Operating costs (three months)	105,405
Total	149,905

To meet these expenses, Moran intends to rely on personal funds and profits and receivables from his other operations. The applicant's most recent personal financial statement indicates the availability of $114,499 in liquid assets (cash and cash value of a life insurance policy), but it also indicates $313,660 in liabilities (mortgages, encumbrances, notes and personal bills). Because Moran has not differentiated between current and long-term liabilities, all liabilities will be considered current and payable during the next year. Absent a more complete balance sheet, we cannot determine that Moran has liquid assets in excess of current liabilities to provide any capital for the proposed station.[3] Finally, Moran intends to use $50,000 in profits from his existing operations to meet his proposed expenses, but he has not demonstrated whether the stations have shown a profit and, if so, to what extent the profits are available. Because we cannot determine the availability of any money to Moran for the purpose of constructing the station, appropriate financial issues will be specified.

6. Moran proposes some Spanish language programming, but a specialized programming issue is not warranted, since the applicant has not demonstrated that Spanish language programming is not available in substantial amount on other Lubbock stations. *George E. Cameron, Jr. Communications*, 71 FCC 2d 460 (1979).

7. Section 73.613 of the Commission's Rules requires that the main studio of a television station be located within the city of license, but that on a showing of good cause, the main studio may be located outside that community. Moran proposes to locate his main studio adjacent to his transmitter site at University Avenue and 100th Street, approximately one-quarter of a mile south of Lubbock; however, the applicant has failed to provide the required good cause showing. As a result, a studio location issue will be specified.

8. Voelker estimates that approximately $76,000 will be required to construct and operate the station for three months:

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[1] Moran is also 30% owner and Vice President of Burroughs Broadcasting Company (Burroughs), licensee of KRZY and KRST-FM, Albuquerque, New Mexico; 100% owner, President, and Director of KRSY, Inc., licensee of KRSY, Roswell, New Mexico; and 100% owner, President and Director of KRIZ, Inc., licensee of KRIZ-FM, also of Roswell.

[2] Moran has already purchased the tower, antenna, land, studio and transmitter building.

[3] We note that Moran claims to have established a line of credit with the Plains National Bank in Lubbock, but no bank letter has been submitted.

Equipment rental:	
Downpayment	$9,032
Three months	$9,032
Antenna site rental (three months)	$750

Voelker agreed to an option to rent space atop the Metro Tower Building in Lubbock for the purpose of erecting an antenna. The rent would be $500 per month, half in cash and half in advertising time on the proposed station; however, the option expired on June 12, 1979. The applicant has not indicated the renewal of the option, so we are unable to accurately determine the applicant's present cost of renting an antenna site, and an appropriate financial issue will be specified.

Building remodeling	$2,800
Other	$6,125

Voelker proposes only $4,000 for legal expenses, but that amount appears to be unrealistically low, since the costs of a hearing must be included. The applicant has not provided the basis for his cost estimates, and an issue will be specified to determine the basis for and the reasonableness of his estimated legal expenses.

Operating costs (three months)	$48,229

Voelker proposes a staff of 12 full-time and three or four part-time employees. His estimated operating costs, therefore, appear to be unrealistically low, since, in addition to salaries, provision must be made for rent, utilities, programming, administrative costs, and other expenses. The applicant has not provided the basis for his cost estimates, and an issue will be specified to determine the basis for and the reasonableness of his estimated operating costs.

9. To meet his estimated costs, Voelker intends to rely on $99,262 in existing capital (his liquid assets less $1,000 in current liabilities) and a $200,000 loan from the City National Bank of Plainview, Texas. Because the bank commitment letter expired on March 1, 1980, the $200,000 may not be available, but Voelker's existing capital would be sufficient to meet the above expenses—if accurate. Because clarification of the above points could cause costs to exceed $99,262, a limited issue as to the applicant's sufficiency of funds will be specified.

10. Because of the expiration of the option, we are unable to determine the availability of Voelker's proposed antenna site. Accordingly, a site availability issue will be specified.

11. Except as indicated by the issues specified below, the Commission finds Troy Raymond Moran and Robert M. Voelker legally, financially, technically, and otherwise qualified to operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that grant of the applications will serve the public interest, convenience and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

12. Accordingly, *it is ordered,* That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether common ownership, operation, and control of station KTEZ(FM) and Moran's proposed television station would be in the public interest.

2. To determine whether broadcast equipment is available to Moran and, if not, the effect thereof on the applicant's qualifications.

3. To determine with respect to Moran's financial showing:

(a) The cost of purchasing or leasing broadcast equipment as proposed.

(b) The cost of operating the proposed station for three months without revenue.

(c) Whether Moran has liquid assets in excess of current liabilities to meet his construction and three month operation costs.

(d) Whether, in light of the evidence adduced pursuant to (a), (b), and (c) above, the applicant is financially qualified.

4. To determine whether Moran's application is in compliance with Section 73.613 of the Commission's Rules with respect to the proposed location of the main studio and, if not, whether good cause exists for the proposed location.

5. To determine whether an antenna site is available to Voelker and, if not, the effect thereof on the applicant's qualifications.

6. To determine with respect to Voelker's financial showing:

(a) The cost of purchasing or leasing an antenna site.

(b) The basis for and reasonableness of Voelker's estimated legal expenses.

(c) The cost of operating the proposed station for three months without revenue.

(d) Whether Voelker has liquid assets in excess of current liabilities to meet his construction and three month operation costs.

(e) Whether in light of the evidence adduced pursuant to (a) through (d) above, the applicant is financially qualified.

7. To determine which of the proposals would, on a comparative basis, better serve the public interest.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

13. *It is further ordered,* That, in the event of a grant of the application of either Troy Raymond Moran or Robert M. Voelker, the construction permit shall contain the following conditions:

1. Type acceptance shall be obtained prior to the commencement of program tests.

2. The aural transmitter output power measurement shall be made at the diplexer output.

Further, in the event of a grant of Voelker's application the construction permit shall contain the additional condition:

In order to satisfactorily demonstrate that radiation patterns have not been changed because of the construction of the antenna structure, prior to the commencement of program tests, the permittee shall file with the Commission sufficient field intensity measurements of standard broadcast station KSEL made both before the commencement of construction and after its completion. Minimum required measurements shall include at least ten consecutive points, including the measured field intensity at the monitoring point locations for each of the radials included in the last complete proofs of performance on file with the Commission. Measurement shall be made for both directional and non-directional modes of operation. These measurements, together with their ratios (DA/NDA) shall be submitted in tabulated form. Also, measurement data shall be certified by all parties involved before submission to the Commission. The engineer selected by the permittee to make the measurements shall be acceptable to all parties, and the permittee shall bear the cost both of making the measurements and of any corrective measures necessary to restore the patterns to the conditions in existence prior to this construction. Further, the permittee shall be responsible for maintenance and repair of any detuning circuits installed on the antenna supporting structure of the television station which are necessary to restore the radiation patterns to station KSEL.

14. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, shall, within 20 days of the mailing of this

Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

15. *It is further ordered,* That the applicants herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-13757 Filed 5-5-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-616-DR]

Louisiana; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Louisiana (FEMA-616-DR), dated April 9, 1980, and related determinations.

DATED: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, DC 20472 (202) 634-7845.

NOTICE: The Notice of a major disaster for the State of Louisiana dated April 9, 1980, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 9, 1980.

The following Parishes have been designated for Individual Assistance only: Iberville and Washington.

(The 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. 80-13758 Filed 5-5-80; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by May 16, 1980. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. 10389.

Filing Party: Hopewell H. Darneille, III, Esquire, Sullivan & Beauregard, 1800 M Street, N.W., Washington, D.C. 20036.

Summary: Agreement No. 10389, between Delta Steamship Lines, Inc., Empresa Lineas Maritimas Agentinas S.A., A. Bottacchi S.A. de Navegacion C.F.I.I., is a cargo revenue pooling, sailing and equal access agreement in the southbound trade from U.S. Gulf ports to Argentine ports. The agreement provides for a division of cargo revenue between the U.S.-flag carriers and the Argentine-flag carriers on a 50-50 basis. The agreement will be effective upon approval by the respective government maritime authorities and shall remain in effect through December 31, 1983. Agreement No. 10389 is intended to replace Agreement No. 10345.

Dated: May 1, 1980.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-13912 Filed 5-5-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Citizens Inc.; Formation of Bank Holding Company

Citizens Incorporated, Evans City, Pennsylvania, 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 Citizens National Bank, Evans City, Pennsylvania. 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 Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 29, 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 29, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-13899 Filed 5-5-80; 8:45 am]

BILLING CODE 6210-01-M

First International Bancshares, Inc.; Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Guaranty Bond State Bank, Tomball, Texas. 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 Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 29, 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 29, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-13902 Filed 5-5-80; 8:45 am]

BILLING CODE 6210-01-M

Mid Iowa, Inc.; Proposed Retention of Panora Insurance Agency

Mid Iowa, Inc., Panora, Iowa, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain Panora Insurance Agency, Panora, Iowa.

Applicant states that the proposed subsidiary would engage in the activities of general insurance agency activities in a town with a population of less than 5,000. These activities would be performed from offices of Applicant's subsidiary in Panora, Iowa, and the geographic area to be served is Panora, Iowa and surrounding trade area. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consumation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views of requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 29, 1980.

Board of Governors of the Federal Reserve System, April 29, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-13903 Filed 5-5-80; 8:45 am]

BILLING CODE 6210-01-M

Robinson Bank Holding Co.; Formation of Bank Holding Company

Robinson Bank Holding Company, Robinson, North Dakota, 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 of the voting shares of Security State Bank of Robinson, Robinson, North Dakota. 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 Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 29, 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 29, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-13901 Filed 5-5-80; 8:45 am]

BILLING CODE 6210-01-M

Tolono Bancshares, Inc.; Formation of Bank Holding Company

Tolono Bancshares, Inc., Tolono, Illinois, has applied for the Board's approved 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 87 percent or more of the voting shares (less directors' qualifying shares) of Citizens Bank of Tolono, Tolono, Illinois. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 29, 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 29, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-13900 Filed 5-5-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Community Service and Continuing Education—Special Projects; Closing Date for Transmittal of Applications for Fiscal Year 1980—Noncompeting Continuation Projects

Applications are invited for noncompeting continuation projects under the Community Service and Continuing Education—Special Projects Program.

Authority for this program is contained in Section 106 of Title I Higher Education Act of 1965, as amended (20 U.S.C. 1005a).

The purpose of the awards is to assist institutions in carrying out Special Programs and projects of continuing education related to technological, social, or environmental changes.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by June 23, 1980.

If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: An application sent by mail should be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.557, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant in encouraged to use registered or at least first class mail.

Applications Delivered by Hand: An application that is hand delivered should be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays and Federal holidays.

Available Funds: The President has proposed budget rescissions to the Congress that may eliminate funds for this program. If the Congress approves the proposed rescissions, a notice to the public will be published in the **Federal Register**, stating that the rescissions have been approved. However, the deadline established in this notice will not be extended, and applicants should prepare and submit applications pending further notification. Applications must be submitted to the Application Control Center at the address included in this notice.

Application Forms: Application forms and program information packages are expected to be ready for mailing by May 21, 1980. They may be obtained by writing to the Community Service and Continuing Education Branch, U.S. Office of Education (Room 3737, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Community Service and Continuing Education Program (45 CFR Part 173); and

(b) The General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a)

Note: The Final Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on April 3, 1980 (45 FR 22494–22631). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs (the current 45 CFR Parts 100a through d).

When EDGAR becomes effective grants made under this program, will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must be Met by a Grantee?); Subpart FS (What are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further Information: For further information contact Dr. Edwin J. Neumann, Community Service and Continuing Education Program, U.S. Office of Education (Room 3717, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–9868 (20 U.S.C. 1005a).

(Catalog of Federal Domestic Assistance Number 13.557; University Community Service—Special Projects)

Dated: April 29, 1980.

William L. Smith,

U.S. Commissioner of Education.

[FR Doc. 80-13752 Filed 5-5-80; 8:45 am]

BILLING CODE 4110-02-M

Community Service and Continuing Education—Special Projects; Closing Date for Transmittal of Applications for Fiscal Year 1980—New Projects

Applications are invited for new projects under the Community Service and Continuing Education—Special Projects Program.

Authority for this program is contained in Section 106 of the Higher Education Act of 1965, as amended. (20 U.S.C. 1005a).

This program issues awards to institutions of higher education or combinations of such institutions.

The purpose of the awards is to assist institutions in carrying out special programs and projects of continuing education related to technological, social, or environmental changes.

Closing Date For Transmittal of Applications: An application for a grant must be mailed or hand delivered by July 21, 1980.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.557, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accpeted after 4:30 p.m. on the closing date.

Program Information: Fiscal Year 1980 Funding Priorities are:

(1) Experimentation with programs of continuing education directed to the problems of regional or national water or enery conservation, land use planning, and/or environmental pollution.

(2) Demonstrations of effective linkages between institutions of higher education and management and/or organized labor in developing innovative continuing education programs to retrain workers whose jobs have been adversely affected by technological change.

(3) Planning and demonstration of resource sharing among institutions of higher education, agencies, and organizations, that expand continuing education opportunities for particular populations who have traditionally been underserved such as women, minorities, the handicapped, older adults, and parents/families.

(4) Demonstrations of new or improved professional development programs to meet the needs of individuals working in continuing and postsecondary lifelong learning.

(5) Evaluations of selected non-traditional degree programs that meet the continuing education needs of adults particularly those that integrate liberal and experiential learning.

(6) Demonstrations of innovative State or local programs which provide effective linkages between postsecondary continuing education and State or local comprehensive manpower programs to enhance long-term employability.

More specific information regarding these priorities is contained in the regulations and the program information package.

Available Funds: The President has proposed budget rescissions to the Congress that may eliminate funds for this program. If the Congress approves the proposed rescissions, a notice to the public will be published in the **Federal Register**, stating that the rescessions have been approved. However, the deadline established in this notice will not be extended, and applicants should prepare and submit applications pending further notification. Applications must be submitted to the Application Control Center at the address in this notice.

Application Forms: Application forms and program information packages are expected to be ready for mailing by may 21, 1980. They may be obtained by writing to the Community Service and Continuing Education Branch, U.S. Office of Education (Room 3717, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 20 pages in length. The Commissioner further urges that applicant not submit information that is not requested.

Special Procedures: Every applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A-95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A-95 requires the applicant to give the clearinghouse(s) up to 60 days for review, consultation, and comments on the applications.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procudures of Part I of OMB Circular A-95 but did not receive any clearinghouse comments.

Each applicant must also provide an assurance that the State agency responsible for administering the State grant portion of the Community Service and Continuing Education Program has been given the opportunity to comment on the application. This comment period may be concurrent with the A-95 review process.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Community Service and Continuing Education Program (45 CFR Part 173); and

(b) The General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note: The final Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on April 3, 1980 (45 FR 22494-22631). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs (the current 45 CFR Parts 100a through d).

When EDGAR becomes effective grants made under this program, will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must be Met by a Grantee?); Subpart F (What are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further Information: For further information contact Dr. Edwin J. Neumann, Community Service and Continuing Educaion Program, U.S. Office of Education (Room 3717, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245-9868 (20 U.S.C. 1005a).

(Catalog of Federal Domestic Assistance Number 13.557; University Community Service—Special Projects)

Dated: April 29, 1980.

William L. Smith,

U.S. Commissioner of Education.

[FR Doc. 80-13753 Filed 5-5-80; 8:45 am]

BILLING CODE 4110-02-M

Food and Drug Administration

[Docket No. 80F-0121]

American Cyanamid Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: American Cyanamid Co. has filed a petition proposing that the food additive regulations be amended to provide for the use of 1,3,5-tris(4-*tert*-butyl-3-hydroxy-2,6-dimethylbenzyl)-1,3,5-triazine-2,4,6-(1H, 3H, 5H)-trione as a antioxidant in polystyrene and rubber-modified polystyrene.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B3471) has been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the use of 1,3,5-tris(4-*tert*-butyl-3-hydroxy-2,6-dimethylbenzyl)-1,3,5-triazine-2,4,6-(1H, 3H, 5H)-trione as an antioxidant in polystyrene and rubber-modified polystyrene.

The agency has determined that the proposed action falls under § 25.1(f)(1)(v) (21CFR 25.1(f)(1)(v)) and is exempt from the requirement of an environmental impact analysis report, and that no environmental impact statement is necessary.

Dated: April 25, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-13764 Filed 5-5-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80F-0130]

Calgon Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Calgon Corp. has filed a petition proposing that the food additive regulations be amended to provide for the use of a terpolymer of diallyldimethyl ammonium chloride, acrylamide and potassium acrylate as a retention and drainage aid in the manufacture of paper and paperboard for food-contact use.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B3400) has been filed by Calgon Corp., Calgon Center, Box 1346, Pittsburgh, PA 15230, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the use of a terpolymer of diallyldimethyl ammonium chloride, acrylamide and potassium acrylate as a retention and drainage aid. The agency has determined that the proposed action falls under 21 CFR 25.1(f)(1)(v) and is exempt from the requirements of an environmental impact analysis report and that no environmental impact statement is necessary. The statement of exemption and the environmental assessment report may be seen in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 25, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-13765 Filed 5-5-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80F-0125]

E. I. du Pont de Nemours & Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: E. I. du Pont de Nemours & Co. has filed a petition proposing that the food additive regulations be amended to provide for safe use of perfluoropropylvinylether/tetra fluoroethlyene copolymer in coatings or components of coatings for articles intended for food contact.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B3459) has been filed by E. I. du Pont de Nemours & Co., Wilmington, DE 19898, proposing that Part 177 of the food additive regulations (21 CFR Part 177) be amended to provide for the safe use of perfluoropropylvinylether/tetra fluoroethlyene copolymer in coatings or components of coatings for articles intended for food contact.

The agency has determined that the proposed action falls under § 25.1(f)(3) (21 CFR 25.1(f)(3)) and is exempt from the requirement of an environmental impact analysis report and that no environmental impact statement is necessary.

Dated: April 25, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-13763 Filed 5-5-80; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Loren Y. Johnson, District Director, Philadelphia District Office, Philadelphia, PA.

DATE: The meeting will be held at 1 p.m., Thursday, May 8, 1980.

ADDRESS: The meeting will be held at the Federal Building, Rm. 2214, 1000 Liberty Ave., Pittsburgh, PA 15222.

FOR FURTHER INFORMATION CONTACT: Louise A. Nestico, Consumer Affairs Technician, Food and Drug Administration, Department of Health, Education, and Welfare, 7 Parkway Center, Rm. 645, Pittsburgh, PA 15220, 412-644-2858.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Philadelphia District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: April 28, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-13635 Filed 5-5-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT DEIS 80-30]

Draft Environmental Impact Statement, Livestock Grazing Management Program, Tonopah Resource Area, Battle Mountain District, Nev.; Availability and Public Hearings

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement for the Tonopah Resource Area which encompasses about 3.6 million acres of public land in Nye County, Nevada.

The Tonopah grazing proposal involves allocation of 126,390 AUMs of available vegitation to livestock, 14,826 AUMs to wildlife, and 7,242 AUMs to wild horses. The proposal includes implementation of intensive livestock grazing management on 15 allotments, less intensive grazing management on three allotments, and continued intensive grazing management on two allotments. The proposal also includes establishing proper periods-of-use, grazing treatments, and necessary range improvements needed to implement grazing management for each allotment in the resource area.

Public hearings on the draft environmental statement will be held at the following locations:

(1) May 29, 1980—7:30 p.m., Tonopah Convention Center, Tonopah, Nevada.

(2) May 28, 1980—7:30 p.m., BLM District Office Conference Room, Battle Mountain, Nevada.

(3) June 2, 1980—7:30 p.m., Pioneer Inn Conference Room(s), 221 South Virginia, Reno, Nevada.

Interested individuals, representatives of organizations, and public officials wishing to testify are requested to contact Gene Nodine, District Manager, Battle Mountain District Office in Battle Mountain, Nevada, by May 23, 1980, phone (702) 635-5181. Written requests to testify should identify the organization represented, be signed by the prospective witness, and state a phone number for contact purposes. Because of time constraints, oral testimony will be limited to 10 minutes unless additional time is requested in advance.

Oral testimony can be supplemented with written statements at the time oral testimony is presented. Also speakers with prepared speeches may file their text with the presiding officer whether or not they have been able to finish oral delivery in the allotted time. If time permits, following oral testimony by

those who give advance notice, the hearings officer will give others an opportunity to be heard.

Written comments on the draft environmental statement will be accepted until June 30, 1980, and are being solicited from public agencies and interested citizens. Comments should be addressed to the District Manager, Battle Mountain District, Bureau of Land Management, P.O. Box 194, North 2nd and South Scott Streets, Battle Mountain, Nevada 89820.

A limited number of copies of the DEIS are available upon request to the District Manager at the above address.

Public reading copies will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets N.W., Washington, D.C. 20240, telephone: (202) 343-5717.

Nevada State Office, Bureau of Land Management, P.O. Box 12000, 300 Booth Street, Reno, Nevada 89520, telephone (702) 784-5311.

Battle Mountain District Office, Bureau of Land Management, North 2nd and South Scott Streets, Battle Mountain, Nevada 89820, telephone: (702) 635-5181.

Tonopah Resource Area Office, Bureau of Land Management, Building 102, Military Circle, Tonopah, Nevada 89049, telephone: (702) 482-6214.

Carson City District Office, Bureau of Land Management, 1050 E. Williams Street, Carson City, Nevada 89701, telephone: (702) 882-1631.

Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, Nevada 89801, telephone: (702) 738-4071.

Ely District Office, Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301, telephone: (702) 289-4865.

Las Vegas District Office, Bureau of Land Management, P.O. Box 5400, 4765 West Vegas Drive, Las Vegas, Nevada 89102, telephone: (702) 385-6403.

Winnemucca District Office, Bureau of Land Management, 705 East 4th Street, Winnemucca, Nevada 89445, telephone: (702) 623-3676.

Churchill Public Library, 553 South Main Street, Fallon, Nevada 89406.

Clark County Library, 1401 E. Flamingo Road, Las Vegas, Nevada 89109.

Elko County Library, Elko, Nevada 89801.

Esmeralda County Library, Goldfield, Nevada 89013.

Eureka County Library, Eureka, Nevada 89316.

Lander County Library, Battle Mountain, Nevada 89820.

Mineral County Library, 1st and D Streets, Hawthorne, Nevada 89415.

Nevada State Library, Library Building, Carson City, Nevada 89710.

Nye County Library, Tonopah, Nevada 89049.

University of Nevada, Reno, Getchell Library, Reno, Nevada 89507.

University of Nevada, Las Vegas, James R. Dickensen Library, 4505 Maryland Parkway, Las Vegas, Nevada 89154.

Washoe County Library, 301 S. Center Street, Reno, Nevada 89505.

White Pine County Library, City Hall, Ely, Nevada 89301.

Comments on the draft environmental impact statement, whether written or oral, will receive equal consideration in preparation of a final environmental impact statement.

Dated: April 29, 1980.

George D. Lea,

Acting Associate Director.

[FR Doc. 80-13875 Filed 5-5-80; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before April 25, 1980. Pursuant to section 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by May 21, 1980.

Sarah G. Oldham,

Acting Chief, Registration Branch.

ALASKA

Fairbanks Division

Fairbanks, *Masonic Temple*, 809 1st Ave.
Fairbanks, *Oddfellows Hall (First Avenue Bathhouse)* 825 1st Ave.
Fairbanks vicinity, *Cripple Creek Site*

ARIZONA

Yuma County

Yuma, Yuma Multiple Resource Area (Partial Inventory). This area includes: *Brinley Avenue Historic District*, W. 2nd and S. Main Sts., S. 1st and Madison Aves.; *Balsz House*, 475 2nd Ave.; *Brown House*, 268 S. 1st Ave.; *Brownstetter House*, 627 Orange Ave.; *Caruthers House*, 441 2nd Ave.; *Connor House*, 281 S. 1st Ave.; *Double Roof House*, 553 4th Ave.; *Dressing Apartments*, 146 1st Ave.; *Ewing, Frank, House, 7002 2nd Ave.; Ewing, Ruth, House*, 712 2nd Ave.; *Fourth Avenue Junior High School*, 450 S. 4th Ave.; *Fredley Apartments*, 406 2nd Ave.; *Fredley House*, 408 2nd Ave.; *Gandolfo Theater*, 200 S. 1st Ave.; *Griffin, Alfred, House*, 641 1st Ave.; *Hodges, Peter B., House*, 209 Orange Ave.; *Hotel Del Ming*, 300 Gila St.; *Jackson, E. B., House*, 572 1st Ave.; *Kent, Jenny, House*, 450 3rd Ave.; *Levy, Henry, House*, 602 2nd Ave.; *Marable, George, House*, 482 Orange Ave.; *Mayhew, Carmelita, House*, 660 1st Ave.; *Methodist Episcopal Church*, 256 S. 1st Ave.; *Methodist Parsonage*, 248 S. 1st Ave.; *Mexican Consulate*, 129 W. 4th St.; *Ming, A. B., House*, 468 Orange Ave.; *Norton House*, 226 S. 1st Ave.; *Ortiz House*, 206 S. 1st Ave.; *Pancrazi House*, 432 S. Madison Ave.; *Pauley Apartments*, 490 W. 1st St.; *Power Apartments*, 20 W. 3rd St.; *Riley, Clara Smith, House*, 734 2nd Ave.; *Robertson, Peter T., House*, 837 2nd Ave.; *Roosevelt School*, 201 6th St.; *Russell-Williamson House*, 652 2nd Ave.; *St. Paul's Episcopal Church*, 637 2nd Ave.; *Smith, J. Homer, House*, 600 5th Ave.; *Stoffela Store (Railroad Exchange)* 447 S. Main; *Yuma City Hall*, 181 W. 1st St.; *Yuma County Courthouse*, 168 S. 2nd Ave.

DELAWARE

New Castle County

Wilmington, *Wilmington Yards and Shops*, Off 12th St.

ILLINOIS

Cook County

Chicago, *Art Institute of Chicago*, Michigan Ave.
Chicago, *Brooks Building*, 223 W. Jackson Blvd.
Chicago, *Mundelein College Skyscraper Building*, 6363 N. Sheridan Rd.

Greene County

White Hall, *White Hall Foundry*, 102 S. Jacksonville St.

Kane County

Batavia, *White, Louise, School*, Washington Ave. and State St.
Elgin, *Gifford-Davidson House*, 363-365 Prairie St.
St. Charles, *Beith, William, House*, 6 Indiana St.
St Charles, *Weisel, Andrew, House*, 312 N. 2nd Ave.
Sugar Grove vicinity, *Smith, Ephraim, House*, NE of Sugar Grove

Madison County

Alton, *Mount Lookout*, 2018 Alby St.
Alton, *Post House*, 1516 State St.
Edwardsville, *Stephenson, Benjamin, House*, 409 S. Buchanan St.

Pike County

Pittsfield, *Pittsfield Historic District*, Roughly bounded by Washington Ct., Sycamore, Morrison, and Griggsville Sts.

Rock Island County

Rock Island, *Fort Armstrong Theatre*, 1826 3rd Ave.

Will County

Joliet, *Joliet East Side Historic District*, Roughly bounded by Washington and Union Sts., 4th and Eastern Aves.

Woodford County

Eureka, *Eureka College Administration Building and Chapel*, 300 College Ave.

LOUISIANA

Ascension Parish

Donaldsonville vicinity, *St. Emma*, 4.5 mi. S of Donaldsonville

Orleans Parish

New Orleans, *Esplanade Ridge Historic District*, U.S. 90

OKLAHOMA

Latimer County Thematic Resources Relating to Coal Mining. Reference—see individual listings under Latimer County.

Atoka County

Atoka, *Downing, Todd, House*, 114 W. C St.
Atoka, *First Methodist Church Building*, 105 W. 1st St.
Atoka, *Memminger House*, 111 W. Court St.
Atoka, *Pioneer Club*, 1st and Mississippi Sts.
Atoka, *Presbyterian Church*, 1st and Pennsylvania Sts.
Atoka, *Ralls, Joe, House*, 303 S. Pennsylvania Ave.

Comanche County

Lawton vicinity, *Gore Pit District*, NE of Lawton

Creek County

Sapulpa, *McClung House*, 708 S. Main St.

Haskell County

Kinta vicinity, *McCurtain, Edmund, House*, NE of Kinta
Stigler vicinity, *Tamaha Jail and Ferry Landing*, NE of Stigler
Whitefield vicinity, *Camp Pike*, NE of Whitefield

Latimer County

Gowen vicinity, *St. Teresa R. C. Church*, NE of Gowen
Wilburton, *Great Western Coal and Coke Company Building (Latimer County Thematic Resources Relating to Coal Mining)* 701 E. Main St.
Wilburton, *Great Western Coal and Coke Company Mine No. 3 (Latimer County Thematic Resources Relating to Coal Mining)* Off U.S. 270
Wilburton, *Mitchell Hall (Latimer County Thematic Resources Relating to Coal Mining)* Eastern Oklahoma State College campus
Wilburton, *Rosenstein Building*, 111 E. Main St.
Wilburton, *Sacred Heart Catholic Church and Rectory (Latimeer County Thematic Resources Relating to Coal Mining)* 102 Center Point Rd.
Yanush, *Yanush Community Building*, OK 2

LeFlore County

Bokoshe vicinity, *LeFlore, John Wesley "Dude" House*, SW of Bokoshe
Fort Coffee vicinity, *Fort Coffee Site*, N of Fort Coffee
Howe vicinity, *Howe Coke Ovens*, W of Howe
Latham vicinity, *Brazil Creek Trail Traces*, NE of Latham
Panama vicinity, *Skullyville County Jail*, W of Panama
Poteau, *Hamby Building*, 223 Dewey Ave.
Poteau, *Terry House*, Terry Hill
Poteau vicinity, *McClure, John H., House*, E of Poteau
Poteau vicinity, *Mosholatubbee Grave*, Hall Cemetery
Spiro vicinity, *Casey Log House*, N of Spiro

Muskogee County

Warner vicinity, *Duncan-Alfred Site*

Oklahoma County

Oklahoma City, *Ellis Building*, 219 Couch St.

Payne County

Stillwater, *Pierce OK Hotel*, 812 Hester St.
Stillwater, *Donart, Charles, House*, 1301 S. Perkins Rd.

Pittsburg County

Krebs vicinity, *Carbon No. 5 Coal Mine*, E of Krebs
Krebs vicinity, *Mass Grave of the Mexican Miners*, W of Krebs

Pushmataha County

Antlers, *Antlers Prisco Depot and Antlers Spring*, Main St.
Jumbo, *Jumbo Cemetery and Church*

Tulsa County

Tulsa, *Brady Heights Historic District*, Roughly bounded by Marshall and Easton Sts., Denver and Cheyenne Aves.
Tulsa, *Holy Family Cathedral, Rectory, and School*, W. 8th St. and S. Boulder Ave.
Tulsa, *Mayo Hotel*, 115 W. 5th St.

PENNSYLVANIA

Chester County

Coatesville, *Church of the Trinity*, 323 E. Lincoln Hwy.

[FR Doc. 80-13488 Filed 5-5-80; 8:45 am]
BILLING CODE 4310-03-M

National Park Service

Finding of No Significant Impact; General Management Plan; Indiana Dunes National Lakeshore, Indiana

The National Park Service has prepared a General Management Plan for Indiana Dunes National Lakeshore, a federally administered area situated on the Indiana shore of lake Michigan. The proposed actions which constitute the Plan were evaluated for impact on man's environment in these documents as provided in Section 102(2)(A), Pub. L. 91-190, 83 Stat. 853 (National Environmental Policy Act):

Assessment/Review of Alternatives—General Management Plan, July 1979 (See **Federal Register**, Vol. 44, No. 157, August 13, 1979, pages 47411 and 47412.)
West Unit Proposals—Asssessment/Review of Alternatives, December 1979 (See **Federal Register**, Vol. 45, No. 8, January 11, 1980, page 2404.)

The General Management Plan and a limited number of the previously distributed documents, cited immediately above, are available from the Office of the Superintendent, Indiana Dunes National Lakeshore, 1100 North Mineral Springs Road, Porter, Indiana 46304, (219) 926-7561.

The two Assessment/Reviews were made available to the public and were the subjects of a series of public meetings held at Indiana and Illinois locations during the periods of August 14-22, 1979, and January 14-18, 1980. Comments were received from the general public, conservation groups, and from Federal, State, and local agencies.

After reviewing the proposals and assessments and evaluating the records of the public meetings and the comments received following them, the National Park Service has made a Finding of No Significant Impact (40 CFR 1508.13) and will not prepare an environmental impact statement.

The General Management Plan will not be implemented for a period of thirty (30) days after the publication of this announcement.

Dated: April 16, 1980.

Randall R. Pope,

Acting Regional Director Midwest Region.

[FR Doc. 80-13913 Filed 5-5-80; 8:45 am]
BILLING CODE 4310-70-M

Office of the Secretary

Historic Preservation Advisory Committee; Establishment

This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior is establishing the Historic Preservation Advisory Committee to review and comment on policies and procedures developed for and administered by the Cultural Programs, Heritage Conservation and Recreation Service.

Further information regarding the committee may be obtained from the Associate Director for Cultural Programs, Heritage Conservation and Recreation Service, Department of the Interior, Washington, D.C. 20243 or calling (202) 343-5444.

Certification

I hereby certify that the Historic Preservation Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of the Interior by the Antiquities Act of 1906 (16 U.S.C. 431, *et seq.*) the Archeological Resources Protection Act of 1979 Pub. L. 96-95, the National Historic Preservation Act of 1966 (16 U.S.C. 470, *et seq.*, as amended), the Archeological and Historic

Preservation Act of 1974 (16 U.S.C. 469, *et seq.*), Executive Order 11593, Resolutions of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, Cooperative Agreements dated July 23, 1934, and March 1962, among the American Institute of Architects, the Librarian of Congress, and the National Park Service, and a Cooperative Agreement dated December 25, 1968, among the American Society of Civil Engineers, the Librarian of Congress, and the National Park Service (these National Park Service responsibilities are now delegated to the Heritage Conservation and Recreation Service).

Dated: March 28, 1980.

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc. 80-13767 Filed 5-5-80; 8:45 am]

BILLING CODE 4310-03-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the aplication is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No. 27]

MC 97127 (Sub-14TA), filed December 26, 1979. Applicant: BATESVILLE TRUCK LINE, INC., P.O. Box E, Batesville, AR 72501. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Transporting, over regular routes, *general commodities,* (except those of unusual value, commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and those which because of size or weight require the use of special equipment), (1) Between Clinton, AR and Mountain View, AR, serving all intermediate points: From Clinton over AR Hwy 16 to Shirley, AR, then over AR Hwy 9 to Mountain View and return over the same route; (2) Between Shirley, AR and Edgemont, AR, serving all intermediate points: From Shirley, AR over AR Hwy 16 to Edgemont and return over the same route; (3) Between Junction AR Hwy 16 and AR Hwy 330 and Fairfield Bay, AR, serving all intermediate points: from Junction AR Hwy 16 and AR Hwy 330 to Fairfield Bay, over AR Hwy 330 and return over the same route. (4) Between Springhill, AR and Harrison, AR, serving all intermediate points: From Springhill over U.S. Hwy 65 to Harrison and return over the same route; (5) Between Harrison, AR and Marshall, AR, serving all intermediate points: From Harrison over AR Hwy 7 to Junction AR Hwy 14, then over AR Hwy 14 to Junction AR Hwy 27, then over AR Hwy 27 to Marshall and return over the same route; (6) Between Harrison, AR and Viola, AR, serving all intermediate points: From Harrison over U.S. Hwy 65 to Junction U.S. Hwy 62, then over U.S. Hwy 62 to Viola and return over the same route; (7) Between Calico Rock, AR and Junction AR Hwy 201 and AR–MO state line, serving all intermediate points: From Calico Rock over AR Hwy 5 to Junction AR Hwy 201, then over AR Hwy 201 to AR–MO state line and return over the same route; (8) Between Mountain Home, AR and Norfork, AR, serving all intermediate points: From Mountain Home over AR Hwy 201 to Norfork and return over the same route, (9) Between termination of AR Hwy 101 at or near Rea Valley, AR and Mountain Home, serving all intermediate points: From termination of AR Hwy 101 at or near Rea Valley to Junction AR Hwy 178, then over AR Hwy 178 to Midway, AR, then over AR Hwy 5 to Mountain Home and return over the same route. (10) Between termination AR Hwy 202 at or near Oakland, AR and Junction AR Hwy 126 and U.S. Hwy 62, serving all intermediate points: From termination of AR Hwy 202 at or near Oakland, AR to Junction AR Hwy 5, then over AR Hwy 5 to Junction AR Hwy 126, then over AR Hwy 126 to its junction with U.S. Hwy 62, and return over same route. (11) Between Junction AR Hwys 126 and 178 and Mountain Home, AR, serving all intermediate points: From Junction AR Hwys 126 and 178 over AR Hwy 178 to Mountain Home, and return over the same route. (12) Between Timbo, AR and Rushing, AR, serving all intermediate points: From Timbo over AR Hwy 263 to Rushing and return over the same route. (13) Between Springhill, AR and Little Rock, AR, serving no intermediate points: From Springhill over U.S. Hwy 65 to Little Rock and return over the same route for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Applicant is supported by 42 supporting shippers. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 102546 (Sub-4TA), filed January 31, 1980. Applicant: BLUE FLASH EXPRESS, INCORPORATED, Route 1, Box 233, Zachary, LA 70791. Representative: L. F Aguillard, Rt. 1, Box 233, Zachary, LA 70791. *Chemicals, in bulk, liquid or dry,* between points in LA on the one hand, and, on the other, points in the states of MS, NC, TN, KS, TX, AR, GA, AL, SC, and OK. Between points in LA having prior or subsequent movements by rail or water, for 180 days. Underlying ETA filed. Supporting shipper(s): I.C.I. Americas, Inc., P.O. Box 271, Baton Rouge, LA 70821. Send protests to: Opal Jones, TCS, ICC, Suite 600, 411 W. 7th St., Fort Worth, TX 76102.

MC 105566 (Sub-211TA), filed October 25, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, 6901 Old Keene Mill Rd., Springfield, VA 22150. Freight, all kinds, except commodities in bulk, from the facilities of Northeastern Pennsylvania Shippers Cooperative Association in Broome, Chemung and Steuben Counties, NY and in Franklin, Lackawanna, Lehigh, Luzerne, Northampton, Tioga and Wayne Counties, PA to all points in AZ, CA, CO, ID, IL, MI, MN, MO, MT, NV, NM, OR, TX, UT, WA and WY, for 180 days.

Supporting shipper(s): Northwestern Pennsylvania Shippers' Cooperative Association, Inc., Nelson Bldg., West 8th St., West Wyoming, PA 18644. Send protests to: Peter E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 142857 (Sub-5TA), filed November 29, 1979. Applicant: MCC TRANSPORTATION CO., INC., Route 2, Box 107B, Hope, AR 71807. Representative: Mark J. Andrews, Suite 1100, 1660 L St., NW., Washington, DC 20036. Contract carrier, over irregular routes, *Greeting cards, cut and uncut; paper, in rolls; envelopes, books; candles; games and toys; earthenware and china; paper napkins, placemats and tablecloths; wrappingpaper, foil and ribbon; such other commodities* as are dealt in by retail greeting card stores; and *equipment materials and supplies* used in the manufacture or distribution of the above described commodities, except commodities in bulk, from the facilities of American Greetings Corp., at or near Corbin, KY to the facilities of American Greetings Corp., at or near Osceola, AR under a continuing contract(s) with American Greetings Corp., for 180 days. Supporting shipper: American Greetings Corp., 10500 American Rd., Cleveland, OH 44144. Send protests to: William H. Land, 3108, Fed. Bldg., Little Rock, AR 72201.

MC 147517 (Sub-2TA), filed January 16, 1980. Applicant: TEXAS HIGHWAY TRANSPORT, INC., a Texas corporation, 2311 Butler, Dallas, TX 75235. Representative: D. Paul Stafford, Winkle, Wells & Stafford, P.O. Box 45538, Dallas, TX, 75245. Authority sought to operate as a *common* carrier over irregular routes by motor vehicle transporting: *Trailers loaded or empty having a prior or subsequent movement by rail on trailer-or-flat-car (TOFC) service* between rail facilities located in Anderson, Angelina, Aransas, Archer, Atascosa, Austin, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Bosque, Bowie, Brazoria, Brazos, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Cass, Chambers, Cherokee, Clay, Collin, Colorado, Comal, Comanche, Cooke, Coryell, Dallas, Delta, Denton, DeWitt, Dimmit, Duval, Eastland, Ellis, Erath, Falls, Fannin, Fayette, Fort Bend, Franklin, Frio, Galveston, Gillespie, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hamilton, Hardin, Harris, Harrison, Hays, Henderson, Hidalgo, Hill, Hood, Hopkins, Jim Wells, Johnson, Karnes, Kaufman, Kendall, Kenedy, Kerr, Kinney, Kleberg, Lamar, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Madison, Marion, Matagorda, Maverick, McLennan, McMullen, Medina, Milam, Mills, Montague, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Palo Pinto, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shackelford, Shelby, Smith, Sovervell, Starr, Stephens, Tarrant, Taylor, Throckmorton, Titus, Travis, Trinity, Tyler, Upsher, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Young, Zapata, and Zavala counties, Texas on the one hand, and on the other points located in Anderson, Angelina, Aransas, Archer, Atascosa, Austin, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Bosque, Bowie, Brazoria, Brazos, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Cass, Chambers, Cherokee, Clay, Collin, Colorado, Comal, Comanche, Cooke, Coryell, Dallas, Delta, Denton, De Witt, Dimmit, Duval, Eastland, Ellis, Erath, Falls, Fannin, Fayette, Fort Bend, Franklin, Frio, Galveston, Gillespie, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hamilton, Hardin, Harris, Harrison, Hays, Henderson, Hidalgo, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Karnes, Kaufman, Kendall, Kenedy, Kerr, Kinney, Kleberg, Lamar, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Madison, Marion, Matagorda, Maverick, McLennan, McMullen, Medina, Milam, Mills, Montague, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Palo Pinto, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shackelford, Shelby, Smith, Somervell, Starr, Stephens, Tarrant, Taylor, Throckmorton, Titus, Travis, Trinity, Tyler, Upsher, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Young, Zapata, and Zavala counties, Texas, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Texas Shippers Association, Inc., 2311 Butler Street, Dallas, TX, 75235, Florida-Texas Freight, 2700 Gaston Ave., Dallas, TX, 75226, and ITOFCA, Inc., P.O. Box 118, Clarendon Hills, IL, 60514. Send protests to: Ms. Opal M. Jones, Interstate Commerce Commission, 411 W. 7th Street, Suite 600, Ft. Worth, TX, 76102.

Republication

MC 147077 (Sub-5TA), filed August 6, 1979. Applicant: Q. T. TUGGLE, d.b.a. CALIFORNIA WESTERN, 3325 Linden Ave., Long Beach, CA 90807. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Contract carrier,* irregular routes; *steel pipe coated or wrapped, and welded fittings when transported in mixed loads with steel pipe, coated or wrapped,* from the facilities of M. E. Gray Co., at or near Bell Gardens, CA, Plexco, at or near Fontana, CA, and Mobile Pipe Coaters, at or near Duarte, CA, to Phoenix, Tucson, Yuma, and Sahuaritz, AZ and points within 25 miles of these cities, under a continuing contract(s) with M. E. Gray Co., of Bell Gardens, CA. Supporting shipper(s): M. E. Gray Co., 5960 W. Shull, Bell Gardens, CA. The above-described request for authority was published in the **Federal Register** September 17, 1979, but the point of origin of the facilities M. E. Gray Co., at Bell Gardens, CA was inadvertently omitted. By decision of April 14, 1980, the Motor Carrier Board modified its decision of December 26, 1979, so as to grant the authority in its entirety. Insofar as the authority to serve the origin point at Bell Gardens, CA is concerned, any interested party may file a petition for reconsideration within 20 days from the date of this notice is published. Send petitions for reconsideration to: The Secretary, Team 4, Room 5331, Interstate Commerce Commission, Washington, DC 20423.

MC 149306TA, filed January 31, 1979. Applicant: JOSEPH C. KACHANSKI, d.b.a. MIKE'S TRANSFER, 9229 Saddlebrook, St. Louis, MO 63126. Representative: Joseph C. Kochanski (same address as applicant). *Contract carrier,* over irregular routes, *Hardware and related items,* between points in Missouri, Illinois, Indiana, Tennessee, Kansas, Kentucky, Oklahoma, Arkansas and Iowa, for 180 days. Supporting shipper: General Mercantile & Hardware, Inc., 3965 Park Ave., St. Louis, MO 63110. Send protests to: Opal Jones, ICC, Suite 600, 411 W. 7th St., Ft. Worth, TX 76102.

[Notice No. 28]

Filed: December 12, 1979.

MC 148763 (Sub-1TA). 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. Operate as a common carrier transporting forest products, plywood, cedar shingles, particleboard, between Atlanta, GA, on the one hand, and, on the other, hand

points in TN, AL, and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Able Lumber Co., Inc., P.O. Box 762, Holly Springs, GA 30142. Send protest to: Regional Authority Center, P.O. Box 7520, Atlanta, GA 30357.

MC 148893 (Sub-1TA), filed December 7, 1979. Applicant: WREN TRUCKING, INC., 572 Kennedy Road, Cheektowage, NY, 14227. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. (1) Foodstuffs (except in bulk) (2) related materials, supplies and equipment in the manufacture, production, packaging, sale or distribution of such commodities, (1) from the facilities of General Mills located in Buffalo, NY, to points in CT, DC, MA, MD, ME, NJ, OH, PA, RI, IL, IN, MI, and WV, and (2) from points in CT, DC, MA, MD, ME, NJ, NY, OH, PA, RI, IL, IN, MI and WV to the facilities of General Mills located in Buffalo, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Mills, Inc., P.O. Box 1113, Minneapolis, MN 55440. Send protest to: Ms. A. Siler, 910 Federal Bldg., 111 West Huron St., Buffalo, NY 14202.

The following applications were filed in Region I. Send protests to Regional Authority Center, Interstate Commerce Commission, 150 Causeway St., Rm. 501, Boston, MA 02114.

MC 145115 (Sub-1-2TA), filed April 23, 1980. Applicant: NY., NJ., CONN., FREIGHT & MESSENGER CORP., 351 West 38th Street, New York, N.Y. 10001. Representative: Ronald I. Shapss, Esq., 450 Seventh Avenue, New York, N.Y. 10001. Contract carrier, irregular routes, such merchandise as is dealt in by retail department stores, between Washington, D.C. on the one hand, and, on the other, the commercial zones of New York, N.Y. and Los Angeles, CA., under a continuing contract or contracts with the Hecht Company of Washington, D.C. Supporting shipper: The Hecht Co., 1401 New York Avenue, Washington, D.C.

MC 150640 (Sub-1-1TA), filed April 23, 1980. Applicant: EMERSON EXPRESS CO., INC., 545 Lyell Avenue, Rochester, NY 14606. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Contract carrier,* irregular routes: *Scrap Materials and metals; non-ferrous metals; stainless steel; batteries; reconditioned steel containers, including tubs:* Between points in Monroe County, NY on the one hand; and, on the other, points in AL, IL, IN, KY, MO, NJ, OH, PA, and those in the NY, NY Commercial Zone, and points in Nassau and Suffolk Counties, NY.

MC 114896 (Sub-1-6TA), filed April 22, 1980. Applicant: PUROLATOR ARMORED, INC., 255 Old New Brunswick Road, Piscataway, New Jersey 08859. Representative: Peter A. Greene, 900 17th Street, N.W., Washington, D.C. 20006. *Contract carrier,* irregular: *Coin, currency and securities,* between Boston, MA and points in ME and RI, under a continuing contract or contracts with the Federal Reserve Bank of Boston. Supporting shipper: Federal Reserve Bank of Boston, 600 Atlantic Avenue, Boston, Massachusetts 02106.

MC 138304 (Sub-1-4TA), filed April 22, 1980. Applicant: NATIONAL PACKERS EXPRESS, INC., 1600 Clinton Street, Hoboken, NJ 07030. Representative: Craig B. Sherman, Attorney at Law, Broad and Cassel, Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. *Phonograph records and eight-track and cassette recording tapes.* (a) From Terre Haute, Richmond and Indianapolis, IN to Chicago, IL and Passaic, NJ; and (b) from Passaic, NJ to Chicago, IL. *Restriction:* Restricted to transportation of traffic for the account of Surplus Record & Tape Distributors Company, Building 5A, 84-184 Dayton Avenue, Passaic, NJ 07055. Supporting shipper: Surplus Record & Tape Distributors Company, Building 5A, 84-184 Dayton Avenue, Passaic, NJ 07055.

MC 109865 (Sub-1-1TA), filed April 22, 1980. Applicant: VALLEY TRANSPORTATION INC., 516 Oxford Road, Oxford, CT 06483. Representative: L. C. Major Jr., Suite 400 Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. *Passengers and their baggage, in the same vehicle with passengers,* in special operations beginning and ending at points in Hartford, New Haven and Fairfield Counties, CT, and extending to Atlantic City, NJ.

MC 114896 (Sub-1-5TA), filed April 22, 1980. Applicant: PUROLATOR ARMORED, INC., 255 Old New Brunswick Road, Piscataway, New Jersey 08859. Representative: Peter A. Greene, 900 17th Street, N.W., Washington, D.C. 20006. *Contract carrier,* irregular routes: *Precious metals,* between (1) Wichita Falls, TX; Orangeburg, NY; Carterst, NJ; and Santa Ana, CA; and (2) Wichita Falls, TX, on the one hand, and, on the other, Dallas, TX for 180 days. Restricted in (2) above to shipments having a prior or subsequent movement by air. Supporting shipper: A. C. Spark Plug, Division, GMC, 8600 Central Freeway North, Wichita Falls, TX 76036.

MC 143987 (Sub-1-1TA), filed April 22, 1980. Applicant: M. KORSON & CO., INC., 91 Washington Street, Somerville, Massachusetts 02145. Representative: James E. Mahoney, 148 State Street, Boston, Massachusetts 02109. *Contract carrier,* irregular routes: *Corn syrup, products derived from corn, blends containing products derived from corn, and materials, supplies and equipment related thereto, in bulk, in tank vehicles* between the facilities of Cargill & Co., Inc, at or near Boston, MA and its Commercial Zone, on the one hand, and, on the other, Portland, ME, Pawtucket., R.I., Providence, R.I. and Suffield, CT. Restriction: The authority granted herein is limited to transportation services to be performed under a continuing contract with Cargill & Co., Inc of Dayton, Ohio. Supporting shipper: Cargill & Co., Inc., Dayton, Ohio.

MC 150630 (Sub-1-1TA), filed April 21, 1980. Applicant: BLUE ANCHOR ENVIRONMENTAL CORPORATION, 374 Irvington Place, East Windsor, New Jersey 08520. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, New Jersey 07006. Contract, Irregular, *Chemical wastes* (except in bulk) (1) From Ambler, PA to Emelle, AL, under continuing contracts with Resource Technology Services, Inc. and (2) From points in CT, DE, MD, NJ, NY and PA to Emelle, AL, under continuing contracts with Browning-Ferris Industries of Elizabeth, N.J. Inc. Supporting shipper(s): Resource Technology Services, Inc., 6 Berkeley Road, Devon, PA 19333, and Browning-Ferris Industries of Elizabeth, N.J., Inc., 1075 Central Avenue, Clark, New Jersey 07066.

MC 111625 (Sub-1-1TA), filed April 21, 1980. Applicant: BERMAN'S MOTOR EXPRESS, INC., P.O. Box 1566, Binghamton, New York 13902. Representative: J. Edward Derrick (same address as applicant). *Iron and steel articles,* from the facilities of Cives Steel Company at Conklin, New York to Saint Francisville, LA. Supporting shipper: James E. Jackson, Cives Steel Company, Conklin, NY 13902.

MC 2860 (Sub-1-7TA), filed April 21, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, New Jersey 08360. Representative: Gerald S. Duzinski (same address as applicant). *Electric appliances and materials and supplies used in the manufacture thereof,* between the facilites of Hamilton Beach in Washington, Clinton, and Farmville, NC, and from Byesville, OH & all points in the United States, except Alaska and Hawaii. Supporting shipper: Hamilton

Beach, Division of Scovill, Inc. of Washington, NC. 27889.

MC 59264 (Sub-1-2TA), filed April 21, 1980. Applicant: SMITH & SOLOMON TRUCKING COMPANY, How Lane, P.O. Box 397, New Brunswick, New Jersey 08903. Representative: Lawrence S. Burstein, Esq., One World Trade Center, Suite 2373, New York, N.Y. 10048. *Such commodities as are dealt in by wholesale, retail and chain grocers and food business houses* (except commodities in bulk) from all points on its present certificate to Wakefern's distribution center at or near Wallkill (Orange County) New York. Supporting shipper: Wakefern Food Corporation, 600 York Street, Elizabeth, New Jersey 07207

MC 59264 (Sub-1-1TA), filed April 21, 1980. Applicant: SMITH & SOLOMON TRUCKING COMPANY, How Lane, P.O. Box 397, New Brunswick, New Jersey. Representative: Lawrence S. Burstein, Esq., One World Trade Center, New York, N.Y. 10048. *Aluminum cans,* from the facilities of Reynolds Metals Company at or near Woodbridge and Carteret, New Jersey to the facilities of Anheuser-Busch, Inc. at or near Merrimack, N.H. Supporting shipper: Reynolds Metals Company, P.O. Box 27003, Richmond, VA 23261.

MC 80428 (Sub-1-1TA), filed April 22, 1980. Applicant: McBRIDE TRANSPORTATION, INC., P.O. Box 430, Goshen, NY 10924. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. *Aluminum cans,* from the facilities of Reynolds Metals Company at or near Middletown, NY, to New Bedford, MA. Supporting shipper: Roy H. Grabman, Division Manager Transportation & Warehousing, Reynolds Metals Company, Richmond, VA 23261.

MC 115353 (Sub-1-2TA), filed April 22, 1980. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *General commodities* (but not to include Classes A and B explosives), between points in the commerical zone of Jacksonville, FL, restricted to traffic having a prior or subsequent movement by water. Supporting shipper(s): Puerto Rican Marine Management, Inc., P.O. Box 26483, New Orleans, LA 70186.

MC 145981 (Sub-1-4), filed April 22, 1980. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Steel shelving, and materials, equipment, and supplies used in the manufacture and sale of steel shelving (except commodities in bulk),* between points in MA, on the one hand, and, on the other, points in the States of CA, CO, IL, ID, KS, MN, MO, OR, TX, WA, and WI. Supporting shipper(s): Andrew Wilson Company, 616 Essex Street, Lawrence, MA 01842.

MC 133415 (Sub-1-1TA), filed April 21, 1980. Applicant: SNR DELIVERY, INC., 913 McKinley Street, Peekskill, NY 10566. Representative: Roy A. Jacobs, Esq. (Alfano & Alfano, P.C.), 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract carrier,* irregular routes, *Brake shoes,* between Cheshire, CT, on the one hand, and, on the other, New York, NY and its commercial zone, and points in Suffolk and Westchester Counties, NY, restricted to a transportation service to be performed under a continuing contract(s) with Raybestos Friction Materials Co., of Trumbull, CT. Supporting shipper: Raybestos Friction Materials Co., 100 Oakview Drive, Trumbull, CT 06611.

MC 71593 (Sub-1-9TA), filed April 22, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076. Representative: David W. Swenson (same address as applicant). *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk) restricted to traffic moving on bills of lading of A and D Transco, between Seattle, WA on the one hand, and points east of, and including ND, SD, NE, KS, OK, and TX. Supporting shipper: A and D Transco, 1762 Sixth Avenue South, Suite 123, Seattle, WA 98134.

MC 104104 (Sub-1-1TA), filed April 21, 1980. Applicant: GEORGE A. FETZER, INC., Newton-Sussex Road, Augusta, NJ 07822. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Cartons and on return materials and supplies used in the manufacturing and sales thereof,* except in bulk, from Pennsauken, NJ to points in CT, DE, ME, MD, MA, NH, NY, PA, RI and VT. Supporting shipper: Weyerhaeuser Company, P.O. Box 585, Camden, NJ 08101.

MC 145108 (sub-1-2TA), filed April 21, 1980. Applicant: BULLET EXPRESS, INC., 5600 First Avenue, Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *Frozen Bakery Products,* from Torrance, CA, to points in the US east of and including the States of MN, IA, MO, OK, and TX. Supporting shipper(s): Kings International Bakery, 18655 S. Western Ave., P.O. Box 6396, Torrance, CA 90504.

MC 120901 (Sub-1-1TA), filed April 21, 1980. Applicant: C & K PETROLEUM TRANSPORTERS, INC., Church Lane, Middle Island, NY 11953. Representative: George Carl Pezold, Esq., Augello, Pezold & Hirschmann, P.C., 120 Main Street, P.O. Box Z, Huntington, NY 11743. *Liquid petroleum products,* including gasohol, in tank trucks between bulk terminals, bulk plants and storage tanks of shipper's customers, between Philadelphia, PA and all points in the States of NY, NJ and CT. Supporting shipper: Tri-Cor Petroleum, Inc., 4175 Veterans Hwy, Ronkonkona, NY 11779.

MC 123233 (Sub-1-3TA), filed April 18, 1980. Applicant: PROVOST CARTAGE INC., 7887 Grenache Street, Ville d 'Anjou, PQ, Canada H1J 1C4. Representative: Gilbert G. Beriault (same address as applicant). *Grape concentrate, in bulk, in tank vehicles,* from Hammondsport and Naples, N.Y. to the International Boundary Line between the United States and Canada. Supporting shipper: Chateau—Gai Wines Ltd. P.O. Box 150, Scoudouc, NB, Canada EOA 1NO.

MC 144212 (Sub-1-1TA), filed April 21, 1980. Applicant: SLACK TRANSPORT LIMITED, Box 579, Caledonia, Ontario, Canada NOA 1AO. Representative: William J. Hirsch, Attorney at Law, 1125 Convention Tower, 43 Court Street, Buffalo, New York 14202. Contract, Irregular, *Peat moss, marble chips, bark, humus, decorative stone, kitty litter, processed manure, dehydrated hay manure, manure, dried or dehydrated, bagged, soil, potting soil and assorted horticultural products;* between ports of entry on the International Boundary line between the United States and Canada, on the one hand, and, on the other, all points in the United States, except Hawaii. Supporting shipper(s): Glenn D. Ogilvie, Limited of Caledonia, Ontario Canada NOA 1A5, Life Horticultural Products, Inc. of Caledonia, Ontario Canada, J. B. Ogilvie, Inc. of Caledonia, Ontario, Canada NOA 1AO.

MC 138304 (Sub-1-3TA), filed April 21, 1980. Applicant: NATIONAL PACKERS EXPRESS, INC., 1600 Clinton Street, Hoboken, NJ 07030. Representative: Craig B. Sherman, Attorney at Law, Broad and Cassel, Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. *Steel nuts, bolts, screws and metal fasteners, nails, wire rod and metals* from New Orleans, LA, and Houston, TX, to all points in the United States. *Restriction:* Restricted to transportation of traffic for the account of Allied International-American Eagle Trading Corp., 77 Purchase Street, Rye, NY 10580. Supporting shipper: Allied

International-American Eagle, Trading Corp., 77 Purchase Street, Rye, NY 10580.

MC 146479 (Sub-1-1TA), filed April 18, 1980. Applicant: HARRISON CARRIERS, INC., P.O. Box 367, Harrison, NY 10528. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Foodstuffs, beverages and groceries,* from Hereford, TX, Washington, DC, Denver, CO, New York, NY, Cambridge, MA, Hartford, CT, and points in CA to the facilities of State Distributing Corporation at Raleigh, NC. Supporting shipper: State Distributing Corp. Raleigh, NC.

MC 134806 (Sub-1-1TA), filed April 18, 1980. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. *Contract carrier:* irregular routes: *footwear,* from Dexter, ME to Denver, CO, Salt Lake City, UT, Reno, NV and to points in CA under continuing contract with Dexter Shoe Co., Dexter, ME. Supporting shipper: Dexter Shoe Co. Dexter, ME 04930.

MC 145829 (Sub-1-1TA), filed April 23, 1980. Applicant: ETI CORP., P.O. BOX 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *(1) Plastic or rubber, lumps, pellets, (except in bulk in tank vehicles); (2) Scrap for reprocessing,* Between points in the states of NJ, OH, PA, WV, and VA. Supporting shipper(s): Koenig and Sons, Inc., P.O. Box 1810, Trenton, NJ 08607.

MC 147524 (Sub-1-1TA), filed March 11, 1980. Originally published at 45 FR 23534, April 7, 1980. Applicant: SINED LEASING, INC., 108 High Street, Mt. Holly, NJ 08060. Representative: Frank L. Newburger III, Esquire, White and Williams, 17th Floor, 1234 Market Street, Philadelphia, PA 19107. *Contract,* Irregular *Products derived from corn and blends containing products derived from corn, in bulk,* from Clinton, IA, Lexington, NC, Frazier, PA, Chicago, IL, Montezuma, NY, to points in WI, IL, MI, IN, OH, PA, NY, NJ, CT, RI, MA, NH, VT, DE, MD, VA, DC, WV, NC, SC, GA, KY, FL and TN. Supporting shipper: Clinton Corn Processing Company of Clinton, IA.

MC 148793 (Sub-1-1TA) filed April 23, 1980. Applicant: M & L MESSENGER SERVICE, INC., Jewel Lane, New Fairfield, CT 06810. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. (1) Electronic equipment and related papers, between points in CT, MA, NJ, and NY, restricted to transportation of packages not exceeding 50 pounds per package originating at or destined to the facilities of General Data Company, Inc., Danbury, CT, (2) Machine parts and electronic parts, between points in CT, MA, NJ and NY, restricted to transportation of packages not exceeding 50 pounds per package originating at or destined to the facilities of Consolidated Controls, Bethel, CT, and (3) Machine Parts, between points in CT, MA and NJ, restricted to transportation of packages not exceeding 50 pounds per package originating at or destined to the facilities of Sealed Air Corp., Danbury, CT. Supporting shippers: General Data Company, Inc., Danbury, CT, Consolidated Controls, Bethel, CT and Sealed Air Corp., Danbury, CT.

MC 113843 (Sub-1-3TA), filed April 25, 1980. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Representative: Lawrence T. Sheils, 316 Summer Street, Boston, MA 02210. *Edible animal fats or oils, vegetable oils, and blends thereof, with or without additives, oleomargarine, except commodities in bulk* from the facilities of Bunge Edible Oil Corporation at or near Bradley, IL to points in CT, DE, MA, ME, MD, NJ, NY, OH, PA, RI, VT, VA, WV, and DC. Supporting shipper: Bunge Edible Oil Corp., Kankakee, IL 60901.

MC 113843 (Sub-1-2TA), filed April 25, 1980. Applicant: REFRIGERATED FOOD EXPRESS, INC. 316 Summer Street, Boston, MA 02210. Representative: Lawrence T. Sheils, 316 Summer Street, Boston, MA 02210. *Plastic bags, trash can liners, plastic articles, plastic film, sheeting, tarps, plastic scrap, materials and supplies used in the manufacture of plastic articles* between Macomb, IL and points in CT, DE, IN, IA, KY, KS, MA, ME, MD, MI, MN, MO, NH, NJ, NY, OH, PA, RI, TN, VA, WV, VT, and DC. Supporting shipper. Webster Industries, Inc. Peabody, MA.

MC 71593 (Sub-1-10TA) filed April 25, 1980 Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076. Representative: David W. Swenson, 1608 E. Second Street, Scotch Plains, NJ 07076. *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 coantainers or trailers having a subsequent movement by water, from Mason City and Fairfield, IA; Chicago, Belleville and Herin, IL; Appleton and Cedarsburg, WI; and Grand Rapids, Detroit and Jonesville, MI to ports within the commercial zones of New York, NY and Baltimore, MD. Supporting shipper: J. D. Marshall International, Inc., Skokie, IL.

MC 134404 (Sub-1-2TA), filed April 25, 1980. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier,* irregular routes: Insecticides, herbicides, pesticides, fertilizer, seed and agricultural chemicals (except in bulk) and applicators therefor, from the facilities of Lebanon Chemical Corporation at or near Danville, IL to points in the United States in and east of ND, SD, NE, CO, and NM. Supporting shipper(s): Lebanon Chemical Corporation, P.O. Box 647, Danville, IL 61832.

MC 145667 (Sub-1-1TA), filed April 23, 1980. Applicant: TRANSPORT PLANNING AND SERVICE, INC., 53 Evelyn Street, North Dartmouth, MA 02747. Representative: Ronald Shapss, Esq., 450 Seventh Avenue, New York, NY 10001. Contract carrier, irregular routes, latex, calcium carbonate, clay, slurries, aluminum hydrate, and fillers, between Sharon, MA, on the one hand, and, on the other, Charlotte, NC, Belvedere, and Pedricktown, NJ, Allanspoint, CT, and Huber, GA. Supporting shipper: Walsh Chemical (North) Inc., 1245 Providence Highway, Sharon, MA 02067.

MC 40446 (Sub-1-1TA), filed April 24, 1980. Applicant: BARON MOTOR CARRIERS, INC., 145 Blanchard St., Newark, NJ 07105. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Commodities in Containers, having a prior movement by water,* from Port Newark, NJ, to Groton, CT. Supporting shipper(s): Hoffman-La Roche, Inc., 340 Kingsland Street, Nutley, NJ 07110.

MC 44538 (Sub-1-1TA), filed April 23, 1980. Applicant: NEW BREED MOVING CORP., 24 Lucon Drive, Deer Park, NY 11729. Representative: Piken & Piken, Esqs., Queens Office Tower, 95-25 Queens Boulevard, Rego Park, NY 11374. Aircraft fuselage between Little Rock, AR and Calverton, NY. Supporting shipper: Grumman Aerospace Corporation, Bethpage, NY 11714.

MC 113968 (Sub-1-1TA), filed April 23, 1980. Applicant: HYGRADE MESSAGE SERVICE, INC., 225 Varick Street, New York, NY 10014. Representative: Piken & Piken, Esqs., 95-25 Queens Boulevard, Rego Park, NY 11374. *Such commodities as are dealt in by retail department stores, new furniture and accessories thereto;* Between New York, NY and points in its commercial zone,

Washington, DC and points in its commercial zone, and Fairfax, VA, on the one hand, and, on the other, all points in MA, CT, RI, NY, NJ, PA, DE, MD, VA and DC. Supporting shippers: Conran's Grace Street, Washington, DC 20007. Directional, 979 Third Avenue, New York, NY 10022. LCS Incorporated, 1074 Home Street, Bronx, NY 10459.

MC 146440 (Sub-1-13TA), filed April 23, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA 02149. *Silica sand and silica sand produts,* from the facilities of Ottawa Silica Company, at or near Ledyard, CT to points in AL, FL, GA, IL, IN, KY, MI, MN, MS, MO, NC, OH, SC, TN, VA, WV, and WI. Supporting shipper: Ottawa Silica Company, Boyce Memorial Drive, Ottawa, IL 61350.

The following applications were filed in Region 2. Send protests to: ICC Federal Reserve Bldg., 101 N. 7th St. Room 620, Philadelphia, PA 19106.

MC 138438 (Sub-II-6TA), filed April 18, 1980. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Masonry colored mortar,* from Riverton, VA to all pts, in DE, PA and NJ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Diener Brick Company, Cuthbert & Park Ave., Collingswood, NJ 08108.

Note.—Dual operations may be involved.

MC 138438 (Sub-II-7TA), filed April 18, 1980. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave, Hagerstown, MD 21740. *Brick and clay products,* (1) from pts, in NC, SC, GA, and VA to pts, in CT, MA, NY, NJ, DE, and RI, and (2) from Flemington, NJ to pts, in NY, CT, MA, RI, and PA. An underlying ETA seeks 90 days authority. Supporting shippers: Edwin L. Olander, Inc., P.O. Box 236, Northampton, MA 01060. Diener Brick Co., Cuthbert Rd. & Park Ave., Collingswood, NJ 08108. Turntable Junction, Inc., T/A Merritt Sale and M.B.D. Flemington, Inc., Flemington, NJ 08822.

Note.—Dual operations may be involved.

MC 69281 (Sub-II-1-TA), filed April 16, 1980. Applicant: THE DAVIDSON TRANSFER & STORAGE CO., 698 Fairmont Ave., Baltimore, MD 21204. Representative: David W. Ayers, P.O. Box 58, Baltimore, MD 21203. Common regular, *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 Allentown, PA. and Reading, PA.; from Allentown over PA Hwy 222 to Reading, PA and return over the same route; (2) Between Allentown, PA, and Pottsville, PA.; from Allentown, PA over PA Hwy 309 to junction PA Hwy 209 to Pottsville, PA and return over the same route; serving all points in Berks and Schuylkill Counties, PA for 180 days. An underlying ETA seeks 90 days authority. No Supporting Shippers.—Verified statement of carrier.

MC 116763, (Sub-II-8-TA), filed April 16, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Charcoal briquettes and related barbecue items* (except commodities in bulk, in tank vehicles), from the facilities utilized by Husky Industries, Inc. at or near Scotia, NY to points in MA, ME, CT, RI, DE, MD, VA, NH, VT and DC; for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at the named origin and destined to the indicated destinations. Supporting shippers: Husky Industries, 62 Perimeter, East, Atlanta, GA 30346.

MC 15097 (Sub-II-1-TA), filed April 17, 1980. Applicant: RICHARD H. MILLS, d.b.a. RED LINE BUS COMPANY, 12201 Atherton Dr., Silver Spring, MD 20904. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Contract;* irregular: *passengers and their baggage, in the same vehicle with passengers in round-trip charter operations,* beginning and ending at Washington, DC and its commercial zone, and extending to Baltimore, MD, and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Arundel Arena, Inc., 4901 Belle Grove Road, Baltimore, MD 21225.

MC 21866 (Sub-II-11-TA), filed April 16, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Automotive parts, and materials and supplies used in the manufacture of automotive parts (except commodities in bulk),* (1) From Seabrook, NH, to points in MI. (2) Between Seabrook, NH and points in OH, for 180 days. An underlying ETA seeks 90 days authority. Restriction: The service authorized herein is restricted to the transportation of traffic originating at or destined to the facilities of USM Corp., Bailey Div. Supporting shipper(s): USM Corp., Bailey Div., Route No. 1, Seabrook, NH 03874.

MC 123972 (Sub-II-1-TA), filed April 17, 1980. Applicant: LEO J. UMERLEY, INC., 9813 Philadelphia Rd., Baltimore, MD 21237. Representative: James E. Savitz, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. *Contract:* Irregular: *Cement,* in bulk, from the facilities of the Medusa Corporation at or near York, PA to the plantsite and warehouse facilities of the Hercules Concrete Block Corp., a subsidiary of Cinder and Concrete Block at Cockeysville and Sparrows Point, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Hercules Concrete Block Corp., a subsidiary of Cinder and Concrete Block Corporation, 10111 Beaver Dam Road, Cockeysville, MD 21030.

MC 116763 (Sub-II-9-TA), filed April 17, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary Jira (same as applicant). *Such commodities manufactured, processed, sold, distributed or dealt in by manufacturers, converters and printers of paper and paper products (except commodities in bulk, in tank vehicles)* between the facilities of Uarco, Inc., at or near Paris, TX on the one hand, and, on the other, points in the U.S. (except AK and HI). Restricted to traffic originating at the named origins and destined to the indicated destinations. Supporting shipper(s): Uarco, Inc., E. Eighway 271. Paris, TX 75460.

MC 5470 (Sub-II-7-TA), filed April 17, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Mr. Brian Troiano, 700 World Center Building, 918 16th Street, N.W., Washington, DC 20006. *Agricultural limestone and limestone products,* from Wyandot County, OH to points in MI, IN, IL, KY, MD, PA, NY, and WV, for 180 days. an underlying ETA seeks 90 days authority. Supporting shipper: Wyandot Dolomite, Inc., P.O. Box 126, Carey, OH 43316.

MC 147906 (Sub-II-4TA), filed April 17, 1980. Applicant: KOHN BEVERAGE, INC. d.b.a., KOHN TRANSPORT, 4850 Southway, S.W., Canton, OH 44706. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Malt beverages, alcoholic beverages and malt beverage and alcoholic beverage containers,* (except commodities in bulk), between points in NJ and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Goodman Beverage Co., Inc., d.b.a. Tri-City Distributing Co., 1930 W. 19th St., Lorain, OH 44052. Neidert Distributing Co., 855 Seitzer Ave., Akron, OH 44311. Kohn Beverage Co., 1065 Jenkins Blvd., Akron, OH 44308.

MC 147906 (Sub-II-5TA), filed April 17, 1980. Applicant: KOHN BEVERAGE, INC. d.b.a., KOHN TRANSPORT, 4850 Southway, S.W., Canton, OH 44706. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Alcoholic beverages and alcoholic beverage containers* between the facilities of Grant Importing & Distributing at or near Berwyn, IL, on the one hand, and, on the other, points in MD, MI, NJ, NY and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Grant Importing & Distributing, 6833 W. Roosevelt Rd., Berwyn, IL 60402.

MC 142703 (Sub-II-1A), filed April 17, 1980. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 W. Third St., P.O.B. 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. *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: (a) Memphis, TN (and its Commercial Zone), on the one hand, and, on the other, the following 24 counties of AL: Bibb, Blount, Choctaw, Colbert, Cullman, De Kalb, Fayette, Franklin, Greene, Hale, Jackson, Lamar, Lawrence, Limestone, Madison, Marengo, Marion, Marshall, Perry, Pickens, Saint Clair, Shelby, Sumtar, Walker; (b) Memphis, TN (and its Commercial Zone) on the one hand, and, on the other, the following 66 counties of AR: Arkansas, Ashley, Baxter, Boone, Bradley, Calhoun, Carroll, Chicot, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crittenden, Cross, Dallas, Desha, Drew, Faulkner, Franklin, Fulton, Garland, Grant, Greene, Hempstead, Hot Springs, Independence, Izard, Jackson, Jefferson, Johnson, Lawrence, Lee, Lincoln, Logan, Lonoke, Madison, Marion, Mississippi, Monroe, Montgomery, Nevada, Newton, Ouachita, Perry, Phillips, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, Saline, Scott, Searcy, Sharp, Stone, St. Francis, Union, Van Buren, White, Woodruff, Yell; (c) Memphis, TN (and its Commercial Zone) on the one hand, and on the other, the following 18 counties of IL: Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, White, Williamson; (d) Memphis, TN (and its Commercial Zone) on the one hand, and, on the other, the following 11 parishes in LA: Claiborne, East Carroll, Franklin, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll; (e) Memphis, TN (and its Commercial Zone) on the one hand, and, on the other, the following 58 counties of MS: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, De Sota, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Kemper, Lafayette, Lauderdale, Leake, Lee, Leflore, Lowndes, Madison, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Warren, Washington, Webster, Winston, Yaolbusha, Yazoo; (f) Memphis, TN (and its Commercial Zone) on the one hand, and, on the other, the following 38 counties in MO: Bollinger, Butler, Cape Giardeau, Carter, Christian, Crawford, Dent, Douglas, Dunklin, Franklin, Greene, Howell, Iron, Jefferson, Laclede, Madison, Mississippi, New Madrid, Oregon, Ozark, Pemiscot, Perry, Phelps, Pulaski, Reynolds, Ripley, Saint Francois, Scott, Shannon, Ste. Genevieve, Stoddard, Stone, Washington, Wayne, Webster, Wright, Taney, Texas; (g) Memphis, TN (and its Commercial Zone) on the one hand, and, on the other, the following 47 counties in TN: Bedford, Benton, Cannon, Carroll, Cheatam, Chester, Coffee, Crockett, Davidson, Decatur, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Humphreys, Lake, Lauderdale, Lawrence, Lewis, Lincoln, Madison, Marshall, Maury, McNairy, Montgomery, Obion, Perry, Robertson, Rutherford, Shelby, Stewart, Sumner, Tipton, Trousdale, Wayne, Weakley, Williamson, Wilson: Restricted to the transportation of shipments having a prior or subsequent movement by rail. Supporting shipper(s): There are 7 supporting shippers. Their statements may be examined at the ICC Office in Phila., PA.

MC 148448 (Sub-II-1TA), filed April 2, 1980. Applicant: DAVIS & SON MOBILE HOME MOVERS, INC., Route #1, Box 160, Glade Hill, VA 24092. Representative: Wilmer B. Hill, Suite 805, 666 Eleventh St. NW, Washington, DC 20001. *Mobile homes and modular homes,* from Reidsville, NC to points in DE, GA, KY, MD, NJ, NC, PA, SC, TN, VA, WV, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Nobility Homes of North Carolina, Inc., P.O. Box 878, Reidsville, NC 27320.

MC 148747 (Sub-II-2TA), filed March 31, 1980. Applicant: D & E TRANSPORT, INC., 570 Dunks Ferry Rd., Bensalem, PA 19020. Representative: Richard Rueda, Esq., 133 N. 4th St., Philadelphia, PA 19106. *Aluminum: plate or sheet in coils; plates; pans, trays; and scrap* (except in bulk) from the facilities of EKCO Products, Inc., at Clayton, NJ to Oswego, NY; Wheeling, IL; Sumter, SC; Tampa and Miami, FL and points in their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): EKCO Products, Inc., 838 Delsea Dr., Clayton, NJ 08312.

MC 138000 (Sub-II-6TA), filed April 17, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Synthetic yarn and empty beams and racks,* between Meadville, PA, including its commercial zone, on the one hand, and, on the other, points in NC, SC, GA, AL and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Avetex Fibers, Inc., No. 9 Executive Mall, P.O. Box 880, Valley Forge, PA 19485.

MC 121372 (Sub-II-1TA), filed April 14, 1980. Applicant: EXPRESS TRANSPORT CO., 1217 Dalton St., Cincinnati, OH 45203. Representative: Norbert B. Flick, 715 Executive Bldg., Cincinnati, OH 45202. *Iron and steel and iron and steel articles* between the facilities Valley Steel Products Co. at or near Clarksville, OH, on the one hand, and, on the other, points in the U.S. east of MT, WY, CO, and NM, for 180 days. Supporting shipper(s): Valley Steel Products Co., P.O.B. 429, Centralia, IL 62801.

MC 147681 (Sub-II-4TA), filed April 14, 1980. Applicant: HOYA EXPRESS, INC., P.O. Box 543, R.D. #2, West Middlesex, PA 16159. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. *Can ends and metal containers,* from the facilities of Crown, Cork & Seal Company, Inc. at Winchester VA to points in CT, MA, NJ, NY, OH, PA and RI for 180 days. Supporting shipper(s): Crown, Cork & Seal Company, Inc., 9300 Ashton Rd., Philadelphia, PA 14146.

MC 135524 (Sub-II-5TA), filed April 7, 1980. Applicant: G. F. TRUCKING COMPANY, 1028 W. Rayen Ave., P.O.B. 229, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs RD, Youngstown, OH 44509. *Iron and steel articles* between Allegheny and Westmoreland Counties, PA and Cuyahoga County, OH, on the one hand, and, on the other, points in OR and WA, for 180 days. An underlying ETA seeks 90 days authority.

Supporting shipper(s): Northwest Natural Gas Co., 123 N.W. Flanders St., Portland, OR 97209.

MC 143600 (Sub-II-1TA), filed April 15, 1980. Applicant: H. K. DELIVERY SYSTEMS, INC., 836 W. North Ave., Pittsburgh, PA 15233. Representative: Frederick L. Kiger, 7823 Mt. Carmel Rd., Verona, PA 15147. *Home cleaning products and materials and supplies used in the distribution and sale thereof,* from Pittsburgh, PA to points in OH, on and east of a line beginning at Lake Erie extending southerly along Route 306 to intersection I-80, then southeasterly on I-80 to intersection Route 11, then southerly on Route 11 to the Ohio-West Virginia State Line, for 180 days. Supporting shipper(s): Stanley Home Products, Inc., 1365 Chamberlin St., Zanesville, OH 43701.

MC 135739 (Sub-II-1TA), filed April 14, 1980. Applicant: DOUBLE J MACHINERY TRANSPORT, INC., Rt. 2, Napoleon, OH 43545. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Contract, irregular: *Industrial fans and blowers,* from the facilities of Champion Blower & Forge, Inc. at Roselle, IL to points in the U.S. (except AK and HI), for 180 days. Supporting shipper: Champion Blower & Forge, Inc., 100 W. Central Rd., Roselle, IL 60172.

MC 150501 (Sub-II-1TA), filed April 11, 1980. Applicant: DULANEY INVESTMENTS, INC., Suite 111, 305 W. Chesapeake Ave., Towson, MD 21204. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract:* Irregular: (1) *Animal feeds and materials and supplies used in the manufacture of animal feeds* and commodities the transportation of which is partially exempt from regulation under the provisions of Section 203(b)(6) of the Interstate Commerce Act, in mixed loads with the commodities named in (1) above, from Ulen and Ada, MN; St. Ansgar, IA and Danville, KY and their respective commercial zones, to all points in the U.S., except AK and HI; (2) *Glass and glass products and materials, supplies and equipment* (except in bulk) used in the manufacture, sale and distribution of glass and glass products, between the facilities of C-E Glass, Combustion Engineering, Inc., at or near St. Louis and Truesdail, MO; Cinnaminson and Pensauken, NJ; Lancaster, OH; Stone Mountain, GA; Tampa and Miami, FL, on the one hand, and, on the other, points in the U.S., except AK and HI, for the account of C-E Glass, Combustion Engineering, Inc. and U.S. Grain Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): U.S. Grain Company, 278 Grain Exchange Bldg., Minneapolis, MN 55415. C-E Glass, Combustion Engineering, Inc., P.O. Box 268, Cinnaminson, NJ 08077.

MC 149329 (Sub-II-1TA), filed April 4, 1980. Applicant: HOWARD TRUCKING INCORPORATED, 10955 Haddix Rd., P.O. Box 411, Fairborn, OH 45324. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract:* Irregular: *Scrap metal, in dump vehicles,* between points in IN, KY, MI, OH, PA and WV, 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pennsylvania Iron & Coal Company, P.O. Box 6, Dayton, Ohio 45401.

MC 146704 (Sub-II-3TA), filed April 9, 1980. Applicant: FALCON MOTOR TRANSPORT, INC., 1250 Kelly Ave., Akron, OH 44306. Representative: Paul A. Englehart (same address as applicant). Contract carrier, irregular routes, *beer, in bottles, cans or kegs and empty containers,* between Akron, OH and Peoria, IL, Newark and Trenton, NJ and Milwaukee, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): DeLuca Distributing Co., 1055 Grant St., Akron, OH 44311.

MC 146309 (Sub-II-1TA), filed March 28, 1980. Applicant: IRVIN D. BLAIR, d.b.a., D&T TRUCKING CO., 4300 Curtis Ave., Baltimore, MD 21226. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. *Contract carrier,* irregular routes, *steel,* (1) from Baltimore, MD to points in DE, NC, NJ, NY, OH, PA, VA, WV and DC and (2) from Wilmington, DE; Newark and Camden, NJ; Philadelphia, PA and Norfolk, VA to Baltimore, MD, for 180 days. An underlying ETA seeks 90 days authority. Under continuing contract with Joseph Comac Co., Inc. Supporting shipper(s): Joseph Comac Co., Inc., P.O. Box 206, Severna Park, MD 21146.

MC 138000 (Sub-II-5TA), filed March 28, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. *Automotive headliners* from Greensboro, NC including its commercial zone to points in MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Guilford Mills, Inc., P.O. Box U4, Greensboro, NC 27402.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7520, Atlanta, GA 30357.

MC 2473 (Sub-3-4TA), filed April 21, 1980. Applicant: BILLINGS TRANSFER CORP., INC., Green Needles Road, Lexington, NC 27292. Representative: Homer M. Curry, Green Needles Road, Lexington, NC 27292. *Textiles and textile products* from Roanoke Rapids, NC to New York, NY. Supporting shipper: Hedaya Brothers Inc., 255 18th Street, Brooklyn, NY 11215.

MC 144069 (Sub-3-4TA), filed April 1, 1980. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W. T. Trowbridge (same address as applicant). *Erection equipment and materials, and supplies used in the construction of erection equipment.* Between the facilities of Ceco Corporation at or near Charlotte, NC on the one hand and on the other points in SC, GA, and AL. Between the points in SC, GA, and AL. Supporting shipper: The Ceco Corporation, 5601 W. 26th St., Chicago, IL 60650.

MC (Sub-3-1TA), filed April 21, 1980. Applicant: CHECKER TRANSFER AND STORAGE COMPANY, 7960 Farrow Road, Columbia, SC 29204. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036. *Used household goods, as defined by the Commission,* between points in SC, FL, GA, AL, MS, NC, TN, and VA. Supporting shippers: International Paper Co., Inc., P.O. Box 518, Georgetown, SC 29440. The Seibels Bruce Group, P.O. Box 1, Columbia, SC 29201. Sandoz Martin Works, Martin, SC 29836.

MC 109238 (Sub-3-1TA), filed April 10, 1980. Applicant: DeHART MOTOR LINES, Hwy 64-70 west, Conover, N.C. 28613. Representative: Joe W. Flowers, P.O. Box 368, Conover, N.C. 28613. *Textiles, textile products, supplies and materials used in the manufacture of textiles and pressure sensitive tape.* Between points in NC, SC and Danville, VA on the one hand and on the other: points in VA, and points in that portion of Eastern PA bounded on the West by a line beginning at the MD-PA state and extending along U.S. Hwy 11 in a northeasterly direction to its intersection with U.S. Hwy 15 at or near Camp Hill, PA, thence in a northerly direction along U.S. Hwy 15 to the PA-NY state line, including points on the specified portions of the indicated highways, and points in that portion of NY lying east and south of a line bounded on the West and North beginning at the PA-NY state line and extending in a northerly direction along US Hwy 11 to its intersection with NY Hwy 31, at or near Cicero, NY, thence along NY Hwy 31 eastward to its intersection with NY Hwy 365 at or near Verona, NY, thence along NY Hwy 365 to its intersection with NY Hwy 28 at or near Trenton, NY, thence along NY Hwy

28 to its intersection with NY Hwy 29 at or near Middleville, NY, thence along NY Hwy 29 to its intersection with NY Hwy 22 between East Greenwich and Salem, NY, thence along NY Hwy 22 to Salem, NY, thence along NY Hwy 153 to the NY-VT state line, including points on the specified portions of the indicated highways, and points in New Jersey for ——————— Supporting shipper: There are 16 supporting shippers whose statements may be examined at the applicable I.C.C. Regional Office.

MC 121664 (Sub-3-14TA), filed: April 22, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: Donald B. Sweeney, Jr., Esq., Bishop, Sweeney & Colvin, 603 Frank Nelson Building, Birmingham, AL 35203, 205/251-2881. Alcoholic beverages, equipment, materials and supplies used in or in connection therewith from all points in the United States to points in AL. Supporting shipper: The supporting shipper is the Alabama Alcoholic Beverage Control Board, P.O. Box 1151, Mongomery, AL (36130).

MC 121664 (Sub-3-13TA), filed: April 18, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: Donald B. Sweeney, Jr., Esq., Bishop, Sweeney & Colvin, 603 Frank Nelson Building, Birmingham, AL 35203, 205/251-2881. *(1) Such commodities as are dealt in, used by, sold, distributed, or installed by Allied Products Corporation, its divisions, affiliates and subsidiaries;* and *(2) equipment, materials and supplies used in the conduct of the business of Allied Products Corporation, its divisions, affiliates and subsidiaries.* Between points in the United States (except AK and HI). Restriction: Restricted to the traffic originating at or destined to the facilites of or used by Allied Products Corporation, its divisions, affiliates and subsidiaries and against the transportation of commodities in bulk. Supporting shipper: The supporting shipper is Allied Products, P.O. Box 1039, Selma, AL (36701).

MC 34631 (Sub-3-1TA), filed April 11, 1980. Applicant: A. ARNOLD & SON TRANSFER & STORAGE CO, INC., 2600 W. Broadway, Louisville, KY 40211. Representative: Charles W. Arnold, 2600 W. Broadway, Louisville, KY 40211. *Household Goods,* as defined by the Commission, between all points in the United States, except ID, MT, ND, OR, SC, and WA. There are 7 statements of support which may be examined at the ICC Atlanta Regional Office.

MC 146343 (Sub-3-2TA), filed April 4, 1980. Applicant: SOUTHERN EXPRESS CORPORATION, 308 S. Ocean Boulevard, Pompano, Florida 33062. Representative: Mr. Daniel Sumner, 131 Airport Road, Warwick, R.I. 02889. *Contract Carrier:* Irregular Routes: *fertilizing compound, dry, and such commodities incidental to the manufacture, processing and distribution of same* (except in bulk) between Lexington, KY and Paris, KY and points in the United States (except AK and HI). Supporting shipper: International Spike Co., 933 East 3rd St., Lexington, KY.

MC 150393 (Sub-3-1TA), filed April 22, 1980. Applicant: AUGUSTA TRANSPORTATION, INC., Post Office Box 185, Augusta, GA 30903. Representative: Timothy S. Mirshak, Attorney at Law, 804 Georgia Railroad Bank Bldg., Augusta, GA 30902. *General commodities* (except explosives and dangerous articles) *having movement by immediate, prior or subsequent railroad transportation* between all points contained in the following GA counties: Oglethorpe, Clarke, Oconee, Wilkes, Morgan, Greene, Lincoln, Taliaferro, Columbia, McDuffie, Warren, Putnam, Hancock, Burke, Baldwin, Glascock, Washington, Wilkinson, Johnson, Laurens, Richmond, Jefferson, Screven, Jenkins, Bulloch, Emanuel, Elbert, Candler and Madison. The above movements are restricted to shipments of general commodities (except explosives and dangerous articles) having immediate, prior or subsequent rail movement. Supporting shippers: Georgia Power Company, 270 Peachtree Street, Atlanta, GA 30303; Southern Railway Co., Intermodal Transportation, 920 15th Street, NW, Washington, DC 20005; Keystone Resources, Post Office Box 687, Greensboro, GA 30642; Universal Rundle Corp., Post Office Box 219, Union Point, GA 30669; Edison Plastics Company, Division of Blessings Corp., Post Office Box 609, Washington, GA 30673; Thermo King Corp., Waynesboro Road, Louisville, GA 30434; VSL Corporation.

MC 95540 (Sub-3-8TA), filed April 21, 1980. Applicant: WATKINS MOTOR LINES, INC., 1144 W. Griffin Rd., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher, General Traffic Manager (same as applicant's). (1) *Such commodities as are dealt in by manufacturers and distributors of small electric appliances* from facilities of Hamilton Beach at Washington, NC; Clinton, NC; Farmville, NC and Byesville, OH to points in the U.S., and (2) *Such materials, equipment and supply commodities as are dealt in by manufactures and distributors of small electric appliances* from points in the U.S., to facilities of Hamilton Beach Div. at Washington, NC; Clinton, NC; Farmville, NC and Byesville, OH. Supporting shipper: Hamilton Beach Div., Scovill, Inc., P.O. Box 1158, Washington, DC 27889.

MC 150235 (Sub-3-3TA), filed April 17, 1980. Applicant: POWELL TRUCKING COMPANY, INC., Route 3, Box 13, Sumrall, Mississippi 39482. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, Mississippi 39205. *Wheel loaders, track-type tractors, logging skidders, motor graders, industrial engines and generator sets and accessories* from Aurora, Decatur, Joliet, Mossville and Peoria, IL to the facilities of Stribling-Puckett, Inc. at or near Jackson, Hattiesburg, Meridian, Natchez and Gulfport, MS. Supporting shipper: Stribling-Puckett, Inc., P.O. Box 3170, Jackson, MS 39207.

Note.—Dual operations may be involved.

MC 147644 (Sub-III-3-4TA), filed April 17, 1980. Applicant: J.M.C. TRANSPORT, INC., 114 N 11th St., Louisville, KY 40203. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. *Alcoholic beverages* (except in bulk) and *water,* in bottles, from Clermont, KY to Atlanta, GA and Columbus, GA. Supporting shipper: Georgia Crown Distributing Co., P.O. Box 46065, 255 Villanova Dr., Atlanta, GA 30336.

MC 89617 (Sub-3-1TA), filed April 16, 1980. Applicant: LEWIS TRUCK LINES, INC., P.O. Box 1494, Conway, SC 29526. Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Avenue NW., Washington, DC 20006. *Lumber, plywood, and composition board* from the facilities of Holly Hill Lumber Company at or near Holly Hill and Walterboro, SC to points in GA, NC, TN, and VA. Supporting shipper: Holly Hill Lumber Company, P.O. Box 128, Holly Hill, SC 29059.

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 4. PROTESTS SHOULD BE SENT TO: INTERSTATE COMMERCE COMMISSION, REGION 4 MOTOR CARRIER BOARD (RMCB), 219 SOUTH DEARBORN STREET, CHICAGO, ILLINOIS 60604.

MC 51146 (Sub-4-31TA), filed April 14, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). (1) *Lawnmowers, grass trimmers, and snowblowers;* and (2) *Parts and accessories used in the manufacture and distribution of the*

commodities named in (1) above from the facilities of Tradewinds, Inc. at or near Manawa and New London, WI to points in AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NJ, NY, NC, OH, PA, RI, TN, TX, VA, WV, WI, and DC. Supporting shipper: Tradewinds, Inc., Subsidiary of Outboard Marine Corporation, Monmouth Blvd., Galesburg, IL 61401.

MC 35358 (Sub-4-2TA), filed April 14, 1980. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive N.E., Minneapolis, MN 55421. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. *Urethane foam, plastic articles* from East Rutherford, Rockaway and Carlstadt, NJ and Hazelton, PA to Minneapolis and Rockford, MN, LaCrosse, Madison, WI. An underlying ETA seeks 90 days authority. Supporting shipper: Tenneco Chemicals, West 100 Country Road, Pramus, NJ 07652.

MC 110988 (Sub-4-20TA), filed April 15, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. *Liquid chemicals,* in bulk, between Oshkosh, WI on the one hand, and, on the other, points in WI, MI, MN, IL, and IA. An underlying ETA seeks 90 days authority. Supporting shipper: Hydrite Chemical Company, 1237 W. Bruce Street, Milwaukee, WI 53204.

MC 148646 (Sub-4-2TA), filed April 14, 1980. Applicant: BECKSTROM ENTERPRISES, INC., P.O. Box 56, Gwinner, ND 58040. Representative: William J. Gambucci, Suite M-20, 400 Marquette Avenue, Minneapolis, MN 55402. *Contract carrier,* irregular routes: *Steel building system components,* from Galesburg, IL to points in MN on and west of U.S. Hwy 71 and ND on and east of U.S. Hwy 83. Supporting shipper: Gateway Builders, Inc., 3343 South University Drive, Fargo, ND 58103.

MC 146378 (Sub-4-1TA), filed April 11, 1980. Applicant: PAUL HARPOLE TRUCK SERVICE, INC., 7713 Main St., Belleville, IL 62223. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Automobile parts and accessories, related racks, and containers and related iron and steel articles,* between the facilities of Ford Motor Company at Louisville, KY and St. Louis, MO Commercial Zone and Claycomo, MO, on the one hand, and, on the other points in WI, IL, IN, MO, MI, and OH. Ford Motor Company, One Parkland Blvd., Parkland Towers E, Suite 200, Dearborn, MI 48126.

MC 146378 (Sub-4-2TA), filed April 16, 1980. Applicant: PAUL HARPOLE TRUCK SERVICE, INC., 7713 Main Street, Belleville, IL 62223. Representative: James R. Madler, 120 West Madison Street, Chicago, IL 60602. *Household appliances, equipment, materials and supplies used in the manufacture and distribution thereof,* between the facilities of the General Electric Company, Appliance Park, KY on the one hand, and, on the other points in WI, IL, MO, MI, and OH. Supporting Shipper: General Electric Company, Appliance Park, Louisville, KY 40225.

MC 51146 (Sub-4-33-TA), filed April 14, 1980. Applicant: SCHNEIDER TRANSPORT INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). (1) *Lawnmowers, grass trimmers, marine fuel tanks, and snowblowers;* and (2) *Parts and accessories* used in the manufacture and distribution of the commodities named in (1) above from Galesburg, IL to points in AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NJ, NY, NC, OH, PA, RI, TN, TX, VA, WV, WI, and DC for 180 days. Supporting shipper: OMC Galesburg, Monmouth Blvd., Galesburg, IL 61401.

MC 51146 (Sub-4-32TA), filed April 15, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Such commodities as are dealt in, or used by, manufacturers and distributors of air filtration products* from Michigan City, IN to Appleton, WI. An underlying ETA seeks 90 days authority. Supporting shipper: Valley Filter Company, 715 W. Glendale Avenue, Appleton, WI 54911.

MC 148428 (Sub-4-2TA), filed December 13, 1980. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. *Such commodities as are dealt in by wholesale and retail food business houses (except commodities in bulk),* from the facilities of and utilized by Lever Brothers Co. located at or near St. Louis, MO to Minneapolis, MN. Lever Brothers Co., 390 Park Avenue, New York, NY 10022.

MC 110988 (Sub-4-19TA), filed April 14, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. (1) *Tanning oils* from the facilities of Marden-Wild Corporation at Somerville, MA to points in OH, KY, MI, IN, WI, MN, and IA; and (2) *Materials and supplies* used in the manufacture and distribution of tanning oils from points in NJ, PA, and NY to the facilities of Marden-Wild Corporation at Somerville, MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Marden-Wild Corporation, 500 Columbia Street, P.O. Box 499, Somerville, MA 02143.

MC 126154 (Sub-4-1), filed April 10, 1980. Applicant: NEIL BARGLIND, d.b.a. BARGLIND TRUCKING, P.O. Box 111, Iron Mountain, MI 49801. Representative: Robert W. Hansley, 120 N. 6th Street, Escanaba, MI. *Malt beverages* from Detroit, MI, to Eagle River, WI. Supporting shipper: Eagle River Distributing, Inc., 120 Railroad Avenue, Eagle River, WI 54521.

MC 28961 (Sub-4-1TA), filed April 10, 1980. Applicant: McDUFFEE MOTOR FREIGHT, INC., 8505 W. Warren Ave., Dearborn, MI 48126. Representative: LaVergne Adsit (same address as applicant). *Common;* regular; *general commodities (with the usual exceptions),* serving the plantsite of the Budd Company at or near Johnson City, TN as an off-route point in connection with carriers present operations to and from Knoxville, TN. Supporting shipper: Budd Company, P.O. Box 2288, Johnson City, TN 37601.

MC 108937 (Sub-4-2TA), filed April 11, 1980. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Rd., St. Paul, MN 55113. Representative: Jerry Hess, P.O. Box 43640, St. Paul, MN 55164. *General commodities (with the ususal exceptions),* serving points in Baron, Buffalo, Burnett, Chippewa, Clark, Dunn, Eau Claire, Jackson, La Crosse, Monroe, Polk, Pierce, Rusk, St. Croix, Taylor, Tomah, and Trempealeua, Counties, WI, Henry and Rock Island Counties, IL, and Scott County, IA as off-route points in conjunction with applicant's regular route authority. Intend to tack and interline at St. Paul, MN, Milwaukee, WI, Chicago, IL, and South Bend, IN. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 630 supporting shippers.

MC 142315 (Sub-4-1TA), filed April 17, 1980. Applicant: MEISLER CARTAGE, INC., 1103 East Franklin Street, Evansville, IN 47711. Representative: Warren C. Moberly, 320 North Meridian Street, #777, Indianapolis, IN 46204, (317) 639-4511. *General commodities,* having a prior or subsequent movement by rail, piggyback, between points within a 100-mile radius of Marion, IL, which includes the following counties: Alexander, Bond, Clay, Clinton, Crawford, Cumberland, Edwards,

Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Perry, Pope, Pulaski, Randolph, Richland, Saline, Shelby, St. Clair, Union, Wabash, Washington, Wayne, White, Williamson Counties, IL; Daviess, Dubois, Gibson, Knox, Martin, Pike, Posey, Spencer, Vanderburgh, Warrick Counties, IN; Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Muhlenberg, Trigg, Union, Webster Counties, KY; Bollinger, Butler, Cape Girardeau, Iron, Jefferson, Madison, Mississippi, New Madrid, Perry, Reynolds, Scott, Stoddard, St. Charles, St. Francois, St. Louis, Ste. Genevieve; Washington, Wayne Counties, MO; and Henry, Lake, Obion, Stewart and Weakley Counties, TN. Supporting shipper: Crab Orchard & Egyptian Rail Road, 514 N. Market St., Marion, IL 62959.

MC 127840 (Sub-4-4TA), filed April 17, 1980. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Dr., Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. *Chemicals, in bulk, in tank vehicles,* from the facilities of PPG Industries, Inc. at Lake Charles, LA, Beaumont and LaPorte, TX to points in AL, AR, CA, CN, CO, DE, FL, GA, IL, IN, KY, KS, LA, MI, MO, MS, NC, NJ, NM, NY, OH, OK, PA, SC, SD, TN, TX, UT, VA, WI, WV, WY. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 146880 (Sub-4-6TA), filed April 17, 1980. Applicant: LOWELL E. DENTON, d.b.a. DENTON CARTAGE CO., 7322 W. 90th St., Bridgeview, IL 60455. Representative: Anthony E. Young, 29 S. LaSalle St., Chicago, IL 60603. *Candy and confectionery,* from the facilities of Tootsie Roll Industries, Inc. at Chicago, IL to points in OH, Indianapolis, IN, Milwaukee, WI and Detroit and Grand Rapids, MI. Supporting shipper: Tootsie Roll Industries, Inc., 7401 S. Cicero Ave., Chicago, IL.

MC 150580 (Sub-4-1TA), filed April 17, 1980. Applicant: MICHAEL LEER, d.b.a. LEER TRUCKING, Route 2, Box 165, Marshfield, WI 54449. Representative: James A. Spiegel, Olde Office Park, 6425 Odana Road, Madison, WI 53719. *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Norwalk, WI and Chicago, IL, on the one hand, and, on the other hand, points in IL, IN, IA, MI, MN, NY, TX, and CA. Restricted to traffic originating or terminating at the facilities of Pine Valley Meats, Inc., or its customers, Box H, Norwalk, WI 54648.

MC 119702 (Sub-4-4TA), filed April 17, 1980. Applicant: STAHLY CARTAGE CO., 119 South Main Street, P.O. Box 486, Edwardsville, IL 62025. Representative: E. Stephen Heisley, Ames, Hill & Ames, P.C., 666 Eleventh Street, N.W., Washington, DC 20001. *Gasoline,* in bulk, in tank vehicles from Robinson, IL to St. Louis, MO. Supporting shipper: Star Service & Petroleum Co., P.O. Box 1099, St. Louis, MO 63044.

MC 114632 (Sub-4-10TA), filed April 17, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Fertilizers, fertilizer componds, insulating materials, and lead, zinc, and sulphur compounds,* from the facilities of Eagle-Picher Industries located at Galena, KS; Joplin, MO; Hillsboro, IL; Fairbury, NE; and Mineola, TX to points in AR, CO, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, MT, NE, NY, ND, OH, OK, PA, SD, TN, TX, UT, VA, WV, WI, and WY. Supporting shipper: Eagle-Picher Industries, Inc., P.O. Box 550; Joplin, MO 64801.

MC 118202 (Sub-4-2TA), filed April 17, 1980. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Plumbing supplies, and ceramic and clay products,* Laredo, TX, to points in the U.S. (except AK and HI). Supporting shipper: North American Ceramic Company, P.O. Box 1463, Laredo, TX 78040.

MC 150358 (Sub-4-1TA), filed March 31, 1980. Applicant: RICHARD R. KROHN d.b.a. NORTHWEST DELIVERY SERVICE, 7600 49th Avenue North, New Hope, Minnesota 55428. Representative: Wiese and Cox, Ltd., by David P. Jendrzejek, 2022 IDS Center, Minneapolis, Minnesota 55402. *Plastic containers and articles distributed by manufacturers of product containers,* between Minneapolis-St. Paul, MN and the states of WI, MI and IA. Supporting shipper: Packaging Systems, Inc., 751 North Hilltop Drive, Itaska, IL 60143.

MC 87966 (Sub-4-1), filed April 10, 1980. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 4020 West 24th Street, Chicago, Illinois 60623. Representative: Joseph P. Tuohy, Commerce Attorney, Allied Van Lines, Inc., P.O. Box 4403, Chicago, Illinois 60680. *Furniture and furniture parts* from the facilities of Simmons Company at Atlanta, GA to the facilities of Simmons Company at Munster, IN and Janesville, WI. Supporting shipper: Simmons Company, 6428 Warren Drive, Norcross, GA 30093.

MC 35628 (Sub-4-5TA), filed April 7, 1980. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 110 Ionia Avenue., N.W., P.O. Box 175, Grand Rapids, Michigan 49501. Representative: Michael P. Zell, Vice President-General Counsel, Interstate Motor Freight System, P.O. Box 175, Grand Rapids, Michigan 49501. *Common carrier:* regular routes: *General commodities* (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the facilities of Huffy Automotive Products at or near Delphos, Ohio as an off-route point in connection with applicant's presently authorized regular route authority to serve Lima, Ohio. Supporting shipper: Huffy Automotive Products, P.O. Box 1204, Dayton, OH 45401.

MC 35628 (Sub-4-6TA), filed April 7, 1980. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 110 Ionia Avenue., N.W., P.O. Box 175, Grand Rapids, Michigan 49501. Representative: Michael P. Zell, Vice President-General Counsel, Interstate Motor Freight System, 110 Ionia Avenue, P.O. Box 175, Grand Rapids, Michigan 49501. *Common carrier:* regular routes: *General commodities* (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the facilities of Harrison Steel Castings and C&D Batteries, An Eltra Company, at or near Attica, Indiana as an off-route point in connection with applicant's existing regular route authority at Danville, Illinois. Supporting shipper: Harrison Steel Castings, Attica, IN 47918; C&D Batteries, An Eltra Company, 20 W. Main, Attica, IN 47918.

MC 105045 (Sub-4-3TA), filed April 14, 1980. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: George H. Veech, V.P. (same address as applicant). *Iron and steel articles* between the plantsites of Atlantic Steel Company located at or near Atlanta and Cartersville, GA., and Atlantic Building Systems located at or near Tallapossa, GA., and Hannibal, MO., to Los Angeles, CA., Carson City, NV. and Seattle, WA.

Supporting shipper: Atlantic Steel Company, Atlanta, GA.

MC 111661 (Sub-4–1TA), filed April 10, 1980. Applicant: GERDIN TRANSFER, INC., Princeton, MN 55371. Representative: Robert Sack, P.O. Box 6010, West St. Paul, MN 55118. (1) *New school, office and store fixtures, and furniture in crates or cartons,* from Princeton, MN to points in the U.S. (except AK and HI); and (2) *materials, supplies, equipment (except in bulk) used in the manufacture and sale of commodities in (1) above,* on return. An underlying ETA seeks 90 days authority. Supporting shipper: Smith System Manufacturing Company, Inc., 1405 Silver Lake Rd., New Brighton, MN 55112.

MC 126555 (Sub-4–6TA), filed April 14, 1980. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. Representative: Galen Meek (same address as applicant). *Cement in bags,* from Denver, CO., to points in WY and NE, (Wheatland, Douglas, Casper, and Riverton, WY, and Scottsbluff, Sidney, McCook, Ogallala, and North-Platte, NE. Supporting shipper: Building Material Distributors, 940 West Third Avenue, Denver, CO 80223.

MC 126555 (Sub-4–5TA), filed April 11, 1980. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. Representative: Galen Meek (same address as applicant). *Beer and carbonated beverages* from Omaha, NE, Chicago, IL; LaCrosse, WI; Houston, TX; St. Louis, MO; and NJ to Rapid City, SD. Supporting shipper: Highland Beverage, 802 E. St. Pat, Rapid City, SD 57709.

MC 105045 (Sub-4–4TA), filed April 14, 1980. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: George H. Veech, V.P. (same address as applicant). *Iron and steel articles and pipe* from Berg Steel Pipe Corp., Bay County, FL. to Philadelphia, PA., Houston, TX., Atlanta, GA., New Orleans, LA., Birmingham, AL., Wagoner, OK., and Brooklyn, NY. Supporting shipper: Berg Steel Pipe Corp, Bay County, FL.

MC 140744, (Sub-4–2TA), filed April 14, 1980. Applicant: ARCTIC AIR TRANSPORT, INC., 103 North Eau Claire Street, Mondovi, WI 54755. Representative: Stanley C. Olsen, Jr., 7400 Metro Boulevard, Suite 411, Edina, Minnesota 55435. *Meat, meat products, meat by-products and related products distributed by meat packinghouses* between the facilities of Pine Valley Meats, Inc., at or near Norwalk, WI to points in the U.S. in and east of ND, SD, NE, KS, OK and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Pine Valley Meats, Inc., P.O. Box H, Norwalk, WI 54648.

MC 149325, (Sub-4–3TA), filed April 1, 1980. Applicant: WALTS TERMINAL, INC., 401 West South Street, Indianapolis, IN 46225. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *Metals* (except commodities in dump vehicles), from the facilities of Edgcomb Metals in Indianapolis, IN to points in IL, OH, KY, MI, and WI, and Greenville, SC and Charlotte, NC; (2) *Materials, equipment and supplies* (except commodities in bulk, in the reverse direction. Applicant has also filed an underlying emergency temporary authority application seeking up to 90 days of operating authority. Supporting shipper: Edgcomb Metals, 545 West McCarty Street, Indianapolis, IN 46206.

MC 145195, (Sub-4–4TA), filed April 17, 1980. Applicant: DEEJAY TRANSPORTATION, INC., P.O. Box 651, Horace, ND 58047. Repre sentative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. *Non-alcoholic beverages* (except in bulk), From the facilities of Shasta Beverages, Inc., Lenexa, KS, to points in ND, SD, MN, and WI; and from the facilities of Shasta Beverages, Inc., Columbus, OH, to Phoenix, AZ, St. Louis, MO, Lenaxa, KS, Kansas City, MO, and Omaha, NE. An underlying ETA seeks 90 day authority. Supporting shippers: Shasta Beverages, Inc. 4400 South 7th St., Omaha, NE 68127, and Shasta Beverages, Inc., 9901 Widmer, Lenexa, KS 66215.

MC 146753 (Sub-4–1TA), filed April 14, 1980. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Such commodities as are used, manufactured, or dealt in by manufacturers and distributors of sound recordings* (except in bulk). from Jacksonville, IL to Dallas, TX. Supporting shipper: Capitol Records, Inc., 1750 N. Vine, Hollywood, CA 90028.

MC 146643 (Sub-4–11TA), filed April 14, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., formerly known as DAVID CREECH TRANSPORTATION SYSTEMS, INC., 655 East 114th St., Chicago, IL 60628. Representative: Marc J. Blumenthal, 39 S. LaSalle St., Chicago, IL 60603. *Contract; irregular; Flour, in bags;* from Minneapolis and New Prague, MN, and points in IA, to points in Wayne, Oakland, and Macomb Counties, MI, for 180 days. Supporting shipper: D.S.M. Food Products, Inc., 7800 Intervale, Detroit, MI 48238.

MC 133689 (Sub-4–14TA), filed April 10, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naple St. NE, Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *plastic articles, expanded or other than expanded* (except in bulk) from Wilmington, DE; Eau Claire and Chippewa Falls, WI; Spartansburg, SC; Winchester, VA; Franklin Park, IL and Beech Island, SC to points in the United States in and east of ND, SD, NE, KS, OK, AR, and LA. (Correspondingt ETA seeks 90 days authority). Supporting shipper: Amoco Foam Products Company, 2111 Powers Ferry Road, Suite 200, Atlanta, GA.

MC 145623 (Sub-4–27A), filed April 10, 1980. Applicant: O.K. MESSENGER SERVICE, INC., 3601 Wyoming, P.O. Box 248, Dearborn, MI 48120. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *structural steel beams, angles, channels, and plates* from Bakewell, TN to points in AL, AR, FL, GA, IN, IA, KS, LA, MD, MN, MS, MO, NE, NH, NJ, NC, OK, RI, SC, TX, UT, ID, IL, KY, OH, PA, WV, NY, VA, WI, and MI under a continuing contract with Federal Pipe and Steel Corporation. Supporting shipper: Federal Pipe and Steel Corporation, 41600 Joy Road, Plymouth, MI.

MC 133689 (Sub-4–15), filed April 10, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE, Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minnesota. Transporting *(1) Household appliances, and (2) materials, equipment and supplies used in the manufacture and distribution of household appliances.* between points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to the transportation of traffic originating at or destined to the facilities of the White Consolidated Industries and its subsidiaries. Supporting shipper: White Consolidated Industries Inc., 940 Fort Duquesne Blvd., Pittsburgh, PA 15222.

MC 150499 (Sub-4–1TA), filed April 14, 1980. Applicant: ENGELS TRUCK SERVICE, INC., RR 3, Box 58, Worthington, MN 56187. Representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. Transporting *Meats, meat products and meat by products and articles distributed by meat packinghouses,* (1) from the facilities of Armour & Co. at or near Worthington, MN, to points in IA, and (2) from the facilities of Armour & Co. at or near Britt and Mason City, IA, to

points in CA, OR, and WA. Supporting shipper: Armour Fresh Meats Division, Armour & Co., Greyhound Tower, Phoenix, AZ 85007.

MC 4483 (Sub-4-1TA), filed April 14, 1980. Applicant: MONSON TRUCKING, INC., R.R. No. 1, Red Wing, MN 55066. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Building materials and supplies*, from points in IA, IL, NE, IN, ND, MI, MO and AR to the facilities of Standard Builders Supply, Inc., at Duluth, MN. Supporting shipper: Standard Builders Supply, 102 S. 21st Ave. Duluth, MN 55806.

MC 146969 (Sub-4-2TA), filed April 14, 1980. Applicant: STAN KOCH & SONS TRUCKING, INC., 4901 Excelsior Boulevard, Minneapolis, Minnesota 55416. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, Minnesota 55435. *Lawn Mowers and tillers* from Cleveland, Liverpool, Strongsville, and Willard, OH to points in MN and WI. Supporting shipper: Cosmos Hardware & Supply, Inc., 4901 Excelsior Boulevard, Minneapolis, Minnesota 55416.

MC 150571 (Sub-4-1TA), filed April 14, 1980. Applicant: NORSEMAN TRUCKING, INC., Rt. 1, Box 111, Good Thunder, MN 56093. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. *Plastic corrugated tubing*, from New Richland, MN to points in ND, SD, NE, IA, WS, MO, IL, MT, WY, KS, OK, IN and CO. Supporting shipper: Vinylex Corp., P.O. Box 421, New Richland, MN 56072.

MC 134477 (Sub-4-21TA), filed April 15, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 W. Mendota Rd., West St. Paul, MN 55118. Representative: Thomas Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Foodstuffs (except in bulk)*, from the facilities of Jeno's, Inc. at or near Duluth, MN and Superior, WI to points in IL, IN, KY, MI, OH, and WI. Supporting shipper: Jeno's, Inc., 525 Lake Av. S., Duluth, MN 55802.

MC 145437 (Sub-4-2TA), filed April 16, 1980. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Ave., Milwaukee, WI 53209. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract;* irregular; *such merchandise as is dealt in by retail department stores* between points in IL, IN, MI, MN, MO, OH AND WI, on the one hand, and, on the other, Atlanta, GA and its commercial zone, under continuing contract(s) with Rich's Department Stores, a division of Federated Department Stores, Inc. Underlying ETA seeks 90 days authority. Supporting shipper: Rich's Department Stores, Box 441, Sarr Parkway, Stone Mountain, GA 30083.

MC 150417 (Sub-4-1TA), filed April 18, 1980. Applicant: BERGHORST POULTRY, INC., 463—44th St., S.E., Grand Rapids, MI 49508. Representative: George A. Pendleton, P.O. Box 51, 5116 Brookgate, N.W., Comstock Park, MI 49321. *Poultry, Dairy Products, Meat, Meat Products, Meat-By-Products, and articles distributed by Packinghouses (except hides and commodities in bulk), in mechanically refrigerated vehicles*, from the facilities of Berghorst Poultry, Inc., located in Grand Rapids, MI or its Commercial Zone, to all points in the Lower Peninsula of MI. An underlying ETA seeks 90 days authority. Supporting shippers: Armour Meat Process Company, 1444 E. Michigan Ave., Grand Rapids, MI 49503 and George A. Hormel Co., P.O. Box 800, Austin, MN 55913.

MC 144741 (Sub-4-1TA), filed April 15, 1980. Applicant: NETTLETON ENTERPRISES CO., INC., d.b.a. NORWOOD TRANSPORT, Rt. 1, Box 96, Elgin, IL 60120. Representative: Anthony Young, 29 S. LaSalle St., Chicago, IL 60603. *Such commodities as are used or dealt in by exhibitors of machinery, equipment and tools*, between Chicago, IL and its commercial zone, on the one hand, and on the other, points in ND, SD, NE, KS, MO, IA, MN, WI, KY, TN, WV, OH, IN, MI, and PA, restricted to traffic originating at or destined to trade shows and facilities used by United Expositions. An underlying ETA seeks 90 days authority. Supporting shipper: United Expositions, 1555 W. 44th St., Chicago, IL.

MC 120737 (Sub-4-2TA), filed April 15, 1980. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton IL 61520. Representative: James Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Metal articles*, from the facilities of Taylor Forge Company at Memphis, TN to points in the U.S. (except AK and HI). Supporting shipper: Taylor Forge Company, 5577 Tay-For Rd., Memphis, TN 38127.

MC 143471 (Sub-4-3TA), filed April 15, 1980. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 308 W Blvd., Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. *Contract;* irregular; *lumber and lumber products*, from Townsend, MT to Grangeville, ID under contract with Wickes Forest Industries. Supporting shipper: Wickes Forest Industries, Box 153, Grangeville, ID 83530.

MC 143471 (Sub-4-4TA), filed April 17, 1980. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 308 W Blvd., Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. *Contract;* irregular; *stone, stone aggregates and whiting*, from points in Platte County, WY to points in AZ, LA, NM and TX, under contract with Basins Engineering Co., Inc. Supporting shipper: Basins Engineering Co., Inc., PO Box 845, Wheatland, WY 82201. An underlying ETA seeks 90 days authority.

MC 145394 (Sub-4-1), filed April 17, 1980. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Road, Rockford, Illinois 61109. Representative: James A. Spiegel, Attorney, Olde Towne Office, Park, 6425 Odana Road, Madison, Wisconsin 53719. *Contract;* irregular *plastic automotive parts* from Baraboo, WI to Belvidere, IL. Restriction: Restricted to transportation performed under a continuing contract with Chrysler Corporation Belvidere Assembly Plant. Supporting shipper: Chrysler Corporation, Belvidere Assembly plant, Belvidere, IL 61008.

MC 150242 (Sub-4-2), filed April 17, 1980. Applicant: BRIAN-DAWN TRUCKING, INC., Box 164, Tremont, IL 61568. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Dry fertilizer* from Pekin, IL to points in IN. Supporting Shipper: Vistron Corporation, 1600 Rockefeller Building, Cleveland, OH 4413.

MC 135410 (Sub-4-3TA), filed April 17, 1980. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmounth, IL 61462. Representative: Daniel O. Hands, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. *Such commodities as are dealt in or used by bakeries* (except in bulk) form the facilities of J. W. Allen & Co. at Wheeling, IL to WI and Ocala, Orlando and Tampa, FL, Des Moines, IA, Grand Rapids, MI, Minneapolis, MN, Omaha, NE and points in their commercial zones. Supporting shipper: J. W. Allen & Company, 110 N. Peoria, Chicago, IL 60607.

MC 134730 (Sub-4-2), filed April 11, 1980. Applicant: METALS TRANSPORT, INC., 528 South 108th Street, West Allis, WI 53214. Representative: M. H. Dawes (same address as applicant). *Contract;* irregular; *waste water treatment equipment, and parts, materials, equipment and supplies used in the manufacture and repair of waste water treatment equipment*, between Waukesha, WI on the one hand, and, on the other, points in the U.S., incuding AK but excluding HI, under A continuing contract(s) with Portec, Inc., Butler Division. Supporting shipper: Portec Inc., Butler Division, 945 Blackstone Ave., Waukesha, WI 53186.

MC 138512 (Sub-4–1TA), filed April 17, 1980. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., d.b.a. WISCONSIN PROVISIONS EXPRESS, P.O. Box 656, Cudahy, WI 53110. Representative: Allan J. Morrison (same address as applicant). *Contract;* Irregular, *blue side splits and chemicals (except in bulk), used in tanning process,* (1) between Milwaukee, WI, on the one hand, and, on the other, points in ME, MA, and NJ, and, (2) from points in CA and CO to Milwaukee, WI, under a continuing contract or contracts with Badger State Tanning Corp., 321 N. 25th St., Milwaukee, WI 53233. Supporting shipper: Badger State Tanning Corp., 321 N. 25th St., Milwaukee, WI 53233.

MC 126346 (Sub-4–7TA), filed April 16, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 South LaSalle Street, Chicago, IL 60603. *Contract carrier;* irregular routes; (1) *Such commodities as are dealt in or used by dealers and manufacturers of industrial, construction, road building, logging, and mining equipment,* (except commodities in bulk), and (2) *Equipment, materials, and supplies used in the manufacture of the commodities named in* (1) above, (except commodities in bulk), between points in the U.S. Restricted to traffic moving under continuous contract(s) with the Pettibone Corporation and its wholly-owned subsidiaries, Pettibone Texas Corporation, Pettibone Mercury Corporation, Pettibone Michigan Corporation and Pettibone Alabama Corporation. Supporting shipper: Pettibone Mercury Corporation, P.O. Box 345, Taulatin, OR 97062.

MC 110988 (Sub-4–21TA), filed April 15, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. (1) *Tanning oils* from the facilities of Whittemore-Wright Co., Inc. at Boston, MA to points in PA, KY, TN, IL, MI, WI, MN, and IA; and (2) *Materials and supplies* used in the manufacture and distribution of tanning oils from points in IL to the facilities of Whittemore-Wright Co., Inc. at Boston, MA. An underlying ETA seeks 90 days authority. Supporting shipper: Whittemore-Wright Co., Inc., 62 Alferd Street, Boston, MA 02129.

MC 150497 (Sub-4–1TA), filed April 18, 1980. Applicant: D AND R TRUCKING CO., P.O. Box 38, Hoople, ND 58243. Representative: David Britton, 1425 Cottonwood St., Grand Forks, ND 58201. *Dietetic frozen desserts and frozen novelty confections,* from Grand Forks, ND to points in ID, MT, and UT; and *yogurt,* from Salt Lake City, UT to points in MT and ND. An underlying ETA seeks 90 days authority. Supporting shipper: Bridgeman Creameries, Div. of Land O'Lakes, Inc., 9th and University Ave., Grand Forks, ND 58201.

MC 143373 (Sub-4–1TA), filed March 10, 1980. Applicant: WEILAND TRUCKING CO., INC., Route 2, P.O. Box 268, Wautoma, WI 54982. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract;* irregular; *malt beverages* from Belleville, IL, to points in WI. Restriction: traffic proposed to be performed hereunder limited to a service to be performed under a continuing contract(s) with G. Heileman Brewing Company, Inc., LaCrosse, WI. Supporting shipper: G. Heileman Brewing Company, Inc., P.O. Box 459, LaCrosse, WI 54601.

MC 39073 (Sub-4–1TA), filed March 12, 1980. Applicant: BUDRECK TRUCK LINES, INC., 9330 South Constance Avenue, Chicago, IL 60617. Representative: Richard A. Kerwin, 180 North LaSalle Street, Chicago, IL 60601. *Meats, meat products and meat by-products, dairy products and articles distributed by meat packinghouses 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 776 (except hides and commodites in bulk), in mechanically refrigerated vehicles* from the plant site and warehouse facilities of ROPAK, INC. located at or near Rockville, IN to points in IL, WI, MO, IA, MI, and OH. Supporting shipper: ROPAK, INC., R.R.E. 3, Rockville, IN 47872.

MC 108649 (Sub-4–1TA), filed April 16, 1980. Applicant: STURM FREIGHTWAYS, INC., 8919 North University, Peoria, IL 61614. Representative: Lenard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. *Common;* regular; *General Commodities* (except commodities in bulk, household goods as defined by the Commission, commodities which because of size or weight require the use of special equipment, and Classes A and B explosives); serving the facilities of Wallace Business Forms, Inc. at Osage, IA as an off-route point in connection with applicant's regular route operations. Restricted to the transportation of shipments originating at or destined to the facilities of Wallace Business Forms, Inc. at Osage, IA. Supporting shipper: State Farm Insurance Companies, 2202 E. Ireland Grove Rd., Bloomington, IL.

MC 150363 (Sub-4–2TA), filed April 10, 1980. Applicant: ROBERT HARDESTY AND MICHAEL HARDESTY, a partnership d.b.a. HARDESTY EXCAVATING, R.R. 1, Chana, IL 61015. Representative: Mary L. Hardesty, R.R. 1, Oregon, IL 61061 or Michael Hardesty, R. R. 1, Chana, IL 61015. *Lumber, railroad ties, slab wood and sawdust* between points in IL, WI, IA, and IN. Supporting shipper: Sinnissipi Forest Products, R. R. 1, Box 101, Oregon, IL 61061.

MC 146643 (Sub-4–12TA), filed April 16, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., formerly known as David Creech, Transportation Systems, Inc., 655 East 114th Street, Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. *Contract;* irregular; *Such commodities as are distributed, dealt in or used by wholesale, retail and chain grocery stores,* from Chicago, IL, to St. Louis, MO, and points in the St. Louis, MO–East St. Louis, IL, commercial zone. Supporting shipper: The Clorox Company, 5063 S. Merrimac, Chicago, IL 60638.

MC 128543 (Sub-4–3TA), filed April 17, 1980. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. *Contract;* irregular; *Pipe, tubing, wire, fencing and parts and accessories therefor, and materials equipment and supplies* used in the manufacture and distribution of all of the aforesaid commodities (except commodities in bulk): (a) between the facilities of Allied Tube & Conduit Corporation or Coastal Wire Warehouses, Inc., its wholly-owned subsidiary, located in Shelby County, TN, on the one hand, and, on the other, points in AL, AR, FL, GA, IN, KS, KY, LA, MS, MO, OK, TN, and TX; and (b) between the facilities of Allied Tube & Conduit Corporation or Coastal Wire Warehouses, Inc., its wholly-owned subsidiary, located in Orleans, Jefferson, St. Tammany, West Baton Rouge, East Baton Rouge, and St. Charles Parishes, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, MO, OK, TN and TX, restricted (1) to traffic originating at or destined to the facilities of Allied Tube & Conduit Corporation or Coastal Wire Warehouses, Inc., its wholly-owned subsidiary, and (2) to transportation performed under a continuing contract or contracts with Allied Tube & Conduit Corporation or Coastal Wire Warehouses, Inc., its wholly-owned subsidiary. An underlying ETA seeks 90-day authority. Supporting shippers: Allied Tube & Conduit Corporation and Coastal Wire

Warehouses, Inc., 16100 South Lathrop Ave., Harvey, IL 60426.

MC 150569 (Sub-4-2TA), filed April 16, 1980. Applicant: JOHN THOMAS MISGEN, JR., d.b.a., TOM MISGEN TRUCKING, Box 147, Ellendale, MN 56026. Representative: Samuel Rubenstein, P.O. Box Minneapolis, MN 55440. (1) *Electric fence parts, including insulators, transformers and fence controllers,* (2) *plastic articles,* and (3) *wooden rake handles,* from Ellendale, MN, to Seattle, WA and Greensboro, NC. Supporting shipper: North Central Plastics, Incorporated, Ellendale, MN 56026.

MC 135539 (Sub-4-2TA), filed April 16, 1980. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. 5351, Evansville, IN 47415. Representative: Robert J. Gill, First Commercial Bank Building, 410 Cortez Rd. West, Bradenton, FL 33507. *Contract;* irregular; *polycarbonate plastic sheets* between the facilities used by General Electric Company at Mount Vernon and Evansville, IN on the one hand, and, on the other, points in the U.S. under continuing contracts with General Electric Company. Supporting shipper: General Electric Co., Lexon Lane, Mt. Vernon, IN 47620.

MC 146643 (Sub-4-13TA), filed April 16, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., formerly known as David Creech, Transportation Systems, Inc., 655 East 114th Street, Chicago, IL 60628. Representative: Donald B. Levine, 39 S. LaSalle Street, Chicago, IL 60603. *Contract* irregular; *corrugated pulpboard boxes; corrugated pulpboard sheets; pulpboard boxes other than corrugated,* between St. Regis Paper Co., at or near Dubuque, IA, on the one hand, and, on the other, points in IL, IN, MN, MO, OH and WI. Supporting shipper: St. Regis Paper Co., Seven Parkway Center, Pittsburgh, PA 15220.

MC 146329 (Sub-4-2TA), filed April 17, 1980. Applicant: W-H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madision, WI 53703. (1) *Fire protective and insulating coatings; commercial and industrial coatings; and building and construction materials, equipment and supplies, and refractory products* from Rothschild, WI to points in the U.S. (except AK and HI); and (2) *materials, equipment and supplies* used or useful in the manufacture, sale or distribution of commodities named in part (1) of this application from points in the U.S. (except AK and HI) to Rothschild, WI. Underlying ETA seeks 90 day authority. Supporting shipper: Weston Research Corporation, 1706 Morrison Avenue, P.O. Box 3, Rothschild, Wisconsin 54474.

MC 150589 (Sub-4-1TA), filed April 17, 1980. Applicant: J & K TRANSPORTATION COMPANY, INC., 1600 Industrial, Dearborn, MI. Representative: Micheal F. Morrone, Keller and Heckman, 1150 17th Street, N.W., Suite 1000, Washington, DC 20036. *Contract:* irregular; *empty containers lids/ends for empty containers and materials, supplies and equipment used in the manufacture, distribution and sale of empty containers, lids; ends and soft drink products* between points in MI, on the one hand, and on the other, points in the States of AZ, CA, FL, IL, IN, NJ, NY, OH, PA, TX and WV under a continuing contract or contracts with Diversified Containers, Inc. and Pepsi Cola Metropolitan Bottling Co. Supporting shippers: Diversified containers—Pepsi Cola Metropolitan Bottling Co., Anderson Hill Rd., Purchase, NY 10577.

MC 127303 (Sub-4-1TA), filed April 16, 1980. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: Michael D. Bromley, Suite 805, 666 Eleventh Street, NW, Washington, DC 20001. *Non-alcoholic carbonated beverages* from the facilities of Shasta Beverages, at or near Lenexa, KA, to points in IA, IL, MN, ND, SD, and WI. Supporting shipper: Shasta Beverages, Inc., 9901 Widmer, Lenexa, KA 66215.

MC 112223 (Sub-4-3TA), filed April 17, 1980. Applicant: QUICKIE TRANSPORT COMPANY, 1700 New Brighton Boulevard, Minneapolis, MN 55413. Representative: Earl Hacking, 1700 New Brighton Boulevard, Minneapolis, MN 55413. *Liquefied petroleum gas (LPG),* in bulk, from Mentor, MN to points in ND and SD. Supporting shipper: Union Texas Petroleum Corp., P.O. Box 2120, Houston, TX 77001.

MC 126555 (Sub-4-8), filed April 17, 1980. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. *Concrete products and accessories* between SD, MN, ND, MT, WY, IA, NE, and CO. Supporting shipper: Gage Brothers Concrete Products, P.O. Box 1526, Sioux Falls, SD 57101.

MC 55896 (Sub-4-4TA), filed April 11, 1980. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Applicant's representative: George E. Batty, 20225 Goddard Road, Taylor, MI 48180. *Straw goods packed in boxes,* from Toledo, OH, to OH, MI, IN, IL, PA, KY, VA, GA, MS, WV, FL, NC, SC, TN. Supporting shipper: Rollawn, 2735 Dorr, Toledo, OH 43607.

MC 108393 (Sub-4-3TA), filed April 19, 1980. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Ave., Hinsdale, IL 60521. Representative: T. B. Hill, 201 East Ogden Ave., Room 126, Hinsdale, IL 60521. *Contract;* irregular; *electrical and gas appliances, parts of electrical and gas appliances and equipment, materials and supplies used in the manufacture, distribution and repair of electrical and gas appliances,* except commodities in bulk in tank vehicles. Between Ft. Smith, AR, LaPorte, IN, and St. Paul, MN on the one hand, and, on the other, points in CT, IL, IN, IA, KY, MA, MI, MO, NJ, NY, OH, PA, TN, TX, VA, WV and WI, under continuing contract or contracts with Whirlpool Corporation. Supporting shipper: Whirlpool Corp., 2000 U.S. 33 North, Benton Harbor, MI 49022.

Note.—Common control and dual operations may be involved.

MC 147259 (Sub-4-4TA), filed April 17, 1980. Applicant: CHURCHILL TRANSPORTATION, INC., 5000 Wyoming, Dearborn, MI 48126. Representative: Gerald E. Churchill (same address as applicant). *Automotive parts, and materials, supplies, and equipment used in the manufacture of motor vehicles,* from the facilities of American Motors Corporation at or near Milwaukee, WI, and at or near Kenosha, WI, on the one hand, and, on the other hand, points in the commercial zones of Jacksonville, FL; Ft. Lauderdale, FL; and Miami, FL; restricted to traffic having a subsequent movement by water or air. Supporting shipper: American Motors, 14250 Plymouth Rd., Detroit, MI.

MC 144398 (Sub-4-3TA), filed April 21, 1980. Applicant: WAYNE TRANSPORTS, INC., P.O. Box 366, Milaca, MN 56353. Representative: Val M. Higgins, 1000 First National Bank Bldg. Minneapolis, MN 55402. *Fertilizer, in bulk, except anhydrous ammonia* from (A) Mason City and Clear Lake, IA to points in MN and WI; (B) Rosemount, MN to points in IA and WI; (C) Grand Forks, ND to points in MN and SD. Supporting shipper: Land O Lakes, 2827 8th Avenue South, Fort Dodge, IA 50501.

MC 40978 (Sub-4-4TA), filed April 21, 1980. Applicant: CHAIR CITY MOTOR EXPRESS CO., 3321 Business Hwy 141 South, Sheboygan, WI 53081. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Urethane foam products,* from the facilities of Reiss Industries, Inc., at Watertown, WI to points in the United States in and east of MN, IA, MO, AR, and LA. An underlying ETA seeks 90 days authority. Supporting shipper:

Reiss Industries, Inc., 319 Hart St., Watertown, WI, 53094.

MC 144398 (Sub-4–2TA), filed April 21, 1980. Applicant: WAYNE TRANSPORTS, INC., P.O. Box 366, Milaca, MN 56353. Applicants Representative: Val M. Higgins, 1000 First National Bank Bldg. Minneapolis, MN 55402. *Anhydrous Ammonia, in bulk, in tank vehicles* from (A) Spencer, Garner, and Algona IA to points in MN and SD; (B) Rosemount and Glenwood, MN to points in IA, ND, SD and WI; and (C) Grand Forks and Velva, ND to points in MN and SD. Supporting shippers: Land O Lakes, 2827 8th Ave South, Fort Dodge, IA 50501; Midland Cooperatives, Inc., P.O. Box 1395, Minneapolis, MN. 55440; Farmers Union Central Exchange, P.O. Box 43089, St. Paul, MN 55164.

MC 46829 (Sub-4–1TA), filed December 31, 1979. Applicant: ALLARD EXPRESS, INC., 806 Elm Street, Watertown, WI 53094. Applicant's represenative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Common*, regular, *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 Oshkosh and Ripon, WI, from Oshkosh, over WI Hwy 21 to junction WI Hwy 116, at or near Omro, then over WI Hwy 116 to junction WI Hwy 49, at Berlin, WI, then over WI Hwy 49 to Ripon and return over the same route, serving the intermediate points of Berlin and Omro, WI. (2) Between Oshkosh and Fond du Lac, WI, over U.S. Hwy 41, serving no intermediate points. (3) Between Wautoma and junction WI Hwys 21 and 116 near Omro, WI, over WI Hwy 21, serving no intermediate points. (4) Between Kenosha, WI and junction WI Hwys, 50 and 15, over WI Hwy 50, serving no intermediate points. (5) Between Racine, WI and junction WI Hwys 20 and 15, over WI Hwy 20, serving no intermediate points. (6) Between Oconomowoc and Walworth, WI over WI Hwy 67, serving no intermediate points. (7) Between Milwaukee, WI and Chicago, IL, over Interstate Hwy 94, serving no intermediate points and serving Kenosha, WI as an off-route point. (8) Between Milwaukee, WI and Rockford, IL from Milwaukee, over WI Hwy 15 to junction Interstate Hwy 90 near Beloit, WI, then over Interstate Hwy 90 to junction U.S. Hwy BR 20 near Rockford, IL, then over U.S. Hwy BR to Rockford, and return over the same route, serving no intermediate points. (9) Between Chicago, IL and junction Interstate Hwy 90 and U.S. Hwy BR 20, from Chicago over U.S. Hwy 20 to junction U.S. Hwy BR 20, then over U.S. Hwy BR 20 to junction Interstate Hwy 90, and return over the same route, serving all intermediate points. (10) Between Chicago and DeKalb, IL, over IL Hwy 38, serving all intermediate points. (11) Between Harvard and Chicago, IL over U.S. Hwy 14, serving all intermediate points. (12) Between Harvard and Victor, IL, over IL Hwy 23, serving all intermediate points. (13) Between Woodstock and Sugar Grove, IL, from Woodstock over U.S. Hwy 14 to junction IL Hwy 47, then over IL Hwy 47 to Sugar Grove, and return over the same route, serving all intermediate points. (14) Between Zion and Rockford, IL, from Zion over IL Hwy 173 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Rockford, and return over the same route, serving all intermediate points. (15) Between South Beloit, IL and junction IL Hwy 173 and U.S. Hwy 51, over U.S. Hwy 51, serving all intermediate points. (16) Between Richmond and Aurora, IL, over IL Hwy 31, serving all intermediate points. (17) Between McHenry and Waukegan, IL over IL Hwy 120, serving all intermediate points. (18) Between Chicago and Sycamore, IL, over IL Hwy 64, serving all intermediate points. (19) Between Chicago and Shabbona, IL, from Chicago over IL Hwy 5 to junction U.S. Hwy 30, near Sugar Grove, then over U.S. Hwy 30 to Shabbona and return over the same route, serving all intermediate points. (20) Between Rockford and Durand, IL, over IL Hwy 70, serving all intermediate points; and (21) serving points in Winnebago, Boone, McHenry, Lake, DeKalb, Kane, DuPage, and Cook Counties, IL as off-route points in connection with routes (7) through (20) above. Restriction: Service at Oshkosh, WI is for purposes of joinder only. Restricted against service at Waukegan and Zion, Illinois and at points in Boone and McHenry Counties, Illinois, and points in Winnebago County, Illinois, except Rockford and South Beloit, and points in their respective commercial zones, in Illinois. Supporting shipper(s): there are 67 supporting shippers.

THE FOLLOWING PROTESTS WERE FILED IN REGION 5. SEND PROTESTS TO: CONSUMER ASSISTANCE CENTER, INTERSTATE COMMERCE COMMISSION, POST OFFICE BOX 17150, FORT WORTH, TX 76102.

MC 5227 (Sub-5–3TA), filed April 14, 1980. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Applicant's representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. *Pumps and pumping equipment*, from the facilities of Hellstar Corporation at or near Wahoo, NE, to points in the United States (except WI, MN, NE, NH, VT, NC, SC, DC, MA, RI, CT, and HI). Supporting shipper: Hellstar Corporation, 1600 North Chestnut, Wahoo, NE 68066.

MC 5227 (Sub-5–4TA), filed April 15, 1980. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Applicant's representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. *Salt and salt product* from Hutchinson, KS to points in Phoenix, AZ commercial zone. Supporting shipper: Carey Salt, Division P.M.I., P.O. Box 1728, Hutchinson, KS 67501.

MC 5888 (Sub-5–2TA), filed April 14, 1980. Applicant: MID-AMERICAN LINES, INC., 127 West Tenth Street, Kansas City, MO 64105. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. *New furniture* from Warrensburg, MO to points in IL, IN, KY, MI, MN, OH and WI, and such commodities as are used in the manufacture of furniture, from points in IL and Gary, IN to the facilities of All-Steel, Inc. at Warrensburg, MO, for 180 days. Supporting shipper: All-Steel, Inc., P.O. Box 871, Aurora, IL 60507. Send protests to Transportation Assistant, ICC, Room 1386, 219 So. Dearborn St., Chicago, IL.

MC 9291 (Sub-TA5–2TA), filed April 14, 1980. Applicant: CARROL BALL TRANSPORT, INC., P.O. Box 53, 312 E. Market, Centerville, KS 66014. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Iron and steel articles and mechanical tubing*, from the facilities of Maverick Tube Corp. at or near Union, MO to IA, KS, NE, AR, OK and TX, for 180 days. Supporting shipper: Maverick Tube Corporation, P.O. Box 696, Union, MO 63084.

MC 9291 (Sub-TA5–3TA), filed April 18, 1980. Applicant: CARROL BALL TRANSPORT, INC., P.O. Box 53, 312 E. Market, Centerville, KS 66014. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Part (1) *Fabricated iron and steel articles and storage tanks*, from the Commercial Zone of Iola, KS to points in the U.S. (except Alaska and Hawaii). Part (2) *Iron and steel articles*, from the Commercial Zone of Houston, TX and the Commercial Zone of Lone Star, TX to the Commercial Zone of Iola, KS. Supporting shipper: Iola Metal

Fabricators, Inc., P.O. Box 381, Iola, KS 66749.

MC 22509 (Sub-5-6TA), filed April 10, 1980. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Avenue, P.O. Box 939, St. Joseph, MO 64502. Representative: E. Wayne Farmer, Attorney, 27th Floor, City Center Square, P.O. Box 26010, Kansas City, MO 64196. *Such commodities as are dealt in or used by dealers, distributors or manufacturers of paper and plastic products, except in bulk, and except for such commodities which, because of size of weight would require special equipment or handling,* from the facilities of Contential Bondware located in Chicago, IL and its commercial zone and Shelbyville, IL on the one hand, and, on the other, points and places in the states of MO, KS, IA, NE, OK, MN, TN and KY. Supporting shipper: Continental Diversified Industries, Bondware Division, 800 East Northwest Highway, Palatine, IL 60067.

MC 23618 (Sub-5-2TA), filed April 16, 1980. Applicant: McALISTER TRUCKING CO., d.b.a., MATCO, 2041 S. Treadaway Blvd., Abilene, TX 79604. Applicant's representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. *Machinery, equipment, materials and supplies used in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas, petroleum, and their products and by-products;* (2) *Machinery, equipment materials and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe;* (3) *Earth drilling machinery and equipment;* (4) *Equipment and materials and supplies used in connection with* (A) *the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment,* and (B) *the completion of holes or wells drilled,* (C) *the production, storage and transmission of commodities resulting from drilling operations at wells or hole sites,* (D) *the injection or removal of commodities into or from holes or wells* between points in KS, LA, NM, OK, and TX on the one hand, and, on the other, points in AL, AR, FL, GA, MS, and TN. Supporting shippers: Kranco, Inc., 10543 Fisher Road, Houston, TX 77040; Grant Supply Company, 7330 Neuhaus, Houston, TX 77017; Fluor Oilfield Supply Co., 2550 North Loop West, Suite 800, Houston, TX 77092; and The Ortloff Corporation, P.O. Box 3199, Midland, TX 79701.

MC 35320 (Sub-5-9TA), filed April 14, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *Common,* regular, *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 Dallas, TX, and Atlanta, GA, and their commercial zones. From Dallas, TX, over Interstate Hwy 20 to Atlanta, GA, and return over the same route serving no intermediate points. Carrier intends to tack and/or interline at points of origin and destination. Supporting shipper: None. Alternate route for the elimination of needless miles as well as fuel savings.

Note.—Common control may be involved. Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-5-10TA), filed April 14, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *Common,* regular, *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 Houston, TX, and its commercial zone and Little Rock, AR, and its commercial zone serving no intermediate points. From Houston, TX, over US 59 to Texarkana, TX, then over Interstate 30 to Little Rock, AR, and return over the same route serving no intermediate points. Carrier intends to tack and/or interline at points of origin and destination. Supporting shipper: None. Alternate route for the elimination of needless miles as well as for fuel savings.

Note.—Common control may be involved. Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-5-11TA), filed April 14, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *Common,* regular, *general commodities.* Between Little Rock, AR and St. Louis, MO and their commercial zones, serving no intermediate points. From Little Rock, AR, over US Hwy 67 to St. Louis, MO, and return over the same route. Carrier intends to tack and/or interline at points of origins and destinations. Supporting shipper: None. This application is for an alternate to eliminate needless miles as well as for fuel savings.

Note.—Common control may be involved. Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-5-12TA), filed April 14, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *Common,* regular, *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 Denver, CO and Sacramento, CA and their commercial zones. From Denver, CO over Interstate 25 to its junction with US Hwy 287, then over US Hwy 287 to its junction with Interstate Hwy 80, then over Interstate 80 to Sacramento, CA and return over the same route, serving no intermediate points. Carrier intends to tack and/or interline at points of origin and destination. Supporting shipper: None. Alternate route for the elimination of needless miles as well as for fuel savings.

Note.—Common control may be involved. Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-5-13TA), filed April 14, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *Common,* regular, *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 Odessa, TX and Dallas, TX and their commercial zones, serving no intermediate points. From Odessa, TX over Interstate Hwy 20 to Dallas and return over the same route. Carrier intends to tack and/or interline at points of origin and/or destination. Supporting shipper(s) none. This is an alternate route application for the elimination of needless miles as well as fuel savings.

Note.—Common control may be involved. Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 41116 (Sub-5-6TA), filed April 14, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman, P.O. Box 1504, Crowley, LA 70526. Contract; irregular. *(1) paper and paper products (except in bulk); (2) materials and supplies used in the manufacture, distribution or sale of (1) (except in bulk),* between Bastrop, LA, on the one hand and on the other points in NM.

Supporting shipper: International Paper Company; 220 E. 42nd St.; NY, NY 10017.

MC 41432 (Sub-5-4TA), filed April 18, 1980. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway (P.O. Box 10125), Dallas, TX 75207 (214-638-2280). Representative: Wayland Little, Director of Commerce, Registered Practitioner, (same address as applicant). *Common*, regular. *General Commodities, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, serving the facilities of Royal Seating Corp. located at or near Cameron, TX, as an off-route point in connection with carrier's authorized regular route operation between San Antonio and Dallas, TX. Applicant intends to tack with existing authority and to interline. Supporting shipper: Royal Seating Corp., Post Office Box 753, Cameron, TX 76520.

MC 41849 (Sub-5-1TA), filed March 20, 1980. Applicant: KEIGHTLEY BROS., INC., 3675 Chouteau Ave., St. Louis, MO 63110. Representative: Patrick M. Browne (same address as applicant). *Ammonium Nitrate and Dry Fertilizer* from Selma, Missouri to points in IL, IN, KY, TN, AR, IA, and MI. Supporting shipper: USS Agri-Chemical Division, United States Steel Corporation, 233 Peachtree St. N.E., Atlanta, GA 30303.

MC 78400 (Sub-5-4TA), filed April 14, 1980. Applicant: BEAUFORT TRANSFER COMPANY, P.O. Box 151, Gerald, MO 63037. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63037. *Iron castings*, from Waupaca, WI, to the facilities of Ace Manufacturing & Parts Co., at Sullivan, MO. Supporting shipper: Ace Manufacturing & Parts Co., 950 Franklin, Sullivan, MO 63080.

MC 78400 (Sub-5-5TA), filed April 14, 1980. Applicant: BEAUFORT TRANSFER COMPANY, P.O. Box 151, Gerald, MO 63037. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Plastic articles (except in bulk)*, from Owensville, MO, to points in FL and NJ. Supporting shipper: Polytech, Incorporated, 708 W. Madison, Owensville, MO, 65066.

MC 78400 (Sub-5-5TA), filed April 14, 1980. Applicant: BEAUFORT TRANSFER COMPANY, P.O. Box 151, Gerald, MO 63037. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Pulpboard and foam rubber*, from Manchester, Ct, Trenton, NJ, Calhoun, GA, South Hadley and Boston, MA, to Owensville, MO. Supporting shipper: Lyn-Flex West, Inc., Red Oak Rd., Owensville, MO, 65066.

MC 100449 (Sub-5-2TA), filed April 17, 1980. Applicant: MALLINGER TRUCK LINE, INC., R.R. 4, Ft. Dodge, IA 50501. Applicant's Representative: Thomas E. Leahy, Jr., 1980 Financial, Des Moines, IA 50309. *Inedible meat products from the facilities* of Consolidated Pet Foods, Inc. at or near Amarillo, Texas, to points in IL, IN, IA, KS, WI, NE and MO. Supporting shipper: Consolidated Pet Foods, Inc., Box 30488, Amarillo, TX.

MC 102567 (Sub-5-7TA), filed April 17, 1980. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Applicant's Representative: Joe C. Day, Vice President—Traffic, 13403 Northwest Fwy.—Suite 130, Houston, TX 77040. *Acrylonitrile, in bulk, in tank vehicles*, from the plantsite of American Cyanamid Company, at or near Avondale, LA, to points in the U.S. (except AK, AL, AR, FL, GA, HI, IN, KY, KA, MS, NC, SC, and TN). Supporting shipper: American Cyanamid Company—Berdan Avenue—Wayne, NJ 07470.

MC 105566 (Sub-5-4TA), filed April 18, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1120, Cape Girardeau, MO 63701. Applicant's Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. *General commodities (except articles of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, from, to or between the facilities of Arco Polymers in Monaca, PA, Port Arthur, TX, La Porte, TX and Chicago, IL, on the one hand, and, on the other, all points in the U.S. except AK and HI. Supporting shipper: Arco Polymers, 1500 Market Street, Philadelphia, PA.

MC 106398 (Sub-5-17TA), filed April 14, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, OK 74120. *Lumber, treated and untreated*, from the facilities of Culpeper Wood Preserving at Culpeper, VA and Culpeper County, VA to points in DE, PA, NJ, NY, CT, RI, MA, VT, NH and OH. Supporting shipper: Culpeper Wood Preserving, P.O. Box 819, Culpeper, VA 22701, Ronald W. Daniel, Plant Manager.

MC 106398 (Sub-5-18TA), filed April 16, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, OK 74120. *Metal products*, from Port of Chicago, Burns Harbor, Detroit, MI and New Orleans, LA to points in IA, IL, OH, IN, MN, KY, NE, MO, KS, WI, MI, ND, SD, PA and WV. Supporting shipper: Wilmod Company, Inc., 21 West Lake Street, Northlake, IL 60164, Jim Lowenstein, Traffic Manager.

MC 106398 (Sub-5-19TA), filed April 16, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, OK 74120. (1) *Iron and steel articles and accessories*, and (2) *plastic articles and accessories including valves and meters*, from the facilities of Davis Water and Waste Industries at Thomasville, GA to points in NM, IL, PA, OH, IN, OR, WA, TN, KY, TX, VA, WY, WV and MO. Supporting shipper: Davis Water and Waste Industries, P.O. Box 1419, Thomasville, GA 31792, James K. Murphy, Shipping Supervisor.

MC 106400 (Sub-5-4TA), filed April 14, 1980. Applicant: KAW TRANSPORT COMPANY, P.O. Box 8510, Sugar Creek, MO 64054. Representative: Harold D. Holwick, P.O. Box 8510, Sugar Creek, MO 64054. *Alcohol, in bulk, in tank vehicle*, from Atchison County, MO to points in AR, OK, IA and NE. Supporting shipper: American Agri-Fuels Corporation, 1006 Grand Ave. Room 1010, Kansas City, MO 64106.

MC 108053 (Sub-5-3TA), filed April 15, 1980. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. *Such merchandise as is dealt in by wholesale or retail food business houses (except foodstuffs), and materials, equipment and supplies used in the conduct of such business*, from Chicago, IL and points in its Commercial Zone, to AZ, CA, ID, MT, NV, NM, OR, UT, WA and WY. Supporting shipper: Couzens Warehouse & Distributors, Inc., 6600 So. River Rd., Hodgkins, IL 60525; and Topco Associates, Inc., 7711 Gross Point Road, Skokie, IL 60077.

MC 112713 (Sub-5-3TA) filed April 14, 1980. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: R. E. DeLand, P.O. Box 7270, Overland Park, KS 66207. *Common*, regular. *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment), between Beaumont, TX and Baton Rouge, LA serving all intermediate points and their

commercial zones and serving the off-route point of Abbeville, LA, and its commercial zone. Supporting shippers: There were 32 supporting shippers.

MC 115331 (Sub-5-5TA), filed April 14, 1980. Applicant: TRUCK TRANSPORT, INCORPORATED, 11040 Manchester Road, St. Louis, MO 63122. Representative: J. R. Ferris, 11040 Manchester Road, St. Louis, MO 63122. *Unexposed photographic film, printers plates, printers or printing machines (set up), freon, chemicals, plastic film, paint, lacquers, stains, varnishes, bronzing liquids, cleaning and scouring compounds, cellulose sponges (except in bulk),* (1) from Niles, Des Plaines and Morton Grove, Illinois to St. Louis and Kansas City, Missouri and Grand Rapids, Michigan; and (2) from Tecumseh, Kansas; Flint and Montague, Michigan; Moberly, Missouri and Clinton, Iowa to Niles, Des Plaines and Morton Grove, Illinois. Restricted to traffic originating at or destined to facilities utilized by E. I. du Pont de Nemours and Company. Supporting shipper(s): E. I. du Pont de Nemours and Company.

MC 116077 (Sub-5-5TA), filed April 14, 1980. Applicant: DSI TRANSPORTS, INC., 4550 One Post Oak Place, Suite 300, Houston, TX 77027. Representative: J. C. Browder, Manager of Traffic-Operations, DSI Transports, Inc., 4550 One Post Oak Place, Suite 300, Houston, TX 77027. *Hexamethylamine diamine, in bulk, in tank vehicles,* from DuPont's plants in commercial zones of Victoria and Orange, TX to DuPont's plants in commercial zones of Seaford, DE, Camden, SC, Chattanooga, TN, Richmond, Martinsville and Waynesboro, VA. Supporting shipper(s): E. I. DuPont de Nemours & Co., 1007 Market Street, Wilmington, Delaware 19898.

MC 117119 Sub-5-6TA), filed April 31, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean, P.O. Box 188, Elm Springs, AR 72728. *Such merchandise as is dealt in by retail sewing centers* from Truman, AR to Columbus, OH; Chicago, IL; Kansas City, KS; Coldwater, MI; Atlanta, GA; Indianapolis, IN; Shrewsbury, MA; Pittsburgh, PA; Auburn, NY; N. Bergen, NJ; Richmond, VA; and Philadelphia, PA and from New Orleans, LA and Mobile, AL to Truman, AR. Supporting shipper(s) The Singer Company, 313 Underhill Blvd., Syosset, NY 11791.

MC 117119 (Sub-5-7TA), filed April 17, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean, P.O. Box 188, Elm Springs, AR 72728. *Lecithin (except commodities in bulk),* in vehicles equipped with mechanical refrigeration, from Helena and Stuttgart, AR to points in OR and WA. Supporting shipper(s): American Lecithin Company, P.O. Box 4056, Atlanta, GA 30302.

MC 119399 (Sub-5-7TA), filed April 16, 1980. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Lighting Fixtures and Parts and Accessories thereof,* from the facilities of H. E. Williams Products Company at Carthage, MO to points in AL, AR, CO, DC, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, NE, NM, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, and WI. Supporting shipper: H. E. Williams Products Company, 831 W. Fairview Avenue, Carthage, MO 64836.

MC 119399 (Sub-5-8TA), filed April 16, 1980. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Caustic Soda, Paradichlorobenzene, and Sodium Sulphate (except in bulk),* from Natrium, WV to Kansas City, KS. Supporting shipper: Thompson-Hayward Chemical Company, 5200 Speaker Road, Kansas City, KS 66106.

MC 119493 (Sub-5-15TA), filed April 14, 1980. Applicant: MONKEM COMPANY, INC. P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, MO 64801. *Glass, glass articles, materials, and supplies used in the manufacture and distribution thereof, (except commodities in bulk)* between Clarksburg, WV on the one hand, and, points in the U.S. (except AK and HI). Supporting shipper: Edward A. Dutchess, Vice President Sales, West Virginia Flat Glass, Inc., P.O. Box 1840, Clarksburg, WV 26301.

MC 119493 (Sub-5-16TA), filed April 14, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, MO 64801. *Glass, glass articles, and materials and supplies used in the manufacture and distribution thereof (except commodities in bulk)* between: Jeannette, PA; Clarksburg and Taylor County, WV; Kingsport and Greenland, TN on the one hand, and, points in AK, AR, CO, CT, CA, FL, GA, IL, IA, KY, LA, MN, MO, MA, MS, NH, NJ, NC, RI, SC, TN, TX, VA, and WI on the other hand. Supporting shipper: Perry Wendrosky, Traffic Manager, General Glass International Corp., 270 North Avenue, New Rochelle, NY 10801.

MC 119493 (Sub-5-17TA), filed April 14, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, MO 64801. *Canned and preserved foodstuffs* from facilities of Heinz USA at or near Iowa City, IA to Atlanta, GA restricted to traffic originating at the named facilities and destined to the named destinations. Supporting shipper: William L. Reeder, Coordinator-Transportation Planning, Heinz USA, P.O. Box 57, Pittsburgh, PA 15230.

MC 119741 (Sub-5-2TA), filed April 14, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson, P.O. Box 1235, Fort Dodge, IA 50501. *Foodstuffs (except in bulk, in tank vehicles),* from the facilities of Anderson Clayton Foods at or near Jacksonville, IL points in AL, AR, FL, GA, LA, MS, NC, SC, and TN. Supporting shipper: Anderson Clayton Foods, P.O. Box 226165, Dallas, TX 76266.

MC 119741 (Sub-5-3TA), filed April 17, 198C Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as applicant). *Advertising matter, magazines, periodicals, printed matter, and equipment, materials, and supplies used in the printing/publishing business,* from the facilities of Dayton Press, Inc. at or near Dayton, OH to points in AR, CO, IL, IA, KS, MN, MO, NE, ND, OK, SD, TX, and WI. Supporting shipper: Dayton Press, Inc., P.O. Box 700, Dayton, OH 45401.

MC 119741 (Sub-5-4TA), filed April 10, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D, L. Robson (same as applicant). *Agricultural pesticides (except in bulk, in tank vehicles),* from the facilities of Helena Chemical Company at Des Moines, IA to points in the United States (except AK and HI). Supporting shipper: Helena Chemical Company, 3525 Vandalia Road, Des Moines, IA 50320.

MC 119789 (Sub-5-15TA), filed April 14, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75226. Representative: James K. Newbold, Jr. (same as applicant). *Malt beverages in containers and related advertising*

material from San Antonio, TX to ME, NH, VT, CT, MA, RI, NY, NJ, PA, MD, and DC. Supporting shipper: Pearl Brewing Company, P.O. Box 1661, San Antonio, TX 78296.

MC 119988 (Sub-5–6TA), filed April 16, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: E. Larry Wells, P.O. Box 45538, Dallas TX 75245. *Plastics, plastic articles, materials, equipment and supplies used in the manufacture and distribution thereof* between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): Polydynamics, Inc. P.O. Box 392, Hallettsville, TX 77964.

MC 119988 (Sub-5–7TA), filed April 16, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75901. Representative: E. Larry Wells, P.O. Box 45538, Dallas, Texas 75245. *Foodstuffs* from El Paso TX to points in the US (except AK and HI). Supporting shipper(s): Ashley's of Texas, 6590 Montana Avenue, El Paso, TX 79925.

MC 119789 (Sub-5–16TA), filed April 17, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX. Representative: James K. Newbold, Jr. (same as applicant). *Coffee, green coffee, instant coffee* from Ripon CA to Freehold and Kearny, NJ; Sunbury, OH; and Denison, TX. Supporting shipper: The Nestles Company, Inc., 100 Bloomingdale Road, White Plains, NY 10605.

MC 121658 (Sub-5–3TA), filed April 15, 1980. Applicant: STEVE D. THOMPSON TRUCKING, INC., P.O. Drawer 149, Winnsboro, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Television sets, recorders (tape or wire); and accessories for television sets and recorders* from the facilities of the General Electric Company in Little Rock, AR to points in LA. Supporting shipper(s): The General Electric Company, 6901 Lindsey Road, Little Rock, AR 72206.

MC 123993 (Sub-5–5TA), filed April 7, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, Louisiana 70526. Representative: Byron Fogleman, P.O. Box 1504, Crowley, Louisiana 70526. *(1) canned fruit (except in bulk); (2) materials and supplies used in the manufacture, distribution or sale of (1) (except in bulk),* between the facilities of Wintergarden Warehouse located at or near Brownsville, TX on the one hand and on the other points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MS, MO, OK, TN and FL. Supporting shipper: San Antonio Foreign Trading Company, 306 West Rhapsody, San Antonio, Texas 78216.

MC 123993 (Sub-5–7TA), filed April 17, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman, P.O. Box 1504, Crowley, LA 70526. *Bags, bagging, steel cotton bale ties, burlap and twine,* between New Orleans, LA, on the one hand and on the other, points in NC, CO, ND, SD, MN, GA and LA. Supporting shipper: The Harding Bag & Burlap Co., Inc., P.O. Box 50449, New Orleans, LA.

MC 123993 (Sub-5–8TA), filed April 18, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman, P.O. Box 1504, Crowley, LA 70526. *(1) bags, bagging, steel cotton bale ties, burlap and twine; (2) material, equipment and supplies used in manufacture, distribution or sale of (1) (except in bulk),* between the facilities of Hardin Bag at or near Ft. Worth, TX on the one hand, and, on the other, points in AR, CO, GA, IL, IN, IA, KS, LA, MN, MS, MO, NE, ND, NC, OK, SD, TN and TX. Supporting shipper: The Hardin Bag & Burlap Co., Inc., P.O. Box 50459, New Orleans, LA 70150.

MC 124141 (Sub-5–8TA), filed April 14, 1980. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. (1) *Household appliances,* (2) *electrical appliances* and (3) *equipment, parts and accessories for the commodities* in (1) above, from the facilities of the General Electric Co. at Little Rock, AR to points in LA, MS, NM, OK and TX. Supporting shipper: General Electric Co., 6901 Lindsey Road, Little Rock, AR 72206.

MC 124141 (Sub-5–9TA), filed April 17, 1980. Applicant: JULIAN MARTIN, INC., Hwy. 25 W. P.O. Box 3348, Batesville, Arkansas 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Boulevard, McLean, Virginia 22101. (1) *Malt beverages and related advertising materials,* (2) *Empty used beverage containers and materials and supplies used by breweries:* From (1) Jefferson County, Colo. To Arkansas, Oklahoma and Texas, (2) From Arkansas, Oklahoma and Texas to Jefferson County, Colo. Supporting shipper: Adolph Coors Company, Golden, Colorado 80401.

MC 124813 (Sub-5–6TA), filed April 14, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Pallets, lumber and lumber products,* from the facilities of Headwater Mill, Inc., at or near Bagley, MN, to points in IA, for 180 days. Supporting shipper: Headwater Mill, Inc., West Highway 2, Box 314, Bagley, MN 56621.

MC 124813 (Sub-5–7TA), filed April 14, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Iron and steel articles* from Minneapolis, MN, to the facilities of Thomas Machine Co. near Mason City, IA. Supporting shipper: Thomas Machine Co., R.R. 1, Box 79A, Mason City, IA 50401.

MC 125535 (Sub-5–1TA), filed April 9, 1980. Applicant: NATIONAL SERVICE LINES INC. OF NEW JERSEY, 12015 Manchester Road, Suite 118, St. Louis, Missouri 63131. Representative: (same as applicant). *Contract;* Irregular. *(1) Glass, flat, bent, polished; Glazing units; and (2) Commodities used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk in tank vehicles),* from the facilities of C–E Glass, Combustion Engineering Inc., at Lancaster OH, Stone Mountain GA, Tampa FL, on the one hand, and, on the other, points in the United States in and east of KS, NE, ND, OK, and TX. Supporting shipper: C–E Glass, Combustion Engineering, Inc., P.O. Box 268, Cinnaminson, New Jersey 08077.

MC 125951 (Sub-5–1TA), filed April 16, 1980. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road—Suite 325, Omaha Nebraska 68106. Representative: Robert M. Cimino (same address as applicant). *Household accessories,* from Traverse City, MI to the facilities of Interiors of America, Inc., at or near Omaha, Nebraska. Supporting shipper: Interiors of America, Inc., 4350 South 87th Street, Omaha, Nebraska 68114.

MC 126118 (Sub-5–13TA), filed April 14, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. (1) *Such commodities as are manufactured, processed, distributed, or dealt in by manufacturers or converters of paper and paper products (except commodities in bulk),* and (2) *Equipment, materials ans supplies used in the manufacture and distribution of paper and paper products (except commodities in bulk),* between the facilities of Mead Corporation at Kingsport and Gray, TN, on the one hand, and, on the other, points in AR, CO, IA, KS, LA, MO, ND, OK, SD, and TX. Restriction: The authority granted

herein is restricted to the transportation of traffic between the named origins and destinations. Supporting shipper: The Mead Corporation, B. A. Wharry, Analyst-Transportation Economics, Courthouse Plaza N.E., Dayton, OH 45463.

MC 126930 (Sub-5–2TA), filed April 18, 1980. Applicant: BRAZOS TRANSPORT CO., P.O. Box 2746, Lubbock, TX 79408. Representative: Richard Hubbert, Sims, Kidd, Hubbert & Wilson, P.O. Box 10236, Lubbock, TX 79408. *Iron and steel articles, plastic articles, building materials, and materials, equipment and supplies used in the installation thereof (except commodities in bulk);* between the facilities of Gensco, Inc., located in TX and OK on the one hand; and on the other, points in the states of AL, AR, CO, TN, ND, SD, NE, KS, OK, MO, IN, WI, MN, IA, LA, IL and TX. Supporting shipper: Gensco, Inc., P.O. Box 67, Uvalde, TX 78801.

MC 124141 (Sub-5–8TA), filed April 14, 1980. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. (1) *Household appliances,* (2) *electical appliances* and (3) *equipment, parts and accessories for the commodities* in (1) above, from the facilities of the General Electric Co. at Little Rock, AR to points in LA, MS, NM, OK and TX. Supporting shippers: General Electric Co., 6901 Lindsey Road, Little Rock, AR 72206.

MC 124141 (Sub-5–9), filed April 17, 1980. Applicant: JULIAN MARTIN INC., Hwy. 25 W. P.O. Box 3348, Batesville, AR 72501. Representative: Timothy Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA. (I) *Malt beverages and related advertising materials, (2) Empty used beverage containers and materials and supplies used by breweries:* From (I) Jefferson County, Colo. to Arkansas, Oklahoma and Texas, (2) From Arkansas, Oklahoma and Texas to Jefferson County, Colo. Supporting shipper: Adolph Coors Company, Golden, Colorado 80401.

MC 124813 (Sub-5–6TA), filed April 14, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Pallets, lumber and lumber products,* from the facilities of Headwater Mill, Inc. at or near Bagley, MN, to points in IA for 180 days. Supporting shipper: Headwater Mill, Inc., West Highway 2, Box 314, Bagley, MN 56621.

MC 124813 (Sub-5–7TA), filed April 14, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50033. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Iron and steel articles* from Minneapolis, MN, to the facilities of Thomas Machine Co. near Mason City, IA. Supporting shipper: Thomas Machine Co., R.R. 1, Box 79A, Mason City, IA 50401.

MC 125535 (Sub-5–1TA), filed April 9, 1980. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, 12015 Manchester Road, Suite 118, St. Louis, Missouri 63131. Representative: (same as applicant) Contract: Irregular. *(1) Glass, flat, bent, polished; Glazing units; and (2) Commodities used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk in tank vehicles),* from the facilities of C–E Glass, Combustion Engineering Inc., at Lancaster,OH, Stone Mountain, GA, Tampa, FL, on the one hand, and on the other, points in the United States in and east of KS, NE, ND, OK, and TX. Supporting shipper: C–E Glass, Combustion Engineering, Inc., P.O. Box 268, Cinnaminson, New Jersey 08077.

MC 128273 (Sub-5–7TA), filed April 14, 1980. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *Mineral micronutrients used in the manufacture of plant and animal food (except in bulk, in tank vehicles)* from the facilities of Imperial Products, Inc., at or near Tampa, FL, to points in the states of AL, DE, GA, IL, IN, KY, MD, MI, NJ, NY, NC, OH, PA, SC, TN, VA, WV and WI. Supporting shipper: Imperial Products, Inc. 151 Wymore Road, Ste. 610, Altamonte Springs, FL 32751.

MC 128273 (Sub-5–8TA), filed April 14, 1980. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189 Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *Paper and paper products* from the facilities of Westvaco Corporation at or near New Orleans, LA, to points in the United States (except AK and HI). Supporting shipper: Westvaco Corporation, 1400 Annunciation St., New Orleans, LA 70160.

MC 129903 (Sub-5–1TA), filed March 31, 1980. Applicant: EMPORIA MOTOR FREIGHT, INC., Box 1103—315 Constitution, Emporia, KS 66801. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Distilled spirits, wine, cordials, and malt beverages,* from points in MO, IN, IL, KY, OH, MI and TN, to the facilities of A-B Sales, Incorporated at or near Wichita, KS and Hutchinson, KS. Supporting shipper: A-B Sales, Inc., Wichita, KS 67202.

MC 129908 (Sub-5–13TA), filed April 17, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Oklahoma City, OK 73107. Representative: T. J. Blaylock, 8125 S.W. 15th Street, Oklahoma City, OK 73107. (1) *Commodities used in the manufacture or fabrication of commodities named in (2).* (2) *Munitions and Classes A, B or C explosives: Commodities named in (1) above* from the facilities of Norris Industries, Inc., Los Angeles (and commercial zone), CA to Milan Ordnance Plant, TN and commodities named in (2) above from Milan Ordnance Plant, TN to Sunnypoint, NC. Supporting shipper: Norris Industries, Inc., Compressed Gas Cylinder Division, 5215 S. Boyle Avenue, Los Angeles, CA 90058.

MC 133591 (Sub-5–2TA), filed April 7, 1980. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. *(1) Foodstuffs not requiring refrigeration; and (2) materials and supplies used in manufacture, distribution and sale of foodstuffs (except commodities in bulk)* from facilities of Keebler Company at Denver, CO to facilities of Keebler Company at Springfield, MO. Supporting shipper: The Keebler Company, One Hollowtree Lane, Elmhurst, IL 60126.

MC 133591 (Sub-5–3TA), filed April 14, 1980. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. *Uncooked bakery products* from facilities of The Pillsbury Company at Denison, Texas to points in AZ, CA, OR WA, UT and ID. Suporting shipper: The Pillsbury Company, 608 Second Avenue, South, Minneapolis, MN 55402.

MC 133655 (Sub-5–7TA), filed April 18, 1980. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 402535, Dallas, TX 75240. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *General commodities, when moving on bills of lading of freight forwarders* from Buffalo and Towanda, NY and points in MI, IL, IN, and OH to Oklahoma City, OK; Dallas, Arlington, Houston, and Laredo, TX; New Orleans and Shreveport, LA; Kansas City and Lenexa, KS; and Kansas City and St. Louis, MO. Supporting shipper: Universal Carloading and Distributing Company, Inc., 345 Hudson Street, New York, NY 10014.

MC 135678 (Sub-5–2TA), filed April 9, 1980. Applicant: MIDWESTERN

TRANSPORTATION, INC., 20 S.W. 10th Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. (1) *Quilted fabric N.O.I. woven cloth or synthetic fibre combined or separate; bedspreads, mattress pads; curtains; drapes; comforters; sheets; pillow cases; cotton fabric,* (2) *Equipment, materials and supplies used in the manufacturing of commodities set out in Par. (1) above,* from points in OK and TX to points in CA. Supporting shipper: Kellwood Company, 200 Sears Road, Perry, GA 31069.

MC 133805 (Sub-5-6TA), filed April 15, 1980. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. *Toilet preparations and supplies and materials used in the distribution thereof, in vehicles equipped with refrigeration (except in bulk, in tank vehicles),* between the facilities utilized by Roux Laboratories, Inc. in Duvall County, FL, on the one hand, and, on the other, points in all states west of LA, AR, KY, IL and MI (except HI and AK). Supporting shipper: Roux Laboratories, Inc., 6831 Stuart Ave., Jacksonville, FL 33205.

MC 133805 (Sub-5-7TA), filed April 16, 1980. Applicant: LONE STAR CARRIERS, INC., Rt. 1 Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. *Lighting fixtures, equipment, parts and accessories,* from the facilities utilized by Gibson-Metalux Corporation at or near Americus, GA and Eufaula, AL to points in the US (except HI and AK). Supporting shipper: Gibson-Metalux Corporation, P.O. Box 1207, Americus, GA 31709.

MC 134501 (Sub-5-5TA), filed April 15, 1980. Applicant: INCORPORATED CARRIERS, LTD, P.O. Box 3128, Irving, Texas 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, Oklahoma 73034. (1) *new furniture,* from Batesville and Okolona, MS, to points in AL, AR (except Little Rock, Stamps, Waldron, Camden, and points in Saline, Sebastian, and Crawford Counties, AR), DC, GA, and FL; and (2) *new furniture,* from Haleyville, AL to points in AL, GA, FL, NC, MO, IL, IN, OH, PA, WV, MD, DC, LA, and TX (except points in TX on, north, and west of a line beginning at the AR-TX state line extending along U.S. Hwy. 67 to Dallas, then along Interstate Hwy. 35-E to Waco, then along U.S. Hwy. 81 to junction U.S. Hwy. 84, then along U.S. Hwy. 84 to junction U.S. Hwy. 67, then along U.S. Hwy. 67 to junction U.S. Hwy. 290, then along U.S. Hwy. 290 to junction U.S. Hwy. 80, then along U.S. Hwy. 80 to the TX-NM state line). Supporting shipper: Les Stir Furniture Sales, Inc., 1330 Indian Rocks #502, Largo, FL 33540.

MC 134755 (Sub-5-3TA), filed April 18, 1980. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Missouri 65804. Representative: S Christopher Wilson, P.O. Box 3772, Springfield, Missouri 65804. *Such commodities as are used, manufactured, or distributed by manufacturers and distributors of plastic articles,* from points between Winchester, Virginia to MO, KS, NE, IA, IL, AR, OK, TX, CO, WI, MN, ND, and SD. Supporting shipper: Rubbermaid Commercial Products, 3123 Valley Avenue, Winchester, Virginia, 22601.

MC 135283 (Sub-5-1TA), filed April 18, 1980. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, 432 S. Stuhr Road, Grand Island, NE 68801. Representative: Lavern R. Holdeman of Peterson, Bowman & Johanns, 521 S. 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. *Filters, air, coolant, fuel and oil,* in packages, from the facilities of J. A. Baldwin Mfg. Co. at or near Kearney, NE to Los Angeles, CA, Atlanta, GA, Newark, NJ, Toledo, OH, Dallas, TX and points in their respecitve commercial zones. Supporting shipper: J. A. Baldwin Mfg. Co., Warren Lammers, Vice President, P.O. Box 610, Kearney, NE 68847.

MC 135678 (Sub-5-3TA), filed April 9, 1980. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248—Claussen Terrace Bldg., 1411 N. Classen, Oklahomoa City, OK 73106. *Television Sets, Recorders (tape or wire), boxed; and accessories for television sets and recorders,* from the facilities of General Electric Company, Little Rock, AR to all points in the States of NM, OK and TX. Supporting shipper: General Electric Company, 6901 Lindsey Road, Little Rock, AR 72206.

MC 135797 (Sub-525-TA), filed April 14, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esquire, P.O. Box 130, Lowell, Arkansas 72745. *Such commodities as are manufactured, distributed or used by manufacturers of sporting goods and recreational equipment (except in bulk).* From Fairfield, NJ to points in IL, IN, KY, MI, MN, MO, OH, PA and TX. Restricted to traffic originating at or destined to the facilities of Home and Roam Leisure Products, Inc. Supporting shipper: Home and Roam Leisure Products, Inc. Gothic Plaza, 333 Rt. 46 Bldg. No. 5, Fairfield, NJ 07006.

MC 136833 (Sub-5-1TA), filed April 17, 1980. Applicant: SHAW TRUCKING, INC., 2201 Riverside, Norfolk, NE 68701. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Non-alcoholic beverages and materials and supplies used in the manufacture and distribution of non-alcoholic beverages.* Between the facilites of the Shaw Company at Norfolk, NE, on the one hand, and, on the other, points in AR, CO, IL, IA, KS, MN, MO, NE, ND, OK, SD, WI, and WY. Supporting shipper: The Shaw Company, 2201 Riverside, Norfok, NE 68701.

MC 138469 (Sub-5-7TA), filed April 18, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73147. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. *Electrical sound amplifying equipment, component parts, accessories, displays and related articles, and materials, equipment and supplies used in the manufacture of sound amplifying equipment,* (1) from Oklahoma City, OK to points in the U.S. West of the states of ND, SD, NE, KS, OK and TX (except AK and HI), and (2) from Anaheim, Azusa and Hawthorne, CA and Bend, OR to Oklahoma City, OK, restricted in parts one (1) and two (2) above to the transportation of traffic originating at or destined to the facilities of Altec Sound, Inc. Supporting shipper: Altec Sound, Inc., P.O. Box 26105, Oklahoma City, OK 73126.

MC 138469 (Sub-5-8TA), filed April 18, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73147. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. *Paper and paper products, plastic, plastic products and plastic articles, glassware, and foodstuffs, (except commodities in bulk, in tank vehicles),* from points in AZ, GA, FL, IN, LA, MD, MO, NH, NY, OH and TX to the facilities of Cardinal Paper Company at Oklahoma City, OK, restricted to the transportation of traffic originating at the named origins and destined to the indicated destination. Supporting shipper: Cardinal Paper Company, 220 East Reno, Oklahoma City, OK.

MC 138469 (Sub-5-9TA), filed April 18, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73147. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. *Plastic amplifying sound horns,* from St. Charles, IL to the facilities of Altec

Sound, Inc., at or near Oklahoma City, OK, restricted to the transportation of traffic originating at the named origin and destined to the facilities of Altec Sound, Inc. Supporting shipper: Altec Sound, Inc., P.O. Box 26105, Oklahoma City, OK 73126.

MC 140612 (Sub-5–2TA), filed April 14, 1980. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour, P.O. Box 2207, Cedar Rapids, IA 52406. *Such commodities as are dealt in or used by retail stores (except foodstuffs and commodities in bulk in tank vehicles).* Between Dallas, TX and its commercial zone on the one hand and on the other points in the United States, (except AK and HI). Supporting shipper: Industrial Industries International, 19411 Londelius Street, Northridge, CA 91324.

MC 142167 (Sub-5–1TA), filed April 7, 1980. Applicant: MICHAELSEN TRUCK LINE, INC., 1619 South Garfield, Mason City, IA 50401. Representative: Steven C. Schoenebaum, Swift, Brown, Winick and Graves, 1200 Register and Tribune Bldg., Des Moines, IA 50309. Contract; Irregular. *Soybean meal (except liquid commodities in bulk or in tank vehicles)* from the facilities of AGRI Industries at or near Mason City, IA to Barron County, Buffalo County, Chippewa County, Columbia County, Dane County, Door County, Eau Claire County, Marinette County, Marquette County, Polk County, Racine County, Rock County, Shawano County, Taylor County, Washington County, and Waushara County, WI. Restricted to a transportation service to be performed under continuing contract(s) with AGRI Industries. Supporting shipper: AGRI Industries, 1605 19th Street, S.W., Mason City, IA 50401.

MC 142508 (Sub-5–19TA), filed April 17, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, Post Office Box 37465, Omaha, Nebraska 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, Nebraska 68137. *Frozen Bakery Goods* (1) from the facilities of Lenders Bagels in New Haven, CT to Phoenix, AZ; Los Angeles and San Francisco, CA; Denver, CO; Atlanta, GA; Chicago, IL; Detroit, Grand Rapids, and Lansing, MI; Hopkins, MN; Kansas City and St. Louis, MO; Omaha, NE; Portland, OR; Dallas, El Paso, and Houston, TX; Seattle, WA; and (2) From the facilities of Lenders Bagels in West-Seneca, NY to Atlanta, GA and Hopkins, MN. Supporting shipper: Lenders Bagels, 75 Empire Drive, Buffalo, NY. Sam Solodky, Plant Manager.

MC 142672 (Sub-5–5TA), filed April 14, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947.. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Foodstuffs (except in bulk),* from the facilities of Anderson Clayton Foods, at or near Sherman, TX, to points in AR, LA, MS, OK, and Memphis, TN. Supporting shipper: Anderson Clayton Foods, Post Office Box 226165, Dallas, TX 75266.

MC 144203 (Sub-5–3TA), filed April 18, 1980. Applicant: HERMAN BROS., INC., 2565 St. Mary's Avenue, Omaha, NE 68105. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68105. Contract, irregular: *Flour, wheat germ and animal feed (in bags and in bulk),* from the facilities of Dixie Portland Flour Mills, Inc., located at or near Barnesville, GA and Chattanooga and Knoxville, TN to points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MO, MS, NC, NY, OH, PA, SC, TN, VA, WV and NJ. Restriction: Restricted to a transportation service performed under a continuing contract or contracts with Dixie Portland Flour Mills, Inc. Supporting shipper(s): Dixie Portland Flour Mills, Inc., P.O. Box 1259, Chattanooga, TN 37401.

MC 144510 (Sub-5–1TA), filed April 15, 1980. Applicant: JERRY J. KOBS, INC., 131 Bridge Court, P.O., Box 866, Sergeant Bluff, IA 51054. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *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),* from the facilities of Spencer Foods, Inc. at Spencer, IA to points in MA. Restriction: Restricted to traffic originating at the named origin and destined to the named destination state. Supporting shipper: Spencer Foods, Inc., Box 544, Schuyler, NE 68661.

MC 144622 (Sub-5–17TA), filed April 14, 1980. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). *Meats, meat products and meat by-products, and articles distributed by meat packing houses as described in Section A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk).* From the plantsite and storage facilities of Landmark Beef Co. at or near Los Angeles, CA to: Birmingham, AL, Denver, CO, Jacksonville and Tampa, FL Chicago, IL, Harahan, LA, Watertown, MA, Landover, MD, Kansas City, MO, Bayonne and Camden, NJ, New York, NY, Charleston and Columbia, SC, Nashville, TN, EL Paso, Ft. Worth and San Antonio, TX, Norfolk, Richmond and Williamsburg, VA and Seattle, WA. Supporting shipper: Landmark Beef Processors, Inc., 3163 East Vernon Avenue, Los Angeles, CA 90058.

MC 144622 (Sub-5–18TA), filed April 18, 1980. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). *Power operated saws, internal combustion engines, generators, string trimmers, plastic articles, petroleum products, and parts thereof and the material and supplies used thereof (except in bulk)* between Lake Havasu, AZ on the one hand and on the other hand points in Birmingham, AL, Montgomery, AL, Mobile, AL, Anniston, AL, Little Rock, AR, Texarkana, AR, Ft. Smith, AR, Greenville, AR, Hartford, CT, Jacksonville, FL, Miami, FL, Tampa, FL, Decatur, GA, Valdosta, GA, Atlanta, GA, Savannah, GA, Columbus, GA, Bensenville, IL, Elmhurst, IL, Chicago, IL, Bloomington, IL, Ft. Wayne, IN, Indianapolis, IN, South Bend, IN, Evansville, IN, LaFayette, IN, Des Moines, IA, Cedar Rapids, IA, Mason City, IA, Kansas City, KS, Wichita, KS, Salina, KS, Garden City, KS, Louisville, KY, Lexington, KY, Bowling Green, KY, Alexandria, LA, Slimmesport, LA, Baton Rouge, LA, New Orleans, LA, Presque Isle, ME, Portland, ME, Baltimore, MD, Towson, MD, Boston, MA, Reading, MA, Springfield, MA, Westboro, MA, Pontiac, MI, Grand Rapids, MI, Detroit, MI, Benton, MI, South Field, MI, Minneapolis, MN, St. Paul, MN, Albert Lea, MN, Duluth, MN, Biloxi, MS, Jackson, MS, Tupelo, MS, Kansas City, MO, Benton, MO, St. Louis, MO, Omaha, NE, Lincoln, NE, Scottsbluff, NE, Concord, NH, Elizabeth Port, NJ, Trenton, NJ, Newark, NJ, Elizabeth, NJ, Roanoke Rapids, NC, Shelby, NC, Minot, ND, Grand Forks, ND, Bismarck, ND, Oklahoma City, OK, Tulsa, OK, Providence, RI, Columbia, SC, Greenville, SC, Charleston, SC, Pierre, SD, Rapid City, SD, Sioux Falls, SD, Chattanooga, TN, Nashville, TN, Memphis, TN, Knoxville, TN, Montpelier, VT, St. Johnsbury, VT, Norfolk, VA, Richmond, VA, Lorton, VA, Charleston, WV, Huntington, WV and all points in NY, OH, PA, TX, and WI. Supporting shipper: McCulloch Corporation, 900 Lake Havasu Avenue, Lake Havasu City, AZ 86403.

MC 145150 (Sub-5–3TA), filed April 14, 1980. Applicant: HAYNES TRANSPORT

CO. INC., R.R. 2, Box 9, Salina, KS 67401. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. (Part 1) *Fertilizer (except Anhydrous Ammonia) from the commercial zone of Altus, OK to points in AR, MO, KS, LA and TX.* (Part 2) *Fertilizer & Feed Grade Urea.* From the commercial zone of Pryor, OK to points in KS, MO, AR, LA and TX and (Part 3) *Fertilizer,* from the Port of Catoosa, OK to points in KS and MO. Supporting shippers: C & S Trading & Brokerage, Inc., 78A Parsons Plaza, Parsons, KS 67357; Kaiser Agricultural Chemicals, 1105 Fifth St., West Des Moines, IA 50268; Poole Chemical, Inc., P.O. Box 8, Texline, TX 79087; Pro-Mar, Inc., P.O. Box 817, Eldorado, KS 67202.

MC 145384 (Sub-5–4TA), filed April 17, 1980. Applicant: ROSE-WAY, INC., P.O. Box 4644, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Iron and steel articles,* from the facilities of Detroit Strip Division, Cyclops Corporation, at Detroit, MI and New Haven, CT to points in the United States (except AK and HI). Supporting shipper(s): Detroit Strip Division, Cyclops Corporation, Box 09200, Detroit, MI 48209.

MC 145441 (Sub-5–13TA), filed April 17, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey, P.O. Box 5130, North Little Rock, AR 72119. *(1) Television sets, radios phonographs, stereo systems, recorders and players, recorded material speaker systems, audio equipment, and (2) accessories, and parts for the commodities in (1) above,* from the facilities of RCA Corp. at Bloomington and Indianapolis, IN to points in CA, OR, and WA. Supporting shipper: RCA Corporation, Building 204–2, Route 38, Cherry Hill, NJ 08358.

MC 145441 (Sub-5–14TA), filed April 18, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey, P.O. Box 5130, North Little Rock, AR 72119. *Commodities used by, manufactured by or distributed by International Paper Company and its subsidiaries, except commodities in bulk, in tank vehicles,* between the facilities utilized by International Paper Company on the one hand and all points in the United States on the other. Supporting shipper: International Paper Company, 220 E. 42nd Street, New York, NY 10017.

MC 145904 (Sub-5–2TA), filed April 17, 1980. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, Iowa 50704. Representative: Roger D. Herman, P.O. Box 152, Waterloo, Iowa 50704. *General commodities in protective service vehicles, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment)* from Chicago, IL to St. Louis and Kansas City, MO and their respective commercial zones, restricted to shipments originating at or destined to the facilities utilized by Allied Shippers and Receivers Association, Inc., and/or its members located at or near the named origin and destinations. Supporting shipper: James H. Quinn, General Manager, Allied Shippers and Receivers Association, Inc., 2029 West Hubbard Street, Chicago, IL 60612.

MC 145955 (Sub-5–1TA), filed April 14, 1980. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Meats and packinghouse products (except hides and commodities in bulk),* From the facilities of Spencer Foods, Inc. Supporting shipper: Spencer Foods, Inc., P.O. Box 544, Schuyler, NE 68661.

MC 146078 (Sub-5–6TA), filed April 14, 1980. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Paper, paper products, and wooden pallets,* between the facilities of Gilman Paper Company at or near Hazelwood, MO, on the one hand, and, on the other, all points and places in the United States east of MT, WY, CO, and NM. Supporting shipper: Gilman Paper Company, P.O. Box 520, St. Marys, GA 31558.

MC 146553 (Sub-5–4TA), filed April 14, 1980. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Canned pet food,* from the facilities of Star-Kist Foods, Inc. at Muscatine, IA to points in AL, FL, LA, MO, MS, OK, TN and TX for 180 days. Supporting shipper(s): Star-Kist Foods, Inc., 582 Tuna Street, Terminal Island, CA 90731.

MC 146616 (Sub-5–4TA), filed April 7, 1980. Applicant: B & H MOTOR FREIGHT, INC., 3314 East 51st Street, Suite B, Tulsa, OK 74135. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract; Irregular. *Slab zinc spelter* from the facilities of National Zinc Company at Bartlesville, OK to Belle Chase, New Orleans, Jefferson and Bossier, LA; Fort Madison, IA; Coffman and Hurst, TX. Supporting shipper: National Zinc Company, P.O. Box 579, Bartlesville, OK 74003.

MC 146788 (Sub-5–1TA), filed April 17, 1980. Applicant: NORMAN JOHNSON, d.b.a. JOHNSON TRUCKING, 913 South 13th Place, Norfolk, NE 68701. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, NE 68137. *Contract,* irregular: *Iron and Steel Articles and Equipment, Materials and Supplies used in the manufacture thereof* between Battle Creek, NE and points in the United States (except AK and HI). Supporting shipper: Jessen Manufacturing, Post Office Box 309, Battle Creek, NE.

MC 146789 (Sub-5–1TA), filed April 17, 1980. Applicant: NORRIS O'DEY, d.b.a O'DEY TRANSPORTATION, 104 Monroe Avenue, Norfolk, NE 68701. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, NE 68137. *Contract,* irregular: *Iron and Steel Articles and Equipment, Materials and Supplies used in the manufacture thereof* between Battle Creek, NE and points in the United States (except AK and HI). Supporting shipper: Jessen Manufacturing, Post Office Box 309, Battle Creek, NE.

MC 147388 (Sub-5–1TA), filed April 18, 1980. Applicant: EARLY BIRD FREIGHT LINES, INC., R.R. #1, Box 49, St. Libory, NE 68872. Representative: Lavern R. Holdeman of Peterson, Bowman & Johanns, 521 S. 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. *Nonalcoholic beverages and beverage containers (except in bulk),* (1) between the facilities of Nehi-Royal Crown Bottling Company, Inc., at or near Grand Island, NE and Beloit, KS; and (2) Between the facilities of Nehi-Royal Crown Bottling Company, Inc., at or near Grand Island, NE and Beloit, KS, on the one hand, and, on the other, Sapulpa and Oklahoma City, OK and points in their respective commercial zones. Supporting shipper: Nehi-Royal Crown Bottling Company, Inc., Robert Herbst, President, Box 1111, Grand Island, NE 68801.

MC 148060 (Sub-5–2TA), filed April 18, 1980. Applicant: STOVER LINES, INC., 5636 NW 17th St., Topeka, KS 66618. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Soybean meal, feed and feed ingredients,* from the facilities of Ralston-Purina Co. in Kansas City and North Kansas City, MO to points in NE and TX. Supporting shipper: Ralston-Purina Co., 2334 Rochester Rd., Kansas City, MO.

MC 148564 (Sub-5–2TA), filed April 14, 1980. Applicant: G. KAY, INC., P.O. Box

222, Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Corn sugar, (except in bulk),* from Macon County, IL to the facilities of Falstaff Brewing Company at Omaha, NE. Supporting shipper: Falstaff Brewing Company, P.O. Box 9038, Omaha, NE 68109.

MC 148819 (Sub-5–3TA), filed April 17, 1980. Applicant: G AND J TRUCKING, INC., 3701 Spradlin Ave., P.O. Box 4201, Ft. Smith, AR 72914. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. *Contract;* Irregular. *Containers* from the facilities of American Can Company in Ft. Smith, AR to Denver CO and Kansas City, MO, and points in their respective commercial zones. Support shipper: American Can Company, 4411 Midland Blvd., Ft. Smith, AR 72904.

MC 148972 (Sub-5–1TA), filed April 16, 1980. Applicant: EDWARD J. WHALEN, d.b.a., WHALEN TRUCK SERVICE, R.R. 2, Auxvasse, MO 65231. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Coal, in bulk, in dump vehicles,* from Mexico Coal Company, Inc., at or near Mexico, MO, to Keokuk, IA. Supporting shipper: Mexico Coal Company, Inc., Rt #1, Ladonia, MO.

MC 150198 (Sub-5–1TA), filed April 18, 1980. Applicant: NASH TRUCKS, INC., Box 158, Altamont, KS 67130. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Soybean meal, feed and feed ingredients,* from the facilities of Ralston-Purina Co., in Kansas City and North Kansas City, MO to points in AR, KS, NE, OK and TX. Supporting shipper: Ralston-Purina Co., 2334 Rochester Ave., Kansas City, MO.

MC 150231 (Sub-5–3TA), filed April 10, 1980. Applicant: MAVERICK TRANSPORTATION, INC., 1803 East Broad Street, Texarkana, AR 75502. Representative: Lawrence R. Leahy (same as applicant). *Iron and steel articles and materials, equipment, and supplies (except in bulk) used in the manufacture of iron and steel articles,* between the plantsites of Merco Manufacturing at or near Little Rock, AR; Dallas, TX; and Houston, TX; on the one hand, and on the other, points in AR, AL, IA, IL, IN, KY, LA, MI, MN, MO, MS, OH, OK, TN, TX, and WI. Supporting shipper: Merco Manufacturing, 2075 Commerce St., Dallas, TX 75208.

MC 150231 (Sub-5–4TA), filed April 10, 1980. Applicant: MAVERICK TRANSPORTATION, INC., 1803 East Broad St., Texarkana, AR 75502. Representative: Lawrence R. Leahy, 1803 East Broad St., Texarkana, AR 75502. *Manufactured wire products and materials, equipment, and supplies (except in bulk) used in the manufacture of wire products,* (1) from the plantsite of Oklahoma Steel and Wire at or near Madill, OK to AR, AL, IA, IL, IN, KY, LA, MI, MN, MO, MS, OH, TN, TX, and WI and (2) from the states mentioned in (1) above to the plantsite of Oklahoma Steel and Wire at or near Madill, OK. Supporting shipper: Oklahoma Steel and Wire, P.O. Box 220, Madill, OK 73446.

MC 150311 (Sub-5–7TA), filed April 14, 1980. Applicant: P & L MOTOR LINES, INC., P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Candy, confectionery, chewing gum, drugs and toilet preparations, in temperature controlled vehicles,* from Brooklyn, NY; Philadelphia, Duryea and Reading, PA; and points in NJ; to points in AR, AZ, CA, CO, IL, KS, LA, MO, NM, OK and TX. Supporting shipper: Confectionery Consolidators, Inc. A Non-Profit Shippers Association, 797 Hillside Road, Rahway, NJ 07065.

MC 150311 (Sub-5–8TA), filed April 16, 1980. Applicant: P & L MOTOR LINES, INC., P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Foodstuffs, (except in bulk),* from points in NY, NJ and San Francisco, CA, to Dallas, Fort Worth and Houston, TX, Little Rock, AR, and Oklahoma City, OK. Supporting shippers: Fanci Foods, Inc., 343 Oyster Point, San Francisco, CA 94080, and Van Besta Company, Inc., 611 Bergen Street, Brooklyn, NY 11238.

MC 150311 (Sub-5–9TA), filed April 18, 1980. Applicant: P & L MOTOR LINES, INC., P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *General commodities (except commodities in bulk and classes A and B explosives)* from the facilities of Dal-Worth Shippers Association and Houston Merchants Shippers Association located in CA, GA, IL, MA, NC, NJ, NY and PA to points in TX. Supporting shippers: Dal-Worth Shippers Association, 212 N. Good Latimer, Dallas, TX 75226, and Houston Merchants Shippers Association, P.O. Box 2241, Houston, TX 77003.

MC 150391 (Sub-5–1TA), filed April 8, 1980. Applicant: WEST TEXAS EXPRESS, 9717 Carnegie Ave., El Paso, TX 79925. Representative: Joe Washington Roberts, 1468 Backus, El Paso, TX 79925. *Common,* regular; *general commodities* from El Paso, TX to Las Cruces, NM over IH 10 and HWY 20/80/85 and return via the same routes serving all intermediate points. Supporting shipper: 5 supporting shippers.

MC 150440 (Sub-5–2TA), filed April 16, 1980. Applicant: UNIVERSAL EXPRESS, LTD., 536 S. 19th Street, West Des Moines, Iowa 50265. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Such commodities as are used in the manufacture of valves and valve control systems,* From Coffeyville, KS; Blackwell and Tulsa, OK, to Marshalltown, IA. Supporting shipper: Fisher Controls Co., Inc., 205 S. Center Street, Marshalltown, IA 50158.

MC 150435 (Sub-5–1) filed April 10, 1980. Applicant: LARRY BRYAN AND JEROLD BRYAN, d.b.a. TRUCKING CO., 1659 Gold, Wichita, Kansas 67213. Representative: Lester C. Arvin, 814 Centrury Plaza Building, Wichita, Kansas 67202. *Lumber and building materials,* (except in bulk), between points in the States of AR, CO, IA, KS, LA, MO, NE, NM, ND, OK, SD, TX, and WI. Supporting shippers: Timber Products, Inc., 2286 South Custer, Wichita, Kansas 67213, and Continental Timber Co., Inc., 116 North Main, Halstead, Kansas 67056.

MC 150458 (Sub-5–TA), filed April 17, 1980. Applicant: JOE MOSLEY TRUCKING CO., INC., P.O. Box 358, West, TX 75591. Representative: Joe E. Mosley, (same as applicant). Contract: Irregular. *Scrap Processing Machinery,* from the facilities of Mosley Machinery Co., Inc., at Waco, TX to AL, CO, FL, IA, KA, LA, MS, NE, OK. Supporting shipper: Mosley Machinery Co., Inc., Post Office Box 1552, Waco, TX 76703.

MC 150496 (Sub-5–1TA), filed April 17, 1980. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Paul A. Maestri, P.O. Box 118, Tontitown, AR 72770. *Such commodities as are dealt in or used by wholesale and retail discount and variety stores, (except in bulk).* Between points in AL, AR, IL, KS, KY, LA, MO, MS, OK, TN and TX. Restricted to traffic originating at or destined to the facilities of Wal-Mart Stores, Inc., Supporting shipper: Wal-Mart, Inc., P.O. Box 116, Bentonville, AR 72712.

MC 150510 (Sub-5–2TA), filed April 7, 1980. Applicant: WITTE BROTHERS EXCHANGE, INC., 690 East Cherry Street, Troy, Missouri 63379. Representative: Charles White, Jr., Arnall, Golden & Gregory, Suite 800, 1019 19th Street, N.W., Washington, DC 20036. *Contract;* Irregular. *Paper and paper products,* between Hazelwood, MO, on the one hand, and points in IL, IN, IA, KS, MI, MN, NE, ND, OH, OK, SD, TX, and WI. Supporting shipper:

Gilman Paper Company, P.O. Box 520, St. Marys, Georgia 31558.

MC 150523 (Sub-5–1TA), filed April 17, 1980. Applicant: GRIFFITH TRUCK BROKERAGE, INC., 2705 North Cage, Pharr, Texas 78577. Representative: Gary L. Griffith, 2705 North Cage, Pharr, Texas 78577. *Contract;* irregular. *Frozen fruits and vegetables in boxes* between La Joya, Texas and points in the United States excluding Alaska and HI. Supporting shipper: Bannworth, Inc., 10½ Mile West Military Hwy, La Joya, Texas.

MC 150565 (Sub-5–2TA), filed April 17, 1980. Applicant: SUNBELT EXPRESS, INC., 909 South Powell St., Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Such commodities as are dealt in by retail, wholesale and discount department, drug and grocery stores (except in bulk),* between the facilities of Wal-Mart Stores, Inc., in Bentonville, AR, and the facilities of Wal-Mart Stores, Inc. located in AL, AR, MO, IL, KY, TN, MS, LA, OK, KS, and TX. Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.

MC 150565 (Sub-5–3TA). Applicant: SUNBELT EXPRESS, INC., 909 South Powell St., Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Such commodities as are dealt in by retail, wholesale and discount department, drug and grocery stores (except in bulk),* from the facilities of Allen Canning Co., in Benton and Washington Counties, AR, and Alma, Ft. Smith, and Van Buren, AR, and Stigler and Westville, OK, and Moorhead, MS, to all points and places in the United States (except AK and HI). Supporting shipper: Allen Canning Co., 305 E. Main St., P.O. Box 250, Siloam Springs, AR 72761.

MC 150577 (Sub-5–1TA), filed April 14, 1980. Applicant: S. B. Campbell, 3906 Quirt Avenue, Route 7, Box 1, Lubbock, TX 79401. Representative: Richard Hubbert, Sims, Kidd, Hubbert & Wilson, P.O. Box 10236, Lubbock, TX 79408. *Iron and steel articles,* from the facilities of All States Steel Corporation of Texas at Houston, TX, to points in NM, AZ and OK. Supporting shipper: All States Steel Corporation of Texas, P.O. Box 9818, Houston, TX 77013.

MC 150578 (Sub-5–1TA), filed April 14, 1980. Applicant: STEVENS TRANSPORT, a division of Stevens Foods, Inc., 2944 Motley Drive, Mesquite, TX 75150. Representative: S. Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses as described in Sections A & C to Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except commodities in bulk), frozen or unfrozen,* from Abilene and Midland, TX to Atlanta, GA, Memphis, TN, Monroe, LA, and Alameda, CA. Supporting shipper: Gooch Packing Company, Inc., 800 Almond Street, Abilene, Texas, 79604.

MC 150583 (Sub-5–2TA), filed April 17, 1980. Applicant: ROSENBERGER ENTERPRISES, INC., P.O. Box 577, Carlisle, IA 50047. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Iron and steel articles,* from the facilities of Detroit Strip Division, Cyclops Corporation, at Detroit, MI and New Haven, CT to points in the United States. Supporting shipper(s): Detroit Strip Division, Cyclops Corporation, Box 09200, Detroit, MI 48209.

MC 150590 (Sub-5–1TA), filed April 16, 1980. Applicant: BILL COATNEY, d.b.a. COATNEY TRUCKING, 611 Frisco, Monett, Missouri 65708. Representative: (same). Contract; Irregular. *Aluminum castings,* between Monett, Missouri, on the one hand, and, on the other, Dallas, Texas, and Houston, Texas, and their commercial zones. Supporting shipper: Olympia Foundry & Fabricators, Inc., 913 Broadway, Monett, Missouri 65708.

MC 150591 (Sub-5–1TA), filed April 14, 1980. Applicant: BAYOU STATE TRUCKING, INC., 639 So. Rendon St., New Orleans, LA 70119. Representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 367, Arlington, VA 22201. *Contract:* Irregular: *Building materials, equipment,* and *supplies (except commodities in bulk),* from Little Rock, AR, Jacksonville, FL, Chicago, IL, Pittsburgh and Bridgeville, PA, Bristol, TN, and Houston and Dallas, TX, to construction jobsite locations and storage facilities on or near the Red River Lock and Dam project located in Catahoula Parish, LA. Supporting shipper: J. A. Jones Construction Company, 1 So. Executive Park, 6060 St. Albans St., Charlotte, NC 28231.

MC 150592 (Sub-5–1TA), filed April 14, 1980. Applicant: SUNFLOWER CARRIERS, INC., P.O. Box 561, York, NE 68467. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in Appendixes A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* (1) from Kingston, NY to points in IL, MI, OH and PA; and (2) from Hawarden, IA to Kingston, NY. Supporting shipper: Hudson Valley Quality Meats, Inc., Alan B. Moore, Executive Vice President, Hurley Avenue, Kingston, NY 12401. Send protest to: Haldon G. West, Acting Regional Managing Director, Interstate Commerce Commission, 411 W. Seventh St. Suite 600, Fort Worth, TX 76102.

MC 150598 (Sub-5–2TA), filed April 17, 1980. Applicant: WILLIAM J. MUNGER, d.b.a., MUNGER TRUCK LINE; P.O. Box 115, Beattie, KS 66406. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *Dry Corn Products,* from the facilites of Lincoln Grain, Inc. at or near Atchison, KS, to points in AR, CO, MN, MT, NE, NM, ND, OK, SD, TN, TX, UT and WY. Supporting shipper: Lincoln Grain, Inc. P.O. 436, Atchison, Kansas 66002.

MC 150599 (Sub-5–1TA), filed April 17, 1980. Applicant: HOWARD and KEN DeYOUNG; d.b.a. DeYOUNG TRUCKING, R.R. 1, Laurens, IA 50554. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Dry animal feed and feed ingredients* from Laurens, IA, to points in IL, MO, NE, NM, WI, ND, SD, GA, TN, OH, NY and PA and *materials and supplies used in the manufacture of animal feed and feed ingredients* except liquid commodities in bulk, from points in the named states to Laurens, Iowa. Supporting shipper: Ration Maker Products, 112 Walnut Street, Laurens, IA 50554.

MC 2229 (Sub-5–4TA), filed April 24, 1980. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Jackie Hill (same address as applicant). (1) *Plastic pipe and materials used in the manufacturirng of plastic pipe, and (2) Power Pumps, power pump parts and assemblies,* from Caddo Parish, LA to all points in the United States (except AK, HI and LA). Supporting shipper(s): Kebco, Inc., 806 W. 62nd Street, Shreveport, LA 71106, and Bingham-Willamette, Co., 7303 W. Park, Road, Shreveport, LA 71129.

MC 2392 (Sub-5–3TA), filed April 24, 1980. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248, West Omaha Station, Omaha, Nebraska 68124. Representative: Keith D. Wheeler, P.O. Box 14248, West Omaha Station, Omaha, Nebraska 68124. *Alcohol, Ethanol in bulk and in tank vehicles* between points in the States of IL, IA, KS, MN, MO, NE, and SD. Supporting shipper(s): Oil Products Inc., P.O. Box 521, Council Bluffs, Iowa 51502; Ecological Energy, 3150 South 58th St., Lincoln, Nebraska 68506; Jones Oil

Company, 2930 North 33rd, Lincoln, Nebraska 68504; and Farmers Union Co-op Elevator Association, P.O. Box 400, 1140 S. Lincoln, Grand Island, Nebraska 68801.

MC 11592 (Sub-5–1TA), filed April 17, 1980. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, Omaha, Nebraska 68107. Representative: F. E. "Jeff" Myers, P.O. Box 7365, Omaha, Nebraska 68107. Transporting *rubber products and such commodities as manufactured and/or dealt in by rubber manufacturers, in truckload lots,* from the facilities of B. F. Goodrich Company located at Akron and Columbus, Ohio to Denver, Colorado. Supporting shipper: The B. F. Goodrich Company, 500 South Main Street, Akron, Ohio 44318.

MC 35320 (Sub-5–15TA), filed April 24, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *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 the Card Corporation, at or near Denver, CO, on the one hand, to the Monterray Coal Company located at or near East Lynn, WV, on the other. Applicant intends to tack to its existing authority and any authority it may obtain in the future and interline. Supporting shipper: The Card Corporation, Post Office 117, Denver, CO 80201.

MC 61955 (Sub-5–2TA), filed April 25, 1980. Applicant: CENTROPOLIS TRANSFER CO., INC., 701 North Sterling, Sugar Creek, MO 65054. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Soybean meal feed and feed ingredients,* from the facilities of Ralston-Purina Co. in Kansas City and North Kansas City, MO to points in AR, KS, NE, OK and TX. Supporting shipper: Ralston-Purina Co., 2334 Rochester Rd., Kansas City, MO.

MC 78400 (Sub-5–7TA), filed April 25, 1980. Applicant: BEAUFORT TRANSFER COMPANY, P.O. Box 151, Gerald, MO 63037. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Charcoal,* from at or near Steelville, MO, to Niagara Falls, NY, Los Angeles, CA, Grand Junction, CO, Amarillo and Houston, TX, Tulsa, OK, Cleveland, OH, Clarksburg, WV, New Orleans, LA, Roswell, NM, Pocatello, ID, and Shelbyville, IN. Supporting shipper: Hardwood Charcoal Company, Steelville, MO 65565.

MC 88380 (Sub-5–2TA), filed April 23, 1980. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Road, P.O. Box 4309, Fort Worth, TX 76106. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. *Spent batteries used in recycling,* from Albuquerque, NM; Kansas City and Wichita, KS; Phoenix and Tucson, AZ; Denver, Commerce City and Colorado Springs, CO, to Dallas, TX. Supporting shipper: RSR Corporation, 1111 West Mockingbird Lane, Dallas, TX 75247.

MC 105566 (Sub-5–6TA), filed April 25, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. *Printed matter* from Luzerne County, PA to all points in AZ, CA, CO, ID, MO, MT, NM, NV, OR, TX, UT, WA, and WY. Supporting shipper: Berkley Publishing Group, 200 Madison Avenue, New York NY 10016

MC 106398 (Sub-5–22TA), filed April 25, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, OK 74120. *Iron and steel articles* from the facilities of Bull Moose Tube Company at Gerald, Missouri to points in AL, AR, GA, IN, IL, KS, KY, LA, MI, MS, OH, OK, TN, TX and VA Supporting shipper: Bull Moose Tube Company, P.O. Box 214, Gerald, MO 63037.

MC 106400 (Sub-5–5TA), filed April 21, 1980. Applicant: KAW TRANSPORT COMPANY, P.O. Box 8510, Sugar Creek MO 64054. Representative: Harold D. Holwick (same as applicant). *Asphalt, in bulk, in tank vehicle,* from Kansas City, KS to Boone County, AR. Supporting shipper: Union Asphalt & Roadoils, Inc., 458 Donovan Road, Kansas City, Kansas 64115.

MC 114284 (Sub-5–1TA), filed April 23, 1980. Applicant: FOX–SMYTHE TRANSPORTATION CO., P.O. Box 82307, Oklahoma City, OK 73148. Representative: M. W. Thompson, Vice President, P.O. Box 82307, Oklahoma City, OK 73148. *Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A & C of Appendix I to the report in descriptions in motor carriers certificates 61 M.C.C. 209 and 766. (Except hides and commodities in bulk),* from the facilities of Service Packing company at Oklahoma City, OK to points in CA. Supporting shipper: Service Packing Company, 915 SW, 5th Street, Oklahoma City, OK 73125.

MC 115213 (Sub-5–2TA), filed April 23, 1980. Applicant: ELLIOTT & FIKES TRUCK LINE, INC., P.O. Box 8827, Pine Bluff, AR 71611. Representative: Horace Fikes, Jr., 105 National Building, Pine Bluff, AR 71601. *Transformers and transformer parts, equipment, materials and supplies used in the manufacture thereof, except articles which because of size or weight require the use of special equipment.* Between the facilities of Central Transformer Corporation, Pine Bluff, AR, and all points in the United States except AK and HI. Between Arcadia, FL and all points in the United States except AK and HI. Supporting shipper: Central Moloney Corporation, P.O. Box 6608, Pine Bluff, AR 71611.

MC 119988 (Sub-5–8TA), filed April 23, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., Post Office Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. *Motor vehicle parts* and *motor vehicle accessories,* between Dallas, TX, on the one hand, and on the other, points in AZ and CA. Supporting shipper: Sigman-Pittman Distributing Co., Inc., 9200 Ambassador Road, Dallas, TX 75247.

MC 119988 (Sub-5–9TA), filed April 24, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75901. Representative: E. Larry Wells, P.O. Box 45538, Dallas, Texas 75245. *Power transmission machinery and related parts, attachments, and accessories and supplies (except those commodities which because of size or weight require the use of special equipment)* (1) from Chambersburg, PA to Chicago, IL; Dallas, TX; Atlanta, GA; San Leandro, CA and Trenton, TN; and (2) from Trenton, TN to Chicago, IL; Dallas, TX; Atlanta, GA; San Leandro, CA and Chambersburg, PA. Supporting shipper(s): T. B. Woods Sons Company, 440 N. Fifth Avenue, Chambersburg, Pennsylvania 17201.

MC 126118 (Sub-5–14TA), filed April 24, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *(1) Such commodities as are dealt in by food and grain processors* (except commodities in bulk, in tank vehicles); and *(2) commodities which are otherwise exempt from economic regulation under the Interstate Commerce Act (49 U.S.C. 10526(a)(6)) when moving in mixed loads with the commodities described in (1) above,* from points in the Birmingham, AL and St. Louis, MO commercial zones and

points in IL, IN, IA, KS, MI, MN, NJ, NY, NC, OH, PA, TN, UT and WI to points in IA, KS, and NE. Restriction: Restricted against traffic moving from points in IA to points in IA and from points in KS to points in KS. Supporting shipper: Westin, Inc., Richard S. Westin, President, 4727 Center St., Omaha, NE 68106.

MC 126473 (Sub-5-1TA), filed April 24, 1980. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Diesel Fuel,* from Chicago, IL to Walcott, IA. Supporting shipper: William Moon, I-80 Truck Stop, Walcott, IA 52773.

MC 129784 (Sub-5-1TA), filed April 7, 1980. Applicant: DAVISON TRANSPORT, INC., P.O. Drawer 846, Ruston, LA 71270. Representative: Tom E. Moore, P.O. Drawer 846, Ruston, LA 71270. *Salt Cake, in bulk,* from Hobbs, NM to Hodge, LA. Supporting shipper: Continental Forest Industries, Hodge, LA.

MC 133591 (Sub-5-4TA), filed April 24, 1980. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. (1) *Electric motors, grinders, buffers, dental lathes, dust collectors and pedestals;* (2) *parts, accessories and attachments for commodities described in (1);* and (3) *materials, equipment and supplies used in manufacture and distribution of commodities described in (1) and (2)* from St. Louis, MO to Westville, OK and Columbus, MS. Supporting shipper: Baldor Electric Company P.O. Box 2400, Fort Smith, AR 72902.

MC 135678 (Sub-5-4TA), filed April 23, 1980. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 20th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. (1) *Cabinets, radio, phonograph, tape or wire player or recorder, or loud speaker, wire on spindle full or empty, Carts, market basket, two-wheeled, or basket carts, self-service store four wheeled, KD flat, folded flat, SU, nested; or SU, three or more telescoped; or parts thereof, NOI mechanism or apparatus SU Box type;* (2) *Horn, sound amplifying or directing w/o electrial components, Wooden, SU, not nested; Horns signals, sound warning, NOI, Electrical appliances or instruments, NOI; or loud speakers, dynamic or electro-magnet or permanent magnet type w/o cabinets, housing or horns, or in other than Console type cabinets or housing;* (3) *Stands, Microphone, floor, with cast iron bases, bases separated. Sets, radio amplifiers; Transformers, NOI, weighing each 25 pounds, or Transformer parts, NOI;* (4) *Equipment, materials and supplies used in the manufacturing of commodities set out in Par. (1), (2), and (3),* from Gardena, Downey, Hawthorne, Azusa and Anaheim, CA and Bend, OR to Oklahoma City, OK. Supporting shipper: Altec Lansing Sound Products, 10500 West Reno, Oklahoma City, OK 73127.

MC 135678 (Sub-5-5TA), filed April 23, 1980. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Canned Goods, Rice in Boxes or bags; Noodles in packages, Vinegar or Sauce in bottles; Wines in cases; Paint in drums; Pail Cases; and Hard Candies in boxes,* from points in CA and NV to points in OK. Supporting shipper: East West Pacific Inc/Cao Nguyen, 2502 N. Military, Oklahoma City, 73106.

MC 135762 (Sub-5-1TA), filed April 25, 1980. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, Fort Smith, AR 72913. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *Contract* irregular, *New furniture, and materials, equipment, and supplies used in the manufacture, sale, or distribution of new furniture (except in bulk),* between the facilities of Barkel, Inc., at or near New Braunfels, TX on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Barkel, Inc., New Braunfels.

MC 135797 (Sub-5-26TA), filed April 24, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esquire, P.O. Box 130, Lowell, Arkansas 72745. *Foodstuffs* from Philadelphia, PA, to Union City, CA. Supporting shipper: Sunlight Foods, Inc., 2114 Adams Avenue, San Leandro, CA 94500.

MC 136786 (Sub-5-18TA), filed April 24, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, Iowa 50313. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A. 7400 Metro Boulevard, Suite 411, Edina, Minnesota 55435. *Foodstuffs, except in bulk, in tank vehicles,* from the facilities of Aunt Jane's Foods, Inc., at or near Croswell, MI to points in CT, DC, MD, MA, ME, NH, NJ, NY, PA, RI, and VT. Supporting shipper: Aunt Jane's Foods, Inc., 55 East Sanborn Avenue, Croswell, MI 48422.

MC 138328 (Sub-5-3TA), filed April 23, 1980. Applicant: CLARENCE L. WERNER d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. *Charcoal and charcoal briquettes, and materials, equipment and supplies used in the manufacture of distribution of such commodities (except commodities in bulk),* between points in the United States (except AK and HI), restricted to traffic originating at or destined to facilities utilized by Husky Industries, Inc. Supporting shipper: Husky Industries, Inc., 62 Perimeter Center East, Atlanta, Georgia 30346.

MC 139206 (Sub-5-2TA), filed April 23, 1980. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: John McBride (same address as applicant). Contract, Irregular. *Mineral wool insulation,* from the facilities of Foam Products Corporation at Maryland Heights, MO, to Houston TX. Supporting shipper: Foam Products Corporation, 2525 Adie Road, Maryland Heights, MO 63043.

MC 139973 (Sub-5-3TA), filed April 25, 1980. Applicant: J.H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Steel wire rope and fittings,* Between Sedalia, MO, on the one hand, and, on the other, all points in the United States (except AK and HI). Supporting shipper: Broderick & Bascom Rope Co., 10440 Trenton, St. Louis, MO 63132.

MC 140717 (Sub-5-10TA), filed April 23, 1980. Applicant: JULIAN MARTIN, INC., Highway 25 West, P.O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Contract, Irregular. *Meat, meat products and meat byproducts and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in IA, and Fairmont, MN, Sedalia, MO, Lincoln, NE, Cincinnati, OH, Oklahoma City, OK and San Antonio, TX, under a continuing contract with Distribuco, Inc., of Denver, CO. Supporting shipper: Distribuco, Inc., P.O. Box 280, Greenville, MS 38701.

MC 140829 (Sub-5-17TA), filed April 25, 1980. Applicant: CARGO, INC., P.O. Box 206, U.S. Hwy. 20, Sioux City, IA 51102. Representative: David L. King, Vice President, P.O. Baox 206, U.S. Hwy. 20, Sioux City, IA 51102. *Paints, stains,*

varnishes, and caulking compounds with related display and advertising materials, and materials, equipment and supplies used in the manufacture of paints, stains, varnishes, and caulking (except commodities in bulk), between the facilities of United Coatings, Inc., at Chicago, IL; Indianapolis, IN; and Memphis, TN, on the one hand, and, on the other, points in the states of CO, NE, ND and SD. Supporting Shipper(s): United Coatings, Inc., 3050 North Rockwell, Chicago, IL 60618.

MC 142463 (Sub-5–1TA), filed April 24, 1980. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha St., Sioux City, IA 51103. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. *Meat scraps, meat meal, blood meal, bone scraps, bone meal, and other meat by-products, except grease, lard and tallow,* between the facilities utilized by John Morrell & Co., at or near Sioux City, IA and Sioux Falls, SD. Restricted to the transportation of traffic originating at the facilities of John Morrell & Co. Supporting shipper: John Morrell & Co., 208 South LaSalle St., Chicago, IL 60604.

MC 143649 (Sub-5–1TA), filed April 16, 1980. Applicant: FIGANBAUM TRUCKING, INC., R.R. No. 1, Sumner, Iowa 50674. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Fertlizer,* from points in Dakota County, MN, to points in IA, restricted to traffic for Land O'Lakes. Supporting shipper: Land O'Lakes, Agricultural Services Division, 2827 Eight Avenue S., Fort Dodge, Iowa 50501.

MC 144136 (Sub-5–3TA), filed April 25, 1980. Applicant: STOVER LINES, INC., 5636 NW. 17th St., Topeka, KS 66618. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L; Topeka, KS 66612. *Cereal malt beverage,* From the Commercial Zone of Ft. Worth, TX; Peoria, IL; Belleville, IL and Milwaukee, WI to points and places in the Commercial Zone of Topeka, KS and Manhattan, KS. Supporting shipper: Capital Distributing Co., Inc. B&B Distributing Co. Inc., 4601 Adams St., Topeka, KS.

MC 144622 (Sub-5–19TA), filed April 25, 1980. Applicant: GLENN BROTHERS, TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). *Hardwood flooring, such materials and supplies used in the manufacture and distribution of hardwood flooring (except in bulk)* from all points in the United States (except AK and HI) to Warren, AR, restricted to the facilities of our utilized by Sykes Flooring Division of Masonite at or near Warren, AR. Supporting shipper: Sykes Flooring Products, P.O. Box 999, Warren, AR 71671.

MC 145119 (Sub-5–3TA), filed April 25, 1980. Applicant: LINT TRANSFER, INC., 4549 Delaware Avenue, Des Moines, IA 50313. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Contract,* irregular: *Tires, tire parts and inner tubes,* from Newton, Pella and Ottumwa, IA, to points in IL, MN, MO, NE, ND, SD and WI, under contract with the Firestone Tire & Rubber Company. Supporting shipper: The Firestone Tire and Rubber Company, 2nd and Hoffman, P.O. Box 1295, Des Moines, IA 50305.

MC 145384 (Sub-5–5TA), filed April 24, 1980. Applicant: ROSE-WAY, INC., 1914 E. Euclid, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Street sweepers, self-propelled; industrial plant sweepers; self-propelled; brush chippers; jet runway cleaners; sewer cleaners and catch basin cleaners and flushers, mounted or unmounted; and brushes and parts for the above commodities,* between the facilities of FMC Corporation Sweeper Division at or near Pomona, CA, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper(s): FMC Corporation Sweeper Division, 1201 East Lexington Street, Pomona, CA 91766.

MC 145441 (Sub-5–15TA), filed April 24, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, AR 72119. *Alcoholic Beverages, (except in bulk),* from San Antonio, TX to Little Rock, AR. Supporting shipper: Carlisle Distributing Co., Inc., 1601 E. 5th, North Little Rock, AR 72114.

MC 145955 (Sub-5–2TA), filed April 14, 1980. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Such commodities as are dealt in by wholesale and retail grocery and food businesshouses* (except commodities in bulk in tank vehicles), from the facilities of A. E. Staley Mfg. Co. in the Chicago, IL commercial zone to points in IA, MO, NE, and Denver, Colorado Springs, and Grand Junction, CO. Supporting shipper: A. E. Staley Mfg. Co., 2222 Kensington Court, Oak Brook, IL 60521.

MC 145955 (Sub-5–3TA), filed April 25, 1980. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Such commodities as are dealt in by retail, chain, grocery and food businesshouses* (except commodities in bulk), from the facilities of Topco Associates, Inc. at Chicago, IL to Springfield, Kansas City, and St. Louis, MO; Hutchinson, KS; Omaha, NE; and Denver and Grand Junction, CO. Supporting shipper: Topco Associates, Inc., 7711 Gross Point Road, Skokie, IL 60077.

MC 146078 (Sub-5–7TA), filed April 23, 1980. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Gas or electrical appliances and parts, materials, supplies and equipment used in the distribution or repair of appliances,* from the facilities of Whirlpool Corporation at Evansville, IN, to all points and places in AR, CO, KS, LA, MO, TN, and TX. Supporting shipper: Whirlpool Corporation, 2000 U.S. 33, North, Benton Harbor, MI 49022.

MC 146078 (Sub-5–8TA), filed April 23, 1980. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Glass containers and materials, equipment, and supplies utilized in the manufacture and distribution thereof,* between the facilities of Midland Glass Co., Inc. at Warner Robbins, GA; Cliffwood, NJ; Terre Haute, IN; Shakopee, MN; and Henryetta, OK, on the one hand, and, on the other, all points and places in the United States. Supporting shipper: Midland Glass Company, Inc., P.O. Box 557, Cliffwood, NJ 07721.

MC 146522 (Sub-5–5TA), filed April 25, 1980. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Contract,* irregular: *Such commodities as are dealt in or used by agricultural equipment, industrial equipment, and lawn and leisure product manufacturers and dealers (except commodities in bulk)* betweeen the facilities of the Parts Distribution Warehouse of Deere & Company at Milan, IL, on the one hand, and, on the other, Burlington, IA and Denver, CO under continuing contract(s) with Deere & Company. Supporting shipper(s): John Deere Parts Distribution Warehouse, Div. of Deere & Company, 1600 First Avenue, East, Milan, IL 61264.

MC 146668 (Sub-5–2TA), filed April 25, 1980. Applicant: MICHAEL BENNETT TRUCKING, INC., 16 E. Amador,

Seneca, KS 66538. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Soybean meal feed and feed ingredients,* From the facilities of Ralston-Purina Co., in Kansas City and North Kansas City, MO to points in AR, KS, NE, OK and TX. Supporting shipper: Ralston-Purina Co., 2334 Rochester Rd., Kansas City, MO.

MC 148035 (Sub-5–3TA), filed April 23, 1980. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Fertilizer and fertilizer solutions,* From Falls City, Blair, and LaPlatte, NE to Westboro, MO and Shenandoah, IA. Supporting shipper: Midwest Agriservices, Inc., P.O. Box 1725, Salina, KS 67401.

MC 149277 (Sub-5–1TA), filed April 24, 1980. Applicant: MID-SOUTH TRANSPORTATION, INC., Post Office Box 113, Springdale, AR 72764. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Hydro coolers and brick packaging machinery and parts, equipment and supplies used in the manufacturing, sale and distribution thereof,* between the facilities of Clarksville Machine Works, at or near Clarksville, AR, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Clarksville Machine Works, Post Office Box 160, Clarksville, AR 72830.

MC 150231 (Sub-5TA), filed April 23, 1980. Applicant: MAVERICK TRANSPORTATION, INC., 1803 East Broad St., Texarkana, AR 75502. Representative: Lawrence R. Leahy, 1803 East Broad St. Texarkana, AR 75502. *Concrete roofing tile* from the plantsites of National Tile Industries, Inc. at or near Shawnee, Oklahoma to AR, AL, IA, IL, IN, KY, LA, MI, MN, MO, MS, OH, TN, TX and WI. Supporting shipper: National Tile Industries, Inc., 706 West Independence, Shawnee, OK 74801.

MC 150530 (Sub-5–2TA), filed April 23, 1980. Applicant: IKE HALL and JAMES THARP, d.b.a. IKE HALL WHOLESALE CO., 717 McLain Street, Newport, Arkansas 72112. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, Arkansas 72201. *Ground limestone and roofing granules (in bulk),* between the facilities of Owen-Corning Fiberglass Corporation in Batesville and Little Rock, AR on the one hand, and, on the other, Memphis, TN. Supporting shipper: Owens-Corning Fiberglass Corporation, Fiberglass Tower, Toledo, Ohio 43659.

MC 150645 (Sub-5–2TA), filed April 22, 1980. Applicant: TILEWAYS, INC., 7834 Hawn Freeway, Dallas, TX 75217. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *Contract;* irregular. *(1) Clay glaze tile and materials and supplies used in the manufacturing and installation of clay glaze tile; and (2) materials, both raw and finished, utilized by the Dal-Tile Corporation* (1) From Dallas and Laredo, TX to points in the US (except AK and HI); and (2) limited to traffic originating at or destined to the facilities, suppliers, or customers, of the Dal-Tile Corporation, between all points in the US (except AK and HI). Supporting shipper(s): Dal-Tile Corporation, 7834 Hawn Freeway, Dallas, TX 75217.

MC 150660 (Sub-5–1TA), filed April 24, 1980. Applicant: BALVANZ TRUCKING, INC., Hubbard, IA 50122. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, Telephone: 515–682–8154, 515–682–3403. (1) *Straw Mats used for grass lawns,* from Pleasantville, IA and Kansas City, MO to points in the US, (except AK and HI), and (2) *Materials, Equipment and supplies used in the manufacture, processing, sale and distribution of the commodities in (1) above,* from points in the US to Pleasantville, IA and Kansas City, MO. Supporting shipper: Action Lawns, Inc., P.O. Box U, Hwy. 5 North, Pleasantville, IA 50225.

MC 143152 (Sub-5–1TA), filed April 4, 1980. Applicant: HODGE TRUCKING COMPANY P.O. Box 386 Hoxie, AR 72433. Applicants' representative: Thomas B. Staley 1550 Tower Building Little Rock, AR 72201. *Ground clay (in bulk),* from Ripley, MS, and Ochlockne, GA, to points and places in the states of IL, IN, AR, IA, NE, KS, AL, TX, LA, OK, MN, WI, MO, TN, NC and SC. Supporting shipper: Oil-DRI Corp. of America 520 N. Michigan Chicago, IL 60611.

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 6. SEND PROTESTS TO: INTERSTATE COMMERCE COMMISSION, REGION 6, MOTOR CARRIER BOARD, P.O. BOX 7413, SAN FRANCISCO, CA 94120.

MC 11722 (Sub-6–1TA), filed April 18, 1980. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 NE Weidler, Portland, OR 97232. *Cans and can ends,* from Kent and Seattle, WA, to Great Falls, MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Coca Cola Bottling Company, James M. Wylder, President, 933–38th Street N., Great Falls MT 54901.

MC 150609 (Sub-6–1TA), filed April 21, 1980. Applicant: RONALD R. McINTYRE, d.b.a. D & R TRANSPORT LEASING, 36077 Road 160, Visalia, CA 93277. Representative: Ronald R. McIntyre, 30677 Road 160, Visalia, CA 93277. Contract carrier, over irregular routes, transporting: (1) Paper and paper products, and (2) supplies and materials used in the manufacture and distribution of paper and paper products, from points in OR and WA to points in CA, under a continuing contract(s) with Sassoon-Scherman Fibers Co. of Los Angeles, CA, for 180 days.

MC 56640 (Sub-6–2TA), filed April 18, 1980. Applicant: DELTA LINES, INC., P.O. Box 2081, Oakland, CA 94604. Representative: Kirk Wm. Horton, 333 Hegenberger Road, Wells Fargo Bank Building, Suite 400, Oakland, CA 94621. *Canned and preserved foodstuffs* from the facilities of the J. M. Smucker Company at or near Salinas, CA, to points in WA for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper: The J. M. Smucker Company, 1275 Hansen Street, Salinas, CA 93901.

MC 56640 (Sub-6–3TA), filed April 21, 1980. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, CA 94621. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. *Canned foodstuffs,* from the facilities of Campbell Soup Company, at Sacramento, CA to points in AZ, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Campbell Soup Company, P.O. Box 1406, Sacramento, CA 95807.

MC 148870 (Sub-6–1TA), filed April 21, 1980. Applicant: GOODALL'S CHARTER BUS SERVICE, INC., P.O. Box 24, La Mesa, CA 92041. Representative: James C. Ruane or David L. Bain (same as applicant). *Passengers and their baggage, in the same vehicle with passengers,* in charter operations from San Diego and Imperial counties, CA to any point(s) within OR, WA, ID, NV, AZ, NM, TX, CO, UT, WY and MT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Sports America Tours, Inc., 15 Pamaron Way, Suite A, Novato, CA 94947.

MC 125916 (Sub-6–3TA), filed April 21, 1980. Applicant: NORWOOD TRANSPORTATION, INC., 2232 South 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, 800 Beneficial Life Tower, 36 South State Street, Salt lake City, UT 84111. *Salt,* in bulk, from Potash, UT to Denver, Henderson, and Lucerne, CO for 180 days. An underlying ETA seeks 90 days

authority. Supporting shipper: Texasgulf Chemicals Co., 4509 Creedmoor Road, Raleigh, NC 27622.

MC 105016 (Sub-6–1TA), filed April 18, 1980. Applicant: PELLISSIER TRUCKING, INC., 1002 Hostetler, P.O. Box 192, The Dalles, OR 97058. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. *Aluminum Smelting Residue*, in bulk, in dump type trailers, between the facilities of Martin Marietta Aluminum, Inc. located at or near The Dalles, OR and Cliffs, WA, for 180 days. An emergency temporary authority seeks 90 days authority. Supporting shipper: Martin Marietta Aluminum, Inc., 6801 Rock Ledge Dr., Bethesda, MD 20034.

MC 150502 (Sub-6–1TA), filed April 18, 1980. Applicant: REBANDA TRANSPORTATION, INC., 2323 Madrone Avenue, Healdsburg, CA 95448. Representative: William D. Taylor of Handler, Baker, Greene & Taylor, P.C., 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Contract Carrier* Irregular routes: *Musician's equipment, materials and supplies and show materials used in connection with concerts to be presented by Shipper* between points in the United States (Except AK and HI) under continuous contract or contracts with Nightmare Productions, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Nightmare Productions, Inc., 2728 Union Street, San Francisco, CA 94128.

MC 135082 (Sub-6–6TA), filed April 21, 1980. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, Albuquerque, NM 87125. Applicant's representative: Charles Midkiff (same as applicant). *Pipe, pipe fittings, conduit, couplings, building materials and materials and supplies, used in the installation thereof*, from the facilities of the Certainteed Corporation McPherson, KS, to points in AZ, CO, and NM for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Certainteed Corporation, 1400 Union Meeting Road, Blue Bell, PA, 19422.

MC 148137 (Sub-6–2TA), filed April 21, 1980. Applicant: STANTON SALES & TRANSPORTATION CO., 11135 S.W. Industrial Way, Tualatin, Oregon 97062. Applicants representative: Thomas Y. Higashi, Attorney at Law, 2075 S.W. First Avenue—#2–N, Portland, Oregon 97201. *Contract carrier;* irregular routes; *furniture and furniture parts* from the facilities of Lunn Manufacturing Division, a Subsidiary of Stanton Industries, Inc. at or near Phoenix, AZ to points and places in OR, WA, CA, CO, NV, UT, NM, TX, and OK for the account of Lunn Manufacturing Division, a Subsidiary of Stanton Industries, Inc., for 180 days. Supporting shipper: Lunn Manufacturing Division, a Subsidiary of Stanton Industries, 3801 N. 40th, Phoenix, AZ 85019.

MC 136818 (Sub-6–5TA), filed April 17, 1980. Applicant: SWIFT TRANSPORTATION CO., INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Applicant's representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. *Bananas and agriculture commodities exempt from regulation under Section 10526 A6 of the Interstate Commerce Act* when moving in mixed loads with bananas, from Gulf Port, MS and Galveston, TX, to points in MO, KS, IA, OK, NE, MN, WI, TX, CO, AR, and IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Castle and Cooke Foods, P.O. Box 8743, Metairie, LA 70011.

MC 150606 (Sub-6–TA), filed April 18, 1980. Applicant: JOSEPH H. UNDERWOOD, d.b.a. UNDERWOOD'S MOBILE HOME EXPRESS, Star Route, Janesville, CA 96114. Applicant's representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *Mobile Homes*, from points in Sacramento, Yuba, Solano and Yolo Counties, CA to points in Lassen County, CA via California and Nevada Highways, for 180 days, an underlying ETA seeks 90 days authority. Supporting shippers: There are 7 statements in support to this application which may be examined at the ICC Regional Office in San Francisco, CA.

MC 143993 (Sub-6–1TA), filed April 22, 1980. Applicant: BLACK HILLS TRUCKING, INC., 106 River Cross Road, Casper, WY 82601, Applicant's representative: Manuel A. Lojo, 106 River Cross Road, Casper, WY 82601. *Petroleum, in bulk*, from points in Hutchinson County, TX to points in Ellis and Harper Counties, OK for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: True Oil Purchasing Company, P.O. Drawer 2360, Casper, WY 82602.

MC 113678 (Sub-6–8TA), filed April 21, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner (same address as above). *Meat, meat products, meat by-products, and articles distributed by packinghouses* (except hides and commodities in bulk) from Ft. Morgan, CO, to Jacksonville and Tampa, FL, for 180 days. An underlying ETA seeks 90 days authority.

Note.—This application is to substitute direct line service for joint-line service per Ex Parte MC–109.

MC 146585 (Sub-6–1TA), filed April 21, 1980. Applicant: DOUBLE DD TRUCK LINE, INC., P.O. Box 230, Canby, OR 97013. Applicant's representative: Jerry R. Woods, Suite 1440, 200 Market Bldg., Portland, OR 97201. *Building materials*, from points in OR and WA to points in CA, AZ, NM, NV, ID, MT, UT, WY, ND, SD, NE, OK, TX, CO, AR, KS, MO, IA, MN, WI, IL, MI and KY, restricted to the transportation of traffic originating at the facilities of or used by Plastic Components, Inc., for 180 days. Supporting shipper: Plywood Components, Inc., 6523 N.E. Old Salem Road, Albany, OR 97321.

MC 124679 (Sub-6–13TA), filed April 22, 1980. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Michael L. Bunnell (same as applicant). *Wooden Kitchen Cabinets* from Salt Lake City, UT to Denver, CO, for 180 days. Supporting shipper: Olympia Sales & Manufacturing, 1537 South 700 West, Salt Lake City, UT 84119.

Note.—Applicant holds motor contract carrier authority in number MC–128813 and subnumbers thereunder, therefore dual operations may be involved. An underlying ETA seeks 90 days authority.

MC 124679 (Sub-6–14TA), filed April 22, 1980. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Michael L. Bunnell (same as applicant). *Wooden Kitchen Cabinets* from Berryville, VA and Louisville, KY to Salt Lake City, UT, for 180 days. Supporting shipper: Oscar Chytraus Company, 175 West 2700 South, Salt Lake City, UT 84119.

Note.—Applicant holds motor contract carrier authority in number MC–128813 and subnumbers thereunder, therefore dual operations may be involved. An underlying ETA seeks 90 days authority.

MC 109689 (Sub-6–4TA), filed April 21, 1980. Applicant: W. S. HATCH CO., P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, Attorney at Law, 10 West Broadway, #400, Salt Lake City, UT 84101. *Phosphorous acid*, in bulk, in lined tank vehicles, from Bayonne, NJ; Buffalo, NY; Crosby, TX; Elgin, SC; Elyria, OH; Henderson, NV; Hometown, PA; Mapleton, IL; Memphis, TN; and Mount Pleasant, TN, to Los Angeles County, CA, for 180 days. An underlying ETA seeks 90 days' authority. Supporting shipper: Henkel Corporation, 12607 Cerise Avenue, Hawthorne, CA 90250.

MC 48958 (Sub-6–2TA), filed April 22, 1980. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Representative: Lee E. Lucero (same

address as applicant). *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 commodities in bulk), from the facilities of the Rath Packing Company, located at or near Columbus Junction and Waterloo, IA, to points in AZ, CA, CO, KS, MO, NV, NM, OK, and TX, for 180 days. An underlying ETA seeks 90 days' authority. Supporting shipper: The Rath Packing Company, P.O. Box 330, Waterloo, IA 50704.

MC 139906 (Sub-6-14TA), filed April 22, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 30303, Salt Lake City, Utah 84127. Representative: Mr. Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Household products;* from the facilities of Blue Cross Laboratories, Inc., at or near North Hollywood, CA, to Junction City, KS, and points in its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Blue Cross Laboratories, Inc., 7376 Greenbush Avenue, North Hollywood, CA 91605.

MC 117415, filed April 21, 1980. Applicant: JENSEN TRUCKING CO., INC., P.O. Box 402, American Fork, UT. Representative: Jack L. Jensen (same as applicant). *Lumber, millwork and wood products* from WA, OR, ID, and MT to all points in UT for 180 days. Supporting shippers: Glu-Laminated Wood Systems, Inc., general delivery, Magna, UT.; Whitewater Lumber Co., P.O. Box 768, Eugene, OR 97440. Hearing site: Reno, NV.

MC 133816 (Sub-6-1TA), filed April 21, 1980. Applicant: K & K WHOLESALE CO., P.O. Box 328, Lowell, OR 97452. Representative: Howard E. Speer, 835 East Park Street, Eugene, OR 97401. *Cedar shakes* from points in the 18 Oregon counties west of the eastern boundary of Multnomah, Clackamas, Marion, Linn, Lane, Douglas and Jackson Counties, OR to points in Maricopa County, AZ, for 180 days. Supporting shipper: Oregon Cedar Products Co., P.O. Box 198, Springfield, OR 97477.

MC 124735 (Sub-6-1TA), filed April 21, 1980. Applicant: R. C. KERCHEVAL, JR., 2214 Fourth S., Seattle, WA 98134. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier:* irregular routes: *General commodities (except Class A and B explosives), household goods as defined by the Commission, commodities in bulk, articles of unusual value, and commodities which because of their size and weight require the use of special equipment,* from Seattle, WA, to points in the U.S. excluding AK and HI, for the account of Puget Sound Shippers Assn., for 180 days. Supporting shipper: Puget Sound Shippers Assn., Rm. 220 Sea-Tac International Airport, P.O. Box 6892, Riverton Heights Branch, Seattle, WA 98188.

MC 142998 (Sub-6-1TA), filed April 21, 1980. Applicant: LAUGHLIN LINES, INC., 2527 N. Carson St., Ste. 205, Carson City, NV 89701. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Frozen foods,* from the facilities of Foodways National, Inc., at or near Hartford and Wethersfield, CT, to Burley, ID, Plover, WI, Breenville, MI, Ontario, OR, Syracuse, NY, Allentown, PA, Atlanta, GA, Dallas, TX, Massillon, OH, and Bonner Springs, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Foodways National, Inc., P.O. Box 41, Boise, ID 83707.

MC 118518 (Sub-6-1TA), filed April 21, 1980. Applicant: MUKLUK FREIGHT LINES, INC., 3812 Spenard Road, Anchorage, AK 99503. Representative: Leo C. Franey, 918 16th Street, NW., Washington, DC 20006. *General commodities* (except Classes A and B explosives and household goods as defined by the Commission) between points in that part of the Kenai Peninsula, AK, south of an imaginary line extending east and west through Girdwood, AK, including Girdwood, AK, for 180 days. Supporting shipper: Litwin Corporation, Box 1281, Houston, TX 77001.

Note.—Applicant intends to tack the authority sought with existing authority at Girdwood, AK, to provide a through service in the transportation of commodities requiring special equipment between the points sought and points in Alaska.

MC 110325 (Sub-6-32TA), filed April 21, 1980. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Esq., Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. *General commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between Kansas City, MO and St. Louis, MO, serving the intermediate point of Columbia, MO, and points in Boone, Callaway and Cole Counties, MO, as off-route points, also serving St. Louis, MO and the junction of MO Hwy 5 and U.S. Hwy 66 for purposes of joinder only; from Kansas City over Interstate Hwy 70 to St. Louis, and return over the same route for 180 days.

Note.—Applicant proposes to tack the authority sought with its authority in MC-110325 and Subs thereto, and proposes to interline with other motor carriers. An underlying ETA seeks 90 days' authority. Shippers: There are forty-five (45) supporting shippers. The statements of support may be examined at the office listed above.

MC 148390 (Sub-6-2-TA), filed April 21, 1980. Applicant: TRIWAYS, INC., 2455 East 27th St., Los Angeles, CA 90058. Representative: William Davidson, 2455 East 27th St., Vernon, CA 90058. *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment) moving on Bills of Lading of Freight Forwarders operating pursuant to Part IV of the Interstate Commerce Act, from points in CA to points in OR and WA, for 180 days. An underlying ETA was granted in MC-14839OR. Applicant holds Temporary Motor Contract Carrier Authority in MC-147315 Sub 1 and Sub 2 TA and therefore dual operations may be involved. Supporting shipper: Superior Fast Freight, 611 No. Mission Road, Los Angeles, CA 90033.

MC 150611 (Sub-6-1TA), filed April 21, 1980. Applicant: TOM'S CLASSIC TRANSPORT, INC., Route 1, Box 387 (no street number), Sumner, WA 98390. Representative: Tom Skidmore (same address as applicant). *Antique, classic and vintage cars and tires,* between points in WA, OR, ID, AZ, CA & NV, for 180 days. Supporting shippers: There are six shippers. Their statements may be examined at the Regional office listed.

MC 145689 (Sub-6-1TA), filed April 18, 1980. Applicant: UNION TRACTOR COMPANY, INC., South of Havre, P.O. Box 1426, Havre, MT 59501. Representative: George R. Crotty, Jr., Suite 200, 18 Sixth St. North, Great Falls, MT 59401. *Chemicals, plastic materials and sheeting, resins, paints, solvents, drying agents, lubricants, plasticizers, acids, and expanded foam* except commodities in bulk. From, to, or between points in MD, MA, NJ, OH on the one hand and points in AZ, CA, ID, MT, NV, OR, WA, WY on the other (Restricted to shipments from and/or to facilities of Tenneco Chemical Co). For 180 days, an underlying ETA seeks 90 days authority. Supporting shipper: Tenneco Chemical Co. Inc., 10 Knights Bridge, P.O. Box 367, Piscataway, NJ 08854.

MC 145689 (Sub-6-2TA), filed April 18, 1980. Applicant: UNION TRACTOR COMPANY, INC., South of Havre, P.O. Box 1426, Havre, MT 59501. Representative: George R. Crotty, Jr., Suite 200, 18 Sixth St. North, Great Falls,

MT 59401. *(1) Personal care products, chewing gum, cough drops, candies, and frozen bakery goods; (2) materials, equipment and supplies used in the manufacture and distribution of the commodities* in (1) except commodities in bulk. From, to, or between points in CA, ID, MT, OR, and WA on the one hand, and points in CT, GA, IL, NJ, NY, PA, and TX on the other hand for 180 days. Restricted to shipments from, to and between facilities of Warner-Lambert. An underlying ETA seeks 90 days authority. Supporting shipper: Warner Lambert Co., 201 Tabor Rd., Morris Plains, NJ, 07950.

MC 145689 (Sub-6–3TA), filed April 18, 1980. Applicant: UNION TRACTOR COMPANY, INC., South of Havre, P.O. Box 1426, Havre, MT 59501. Representative: George R. Crotty, Jr., Suite 200, 18 Sixth St. North, Great Falls, MT 59401. *Dental, surgical and hospital supplies; drug and toilet preparations,* except commodities in bulk, from, to or between points in NJ on the one hand, and points in CA, OR, and WA, on the other hand. (Restricted to shipments from and/or to Johnson & Johnson, Inc., facilities) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Johnson & Johnson, Inc., 501 George St., New Brunswick, NJ 08903.

MC 112989 (Sub-6–3TA), filed April 21, 1980. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr., 85647 Highway 99 South, Eugene, OR 97405. *Aluminum and aluminum articles,* from the facilities of Kaiser Aluminum & Chemical Corp. at Trentwood, WA to points in AR, IL, IN, IA, KS, KY, LA, MI, MO, NJ, NY, OH, PA, TN, TX, WI, and WV, for 180 days. Supporting shipper(s): Kaiser Aluminum & Chemical Corp., Oakland, CA 94643.

MC 141804 (Sub-6–28TA), filed April 21, 1980. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *General commodities,* (except those of unusual value, household goods as described by the Commission, commodities in bulk, frozen foods and those requiring special equipment) from Houston, TX to points in IL, IN, KS, MO, NE, and OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Philip R. Carvatta, Vice President, Alltransport, Inc., 300 S. Wacker Dr., Chicago, IL 60606.

MC 141804 (Sub-6–29TA), filed April 22, 1980. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *General commodities* (except foodstuffs, as described in Sections A, B & C of Appendix I, 61 M.C.C. 209, articles of unusual value, classes A & B explosives, household goods, as defined by the Commission, commodities in bulk, those requiring special equipment), from points in CA to those points in and east of MN, IA, MO, AR, LA (except points in IA, FL, GA, NC, and SC). Restricted to transportation of traffic having a prior movement by water, for 180 days. Supporting shippers: There are 8 shippers. Their statements may be examined at the Regional office listed.

MC 125952 (Sub-47TA) (Republication), filed December 13, 1979. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango St. S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Contract carrier:* irregular routes: *such merchandise as is dealt in by wholesale, and retail establishments, food business houses and agricultural feed houses and soy products; equipment materials, ingredients and supplies used in the development and sale of the above products (except commodities in bulk):* between points in WA, OR, CA, ID, MT, NV, AZ, WY, NM, TX, CO, UT, KS, and OK. Restricted to shipments originating at or destined to facilities used by Ralston Purina Co. for 180 days. Supporting shipper: Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188.

MC 58035 (Sub-6-27TA) (Republication), filed January 4, 1980. Applicant: TRANS-WESTERN EXPRESS, LTD., 48 East 56th Avenue, Denver CO 80216. Representative: Edward E. Lyons, Jr., of Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver CO 80264. *Common carrier, irregular routes: photographic equipment, materials, supplies and products,* (1) between the facilities of Eastman Kodak Company at or near Dallas TX, the facilities of Eastman Kodak Company at or near Windsor CO, and Denver CO and points in its Commercial Zone; and (2) between the facilities of Eastman Kodak Company at or near Dallas TX, and Pueblo CO and points within its Commercial Zone, Colorado Springs CO and points within its Commercial Zone, and Albuquerque NM and points within its Commercial Zone, for 180 days. Supporting shipper: Eastman Kodak Company, 2400 Mount Read Boulevard, Rochester, NY 14650.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–13666 Filed 5–5–80; 8:45 am]

BILLING CODE 7035–01–M

Water Carrier Authority Application

W–390 (Sub-3-1TA). By decision entered April 17, 1980, the Region 3 Motor Carrier Board granted Warrior & Gulf Navigation Company, Chickasaw, AL, 180 day temporary authority commencing April 17, 1980, to operate as a water contract carrier in the transportation of steel girders, by non-self propelled vessels with the use of separate towing vessels, for the account of Bristol Steel and Iron Works, Inc., from Port Birmingham, AL to Columbus, MS (Mile 330 on the Tombigbee River). Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219, for applicant. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto. Filings may be made with: ICC Regional Authority Center, P.O. Box 7520, Atlanta, GA 30357.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–13706 Filed 5–5–80; 8:45 am]

BILLING CODE 7035–01–M

Long-and-Short-Haul Applications for Relief; Formerly Fourth Section Applications

April 30, 1980.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. on or before May 21, 1980.

No. 43816, Trans-Continental Freight Bureau, Agent No. 547–B, on foodstuffs, in carloads, from certain stations in California, Nevada, Oregon, Utah and Washington to Dallas and Houston, Texas. Rates are to be published in Item 1587 series of Trans-Continental Freight Bureau, Agent's Tariff ICC TCFB 3002–Q. Grounds for relief—origin rate relationships.

No. 43817, Southwestern Freight Bureau, Agent No. B–63, on carloads of chloride of iron, from Edge Moor, Delarware to Reserve, Louisiana in Supplement 53 to its Tariff ICC SWFB 4616, effective June 1, 1980. Grounds for relief—destination rate relationship.

By the Commission

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-13782 Filed 5-5-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-202F]

Montpelier and Barre Railroad Co., Entire Line Abandonment, From Graniteville to Montpelier Junction in Washington County, VT; Correction

In FR Doc. 80-12219 appearing on page 27069 in the issue for Tuesday, April 22, 1980, the employees protective conditions set out in the findings, from the work "for" in line 6, column 1 through the word "provided" in line 10, column 1, should be eliminated.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-13781 Filed 5-5-80; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 179]

Assignment of Hearings

April 29, 1980.

Cases assigned for hearing, postponement cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 37338, South Carolina Public Service Authority v. Clinchfield Railroad Company, et al., now assigned for prehearing conference on May 28, 1980 at the Offices of the Interstate Commerce Commission Washington, D.C.

MC 146375F, Mercer International Transportation Management & Consulting Services, Inc., assigned for hearing on May 5, 1980 at Houston, TX is postponed to June 9, 1980 (5 Days) at Houston, TX, location of hearing room will be designated later.

MC 11207 (Sub-472F), Deaton, Inc., now being assigned for hearing on June 2, 1980 at Birmingham, AL, location of hearing room will be designated later.

MC 94201 (Sub-173F), Bowman Transportation, Inc., now being assigned for hearing on June 3, 1980 at Birmingham, AL, location of hearing room will be designated later.

MC 110988 (Sub-390F), Schneider Tank Lines, Inc., now being assigned for hearing on July 22, 1980 (1 Day), at Chicago, IL in a hearing room to be designated later.

MC 59367 (Sub-141F), Decker Truck Line, Inc., now being assigned for hearing on July 23, 1980 (3 Days), at Chicago, IL. in a hearing room to be designated later.

MC 82063 (Sub-103F), Klipsch Hauling Company, now being assigned for hearing on July 28, 1980 (1 Week), at Chicago, IL. in a hearing room to be designated later.

MC 61470 Sub-6F), Bryan Truck Line, Inc., now being assigned for hearing on July 9, 1980 (3 Days), at Detroit, MI. in a hearing room to be designated later.

MC 1241-0 (Sub-112F), Frostways, Inc., now being assigned for hearing on July 14, 1980 (5 Days), at Detroit, MI. in a hearing room to be designated later.

MC 39249 (Sub-21F), Marty's Express, Inc., now assigned for hearing on May 5, 1980 at Philadelphia, PA., is postponed to May 20, 1980 (4 Days), at Philadelphia, PA., in a hearing room to be designated later.

AB 43 (Sub-61F), Illinois Central Gulf Railroad Company Abandonment Between McRaven and Hermanville, MS. now assigned for hearing on May 5, 1980 will be held at the HUD's Conference Room, Suite 924, Federal Building, 100 West Capitol Street, Jackson, MS.

MC 52709 (Sub-351F), Rigsby Truck Lines, Inc., transferred to Modified Procedure.

MC 75302 Sub-13F), Doudell Trucking Company, now assigend for hearing on May 28, 1980 (3 days) at San Francisco, CA will be held in Room No. 510, 5th Floor, 211 Main Street.

MC 107496 (Sub-1210F), Ruan Transport Corporation, is transferred to Modified Procedure.

MC 144829 (Sub-3F), Muchmore Trucking, LTD, now being assigned for hearing on June 25, 1980 (3 days) at Portland, OR location of hearing room will be designated later.

MC 138438 (Sub-53F), D.M. Bowman, Inc., now assigned for Prehearing Conference on September 3, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 145192 (Sub-1F), Auto Express Mexicano div. Pacifico. S.A. De C.V. Arroyo De Guadalupe No. 86 Fraccionamiento La Escalera Mexico 14, D.F., is transferred to Modified Procedure.

MC 108207 (Sub-503F), Frozen Food Express, Inc., now being assigend for hearing on September 30, 1980 (4 days) at Dallas, TX location of hearing room will be designated later.

MC 75302 (Sub-13F), Doudell Trucking Company, now assigned for hearing on June 2, 1980 (1 week) at Phoenix, AZ at the Del Webb Townhouse Hotel, 100 West Clarendon Avenue.

MC 135859 (Sub-1F), Kauffman & Minteer, Inc., now assigned for continued hearing on June 17, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 133993 (Sub-3F), Sand Mountain Auto Auction, Inc., now being assigned for hearing on June 5, 1980 at Birmingham, AL, location of hearing room will be designated later.

MC 124251 (Sub-68F), Jack Jordan, Inc., now being assigned for hearing on June 5, 1980 (2 days) at Atlanta, GA, location of hearing room will be designated later.

MC 124251 (Sub-69F), Jack Jordan, Inc., now being assigned for hearing on June 5, 1980 at Atlanta, GA, location of hearing room will be designated later.

MC 116325 (Sub-80F), Jennings Bond D/B/A Bond, transferred to Modified Procedures.

MC 113651 (Sub-303F), Indiana Refrigerator Lines, Inc., now being assigned for hearing on July 8, 1980 (1 day) at Chicago, IL, location of hearing room will be designated later.

MC C-10339, McLean Trucking Company and Wolverine Express, Inc.—Investigation and Revocation of Certificates, now being assigned for hearing on July 9, 1980 (3 days) at Chicago, IL, location of hearing room will be designated later.

MC 2253 (Sub-93F), Carolina Freight Carriers Corp., now being assigned for hearing on July 14, 1980 (1 week) at Chicago, IL, location of hearing room will be designated later.

MC 139482 (Sub-121F), New Ulm Freight Lines, Inc., now being assigned for hearing on July 21, 1980 (2 Weeks) at St. Paul, MN, location of hearing room will be designated later.

MC 135070 (Sub-48F), Jay Lines, Inc., now being assigned for hearing on July 9, 1980 (1 Day), at Chicago, IL, in a hearing room to be designated later.

MC 120751 (Sub-3F), J. L. Cartage & Warehouse, Inc., now being assigned for hearing on July 10, 1980 (2 Days), at Chicago, IL, in a hearing room to be designated later.

MC 125433 (Sub-267F), F-B Truck Line Company, now being assigned for hearing on July 14, 1980 (1 Day), at Chicago, IL, in a hearing room to be designated later.

MC 41406 (Sub-148F), Artim Transportation System, Inc., now being assigned for hearing on July 15, 1980 (1 Day), at Chicago, IL, in a hearing room to be designated later.

MC 107403 (Sub-1200F), Matlack, Inc., now being assigned for hearing on July 16, 1980 (3 Days), at Chicago, IL, in a hearing room to be designated later.

MC 75192 (Sub-5F), Chas. T. Brown Truck Lines, Incorp., now being assigned for hearing on June 23, 1980 (5 Days), at Raleigh, NC, in a hearing room to be designated later.

MC 105407 (Sub-17F), Hannibal Quincy Truck Lines, Inc., Application Dismissed.

MC 125156 (Sub-2F), Dawson's Charter Service, Inc., transferred to Modified procedure.

MC 100666 (Sub-456F), Melton Truck Lines, Inc., transferred to Modified Procedure.

MC 7840 (Sub-13F), St. Lawrence Freightways, Inc., now assigned for hearing on May 7, 1980 at Washington, D.C., is canceled and transfered to Modified Procedure.

MC 147323 F. Haddad Transportation, Inc., now assigned for hearing on May 1, 1980 (2 Days), will be held at the Everette McKinley Dirksen Building, Room 280, 219 South Dearborn Street, Chicago, IL.

MC 138432 (Sub-14F), Garland Gehrke, now assigned for hearing on May 5, 1980 (1 Day), will be held at the Everette McKinley Dirksen Building, Room 280, 219 South Dearborn Street, Chicago, IL.

MC 10953 (Sub-105F), Overnite Transportation Company, now assigned for hearing on May 6, 1980 (3 Days), will be held at the Everette McKinley Dirksen Building, Room 280, 219 South Dearborn Street, Chicago, IL.

MC 140829 (Sub-253F), Cargo, Inc., now assigned for hearing on May 9, 1980 (1 Day), will be held at the Everette McKinley Dirksen Building, Room 280, 219 South Dearborn Street, Chicago, IL.

MC 41406 (Sub-144F), Artim Transportation System, Inc., Application Dismissed.

MC 115331 (Sub-486F), Truck Transport Incorporated, Application Dismissed.

MC 61129 (Sub-8F), B & H Freight Lines, Inc., now being assigned for hearing on July 7, 1980 (1 Week), at Kansas City, MO, in a hearing room to be designated later.

MC 114569 (Sub-314F), Shaffer Trucking, Inc., now being assigned for hearing on July 8, 1980 (1 Day), at Chicago, IL, in a hearing room to be designated later.

MC 115826 (Sub-478F), W. J. Digby, Inc., now being assigned for hearing on July 10, 1980 (2 Days), at Denver, CO, in a hearing room to be designated later.

MC 74321 (Sub-148F), B. F. Walker, Inc., now being assigned for hearing on July 14, 1980 (1 Week), at Denver, CO, in a hearing room to be designated later.

MC 146352 (Sub-2F), Avery Trucking Company, Inc., now assigned for hearing on May 2, 1980 at Atlanta, GA., is canceled.

MC 146049 (Sub-4F), Solar Trucking, Inc., now being assigned for hearing on June 17, 1980 (1 Day), at Omaha, NE, in a hearing room to be designated later.

MC 145152 (Sub-90F), Big Three Transportation, Inc., now being assigned for hearing on June 23, 1980 (2 Days), at Kansas City, MO, in a hearing room to be designated later.

MC 102567 (Sub-226F), McNair Transport, Inc., now assigned for hearing on June 17, 1980 at Houston, TX, is postponed indefinitely.

MC 125368 (Sub-63F), Continental Coast Trucking Company, Inc., now assigned for hearing on June 17, 1980 at Omaha, NE, is canceled and transferred to Modified Procedure.

MC 119493 (Sub-298F), Monkem Company, Inc., now assigned for hearing on June 23, 1980 at Kansas City, MO, is canceled and transferred to Modified Procedure.

MC 142559 (Sub-92F), Brooks Transportation, Inc., now assigned for hearing on May 8, 1980 at Washington, DC, is canceled and transferred to Modified Procedure.

FD 21478, Great Northern Pacific & Burlington Lines, Inc., Merger, Etc.—Great Northern Railway Company, Etal, and No. FD 21478 (Sub-4), Great Northern Pacific and Burlington Lines, Inc.—Merger, Etc.—Great Northern Railway Company, Etal. (Chicago, Milwaukee, St. Paul & Pacific Railroad Company Application for Inclusion in Burlington Northern, Inc. Pursuant to Condition 33), now assigned for continued hearing on May 1, 1980 is postponed indefinitely.

MC 147150F, Tryport Transportation, Inc., now being assigned for hearing on June 5, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 35807 (Sub-90F), Wells Fargo Armored Service Corporation Extension-Baltimore, MD, now being assigned for hearing on June 5, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 73533 (Sub-3F), Key Way Transport, Inc., now being assigned for hearing on June 10, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 108341 (Sub-152F), Moss Trucking Company, Inc., now being assigned for hearing on June 11, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 111812 (Sub-645F), Midwest Coast Transport, Inc., transferred to Modified Procedure.

MC 113784 (Sub-84F), Laidlaw Transport Limited, Now being assigned for hearing on June 17, 1980 (9 Days), at Buffalo, NY, in a hearing room to be designated later.

MC 59583 (Sub-170F), The Mason and Dixon Lines, Inc., now being assigned for hearing on May 28, 1980 (8 Days), at Atlanta, GA., and continued to June 16, 1980 (10 Days), at Atlanta, GA., in a hearing room to be designated later.

MC 145539 (Sub-1F), Ohio Northern Transit Company, now assigned for hearing on May 13, 1980 will be held in Room No. 2061, Federal Office Building, 1240 East 9th Street, Cleveland, OH.

MC 115703 (Sub-17F), Kreitz Motor Express, Inc., now assigned for hearing on May 19, 1980 (1 Week), at Philadelphia, PA, will be held in the New U.S. Court House, 601 Market Street, Philadelphia, Pa.

MC 39249 (Sub-21F), Marty's Express, Inc., now assigned for hearing on May 20, 1980 (4 Days), will be held at the New U.S. Courthouse, 601 Market Street, Philadelphia, PA.

MC 96992 (Sub-17F), Highway Pipeline Trucking Company, now being assigned for hearing on June 2, 1980 (3 Days), at Houston, TX, in a hearing room to be designated later.

MC 129615 (Sub-4), American International Driveaway Extension-Hawaii, now being assigned for continued hearing on July 14, 1980 (1 Week) at Los Angeles, CA., in a hearing room to be designated later.

MC 141804 (Sub-220F), Western Express, Division of Interstate Rental, Inc., now being assigned for hearing on June 3, 1980 (1 Day), at Los Angeles, CA, in a hearing room to be designated later.

MC 115826 (Sub-454F), W. J. Digby, Inc., now assigned for hearing on May 1, 1980 will be held at the U.S. Court of Appeal, Division 2, 1961 Stout Street, Denver, CO.

MC 106887 (Sub-10F), A. D. Ray Trucking, Inc., and No. MC 145976 (Sub-2F), C & Y Leasing Corporation, now assigned for hearing on May 5, 1980 will be held at the Hall of Justice, Municipal Court No. 1, 201 North David Street, Casper, WY.

MC 145172 (Sub-1F), Robert L. Welborn & Wanda Sue Welborn, A Co-Partnership, d.b.a. Orient Express, now assigned for hearing on May 1, 1980 will be held at the Federal Building & Post Office, Room 235, 522 North Central Avenue, Phoenix, AZ.

MC 142559 (Sub-96F), Brooks Transportation, Inc., now being assigned for hearing on June 4, 1980 (1 day), at Columbus, OH, in a hearing room to be designated later.

MC 147570F, Kabat Express, Inc., now being assigned for hearing on June 5, 1980 (2 days), at Columbus, OH, in a hearing room to be designated later.

MC 142715 (Sub-44F), Lenertz, Inc., now being assigned for hearing on June 9, 1980 (2 days), at Cincinnati, OH, in a hearing room to be designated later.

MC 121420 (Sub-12F), Dart Trucking Company, Inc., now being assigned for hearing on June 11, 1980 (3 days), at Cincinnati, OH, in a hearing room to be designated later.

MC 113963 M1F, Heavy & Specialized Haulers, Inc., now assigned for hearing on April 22, 1980 is canceled and transferred to Modified Procedure.

FD-28934, Chicago and North Western Transportation Company Construction and Operation of a Line of Railroad in Nibrara and Goshen Counties, WY and in Sioux and Scotts Bluff Counties, NE, FD-29066, Chicago and North Western Transportation Company-Construction, now assigned for hearing on April 28, 1980 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 80443 (Sub-23F), Overnite Express, Inc., now assigned for hearing on May 19, 1980 (2 days) at Minneapolis, MN, in Room B-44, Federal Building & U.S. Courthouse, 110 South 4th Street.

MC F-14166F, Refrigerated Transport Co., Inc.-Purchase-(Portion)-Dakota Express, Inc., and LTL Perishables, Inc., now assigned for hearing on May 21, 1980 (3 days) at Minneapolis, MN, in Room B-44, Federal Building & U.S. Courthouse, 110 South 4th Street.

MC 95540 (Sub-1052F), Watkins Motor Lines, Inc., now assigned for hearing on July 22, 1980 (9 days) at San Francisco, CA, in a hearing room to be later designated.

MC 121658 (Sub-13F), Steve D. Thompson Trucking, Inc., now assigned for hearing on July 7, 1980 (10 days) at Fort Worth, TX, in a hearing room to be later designated.

MC 4963 (Sub-67F), Jones Motor Co., Inc., now assigned for hearing on May 13, 1980 (3 days) at Greentree, PA, at the Holiday Inn, and continued to June 30, 1980 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 118610 (Sub-33F), George Parr Trucking Service, Inc., now assigned for hearing on June 11, 1980 (1 days) at St. Louis, MO, in a hearing room to be later designated.

MC 110988 (Sub-385F), Schneider Tank Lines, Inc., now assigned for hearing on June 12, 1980 (2 days) at St. Louis, MO, in a hearing room to be later designated.

MC 145402 (Sub-2F), Lake Line Express, Inc, now assigned for continued hearing on June 2, 1980 (1 week) at Milwaukee, WI, in a hearing room to be later designated.

MC 44445 (Sub-8F), Harold Klein Cartage, Inc., now assigned for hearing on June 9, 1980 (1 week) at Milwaukee, WI, in a hearing room to be later designated.

Ex Parte 365, in the matter of James N. Clay, III, now assigned for Prehearing Conference on April 17, 1980 at Washington, DC, is postponed to June 17, 1980 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC F-12718, Flamingo Transportation, Inc.-Control-Tarpon Transportation, Inc., now

assigned for hearing on June 3, 1980 at the Offices of Interstate Commerce Commission, Washington, DC.

MC 58923 (Sub-54F), Georgia Highway Express, Inc., now assigned for Prehearing Conference on May 28, 1980 at the Offices of Interstate Commerce Commission, Washington, DC.

MC 108207 (Sub-503F), Frozen Food Express, Inc., now being assigned for continued hearing on September 30, 1980 (4 days) at Dallas, TX, October 6, 1980 (5 days) at Chicago, IL, October 20, 1980 (3 days) at Los Angeles, CA, October 23, 1980 (2 days) at Denver, CO, and November 18, 1980 (4 days) at Denver, CO, location of hearing room will be designated later.

MC 22182 (Sub-34F), Nu-Car Carriers, Inc., now assigned for hearing on May 28, 1980 (3 days) at Detroit, MI, in Room No. 649, Court House, 231 West Lafayette.

MC 124170 (Sub-115F), Frostways, Inc., now assigned for hearing on June 2, 1980 (1 week) at Detroit, MI, in Room No. 649, Court House, 231 West Lafayette.

FD 28934, Chicago and North Western Transportation Company Construction and Operation of a Line of Railroad in Niobrara and Goshen Counties, WY and in Sioux and Scotts Bluff Counties, NE, FD-29066, Chicago and North Western Transportation Company-Construction, now assigned for hearing on May 13, 1980, at Cheyenne, WY, May 15, 1980 (2 days) at Torrington, WY, May 19, 1980 (1 week) at at Cheyenne, WY and continued to May 28, 1980 (3 days) at Cheyenne, WY, in a hearing room to be later designated.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-13783 Filed 5-5-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Attorney General

U.S. v. Andrew Carlson & Sons, Inc., et al.

Pursuant to the Antitrust Procedures and Penalties Act 15 U.S.C. 16, the Antitrust Division of the Department of Justice received a comment on the proposed Final Judgment in *U.S. v. Andrew Carlson & Sons, Inc., et al.*, 71 Civ 341 (E.D.N.Y.). The Comment and Justice's Response thereto are set forth below.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

Andrew Carlson & Sons, Inc.
Kings Park, N.Y., April 2, 1980.

Ralph T. Giordano,
Chief, New York Office, Antitrust Division of Justice, 26 Federal Plaza, New York, New York.

Dear Mr. Giordano: I am in receipt of your letter of February 14, 1980, clarifying Section V(B) (page 3) of the Proposed Final Judgment in the captioned case. I have read and understand the contents of your letter. On the basis of the explanation set forth therein of Section V(B) of the Proposed Final Judgment, please be advised that Andrew Carlson & Sons, Inc., withdraws the objections to the entry of the Proposed Final Judgment which it raised in its letter to your office dated November 19, 1979, and does hereby consent to the entry of the Proposed Final Judgment.

Very truly yours,

Hank Carlson,

President.

February 14, 1980.

Mr. Hank Carlson,
President, Andrew Carlson & Sons, Inc., Town Line & Old Northport Roads, Kings Park, New York 11754.

Dear Mr. Carlson: In response to your letter of November 19, 1979, to Mr. Ralph Giordano, Chief of the New York Office of the Antitrust Division, United States Department of Justice, please be advised that Section V(B) (page 3) of the Proposed Final Judgment does not apply to any pricing information which you may receive in the regular course of business from a *bona fide* customer or potential customer (not a competitor), provided such information is not received pursuant to any plan or attempt to fix or stabilize the price of precast concrete products.

Please also be advised that Section V(B) (page 3) of the Proposed Final Judgment does not apply to the receipt of unsolicited price information from any other person engaged in the manufacture, distribution, or sale of precast concrete products, provided you have, in no way, encouraged, prompted, or fostered the receipt of such information.

Sincerely yours,

Samuel London,

Attorney, Antitrust Division.

Andrew Carlson & Sons, Inc.
Kings Park, N.Y., November 19, 1979.

Ralph T. Giordano
Chief, New York Office, Antitrust Division of Justice, 26 Federal Plaza, New York, N.Y.

Gentlemen: It has come to our attention that a consent decree was submitted by Whitman and Ransom as attorneys for Andrew Carlson & Sons, Inc.

Please by advised that this submission was made without approval or consent of the client, Andrew Carlson & Sons, Inc. and that Andrew Carlson & Sons, Inc. does not agree to the proposal consent decree.

Our objection to the decree centers on 5-B, "receiving".

While we do not object to the basic intent of the decree which we understand is both to proscribe attempts to fix prices and to promote competition, any proscription on "receiving" unsolicited information is beyond the control of our company, and further we seek to find out what the market price is so that we may compete effectively.

We have no objection to the word "receiving" if it is qualified to say "for the purposes of fixing prices."

Very truly yours,

Hank Carlson,

President.

[FR Doc. 80-13803 Filed 5-5-80; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Meeting of the Business Research Advisory Council

The regular spring meeting of the Business Research Advisory Council will be held at 1:30 p.m., May 20, 1980, at the Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. room N5437 A, B, & C. the agenda for the meeting is as follows:

1. Chairman's Opening Remarks.
2. Commissioner's Remarks.
3. Committee Reports:
   (a) Employment and Unemployment,
   (b) Wages and Industrial Relations,
   (c) Economic Growth,
   (d) Price Indexes.
4. Other Business.
5. Chairman's Closing Remarks.

This meeting is open to the public. It is suggested that persons planning to attend as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 523-1559.

Signed at Washington, D.C. this 29th day of April 1980.

Janet L. Norwood,

Commissioner of Labor Statistics.

Business Research Advisory Council Committees; Meetings and Agenda

The spring meetings of committees of the Business Research Advisory Council will be held on May 19 and 20, 1980.

The meetings of the Committees on Employment and Unemployment, Wages and Industrial Relations, and Economic Growth will be held in room 2433, General Accounting Office Building, 441 G Street, N.W., Washington, D.C. Price Indexes will hold its Committee meeting in room N5437 A, B, & C of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business industry.

The schedule and agenda of the meetings are as follows:

Monday, May 19

9:30 a.m.—Committee on Employment and Unemployment

1. Summarization of the "Interim Report of the Secretary of Labor on the Recommendations of the National Commission on Employment and Unemployment Statistics."

2. Redesign of the Current Population Survey.

3. Redesign of the industry employment statistics 790 program.

4. Preliminary results of the job vacancy survey testing.

2:00 p.m.—Committee on Wages and Industrial Relations

1. Review of WIR work in progress.

2. Profiles of Occupational Pay: A Chartbook—a brief presentation by Martin Personick.

3. Collective Bargaining Settlements in 1979 and the 1980 Outlook—by Victor Sheifer.

4. The Employment Cost Index—status report by George Stelluto.

5. WIR Long-Range Planning—subcommittee report by Thomas Swan.

Tuesday, May 20

9:30 a.m.—Committee on Economic Growth

1. New Labor Force Projections to 1995.

2. Revised 1990 Macroeconomic Projections—Assumptions and Preliminary Results.

3. Review of NASA-funded BLS study of the Impact of NASA Research and Development Spending on Potential Output Growth in Selected Manufacturing Sectors.

9:30 a.m.—Committee on Price Indexes

1. Status of Family Budget evaluation committee.

2. Current status of continuing Consumer Expenditure Survey, and the Outlet Sample Updating Program.

3. Status of International Price Program.

The meetings are open to the public. It is suggested that persons planning to attend these meetings as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 523-1559.

Signed at Washington, D.C., this 29th day of April 1980.

Janet L. Norwood,

Commissioner of Labor Statistics.

Office of the Secretary

[TA-W-6994]

Ford Motor Co., Dearborn Glass Plant; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on February 11, 1980 in response to a petition which was filed by the United Auto Workers in part on behalf of workers of the Dearborn Glass Plant, Dearborn, Michigan, of the Ford Motor Company. Workers at the Dearborn Glass Plant produce flat glass and glass auto parts.

The investigation revealed that, with respect to workers engaged in employment related to the production of flat glass, criterion (3) has not been met.

The majority of flat glass produced at the Dearborn plant is sold to outside customers. A Department survey revealed that no surveyed customer purchased any imported flat glass in 1979. Production of flat glass to be used in Ford Motor Company automobiles increased at Dearborn in the January–September period of 1979, compared with the same period of the previous year. The flat glass furnace was closed for maintenance in October 1979.

It is determined in this case that, with respect to workers engaged in employment related to the production of glass auto parts, all of the requirements have been met. In order to determine if increased imports contributed importantly to production and employment declines at Ford Motor Company's component parts plants and support facilities, the Department sought to determine the degree to which each of these facilities were integrated into the production of Ford Motor cars, trucks, vans, and general utility vehicles which have been subject to import injury. Where substantial integration was established the Department considered imports of "like or directly competitive" cars, trucks, vans and general utility vehicles in determining import injury to workers producing component parts at the various plants.

The Department has determined that increased imports contributed importantly to the decline in sales of production and to total or partial separations of workers at 17 of Ford Motor Company's car and truck assembly plants (TA-W-6438, 6849-50, 6874, 6946-48, 6950-58, 6955A). Workers at these plants are engaged in production of one or more of the following car or truck lines: Pinto, Bobcat, Fairmont, Zephyr, Granada, Monarch, Ford LTD, Mercury, Continental, pick-ups, vans, and general utility vehicles.

During the course of the investigation, it was established that the Dearborn Glass Plant produced a significant proportion of its glass auto parts for use in one or more of the Ford car and truck lines which have been subject to impact injury. Therefore, the Dearborn Glass Plant is substantially integrated into production of the trade-impacted Ford car and truck lines.

Conclusion

After careful review, I determine that all workers at the Dearborn Glass Plant, Dearborn, Michigan, of the Ford Motor Company, who are engaged in employment related to the production of flat glass are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I further conclude that increases of imports of articles like or directly competitive with Pinto, Bobcat, Fairmont, Zephyr, Granada, Monarch, Ford LTD, Mercury, Continental, pick-ups, vans, and general utility vehicles produced by the Ford Motor Company contributed importantly to the decline in sales or production and to the total or partial separation of workers at the Dearborn Glass Plant, Dearborn, Michigan who are engaged in employment related to the production of glass parts. In accordance with the provisions of the Act, I make the following certification:

All workers at the Dearborn Glass Plant, Dearborn, Michigan, of the Ford Motor Company engaged in employment related to the production of glass auto parts who became totally or partially separated from employment on or after January 30, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of April 1980.

Herbert N. Blackman,

Associate Deputy Under Secretary, International Affairs.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has

instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 16, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 16, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of April 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
FMC Corp., Bearing Division (USWA)	Indianapolis, Ind	4/4/80	3/27/80	TA-W-7,678	Bearings.
FMC Corp., Chain Division (USWA)	Indianapolis, Ind	4/4/80	3/27/80	TA-W-7,679	Chains.
Robert Gray Shake and Shingle, Inc. (workers).	Hoquiam, Wash	4/4/80	3/24/80	TA-W-7,680	Cedar shakes and shingles.
Michigan Rivet Corp., Plant I (UAW)	Warren Mich	4/4/80	3/31/80	TA-W-7,681	Custom formed cold headed parts.
Michigan Rivet Corp., Plant II (UAW)	Warren, Mich	4/4/80	3/31/80	TA-W-7,682	Custom formed cold headed parts.
Goodyear Aerospace Corp., Vinyl Division (UAW).	Akron, Ohio	4/9/80	4/3/80	TA-W-7,683	Flooring and packaging film.
Sheep Mates, Inc. (workers)	New York, N.Y	4/2/80	3/25/80	TA-W-7,684	Ladies' leather and shearing coats.
The New River Co., Siltix Mine (UMWA)	Mount Hope, W. Va	4/7/80	3/31/80	TA-W-7,685	Metallurgical coal.
Daniels Cedar Products, Inc. (workers)	Aberdeen, Wash	4/9/80	3/28/80	TA-W-7,686	Cedar shakes and shingles.
Tajon Warehouse Corp. (company)	Mercer, Pa	4/9/80	4/3/80	TA-W-7,687	Maintenance garage for truck company.
Hillsdale Tool & Manufacturing Company (company).	Hillsdale, Mich	4/9/80	3/31/80	TA-W-7,688	Dreveline parts, i.e., slip yokes, power steering components, engine parts, i.e., emission control parts, engine dampeners.
Hillsdale Tool & Manufacturing Company, Daisy Parts Div. (company).	Hillsdale, Mich	4/9/80	3/31/80	TA-W-7,689	Driveline parts, i.e., slip yokes, power steering components, engine parts, i.e., emission control parts, engine dampeners.
Davis Tool & Engineering Company (workers)	Detroit, Mich	4/2/80	3/27/80	TA-W-7,690	Automotive stampings.
Miller Pontiac-Cadillac, Inc. (workers)	Fremont, Ohio	4/14/80	4/1/80	TA-W-7,691	Automobile sales.
Sash and Spring Federal Credit Union (company).	Detroit, Mich	4/8/80	3/17/80	TA-W-7,692	Banking services.
Northwood Chrysler Plymouth, Inc. (workers)	Northwood, Ohio	4/2/80	3/31/80	TA-W-7,693	Automobile sales.
BFB Production Molding Company (workers)	Sterling Heights, Mich	4/2/80	3/27/80	TA-W-7,694	Metal moldings for Chrysler automobiles.
Paul's Auto Ignition, Inc. (workers)	Yonkers, N.Y	4/7/80	4/1/80	TA-W-7,695	Automotive parts—American made cars.
Olympic Cedar Products, Inc. (workers)	Amanda Park, Wash	4/7/80	3/28/80	TA-W-7,696	Cedar shakes.
R & R Manufacturing (workers)	Hoquiam, Wash	4/7/80	4/1/80	TA-W-7,697	Cedar shakes and shingles.
Eaton Corporation, Transmission Division (AIW).	Kalamazoo, Mich	4/7/80	3/31/80	TA-W-7,698	Heavy duty truck transmissions.
Clinch Valley Coal Corp, #1 (workers)	North Tazewell, Va	4/7/80	4/2/80	TA-W-7,699	Metallurgical coal.
Essex Group, Inc. (workers)	Roseville, Mich	4/7/80	3/27/80	TA-W-7,700	Automotive component parts.
Essex Group, Inc. (workers)	Peru, Ind	4/4/80	3/28/80	TA-W-7,701	Injection molded plastic parts.
Corky's Cedar Products (workers)	South Bend, Wash	4/9/80	4/4/80	TA-W-7,702	Cedar shakes.
Carlina Knitting Company (workers)	Linderhurst, N.Y	4/7/80	3/26/80	TA-W-7,703	Knit-wear men's sweaters and shirts.
Oakville Shake Company (workers)	Oakville, Wash	4/7/80	3/30/80	TA-W-7,704	Western red cedar roofing, shakes, and shingles.
R. J. Towers Corporation (UFWA)	Greenville, Mich	4/7/80	3/27/80	TA-W-7,705	Metal stamping.
Teamster Local 332 (company)	Flint, Mich	4/7/80	4/2/80	TA-W-7,706	Union Office.
Al Shakes (workers)	Forks, Wash	4/7/80	3/28/80	TA-W-7,707	Cedar shakes.
Commercial Transport, Inc. (workers)	Indianapolis, Ind	4/14/80	4/3/80	TA-W-7,708	Transportation of petroleum products.
Darrington Shingle Company (workers)	Darrington, Wash	4/15/80	4/7/80	TA-W-7,709	Red cedar shingles.
R. Hoe Company, Inc. (USWA)	Birmingham, Ala	4/10/80	4/7/80	TA-W-7,710	Saw blades.
Kenton Manufacturing Company, Inc. (ACTWU).	New Kensington, Pa	4/10/80	4/7/80	TA-W-7,711	Ladies' garments terry tops.
The Muskin Shoe Company (company)	Millersburg, Pa	4/10/80	3/24/80	TA-W-7,712	Women's footwear leather and urethane.
Kayser Roth of Ohio, Cresco-Pollack Sportswear Division (workers).	Ashland, Ohio	4/9/80	4/1/80	TA-W-7,713	Leather and cloth outercoats.
Avnet, Inc., IPM, St. Joseph Division (AIW)	St. Joseph, Mich	4/10/80	4/1/80	TA-W-7,714	Assembly of record players and changers.
Avnet, Inc., IPM, Coloma Division (AIW)	Coloma, Mich	4/10/80	4/1/80	TA-W-7,715	Motor components for record players and record changers also mold parts for record changers.
Sharon Tube Co. (USWA)	Sharon, Pa	4/15/80	4/9/80	TA-W-7,716	Pipe and tubing.
SCM Corp., Glidden Metals (USWA)	Johnstown, Pa	4/15/80	4/11/80	TA-W-7,717	Metal powders such as core, alloy, nickel, and stainless.
Allied Chemical Corp., Industrial Chemical Div., Minerva Mine #1 (IAM).	Cave-In-rock, Ill	4/15/80	3/25/80	TA-W-7,718	Flouspar and varite.
Outboard Marine Corp. Evinrude Div. (workers).	Milwaukee, Wis	4/15/80	4/10/80	TA-W-7,719	Outoard motors.
Grays Harbor Shake, Inc. (workers)	Hoquiam, Wash	4/15/80	4/10/80	TA-W-7,720	Cedar shakes and shingles.
Texaco, Inc., Blending Plant (workers)	River Rouge, Mich	4/15/80	4/9/80	TA-W-7,721	Oil for automotive and industrial use.
Midwest Foundry Co. (company)	Coldwater, Mich	4/15/80	4/8/80	TA-W-7,722	Semisteel and gray iron casting.
Detroit Tap and Tool Co. (MESA)	Cheboygan, Mich	4/15/80	4/3/80	TA-W-7,723	Tools for automobile industry.
Greyhound, Prophet Foods Division (UAW)	St. Louis, Mo	4/15/80	3/17/80	TA-W-7,724	Cafeteria services, food, etc.
Allied Chemical Corp., Industrial Chemical Division, #2 Spivey Mine (IAM).	Cave-In-Rock, Ill	4/15/80	3/25/80	TA-W-7,725	Flourspar and varite.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Firestone Tire & Rubber Company, Store #6764 (workers).	Butte, Mont	4/9/80	3/31/80	TA-W-7,726	Retail store of Firestone.
American Extrussion Corporation (workers)	Troy, Mich	4/15/80	4/10/80	TA-W-7,727	Transmission plugs.
Howard Mfg. Corp. (workers)	Fall River, Mass	4/15/80	4/9/80	TA-W-7,728	Curtains, drapes, and bedspreads.
Industrial Heat Treating (workers)	Toledo, Ohio	4/15/80	4/11/80	TA-W-7,729	Heat treating service on automotive and truck components.
ITT Rayonier, Inc., Peninsula Plywood Division (IWA).	Port Angeles, Wash	4/15/80	4/11/80	TA-W-7,731	Cedar siding and rough hemlock or cedar lumber or chips
ITT, Automotive Electrical Products Division (workers).	Oak Park, Mich	4/15/80	4/11/80	TA-W-7,731	Electrical wire harnesses and electrical components.
Son Cedar Prod., Incorporated (workers)	Darrington, Wash	4/15/80	3/28/80	TA-W-7,732	Shakes and shingles.
West & Son Logging (workers)	Darrington, Wash	4/15/80	3/28/80	TA-W-7,733	Shakes and shingles.
T & W Enterprises (workers)	Darrington, Wash	4/15/80	3/28/80	TA-W-7,734	Shakes and shingles.
Radar Industries, Inc. (workers)	Roseville, Mich	4/15/80	4/11/80	TA-W-7,735	Metal stampings.
Floral Fashions (workers)	Tiverton, R.I	4/15/80	4/10/80	TA-W-7,736	Women's clothing.
Stegman Tool Company, Inc. (workers)	Madison Heights, Mich	4/15/80	4/8/80	TA-W-7,737	Tools and tool holders.
Textile Industries Corporation of America (workers).	Miami, Fla	4/15/80	4/10/80	TA-W-7,738	Interlock fabrics for shirts.
N.I.D. Shake Company (workers)	Humptulips, Wash	4/15/80	4/7/80	TA-W-7,739	Cedar shakes.
Newburgh & South Shore Railway Company (workers).	Cleveland, Ohio	4/15/80	4/3/80	TA-W-7,7740	Haulers and shippers of pig iron and steel.
Anderson-Middleton, Shake Mill Div. (workers).	Hoquiam, Wash	4/15/80	4/7/80	TA-W-7,741	Cedar shakes.
Avtex Fibers, Inc. (workers)	Nitro, W.Va.	4/7/80	3/28/80	TA-W-7,742	Fibers and rayon staple.
Charles J. Merlo, Inc. (UMWA)	Johnstown, Pa	4/9/80	4/2/80	TA-W-7,743	Trucking and construction company haul coal and steel for Bethlehem Steel and others.
Dayton Malleable Iron Company (USWA)	Columbus, Ohio	4/8/80	4/2/80	TA-W-7,744	Iron casting and automotive parts.
Flomar Knits, Inc. (workers)	Harrison, N.J	4/8/80	4/3/80	TA-W-7,745	Samples of all dresses manufactured.
Hardesty-Quittner, Inc. (workers)	Sinking Spring, Pa	4/9/80	3/31/80	TA-W-7,7746	Fireplace equipment—firesets and tools.
Dana Corp., Spicer Transmission Division (UAW).	Toledo, Ohio	4/14/80	4/7/80	TA-W-7,747	Gears mainshafts and countershafts for transmissions, also, transfer case.
Toledo Stamping & Mfg., Co. (UAW)	Toledo, Ohio	4/8/80	4/3/80	TA-W-7,748	Auto metal stampings (roker arms), also, brake acutators.
Dyneer, Tractech Div. (Teamsters)	Warren, Mich	4/8/80	3/29/80	TA-W-7,749	Parts for automotive and industrial equipment.
Conally Ford, Inc. (workers)	Madison, Tenn	4/18/80	4/14/80	TA-W-7,750	Sales of new and used cars.
Allied International, Inc. (workers)	Charlestown, Mass	4/18/80	4/11/80	TA-W-7,751	Wholesale plywood and hardboard sales and marketing.
American Airlines (workers)	Romulus, Mich	4/18/80	4/8/80	TA-W-7,7752	Shipment of U.S. auto industry parts.
Roy O'Brien, Inc. (workers)	St. Clair Shores Mich	4/18/80	4/15/80	TA-W-7,753	Car sales.
Hammond-Bunch Chrysler (workers)	Arab, Ala	4/18/80	4/12/80	TA-W-7,754	Car sales.
Hugh Gorey Ford, Inc. (workers)	Imlay City, Mich	4/18/80	4/15/80	TA-W-7,755	New Ford Cars and trucks and used cars parts and service.
Franklin Lincoln Mercury, Inc. (workers)	Franklin, Mass	4/18/80	4/14/80	TA-W-7,756	Car sales.
Crestwood Chrylser Plymouth, Inc. (workers)	St. Louis, Mo	4/18/80	4/4/80	TA-W-7,757	Car sales.
Wil-Win Cedar Products (workers)	Port Angeles, Wash	4/15/80	4/8/80	TA-W-7,758	Shakes and shingles.
Ja-I (ILGWU)	Springfield, Mass	4/15/80	4/11/80	TA-W-7,759	Contractor for women's suits and blazers.
Damascus Tube Co. (USWA)	Greenville, Pa	4/15/80	4/9/80	TA-W-7,760	Stainless pipe and tubing.
NVF Company (USWA)	Yorklyn, Del	4/15/80	4/9/80	TA-W-7,761	Vulcanize fiber.
Sharon Steel (USWA)	Sharon, Pa	4/15/80	4/9/80	TA-W-7,762	Steel.
Siegler Sales, Inc. (workers)	Marlette, Mich	4/23/80	4/17/80	TA-W-7,763	Automobile sales and service.
U.S. Pool Car, Inc. (workers)	Melvindale, Mich	4/23/80	3/31/80	TA-W-7,764	Ford consolidation freight service company.
Barford Chevrolet Co. (IAMAW)	St. Lowis, Mo	4/22/80	4/15/80	TA-W-7,765	Sales of automobiles.
Reedman Corp. (workers)	Langhorne, Pa	4/23/80	4/3/80	TA-W-7,766	Sales and service of.
Avis Ford, Inc. (workers)	Southfield, Mo	4/23/80	4/7/80	TA-W-7,767	Sale of new and used cars.
General Motors Corp., Prophet Foods Div. (UAW).	Baltimore, Md	4/23/80	4/18/80	TA-W-7,768	Food and vending service.
Shelton-Pontiac Buick, Inc.-(workers)	Rochester, Mich	4/21/80	4/15/80	TA-W-7,769	Car Sales.
D & R Cedar Products, Inc. (workers)	Forks, Wash	4/15/80	4/9/80	TA-W-7,770	Cedar shakes and shingles.
Miller Shingle Company, Inc. (United Brotherhood of Carpenters).	Granite Falls, Wash	4/18/80	4/5/80	TA-W-7,771	Shakes and shingles.
Kelsey Hayes Co. (workers)	Jackson, Mich	4/18/80	4/15/80	TA-W-7,772	Brakes—disc and conventional, also, transmission bands.
Charlies Chevrolet (workers)	St. Louis, Mo	4/15/80	4/9/80	TA-W-7,773	Sales and service of automobiles.
The Motor Convoy, Inc. (workers)	Winston Salem, N.C	4/18/80	4/15/80	TA-W-7,774	Car sales.
Gumpp Cadillac, Inc. (workers)	Toledo, Ohio	4/23/80	4/15/80	TA-W-7,775	Car sales.
E. H. Hall Co. (company)	Lynn, Mass	4/15/80	4/9/80	TA-W-7,776	Leather outsoles.
Quality Spring Product (UAW)	Coldwater, Mich	4/21/80	4/15/80	TA-W-7,777	Small automobile springs and assemblies.
Knoxville Glove Company (ACTWU)	Knoxville, Tenn	4/21/80	4/15/80	TA-W-7,778	Work gloves.
City Machine & Tool Company (UAW)	Toledo, Ohio	4/21/80	4/16/80	TA-W-7,779	Tooling, dies, and fixtures for automobiles.
Adventure Apparel, Inc. (workers)	Fayette, Ala	4/21/80	4/15/80	TA-W-7,780	Children's clothes.
Cheney Brothers, Inc. (ACTWU)	Manchester, Conn	4/21/80	4/18/80	TA-W-7,781	Velvet cloth and upholstery fabrics.
General Motors Corporation, Delco Products Division (IUE).	Dayton, Ohio	4/7/80	4/1/80	TA-W-7,782	Shock absorbers, bumper shocks, and other components.
Binderline Development, Inc. (workers)	St. Clair Shores, Mich	4/18/80	4/15/80	TA-W-7,783	Tooling aids used in the manufacturing of autos.
Conklin Forging Company, Inc. (Company)	Detroit, Mich	4/18/80	4/11/80	TA-W-7,784	Steel forgings.
Levaque Company (workers)	Port Angeles, Wash	4/14/80	4/4/80	TA-W-7,785	Red cedar shingles and shakes.
Soley Manufacturing Company (workers)	Roseville, Mich	4/14/80	4/7/80	TA-W-7,786	Dies for auto parts.
Allegheny Ludlum Steel Corp. (USWA)	West Leechburg, Pa	4/8/80	4/2/80	TA-W-7,787	Carbon and silicon strip and sheet steel.
Clark Reed Shake Co. (workers)	Amanda Park, Wash	4/8/80	3/31/80	TA-W-7,788	Roofing shakes, hip, and ridge shakes.
Pittsburgh Bridge & Iron Industries (USWA)	Rochester, Pa	4/8/80	4/2/80	TA-W-7,789	Fabricated structural steel products, also, steel warehousing.
Charming Miss (ILGWU)	Hoboken, N.J	4/8/80	2/27/80	TA-W-7,790	Ladies coats.
Aloha Cedar Products, Inc. (workers)	Aloha, Wash	4/7/80	3/28/80	TA-W-7,791	Cedar lumber.
Aloha Shake, Inc. (workers)	Aloha, Wash	4/7/80	3/28/80	TA-W-7,792	Cedar shakes and shingles.
Modine Mfg. Co. (UAW)	Paducah, Ky	4/14/80	3/31/80	TA-W-7,793	Auto and truck radiators, also, other types of radiators.
Berkshire Maid Garment Mfg., Corp. (workers).	Springfield	4/15/80	4/10/80	TA-W-7,794	Denim wrap skirts and knit tops.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Island Creek Coal Co. (UMWA)	Tire Hill, Pa	4/7/80	3/28/80	TA-W-7,795	Metallurgical coal.
Eastern Associated Coal Co. (workers)	Herdon, W. Va	4/7/80	3/25/80	TA-W-7,796	Coal.
Nate Myers Oldsmobile (workers)	Sterling Heights, Mich	4/16/80	4/11/80	TA-W-7,797	Sale of automobile.
Crucible Steel (USWA)	Midland, Pa	4/16/80	4/11/80	TA-W-7,798	Specialty steel.
Singer Co. (workers)	Elizabeth, N.J	4/16/80	4/14/80	TA-W-7,799	Household and industrial sewing machines.
Jo-Flo Coal Co., Inc. (workers)	Tazewell, Va	4/8/80	4/23/80	TA-W-7,800	Metallurgical coal.
Stauffer Chemical Company (URW)	Yardville, N.J	4/18/80	4/13/80	TA-W-7,801	PVC film and sheeting.
Stauffer Chemical Company (URW)	Roebling, N.J	4/18/80	4/13/80	TA-W-7,802	Warehouse for plastic division.
Zimmer Manufacturing Industries, Inc. (AIW)	Detroit, Mich	4/23/80	4/2/80	TA-W-7,803	Fasterners—primarily nuts.
Hinchen Brothers Shake and Shingle, Inc. (workers).	Forks, Wash	4/23/80	4/16/80	TA-W-7,804	Shakes and shingles.
Kinzua Corporation (International Woodworkers of America).	Heppner, Oreg	4/23/80	4/16/80	TA-W-7,805	Plywood.
James D. House Loging Company (workers)	Aberdeen, Wash	4/23/80	4/15/80	TA-W-7,806	Logs and cedar shakes.
Penn-Dixie Steel Corporation (USWA)	Blue Island, Ill	4/23/80	4/17/80	TA-W-7,807	Wire and wire products.
Max Alaways Shake and Shingle Mill (workers).	Sedro Woolley, Wash	4/23/80	4/15/80	TA-W-7,808	Shakes and shingles.
Meramec Industries (ACTWU)	Sullivan, Mo	4/23/80	4/18/80	TA-W-7,809	Soles and heels for shoes.
Fashion Shoe Products (ACTWU)	Sullivan, Mo	4/23/80	4/18/80	TA-W-7,810	Soles and heels for shoes.
Apex Glove Company, Inc. (workers)	Milwaukee, Wis	4/23/80	4/15/80	TA-W-7,811	Industrial work gloves.
Saginaw Bay Plastics, Inc. (workers)	Bay City, Mich	4/23/80	4/18/80	TA-W-7,812	Automotive parts.
Rogers Mfg. Company (UAW)	Akron, Ohio	4/23/80	4/15/80	TA-W-7,813	Automotive pulleys.
Wisconsin Steel (workers)	Chicago, Ill	4/23/80	3/26/80	TA-W-7,814	Steel bars billet.
Aetna Industries (workers)	Center Line, Mich	4/23/80	4/11/80	TA-W-7,815	Automotive stamping and welded assemblies.
Oxford Printing & Finishing (workers)	Oxford, N.C	4/23/80	4/17/80	TA-W-7,816	Printed textiles.
Vanette Originals (ILGWU)	Brooklyn, N.Y	4/23/80	4/18/80	TA-W-7,817	Ladies' sportswear and blouses.
Adria Industries Corporation (workers)	Brooklyn, N.Y	4/23/80	4/18/80	TA-W-7,818	Knit sweaters.
Garden City Pottery Co., Ltd. (Warehouse Union, ILWU).	San Jose, Calif	4/23/80	4/16/80	TA-W-7,819	Clay pottery.
Acme Leather (ACTWU)	Elizabeth, N.J	4/23/80	4/23/80	TA-W-7,820	Suede and leather sportswear and outerwear.
Admiral Machine Company (UAW)	Wadsworth, Ohio	4/23/80	4/25/80	TA-W-7,821	Tire molds.
Apex Hip and Ridge, Inc. (company)	Humptulips, Wash	4/23/80	4/25/80	TA-W-7,822	Cedar shakes, shingles, hips, and ridges.
Bostick Foundry Company (UAW)	Lapeer, Mich	4/23/80	4/25/80	TA-W-7,823	Gray and ductile iron.
Certain Teed Corp. (workers)	Corbin, Ky	4/23/80	4/25/80	TA-W-7,824	Auto insulations.
Rapid Die and Molding Co., Inc. (workers)	Cassville, Wis	4/23/80	4/25/80	TA-W-7,825	Molded speakers cones.
Uniroyal Inc. (company)	New York, N.Y	4/23/80	4/25/80	TA-W-7,826	Provide corporate staff assistance.
Uniroyal Inc. (company)	Middlebury, Conn	4/23/80	4/25/80	TA-W-7,827	Provide corporate.
Uniroyal Tire Co. (company)	Ardmore, Okla	4/23/80	4/25/80	TA-W-7,828	Steel belted radial passenger car tire.
Union City Shoe Supply (Teamsters)	Union, Mo	4/23/80	4/21/80	TA-W-7,829	Insoles for shoes.
Bradford Production, Inc. (workers)	Southfield, Mich	4/22/80	4/16/80	TA-W-7,830	Slip yoke, drive flanges.
Dura-Toledo Corp. (workers)	Toledo, Ohio	4/23/80	4/17/80	TA-W-7,831	Window regulators, car door hinges, suspension bars.
Continental Screw Company, Inc. (workers)	New Bradford, Mass	4/23/80	4/15/80	TA-W-7,832	Screws.
Sealed Power Corporation (workers)	St. Johns, Mich	4/23/80	4/18/80	TA-W-7,833	Piston Rings.
Pivot Manufacturing Company (workers)	Detroit, Mich	4/23/80	4/16/80	TA-W-7,834	Automotive Pars.
Cannelton Industries, Inc., Mine #3 (UMWA)	Superior, W. Va	4/23/80	2/25/80	TA-W-7,835	Metallurgical coal.
Cannelton Industries, Inc., Mine #4 (UMWA)	Superior, W. Va	4/23/80	2/25/80	TA-W-7,836	Metallurgical coal.
Colt Industries, Haralson Metals Plant (workers).	Bremen, Ga	4/23/80	4/21/80	TA-W-7,837	Stainless steel fabricate.
Bofors America Inc., BLM Electronics Division (workers).	Waltham, Mass	4/22/80	4/14/80	TA-W-7,838	Strain gauges and related instrumentation equipment.
Chrysler Realty Corporation (workers)	Troy, Mich	4/7/80	4/3/80	TA-W-7,839	Car sales.
Hoover Universal Incorporated (company)	Athens, Tenn	4/14/80	4/9/80	TA-W-7,840	Metal seat frame stampings and assemblies for Ford Motor.
Metcalfe Ind., Inc. (workers)	Edmonton, Ky	4/8/80	4/1/80	TA-W-7,841	Corduroy pants, denim jeans.
MT Baker Cedar Inc. (workers)	Port Angeles, Wash	4/22/80	4/10/80	TA-W-7,842	Cedar shakes and shingles.
Pierce Shoe Co., Incorporated (company)	Blackshear, Ga	4/22/80	4/15/80	TA-W-7,843	Ladies, men's, children's, and boy's shoes.
Somerset Shirt & Pajama Factory (ILGWU))	Somerset, Pa	4/14/80	4/27/80	TA-W-7,844	Boy's woven sleepwear.
Borg Instruments Incorporated (IBEW)	Darlington, Wis	4/14/80	3/31/80	TA-W-7,845	Automobile clocks.
Wells Lamont Corp. (workers)	Brownsville, Tenn	4/14/80	4/7/80	TA-W-7,846	Leather work gloves.
E. W. Ferry Screw Products, Inc. (workers)	Cleveland, Ohio	4/15/80	4/1/80	TA-W-7,847	Bolts for autos, appliances, farm, and industrial equipment.
Levi Strauss Company (workers)	San Francisco, Calif	4/21/80	4/14/80	TA-W-7,848	Jeans and jackets.
Custom Decorating, Inc. (company)	Kearny, N.J	4/23/80	4/14/80	TA-W-7,849	Silk screening and hot stamping.
Clear Shake, Inc. (workers)	Clear Lake, Wash	4/14/80	4/7/80	TA-W-7,850	Shakes and shingles.
United States Luggage Corp. (workers)	Fall River, Mass	4/21/80	4/16/80	TA-W-7,851	Men's and ladies' luggage.
Alphonse Knoedler Company, Inc. (company).	Lancaster, Pa	4/4/80	3/20/80	TA-W-7,852	Umbrella handles.
Washburn Wire Products, Inc. (company)	New York, N.Y	4/8/80	4/2/80	TA-W-7,853	Various types of steel wire plus steel cable.
Ampco-Pittsburgh Corp., Wyckoff Steel	Newark, N.J	4/23/80	4/18/80	TA-W-7,854	Cold finished steel bars and wire.
Budd Company (Detroit Operation) (UAW)	Detroit, Mich	4/14/80	4/7/80	TA-W-7,855	Body stampings, wheels, hub, and drums.
Ward Products Corp. (Amalgamated Food & Allied Workers Union).	South Amboy, N.J	4/18/80	4/3/80	TA-W-7,856	Auto and C.B. antennas.
Chippewa Shoe Company (workers)	Chippewa Falls, Wis	4/21/80	4/15/80	TA-W-7,857	Men's work shoes.
Merit Clothing Company (ACTWU)	Mayfield, Ky	4/15/80	4/10/80	TA-W-7,858	Suits, topcoats, sportcoats, and slacks.
Pugsley Cedar Products (workers)	Lake Stevens, Wash	4/14/80	4/1/80	TA-W-7,859	Shingles and shakes.
D. Cook, Inc. d.b.a. Precision Products (workers).	Hoquiam, Wash	4/14/80	4/4/80	TA-W-7,860	Shakes and shingles.
Newton Cedar Products (workers)	Forks, Wash	4/8/80	3/31/80	TA-W-7,861	Shakes and shingles.
RPM Products, Inc. (workers)	Crosswell, Mich	4/8/80	4/3/80	TA-W-7,862	Automotive assemblies, stampings, moldings.
Pan American Tanning Corp. (UTWA)	Gloversville, N.Y	4/8/80	3/31/80	TA-W-7,863	Leather tanning.
Seward Luggage Company (L.A. Leather, Luggage & Handbag Workers Union).	Los Angeles, Calif	4/22/80	4/16/80	TA-W-7,864	Trunks and footlockers.
Brown Shoe Co., Factory B (Footwear Div. of UFCW).	Mountain Grove, Mo	4/14/80	4/1/80	TA-W-7,865	Women's shoes.
Lyle Bryant Shake Company (workers)	Raymond, Wash	4/18/80	4/14/80	TA-W-7,866	Cedar shakes.
Chevrolet Flint Engine Plant (company)	Flint, Mich		4/1/80	TA-W-7,867	GM parts and accessories.
Goodyear Tire & Rubber Company (URW)	Godsden, Ala	4/15/80	4/10/80	TA-W-7,868	Tires, tubes, and flaps.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Lord Jeff Knitting Company (workers)	Norwood, N.J	4/22/80	4/10/80	TA-W-7,869	Executive office, warehouse, shippong facility.
Academy Knitters (workers)	Williamstown, N.J	4/22/80	4/10/80	TA-W-7,870	Men's knit shirts and sweaters.
Brace, Mueller & Huntley, Inc. (UAW)	Tonewanda, N.Y	4/22/80	4/14/80	TA-W-7,871	Warehousing of steel and aluminum products.
Harbison-Walker Refractories (workers)	Baltimore, Md	4/18/80	4/14/80	TA-W-7,872	Fire brick.
General Electric Company, Engineered Cast Product Dept. (IUE).	Elmira, N.Y	4/18/80	4/1/80	TA-W-7,873	Cylinder jackets and large steam and gas turbine components.

[FR Doc. 13910 Filed 5-5-80; 8:45 am]

BILLING CODE 4510-23-M

Office of Pension and Welfare Benefit Programs

[Application No. D-1657]

Proposed Exemption for Certain Transactions Involving the H. B. Owsley and Sons, Inc., Employee Stock Ownership Plan Located in Charlotte, N.C.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of certain real property by the H. B. Owsley and Sons, Inc. Employee Stock Ownership Plan (the Plan) to R. P. Owsley, a party in interest with respect to the Plan. The proposed exemption, if granted, would affect Owsley and Sons, Inc. (the Employer), the sponsor of the Plan, R. P. Owsley, the City National Bank of Charlotte, North Carolina (the Trustee), the trustee of the Plan, the Plan and its participants and beneficiaries and any other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before June 17, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. D-1657. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Louis Campagna, of the Department of Labor, telephone (202) 523-7352. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by the Trustee, the Employer and R. P. Owsley, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan is an employee stock ownership plan which was converted on July 31, 1975 from a profit sharing plan. The Plan has 105 participants. R. P. Owsley is an officer and director of the Employer.

2. In 1960 an unimproved parcel of real property (the Land) located in Guilford County, North Carolina, was acquired by the Plan from R. P. Owsley for $22,000 and leased back to the Employer for a 15-year term. In 1965 and 1967 improvements (the Improvements) were made on the Land by R. P. Owsley at a total cost to R. P. Owsley of $72,558. Rent for the Land has been paid from the beginning of the lease of the Land to the Plan by the Employer. Rent for the Improvements since their construction has been paid to R. P. Owsley by the Employer. At the end of the 15-year term of the lease of the Land a dispute arose as to the ownership of the Improvements. A law suit (the Law Suit) was filed in December of 1977 in the Superior Court of Mecklenburg County, North Carolina by R. P. Owsley against the Trustee and the Employer. To settle the Law Suit, R. P. Owsley, the Employer and the Trustee entered into a settlement agreement whereby the Land and the Improvements would be sold to R. P. Owsley. The settlement agreement was made contingent upon the grant of an exemption by the Department for the proposed sale.

3. The applicants are requesting an exemption to allow the Plan to sell the Land and the Improvements to R. P. Owsley for a cash price of $140,000. The price for the Land and Improvements was determined as of June 19, 1978 by an independent appraisal performed by Wayne Sudderth, SREA, of Greensboro, North Carolina. The appraisal was made on the basis of the full market value of the Land and the Improvements and did not involve a reduction of the full market value as a result of the settlement of the Law Suit. No real estate sales commission will be charged the Plan in connection with the proposed sale.

4. The proposed sale will prevent further litigation as to the ownership of the Improvements. One possible result of the Law Suit could be a determination by the court that the Improvements are owned by R. P. Owsley and not the Plan thereby leaving the Plan with no ownership interest in the Improvements and an ownership interest in the Land which would have a limited marketability.

5. The applicants represent that the criteria of section 408(a) of the Act will be satisfied by the proposed sale because: (1) the Trustee represents the sale is in the best interests of the Plan; (2) the sale will be a one time transaction for cash; (3) no real estate sales commission will be charged the

Plan; (4) the price for the proposed sale was established by an independent appraisal; (5) the failure to dispose of the Land and the Improvements could result in a hardship to the Plan; and (6) the sale will yield a substantial profit to the Plan.

Notice to Interested Persons

Notice of the pending exemption will be given to all interested persons including participants and beneficiaries of the Plan, including all former employees of the Employer with an interest in the Plan assets, within ten days of the publication of the notice of pendency in the **Federal Register.** Such notice shall include a copy of the notice of pendency as proposed in the **Federal Register** and shall inform interested persons of their right to comment on or request a hearing regarding the requested exemption. The notice will be provided to participants currently employed by the Employer by posting it at locations customarily used by the Employer for notice to employees. Notice shall be provided to all other interested persons by first class mail.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the Plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed sale of the Land and the Improvements located in Friendship Township, Guilford, County, North Carolina by the Plan to Mr. R. P. Owsley for a cash price of $140,000 provided that this amount is not less than the fair market value of the Land and the Improvements at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 23d day of April 1980.

Ian D. Lanoff,

Administration, Pension and Welfare Benefit Programs Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-13676 Filed 5-5-80; 8:45 am]

BILLING CODE 4510-29-M

Proposed Class Exemption for Certain Transactions Involving Mortgage Pool Investment Trusts

In the matter of Proposed Class Exemption for Certain Transactions Involving Mortgage Pool Investment Trusts Requests by the Bank of America National Trust and Savings Association (Application No. D-1448), the Crocket National Bank (Application No. D-1449), the Wells Fargo Bank, National Association (Application No. D-1357), and PMI Mortgage Corp. (Application No. D-1447).

AGENCY: Department of Labor.

ACTION: Notice of proposed class exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed class exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed class exemption would exempt transactions related to the origination, maintenance and termination of mortgage pool investment trusts (mortgage pools), and the acquisition and holding of certain mortgage-backed pass-through certificates (certificates) of mortgage pools under certain circumstances by employee benefit plans (investing plans). The proposed exemption, if granted would affect participants and beneficiaries of employee benefit plans investing in such certificates, the originators and trustees of such mortgage pools, and other persons engaging in the described transactions.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before July 7, 1980.

EFFECTIVE DATE: It is proposed to make the exemption effective as of January 1, 1975.

ADDRESSES: All written comments and requests for a hearing (preferably at least three copies) should be sent to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington,

D.C. 20216, Attention: Applications D-1357, D-1447, D-1448 and D-1449. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W. Washington, D.C.

FOR FUTHER INFORMATION CONTACT: William J. Flanagan of the Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, (202) 523-7931. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is heregy given of the pendency before the Department of a proposed class exemption from the restrictions of sections 406 and 407(a) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) of the Code. Exemptive relief for transactions involving mortgage pools was requested in applications filed by the Bank of America National Trust and Savings Association (D-1448) (Bank of American), the Crocker National Bank (D-1449) (Crocker), the Wells Fargo Bank, National Association (D-1357) (Wells Fargo) and PMI Mortgage Corporation (D-1447) (PMI) pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). [1] These applicants, although not originally requesting class relief, indicate that the transactions they have entered or intend to enter with regard to mortgage pools are similar to transactions entered with regard to mortgage pools formed by other institutions within the banking industry. The applicants further state that all of these mortgage pools are patterned substantially after pools formed since 1970 by the Government National Mortgage Association and the Federal Home Loan Mortgage Corporation. In light of these representations, the Department has decided to treat these four applications as the basis upon which to propose class exemptive relief. The relief provided in this proposed class exemption is not, therefore, limited to transactions involving mortgage pools formed by the four applicants. Rather, this relief is available for any transaction involving a mortgage pool which meets the conditions of the exemption.

It should be noted that the applicants have requested retroactive and prospective relief for transactions which entered with regard to mortgage pools. The applicants represent that the transactions are the subject of their applications have regularly occurred in other conventional and government assisted mortgage pools. Since it appears that these types of transactions are customary for most mortgage pools formed since 1970, the Department has decided, in accordance with the applicants' requests, to propose retroactive and prospective relief.

Summary of Facts and Representations

The facts and representations contained in these applications are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicants.

The applicants indicate that they and other entities have formed or intend to form substantially similar series of mortgage pools, based primarily on either the Bank of America program, the Crocker program [2] or the PMI program. As described below in greater detail, a mortgage pool is an investment pool the corpus of which consists of first mortgage notes either originated by the sponsor [3] of the pool or purchased by the pool sponsor directly from the original mortgage lender. These mortgage loans are collected by the pool sponsor and transferred in trust to a trustee which is independent of the pool sponsor. [4] The pool trustee then transfers to the pool sponsor certificates representing fractional, undivided beneficial interests in the pooled mortgages. The certificates are then issued by the pool sponsor in a public offering to investors including employee benefit plans. Although there are certain material differences among the three types of mortgage pools covered by the proposed exemption, it appears that, in all cases, principal and interest payments made by individual mortgagors are passed through the mortgage pool in the form of fixed monthly payments to certificateholders, with the pool sponsor retaining a fixed percentage of the interest as a servicing fee.

A. The Bank of America Program [5]

The Bank of America had, as of March 7, 1979, formed nine mortgage pools with an aggregate principal amount of $578 million. The Bank of America represents that a number of other financial institutions have formed substantially similar mortgage pools, and that these other pools had, as of March 7, 1979, an aggregate principal amount of approximately $457 million.

Under the Bank of America program, the pool sponsor chooses loans for a mortgage pool from among mortgage loans it has previously made in accordance with its normal banking practices. [6] The pool sponsor then

[1] As an alternative to exemptive relief, the applicants each requested the Department to issue an advisory opinion that ownership of mortgage pool certificates by a plan does not mean that mortgage loans in the pool are plan assets. The Department at this time is not prepared to state that such mortgage notes would not be plan assets due to the pendency of proposed regulation 29 CFR 2550.401b-1 (44 FR 50363, August 28, 1979) defining the term "plan assets." The Department is currently considering the comments received regarding this proposal and has not yet resolved the issues prepsented by these comments. Nevertheless, because the applicants have indicated the need for prompt relief, the Department has decided to propose this class exemption at this time. It should be noted, however, that the relief provided in this class exemption may ultimately be affected by actions taken by the Department regarding proposed regulation 29 CFR 2550.401b-1.

[2] Wells Fargo, in its application, indicates that it intends to form mortgage pools having characteristics of both the Bank of America and Crocker programs.

[3] In their submissions to the Department, the applicants have used the term "originator" to describe the entity which organizes a mortgage pool. Because confusion may result from the fact that, in certain cases, the "originator" of a pool is not also the entity which originated the mortgage loans included in the pool, the Department has decided to use the terms "sponsor" or "pool sponsor" to describe an entity which organizes a mortgage pool. It should, however, be noted that the sponsor of a mortgage pool is not, solely by virtue of its sponsorship of the pool, the "plan sponsor" (as defined in section 3(16)(B) of the Act) with respect to a plan investing in the mortgage pool.

[4] Subsequent to the creation of the pool, its operation may result in the holding by or for the pool of property formerly securing such notes, which property has been acquired by the pool through foreclosure, and such funds as may from time to time be held in separate non-interest bearing accounts pursuant to applicable trust instruments or servicing agreements.

[5] In describing mortgage pools organized under this type of program, the Bank of America has made representations which have been repeated by the other applicants in describing pools organized under their types of programs. Rather than repeat these duplicative representations, the Department has set forth fully the representations of the Bank of America and has subsequently noted where the other applications differ from or augment the Bank of America application. Therefore, unless otherwise noted, the representations ascribed to the Bank of America during this discussion may be attributed to all of the applicants.

[6] The Bank of America program requires that mortgage loans chosen for a mortgage pool must be "single-family" mortgage loans, which are permanent loans (rather than construction or land development loans) secured by mortgages on non-farm property comprising one to four dwelling units. Such loans must have a loan to value ratio of 80% or less, and principal balances between $20,000 and $150,000. In addition, principal and interest must be payable on a level debt service basis (approximately equal monthly payments representing increasing amounts of principal over the term of the loans), and the properties mortgaged to secure the loans must be dispersed over the geographic area served by the sponsor. Prospective investors are provided with detailed information regarding the composition of a mortgage pool prior

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transfers these loans in trust to the pool trustee, and the trustee delivers the certificates to the sponsor. The Bank of America represents that the pool trustee under its program is independent of the pool sponsor, but that the same trustee may be used for more than one mortgage pool.[7]

At the time of the transfer described above, the pool sponsor and the trustee enter into a pooling and servicing agreement. Pursuant to this agreement, the sponsor and the trustee assume certain specified responsibilities for the administration of the mortgage pool. The sponsor also agrees to continue to service the individual mortgage loans in the pool. In addition, the pool sponsor makes certain warranties with regard to the pooled mortgage loans, including that each mortgage is a valid first lien on the property securing the mortgage note and that the pool sponsor had good title to the mortgage loans prior to their transfer to the trustee. The trustee has a specified time within which to examine the loans in order to assure that the warranties have not been breached, and that the loan documents are complete. If, within this time period, a material breach of any of these warranties is discovered, or if there is a material defect in any of the mortgage documents, the pool sponsor has a specified period from the discovery of such breach or defect, or from notice thereof, in which either to cure the breach or defect or to repurchase the affected mortgage loan from the trustee at a price equal to the principal balance thereof plus accrued interest at the applicable pass-through rate to the first day of the month following the month of repurchase, less any unreimbursed advances made by the pool sponsor with respect to such mortgage loan.

The pooling and servicing agreement also sets the rate of return provided by the certificates. The applicant indicates that this rate, known as the pass-through rate, will be set by the pool sponsor based upon a variety of considerations. First, the applicant states that the pass-through rate will not exceed the lowest interest rate of any mortgage in the pool. Second, Bank of America represents that the pass-through rate will be set by the pool sponsor based upon money market rates existing at the time the mortgage pool is formed. Third, the Bank of America indicates that the pool sponsor will utilize the pass-through rate as a market tool by balancing the pass-through rate with the offering price of the certificates in order to produce a security with both a price and a rate of return acceptable to investors under current market conditions.[8]

The originator retains the difference between the pass-through rate and the interest rate for each loan in the pool.[9]

The pool sponsor uses this retained interest to pay the pool trustee's fee and, where the pooling and servicing agreement requires the purchase of mortgage guarantee insurance and special hazard insurance policies for the pool, to pay the premiums for such insurance. The remainder accrues to the pool sponsor.[10] The pooling and servicing agreement also provides that the pool sponsor may retain any prepayment or late payment penalties from individual mortgagors, although the Bank of America represents that it is its policy to waive all prepayment fees for pooled mortgage loans bearing an interest rate lower than rates available for new mortgage loans.

The Bank of America represents that most of the certificates issued pursuant to its program have been offered through syndicates of investment bankers in firm commitment underwritings. By this process, the pool sponsor sells certificates to the underwriting syndicate, which then, either immediately or at some later time as the market dictates, resells the certificates to investors. Any change in the certificate price upon such resale is therefore borne by the underwriters. The Bank of America represents that initial sales of certificates in a pool established pursuant to its program may be subject to a specified minimum purchase size. The Bank of America also states that it expects a strong secondary market for this type of certificate to develop.

Once the certificates have been sold, the pooling and servicing agreement provides that the sponsor, as servicer of the individual mortgage loans, will continue to receive and process payments from individual mortgagors. The Bank of America represents that the pool sponsor under its type of program will hold all such payments in a noninterest bearing account until the specified date of transfer to the pool trustee for disbursement to certificateholders. The applicants represent that the holding of these funds in non-interest bearing accounts before transfer to certificateholders comports with present industry practice as established by Government National Mortgage Association (GNMA) pass-through mortgage pools and is taken into account by prospective investors.

The Bank of America represents that its program contains several features designed to assure regular payments and otherwise to safeguard the interests of certificateholders. The Bank of America indicates, however, that future pools organized under its program will contain different types of safeguards from those provided in pools it has previously formed.

In this regard, the Bank of America represents that the pooling and servicing agreements for pools already organized under its program provide three types of such safeguards. First, the pooling and servicing agreement requires the pool sponsor to obtain an insurance policy for each mortgage pool, generally covering loss by reason of default in payments on any mortgage loan included therein up to an amount equal to 5 percent of the initial adjusted aggregate principal balance of the pool. Second, because such insurance generally requires that any damaged mortgaged property must be repaired

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to the sale of certificates. Mortgage loans contained in the other two types of mortgage pools covered by this proposed class exemption must meet similar criteria.

[7] The applicants represent that, when the pool sponsor and trustee are experienced in this area, repeated pool organizations by the same sponsor and trustee achieve efficiencies in the establishment and operation of such pools.

[8] The applicant indicates that, in all three types of mortgage pools, there is a direct correlation between the certificate price and the pass-through rate. For example, in situations in which mortgage loans in a mortgage pool have interest rates lower than the rates currently available to investors, thereby resulting in a pass-through rate lower than current interest rates, the certificates in that pool must be offered at a discount in order to provide investors with a yield which is acceptable in the current market. Similarly, situations may arise in which the interest rates of pooled mortgage loans are higher than currently available rates. Ordinarily, certificates in such a pool would be expected to sell at a premium because they would provide a higher rate of return than the present market rate. However, the applicant indicates that, because of the substantial likelihood that many of the pooled mortgage loans will be prepaid or otherwise retired before their stated termination date, investors would be unwilling to purchase mortgage pool pass-through certificates at a premium. In order to reduce the offering price of the certificates to face amount, the sponsor must therefore reduce the pass-through rate to the level currently prevailing on the money market.

[9] The Bank of America states that in the case of pools of variable rate mortgages, the servicing compensation will be fixed when the pool is formed and thus changes in the mortgage rate will cause corresponding changes in the pass-through rate over the life of the mortgage pool.

[10] The applicant indicates that this retained interest is referred to in the mortgage banking industry as "servicing compensation," but that it reflects the mortgage market's assessment of the value of the certificate. Thus, when the pass-through rate is significantly lower than the average interest rate of the pooled mortgage loans, although this results in the pool sponsor's retaining a large portion of the interest paid on the loans, this gain is offset by the fact that such certificates will be sold at a discount in order to achieve an acceptable return for investors. The applicant represents that this retained interest plus all other payments retained by or otherwise inuring to the benefit of the pool sponsor in connection with the mortgage pool represents no more than reasonable compensation to the pool sponsor for selling the mortgage loans and organizing and servicing the mortgage pool.

before payment of any claims thereon, the pool sponsor is required to obtain a special hazard insurance policy covering risks of loss not typically covered in hazard insurance policies held by most individual mortgagors. Premiums for both the mortgage insurance and the special hazard insurance policies are paid by the pool sponsor with funds derived from the interest differential retained by the pool sponsor. Finally, when payments from mortgagors are delinquent, the Bank of America indicates that it intends to make advances from its own funds to compensate for such delinquencies. The Bank of America represents that such advances are not required by the pooling and servicing agreement and will be made only to the extent they are recoverable under the pool's mortgage insurance policy. To the extent that no voluntary advances are made or delinquent payments are not covered by the pool's mortgage insurance, the Bank of America represents that payments to all certificateholders would be reduced.

With regard to future pools, the Bank of America indicates it will no longer be required to purchase mortgage insurance or special hazard insurance for its pools. Rather, pursuant to the recent approval of the Office of the Comptroller of the Currency, the Bank of America states that it intends to issue to each new mortgage pool an irrevocable letter of credit for an amount between 5 and 10 percent of the aggregate principal value of the pooled mortgage loans. For each month in which there are delinquent mortgage payments, the pool trustee will write a draft on this letter of credit equal to the amount of the delinquent payments, if the trustee later receives any of these delinquent payments, the trustee will transfer such payments to the Bank of America. If any mortgage becomes six months delinquent, the trustee will write a draft for the full amount of principal and interest remaining on that mortgage. In return for honoring the draft, the Bank of America will then be assigned the entire mortgage. The Bank of America will then satisfy the debt out of the proceeds of foreclosure. The Bank of America represents that this new system will ensure a steady flow of payments to certificateholders without the delays and costs which may be present when insurance policies are utilized.

The Bank of America represents that a mortgage pool established under its type of program will continue in existence until all the mortgage loans included in that pool are paid off. However, the sponsor under the Bank of America program has the option to repurchase all the loans included in a pool, thereby terminating the pool, when the aggregate outstanding principal balance of the pool falls below 10 percent of its original aggregate principal value. The applicant represents that a pool, under normal circumstances, may be expected to be paid down to this 10 percent level no sooner than 15 years after its creation. The price for such a termination repurchase would be the greater of either the remaining aggregate principal balance or the fair market value of the certificates, plus interest in either case at the pass-through rate. The Bank of America states that such a termination repurchase provision is desirable because certificates in such small mortgage pools may be unmarketable, or marketable only at a discount, in any secondary market that may develop. In addition, the application indicates that it may be uneconomical to service such a small pool at the rate of compensation provided in the pooling and servicing agreement.[11]

B. The Crocker Program

Crocker had not formed any mortgage pools as of the date of its application. The proposed Crocker program is similar in most material respects to the Bank of America program. As in the Bank of America program, pools formed under the Crocker program will consist of mortgage loans made by the pool sponsor and held in trust by an independent trustee. Pools under the Crocker program will also operate in essentially the same manner as pools organized under the Bank of America program. The primary difference between the two programs is that the Crocker program provides for neither mortgage insurance nor special hazard insurance. Rather, as more fully described below, the Crocker program provides for two classes of certificates, one subordinate to the other, and a reserve fund, in order to mitigate the effects of property damage or defaults.

Crocker represents that for each mortgage pool, two classes of certificates—Class A and Class B—will be offered. Crocker states that the Class B certificates, in its initial mortgage pool, will represent a 6.5% undivided interest in the pool, and that the interest represented by such certificates will not exceed, in the aggregate, a 10% undivided interest in any subsequent pool. Crocker represents that, under its program the pool sponsor will initially retain all Class B certificates.[12] Crocker states that Class B certificates will be subordinated to Class A certificates in entitlement to monthly distributions of principal and interest. When distribution of such payments to certificateholders begins, the pool sponsor will establish a reserve fund by withholding from Class B certificateholders monthly distributions to which they would otherwise be entitled. Crocker states that such withholdings will continue until the reserve fund reaches a level equal to the greater of (1) the sum of the principal balances of the two largest mortgage loans in the pool at that time, or (2) 1% of the aggregate principal balance of the entire mortgage pool. Each month, the mortgage payments collected by the pool sponsor will be transferred to the pool trustee for disbursement first to Class A certificateholders. For months in which the amount of collected mortgage payments is sufficient to make full scheduled payment to the Class A certificateholders, the remainder, if any, will be then disbursed to Class B certificateholders. When defaults reduce the amount of monthly payments collected, such deficiencies will be financed first from payments that would otherwise be made to Class B certificateholders. To the extent that this is still insufficient to provide full scheduled payments to Class A certificateholders, the pool trustee will utilize the reserve fund to make up the deficiency. When the reserve fund is drawn down, payments on the following months will be withheld from Class B certificateholders until the reserve fund again reaches its required level.[13]

Unlike the Bank of America program, the Crocker program does not provide for any direct advances from the pool sponsor to certificateholders in the event of default or late payment by individual mortgagors. The Bank of America indicates in its application that, if Crocker receives certain regulatory and tax rulings for its program, the Bank of America and other banks may modify their pooling arrangements and follow the Crocker model in the future.

C. The PMI Program

PMI represents that mortgage pools of the type organized under its program

[11] The applicant indicates that if, pursuant to the terms of the pooling and servicing agreement, the sponsor of a mortgage pool resigns, ceases doing business, or defaults before the termination of the mortgage pool, the pool trustee will succeed to the sponsor's rights and duties.

[12] It should be noted that the class exemption proposed herein does not apply to the sale of Class B certificates to employee benefit plans.

[13] Crocker represents that, under its program, the pool sponsor, not the pool trustee, is responsible for the administration of this allocation formula. Crocker further represents that the sponsor under its program has no discretion with regard to these allocations since the allocation formula is set forth in the pooling and servicing agreement.

will operate in essentially the same manner as those formed under the Bank of America and Crocker programs. There are, however, several material differences between the PMI program and the programs of the applicant banks.

Certain of the differences between the PMI program and the Bank of America and Crocker programs result from the fact that the sponsor of a mortgage pool established under the PMI program is not a mortgage lender and therefore must purchase mortgage loans from financial institutions which make such loans for inclusion in mortgage pools. PMI represents that it reserves the right to transfer these loans to the mortgage pool at a price which is at a premium over, or at a discount from, the purchase price paid by PMI. PMI also states that the lending institutions that made the mortgage loans included in a pool will, in most cases, continue to service individual mortgage loans, subject to the supervision of the pool sponsor, under the PMI program. These original lenders, referred to as "seller-servicers," are required to give monthly and yearly reports to the pool sponsor under the PMI program regarding all loans sold to the pool sponsor for inclusion in mortgage pools. PMI represents that seller-servicers are also required to state their intent to advance their own funds for any delinquent mortgage payments. The seller-servicers are not contractually obligated to make such advances, but PMI states that the seller-servicers will be reimbursed for any such advances. For their services, the seller-servicers receive all prepayment, late payment and assumption fees, and also retain a portion of the interest payment which is not less than ¼ of 1% (on an annualized basis) of the principal amount of each mortgage loan sold to the pool. The interest remaining after the seller-servicers retain this percentage fee is termed interest at the "contract rate."

PMI represents that, pursuant to its program's pooling and servicing agreement, seller-services deposit individual mortgage payments, less the interest retained by the seller-servicer, in a bank custodial account. This is a non-interest bearing account owned by the pool sponsor. From these deposited funds, the pool sponsor also retains a specified portion of the interest payment. PMI indicates that, as in the Bank of America and Crocker programs, this retained interest represents a part of the compensation paid to the pool sponsor as organizer and servicer of the mortgage pool. PMI states that the pool sponsor under its program is then required to withdraw the remaining interest, principal payments, and prepayments from the custodial account for principal and interest, and deposit these funds by a date specified in the pooling and servicing agreement into an account from which the pool trustee makes payments to certificateholders.

PMI notes that, under its program as well as the Bank of America and Crocker programs, a cash "float" results from the delay between collection of individual mortgage payments and the distribution of such payments to certificateholders. As noted previously, bank-sponsors under the Bank of America and Crocker programs hold this "float" in non-interest bearing accounts, and any benefit derived from this practice accrues to such sponsors as a part of its total compensation for organizing and servicing the mortgage pool.[14] PMI represents that, because the sponsor under its program is not also the lending institution which made the loans included in the mortgage pool, the cash "float" which results in the PMI program does not remain in one depository before it is distributed to certificateholders. As indicated above, these funds represent mortgage payments and are deposited in non-interest bearing custodial accounts by seller-servicers. After such deposits, the pool sponsor under the PMI program retains the right to invest this cash "float" for its own benefit prior to depositing such funds in the certificate account. PMI represents that the pool sponsor may deposit such "float" funds in an investment account at an "investment depository" designated in the pooling and servicing agreement. PMI further represents that such funds are then invested in one or more liquid, high grade investment instruments from amount a list of such investments specified in the pooling an servicing agreement and disclosed to all potential purchasers of certificates. PMI represents that any such investments are for the pool sponsor's own account and at the pool sponsor's risk. The pooling and servicing agreement under the PMI program requires that all "float" funds invested in this way be deposited in the certificate account by the date specified for such deposit, and that any insufficiency in these funds caused by losses suffered on these short-term investments must be made up from the pool sponsor's general assets. PMI represents that the proceeds from such investments represent a part of the reasonable compensation retained by the pool sponsor for establishing and maintaining the mortgage pool, and that such investments are therefore similar to the holding of funds in non-interest bearing accounts by pool sponsors under the Bank of America and Crocker programs.

PMI indicates that its program also differs from the Bank of America and Crocker programs in the structure of the insurance obtained to safeguard the pool from delinquent or defaulted mortgage payments and to compensate the pool for physical damage to property securing the pooled mortgage loans.[15] As in mortgage pools already formed under the Bank of America program, the sponsor of a pool organized under the PMI program is obligated to secure mortgage insurance and special hazard insurance for the pool. In addition, however, PMI indicates that, under its program, the sponsor must also establish a reserve fund to cover defaults of mortgage payments not otherwise covered by the mortgage insurance obtained for the pool. Unlike the reserve fund established under the Crocker program, the reserve fund under the PMI program is composed solely of the pool sponsor's own assets rather than a portion of the individual mortgage payments. PMI represents that the pool sponsor under its program will hold such reserve funds separately from all pool funds, and may invest such reserve funds for its own benefit. The amount in the reserve fund is set by the pooling and servicing agreement as a specified percentage of the principal amount of the mortgages not covered by mortgage insurance.

D. Prohibited Transactions

The applications indicate that employee benefit plans have invested or are expected to invest in these types of certificates. The applicants indicate that, in some cases, the pool sponsor or pool trustee, though independent of each other, may have a pre-existing relationship with an investing plan.

[14] See note, *supra*, and accompanying text.

[15] In its application, PMI also outlined three other practices permitted under its program which are not present under the other programs and for which the Department is not proposing exemptive relief herein. First, PMI represents that the pool sponsor under its program would be able to obtain mortgage insurance and special hazard insurance for the pool from an insurer which is an affiliate of the pool sponsor. Second, PMI indicated that it wishes to retain the right to distribute its certificates through an underwriter which is an affiliate of PMI. Third, PMI represents that its program would permit a sponsor to create pools pursuant to negotiations with potential investors and to place certificates through privately negotiated offerings. On the basis of the facts and representations before it at this time, the Department has tentatively determined not to provide relief for such transactions because the Department does not believe PMI has demonstrated that an exemption for these transactions would satisfy the statutory criteria in section 408(a) of the Act.

Where the pool sponsor or pool trustee has investment discretion with regard to the assets of an investing plan, the applicants state that the pool sponsor or pool trustee may be a fiduciary with regard to that plan as defined in section 3(21)(A) of the Act and a party in interest as defined in section 3(14)(A) of the Act. Where the pool sponsor or pool trustee provides services unrelated to the particular mortgage pool to investing plans, the applicants indicate that the pool sponsor or pool trustee may be a party in interest with respect to such plans as defined in section 3(14)(B) of the Act. Similarly, the applicants state that, in certain cases, the pool sponsor or pool trustee may be a party in interest with respect to a plan as defined in section 3(14) (C), (E), (G), and (I) of the Act. The applicants represent that a direct or indirect sale of certificates by the pool sponsor or pool trustee to employee benefit plans as to which the pool sponsor or pool trustee is already a party in interest may be a prohibited transaction under section 406(a)(1)(A) of the Act and section 4975(c)(1)(A) of the Code, which prohibit the direct or indirect sale, exchange or transfer of property between a plan and a party in interest. The applicants further represent that where the pool sponsor or pool trustee is a plan fiduciary, such a transaction may be prohibited under section 406(b) (1) and (2) of the Act and section 4975(c)(1)(E) of the Code, which prohibit a fiduciary with respect to a plan from dealing with the assets of the plan in his own interest or for his own account, and from acting in any transaction involving the plan on behalf of a party (or representing a party) whose interests are adverse to the interests of the plan or its participants and beneficiaries.[16]

The applicants indicate that other prohibited transactions with regard to all three programs may arise after the sale of certificates to employee benefit plans.[17]

The bank-applicants state that the pool sponsor under their programs will retain a portion of the interest paid by individual mortgagors equal to the difference between the certificate pass-through rate and the actual interest rate on the mortgage loans included in the mortgage pool. In the case of the PMI program, the retained interest is the difference between the certificate pass-through rate and the contract rate. In part, this retained interest represents compensation to the sponsor for servicing the mortgage pool, payments of insurance premiums and other necessary pool expenses. However, the applicants represent that the amount of interest retained by the pool sponsor may also reflect an attempt to balance money market yield considerations with the aggregate yield of the pooled mortgage loans.[18] Under such circumstances, the retention of interest by the pool sponsor may be a direct or indirect transfer to or use by or for the benefit of, a party in interest, of plan assets, a prohibited transaction pursuant to section 406(a)(1)(D) of the Act and section 4975(c)(1)(D) of the Code. In addition, when the pool sponsor is also a fiduciary with respect to an investing plan, the retention of interest may be a prohibited transaction pursuant to section 406(b)(1) of the Act and section 4975(c)(1)(E) of the Code, which prohibit a fiduciary with respect to a plan from dealing with plan assets in his own interest or for his own account.

The pool sponsor under the Bank of America and Crocker programs also collects and holds individual mortgage payments in non-interest bearing accounts until the designated date of disbursement to certificateholders. The bank-applicants suggest that this practice may be prohibited under section 406(a)(1)(D) of the Act and section 4975(c)(1)(D) of the Code. In cases where the pool sponsor is a fiduciary with investment discretion with regard to the assets of an investing plan, the applicants also indicate that the practice may be a prohibited transaction under section 406(b)(1) of the Act and section 4975(c)(1)(E) of the Code.

Similarly, the pool sponsor under the PMI program may invest for its own benefit the cash "float" which results after the collection of individual mortgage payments. PMI represents that this practice may be viewed as a prohibited transaction under section 406(a)(1)(D) of the Act and section 4975(c)(1)(D) of the Code. Furthermore, when the pool sponsor under the PMI program is a fiduciary with investment discretion with regard to the assets of an investing plan, this practice may be a prohibited transaction under section 406(b)(1) of the Act and section 4975(c)(1)(E) of the Code.

The Bank of America and Crocker also indicate that in the course of servicing the mortgage loans included in a mortgage pool, a pool sponsor may receive certain additional fees such as late payment charges or assumption fees from mortgagors. When the pool sponsor is also a fiduciary with respect to an investing plan, the applicants represent that the retention of such fees by the pool sponsor may be a prohibited transaction pursuant to section 406(b)(1) of the Act and section 4975(c)(1)(E) of the Code. Such a transaction may also be prohibited pursuant to section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code which prohibit a fiduciary from receiving any

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[16] The Bank of America and Crocker assert that, under their programs, such transactions may be exempt pursuant to section 408(b)(8) of the Act and 4975(d)(8) of the Code as transactions between a plan and a common or collective trust fund maintained by a bank. However, it does not appear to the Department that mortgage pools are common or collective trusts within the meaning of these sections. See H. Rpt. No. 93-1280 (93d Cong., 2d Sess.) 316 (1974).

[17] The applicants represent that certain prohibited transactions may result from the provision of services by the pool sponsor or trustee to the mortgage pool when the pool sponsor or trustee is a party in interest with respect to an investing plan. The Department notes that section 408(b)(2) of the Act and section 4975(d)(2) of the Code exempt, under certain circumstances, the provision of services from the prohibitions of section 406(a) of the Act and the taxes imposed by section 4975(a) and (b) of the Code. Regulation 29 CFR 2550.408b-2 provides, among other things, that relief under section 408(b)(2) of the Act is available for contracting or making reasonable arrangements with a party in interest for office space, or legal, accounting or other services necessary for the establishment or operation of the plan, provided that no more than reasonable compensation is paid therefor. Regulation 26 CFR 54.4975-6 makes similar provisions for relief under section 4975(d)(2) of the Code. Thus, such provision of services would be exempt from the prohibitions of section 406(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code if these conditions were met.

The applicants also indicate that, when the sponsor or trustee of a mortgage pool is a fiduciary with respect to an investing plan, the provision of services by the sponsor or trustee to such pool may be a prohibited transaction under section 406(b) of the Act. The bank-applicants suggest, however, that the provision of such services may be exempt from the prohibitions of section 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code pursuant to section 408(b)(6) of the Act and section 4975(d)(6) of the Code, which exempt, under certain conditions, the providing of ancillary bank services to a plan by a bank which is a fiduciary with respect to such plan. Based on the information provided by the bank-applicants, the Department is unable to conclude that the services provided with regard to mortgage pools are ancillary bank services within the meaning of section 408(b)(6) of the Act and section 4975(d)(6) of the Code.

[18] As indicated in note 10, *supra*, the applicants submit that payments received and retained by the pool sponsor represent adequate consideration for the sale of mortgage loans plus reasonable compensation for services provided to the pool. When the sponsor of a mortgage pool is a fiduciary with respect to a plan which has purchased certificates of such pool, the retention of such payments by the originator would be exempt from the prohibitions of sections 406(a) of the Act and section 4975(c)(1) (A) through (D) of the Code pursuant to section 408(c)(2) of the Act and section 4975(d)(10) of the Code to the extent that such payments represent reasonable compensation for services rendered and reimbursement for expenses properly and actually incurred. *See* 29 CFR 2550.408c-2(a)(2); 26 CFR 54.4975-6(e)(3). However, the Department notes that when the provision of such services by the pool sponsor involves an act described in section 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code, such an act constitutes a separate transaction which is not exempt under section 408(c)(2) of the Act and section 4975(d)(10) of the Code.

consideration from any party dealing with the plan in connection with a transaction involving plan assets.[19]

The pooling and servicing agreements also provide that the sponsor must repurchase a loan from the mortgage pool if the warranties made with respect to that loan have been breached or if there is a defect in loan documentation which cannot be cured otherwise. The applicants suggest that such a transaction is not a sale between a plan and a party in interest, but a rescission of a prior sale. However, the applicants recognize that such a transaction may be viewed as a direct or indirect sale of property between a plan and a party in interest, and that therefore such a transaction may be prohibited under section 406(a)(1)(A) of the Act and section 4975(c)(1)(A) of the Code.

Similarly, the pooling and servicing agreement provides that the sponsor may repurchase the loans in a mortgage pool when the pool's value falls to 10% or less of its original aggregate principal value. The applicants indicate that such repurchasing may be viewed as a sale of property between a plan and a party in interest, and as such would be prohibited under section 406(a)(1)(A) of the Act and section 4975(c)(1)(A) of the Code.

The applicants also state that the pool sponsor may in some cases cause foreclosure on property secured by mortgage loans included in the mortgage pool. Such property may be in need of repair before sale, and the applicants state that the pool sponsor is obligated to make such repairs and recover its costs out of the proceeds of the liquidation sale. Such a transaction may be prohibited under section 406(a)(1)(B) of the Act and section 4975(c)(1)(B) of the Code as a direct or indirect lending of money or other extension of credit between a plan and a party in interest.

The applicants represent that a mortgage pool could contain loans secured by mortgages on property owned by an employee of an investing plan or by any other party in interest of the investing plan. In such a situation, the applicants represent that the purchase of certificates by a plan in such a pool may be viewed as a direct or indirect extension of credit between a plan and a party in interest, a transaction prohibited by section 406(a)(1)(B) of the Act and section 4975(c)(1)(B) of the Code. The applicants state further that the foreclosure on such property may be viewed as a sale or exchange of property between a plan and a party in interest, and therefore prohibited by section 406(a)(1)(A) of the Act and section 4975(c)(1)(A) of the Code.

Similarly, the pool may acquire, through foreclosure or deed in lieu of foreclosure, property leased to a party in interest with respect to an investing plan. Such acquisition may be prohibited under section 406(a)(1)(A) of the Act and section 4975(c)(1)(A) of the Code as the indirect leasing of property between a plan and a party in interest.

The applicants indicate that the prohibitions in Title I of the Act also may apply where an employer of employees covered by an investing plan leases property subject to a mortgage loan included in a mortgage pool. The applicants indicate that under certain circumstances, the acquisition of such real property, through foreclosure or otherwise, by the pool on behalf of a plan may be prohibited under section 406(a)(1)(E) of the Act as the acquisition, on behalf of the plan, of employer real property, as defined in section 407(d)(2), in violation of section 407(a) of the Act.[20] The applicants further indicate that the mortgage pool may acquire mortgage notes arising from loans made to, and secured by property owned by, an employer of employees covered by an investing plan. The applicants represent that the acquisition of such loans may involve the acquisition of employer securities prohibited under section 407(a) of the Act. The applicants also state that the continued holding in a mortgage pool of such property and mortgages secured thereby, and the continued holding by a plan of certificates of such a pool may also be prohibited under sections 406(a)(2) and 407(a)(1)(B) of the Act.

Certain additional prohibited transactions may occur with regard to mortgage pools organized according to the Bank of America program. The Bank of America program provides that the pool sponsor may direct advances to certificateholders in the event of loan payment delinquencies, and recover such advances out of late mortgage payments or insurance proceeds. Similarly, for all mortgage pools formed in the future by the Bank of America, the Bank of America will be obligated to honor drafts written on a letter of credit extended to the pool trustee on behalf of the mortgage pool. The Bank of America will recover these funds from mortgage payments later received or from the proceeds from foreclosures. To the extent that certificateholders in such pools include investing plans, the Bank of America represents that such advances, the issuance of such letters of credit or the honoring of drafts on such letters of credit may be prohibited under section 406(a)(1)(B) of the Act and section 4975(c)(1)(B) of the Code as loans or other extensions of credit between a plan and a party in interest.

There may also be other prohibited transactions which occur with regard to the Crocker program. Under the Crocker program, Class A certificateholders may receive payments from the reserve fund or from funds which would otherwise go to Class B certificateholders. Crocker suggests that such payments may represent an extension of credit or a guarantee of indebtedness between a plan and a party in interest, and may therefore be prohibited under section 406(a)(1)(B) of the Act and section 4975(c)(1)(B) of the Code.[21]

In addition, certain prohibited transactions may occur with regard to the PMI program.[22] The PMI program

[19] Under the PMI program, such additional fees are retained by the seller-servicers of the individual mortgage loans. To the extent that such seller-servicers are not fiduciaries with respect to the mortgage pool, it does not appear that the retention of such fees would result in a prohibited transaction under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

[20] Section 407(a) of the Act provides, in part, that a plan other than an eligible individual account plan may not acquire or hold any employer real property which is not qualifying employer real property as defined in section 407(d)(4) of the Act. Section 407(a) further provides that such a plan may not acquire qualifying employer real property if immediately after such acquisition, the fair market value of such qualifying employer real property exceeds 10 percent of the fair market value of the assets of the plan.

[21] Crocker also represents that the allocation of payments between Class A and Class B certificateholders may give rise to prohibited transactions in situations where the pool sponsor is both a fiduciary with respect to an investing plan and the holder of some or all of the Class B certificates. Crocker suggests that, in such a situation, if the pool sponsor resolves conflicts between Class A and Class B certificateholders in favor of the Class B certificateholders, the transaction may involve a conflict of interest prohibited under section 406(b)(1) and (2) of the Act and section 4975(c)(1)(E) of the Code. However, Crocker represents that the relationship between Class A and Class B certificates is clearly defined in the pooling and servicing agreement proposed for the Crocker program, and that the pool sponsor does not possess the discretionary authority to deviate from these terms. Since the terms as described by the applicants indicate that Class A certificateholders will always have priority in entitlement to allocations of funds, it does not appear that a prohibited transaction will result as long as the originator follows the terms of the pooling and servicing agreement.

[22] PMI suggests that when seller-servicers continue to service individual mortgage loans after selling such loans to the pool originator, and when such seller-servicers are parties in interest with respect to an investing plan by reason of a relationship unrelated to that particular mortgage pool, the continued provision of such services may be a prohibited transaction under section 406(a)(1)(C) of the Act and section 4975(c)(1)(C) of the Code. However, if the conditions in regulations 29 CFR 2550.408b-2 and 26 CFR 54.4975-6 are met, the provisions of such services would be exempt from the provisions of section 406(a) of the Act and section 4975(c)(1)(A)-(D) of the Code pursuant to

Footnotes continued on next page

allows the seller-servicers to hold individual mortgage payments in non-interest bearing accounts until transfer of such funds to the pool sponsor. This practice may be a prohibited transaction under section 406(a)(1)(D) of the Act and section 4975(c)(1)(D) of the Code. The PMI program also requires the pool sponsor to establish a reserve fund of its own assets to be used to compensate for delinquent mortgage loan payments not otherwise covered by mortgage insurance. PMI represents that this may be viewed as a guarantee of indebtedness and therefore a prohibited transaction under section 406(a)(1)(B) of the Act and section 4975(c)(1)(B) of the Code.

E. Exemptive Relief

The applicants represent that the requested exemption is administratively feasible; in the interests of investing plans, their participants and beneficiaries; and protective of the rights of participants and beneficiaries of such plans. The applicants represent that mortgage pool certificates are a high-yielding investment which would provide a steady flow of income to investing plans. The applicants also represent that investment in such certificates would benefit investing plans because such plans would pay a relatively low servicing fee. The applicants state that the loans in a mortgage pool are secured by geographically dispersed property, thereby reducing the chance that unfavorable economic developments in one geographic area will adversely affect mortgage pool yields. The applicants further indicate that the default rate for mortgage loans of the quality of those comprising these types of mortgage pools is generally 2% or less of the aggregate principal value of the pooled loans, thus increasing the attraction of investment in such certificates. In addition, the applicants suggest that such certficiates represent a sound method by which plans may be able to diversify their investments to include investments in real estate mortgages.

The applicants further state that all mortgage pools are to be administered by trustees independent of the pool sponsor for the sole interest of certificateholders. All of the transactions for which the applicants seek exemptive relief are governed by the detailed terms of a pooling and servicing agreement which provides, among other things, that investing plans will receive no less than fair market value for their investment in the event of repurchase by the originator. The applicants also indicate that the low loan default rate, and the favorable loan to value ratio of loans included in mortgage pools will protect the interests of investing plans and their participants and beneficiaries. Further safeguards under the Bank of America program would be provided by mortgage insurance and hazard insurance policies, or by the issuance of a letter of credit to cover mortgage payments delinquencies. The PMI program requires similar insurance policies along with a supplemental reserve fund comprised of the originator's own assets. Crocker, which has no such insurance in its program, represents that the two classes of certificates and the reserve fund features of its program are designed similarly to protect the interests of class A certificateholders.

The transactions which are the subject of the requested exemption are governed in detail by the pooling and servicing agreement. The applicants further represent that, because the compensation retained by the pool sponsor is actually a residual amount which is considered in setting the certificate price, market forces will prevent any pool sponsor from receiving unreasonable compensation.

The exemption proposed herein contains several general conditions for all transactions. First, the mortgage pool certificates must be offered for sale pursuant to an offering of securities registered under the Securities Act of 1933. Second, the certificates must be offered for sale by firm commitment underwritings. Third, the pool sponsor must maintain a system of insurance, reserve funds, irrevocable letters of credit, or a combination of any of these in order to protect certificateholders from losses due to mortgage loan defaults or property damage. Finally, the pool trustee must not be an affiliate of the pool sponsor.

In addition, the proposed exemption contains a condition which differs, in some respects, from the proposal for exemption submitted by the applicants.[23] The proposed exemption is available, when the pool sponsor or the pool trustee is a fiduciary with investment discretion with respect to a plan which may invest in mortgage pool certificates, for the sale of such certificates to the plan only if (1) such purchase is expressly approved by a fiduciary independent of the pool sponsor or pool trustee who has authority to manage and control the assets of the plan; (2) the plan pays no more for the certificates than would be paid by an unrelated party in an arm's-length transaction; (3) the plan pays no investment management, investment advisory, sales commission or similar fee to the pool sponsor with regard to such sale or acquisition; and (4) the total value of certificates purchased by plans with respect to which the pool sponsor or pool trustee is a fiduciary with investment discretion does not exceed 10% of the amount of the offering.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which require, among other things, that a fiduciary discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before any exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Request

All persons are invited to submit written comments or requests for a hearing on the proposed exemption to the address and within the time period set forth above. All comments will be

Footnotes continued from last page
section 408(b)(2) of the Act and section 4975(d)(2) of the Code.

[23] As indicated in note 15, *supra*, relief is not being proposed in three areas for which PMI requested relief.

made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the applications for exemption at the address set forth above.

Proposed Exemptions

On the basis of the facts and representations set forth in the applications, the Department is considering granting the following class exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1:

I. Transactions

A. Effective January 1, 1975, the restrictions of sections 406(a) and 407 of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the following transactions involving mortgage pool investment trusts (mortgage pools) and pass-through certificates evidencing interests therein:

(1) The direct or indirect sale, exchange, or transfer of certificates between the sponsor of the mortgage pool and an employee benefit plan when the sponsor or the trustee of such pool is a party in interest with respect to such plan, provided the plan pays no more than fair market value for such certificates, and provided further that the rights and interests evidenced by such certificates are not subordinated to the rights and interests evidenced by other certificates of the same mortgage pool;

(2) The repurchase from the mortgage pool by the pool sponsor of any mortgage loans as to which there is a material defect in loan documentation or a breach in a warranty made by the pool sponsor, provided that the price of such repurchase shall be not less than the principal balance of the loan being repurchased plus interest accrued at the applicable pass-through rate to the first day of the month following the month of repurchase, less any unreimbursed advances made by the pool sponsor with respect to such loan;

(3) The purchase of all loans in a mortgage pool by the pool sponsor when the value of the mortgage pool is 10 percent or less of its original aggregate principal value, provided that the price of such repurchase shall be not less than the greater of the remaining aggregate principal value of the pool or the fair market value of the outstanding certificates, plus interest at the applicable rate of return for such certificates;

(4) The acquisition and holding by a mortgage pool of mortgage loans made to parties in interest with respect to a plan which holds certificates of such mortgage pool (an investing plan);

(5) The acquisition and holding by a mortgage pool as a result of foreclosure or deed in lieu of foreclosure of real property owned by a party in interest with respect to an investing plan;

(6) The acquisition and holding by a mortgage pool as a result of foreclosure or deed in lieu of foreclosure of real property leased to a party in interest with respect to an investing plan;

(7) Expenditures by the pool sponsor to repair property securing mortgage loans included in a mortgage pool when the pool sponsor has foreclosed on such property, or acquired such property by deed in lieu of foreclosure, and the recovery of such amounts expended by the pool sponsor from the proceeds of the sale of such property, provided that such expenditures shall be reasonable in amount;

(8) Advances from the pool sponsor to certificateholders, including investing plans, in the event of loan payment delinquencies, and the recovery of such amounts from mortgage payments later received or from insurance proceeds;

(9) The issuance of an irrevocable letter of credit by the pool sponsor to the pool trustee on behalf of the mortgage pool and the honoring of drafts drawn by the pool trustee on such letter of credit in the event of loan payment delinquencies, and the recovery of such amounts from mortgage payments later received and from the proceeds from foreclosures;

(10) The establishment and administration of a reserve fund of the pool sponsor's own assets, pursuant to the terms of the pooling and servicing agreement, to compensate certificateholders for delinquent mortgage loan payments not covered by mortgage insurance;

(11) The establishment and administration of a reserve fund, pursuant to the terms of the pooling and servicing agreement, to effect distribution preferences among different classes of certificateholders, including investing plans;

(12) Payments to senior certificateholders, including investing plans, either from a reserve fund, or from funds which would otherwise be paid to junior certificateholders;

(13) The collection and holding by the pool sponsor of individual mortgage loan payments in a non-interest bearing account until the designated date of transfer of such payments to the pool trustee for disbursement to certificateholders, including investing plans;

(14) The payment to, and retention by, the original mortgage lender or the pool sponsor of a specified portion of the interest paid on mortgage loans included in a mortgage pool; and

(15) Where the sponsor of a mortgage pool is not the maker of the mortgage loans included in the pool, the investment by the pool sponsor for its own benefit of funds deposited by the original mortgage lender in a custodial account for principal and interest pursuant to the terms of the pooling and servicing agreement, provided that the proposed nature and duration of any such investment are fully disclosed to all prospective purchasers of certificates.

B. Effective January 1, 1975, the restrictions of section 406(b) (1) and (2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1)(E) of the Code shall not apply to the direct or indirect sale, exchange, or transfer of certificates between the sponsor of a mortgage pool and an employee benefit plan when the sponsor or the trustee of such pool is a fiduciary with investment discretion with respect to that plan, provided that: (1) such purchase is expressly approved by a fiduciary independent of the pool sponsor or pool trustee who has authority to manage and control the assets of the plan; (2) the plan pays no more for the certificates than would be paid by an unrelated third party in an arm's-length transaction; (3) the plan pays no investment management, investment advisory, sales commission or similar fee to the pool sponsor with regard to such sale or acquisition; (4) the total value of certificates purchased by all plans with respect to which the pool sponsor or pool trustee is a fiduciary shall not exceed 10% of the amount of the offering.

C. Effective January 1, 1975, the restrictions of section 406(b)(1) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1)(E) of the Code shall not apply to the following transactions entered with regard to mortgage pools and pass-through certificates evidencing interests therein:

(1) The payment to and retention by the pool sponsor of a specified portion of the interest paid on mortgage loans included in the mortgage pool;

(2) The collection and holding by the pool sponsor of individual mortgage

loan payments in a noninterest bearing account until the designated date of transfer of such payments to the pool trustee for disbursement to certificateholders, including investing plans; and

(3) Where the sponsor of a mortgage pool is not the original maker of the mortgage loans included in the pool, the investment by the pool sponsor for its own benefit of funds deposited by the original mortgage lender in a custodial account for principal and interest pursuant to the terms of the pooling and servicing agreement, provided that the proposed nature and duration of any such investments are fully disclosed to all prospective purchasers of certificates.

D. Effective January 1, 1975, the restrictions of sections 406(a), 406(b)(1) and (3), and 407 of the Act, and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1) of the Code shall not apply to the retention by the pool sponsor of prepayment, late payment and assumption fees from mortgagors of individual mortgage loans contained in the mortgage pool.

II. General Conditions

A. The following conditions apply to the transactions described in Section I above:

(1) The certificates must have been issued in a public offering registered under the Securities Act of 1933 pursuant to a firm commitment underwriting;

(2) The sponsor and trustee for each mortgage pool must maintain a system for insuring or otherwise protecting the pooled mortgage loans and the property securing such loans up to an amount equal to not less than the greater of one percent of the aggregate principal value of all covered pooled mortgages, or the principal value of the largest covered mortgage. Such a system must include:

(a) The purchasing and maintenance of hazard and mortgage insurance policies from private insurers, provided that such insurer is not an affiliate of either the sponsor or the trustee of the mortgage pool; or

(b) The organization and maintenance of a system of self-insurance based upon the creation of a subordinate class of certificates and a reserve fund to be operated generally to assure full payments to senior certificateholders; or

(c) The issuance of an irrevocable letter of credit from the pool sponsor to the pool trustee on behalf of the pool, obligating the pool sponsor to honor on a monthly basis, drafts drawn on the letter of credit in the event of loan payment delinquencies; or

(d) A combination of the above;

(3) The trustee for each mortgage pool must not be an affiliate of the sponsor of such pool, provided, however, that the trustee shall not be considered to be an affiliate of the pool sponsor solely because the trustee has succeeded to the rights and responsibilities of the pool sponsor pursuant to the terms of the pooling and servicing agreement providing for such succession upon the occurrence of one or more events of default by the pool sponsor; and

(4) The sum of all payments made to and retained by the pool sponsor in connection with a mortgage pool, and all funds inuring to the benefit of the pool sponsor as a result of the administration of the mortgage pool, must represent not more than adequate consideration for selling the mortgage loans plus reasonable compensation for services provided by the pool sponsor to the pool.

III. Definitions

A. For the purposes of this exemption the terms "sponsor" or "pool sponsor" mean:

(1) The entity which organizes and continues to service a mortgage pool comprised of mortgage loans either made by such entity or purchased directly from the original lender by such entity; and

(2) Any successor thereto.

B. For the purposes of this exception, the term "mortgage pool" means an investment pool the corpus of which:

(1) Is held in trust; and

(2) Consists solely of—

(a) Interest bearing obligations secured by first deeds of trust on single-family, residential property;

(b) Property which had secured such obligations and which has been acquired by foreclosure or deed in lieu of foreclosure; and

(c) Undistributed cash.

C. For the purposes of this exception, the terms "mortgage pool pass-through certificate," or "certificate" mean a certificate representing a beneficial undivided fractional interest in a mortgage pool and entitling the holder of such certificate to pass-through payments, on a monthly basis, of principal and interest from the pooled mortgage loans, less any fees retained by the pool sponsor.

D. For the purposes of this exemption the term "affiliate" of a person means:

(1) A person directly or indirectly, through one or more intermediaries, controlling or controlled by, or under common control with such person;

(2) An officer, director, employee or relative (as defined in section 3(15) of the Act) of such person; or

(3) A corporation of which such person is an officer or director, partner or employee.

Signed at Washington, D.C., this 29th day of April, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-13517 Filed 5-1-80; 10:39 am]

BILLING CODE 4510-29-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-336]

Northeast Nuclear Energy Co. et al; 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-65 to Northeast Nuclear Energy Company, the Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2, located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

This amendment revises the Technical Specifications to authorize low temperature testing.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 27, 1979, (2) Amendment No. 55 to License No. DPR-65, 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 Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. 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 April, 1980.

For The Nuclear Regulatory Commission.

Morton B. Fairtile,

Acting Chief Operating Reactors Branch No. 4 Division of Operating Reactors.

[FR Doc. 80-13889 Filed 5-5-80; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.60, "Standard Format and Content of a Licensee Physical Protection Plan for Strategic Special Nuclear Material in Transit," identifies the information that is needed in the licensee physical protection plan for strategic special nuclear material in transit, describes the detail that is necessary for the NRC staff's evaluation of the plan, and suggests a uniform format for presenting the information.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 29th day of April 1980.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 80-13890 Filed 5-5-80 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittees on Site Evaluation and Reactor Radiological Effects; Meeting

The ACRS Subcommittees on Site Evaluation and Reactor Radiological Effects will hold a joint meeting on May 21 and 22, 1980 in room 1046, 1717 H. St. NW, Washington, DC 20555 to review pertinent portions of the NRC research program for the ACRS annual reports to NRC and Congress. Notice of this meeting was published April 25, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: *Wednesday and Thursday, May 21 and 22, 1980—8:30 a.m. until the conclusion of business each day.*

The Subcommittees may meet in Executive Session, with any of their consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittees will hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

The ACRS is required by Section 5 of the 1978 NRC Authorization Act to review the NRC research program and budget and to report the results of the review to Congress. In order to perform this review, the ACRS must be able to engage in frank discussions with members of the NRC Staff and such discussions would not be possible if held in public sessions. In addition, it may be necessary for the Subcommittees to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, therefore, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), that, should such sessions be required, it is necessary to close portions of this meeting to prevent frustration of the above stated aspect of the ACRS' statutory responsibilities and to protect proprietary information. See 5 U.S.C. 552b(c)(9)(B) and 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Peter Tam (telephone 202/634-1413) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: April 29, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-13483 Filed 5-5-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; Amendments to an Existing System of Records

AGENCY: Office of Personnel Management.

ACTION: Notice; revisions to an existing system of records.

SUMMARY: The purpose of this notice is to: (1) make clarifying changes in the "category of records" and "purpose" sections of this system; (2) change one of the routine uses (f.) to clarify intent and to correct an error in the text that occurred when the notice was first printed; (3) separate routine use (k.) into three new routine uses. These changes result from comments received and internal OPM discussions. They are intended to enhance understanding of this system's function and the intent of these routine uses.

COMMENT DATE: Any interested party may submit comments regarding the rewording of routine use f. and the separation of routine use k. into three routine uses. To be considered, comments must be received on or before June 5, 1980.

ADDRESS: Address comments to: Deputy Assistant Director for Work Force Information, Agency Compliance and

Evaluation (Room 6410D), Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415. Comments received will be available for public inspection at the above address from 9 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William H. Lynch, Records Management Branch, Work Force Information Division, (202) 254-9778.

SUPPLEMENTARY INFORMATION: The Office published the notice of this system of records (as OPM/CENTRAL-15) on July 6, 1979 (44 FR 39659). The required 60-day advance notice period ended on September 4, 1979, and, as stated in the notice, the system became effective on that date. The numerical designation of the system was changed to OPM/CENTRAL-13 by OPM's **Federal Register** notice of October 26, 1979 (44 FR 61703). The Office received one comment concerning the system that indicated uncertainty as to the categories of records actually covered by the system and the principal purposes for maintaining the system. The Office concurs in these comments and, therefore, will change these sections of the notice. Additionally, OPM has decided to modify one of the routine uses (f.) for this system and also correct a significant typographical error that occurred when this routine use was originally published. Further, the original notice contained a routine use (k.) that the Office is re-stating as three separate and clearer routine uses.

Because of OPM's agreement with the comment received, the system is hereby revised to show the new designation, to add a "Note" section to the categories of records portion of the notice, to re-word the purpose section of the notice, and to reprint routine use f. and to add routine uses k., l., and m. The changes to the "category of records" and "purpose" sections of the notice are intended to provide clearer understanding that these records are used by the Office in the exercise of its responsibilities for oversight of the Senior Executive Service that are contained in the Civil Service Reform Act of 1978. Except for providing for a public comment period on the routine uses, other changes herein made do not: (1) constitute substantial changes within the meaning of OMB instructions concerning Reports on New Systems; (2) require any public comment; and (3) are, therefore, effective immediately. The routine uses will become effective on (30 days from date of publication), without further notice unless comments received necessitate otherwise. The entire revised sections of this system notice appear below.

Office of Personnel Management.

Kathryn Anderson Fetzer,

Assistant Issuance System Manager.

OPM/CENTRAL-13

SYSTEM NAME:

Senior Executive Service (SES) Records.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM: THESE RECORDS INCLUDE:

a. Demographic, appointment, and assignment information (e.g., name, date of birth, Social Security Number, race and ethnic designation, title of position, pay rate, and type of appointment);

b. Background data on work experience, educational experience, publications or awards, and career interests;

c. Determinations on nominees for Meritorious and Distinguished Executive ranks;

d. Determinations concerning executive (managerial) qualifications (i.e., Qualification Review Board records);

e. Information relating to participants (current and former) in the sabbatical leave program (e.g., dates of participation and reasons for);

f. Applications from individuals who, within the 90-day period provided for under 5 U.S.C. 3593(b), seek reemployment in the Senior Executive Service;

g. Information concerning the reason(s) why an individual leaves the SES (e.g., to enter private industry, to work for a State government, or removed during probation or after, because of performance); and

h. Information about the recruitment of individuals for SES positions (e.g., recruited from another Federal agency or from outside the Federal service).

Note.—Automated and manual duplicates of records in this system, maintained by agencies for purposes of actual administraton of the SES, along with any other records agencies have on SES covered individuals are not considered part of this system. Such records are considered general personnel records and are covered by the OPM/GOVT-1, General Personnel Records system.

* * * * *

PURPOSE(S):

The records are used to: (1) assist the Office in carrying out its responsibilites under title 5, U.S. Code, and Office rules and regulations promulgated thereunder, including the establishment of SES positions, by agencies, development of qualifications standards for SES positions, establishment and operation of one or more qualifications review boards, establishment of programs to develop candidates for and incumbents of the SES, and development of performance appraisal systems; (2) pursuant to section 415 of the Civil Service Reform Act, assist the Office in meeting its mandate to evaluate the effectiveness of the Senior Executive Service and the manner in which such Serivce is administered; (3) provide data used in policy formulaton, program planning, research studies, and required reports regarding the Government-wide SES program; and (4) locate specified groups of individuals for personnel research (while protecting their individual privacy).

Race and ethnic data are collected for statistical use only.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

a. To identify and refer qualified current or former Federal employees to Federal agencies for vacancies in the Senior Executive Service.

b. To refer qualified current or former Federal employees or retirees to State and local governments and international organizations for employment consideration.

c. To provide an employing agency with extracts from the records of that agency's employees in the system.

d. To provide information required in the annual report to Congress mandated by 5 U.S.C. 3135 and elsewhere, regarding positions in the SES and the incumbents of these positions.

e. To provide information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

f. By the Office of Personnel Management to locate individuals for personnel research or survey response and in the production of summary descriptive statistics and anayltical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

g. To disclose information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or

potential violation of civil or criminal law or regulation.

h. To the National Archives and Records Service (General Services Administration) for records managment inspections conducted under authority of 44 U.S.C. 2904 and 2906.

i. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

j. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

k. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of Office rules and regulations, investigations of alleged or possible prohibited personnel practices, and other functions as promulgated in 5 U.S.C. 1205 and 1206.

l. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in that office by the President's Reorganization Plan No. 1 of 1978, and to otherwise ensure compliance with the provisions of 5 U.S.C. 7201.

m. To disclose information to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

* * * * *

[FR Doc. 80-14054 Filed 5-5-80; 8:45 am]
BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21541/April 28, 1980; 70-6435]

Columbia Gas System, Inc, et al.; Proposed Intrasystem Financing

In the matter of the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807; Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314; Columbia Gas of Ohio, Inc., Columbia Gas of West Virginia, Inc., Columbia Gas of Kentucky, Inc., Columbia Gas of Virginia, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of New York, Inc., Columbia Gas of Maryland, Inc., 99 North Front Street, Columbus, Ohio 43215; Columbia Hydrocarbon Corporation, the Inland Gas Company, Inc., Columbia Coal Gasification Corporation, 340 17th Street Ashland, Kentucky 41101; Columbia Gulf Transmission Company, 3805 West Alabama Avenue, Houston, Texas 77027; Columbia Gas System Service Corporation, Columbia LNG Corporation, Columbia Gas Development Corporation, 20 Montchanin Road, Wilmington, Delaware 19807.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary companies named above have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(b), 9, 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

It is proposed that certain subsidiaries of Columbia listed below issue and sell to Columbia prior to April 1, 1981, common stock and installment promissory notes up to the amounts indicated:

	Equity			Installment notes aggregate amount	Total
	No. of shares	Par value	Aggregate amount		
Columbia of Kentucky				$3,100,000	$3,100,000
Columbia of Ohio				37,100,000	37,100,000
Columbia of Maryland	52,000	$25	$1,300,000	700,000	2,000,000
Columbia of New York				1,300,000	1,300,000
Columbia of Pennsylvania	184,000	25	4,600,000	10,500,000	15,100,000
Columbia of Virginia				2,000,000	2,000,000
Columbia of West Virginia				7,900,000	7,900,000
Columbia Gulf				45,000,000	45,000,000
Development U.S.				13,500,000	13,500,000
Hydrocarbon	26,000	25	650,000	3,450,000	4,100,000
Inland				700,000	700,000
Coal Gasification	552,000	25	13,800,000	12,100,000	25,900,000
Service				4,200,000	4,200,000
Total			$20,350,000	$141,550,000	$161,900,000

The installment notes will be unsecured and dated the date of their issue. The principal amounts will be due in twenty (20) equal annual installments on March 31 of each of the years 1982 and 2001, inclusive. Interest on all installment notes will accrue from the date of issuance and is to be paid semi-annually on the unpaid principal thereof until fully paid. The interest rate will be the actual cost of money to Columbia with respect to its last sale of debentures prior to the issuance of said notes, decreased by an amount necessary in order that the interest rate be a multiple of ⅛th of 1%. Columbia sold $100,000,000 principal amount of debentures on October 17, 1979 (File No. 70-6343) at a cost of money of 11.947%, and may sell additional long-term securities during the financing period. The installment notes to be issued initially will, therefore, bear an interest rate of 11.9% and installment notes to be issued subsequent to Columbia's future financings will carry an interest rate related to the last sale of debentures prior to the issuance of said notes. Should Columbia utilize any interim alternate financing, the interest rate of the subsidiaries' installment notes will be related to the effective cost of the last takedown of the facility; thereafter, such notes will bear interest related to the permanent financing specifically replacing such interim financing.

It is stated that the proceeds from the issuance and sale of the common stock and installment notes, together with funds generated from internal sources, will be used to finance these subsidiaries' capital expenditure programs and other corporate needs. Columbia Transmission and Columbia LNG plan to finance the entire amount of their capital expenditure programs and other corporate needs with funds generated from internal sources. The projected aggregate of net capital expenditures for all of the subsidiaries is estimated at $418,352,000.

It is also proposed that Columbia advance on open account to certain subsidiaries, and have outstanding from time to time, up to an aggregate amount of $454,700,000 to finance the purchase by such subsidiaries of underground storage gas inventories and miscellaneous other inventories and to use for short-term seasonal purposes. Substantially, all of such advances are expected to be taken down by December 31, 1980; however, a portion may be taken down during the period January 1, 1981, through May 31, 1981. All such advances are to be repaid on or before May 31, 1981. The open account advances will initially bear interest at the rate in effect from time to time at the agent bank for Columbia's short-term loan line of credit. Interest charges to these subsidiaries subsequently will be adjusted, after the storage financing period, to the effective cost of money Columbia achieves on its short-term borrowing for this purpose.

The proposed advances will be limited to the amount of each subsidiary's estimated short-term financing requirements as shown below:

Columbia of Kentucky	$15,400,000
Columbia of Ohio	94,200,000
Columbia of Maryland	1,800,000
Columbia of New York	2,700,000
Columbia of Pennsylvania	31,400,000
Columbia of Virginia	2,900,000
Columbia of West Virginia	33,700,000
Columbia Transmission	145,000,000
Columbia Gulf	45,000,000
Development U.S.	5,100,000
Columbia LNG	70,000,000
Hydrocarbon	2,000,000
Inland	1,000,000
Coal Gasification	3,500,000
Service	1,000,000
Total	454,700,000

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $14,100, including charges for services of Columbia Gas System Service Corporation estimated at $7,260. It is stated that authorization for the sale of securities is required from the various state public-utility regulatory commissions for Columbia of Kentucky, Columbia of Ohio, Columbia of New York, Columbia of Pennsylvania, Columbia of Virginia, and Columbia of West Virginia.

It is requested that the companies be authorized to file certificates under Rule 24 with respect to the proposed transactions on a quarterly basis.

Notice is further given that any interested person may, not later than May 22, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he 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 applicant-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as 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 recieve 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. 80-13761 Filed 5-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16767, April 28, 1980; SR-PSE-80-1]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

In the matter of Pacific Stock Exchange Incorporated, 301 Pine Street, San Francisco, CA 94104.

On March 12, 1980, the Pacific Stock Exchange Incorporated ("PSE") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which adopts a set of rules that would conform its rules on arbitration [1] to the Uniform Code of Arbitration ("Code") [2] which was drafted by the Securities Industry Conference on Arbitration ("SICA") [3] and which provides arbitration procedures for the settlement of disputes arising between customers and broker-dealers. The proposal deletes or amends the existing PSE arbitration rules and adopts the entire Code as new PSE Rule XII. The proposal incorporates the simplified arbitration procedures that were drafted by the SICA and adopted by the PSE on June 22, 1978,[4] regarding small claims not exceeding $2,500.[5] Additionally, the new arbitration rules will apply to claims between PSE members as well as to claims against members raised by customers and non-members.[6]

The purpose of this proposal is to provide investors with a simple and inexpensive procedure for resolution of their controversies with broker-dealers who are members of the PSE. Further, the proposal anticipates that the Code will be adopted by other self-regulatory organizations thereby providing a uniform system of arbitration throughout the securities industry.[7]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release ((Securities Exchange Act Release No. 16706 (March 28, 1980), 19 SEC Docket 1090 (April 15, 1980)), and by publication in the **Federal Register**, 45 FR 23563 (April 7, 1980). No comments were received with respect to the proposed rule filing.

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[1] For the PSE's former arbitration rules, *see* PSE Rule XII. PSE Manual (CCH paragraphs 5300-5345, at pages 3127-3127.7.

[2] The Code was published on December 28, 1979, as the *Second Report of the Securities Industry Conference on Arbitration to the Securities and Exchange Commission.*

[3] The SICA was organized on April 5, 1977, pursuant to the Commission's stated position that there was a need to implement a nationwide investor dispute resolution system. *See* Securities Exchange Act Release No. 12528 (June 9, 1976), 9 SEC Docket 833 (June 23, 1976), 41 FR 23803 (June 11, 1976); Securities Exchange Act Release No. 13470 (April 26, 1977), 12 SEC Docket 186 (May 10, 1977), 42 FR 23892 (May 11, 1977).

The SICA members consist of: the American Stock Exchange, Inc.; the Boston Stock Exchange, Incorporated; the Chicago Board Options Exchange, Incorporated; the Cincinnati Stock Exchange; the Midwest Stock Exchange, Incorporated; the Municipal Securities Rulemaking Board; the National Association of Securities Dealers, Inc.; the New York Stock Exchange, Inc.; the Pacific Stock Exchange Incorporated; the Philadelphia Stock Exchange, Inc., as well as the Securities Industry Association and three public representatives.

[4] Securities Exchange Act Release No. 14881, 15 SEC Docket 103 (July 5, 1978), 43 FR 28278 (June 29, 1978).

[5] *See* new PSE Rule XII, Section 2.

[6] *See* new PSE Rule XII, Section 1(a).

[7] The Code has already been adopted by the New York Stock Exchange, Inc. ((Securities Exchange Act Release No. 16290 (November 30, 1979), 18 SEC Docket 1197 (December 18, 1979)); the Cincinnati Stock Exchange ((Release No. 16472 (January 22, 1980), 45 FR 2722 (January 14, 1980)); the American Stock Exchange, Inc. ((Release No. 16502 (January 16, 1980), 19 SEC Docket 326 (January 29, 1980), 45 FR 5863 (January 24, 1980)); the Midwest Stock Exchange, Incorporated ((Release No. 16503 (January 16, 1980), 19 SEC Docket 327 (January 29, 1980), 45 FR 5860 (January 24, 1980)); the Municipal Securities Rulemaking Board ((Release No. 16570 (February 13, 1980), 19 SEC Docket 573 (February 26, 1980), 45 FR 11291 (February 20, 1980)); the Chicago Board Options Exchange, Incorporated ((Release No. 16606 (February 25, 1980), 19 SEC Docket 759 (March 11, 1980), 45 FR 15352 (March 10, 1980)); and the Boston Stock Exchange, Incorporated ((Release No. 16671 (March 17, 1980), 19 SEC Docket 922 (April 1, 1980), 45 FR 19705 (March 26, 1980)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6(b)(5) of the Act that the rules of an exchange be designed to promote just and equitable principles of trade.[8]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-13760 Filed 5-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21540, April 28, 1980; 70-6428]

System Fuels, Inc., et al.; Financing Arrangements Related to the Purchase of Fuel by a Nonutility Subsidiary for Use by Operating Companies

In the matter of System Fuels, Inc., 666 Poydras, Noro Plaza, New Orleans, Louisiana 70130, Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203, Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174, Mississippi Power & Light Company, Electric Building, Jackson, Mississippi 39205, New Orleans Public Service, Inc. 317 Baronne Street, New Orleans, Louisiana 70112.

Notice is hereby given that Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. (collectively, the "Operating Companies"), all public utility subsidiary companies of Middle South Utilities, Inc. ("Middle South"), a registered holding company, together with System Fuels, Inc. ("SFI"), a jointly-owned nonutility subsidiary company of the Operating Companies, have filed a declaration and amendments thereto in this proceeding pursuant to Sections 6(a), 7, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

The Operating Companies and Arkansas-Missouri Power Company ("Ark-Mo") obtain their fuel oil requirements from SFI pursuant to the terms of the Liquid Fuel Purchase Contract, as amended, among them. Pursuant to Commission authorization in File Nos. 70-5259, 70-5415 and 70-6055, SFI has financed its acquisition of fuel oil for resale to the Operating Companies and Ark-Mo by the sale of up to $75,000,000 of its notes to Hibernia National Bank in New Orleans ("Hibernia") and up to $40,000,000 of its notes to Citibank, N.A. ("Citibank") under amended loan agreements, and through the execution and delivery by SFI and the acceptance by Citibank of SFI's drafts in amounts up to $50,000,000 pursuant to an acceptance facility line of credit agreement, as amended, with Citibank.

To assure the availability of an adequate supply of fuel oil through May 31, 1981 to the Operating Companies and Ark-Mo, SFI presently estimates that it will be ncessary to maintain oil inventory of approximately 4.9 million bbls., valued at as much as $133 million. In order to consolidate its financing of its fuel oil inventory, to lower the costs of such financing and to meet its commitment (set forth in File No. 70-6097) to endeavor to obtain funds for its corporate purposes from external sources under advantageous arrangements in lieu of borrowing from the Operating Companies, SFI proposes to enter into a loan agreement ("Loan Agreement") with a nonaffiliated company ("Finance Company") to be created for that purpose.

Finance Company will, upon request, make loans to SFI in amounts not to exceed $100,000,000 at any one time outstanding out of the proceeds of commercial paper notes ("Notes") issued and sold by Finance Company and revolving credit loans ("Bank Borrowings") obtained by Finance Company under a credit agreement ("Credit Agreement") with Bank of America National Trust and Savings Association ("Bank"). The aggregate amount of Finance Company's Notes and Bank Borrowings at any time outstanding may not exceed $100,000,000. All loans to SFI will be from the proceeds of Notes ("A Loans"), unless Finance Company is advised by its commercial paper dealer, The First Boston Corporation ("Dealer"), to seek a financing alternative to the sale of Notes, or Notes may no longer be issued under the Credit Agreement for regulatory reasons. Upon the occurence of these events, Finance Company will make loans from the proceeds of Bank Borrowings ("B Loans") to SFI. If no funds are available to pay a maturing A Loan and as a result a drawing under the Letter of Credit described below is made and is not reimbursed on the date when made, such A Loan automatically becomes a B Loan.

A Loans will be evidenced by a Master A Note and will bear the same discount and maturities as the Notes from which they are derived. Finance Company will issue its Notes to Dealer and the Notes will be sold at a discount not in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturity. Notes will be unsecured with varying maturities not to exceed 270 days. The Notes will not be prepayable prior to maturity and will be payable at maturity at the office of Irving Trust Company ("Depositary"), as issuing and paying agent under a Depository Agreement. Bank will issue an irrevocable Letter of Credit to Depositary pursuant to the Credit Agreement as a standby source of funds for the repayment of the Notes in the event they are not repaid by Finance Company at maturity. It is anticipated that the Notes will be held by the buyers to maturity. Dealer may, if desired by a buyer, repurchase the Notes for resale to others.

B Loans will be evidenced by a Master B Note and will bear the same interest rate and have the same maturity as the Bank Borrowings from which they are derived. Bank Borrowings will bear interest from the date thereof on the unpaid principal amount thereof at an interest rate per annum equal to ⅜% plus 107% of the Base Rate. The Base Rate is the greater of (a) Bank's prime rate determined on a daily basis, for 90-day commercial loans to its largest most credit-worthy commercial borrowers or (b) the latest 3-week moving average interest rate payable on 90-day secondary certificates of deposit as published weekly by the Board of Governors of the Federal Reserve System plus actual costs of reserves to Bank. Bank borrowings will be due and payable on May 31, 1981 or one year from the date of closing, whichever is earlier ("Credit Expiration Date"). The Credit Expiration Date may be extended for one year periods. Bank borrowings not paid when due or arising after the Credit Expiration Date will bear interest at ⅜% plus 120% of the Base Rate.

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[8] The Commission emphasizes, however, that notwithstanding the proposed rule change, arbitration clauses contained in customers' agreements that purport to bind customers to arbitrate all future disputes raising claims under the federal securities laws cannot be enforced against those customers who choose to obtain a judicial determination of such claims. *See* Securities Exchange Act Release No. 15984 (July 2, 1979), 17 SEC Docket 1167 (July 17, 1979), 44 FR 40462 (July 10, 1979).

The effective cost to SFI based upon the interest rates for commercial paper of comparable quality and like maturity together with all fees to be paid by SFI to Finance Company to secure A Loans and B Loans would be approximately 18.576%. The composite effective cost of borrowing pursuant to the two arrangements with Citibank is approximately 20.305%.

Upon consummation of the arrangements with Finance Company, SFI may terminate either or both of its arrangements with Citibank. Upon five days written notice, Finance Company may terminate the Credit Agreement and SFI may terminate the Loan Agreement. SFI may prepay all loans in whole or in part without penalty or premium.

SFI will maintain an account ("SFI Account") with Irving Trust Company, among other things, for receipt of loans from Finance Company. Funds in the SFI Account may be used (1) to retire a portion of SFI's indebtedness to Hibernia and all or a portion of its indebtedness to Citibank, (2) to finance acquisition and storage of fuel oil, (3) to pay maturing debt and other obligations under the Loan Agreement, and (4) to make temporary investments pending use of funds for aforesaid purposes.

Pursuant to the terms of the Loan Agreement and as security for the performance by SFI of its obligations to Finance Company thereunder, SFI will enter into a Security Agreement with Finance Company ("Security Agreement") whereby it will grant Finance Company a security interest in SFI's fuel oil inventory in storage at specified locations in the States of Arkansas and Mississippi, together with proceeds thereof, and in SFI's accounts receivable arising out of the sale of such fuel oil inventory and fuel oil inventory in storage at specified locations in the State of Louisiana. SFI will enter into an Act of Collateral Chattel Mortgage ("Chattel Mortgage") and execute and deliver in pledge to Finance Company a demand Louisiana Collateral Mortgage Note ("Louisiana Note") in the principal amount of $125,000,000 pursuant to a Pledge Agreement ("Pledge Agreement") in order to grant Finance Company a security interest in SFI's fuel oil inventory in storage at specified locations in the State of Louisiana. SFI will also enter into a Statement of Assignment of Accounts Receivable ("Assignment of Accounts Receivable") in furtherance of the grant of the security interest in the accounts receivable. SFI will be required to prepay the A Loans or B Loans if the value of the fuel oil inventory and accounts receivable arising out of sales of the fuel oil inventory under the Purchase Contract fails to exceed the aggregate outstanding principal amounts of A Loans and B Loans. It is also contemplated that Finance Company will be granted a security interest in all funds on deposit in the SFI Account and that payments under the Purchase Contract among Operating Companies, Ark-Mo and SFI will be paid into the SFI Account.

To secure the obligations of Finance Company to Bank under the Credit Agreement and its performance of and compliance with the terms of the Credit Agreement, Finance Company will enter into an Assignment Agreement ("Assignment Agreement") with Bank whereby Finance Company will irrevocably assign, transfer and set over to Bank and grant Bank a security interest in, (a) the full principal amount of the A Note and the B Note, together with all interest and interest penalty payments thereon, all accounts in which Finance Company has an interest under the Loan Agreement, including the SFI Account and all other amounts which Finance Company may be entitled to receive pursuant to the Loan Agreement; (b) all other amounts payable by SFI to Finance Company pursuant to the Security Agreement; and (c) all rights, claims, powers, privileges and remedies of Finance Company consequent on any failure on the part of SFI to perform or comply with any term of the Loan Agreement, the A Note or B Note and the Security Agreement.

SFI will execute an Acknowledgment of Assignment ("Acknowledgment of Assignment") to Bank and Finance Company which provides that SFI will pay, or cause to be paid, all amounts assigned pursuant to the Assignment Agreement directly to the SFI Account so long as no event of default under the Credit Agreement, or an event which with lapse of time or the giving of notice or both would constitute an event of default, has occurred and is continuing. If such an event of default or other event has occurred and is continuing, all such amounts will be paid, or caused to be paid, by SFI, into a General Account maintained with Depositary. Under the Acknowledgement of Assignment, SFI will agree to indemny Bank under certain circumstances.

SFI will enter into an Assignment Agreement with Finance Company ("Finance Company Assignment") which provides for the irrevocable assignment by Finance Company to SFI of all rights, claims, powers, privileges and remedies of Finance Company under the Credit Agreement, consequent on any failure by Bank to perform or comply with any term of the Credit Agreement.

As an inducement to Finance Company to enter into the Loan Agreement with SFI, each of the Operating Companies proposes to join with SFI as a party to the Loan Agreement and to severally covenant and agree for the benefit of Finance Company and Bank that, (a) the aggregate amounts of the Operating Companies' investments, as defined in the Loan Agreement ("Investments"), in SFI will at all times during the term of the Loan Agreement be equal to at least 35% of the sum of investments and other indebtedness for borrowed money of SFI maturing after one year, and (b) it will not (i) create, incur, assume or suffer to exist any indebtedness, as defined in the Loan Agreement ("Indebtedness"), of SFI to such Operating Company which, by its terms, matures or is required to be prepaid or repaid, in whole or in part, on or before 75 days after the Loan Agreement Credit Expiration Date, (ii) accelerate or permit the acceleration of any Indebtedness of SFI to such Operating Company during the term of the Loan Agreement and (iii) during the term of the Loan Agreement request or permit the prepayment of any Indebtedness of SFI to such Operating Company if an event of default under the Loan Agreement, or other event which with lapse of time or notice or both would become such an event of default, has occurred and is continuing, or if the prepayment of such Indebtedness would result in such an event of default or other event. SFI may at any time prepay any Indebtedness to any Operating Company, provided no such event of default or other event has occurred and is then continuing, and provided further that the prepayment of such Indebtedness would not thereby create such an event of default or other event. Each of the Operating Companies will also severally covenant and agree (in proportion to its percentage ownership of SFI common stock on the date of the Loan Agreement) that it will take any and all action necessary to keep SFI in a sound financial condition and to place SFI in a position to discharge, and to cause SFI to discharge, its obligations under the Loan Agreement, the A Note, the B Note, the Depositary Agreement, the Security Agreement and the Acknowledgment of Assignment.

Concurrently with the execution and delivery of the Loan Agreement and the Credit Agreement, SFI, the Operating Companies, Ark-Mo, Bank, Depositary and Dealer, will enter into a Bankruptcy

No Petition Agreement, in which the parties will agree that none of them will institute any Federal or State bankruptcy, reorganization, liquidation or similar proceeding against Finance Company or join in or be a party to such proceeding for a specified period of time after the date on which all Notes have been paid in full.

The companies request exemption from the competitive bidding requiremetns of Rule 50(b) pursuant to paragrah (a)(5) thereof with respect to the execution and delivery by SFI of its notes. The companies propose to file the requisite certificates of notification under Rule 24 covering the proposed transactions on a quarterly basis.

The fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $65,000, including charges for services, at cost, of Middle South Services, Inc. estimated at $13,000, and legal fees incurred by SFI estimated not be exceed $50,000. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Arkansas Power & Light Company must file pertinent information relating to its participation with the Arkansas Public Service Commission.

Notice is further given that any interested person may, not later than May 21, 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 declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration as amended or as it may be further 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 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 Regulations, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-13762 Filed 5-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16771; SR-Amex-80-10]

American Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

April 30, 1980.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act"), notice is hereby given that on April 30, 1980, the American Stock Exchange, Inc. ("Amex") 86 Trinity Place, New York, New York 10006, filed with the Commission copies of a proposed rule change to amend its Rule 114 governing registered equity market makers. Amex Rule 114 currently contains a "sunset" provision under which the rule would expire on April 30, 1980, unless extended by a rule of the exchange approved by the Commission. The Amex previously filed a proposed rule change to remove the sunset provision and thereby make Rule 114 permanent. The Commission, however, has determined to institute proceeding to determine whether that rule change should be disapproved. The purpose of the instant rule proposal is to extend the effectiveness of Rule 114 until 30 days after those proceedings are concluded.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-Amex-80-10.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6, and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that unless extended by the Commission, Amex Rule 114 would expire on April 30, 1980. Accelerated approval of the rule change will preserve the status quo pending a final resolution of the Commission's proceedings to determine whether Amex Rule 114 should be disapproved.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-13916 Filed 5-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11143; 812-4542]

Bear, Stearns & Co., et al.; application

April 29, 1980.

Notice is hereby given that Bear, Stearns & Co. ("Bear, Stearns"), a partnership formed under the laws of New York, Municipal Securities Trust, Series 1 and subsequent series ("Municipal"), New York Municipal Trust, Series 1 and subsequent series ("New York Municipal"), and A Corporate Trust, Series 1 and subsequent series ("Corporate") 55 Water Street, New York, New York 10041, (Municipal, New York Municipal and Corporate, as well as unit investment trusts organized and sponsored by Bear, Stearns in the future, are collectively referred to as the "Trusts"), each registered under the Investment Company Act of 1940 ("Act") as a unit investment trust (Trusts and Bear, Stearns are collectively referred to as "Applicants"), filed an application on October 1, 1979, and amendments thereto on December 13, 1979, and February 1, 1980, pursuant to Section 6(c) of the Act, for an order of the Commission exempting certain transactions from the provisions of Section 22(d) of the Act and pursuant to Section 11(a) of the Act, for an order approving certain exchanges.

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.

Applicants state that Bear, Stearns is the sponsor of successive series of Municipal, New York Municipal and Corporate, each series being a separate unit investment trust. According to the application, the underlying portfolios of Municipal consist of general market tax exempt bonds; the underlying portfolios of New York Municipal consist of New York and Puerto Rico tax exempt bonds; and the underlying portfolio of Corporate consists of taxable bonds of corporations and governmental entities. Additionally, the application states that units of each Trust are distributed to the public through an underwriting syndicate (with Bear, Stearns accounting for the largest distribution to retail customers), with a sales charge of 4½% (approximately $45 per unit), which is modified by a volume discount of $5 per unit on purchases of 100 to 499 units, $10 per unit on purchases of 500 to 999 units and $20 per unit on purchases of 1,000 units or more by the same person during the initial public offering period. Moreover, Applicants state that although not obligated so do so, Bear, Stearns has maintained and intends to maintain in the future a secondary market in units of each Trust based upon the aggregate offering price of the underlying bonds in each Trust. As stated by Applicants, units purchased by Bear, Stearns in the secondary market may be reoffered to the public at the then current aggregate offering price of the underlying bonds plus the applicable sales charge or Bear, Stearns may tender the shares to the Trustee for redemption; absent the maintenance of a secondary market by Bear, Stearns, units of the Trust could be tendered to the Trustee for redemption at any time, but the redemption price is based on the aggregate bid price of the underlying bonds which is generally 1½ to 2% below the aggregate offering price of the bonds.

Applicants have requested an exemption from the provisions of Section 22(d) of the Act and approval under Section 11(a) of the Act to permit unit owners of "Redemption Trust" to participate in a proposed "Conversion Offer." As stated in the application, Redemption Trusts are registered unit investment trusts for which no active secondary markets in units of such Trusts exist. According to the application, all unit owners of all Redemption Trusts will be eligible to participate in the Conversion Offer, regardless of whether any such unit owner are or were retail customers of Bear, Stearns or whether of not Bear, Stearns participated as an underwriter or selling dealer in the original public offering of any units of such Redemption Trust. Applicants state that under the Conversion Offer unit owners of Redemption Trusts, following a redemption of such units, will be permitted to apply the redemption proceeds toward the purchase of units of any of the Trusts at the net offering side evaluation of such units, plus a fixed sales charge of $15 per unit.

The proposed Conversion Offer, as stated by Applicants, will be effected in the following manner. The Conversion Offer will be made by means of the current prospectus for each Trust. When a unit owner of a Redemption Trust indicates interest in the Conversion Offer, either directly to Bear, Stearns or indirectly through a retail broker, the unit owner will be furnished a current prospectus of the Trust describing the Conversion Offer. The unit owner who elects to participate in the Conversion Offer will then place two orders with his retail broker: (1) an order to redeem the Redemption Trusts units (the customer must then deliver his Redemption Trust unit certificates to his broker to be turned in to the trustee for redemption) and (2) an order to purchase units of any of the Trusts. The broker, in effecting this purchase, must certify to Bear, Stearns that the purchase is made pursuant to the Conversion Offer, thereby entitling the customer to the $15 per unit fixed sales charge rather than the full sales load charged on Trust units sold in regular transactions. Applicants also state that under the Conversion Offer, units of the Trusts will be sold at the current per unit offering side evaluation; that such trust units may be from either a current primary distribution or from, Bear, Stearn's secondary market; and that Redemption Trust unit owners participating in the Conversion Offer may purchase only up to the nearest whole number of units of any Trust that is equal to but not more in value than, the redemption proceeds.

Applicants have also requested an exemption from the provisions of Section 22(d) of the Act and approval under Section 11(a) of the Act to permit Applicants to offer to unit owners of any of the Trusts in which Bear, Stearns is maintaining an active secondary market an "Exchange Privilege." Applicants state that pursuant to this Exchange Privilege, Trust unit owners would be entitled to sell units of a Trust to Bear, Stearns and simultaneously purchase from Bear, Stearns units of another Trust at a fixed, reduced sales charge of $15, provided that: (1) Bear, Stearns is maintaining a secondary market in the units of the Trust held by the unit owner, and (2) units of the "Exchange Trust" (the Trust into which the unit owner wishes to convert) are available for sale, either from the initail public offering or in the secondary market. Applicants also state that the price of both the repurchase of the original units and the purchase of the Exchange Trust units will be based on the aggregate offering side evaluation of the units in the respective Trust. Applicants state that although Bear, Stearns has indicated that it intends to maintain a secondary market for the units of all Trusts sponsored by it, it is under no obligation to continue the maintenance of such a market and expressly reserves the right to discontinue the secondary market for any Trust or series thereof.

According to the application, the Exchange Privilege will operate in the following manner: (1) the unit owner must notify Bear, Stearns of his desire to sell his units and to apply the proceeds from the sale to the purchase of units of an Exchange Trust; (2) if units of one or more Exchange Trusts are available for sale at that time, the unit owner will be provided a current prospectus relating to each Exchange Trust in which he indicates interest; (3) if the unit owner elects to exercise the Exchange Privilege, his units will be repurchased at a price based on the aggregate offering side evaluation of the underlying bonds of the Trust, and units of the Exchange Trust will be sold at a price based on the aggregate offering side evaluation of the underlying bonds in the Exchange Trust, plus accrued interest and a $15 sale charge. Applicants state that transactions effected pursuant to this Exchange Offer will be effected only in whole units; that any proceeds not used to acquire whole units will be remitted to the selling unit owner.

As stated in the application, Bear, Stearns reserves the right to increase the sales charge on both the Conversion Offer and the Exchange Privilege in the future if the proposed charge should prove to be inadequate. Applicants state, however, that any such increase will only be made to reflect actual cost increases and expenses of administering the program and in no event will the sales charge be increased from $15 a unit to more than $20 per unit.

Section 11(a) of the Act provides, in part, that it shall be unlawful for any registered open-end investment company or any principal underwriter for such company to make, or to 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 such security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) of the Act provides, among other things, that the provisions of Section 11(a) shall be applicable, irrespective of the basis of the exchange, to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus.

Applicants submit that the proposed $15 per unit sales charge will fairly and adequately compensate Bear, Stearns and the participating underwriters and brokers for their services and expenses and will be apportioned as follows: Bear, Stearns will retain $10 per unit on each transaction and pass on a broker's allowance of $5. Applicants indicate that this is approximately the same net return to Bear, Stearns as it realizes from sales of units in the primary distribution of a newly organized Trust at a 4½ percent full sales charge (approximately $45) after deducting the broker's discount of $30 and absorbing the organizational, advertising and selling expenses incurred in connection with the organization, registration and public offering of each new Trust. Applicants also submit that the $5 allowed the broker fairly compensates the broker for its advice and services, as unit owners of existing trusts are customers whose essential investment needs have been identified and who have been educated regarding the nature of an investment in a unit investment trust. Thus, it is expected that: (1) they will require less advice than an investor acquiring an interest in an entirely different kind of investment and 92) there may be no need to prepare special advertising or sales literature.

Applicants submit that the Conversion Offer and Exchange Privilege would benefit the unit owners by enabling investors whose investment needs or tax situation may have changed to convert their investments at a reduced sales charge. Applicants also submit that allowing investors to purchase units of a Trust at a reduced sales charge is fair also to investors who purchase or have purchased units of the Trusts in regular transactions subject to the full sales charge, as participants in the Conversion Offer or Exchange Privilege already have paid a full sales load on their original purchase of units.

Applicants further submit that the Conversion Offer will have a minimal, if any, competitive effect on the unit trust market and will not cause a significnat acceleration in the redemption rate of Redemption Trust units for the following reasons: (1) the Conversion Offer will be available only to a very limited class of people (those holding units of Redemption Trusts); (2) those persons will not be induced or encouraged to participate in the Conversion Offer through an active advertising or sales campaign; rather, Bear, Stearns anticipates that eligible investors will be made aware of the program through their retail brokers in response to customers' inquiries as to an opportunity to convert their investment to an active, ongoing unit trust without having to suffer the economic loss of redeeming units at the bid side and, in addition, having to pay a full sales load on the purchase of units of an active trust; and (3) the Conversion Offer program is, thus, more in the nature of a service to investors.

Moreover, Applicants submit that the Conversion Offer program will not have the effect of encouraging competing sponsors of unit trusts to go after the customers of other active unit trusts because, by definition of the Conversion Offer, the sponsors of Redemption Trusts are no longer maintaining a service that is vital to the continued existence of the trusts (by discontinuing the secondary market, they have insured that the size of the trusts will be reduced to meet redemptions and that eventually, when each trust drops below the minimim liquidation amount, it may be liquidated in total by the sponsor and the trustee). Applicants contend that if a sponsor is concerned about any loss of customers through the Conversion Offer, it merely has to reinstitute a secondary market in the trust and the unit holders will no longer be in the class eligible to participate in the Conversion Offer.

Section 6(c) of the Act provides, in part, that the Commission my exempt any person, security, or transaction, or any class of classes of persons, securities or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 22, 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 his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon 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 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. 80–13919 Filed 5–5–80; 8:45 am]

BILLIING CODE 8010–01–M

[Rel. No. 11148; 812–4648]

Liquid Capital Income, Inc.; Application

April 30, 1980.

Notice is hereby given that Liquid Capital Income, Inc. ("Applicant"), 831 National City Bank Building, Cleveland, Ohio 44114, an open-end, non-diversified investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on April 3, 1980, for an Order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuing its portfolio securities. 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.

Applicant states that it is a "money market" fund and that it invests

exclusively in various high-grade money market instruments maturing in one year or less, including securities issued or guaranteed by the United States Government or its agencies and instrumentalities, obligations of qualifying banks and savings and loans, high-grade commercial paper, certain corporate debt obligations, and instruments (including repurchase agreements) secured by such obligations.

Applicant states that experience indicates that two features are necessary in a "money market" fund: (1) certainty of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant asserts that by maintaining a portfolio of high quality, short-term money market instruments valued at amortized cost it can provide those features to investors. Applicant maintains that experience has shown that, given the unique nature of Applicant's policies and operations, there should be a negligible discrepancy between prices obtained using the amortized cost method and those obtained using a market valuation method. Applicant represents that its Board of Directors has determined that, in light of the characteristics of Applicant, the amortized cost method of valuation of portfolio instruments is appropriate and preferable to the use of a market based valuation method and that use of such method is in the best interests of its shareholders.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by Applicant's Board of Directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) provides, in pertinent part, that the Commission, upon application may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision or provisions of the Act or of any rule or regulation 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. Applicant requests an order, pursuant to Section 6(c) of the Act, exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit it to value its assets using the amortized cost method of valuation.

Applicant submits that issuance of the requested order is consistent with the exemptive standards of Section 6(c) of the Act. In addition, Applicant has agreed to the imposition of the following conditions to any order granting the exemptive relief requested:

(1) In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to its stockholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

(2) Included within the procedures to be adopted by the Board of Directors shall be the following:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of Applicant's net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the Board of Directors will promptly consider what action, if any, should be initiated.

(c) Where the Board of Directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing stockholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

(3) Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

(4) Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

years (the first two years in an easily accessible place) a written record of the Board of Directors considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board's meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

(5) Applicant will limit its portfolio investments, including repurchase agreements, to those U.S. dollar-denominated instruments which its Board of Directors determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

(6) Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than May 27, 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. 80-13915 Filed 5-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21543; 70-5805]

Maine Yankee Atomic Power Co.; Proposed Issue and Sale of Notes and Issue of Guarantees by Jointly-Owned Subsidiary Company, Request for Exception From Competitive Bidding

April 30, 1980.

Notice is hereby given that Maine Yankee Atomic Power Company ("Maine Yankee"), 9 Green Street, Augusta, Maine 04330, an electric utility and indirect subsidary company of both New England Electic System and Northeast Utilities, both registered holding companies, has filed with this Commission a post-effective amendment to its application previously filed and amended in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By prior order in this proceeding (HCAR No. 19657, August 23, 1976), Maine Yankee was authorized to issue and sell up to $35,000,000 aggregate principal amount of promissory notes to MYA Fuel Company ("Fuel Company"), a subsidiary of BSC Holdings Inc. ("BSC").

By post-effective amendment Maine Yankee requests authority to enter into a proposed First Amendment to the loan agreement between Maine Yankee and the Fuel Company dated as of August 26, 1976. Said First Amendment will increase the aggregate principal amount of loans which Fuel Company will make to Maine Yankee from $35,000,000 to $50,000,000 and the guarantee by Maine Yankee of certain obligations to be incurred by Fuel Company in connection with said additional amount of promissory notes. As of December 31, 1979, $33,450,000 of such loans were outstanding. It is stated that the purpose of the increase in the loan commitment is to make additional funds available in order to finance the acquisition of a part of the nuclear fuel which will be required to operate the plant and to repay bank indebtedness used to finance the acquisition of nuclear fuel used in the plant since it commenced operation. In connection with the First Amendment to the loan agreement, the Fuel Company and Manufacturers Hanover Trust Company will enter into a First Amendment to their credit agreement dated as of August 26, 1976 to increase the bank's commitment under said credit agreement from $35,000,000 to $50,000,000 and to reduce the fee charged by the bank for outstanding letters of credit from 1¼% to .95%.

The notes will be issued pursuant to a loan agreement ("loan agreement") between the Fuel Company and Maine Yankee. The period during which Fuel Company may make such loans will be extended beyond the initial five year period until 2002, unless three years' notice of a desire to have the obligation of Fuel Company to make loans under the loan agreement terminate at an earlier date is given by one party to the other. The notes will bear a stated maturity of 2002, but the notes will also become due and payable (i) upon the expiration of the term of the loan agreement, or (ii) 270 days after termination of the loan agreement by reason of certain events specified in the loan agreement. The notes may be prepaid at any time in whole or in part without premium or penalty.

Maine Yankee has also entered into a sucurity agreement ("security agreement") with the Fuel Company concurrently with execution of the loan ageement. The security agreement provides that Maine Yankee mortgages, pledges and assigns a continuing security interest to Fuel Company in (i) certain nuclear fuel, as defined in the loan agreement, (ii) Maine Yankee's rights to receive and collect certain monthly payments under certain Capital Funds Agreements, as defined in the loan agreement. The security agreement states that such security interest is to be collateral security for the payment by Maine Yankee of all obligations incurred by Maine Yankee under the loan agreement.

The notes will bear interest in an amount equal to the Fuel Company's interest cost and other costs and expenses incurred by Fuel Company in connection with its loans to Maine Yankee plus ⅛ of 1% per annum of the aggregate prinicipal amount of notes outstanding from time to time. The Fuel Company will finance its loans to Maine Yankee by the sale of the Fuel Company's commercial paper through Goldman, Sachs & Co., for which service the latter will receive a discount of ⅛ of 1% per annum. Such commercial paper will be supported by letters of credit under a credit agreement ("credit

agreement") between Fuel Company and Manufacturers Hanover Trust Company ("bank"). The initial term of the credit agreement will be 5 years, but it may be extended until 2002 under provisions similar to those governing the loan agreement. It is stated that the effective cost of the notes to Maine Yankee would be approximately 18.70% per annum assuming Fuel Company finances the purchase of the notes entirely by the sale of commercial paper yielding 17.5%.

The credit agreement also authorizes Fuel Company to make direct borrowings from the bank so long as the aggregate principal amount of the outstanding letters of credit and direct borrowings does not exceed $50,000,000. The bank will charge a commitment fee of ⅛ of 1% per annum on the excess of the maximum credit available under the credit agreement over the aggregate of (i) the amount of commercial paper outstanding and (ii) the amount of direct borrowings by Fuel Company. The annual interest rate on direct borrowings will be 125% of the base rate ("base rate") in effect at the bank from time to time. The base rate will be the higher of the rate of interest charged by the bank on certain commercial loans ("prime rate") or the average rate for certain commercial paper. Assuming Fuel Company financed purchase of $50,000,000 in notes entirely through bank borrowings based on a prime rate of 19%, the effective cost of the notes would be 23, 75%.

Maine Yankee further proposes to execute a guarantee of (i) the obligations of Fuel Company to make payments under the credit agreement and (ii) the payment of commercial paper which Fuel Company issues pursuant to the loan agreement.

Maine Yankee has sinking fund provisions applicable to its Series A, B and C First Mortgage Bonds. These sinking fund payments will aggregate $4,775,000 annually through the year 2001. Main Yankee has only one nuclear generating plant and no additional generating facilities are planned by Main Yankee.

It is requested that the issuance of such additional notes be exempt from the competitive bidding requirements of Rule 50 by virtue of paragraph (a)(5) thereof. The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that the Maine, Public Utilities Commission has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 23, 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 as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended by said post-effective amendment or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 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. 80-13918 Filed 5-5-80 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11145; 812-4499]

Narragansett Capital Corp. and Photo Systems Inc.; Application

April 29, 1980.

Notice is hereby given that Narragansett Capital Corporation ("Narragansett"), 40 Westminster Street, Providence, R.I. 02903, a closed-end, non-diversified, management investment company registered under the Investment Company Act of 1940 ("Act") and a licensed small business investment company under the Small Business Act of 1958, and Photo Systems, Inc. ("Photo Systems"), 7200 West Huron River Drive, Dexter, Mich. 48130, a company presumed to be controlled by Narragansett (hereinafter Narragansett and Photo Systems are collectively referred to as "Applicants") filed an application on March 13, 1980, and an amendment thereto on April 28, 1980 ("Application"), for an order of the Commission pursuant to Sections 17(b) and 17(d) of the Act and Rule 17d-1 thereunder amending a prior order dated February 11, 1980 (Investment Company Act Release No. 11043). This prior order exempted from the provisions of Section 17(a) of the Act and permitted under Section 17(d) of the Act and Rule 17d-1 thereunder certain proposed transactions to be made in connection with the proposed restructuring of Narragansett's investment in Photo Systems. 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.

On June 26, 1979, Applicants filed an application ("Original Application") pursuant to Sections 17(b) and 17(d) of the Act and Rule 17d-1 thereunder for an order exempting from the provisions of Section 17(a) and permitting under Section 17(d) and Rule 17d-1 the proposed restructuring of Narragansett's investment in Photo Systems. According to the Original Application, on June 15, 1979, the Applicants entered into a Redemption and Refinancing Agreement ("Agreement") which would have resulted in the restructuring of Narragansett's investments in Photo Systems by (a) the redemption of a portion of the Photo Systems common stock held by Narragansett, with the effect of reducing Narragansett's percentage ownership of outstanding voting stock from approximately 77% to 52%, and (b) the refinancing of the balance of the outstanding indebtedness of Photo Systems to Narragansett, plus the financing of substantially all of the purchase price of the stock to be redeemed. As set forth in the Original Application, Photo Systems would be restructured and refinanced in the following manner. Photo Systems would purchase 550,000 of the 800,000 shares of Photo Systems Class B Common Stock held by Narragansett for an aggregate purchase price of $550,000. The purchase price would be payable by delivery to Narragansett of a cash payment of $5,000 and a promissory note of Photo Systems ("Redemption Note") for the remaining $545,000, plus the currently outstanding balance on the promissory note issued by Photo Systems in 1976. Applicants stated that such Redemption Note would be due August 1, 1984, would carry an interest rate of 12% per annum, would be payable during each fiscal year in an amount equal to 20% of Photo Systems' after-tax earnings for the

preceding fiscal year, and would be subordinated, with respect to principal and interest, to Photo Systems' indebtedness to Industrial National Bank of Rhode Island ("Bank").

On February 11, 1980, an order was issued ("Order") (Investment Company Act Release No. 11043) pursuant to Sections 17(b) and 17(d) of the Act exempting from the provisions of Section 17(a) of the Act and permitting pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder the proposed restructuring and refinancing of Photo Systems. However, Applicants state that Narragansett determined not to consummate the proposed transactions as contemplated for the following reasons. First it became clear that the proposed redemption transaction would probably be treated for Federal income tax purposes as a dividend to Narragansett of a substantial sum, notwithstanding the fact that Narragansett would receive very little of the redemption price in cash, thereby requiring Narragansett, since it intends to continue to qualify as a "regulated investment company" under the Internal Revenue Code of 1954 (which means that Narragansett must distribute on a current basis no less than 90% of its operating income), to make a substantial distribution to shareholders as a result of the Photo Systems transaction. Applicants state that in such an event the taxable income of Narragansett during 1980 might exceed its cash income by a material amount and that the distribution would have to be made from other sources of cash. Secondly, the tax basis and other tax attributes of the remaining investment in Photo Systems would vary materially from that which was originally intended.

Applicants state that following Narragansett's decision not to consummate the proposed transactions as set forth in the Original Application, Narragansett approached Photo Systems with a proposal to amend the terms of the proposed restructuring. Applicants further state that on February 11, 1980, Narragansett and Photo Systems entered into an amendment to the Agreement ("Amendment") which provided for the following amendments and/or modifications: (1) the number of shares subject to the redemption transaction was increased by 20,000 shares ("Additional Shares"), from 550,000 to 570,000 shares, with the price remaining fixed at $1.00 per share; (2) the purchase price of the additional shares was to be paid by increasing the principal amount of the Redemption Note by $20,000; (3) the amortization schedule annexed to the Redemption Note to be delivered at closing was revised to reflect the delay in consummating the transactions and to revise the monthly allocations of principal payments due; (4) the Redemption Note was to be made subordinate, additionally, to any short-term indebtedness of Photo Systems to the Bank up to $200,000 (plus any interest, expenses and fees payable in connection therewith); (5) the obligations of the parties were to be expressly conditioned upon the issuance of the amended order sought in the Application; (6) the obligations of Narragansett were conditioned upon the entering into by Narragansett and the principal management stockholders of Photo Systems ("Individual Stockholders") of a "Voting Agreement," the terms of which are described below; (7) the effective date of the redemption transaction was to be fixed at February 11, 1980, which is the date of the issuance of the Order and the date upon which the transactions covered by this Application would have been effective had they been consummated on the terms set forth in the Original Application; and (8) the Voting Agreement will not become effective until this order is issued. Applicants indicate that in all other respects the terms of the Agreement were ratified and confirmed.

As set forth in the Application, the Voting Agreement specifies the composition and method of selection of the Photo Systems Board of Directors ("Board") through the following provisions: (1) The number of members of the Board is to be fixed at five, of whom two are to be designees of Narragansett and two are to be designees of the Individual Stockholders, with the remaining director to be selected by the Majority in interest of the holders of all Photo Systems voting stock; (2) In the event that no person is able to obtain the votes of a majority in interest of the voting stock, the Board is to be reduced to four with two each to be designees of Narragansett and the Individual Stockholders; and (3) In the event of default under the Redemption Note, Narragansett may, at its option so long as such default remains uncured, require that the number of members of the Board be fixed at five, of whom three are to be designees of Narragansett and the remaining two are to be designees of the Individual Stockholders.

Section 2(a)(3) of the Act includes within the definition of "Affiliated person" of another person: (1) any person owning five percent or more of the outstanding voting securities of such other person; (2) any person five percent or more of whose outstanding voting securities are owned by such other person; (3) any officer, director or employee of such other person; and (4) any person controlled by such other person. Section 2(a)(9) of the Act provides, in part, that any person owning, directly or indirectly, more than 25 percent of the voting securities of a company shall be presumed to control such company. Accordingly, Applicants stated in the Original Application that: (1) Photo Systems is an affiliate of and, by virtue of Narragansett's ownership of 77.7% of Photo Systems' outstanding voting securities, presumed to be controlled by Narragansett; and (2) Narragansett is an affiliate of Photo Systems. In addition, the Application states that the Individual Stockholders are all affiliated persons of an affiliated person (Photo Systems) of Narragansett by virtue of their being the principal management employees of Photo Systems.

Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company or any affiliated person of such person, acting as principal, knowingly to purchase from or sell to such registered company or any company controlled by such registered company, any security or other property except securities of which the seller is the issuer. Section 17(b) of the Act generally provides that, upon application, the Commission may exempt a proposed transaction from the provisions of Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Consequently, Applicants request an order, pursuant to Section 17(b) of the Act, amending the prior order to exempt from the provisions of Section 17(a) of the Act the amended redemption and refinancing arrangement described above.

Since Applicants have already received an order exempting the redemption and refinancing agreement as originally proposed, the order requested, if issued, would be based upon the conclusion that the redemption of the additional 20,000 shares at $1.00 per share will not materially affect the original redemption and refinancing arrangement which was determined to be fair at the time the order was issued.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, to participate in or effect any transaction in which such investment company is a joint participant without the permission of the Commission. Rule 17d-1 provides, in part, that in passing upon applications for orders granting such permission the Commission will consider (i) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act, and (ii) the extent to which such participation is on a basis different from or less advantageous than that of other participants. Applicants stated in the Original Application that the proposed transaction may be said to involve a joint arrangement, in which Narragansett and Photo Systems are participants, and thus could be deemed to be prohibited under Rule 17d-1 unless the Commission issues an exemptive order or the transaction is otherwise exempt under the provisions of Rule 17d-1. Therefore, Applicants request an order, pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder, amending the prior order to permit the amended redemption and refinancing arrangement described above. In addition, the Application states that entering into the Voting Agreement by Narragansett and the Individual Stockholders could be deemed to constitute a joint enterprise or other joint arrangement subject to the prohibitions of Rule 17d-1. Therefore, Applicants request an order, pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder, amending the prior order to permit entry into the Voting Agreement as part of the amended redemption and refinancing arrangement.

Since Applicants have already received an order permitting as a joint transaction the redemption and refinancing arrangement as originally proposed, the order requested, if issued, would be based upon the conclusion that the modifications and amendments do not materially alter the participation of Narragansett in the joint transaction, which was considered to be consistent with the provisions, policies and purposes of the Act when the Order was granted.

Applicants state that the effects of the Amendment on the Agreement will be two-fold. First, such Amendment will increase the number of shares to be redeemed by 20,000, thereby reducing Narragansett's percentage ownership of Photo Systems from 77% to 50%, rather than 52%. However, Applicants state that since the Redemption Note requires principal payments to be made to the extent of 20% of after-tax earnings, with all unpaid principal due on August 1, 1984, there will be very little impact on the amortization of the Redemption Note and the principal balance due at final maturity will likely be increased by approximately $20,000. Secondly, since Narragansett currently has the ability to elect a majority of the Board by reason of its majority ownership of Photo Systems voting stock, the effect of the Voting Agreement will be to preserve that right in the event that Photo Systems is in default under the Redemption Note and to provide a mechanism for adequate representation on the Board of the interests of the Individual Stockholders.

As set forth in the Application, consummation of the proposed restructuring according to the terms of the Amendment would result in a variety of benefits. Applicants state that Narragansett believes that the redemption transaction, as proposed in the Amendment, would be treated not as a dividend, but as an exchange of the stock, thus avoiding the possible necessity of distributing as much as $400,000 to its stockholders in 1980 as a result of the redemption against realized cash proceeds during the same period of only approximately $25,000. Applicants also state that in addition to avoiding the adverse tax consequences of the redemption transaction as originally structured, the proposed transaction will: (1) provide additional incentives to the management shareholders to increase the profitability of Photo Systems, in which Narragansett will continue to have a substantial interest; (2) further Narragansett's program for relinquishing control of Photo Systems by the current deadline of 1983 (as required by the Small Business Investment Act of 1958); and (3) increase the current yield on Narragansett's total investment in Photo Systems by converting an additional $20,000 from an equity investment with no current return to indebtedness bearing interest at 12% per annum. Applicants further state that under the proposed restructuring Narragansett will retain 50% of the voting stock and the Voting Agreement gives Narragansett control of the Photo Systems Board of Directors in event of default on the Redemption Note. Applicants state that the effects of the Amendment on the Agreement are deemed by the Narragansett Board of Directors to be in the best interests of Narragansett's shareholders and Narragansett's business and financial condition. Accordingly, Applicants submit that: the terms of the proposed transactions as set forth in the Amendment to the Agreement are reasonable and fair and do not involve overreaching on the part of any person involved; the proposed transaction would be consistent with the policy of Narragansett and the general purposes of the Act; and the participation of Narragansett and the other participants in the amended redemption and refinancing arrangement to the extent it constitutes a joint enterprise or other joint arrangement would not be on a basis less advantageous than that of the other participants. Finally, Applicants contend that to the extent that the Voting Agreement constitutes a joint enterprise or other joint arrangement, since Narragansett and the Individual Stockholders will be able to participate in the designation of the members of the Photo Systems Board of Directors based on their respective percentage ownership interests in Photo Systems, the interests of all parties to the Voting Agreement are equitably reflected and none of the parties are disadvantaged by the terms of that agreement.

Notice is further given that any interested person may, not later than May 22, 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 reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses 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 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. 80-13920 Filed 5-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16772; SR-NYSE-80-20]

New York Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

April 30, 1980.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act"), notice is hereby given that on April 30, 1980, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005, filed with the Commission copies of a proposed rule change to amend its Rule 107 governing registered competitive market makers. NYSE Rule 107 currently contains a "sunset" provision under which the rule would expire on April 30, 1980, unless extended by a rule of the exchange approved by the Commission. The NYSE previously filed a proposed rule change (File No. SR-NYSE-80-11) to remove the sunset provision and thereby make Rule 107 permanent. The Commission, however, has determined to institute proceedings to determine whether that rule change should be disapproved. The purpose of the instant rule proposal is to extend the effectiveness of Rule 107 until 30 days after those proceedings are concluded.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-80-20.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6, and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that unless extended by the Commission, NYSE Rule 107 would expire on April 30, 1980. Accelerated approval of the rule change will preserve the status quo pending a final resolution of the Commission's proceedings to determine whether NYSE Rule 107 should be disapproved.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-13917 Filed 5-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16768; SR-PSE-79-14]

Pacific Stock Exchange Inc.; Order Approving Proposed Rule Change

April 29, 1980.

On February 25, 1980, the Pacific Stock Exchange Incorporated ("PSE") 301 Pine Street, San Francisco, CA 94104, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which would adopt, as PSE Rule XX, detailed rules for conducting its disciplinary proceedings.[1]

The proposed rule change would extend the PSE's disciplinary jurisdiction over any PSE member, member organization, or any persons associated with a member or member organization following termination of membership or association with a member, with respect to matters that occurred prior to such termination, provided that the PSE gives notice of its inquiry into the matter to the member or associated person within one year of such person's notice of termination.[2] The proposed rule change would permit the PSE to conduct investigations of possible violations upon the receipt of a compliant filed by a member or any other person[3] and would provide for the institution of disciplinary proceedings by the issuance of a statement of charges specifying the acts alleged to be in violation.[4] A respondent would have an opportunity to file an answer to the charges and to request a hearing by a panel of the PSE's Hearing Committee.[5] A decision by the Hearing Committee would be subject to review by an Appeals Committee,[6] and the PSE's Board of Governors could review a decision of the Hearing Committee or the Appeals Committee on its own initiative.[7] A member or associated person would be entitled to representation by counsel throughout any investigation and in any subsequent disciplinary proceeding.[8]

The proposed hearing and review procedures, however, would not apply to Floor Citations issued for violation of rules, policies, or procedures adopted by the PSE where the fines are $500 or less. Floor Citations, which are issued summarily, are governed by a different set of PSE rules.[9]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 16658 (March 14, 1980), 19 SEC Docket 915 (April 1, 1980)) and by publication in the **Federal Register** (45 FR 18542 (March 21, 1980)). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

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[1] Such rules are required by the Securities Acts Amendments of 1975. *See* Section 6(b) of the Act, 17 U.S.C. 78f(b).

[2] Proposed PSE Rule XX, Section 1.

[3] *Id.*, Section 2.

[4] *Id.*, Section 3. Proposed Section 6 would permit a respondent to submit an offer of settlement.

[5] *Id.*, Section 3, 4.

[6] *Id.*, Section 8(b).

[7] *Id.*, Sections 8(c), (d).

[8] *Id.*, Sections 2, 4.

[9] *Id.*, Section 10(b).02. *See* PSE Rule VI, Sections 39, 84 and PSE Equity Floor Procedure Advice 1-A for the review procedures that apply to Floor Citations. *See also*, File No. SR-PSE-79-18, concerning PSE floor decorum, which was approved by the Commission on January 18, 1980 (Securities Exchange Act Release No. 16515, 19 SEC Docket 366 (February 5, 1980), 45 FR 5870 (January 24, 1980)).

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-13921 Filed 5-5-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-10302]

Trans World Airlines, Inc.; Application and Opportunity for Hearing

May 1, 1980.

Notice is hereby given that Trans World Airlines, Inc. ("Applicant") has filed an application under clause (ii) of Section 310(b)(1) of The Trust Indenture Act of 1939, as amended (the "1939 Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of The Bank of New York (the "Bank") under (i) a Trust Indenture and Mortgage, dated May 1, 1971 (the "Indenture") among Bankers Trust Company, as Owner-Trustee ("Bankers Trust"), Applicant as Guarantor and the Bank as Indenture Trustee, (ii) an Equipment Trust Agreement, dated October 1, 1979 (the "Equipment Trust") between Applicant and the Bank providing for the issuance of approximately $100 million aggregate principal amount of Equipment Trust Certificates due May 1, 1990 (the "Equipment Trust Certificates") and (iii) an Indenture of Mortgage, dated January 1, 1977 (the "Mortgage") among certain senior lenders, Applicant and Marine Midland Bank, as Trustee ("Marine") and the agency of the Bank under (iv) a Pledge Agreement, dated January 1, 1979 (the "Pledge Agreement") among Applicant and certain banks are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under the Indenture.

The Application alleges that:

(1) The Indenture was qualified under the 1939 Act and filed with the Commission as Exhibit 4(a)-17 to the Registration Statement (Registration No. 2-40077) which Applicant filed to register the 11% Guaranteed Loan Certificates due June 1, 1986 (the "Loan Certificates") under the Securities Act of 1933, as amended (the "1933 Act"). There were outstanding, on December 31, 1979, $33,618,000 aggregate principal amount of Loan Certificates, payment of which is guaranteed by Applicant and is secured by a mortgage on three Boeing 747-131 aircraft which were purchased in part by the proceeds of the sale of the Loan Certificates. Additional funds were provided by certain banking and financial institutions (the "Owners") for whom Bankers Trust acts as Owner-Trustee. The three aircraft have been leased to Applicant by Bankers Trust for terms ending on May 31, 1986. After the Loan Certificates have been paid in full, the three aircraft will remain the property of the Owners subject to certain rights of Applicant to acquire them at the fair market value when the lease expires.

(2) Applicant and the Bank, as Trustee, have entered into the Equipment Trust in connection with the contemplated purchase of three Boeing 747SP-31 aircraft (the "Aircraft") to be delivered in March and April of 1980. The Equipment Trust covering the Aircraft will secure the Equipment Trust Certificates which will be guaranted by Applicant and will be issued in private placements on the respective delivery dates of the Aircraft. The initial issuance of the Equipment Trust Certificates is anticipated for March 1980. The Equipment Trust Certificates will not be registered under the 1933 Act since the sales thereof will not involve public offerings and will therefore be exempt under Section 4(2) of the 1933 Act. The Aircraft will be leased to Applicant by the Bank for terms ending in 1990. At the termination of the lease, the lease payments will be treated as payment in full of the purchase price of the Aircraft and title to all the Aircraft will vest in Applicant.

(3) Marine acts as Trustee for certain of Applicant's senior lenders under the Mortgage, by which Applicant has mortgaged substantially all aircraft and aircraft engines (together with appliances from time to time installed) owned by Applicant on March 1, 1977, as more particularly described in the granting clauses thereof (on June 30, 1979, Applicant owned 159 jet aircraft subject to the lien of the Mortgage). The Mortgage is not qualified under the 1939 Act and was filed with the Commission as Exhibit 1 to the March 1, 1977 Form 8-K filed by Applicant. The Mortgage secures Applicant's senior indebtedness currently outstanding under, or that may be issued pursuant to, certain senior debt instruments.

(4) In connection with a reorganization on January 1, 1979, in which Applicant, Hilton International Co. ("Hilton"), and Canteen Corporation ("Canteen"), became wholly-owned subsidiaries of Trans World Corporation, a newly-created holding company, certain amendments to applicant's senior debt instruments were made. The amendments contained waivers of certain provisions of the senior debt instruments to the extent necessary to permit Applicant to sell all the capital stock of Hilton and Canteen to Trans World Corporation and to pledge, for the benefit of Applicant's senior lenders, the Trans world Corporation promissory note received in payment for such sale, which promissory note is in turn secured by a pledge of the Hilton and Canteen shares. Marine is the custodian and agent (the "Pledge Agent") for the senior lenders under a pledge agreement relating to the pledge of such promissory note (the "Pledge Agreement"). The Pledge Agreement is Exhibit C to the Amendment dated January 1, 1979 to Applicant's July 1973 Loan Agreement, which was filed as Exhibit 3(d)-4 to the January 25, 1979 Form 8-B filed by Applicant.

(5) One of the amendments, the Second Supplemental Indenture date January 1, 1979 to the Mortgage (the "Second Supplemental Indenture"), removed an after-acquired property clause from the Mortgage and in a separate amendment to the senior debt agreements Applicant agreed to maintain, subject to the lien of the Mortgage, flight equipment having a depreciated book value at least equal to the amount of Applicant's senior indebtedness secured by the Mortgage, including the unborrowed amount (up to $150,000,000) available under Applicant's revolving credit agreement with certain banks (the "Bank Loan Agreement"). Prior to the effectiveness of the amendments, Applicant had the right, if its financial condition reached certain specific levels, to release the lien of the Mortgage or suspend most of the covenants in the Mortgage, subject to an obligation to reinstate such covenants if Applicant thereafter failed to meet specified financial tests. The amendments eliminated Applicant's right to release the lien of the Mortgage, and the tests for suspension and reinstatement of the covenants in the Mortgage were made more stringent. The Second Supplemental Indenture was filed as Exhibit 3(c)-3 to the January 25, 1979 Form 8-B filed by Applicant. The First Supplemental Indenture dated July 27, 1977 to the Mortgage (the "First Supplemental Indenture") suspended certain provisions of the Mortgage. The First Supplemental Indenture was filed as Exhibit 3(c)-2 to the January 25, 1979 Form 8-B filed by Applicant.

(6) In return for Applicant's granting of the Mortgage, the amendments to Applicant's senior debt instruments entered into on March 1, 1977, provided, among other things, for the relaxation of certain restrictive covenants contained

therein and added borrowing flexibility under the Bank Loan Agreement.

(7) Applicant believes that Marine may become incapable of effectively acting as Trustee under the Mortgage if the proposed acquisition of a controlling interest in Marine by the Hongkong & Shanghai Banking Corporation ("H&S Bank") is approved by the appropriate regulatory authorities and is consummated. Under Section 501 of the Federal Aviation Act of 1958, as amended ("Section 501"), only aircraft owned by "a citizen of the United States," as well as by certain other persons and corporations not applicable here, are eligible for registration and operation within the United States. Officials of the Federal Aviation Administration, in informal discussions, have indicated their belief that in the event of a default under the Mortgage, under certain circumstances ownership of the approximately 159 aircraft covered by the Mortgage might pass to Marine as Trustee and that, following the acquisition of Marine by H&S Bank, Marine would no longer be considered "a citizen of the United States" within the meaning of Section 501. Under this interpretation of the Mortgage and Section 501, Marine would be unable to register or operate the aircraft within the United States and, therefore, would be restricted in its ability to perform its duties as Trustee in the event of a default by Applicant.

(8) Applicant intends to appoint the Bank Trustee under the Mortgage as the successor of Marine, subject to the right of the senior lenders to supersede such appointment, and the Bank has agreed to accept such appointment. Applicant will also seek to have its senior lenders appoint the Bank as Pledge Agent under the Pledge Agreement as the successor of Marine.

(9) Applicant believes that no material conflict of interest will result from the bank acting as Trustee under the Indenture, the Equipment Trust and the Mortgage and as Pledge Agent under the Pledge Agreement. The Indenture, the Mortgage and the Equipment Trust each cover a wholly separate and distinct set of identified aircraft and aircraft engines and the Pledge Agreement involves a pledge of certain securities. In the event that the Bank should have the occasion to proceed against the security of any one or more of the Indenture, the Mortgage, the Equipment Trust or the pledge Agreement, such action would not affect the security, or the use of any security, under any of the other of said agreements. As a result Applicant believes that the Bank, in serving as Trustee under the Indenture, the Equipment Trust, and the Mortgage and as pledge Agent under the Pledge Agreement, and, more importantly, in taking action on behalf of the security holders or the senior lenders with respect to their separate security under the indenture, the Equipment Trust, the Mortgage, and the Pledge Agreement, will not be placed in a situation in which the potential for a material conflict of interest would arise.

(10) Applicant believes that the Bank's serving as Trustee under the Indenture, the Equipment Trust, and the Mortgage and as Pledge Agent under the Pledge Agreement will be beneficial to the holders of the Loan Certificates, the holders of the Equipment Trust Certificates, and the senior lenders in that the operations of the Equipment Trust, the Mortgage, and the Pledge Agreement would be simplified if the Trustee acting under the Indenture can act as the Trustee under the Equipment Trust and the Mortgage and as Pledge Agent under the Pledge Agreement. The specialized nature of the Indenture, the Equipment Tust, the Mortgage, and the Pledge Agreement is such that Applicant believes that the holders of the Loan Certificates, the holders of Equipment Trust Certificates, the senior lenders, and Applicant would benefit by having a trust company familiar with the operation of Applicant under the Indenture appointed as trustee of the Equipment Trust and of the Mortgage and as Pledge Agent under the Pledge Agreement.

(11) The Indenture contains the provisions permitted by the proviso of Section 310(b)(1) of the 1939 Act which allow Applicant to make the application under Section 310(b)(1)(ii). Applicant is not in default under the Indenture, the equipment Trust, the Mortgage, the Pledge Agreement or any other indenture or equipment trust agreement.

Applicant has waived any hearing as well as notice of any hearing and all rights of specified procedures under the rules of practice of the Commission.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than May 23, 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 law or fact raised by such application 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. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the protection of investors, unless a hearing is ordered by the Commission.

For the Commission, pursuant to delegated authority, by the Division of Corporation Finance.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-13914 Filed 5-5-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1829]

Massachusetts; Declaration of Disaster Loan Area

The area of 5-10 Main Street, Northboro, Massachusetts, constitutes a disaster area as a result of a fire which occurred on October 29, 1979.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 30, 1980, and for economic injury until the close of business on January 29, 1981, at: Small Business Administration, District Office, 150 Causeway Street, 10th Floor, Boston, Massachusetts 02114, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 30, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-13905 Filed 5-5-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1830]

New York; Declaration of Disaster Loan Area

The area of 211-225 East Kingsbridge Road and 2651-2657 Valentine Avenue, in the city of New York, Bronx County, New York, constitutes a disaster area because of damage resulting from a fire which occurred on February 24, 1980. Eligibile persons, firms and organizations may file applications for loans for physical damage until the close of business on June 30, 1980, and for economic injury until the close of business on January 29, 1981, at: Small Business Administration, District Office,

26 Federal Plaza, Room 3100, New York, New York 10007, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: April 30, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-13904 Filed 5-5-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1828]

Montana; Declaration of Disaster Loan Area

The following 44 counties and adjacent counties within the State of Montana constitute a disaster area as a result of natural disaster as indicated:

County	Natural disasters	Dates
Deer Lodge	Drought	4/1/79-10/1/79
Granite	Drought	4/1/79-10/1/79
Mineral	Drought	4/1/79-9/30/79
Missoula	Drought	4/1/79-9/30/79
Powell	Drought	4/1/79-10/1/79
Blaine	Drought	4/1/79-10/1/79
Glacier	Cool spring and drought.	5/1/79-9/30/79
Hill	Drought	4/1/79-10/1/79
Phillips	Drought	4/1/79-9/30/79
Teton	Drought	5/15/79-8/15/79
Daniels	Drought	5/1/79-10/1/79
Dawson	Drought	5/1/79-9/30/79
Garfield	Drought	5/1/79-9/21/79
McCone	Drought	5/1/79-9/30/79
Richland	Drought	4/1/79-10/1/79
Roosevelt	Drought	5/1/79-9/30/79
Sheridan	Drought	5/1/79-10/1/79
Valley	Drought	5/1/79-9/30/79
Broadwater	Drought	6/17/79-9/30/79
Golden Valley	Drought	5/1/79-10/1/79
Judith Basin	Drought	5/1/79-9/30/79
Lewis & Clark	Drought	6/17/79-9/30/79
Musselshell	Drought	5/1/79-10/1/79
Petroleum	Drought	5/1/79-9/30/79
Wheatland	Drought	5/1/79-9/30/79
Jefferson	Drought	4/1/79-9/30/79
Silver Bow	Drought	4/1/79-10/1/79
Big Horn	Drought	5/15/79-11/1/79
Carbon	Drought	4/1/79-10/1/79
Park	Drought	4/1/79-10/1/79
Stillwater	Drought	4/1/79-10/1/79
Sweet Grass	Drought	4/1/79-10/1/79
Rosebud, Treasure & N. Cheyenne Reservations.	Drought	4/1/79-10/1/79
Yellowstone	Drought	5/1/79-10/1/79
Custer	Drought	5/1/79-9/21/79
Powder River	Drought	5/1/79-11/2/79
Prairie	Drought	5/1/79-9/30/79
Wibaux	Drought	5/1/79-9/30/79
Fallon	Drought	4/1/79-10/1/79
Carter	Drought	4/1/79-10/1/79
Fergus	Drought	5/1/79-10/1/79
Cascade	Drought	4/1/79-10/1/79
Chouteau	Drought	4/1/79-10/1/79

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on Oct. 29, 1980, and for economic injury until the close of business on January 29, 1981, at: Small Business Administration, District Office, 301 South Park, Room 528, Federal Office Building, Helena, Montana 59601, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 29, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-13906 Filed 5-5-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[CM-8/294]

Shipping Coordinating Committee, National Committee for the Prevention of Marine Pollution; Meeting

The National Committee for the Prevention of Marine Pollution, a component of the Shipping Coordinating Committee (SHC), will conduct an open meeting at 9:30 a.m. on Wednesday, May 28, 1980 in Room 3201 of the U.S. Coast Guard Headquarters Building, 2100 Second Street, S.W., Wash., D.C.

The purpose of this meeting is to finalize preparations for the 13th Session of the Marine Environment Protection Committee (MEPC) of the Intergovernmental Maritime Consultative Organization (IMCO) which is scheduled for June 9-13, 1980 in London. In particular, the National Committee will discuss development of U.S. positions dealing with, inter alia, the following topics:

—Uniform interpretation and possible amendments to the 1973 MARPOL Convention as modified by the 1978 Protocol;

—Control procedures under the 1978 MARPOL Protocol;

—Survey and certification;

—Enforcement of pollution conventions; in particular—casualty investigations in relation to marine pollution;

—Evidence for violations.

FOR FURTHER INFORMATION CONTACT: Captain R. A. Biller, Chief, International Affairs Division, U.S. Coast Guard (G-AIA/21), 2100 Second Street, S.W., Washington, D.C. 20593, telephone (202) 426-2280.

Dated: March 7, 1980.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 80-13768 Filed 5-5-80; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/292]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Working Group on Radiocommunications of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 1:30 PM on May 15, 1980, in Room 3201 of the U.S. Coast Guard Headquarters, 2100 2nd Street, S.W., Washington, D.C. 20593.

The purpose of the meeting is to prepare position documents for the Twenty-second Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London in September 1980. In particular, the working group will discuss the following topics:

—Survival craft radio equipment;

—Operational requirements for future EPIRBs;

—Operational standards for shipboard radio equipment;

—Maritime distress system.

FOR FURTHER INFORMATION CONTACT: Lt. R. F. Carlson, U.S. Coast Guard (G-OTM/TP32), Washington, D.C. 20593. Telephone (202) 426-1345.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 80-13804 Filed 5-5-80; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/293]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Safety of Life at Sea Working Group on Lifesaving Appliances will conduct an open meeting at 9:00 AM on May 20, 1980 in Room 1303 of the U.S. Coast Guard Headquarters (Transpoint Building), 2100 2nd St., S.W., Washington, D.C. 20593.

The purpose of the meeting will be to:

—Discuss the report of the 14th Session of the IMCO Sub-Committee on Lifesaving Appliances;

—Discuss the draft text for the revision of SOLAS Chapter III and consider the text of or need for U.S. submittals for the next LSA Sub-Committee meeting scheduled for the week of July 14, 1980 in London, England. This includes vessel LSA carriage requirements as well as specifications for lifesaving equipment;

—Discuss the need for a U.S. submittal on the agenda item relating to raft servicing;

—Discuss the draft cold water survival guide being developed by IMCO;

—Discuss the requirements for immersion suits being developed by IMCO;

—Discuss the future IMCO LSA Work Plan.

FOR FURTHER INFORMATION CONTACT: Mr. N. W. Lemley, U.S. Coast Guard Headquarters (G-MMT-3/12), 2100 Second Street, S.W., Washington, D.C. 20593. Telephone: (202) 426-1444.

Dated: April 23, 1980.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 80-13805 Filed 5-5-80; 8:45 am]

BILLING CODE 4710-07-M

[CM3/295]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Shipping Coordinating Committee will conduct an open meeting at 1:00 p.m. on May 29, 1980 in Room 3201 of the U.S. Coast Guard Headquarters Building, 2100 Second Street, S.W., Washington, D.C.

The purpose of this meeting is to finalize preparations for the 44th Session of the Council of the Intergovernmental Maritime Consultative Organization (IMCO) which is scheduled for June 2-6, 1980 in London. In particular, the SCC will discuss development of U.S. positions dealing with, inter alia, the following topics:

—Status of the IMCO Convention (IMCO membership);

—Consideration of the Reports of the Maritime Safety Committee;

—Consideration of the Report of the Marine Environment Protection Committee;

—Implementation of Conventions and Other Multilateral Instruments.

FOR FURTHER INFORMATION CONTACT: R. A. Biller, Captain, U.S. Coast Guard (G-AIA/21), International Affairs Division, 2100 Second Street, S.W., Washington, D.C. 20593. Telephone (202) 426-2280.

Dated: April 9, 1980.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 80-13769 Filed 5-5-80; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

[Department Circular Public Debt Series—No. 14-80]

Treasury Notes of August 15, 1983, Series K-1983

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,500,000,000 of United States securities, designated Treasury Notes of August 15, 1983, Series K-1983 (CUSIP No. 912827 KR 2). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

1.2. If the interest rate determined in accordance with this circular is identical to the rate on an outstanding issue of United States notes, and the terms and conditions of such outstanding issue are otherwise identical to terms and conditions of the securities offered by this circular, this shall be considered an invitation for an additional amount of the outstanding securities and this circular will be amended accordingly. Payment for the securities in that event will be calculated on the basis of the auction price determined in accordance with this circular plus accrued interest from the last preceding interest payment date on the outstanding securities.

2. Description of Securities

2.1. The securities will be dated May 15, 1980, and will bear interest from that date, payable on a semiannual basis on February 15, 1981, and each subsequent 6 months on August 15 and February 15, until the principal becomes payable. They will mature August 15, 1983, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, May 6, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, May 5, 1980.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or

instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of the noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for alloted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be make or completed on or before Thursday, May 15, 1980. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by readily collectible check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than Monday, May 12, 1980. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price of allotted securities is under par, the discount will be remitted to the bidder. Settlement will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifiying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public

announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 80-13963 Filed 5-5-80; 8:45 am]

BILLING CODE 4810-40-M

[Department Circular Public Debt Series—No. 15-80]

10¾% Treasury Notes of November 15, 1989, Series B-1989

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,000,000,000 of United States securities, designated 10¾% Treasury Notes of November 15, 1989, Series B-1989 (CUSIP No. 912827 KC 5). The securities will be sold at auction, with bidding on the basis of price. Payment will be required at the bid price of each accepted tender in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be issued May 15, 1980, and are offered as an additional amount of 10¾% Treasury Notes of November 15, 1989, (CUSIP No. 912827 KC 5) dated November 15, 1979. Payment for the securities will be calulated on the basis of the auction price determined in accordance with this circular. Interest on the securities offered as an additional issue is payable on a semiannual basis on November 15, 1980, and each subsequent 6 months on May 15 and November 15, until the principal become payable. They will mature November 15, 1989, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, May 7, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, May 6, 1980.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the price offered, expressed on the basis of 100 with two decimals, e.g., 100.00. Common fractions may not be used. Only tenders at a price more than the original issue discount limit of 97.75 will be accepted. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified price. No bidder may submit more than one noncompetitive tender an the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in an borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Other are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and price range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the highest prices, through successively lower prices to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. Successful competitive bidders will be required to pay the price that they bid. Those submitting noncompetitive tenders will pay the weighted average price in two decimals of accepted competitive tenders. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the price. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers

it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Thursday, May 15, 1980. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by readily collectible check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than Monday, May 12, 1980. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price of allotted securities is under par, the discount will be remitted to the bidder. Settlement will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 80-13964 Filed 5-5-80; 8:45 am]

BILLING CODE 4810-40-M

[Department Circular Public Debt Series—No. 16-80

Treasury Bonds of 2005-2010

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,000,000,000 of United States securities, designated Treasury Bonds of 2005-2010 (CUSIP No. 912810 CP 1). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated May 15, 1980, and will bear interest from that date, payable on a semiannual basis on November 15, 1980, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 2010, but may be redeemed at the option of the United States on and after May 15, 2005, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are

exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registerd and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Dept., Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, May 8, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, May 7, 1980.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand depostis, and primay dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of cutomers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5 Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primay dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yelds, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 92.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundered, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accpeted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment quarantee as provided in Section 3.5., must be made or completed on or before Thursday, May 15, 1980. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by readily collectible check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than Monday, May 12, 1980. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the preminum must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price of allotted securities is under par, the discount will be remitted to the bidder. Settlement will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social

security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement.

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 80-13965 Filed 5-2-80; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 89
Tuesday, May 6, 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
Civil Aeronautics Board	1
Educational Research National Council	2
Federal Home Loan Bank Board	3
Federal Maritime Commission	4
Federal Mine Safety and Health Review Commission	5, 6
Federal Reserve System (Board of Governors)	7
International Trade Commission	8
National Science Board	9
Nuclear Regulatory Commission	10

1

[M-279, May 1, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., May 8, 1980.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items adopted by notation.
2. Docket 33712, Tiger International—Seaboard World Airlines, Inc., Acquisition Case. (OGC)
3. Docket 37172, Request for instructions on petition for rulemaking to require improved emergency medical kits on aircraft. (OGC, BDA, BCP)
4. Docket 36804, Draft Notice of Proposed Rulemaking for one-day special tariff permission on fare decreases, draft order denying exemption request of Western Air Lines. (OGC, BDA)
5. Docket 33363, 33688, and 33689, Former Large Irregular Air Service Investigation (Lone Star Airways, Inc.). (OGC).
6. Dockets 33169 and 33170, Former Larger Irregular Air Service Investigation (Rosenbalm Aviation, Inc.); Order on Discretionary Review. (OGC)
7. Dockets EAS-554, 555, 556, 557, 558, 559, 560 and 655. Appeals of essential air service determinations filed by the Cities of Salem, Corvalles, Redmond, North Bend, and Pendleton, Oregon, the State of Oregon and Air Oregon. (OGC, OCCR, BDA)
8. Docket EAS-433, Appeal of Essential Air Transportation Determination filed by Bangor, Maine. (OGC, OCCR, BDA)
9. Docket 37808, Compensation for losses for Pioneer Airways, Inc., in providing essential air service at McCook, Kearney, Hastings, and Columbus, Nebraska. (BDA)
10. Docket 35253, Policy Statement on discriminatory, preferential and prejudicial pricing. (BDA)
11. Docket 31016, Termination of inactive investigation of TWA "Cargo Advance Purchase Rates." (BDA)
12. Report on Status of Netherland Negotiations.

STATUS: Open (Items 1-11), Closed (Item 12).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-895-80 Filed 5-2-80; 3:34 pm]

BILLING CODE 6320-01-M

2

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

The National Council on Educational Research hereby gives notice that its next meeting will be June 20, 1980, at the NIE Offices, Room 823, 1200 19th Street, N.W., Washington, D.C. The agenda for this meeting will be published in the **Federal Register** at a later date.

PERSON TO CONTACT FOR MORE INFORMATION: ELLA L. JONES, ADMINISTRATIVE COORDINATOR. TELEPHONE: 202/254-7900.

Peter H. Gerber,

Chief, Policy and Administrative Coordination, National Council on Educational Research.

[S-900-80 Filed 5-5-80; 10:36 am]

BILLING CODE 4110-39-M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, FR pages 29165 and 29166, May 1, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., May 5, 1980.

PLACE: 1700 G Street, N.W., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The following item has been added to the agenda for the open meeting: Regulation on Accounting for Loan Servicing Fees.

Announcement is being made at the earliest practicable time.

No. 344, May 2, 1980.

[S-891-80 Filed 5-2-80; 1:28 pm]

BILLING CODE 6720-01-M

4

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: May 2, 1980, 45 FR 29460.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., May 7, 1980.

CHANGE IN THE MEETING: Date of meeting changed from May 7, 1980 to May 8, 1980 at 10:00 a.m.

[S-897-80 Filed 5-2-80; 3:34 pm]

BILLING CODE 6730-01-M

5

April 30, 1980.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10:00 a.m., Wednesday, May 7, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Valley Camp Coal Company, WEVA 79-111, etc. (Petition for Discretionary Review; issues include applicability of 30 CFR, Part 77 to coal transport tunnel).
2. Duval Corporation, WEST 79-194-M (Petition for Reconsideration of dismissal of untimely filed PDR).
3. Peabody Coal Company, BARB 76-117-P, IBMA 77-4 (issues include interpretation and application of 30 CFR 77.404(a)).
4. Oracle Ridge Mining Partners, WEST 79-248-M (issues include interpretation of 30 CFR 57.6-20(c)).
5. Cowin and Company, Inc., HOPE 76-210-P, etc. (Petition for Interlocutory Review; issues include amendment of civil penalty petition on remand to cite independent contractor under section 109(a) of the 1969 Coal Act for alleged safety violations).
6. Frontier-Kemper Constructors, CENT 80-59-M (Petition for interlocutory review; issues include propriety of third-party petition for assessment of a civil penalty by owner-operator against independent contractor).
7. Hecla Mining Company, WEST 79-251-M (Petition for Discretionary Review; issues include whether operator is liable for violation of 30 CFR 57.19-70 resulting solely from isolated employee behavior without operator fault).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-893-80 Filed 5-2-80; 3:05 pm]

BILLING CODE 6820-12-M

6

April 30, 1980.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10:00 a.m., May 13, 1980.

PLACE: Room 600, 1730 K Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following case:

1. Cement Division, National Gypsum Company, Docket No. VINC 79-154-PM. Issues include interpretation of "significant and substantial" provision of section 104(d) of the 1977 Mine Act.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-894-80 Filed 5-2-80; 3:05 pm]

BILLING CODE 6820-12-M

7

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10:00 a.m., Monday, May 12, 1980.

PLACE: 20th Street and Constitution Avenue, N.W., Wasingtion, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph B. Coyne, Assistant to the Board; (202) 462-3204.

Dated: May 2, 1980.

Theodore E. Allison,

Secretary of the Board.

[S-898-80 Filed 5-2-80; 3:59 pm]

BILLING CODE 6210-01-M

8

[USITC SE-80-28]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:00 a.m., Tuesday, May 13, 1980.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary: a. Drycleaning machines (Docket No. 650).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-892-80 Filed 5-2-80; 2:27 pm]

BILLING CODE 7020-02-M

9

NATIONAL SCIENCE BOARD.

DATE AND TIME: May 15, 1980, 1:00 p.m., Open Session; May 16, 1980, 9:00 a.m., Closed Session.

PLACE: National Science Foundation, Rm. 540, 180 G St., N.W., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSION:

1. Minutes—Open Session—215th Meeting.
2. Chairman's Report.
3. Director's Report:

a. Report on Grant and Contract Activity—4/16-5/14/80,
b. Organizational and Staff Changes,
c. Congressional and Legislative Matters,
d. NSF Budget for Fiscal Year 1981,
e. Master Grants,
f. Other Items.

4. Board Committees—Reports on Meetings:

a. Executive Committee,
b. Planning and Policy Committee,
c. Programs Committee,
d. Committee on Minorities and Women in Science,
e. Committee on Role of NSF in Basic Research,
f. Committee on Fourteenth NSB Report,
g. Committee on Thirteenth NSB Report,
h. Committee on Twelfth NSB Report,
i. Ad Hoc Committee on Big and Little Science,
j. Ad Hoc Committee on Deep Sea and Ocean Margin Drilling Programs.

5. NSF Advisory Groups and Other Events:

a. Reports on Meetings,
b. Representation at Future Events.

6. Reports on Annual Reviews of NSF Centers at NSF.
7. Office of Management and Budget Circular No. A-21.
8. Program Review—Mathematical Sciences
9. Presentation by the Honorable Shirley M. Hufstedler, Secretary of Education.
10. Grants, Contracts, and Programs.
11. Annual Business:

a. Annual Reports of Executive Committee,
b. Meeting Schedule for Calendar Year 1981,
c. Annual Consideration of National Science Board Committees,
d. Biennial Review of Delegations of Authority to Director and/or Executive Committee.

12. Other Business.
13. Next Meeting—National Science Board—217th Meeting—June 18-20—Stanford University.

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION:

A. Minutes—Closed Session—215th Meeting.
B. Grants, Contracts, and Programs.
C. Annual Business.
D. NSB and NSF Staff Nominees.
E. NSB Annual Reports.
F. NSF Budgets for Fiscal Year 1982 and Subsequent Years.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary (202) 357-9582.

[S-890-80 Filed 5-2-80; 1:17 pm]

BILLING CODE 7555-01-M

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Thursday, May 8, 1980.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

10:00 a.m.

1. Time Reserved for Discussion of Management-Organization and Internal Personnel Matters (approximately 1 hour, closed—Ex. 2 and 6).

2:00 p.m.

1. Briefing on Action Plan (approximately 2 hours, public meeting).

ADDITIONAL INFORMATION: By a vote of 3 to 0 on April 25 (Commissioners Kennedy and Hendrie not present), the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business required that the Briefing on Selective Absorption Process, held that day, be held on less than one week's notice to the public.

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 on the day of the meeting.

Roger M. Tweed,

Office of the Secretary.

May 1, 1980.

[S-896-80 Filed 5-2-80; 3:34 pm]

BILLING CODE 7590-01-M

federal register

Tuesday
May 6, 1980

Part II

Department of Health, Education, and Welfare

Food and Drug Administration

Ophthalmic Drug Products for Over-the-Counter Human Use; Establishment of a Monograph, Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 349

[Docket No. 80N-0145]

Ophthalmic Drug Products for Over-the-Counter Human Use; Establishment of a Monograph; Proposed Rulemaking

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish conditions under which over-the-counter (OTC) ophthalmic drug products (products for use in the eye) are generally recognized as safe and effective and not misbranded. The proposed rule, based on the recommendation of the Advisory Review Panel on OTC Ophthalmic Drug Products, is part of the ongoing review of OTC drug products conducted by the Food and Drug Administration (FDA).

DATES: Comments by August 4, 1980; reply comments by September 3, 1980.

ADDRESSES: Written comment to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In accordance with Part 330 (21 CFR Part 330), the FDA received on March 10, 1979, a report of the Advisory Review Panel on OTC Ophthalmic Drug Products. Under §330.10(a)(6) (21 CFR 330.10(a)(6)), the Commissioner of Food and Drugs is issuing: (1) A proposed regulation containing the monograph recommended by the Panel, which establishes conditions under which OTC ophthalmic drugs are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph because the Panel determined that they would result in the drugs not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph because the Panel determined that the available data are insufficient to classify these conditions under either (1) or (2) above; and (4) the conclusions and recommendations of the Panel.

The unaltered conclusions and recommendations of the Panel are issued to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The report has been prepared independently of the FDA, and the agency has not yet fully evaluated the report. The Panel's findings appear in this document as a formal proposal to obtain public comment before the agency reaches any decision on the Panel's recommendation. This document represents the best sceintific judgment of the Panel members but does not necessarily reflect the agency position on any particular matter contained in it.

The agency recognizes that the Panel reviewed inactive ingredients contained in OTC ophthalmic drug products and made recommendations concering whether certain inactive ingredients were suitable for inclusion in these drug products. Because the eye is a particularly sensitive organ, the Panel considered it important to review both active and inactive ingredients in making a determination of safety and effectiveness.

The OTC drug review is limited to a review of active ingredients. Accordingly except for those cases in which a Panel has recommended specific final formulations, only active ingredients have been included in a monograph. Therefore, the Panel's recommendations concerning inactive ingredients have not been included in the monograph. However, the agency recognizes the Panel's concerns and invites specific comment on Part II. E. of the Panel's report (Formulation of OTC Ophthalmic Drug Products). After review of the comments submitted, the agency will address the inactive ingredient issue in the publication of the tentative final monograph and will make an initial determination at that time whether any or all of the Panel's recommendations concerning inactive ingredients should be included in the final monograph.

The Panel concluded that ocular anti-infectives could be generally recognized as safe and effective (Category I) "for the treatment of minor external infections of the eye," such as blepharitis, conjunctivities, and hordeolum (stye), because such infections are usually not serious and would not require attention by a physician. However, the Panel did not classify any ocular anti-infective active ingredients in Category I but did classify three ocular anti-infective active ingredients in Category III for reasons of safety and/or effectiveness. The Panel stated that the symptoms of minor infections amenable to OTC treatment are often similar to serious disorders that are not amenable to OTC treatment. The agency is concerned that, because the symptoms of minor and serious infections are often similar, there may be potential for serious harm to the eye if professional treatment is delayed. The agency has, therefore, made an initial determination that the benefits to be derived from the use of these drugs do not outweigh the risks, and it proposes to classify ocular anti-infectives in Category II in the tentative final monograph. The agency invites specific comments on this proposal.

In accordance with § 330.10(a)(2) (21 CFR 330.10(a)(2)), the Panel and FDA have held as confidential all information concerning OTC ophthalmic drug products submitted for consideration by the Advisory Review Panel. All this information will be put on public display at the office of the Hearing Clerk, Food and Drug Administration, after June 5, 1980, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality should be submitted to William E. Gilbertson, Bureau of Drugs (HFD-510) (address above).

Based upon the conclusions and recommendations of the Panel, FDA proposes the following:

1. That the conditions included in the monograph, under which the drug products would be generally recognized as safe and effective and not misbranded (Category I), be effective 30 days after the date of publication of the final monograph in the **Federal Register**.

2. That the conditions excluded from the monograph because they would cause the drug to be not generally recognized as safe and effective or to be misbranded (Category II) be eliminated from OTC drug products effective 6 months after the date of publication of the final monograph in the **Federal Register**, regardless of whether further testing is undertaken to justify their future use.

3. That the conditions excluded from the monograph because the available data are insufficient (Category III) to classify such conditions either Category I or Category II will be the subject of a later notice. The status of Category III conditions after publication of a final order is the subject of the recent decision in *Culter* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979). In that case, the court held that "FDA may not lawfully maintain Category III in any form in which drugs with Category III

conditions * * * are exempted from enforcement action." The agency is presently studying the effect of this decision on the OTC drug review procedures. Accordingly, although this document retains the concept of Category III in its original form, the agency's response to the court's decision may result in substantial changes in the regulatory treatment of Category III conditions.

In the **Federal Register** of January 5, 1972 (37 FR 85), the Commissioner announced a proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review panels. In the **Federal Register** of May 11, 1972 (37 FR 9464), the Commissioner published the final regulations providing for the OTC drug review under § 330.10 which were made effective immediately. Pursuant to these regulations, the Commissioner issued in the **Federal Register** of April 26, 1973 (38 FR 10306) a request for data and information on all active ingredients utilized in OTC ophthalmic drug products.

The Commissioner appointed the following Panel to review the data and information submitted and to prepare a report pursuant to § 330.10(a)(1) on the safety, effectiveness, and labeling of those products:

Philip Paul Ellis, M.D., Chairman; Joann Caccavale, R.Ph.; Donald E. Cadwallader, Ph.D.; Calvin Hanna, Ph.D.; William H. Havener, M.D.; James F. Koetting, O.D., Ph.D.; and Pearl Alexandrina Watson, M.D.

The Panel was first convened on September 10, 1973, in an organizational meeting. Working meetings were held on October 26 and 27, December 11 and 12, 1973; February 15 and 16, April 9 and 10, June 4 and 5, September 27 and 28, December 6 and 7, 1974; February 7 and 8, May 9 and 10, September 12 and 13 and October 24 and 25, December 12 and 13, 1975; February 12 and 14, April 9 and 10, June 25 and 26, October 15 and 16, December 3 and 4, 1976; February 4 and 5, March 25 and 26, June 3 and 4, September 16 and 17, 1977; February 3 and 4, April 7 and 8, June 2 and 3, September 15 and 16, December 15 and 16, 1978; and March 9 and 10, 1979. The minutes of the Panel meetings are on public display in the office of the Hearing Clerk (HFA-305), Food and Drug Administration (address above).

Three nonvoting liaison representatives served on the Panel. Stanley Kaplan, O.D., nominated by an ad hoc group of consumer organizations, served as the consumer liaison. William E. O'Malley, M.D., Ph.D., served as the industry liaison until April 1974 and was followed by Hugh A. Miller, M.D. Both were nominated by the Proprietary Association.

The following employees of FDA served with the Panel: Richard D. North, M.D., as Executive Secretary until April 1974, followed by K. C. Pani, M.D., until December 1975, followed by A. F. Scafadi, M.D.; John T. McElroy, J.D., as Panel Administrator; Lloyd G. Scott, R.Ph., as Drug Information Analyst until October 1973, followed by Thomas H. Gingrich, R.Ph., until September 1975, followed by Timothy T. Clark, R.Ph., until February 1978, followed by Donald Johnson, R.Ph., until February 1978, followed by Charma Konnor, R.Ph., until August 1978, followed by Chester G. Trybus.

The following individuals were given an opportunity to appear before the Panel to express their views either at their own or at the Panel's request:

Samuel B. Aronson, M.D.; Robert H. Becker; Vivian Boniuk, M.D.; Eugene A. Conrad, Ph.D.; Woody Davis, M.D.; Stuart Eriksen, Ph.D.; Miles Galin, M.D.; Harry W. Gordon, Ph.D.; Maurice Gordon; G. Peter Halberg, M.D.; Nancy C. Hall, Ph.D; Donald L. MacKeen, Ph.D.; Robert W. Morgan, M.D.; Russell E. Phares, Ph.D.; R. D. Poe, Ph.D.; Maurice Poster, O.D.; Paul Roberts, M.D.; Dennis Shepard, M.D.; Murry J. Sibley, Ph.D.; and Charles Tracy, M.D.

No person who so requested was denied an opportunity to appear before the Panel.

The Panel thoroughly reviewed the literature and data submissions, listened to additional testimony from interested persons, and considered all pertinent data and information submitted through March 10, 1979, in arriving at its conclusions and recommendations.

In accordance with the OTC drug review regulations (21 CFR 330.10), the Panel's findings with respect to OTC ophthalmic drug products are set out in three categories:

Category I. Conditions under which OTC ophthalmic drug products are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which OTC ophthalmic drug products are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

I. Submission of Data and Information

Pursuant to the notice published in the **Federal Register** of April 26, 1973 (38 FR 10306) requesting the submission of data and information on OTC ophthalmic drugs, the following firms made submissions related to the indicated products:

A. Submissions By Firms

Firms	Marketed products
Abbott Laboratories, North Chicago, IL 60064	Clear Eyes, Lensine, Lensine Extra-Strength Cleaner for Contact Lenses, Murine.
Alcon Laboratories, Inc., Fort Worth, TX 76101	Alcon Contact Lens Wetting Solution, Contique Artificial Tears, Contique Contact Lens Wetting Solution, Contique Cleaning Plus Soaking Solution for Hard Contact Lenses, Contique Contact Lens Clean-Tabs, Contique Contact Lens Cleaning Solution, Contique Contact Lens Soaking Tabs, Contique Contact Lens Soaking Solution, Contique Dual Wet Solution for Hard Contact Lenses, Estivin Ophthalmic Solution, Eye-Stream, Isopto-Frin Eye Drops, Isopto-Tears Lubricant Eye Drops (Isopto-Plain), Lens-Mate, Naphcon Decongestant Eye Drops, Op-Thal-Zin Astringent Eye Drops, Tears Naturale Solution, Ultra Tears Lubricant Eye Drops (Isopto-Alkaline), Zincfrin Eye Drops.
Allergan Pharmaceuticals, Irvine, CA 92664	Blink-N-Clean Contact Lens Solution, Lacri-Lube S.O.P., Lacril Artificial Tears, Liquifilm Contact Lens Wetting Solution, Liquifilm Tears Oucular Lubricant, Prefrin Liquifilm Eye Drops, Prefrin Z-Liquifilm Ophthalmic Solution, Pre-Sert, Total—the All-In-One Contact Lens Solution.
Barnes-Hind Pharmaceuticals, Inc, Sunnyvale, CA 94086.	Degest.
Burton, Parsons and Co., Inc., Washington, DC 20027.	Adsorbonac 2 percent, Adsorbonac 5 percent, Soothe.
Commerce Drug Co., Inc., Farmingdale, NY 11735	Ocu-Bath, Ocu-Drop, Ocu-Tact, Stye.
Cooper Laboratories, Inc., Cedar Knolls, NJ 07927.	Argyrol S.S. 10 percent, Argyrol S.S. 20 percent, Goniosol, M-Z, Phenylzin, Tear-Efrin, Tearisol.
Flow Pharmaceuticals, Inc., Palo Alto, CA 94303	aqua-FLOW, Clerz, Comfy, d-FILM, duo-FLOW, hy-FLOW, Trilisol.
Julius Schmid, Inc., New York, NY 10019	Eye-Gene, Eye-Gene Eye Drops, Eye-Genic Eye Mist.
Norcliff-Thayer, Inc. (Formerly Mitchum Thayer), Tuckahoe, NY 10707.	Mitchum's Eye Drops (Formerly Duo-Eye Drops).
Norwich Pharmacal Co., Norwich, NY 13815	Ocusol Eye Drops, Ocusol Eye Lotion.
Pfizer, Inc., New York, NY 10017	Visine Eye Drops.
Riker Laboratories, Inc., Northridge, CA 91324	Bro-Lac, Op-Isophrin, Wet-Tone.
Sherman Laboratories, Inc., Metairie, LA 70005	Aqueo-Rinses, Dual-Clean, Pens-Vel, Stay-Brite, Stay-Wet, Velva-Kleen.
Softcon Products, Morris Plains, NJ 07950 (Formerly Professional Pharmacal Co., San Antonio, TX 78296).	Bufopto Zinc Sulfate ¼ percent, Efricel ⅛ percent, Methulose, Neozin Ophthalmc Solution, Visculose ½ percent, Visculose 1 percent.
SSS Co., Atlanta GA 30302	9½e Eye Drops.
Wyeth Laboratories, Inc., Philadelphia, PA 19101	Collyrium with Ephedrine Soothing Eye Drops, Collyrium Soothing Eye Lotion.

In addition, the following firms or groups provided related information:

Firms	Submissions
Alcon Laboratories, Inc., Fort Worth, TX 76101	General guidelines applicable to the evaluation of lens care products; Comments, recommendations, and additional data on cleaning and wetting agents; Additional information on benzalkonium chloride; Collaborative study report on the effect of serum on the preservative effectiveness of hard contact lens solutions.
Allergan Pharmaceuticals, Irvine, CA 92664	Effectiveness data on polyvinyl alcohol as a wetting agent; Methodology for development and testing of safe and effective hard contact lens care products; Safety and effectiveness data on polyetheylene glycol 300, polyoxyl-40-stearate, and polysorbate-80 for use in hard contact lens cleaning products; Comments on warnings and labeling; Additional information on preservative information; Data on "Draize" testing.
Burton Parsons and Co., Inc., Washington, DC 20027.	Background information on lens cleaning solution.
Commerce Drug Co., Inc., Farmingdale, NY 11735	Additional data on mercuric oxide ophthalmic ointment.
Cooper Laboratories, Inc., Cedar Knolls, NJ 07927.	Additional information on PEG; Additional information on mild silver protein; Additional information on flexibility of osmolarity range and PEG.
Ketchum Labs, Inc., Amityville, NY 11701	Comments on preservative test guidelines.
Norcliff Thayer, Inc., Tuckahoe, NY 10707	Safety protocol for 0.05% naphazoline.
Proprietary Association, Washington, DC 20006	Method of testing safety and effectiveness of lens cleaning solutions.
Schering Corp., Bloomfield, NJ 07003	Data on sulfacetamide sodium; Data on use of parabens as preservatives.
K. C. Tsou, Ph.D., University of Pennsylvania, Philadelphia, PA 19174.	Cytochemical methods for detection of corneal damage.
Warner-Chilcott Laboratories Morris Plains, NJ 07950.	In vitro procedure for evaluation of soft contact lens cleaners.

On May 28, 1976, the Medical Device Amendments of 1976 became law. This legislation amends the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.) and provides new authority to assure the safety and effectiveness of medical devices. Several products previously regulated as drugs that were under review by the Panel came within the definition of a medical device under these amendments. The Commissioner reviewed the products previously regarded as drugs and concluded in the **Federal Register** of December 16, 1977 (42 FR 63472) that the following product categories fall within the definition of a medical device: Ophthalmic lens cleaning (sterilizing) solutions and wetting agents for hard contact lenses.

In a notice published in the **Federal Register** of March 6, 1979 (44 FR 12270), FDA announced that it had transferred the responsibility for regulating OTC ophthalmic devices from the agency's Bureau of Drugs to its Bureau of Medical Devices. In addition, the notice announced that the Advisory Review Panel on OTC Ophthalmic Drug Products had summarized its findings and recommended that the Commisioner transfer to the Bureau of Medical Devices that portion of its report concerning products now regulated as medical devices, together with the data and information on those products submitted in response to the call for data notice (38 FR 10306).

It is possible that certain submissions fall within the purview of both the Bureau of Drugs and the Bureau of Medical Devices, depending on the claims associated with the product.

The following is a list of submissions, originally submitted to the Advisory Review Panel on OTC Ophthalmic Drug Products, that have been forwarded to the Bureau of Medical Devices:

Firms	Submissions
Abbott Laboratories, North Chicago, IL 60064	Lensine, Lensine Extra Strength Cleaner for Contact Lenses.
Alcon Laboratories, Inc., Fort Worth, TX 76101	Alcon Lens Wetting Solution, Contique Contact Lens Wetting Solution, Contique Cleaning Plus Soaking Solution for Hard Contact Lenses, Contique Contact Lens Clean-Tabs, Contique Contact Lens Cleaning Solution, Contique Contact Lens Soak-Tabs, Contique Contact Lens Soaking Solution, Contique Dual Wet Solution for Hard Contact Lenses, Total—the All-In-One Contact Lens Solution, Effectiveness data on polyvinyl alcohol as a wetting agent, Methodology for development and testing of safe and effective hard contact lens care products, Safety and effectiveness data on polyethylene glycol 300, polyoxyl-40-stearate, and polysorbate-80 for use in hard contact lens cleaning products; Comments on warnings and labeling, Additional information on preservative information.
Burton Parsons & Co., Inc., Washington, DC 20027.	Background information on lens cleaning solution.
Commerce Drug Co., Ind., Farmingdale, NY 11735.	Ocu-Tact.
Flow Pharmaceuticals, Inc., Palo Alto, CA 94303	Clerz, d-FILM, duo-FLOW, hy-FLOW, Trilisol.
Ketchum Labs, Inc., Amityville, NY 11701	Comments on preservative test guidelines.
The Proprietary Association, Washington, DC 20006.	Method for testing safety and effectiveness of lens cleaning solutions.
Riker Laboratories, Inc., Northridge, CA 91324	Wet Tone.
Sherman Laboratories, Inc., Metairie, LA 70005	Dual-Clean, Pena-Vel, Stay-Brite, Stay-Wet.
Warner-Chilcott Laboratories Morris Plains, NJ 07940.	Information on use of soft contact lens cleaners.

B. Ingredients Reviewed by the Panel

1. *Labeled ingredients contained in marketed products submitted to the Panel:*

Acetic acid
Alkyl dimethyl benzyl ammonium chloride
Antipyrine
Aromatics
Benzalkonium chloride
Benzethonium chloride
Berberine acid sulfate
Berberine hydrochloride
Berberine sulphate
Borax
Boric acid
Calcium chloride
Calcium disodium edetate
Camphor
Camphor water
Chlorobutanol
Chlorobutanol (chloral derivative)
Cod liver oil
Dextrose
Disodium edetate
Disodium edetate (EDTA)
Disodium ethylene diamine tetraacetate
Disodium ethylenediamine tetraacetate
Distilled extract of witch hazel
EDTA
Ephedrine
Ephedrine hydrochloride
Extract of witch hazel
Gelatin
Gelatin A
Glycerin
Hydrastine hydrochloride
Hydroxypropyl methylcellulose
Infusion of rose petals
Magnesium chloride
Methylcellulose
Methylparaben
Mild silver protein
Mineral oil
Naphazoline hydrochloride
Nonionic lanolin derivatives
Peppermint water
Phenylephrine hydrochloride
Phenylmercuric nitrate
Piperocaine hydrochloride
Polyethylene glycol 300
Polysorbate 80
Polyvinyl alcohol
Polyvinyl pyrrolidone
Polyvinylpyrrolidone
Potassium bicarbonate
Potassium carbonate
Potassium chloride
Propylparaben
Purified water
Rose and camphor water
Sodium acetate
Sodium bisulfite
Sodium borate
Sodium carbonate
Sodium carboxymethyl cellulose
Sodium chloride
Sodium citrate
Sodium edetate
Sodium ethylmercurithiosalicylate
Sodium hydroxide
Sodium propionate
Sorbic acid
Tetrahydrozoline hydrochloride
Thimerosal
Water soluble polymeric system
Water-soluble polymers
White petrolatum
Yellow mercuric oxide
Zinc sulfate (zinc sulphate)

2. *Ingredients reviewed by the Panel in addition to the submitted data.*

The Panel reviewed the following ingredients in addition to those contained in marketed products submitted to the Panel:

Anhydrous lanolin
Cetylpyridinium chloride
Chlorhexidine gluconate
Chlorhexidine hydrochloride
Dextran 70
Hydrochloric acid
Hydroxyethylcellulose
Lanolin
Light mineral oil
Oil of peppermint
Oil of rose geranium
Paraffin
Peppermint Oil
Phenylethyl alcohol
Phenylmercuric acetate
Phosphoric acid
Polyethylene glycol 400
Potassium borate
Potassium citrate
Potassium phosphates:
  Dibasic potassium phosphate
  Monobasic potassium phosphate
  Tribasic potassium phosphate
Propylene glycol
Rose geranium oil (African)
Rose water
Sodium benzoate
Sodium bicarbonate
Sodium biphosphate
Sodium metabisulfite
Sodium phosphate
Sodium sulfacetamide
Sodium thiosulfate
Thiourea
Tri-sodium edetate (monohydrate)
White ointment
White wax
Witch hazel water

C. Classification of Ingredients

1. *Active ingredients.* In order to simplify the review of OTC ophthalmic drug products, the Panel has classified the various active ingredients into seven different pharmacologic groups. The Panel has used this pharmacologic group classification throughout the document. A discussion on the pharmacology of these groups is included below. (See part II. paragraph C. below—Pharmacology of OTC Ocular Ingredients.)

Ocular Anesthetics

Antipyrine
Piperocaine hydrochloride

Ocular Anti-Infectives

Boric acid
Mild silver protein
Sulfacetamide sodium
Yellow mercuric oxide

Ocular Vasoconstrictors

Sympathomimetic amines:
  Ephedrine hydrochloride (ephedrine)
  Naphazoline hydrochloride
  Phenylephrine hydrochloride
  Tetrahydrozoline hydrochloride

Ocular Astringents

Infusion of rose petals
Zinc sulfate (zinc sulphate)

Ocular Hypertonicity Agent

Sodium chloride

Ocular Demulcents

Cellulose derivatives:
  Carboxymethylcellulose sodium (sodium carboxymethylcellulose)
  Hydroxyethylcellulose
  Hydroxypropyl methylcellulose
  Methylcellulose
Dextran 70
Geltain
Polyols, liquid:
  Glycerin
  Polyethylene glycol 300
  Polyethylene glycol 400
  Polysorbate 80
  Propylene glycol
Polyvinyl alcohol
Povidone (polyvinyl pyrrolidone, polyvinylpyrrolidone)

Ocular Emollients

Lanolin preparations:
  Anhydrous lanolin
  Lanolin
  Nonionic lanolin derivatives (petrolatum and lanolin alcohol)
Oleaginous ingredients:
  Light mineral oil
  Mineral oil
  Paraffin
  White ointment
  White petrolatum
  White wax

2. *Inactive ingredients.* The Panel reviewed all inactive ingredients and has further classified them as to their suitability for inclusion in OTC ophthalmic preparations. (See part II. paragraph E. below—Formulation of OTC Ophthalmic Drug Products.) The Panel recognizes that some of the ingredients in the inactive list below are also included in the list of active ingredients above. These ingredients, which the Panel has classified as active demulcents and emollients, traditionally have been considered inactive because they are included in ophthalmic preparations as formulation agents, i.e., ointment bases and viscosity agents. However, the Panel believes that these same ingredients can also function as therapeutically active ingredients at the same concentrations commonly used as formulation aids. Both ocular demulcents and ocular emollients can relieve the discomfort occurring from exposure, dryness, and minor irritations, and can protect the eye from further

irritation. Ocular demulcent preparations can also relieve the burning and irritation caused by dry eye and are often used as tear replacements. Therefore, the Panel concludes that these ingredients will be considered as inactive only when used in OTC ophthalmic products as formulation agents and when no labeling claims are made for them. However, if a product makes demulcent or emollient claims for these ingredients as discussed in the labeling section included later in this document, the ingredients will be considered active. (See part II. paragraph G. below—Labeling of OTC Ophthalmic Drug Products.)

The following is a list of inactive ingredients that were submitted to the Panel:

Acetic acid
Aromatic preservative ophthalmic (aromatics)
Benzalkonium chloride (alkyldimethylbenzylammonium chloride)
Benzethonium chloride
Berberine preparations:
- Berberine bisulfite (berberine acid sulfate)
- Berberine hydrochloride
- Berberine sulfate (berberine sulphate)

Boric acid
Calcium chloride
Camphor preparations:
- Camphor
- Camphor water

Cellulose derivatives:
- Carboxymethylcellulose sodium (sodium carboxymethylcellulose)
- Hydroxyethylcellulose
- Hydroxypropyl methylcellulose
- Methylcellulose

Cetylpyridinium chloride
Chlorhexidine gluconate
Chlorhexidine hydrochloride
Chlorobutanol (chlorobutanol, chloral derivative)
Cod liver oil
Dextran 70
Dextrose
Edetic acid preparations:
- Edetate calcium disodium (calcium disodium edetate)
- Edetate disodium (disodium edetate, ETA, disodium ethylene diamine tetraacetate, disodium ethylenediamine tetraacetate)
- Edetate sodium (sodium edetate)
- Edetate trisodium (tri-sodium edetate (monohydrate))
- Edetic acid (EDTA)

Gelatin
Geranium oil, Algerian (oil of rose geranium; rose geranium oil, African)
Hydrastine hydrochloride
Hydrochloric acid
Lanolin preparations:
- Anhydrous lanolin
- Lanolin
- Petrolatum and lanolin alcohol (nonionic lanolin derivatives)

Magnesium chloride
Oleaginous ingredients:
- Light mineral oil
- Mineral oil
- Paraffin
- White ointment
- White petrolatum
- White wax

Parabens:
- Methylparaben
- Propylparaben

Peppermint preparations:
- Peppermint oil (oil of peppermint)
- Peppermint water

Phenylethyl alcohol
Phenylmercuric acetate
Phenylmercuric nitrate
Phosphoric acid
Polyols, liquid:
- Glycerin
- Polyethlene glycol 300
- Polyethylene glycol 400
- Polysorbate 80
- Propylene glycol

Polyvinyl alcohol
Potassium bicarbonate
Potassium tetraborate (potassium borate)
Potassium carbonate
Potassium chloride
Potassium citrate
Potassium phosphates:
- Dibasic potassium phosphate
- Monobasic potassium phosphate
- Tribasic potassium phosphate

Povidone (polyvinyl pyrrolidone, polyvinylpyrrolidone)
Propylene glycol
Purified water
Rose and camphor water
Sodium acetate
Sodium benzoate
Sodium bicarbonate
Sodium biphosphate
Sodium bisulfite
Sodium borate (borax)
Sodium carbonate
Sodium chloride
Sodium citrate
Sodium hydroxide
Sodium metabisulfite
Sodium phosphate
Sodium propionate
Sodium thiosulfate
Sorbic acid
Stronger rose water (rose water)
Thimerosal (sodium ethylmercurithiosalicylate)
Thiourea
Water soluble polymeric system
Water-soluble polymers
Witch hazel water (distilled extract of witch hazel, extract of witch hazel)

D. Referenced OTC Volumes

The "OTC Volumes" cited throughout this document include submissions made by interested persons pursuant to the call-for-data notice published in the **Federal Register** of April 26, 1973 (38 FR 10306). All of the information included in these volumes, except for those deletions which are made in accordance with the confidentiality provisions set forth in § 330.10(a)(2), will be put on public display after June 5, 1980, in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857.

II. General Statements and Recommendations

A. Definitions

The Panel adopted the following definitions related to use of OTC ophthalmic products:

1. *Adjuvant.* Any component added to a drug product to facilitate, modify, increase, or enhance the action or the effectiveness of the principal ingredient(s).
2. *Anti-infective.* A therapeutic agent which destroys or limits the multiplication of micro-organisms.
3. *Antioxidant.* A substance which reduces the determination of a product resulting from interaction of a drug with oxygen.
4. *Astringent.* A locally acting pharmacologic agent which, by precipitating protein, helps to clear mucus from the outer surface of the eye.
5. *Buffering agent.* A substance which stabilizes the pH of solutions against changes produced by introduction of acids or bases from such sources as drugs, body fluids, tears, etc.
6. *Decongestant.* An agent that reduces swelling and redness of the mucous membranes of the eye.
7. *Demulcent.* An agent, usually a water-soluble polymer, that coats mucous membrane surfaces.
8. *Emollient.* An agent, usually a fat or oil, which is applied locally to eye lids to protect or soften tissues and to prevent drying and cracking.

9. *Eye wash, eye lotion, irrigating solution.* A sterile aqueous solution containing no active ingredients, intended for bathing or mechanically flushing the eye.

10. *Hypertonicity agent.* A drug which exerts an osmotic gradient greater than that present in body tissues and fluids, so that water is drawn from the body tissues and fluids across semipermeable membranes. Applied topically to the eye, a hgypertonicity agent creates an osmotic gradient which draws water out of the cornea.

11. *Ointment adjunct.* A substance used to aid in the formulation of an ointment.

12. *Ointment base.* A semisolid vehicle, to which medicinal substances may be added. It is not usually considered an active ingredient unless used for lubrication or as an emollient.

13. *Ophthalmic ointment.* A sterile semisolid dosge form that may or may not contain an active ingredient for use in the eye.

14. *Ophthamic solution ("eye drops").* A sterile aqueous solution of electrolytes, polymers, drugs, and other substances intended for application into the cul-de-sac, that is, the space between the eyeball and eyelids.

15. *Preservative.* An agent which is added to a product for the purpose of inhibiting the growth of micro-organisms in the product, thereby helping to maintain sterility during use.

16. *Stabilizer.* An agent used to prevent or delay chemical deterioration of a product.

17. *Tear replacement, tear substitute.* A preparation intended to counteract dryness in the eye; often used for the relief of symptoms in "dry eye" in which production volume or quality of tears is inadequate.

18. *Topical anesthetic agent.* An agent that produces a variable reduction or loss of sensation when applied to surface tissue of the eye.

19. *Vasoconstrictor.* A pharmacologic agent which, when applied topically to the mucous membranes of the eye, causes transient constriction of conjuctival blood vessels.

20. *Viscosity agent.* A water-soluble substance that decreases the fluidity (flow) of an aqueous system; it may mechanically lubricate and protect surfaces of the eye, or prolong the contact of a product on the eye.

B. *Anatomy and Physiology of the Eye*

The Panel includes the following discussion of the anatomy and physiology of the eye as a practical orientation to the uses of OTC opthalmic medications. This discussion is based on a review of several sources (Refs. 1 through 7).

The eye is the organ of sight. The spherical eyeball is suspended in the orbital cavity by muscles and ligaments and cushioned by fat and connective tissue. Blood vessels and nerves are also present in the orbit. The wall of the eyeball, or globe, is composed of three main layers of tissues from outside inward, i.e., the sclera, the uvea, and the retina.

The sclera, or white of the eye, is a tough, fibrous tissue which has very few blood vessels. The sclera surrounds two-thirds of the globe and is continuous with the cornea which covers the remaining third of the eye. The cornea is a clear transparent tissue that covers the front portion of the globe. The normal cornea is devoid of blood vesels but is well supplied with sensitive nerve fibers which makes it one of the most sensitive parts of the body's surface.

The uvea consists of the iris, the ciliary body, and the choroid which are continuous from front to back. These tissues are vascular and contain pigment cells of the eye. The retina is composed mainly of nervous tissue and is a lining for much of the interior surface of the eyeball. Light entering the eye stimulates photoreceptors located in the deep layers of the retina. Electrical-chemical changes occur resulting in nerve stimulation which is conducted to the ganglion cells located in the inner layers of the retina. From here the nerve impulse is transmitted via the nerve fiber layer of the retina, back through the optic nerve and visual pathways in the brain, to the occipital lobes, or posterior portion, of the brain which is the visual center.

The optical apparatus of the eye consists of the cornea and the lens. Layers of clear fluid, known as aqueous humor, and a gel-like material, known as vitreous humor, are between the solid structures. Aqueous humor is located between the cornea and the anterior surface of the lens-iris diaphragm. Vitreous humor is located between the posterior surface of the lens and the inner surface of the retina. The cornea, the lens, and the fluid compartments are avascular and exchanges of substances in these areas take place mainly by diffusion. The iris is a contractile membrane that controls the size of the pupil by dilation or constriction.

The conjunctival membrane covers the outer surface of the white portion of the eye and the inner surfaces of the eyelids. The membrane is loosely attached and permits free movement of the eyeball by the extraocular muscles located in the orbit and attached to the globe. The conjunctiva and the cornea are the most exposed portions of the eyeball.

The eye is mechanically protected by the eyelids and eye lashes. Special nerves and muscles in the eyelids operate the blink reflex. The eyelids also help to provide optimum fluid conditions for the cornea by preventing excessive loss of tear fluid. The eyelids are lubricated and kept moist by the secretions of the lacrimal and sebaceous glands. The inner eyelid surfaces form pocket-like extensions upward and downward; these spaces are called the conjunctival cul-de-sacs.

Tear fluid is produced by the lacrimal, sebaceous, and mucous glands of the eye. Tears are a complex mixture of electrolytes, proteins, carbohydrates, organic acids, mucous, water, oil, and enzymes (lysozyme). The tears are approximately 0.7 percent protein (e.g., mucin, albumin), and their total solids content is about 1.8 percent. The osmotic concentration of the tears is equal to 0.9 percent sodium chloride, and the pH is slightly alkaline. The surface of the eyeball and the cornea are normally moist at all times because of the flow of tears over the surface. The functions of the tears include nutrition, metabolism, secretion, waste-carrying, maintenance of optical clarity, and antibacterial action. Tears flow over the corneal surface, collect in the cul-de-sac, and are drained through openings known as puncta, located in the inner corners of the eyelids. This lacrimal drainage system, consisting of canaliculi, the lacrimal sac, and the naso-lacrimal duct, allows the tears to flow into the nasal cavity. Much of any ophthalmic solution preparation instilled into the cul-de-sac drains into the nasal cavity via the lacrimal drainage system, and the remaining solution is diluted by the continuous replenishment of tears, also termed tear turnover.

References

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(3) Lofholm, P. W., "Ophthalmic Products," *in* "Handbook of Non-prescription Drugs," 5th Ed., American Pharmaceutical Association, Washington, DC, pp. 226–235, 1977.

(4) Moses, R. A., "Adler's Physiology of the Eye," 6th Ed., C. V. Mosby Co., St. Louis, 1975.

(5) Mullins, J. D., and D. E. Cadwallader, "EENT Medications," *in* "Dispensing of Medication," 8th Ed., Mack Publishing Co., Easton, PA, pp. 228–254, 1976.

(6) Vaughan, D., and T. Asbury, "General Ophthalmology," 8th Ed., Lange Medical Publications, Los Altos, CA, pp. 1–13, 1977.

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C. Disorders of the Eye That May Be Treated With Ophthalmic Drug Products

1. *Ocular disorders and symptoms amenable to OTC therapy.* There are very few disorders of the eye which are amenable to treatment with OTC ocular preparations. For the most part, OTC ophthalmic ingredients relieve symptoms of eye disorders and do not have any truly curative effect. However, these preparations do appear to have beneficial effect beyond symptomatic relief in some conditions of tear insufficiency and inflammation.

The usual etiologies of disorders for which OTC opthalmic medications can be used are certain physiological changes and irritation resulting from foreign material and allergens.

One of the major problems with the use of OTC opthalmic medications is that the diagnosis of disorders for which such medications can be used is usually a self-diagnosis, generally based on trial and error. A wrong self-diagnosis can lead to exacerbation of symptoms or worsening of the disorder itself through improper treatment. Allergic reactions to OTC ophthalmic ingredients or to preservatives incorporated in their vehicles may occur, also exacerbating symptoms. Untoward ocular or nonocular side effects may occur due to preexisting conditions or other medications being used simultaneously. Therefore, the Panel believes that labeling of OTC ophthalmic preparations (except for hypertonicity and eye wash products) should alert the consumer to the consequences of misdiagnosis by warning that the unsupervised use of these products is limited to 72 hours. The warning should also state that if symptoms worsen or persist the medication should be discontinued and a physician should be consulted at once.

The following are disorders of the eye which OTC ophthalmic drug products can be used to treat:

a. *Tear insufficiency.* Tear insufficiency may produce symptoms of minor eye irritation such as burning, redness, and foreign body sensation. OTC ocular demulcents and emollients are useful to relieve the discomfort and "dry eye" feeling associated with minor eye irritations. The Panel has further discussed eye irritation below. (See part II, paragraph C.1.c. below—Inflammation and irritation of the eye.)

Tear insufficiency also produces a feeling of dryness, burning, foreign body sensation, and signs of irritation, such as chronic redness, and at times punctate epithelial erosions of the cornea and conjuctiva (Ref. 1). Tear insufficiency can result from occlusion of the ducts of the lacrimal gland following such ocular diseases as trachoma, chemical burns, and erythema multiforme, and other conditions such as atrophy of the lacrimal gland. Decreased tear formation may be associated with aging. Tear production is greatly reduced in keratoconjunctivitis sicca and Sjogren's syndrome.

The prognosis and treatment of tear insufficiency disorders depends upon causative factors and the individual case. Professional diagnosis and management are usually indicated, although treatment may involve long-term use of OTC preparations.

Rational formulations of products used to treat tear insufficiency are aqueous solutions containing demulcent agents, tonicity agents, and pH and buffering agents. These ingredients establish the appropriate fluidity, tonicity, and pH of natural tears. There are no prescription products containing ingredients superior in effectiveness to those used in OTC preparations.

The use of OTC products in treating a dry eye without professional diagnosis can permit the exacerbation of an underlying condition through delayed medical attention. Therefore, the Panel concludes that directions suggesting long-term use should be limited to professional labeling and should not be part of OTC labeling. While these products are intended to serve as tear substitutes and are used on an ongoing basis, safeguards against the unsupervised use of tear substitute preparations for long periods must be established through proper labeling warning that professional consultation should be sought if symptoms persist for more than 72 hours.

(1) *Keratoconjunctivitis sicca.* Keratoconjunctivitis sicca is a disorder of decreased tear secretion. It is characterized by formation of filaments of corneal epithelium and mucus and at times keratinization of the cornea. The latter can result in visual loss. Symptoms include burning, a feeling of fullness, and a gritty foreign body sensation (Ref. 2). Environmental factors, such as heat or wind, which increase the evaporation of tears, exacerbate these symptoms (Ref. 1).

Keratoconjunctivitis sicca can be caused by certain ocular diseases which cause a scarring of the ducts of the lacrimal gland blocking the secretion of fluid, by Sjogren's syndrome, by vitamin A deficiency, and by atrophy of the lacrimal gland (Ref. 2).

Keratoconjunctivitis sicca is amenable to treatment with OTC products that have the wetting, protecting, and lubricating properties of tears (Ref. 3).

Nevertheless, the use of tear substitutes alone in the treatment of keratoconjunctivitis sicca may afford incomplete treatment. In some cases, soft contact lenses used in addition to aqueous tear substitute products may be helpful. Surgery to close the inferior puncta and to lessen drainage of tears or adhesions of the lid margins may be indicated (Ref. 4).

(2) *Sjogren's syndrome.* As noted above, a principal cause of keratoconjunctivitis sicca is Sjogren's syndrome. This is a disorder which occurs primarily in women during the postmenopausal years and is accompanied by xerostomia (dryness of the mouth) and rheumatoid polyarthritis (Refs. 5, 6, and 7). In addition to the other signs and symptoms of a dry eye, chronic conjunctivitis and keratitis are frequently encountered. Additional signs and symptoms of keratoconjunctivitis sicca may be present to a greater of lesser degree (Ref. 5). Sjogren's syndrome may be in auto-immune collagen disease which results in lesions of the lacrimal gland (Refs. 5, 6, and 8). Its course is characterized by minor remissions and exacerbations for the life of the individual (Ref. 9).

In general, management of the disorder includes professional diagnosis and observation, especially in the event that medical or surgical intervention over and above the use of tear substitutes might be indicated. Symptomatic relief, protection, and lubrication of the eye are usually provided by OTC products. Prolonged treatment, however, should be based on professional advice and monitoring.

(3) *Dry eye in the elderly.* Clinical observation and studies of tear production and tear film breakup time indicate that there is a decrease in tear secretion associated with aging. In the elderly, there is an increased incidence of the signs and symptoms of a dry eye which may or not develop into keratoconjunctivitis sicca (Refs. 10 through 13). Tear formation may be sufficient during sleep when closed eyelids prevent tear evaporation, but it is insufficient during the day to moisten the corneal surface properly (Ref. 3).

The disorder may stabilize or become progressively worse. Under professional direction, it is amenable to treatment with OTC tear substitute products (Refs. 3, 14, and 15). Indeed, unless additional treatment such as soft contact lenses or

surgery is indicated (Refs. 1 and 16), OTC tear substitute products provide the most desirable and effective treatment (Refs 1, 15, and 17).

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b. *Corneal edema.* Corneal edema is a disorder in which the water content of the cornea increases, thereby producing swelling and a variable loss of transparency (Ref. 1). In milder corneal edema, symptons are limited to complaints of foggy vision and "halos" around lights. However, blebs (fluid beneath or within the epithelium) may form and cause photophobia and irritation. The blebs may break, giving rise to an excruciating pain resembling foreign body sensation (Ref. 2). Corneal edema may result from several ocular disorders including glaucoma, degeneration of the cells lining the back of the cornea (endothelium), iritis, prolonged contact lens wear, corneal inflammation, and infection (Ref. 3).

In general, the treatment of corneal edema involves management of the underlying primary disorder. Temporary dehydration of the cornea may follow application of hypertonicity agents (Ref. 4). Hypertonicity agents cause water to flow from the cornea into the tear film layer which in turn is drained through the lacrimal drainage system. This results in some dehydration of the cornea. Treatment of underlying causes may be as involved as the use of anti-infectives or surface debridement in cases of bacterial corneal or herpes simplex ulcers. Control of the underlying glaucoma may reduce corneal edema (Refs. 5, 6, and 7). Thus, the treatment of corneal edema is much more complex than the simple temporary dehydration of the cornea and the relief of symptoms of blurred vision. In all cases, professional diagnosis is indicated, even if subsequent treatment should be limited to the application of OTC hypertonic solutions.

The most commonly used hypertonicity agent in OTC products is sodium chloride, either a 2- or 5-percent solution. Although other hypertonicity agents are available, they appear to have no advantages over sodium chloride. Furthermore, use of other hypertonicity agents could be accompanied by irritation or allergic reaction.

Since proper treatment of corneal edema must include management of primary causes, the use of hypertonic solutions by the consumer for blurred vision, irritation, pain, and other symptoms of corneal edema without professional diagnosis and direction could lead to an exacerbation of an underlying disorder. For example, complaints of blurred vision or pain might be indicative of serious ocular disorders, such as glaucoma or corneal ulcer, which would require immediate medical attention.

Labeling of the product must be limited to a simple statement that it is a "hypertonic solution for temporary relief of corneal edema." There should be warnings that the product itself may cause irritation and redness, and that the product should not be used except under the advice and supervision of a physician.

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c. *Inflammation and irritation of the eye*—(1) *General discussion.* The exterior surface of the eye is made up of the thin and transparent cornea and the thin, flexible, mucin-producing conjunctiva which covers the sclera and lines the eyelids. The cornea and cojunctiva are kept moist and lubricated by the tears and mucin (Ref. 1), and the conjunctiva and lid are nourished by underlying blood vessels. The external eye tissues respond to irritants and noxious products in the environment with the prodjction of copious tears. However, when the noxious products are not sufficiently diluted by the tears, the ocular tissues respond by tissue edema (swelling), dilation of the underlying blood vessels (hyperemia or "red eye"), and the migration of white blood cells to the area. Sometimes it takes only minutes for the exterior of the eye to respond violently to noxious agents, and if this response is severe enough the subject should consult a physician for treatment.

Minor reaction of the eye to noxious agents may be recognized as ocular itching, tearing, and smarting, burning sensation. Sometimes this minor ocular irritation can be alleviated by the use of buffered, neutral aqueous eye drops, eye lotions, eye washes, or irrigating solutions. Astringents, demulcents, and emollients may also be used to provide symptomatic relief. If redness is present along with irritation, the condition may be alleviated by using aqueous eye drops containing low concentrations of vasoconstrictors.

The symptoms of conjunctival irritation and inflammation may also result from trauma, severe infection, allergic reaction, or increased intraocular pressure (Refs. 2 and 3). In addition, overuse of ophthalmic

solutions may dilute the tears and mucin, which are the first line of defense of the eye, leading to further inflammation and irritation. Therefore, the Panel recommends that labeling of OTC products used to treat the symptoms of inflammation and irritation should warn the consumer to discontinue use of the products and consult a physician if symptoms persist for more than 72 hours.

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(2) *Specific conditions of inflammation and irritation which are amenable to OTC treatment*—(i) *Presence of loose foreign material in the eye.* Loose foreign material inside the eyelids can cause an ocular infection or inflammation with symptoms of redness, localized swelling, mucus discharge, and tearing. The presence of foreign material in the eye can also result in blepharospasm (uncontrolled blinking and closing of the eyelids); a foreign body sensation; and symptoms of irritation—discomfort, burning, stinging, smarting, and itching. Foreign material may be present in an undissolved form, such as an eyelash or dirt, or it may enter into solution or suspension with the tears.

Provided the eye is not damaged by such debris, the relief of symptoms occurs with removal of the causative substance. Treatment consists of flushing the exposed eye and conjunctival sacs with an irrigating solution (eye wash) to flush away tangible foreign material and substances dissolved or suspended in the tears. A rational formulation for an irrigating solution (eye wash) includes water, tonicity agents to establish isotonicity with tears, agents for establishing pH and buffering to achieve the same pH as tears, and preservatives.

If signs and symptoms do not rapidly disappear following use of an irrigating solution, either ocular damage has occurred, all foreign material has not been removed, or the condition is not due to foreign material. Professional attention is then indicated to determine etiology and introduce appropriate treatment.

Many of the symptoms of irritation, including a foreign body sensation, occur with various disease conditions of the anterior eye, such as conjunctivitis, keratitis, and blepharitis. There is little danger of such disorders becoming exacerbated through use of irrigating solutions alone. However, exacerbation of the undelying condition through delayed professional attention is a distinct possibility. Labeling of irrigating solutions should include the warning that if signs and symptoms continue, professional attention is indicated.

(ii) *Irritation from airborne pollutants and chlorinated water.* Symptoms of irritation can occur as a result of direct stimulation of the eye by gases, smoke, and other airborne pollutants and chlorinated water during swimming. Gases and minute particulate matter enter into solution or suspension with the tears, resulting in a direct irritating effect to the eye and changes in the composition, tonicity, and pH of the tears—all of which can lead to sensations of irritation. Such irritation can result in inflammation and secondary infection of the conjunctiva resulting in a red eye.

Management consists of avoiding the offending allergens and the use of vasoconstrictors, astringents, demulcents, and emollients for symptomatic relief of irritation.

Inasmuch as a multitude of both internal and external diseases of the eye can result in sensations of irritation and signs of inflammation, there exists the distinct possibility that an individual might mistakenly use such products for symptomatic relief of infectious diseases or those of physiological or other origin (e.g., glaucoma). Therefore, labelig must emphasize this concept and warn the user that persisting signs and symptoms require a professional evaluation. If corneal permeability of the eye is sufficiently increased, there is a possibility that mydriasis (dilation of the pupil) could be produced by even low concentrations of vasoconstrictors. Because this mydriasis could percipitate an angle closure glaucoma in susceptible individuals, labeling of OTC ocular vasoconstrictors must also warn the consumer who has been diagnosed as having glaucoma to use these medications only under the advice and supervision of a physician.

(iii) *Allergic conjunctivitis.* Mild allergic conjunctivitis, or inflamation of the conjunctiva, occurs as an immediate type of allergic reaction (Ref. 1).

Edema and congestion are slight. However, the conjunctiva may have a glassy appearance and a slight redness in both its palpebral and bulbar aspects (Refs. 1 and 2). Symptoms of allergic conjunctivitis include itching, burning, photophobia, and watering eyes (Refs. 1, 2, and 3). The condition typically results from exposure to airborne allergens, including pollens, dusts, mold spores, and animal hairs or feathers (Ref. 1). It persists in the presence of the causative allergens and, unless the allergen can be determined and avoid, recurrence is common.

Treatment varies, depending upon the severity of the condition. Topically applied vasoconstrictors and astringents, systemic antihistamines, topical corticosteroids (in more severe cases), and cold compresses may be indicated for treatment. Only in mild cases, in which edema and congestion are slight, is the condition optimally treated with OTC ingredients alone. Such treatment, of course, is primarily for symptomatic relief.

Rational OTC formulations used for allergic conjunctivitis include vasoconstrictors or astringents or a combination of these to reduce the redness, possibly to reduce some swelling, and to precipitate mucus. In mild cases, this is the treatment of choice, whether achieved through self-medication or under professional direction. Demulcents and emollients will aid in relieving discomfort. However, if the signs and symptoms of allergic conjunctivitis are not completely ameliorated through the use of these products, medical consultation is indicated for possible antihistaminic or corticosteroid therapy. Labeling should so warn the consumer.

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2. *Ocular disorders not amendable to OTC therapy*—a. *Embedded foreign body.* A foreign body, such as a particle of metal or airborne debris, especially if embedded in the cornea, may give rise to only minimal signs and symptoms. As is witnessed in the case of wearers' adaptation to contact lenses, the cornea has a remarkable capacity for accepting continued stimulation with an associated decrease in sensation over a period of time. While redness of the eye and sensation of foreign matter in the eye caused by a foreign body may appear to improve with use of an OTC ophthalmic drug product, the foreign body should be removed to prevent further damage to the eye.

b. *Uveitis.* Uveitis includes various conditions of inflammation of the iris, ciliary body, and choroid which have a common blood supply. Types of uveitis

(i.e., iritis, cyclitis, and choroiditis) can be due to numerous causes including trauma (injury), endogenous introduction of inflammatory substances via the circulation (with or without systemic disease), associated intraocular conditions (such as neoplasms), and idiopathic states (Ref. 1).

Although more severe cases of uveitis may be accompanied by abnormalities such as distorted shape of the pupil, pain, photophobia, and decreased vision, the condition can be manifested in early stages simply as a ciliary type of infection (i.e., a redness of the eye primarily encircling the cornea) (Refs. 2 and 3). Such an eye could be considered treatable with an OTC ophthalmic drug product by an uninformed user. All types of uveitis are serious conditions requiring ophthalmologic treatment.

c. *Glaucoma.* Glaucoma is a disease of increased intraocular pressure which can damage the optic nerve and lead to blindness. The aqueous humor (watery fluid within the anterior chamber of the eye) is continually secreted by the ciliary body and circulates through the anterior chamber of the eye, passes through the trabeculum (the meshwork in the far recess of the anterior chamber) into Schlemm's canal, and then into venous channels. In glaucoma, there is an inadequate drainage of aqueous humor, which results in an increased pressure within the eye.

The two primary types of glaucoma are open- and narrow-angle glaucoma. Open-angle glaucoma (chronic glaucoma) has been reported to occur in 1 out of every 40 individuals in the United States over the age of 40 (Ref. 4). Narrow-angle glaucoma, also known as irris block, angle closure, or acute congestive glaucoma, is far less frequently encountered. In chronic glaucoma, the trabeculum is not blocked by the peripheral iris but there is an inadequate drainage of aqueous humor (Ref. 5). In narrow-angle glaucoma, there is a preexisting shallowing of the anterior chamber angle. As a result, the peripheral iris may come in contact with the trabeculum, thereby blocking drainage of aqueous humor (Ref. 6). An attack of narrow-angle glaucoma can be precipitated through dilation of the pupil.

Although chronic glaucoma is characterized by relatively few, if any, symptoms (Ref. 6), in narrow-angle glaucoma the eye may appear red during certain periods of elevated pressure. This could lead a person who is susceptible to narrow-angle glaucoma to seek an OTC remedy such as a vasoconstrictor in an attempt to eliminate redness. Prolonged use of such medications in the presence of glaucoma would result in delayed medical treatment.

Equally important, as indicated above, is dilation of the pupil, which may precipitate attacks of narrow-angle glaucoma (Ref. 6). In acceptable concentrations in eyes with intact corneal epithelium, sympathomimetic drugs used as vasoconstrictors rarely produce mydriasis, or dilated pupil. However, in susceptible persons, use of OTC vasoconstrictors could cause dilation of the pupil and precipitate attacks of narrow-angle glaucoma. Therefore, the Panel recommends the inclusion of a glaucoma warning on OTC ocular vasoconstrictor preparations.

d. *Flash-burns.* Radiation burns from arc welding may occur when the eyes are improperly protected from ultraviolet rays which are readily and largely absorbed by the corneal epithelium. This results in a superficial keratisis (inflammation of the cornea) which may not show gross signs of inflammation, such as a red eye. At times, however, there are associated burns of the face and eyelids (Ref. 7). Three to 6 hours following exposure, symptoms of extreme discomfort are reported, including burning and a sensation of "sand" in the eye (Refs 1, 4, and 8). The condition is entirely self-limiting.

Treatment consists of antibiotics and cycloplegics, patching of the eye, and systemic analgesics (Ref 9). Thus, flash-burns are not amendable to self-medication or treatment with OTC ingredients. The chronic use of topically applied local anesthetics can lead to delayed healing of the cornea and the possibility of corneal ulcer (Ref. 10).

e. *Tear duct infections.* Tear duct infections are quite rare, particularly in adults. Symptoms consist of tearing, mucopurulent discharge, acute swelling, and redness and tenderness over the inner corner of the eye and bridge of the nose. These infections should be treated by an ophthalmologist.

f. *Corneal ulcers.* Infection of the cornea with subsequent ucler formation may follow injury or conjunctivitis, or may be associated with systemic infection. The infections may be either bacterial, viral, or fungal in origin. Corneal ulcers are usually quite painful and often reduce vision. The eye is usually quite red. Corneal ulcers are serious ocular disorders and should be treated promptly by an ophthalmologist.

g. *Professional examination.* There are certain procedures used in professional eye examination which require the use of viscous fluids to separate the examination instruments from the surface of the eye and to establish an ocular seal. Typical formulations include viscosity agents, such as hydroxyethylcellulose, hydroxypropyl methylcellulose, and methylcellulose in aqueous solutions. These ingredients have an OTC use as tear substitute products. However, labeling instructions for professional examination products containing these ingredients will be restricted to professional labeling only, as professional examination is not an OTC indication.

(1) *Gonioscopy.* Gonioscopy is a technique for examining the recesses of the anterior chamber (angle structure) of the eye. It is used for differentiating narrow-angle from wide-angle glaucoma and for detecting foreign bodies, tumors, and debris in the angle. Examination consists of the application to the anesthetized cornea of a diagnostic contact lens containing a viscous fluid on the inner surface of the lens (Ref. 11).

(2) *Electroretinography.* With this technique, retinal function can be evaluated in patients with certain retinal degenerations, choroidemia (progressive atrophy of the choroid and pigment epithelium), circulatory diseases, and opaque media (e.g., cataract). Electroretinography may also be used in infants and children suspected of having decreased vision but who are not old enough for subjective testing. The evaluation of retinal function is accomplished through the recording of electrical potentials from the eye by means of appropriately placed electrodes. The electrode that is placed on the eye itself is placed in juxtaposition to the cornea in a modified haptic contact lens. Viscosity agents are used to establish an ocular seal between the eye and the haptic shell and to protect the cornea from abrasion caused by the electrodes or other parts of the shell (Ref. 12).

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3. *Ocular disorders which might be amenable to OTC therapy.* The Panel believes that certain minor external ocular infections would be amenable to treatment with OTC drug products. However, the Panel recognizes that at the present time there are no anti-infective active ingredients that can be generally recognized as safe and effective. The following are external ocular infections which the Panel believes might be amenable to OTC therapy:

a. *Hordeolum (stye).* Hordeolum is a staphylococcal abscess of the sebaceous glands of the lid margin. Symptoms consist of localized tenderness, redness, and swelling. Occasionally styes point toward the inside of the eyelid (internal stye). Treatment consists of applying warm moist compresses and the instillation of ophthalmic anti-infective preparations several times a day during the acute stages. Recurrences are frequent.

b. *Blepharitis (granulated eyelids).* Blepharitis may be due to seborrhea (dandruff), staphylococcal infections, or to a combination of the two. The symptoms of blepharitis are redness, burning, itching, and crusting of the lid margins. In the staphylococcal type, the scales are dry, and small ulcerative lesions of the skin are observed. In the seborrheic type, the scales are oily, and seborrhea of the scalp is usually present as well. Medical treatment of staphylococcal blepharitis consists of the instillation of an anti-infective ophthalmic ointment into the eye three or four times a day, continued for a week or so after symptoms have disappeared. The treatment of seborrheic blepharitis consists of controlling any existing scalp dandruff, removing scales along the lid margin with a moist cotton applicator, and instilling an anti-infective ophthalmic ointment.

c. *Conjunctivitis ("pink eye").* Conjunctivitis may be due to bacterial infections, viral infections, or allergies. The symptoms of conjunctivitis consist of redness, discharge, and the feeling of sand in the eye. There is no loss of vision, sensitivity to light, or significant pain. Bacterial conjunctivitis may be due to several organisms, the most common pathogens being pneumococcus, *Staphylococcus aureus,* hemophilus, and hemolytic streptococci. Professional care should be sought in order to identify the causative organism. Medical treatment with broad spectrum antibiotics or sulfonamide ophthalmic preparations several times a day usually results in improvement within 48 to 72 hours. Bacterial conjunctivitis is usually a self-limiting disease.

Although the Panel has described professional treatment for hordeolum and blepharitis, self-treatment of hordeolum and blepharitis with OTC ophthalmic products is usually without danger. These disorders may not significantly improve with such self-treatment, but they are usually self-limiting, and serious complications are rare. Treatment with OTC products would not result in significant complications; an allergic reaction may occur rarely.

Conjunctivitis is usually a self-limiting disease; however, self-treament of conjunctivitis carries a greater risk than self-treament of hordeolum and blepharitis. If the conjunctivitis is severe and not responsive to the medication used, secondary corneal infections and ulcerations may occur.

The Panel recognizes the potential risks involved in promoting self-treatment of minor eye infections. If a more serious ocular disorder exists, but is not recognized as being serious and appropriate therapy is delayed, serious ocular problems could result. However, the Panel believes that the general warning statements required on all OTC opthalmic drug products are sufficient to alert consumers to the potential seriousness of ocular problems and to encourage them to seek professional help if the condition worsens or persists for more than 72 hours.

The above discussion was based on a review of several sources (Refs. 1 through 5).

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D. Pharmacology of Ocular Ingredients and their Modes of Action.

To simplify its consideration of OTC ocular ingredients, the Panel classified these ingredients on the basis of principal ocular use. In many cases such classification was also indicative of the mechanism of action of ingredients as well as their ocular use, e.g., ocular vasoconstrictor.

The Panel divided the compounds into the following classifications: Local anesthetics—used to temporarily obtund sensations from the cornea and conjunctiva; anti-infectives—employed to arrest the multiplication of pathogenic micro-organisms to permit bodily defenses to remove the infectious organisms; vasoconstrictor agents—employed to constrict blood vessels of the irritated conjunctiva and in turn reduce ocular irritation; hypertonicity agents—used to induce the flow of water from edematous tissues; astringents—used to reduce ocular irritation due to allergens or physical irritants; demulcents—(water-soluble substances) used to relieve burning and irritation due to dryness of the eye: emollients—(oleaginous substances) used to protect the eyes from irritants or from drying.

All of these ingredients are administered topically to the surface of the eye in an appropriate vehicle, alone or in combination.

1. *Ocular anesthetics.* Anesthetics used in ophthalmic conditions are local anesthetics which produce a transient and reversible loss of sensation in the area where they are applied or injected. These anesthetics may be applied topically to the eye as aqueous solutions or as ointment preparations. So administered, they produce anesthesia of the conjunctiva, scleral surface, and cornea. They do not produce anesthesia to the iris or deeper structures within the eye. Topical anesthetics are used in certain diagnostic procedures such as tonometry (measurement of the intraocular pressure) and gonioscopy (examination of the periphery of the iris and aqueous humor drainage tissues). They are also used to reduce discomfort during minor surgical procedures such as removal of foreign bodies, conjunctival scrapings, and lacrimal canalicular manipulation. Local

anesthetics may be injected in the periocular and adnexal structures. Most ophthalmic surgical procedures can be performed with local anesthetics. The topical anesthetics which have been used in the eye include cocaine, benoxinate, dibucaine hydrochloride, piperocaine, proparacaine hydrochloride, and tetracaine hydrchloride.

The exact pharmacologic mechanisms by which local anesthetics act are not completely understood. For nerve conductivity to occur normally, depolarization of the nerve membrane occurs during which there are changes in sodium and potassium concentrations and changes in electrical potential within and just outside the nerve membrane. Local anesthetics act on the axonal membrane to dampen the height and rate of nerve action potential and to elevate the firing threshold. They slow the speed of impulse conduction and increase the refactory period without greatly changing transmembrane resting potential. Local anesthetics interfere with the process of depolarization (Ref. 1).

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2. *Ocular anti-infectives.* Anti-infectives are chemo-therapeutic agents which destroy or limit the multiplication of micro-organisms. In general, they are drugs which either kill (bactericidal) or inhibit the multiplication (bacteriostatic) of infecting organisms without significantly damaging the host (Refs. 1 and 2). They achieve their effect through disrupting the physical, chemical, or enzymatic processes responsible for cell metabolism, regulation, and multiplication (Ref. 3).

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3. *Ocular vasoconstrictors.* Ocular vasoconstrictors (decongestants) belong to a class of drugs called adrenergic or sympathomimetic amines (Ref. 1). When applied topically to the mucous membranes of the eye they produce transient constriction of small blood vessels. The ocular vasoconstrictors include ephedrine, phenylephrine, naphazoline, and tetrahydrozoline. They are used in OTC products intended to treat irritation and inflammation resulting from irritants and allergens (Refs. 2, 3, and 4).

When vasoconstrictors are used in concentrations higher than are permitted in OTC products, or if there is increased absorption into the eye as a result of prolonged contact lens wear or corneal abrasions, these agents may produce mydriasis (dilation of the pupil) (Refs. 2, 3, and 5). Sympathomimetic amines may lower intraocular pressure (in the eyes with wide open angles); conversely, they are capable of raising intraocular pressure in patients with narrow-angle glaucoma and are contraindicated for this group of patients. If they are sufficiently absorbed into the systemic circulation, toxicities including blood pressure and cardiac irregularities may occur (Refs. 6 and 7).

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(2) OTC Volume 100015.

(3) OTC Volume 100035.

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4. *Ocular astringents.* In general, astringents are agents which are applied locally to tissue to produce a precipitation of protein. Astringents are used in various dosage forms. For example, astringents are used in the form of a solid styptic pencil to arrest bleeding from small wounds on the surface of the body, or to treat small ulcers of the mucous membranes, by precipitation of protein (Ref. 1). In the concentrations in which astringents are used in OTC ophthalmic preparations, they have little ability to penetrate tissues, and with their actions thus limited these ingredients are safe for use in the eye. Zinc sulfate is the only OTC ingredient classified as a Category I ocular astringent. Zinc sulfate is generally considered to have some mild astringent properties when applied topcially to the eye (Refs. 2, 3, and 4). It is doubtful that a 0.25-percent zinc sulfate solution does more than clear some mucin from the outer surface of the eye and may provide subjective relief from minor eye irritation.

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5. *Ocular hypertonicity agents.* The epithelial cells of the cornea, like all living cells, act as a semipermeable membrane, and, therefore, are subject to the phenomenon of osmosis (Ref. 1). A semipermeable membrane is one which is permeable to water but not to certain dissolved solutes. Osmosis is the movement of water through a semipermeable membrane from a compartment of lower concentration of dissolved particles (molecules or ions) to a compartment of higher concentration of such particles to equalize the number of particles per unit volume (osmotic pressure) in each compartment. A normal body cell, therefore, will either take up water and swell or lose water and shrink, depending upon the concentration of particles per unit volume of its fluid environment (its tonicity). A fluid environment which causes neither swelling nor shrinkage of a cell is isotonic with the cell; a solution that results in a cell's swelling is hypotonic with the cell; and a solution that results in a cell's shrinking is hypertonic with the cell (Ref. 2).

It is generally accepted that tears have a particle content equivalent to a 0.9– to 1.0–percent solution of sodium chloride (Refs. 2, 3, and 4).

In order to remain transparent, the cornea must maintain a relatively deturgescent state of about 75 percent of its weight (Refs. 5 and 6). Both the corneal epithelium and endothelium are involved in the maintenance of this proper water content, and defects or distrubances in these tissues lead to an increase in the water content of the corneal tissues (Refs. 5 through 8). In such disorders, topically-applied hypertonic agents will draw water from corneal epithelial cells, subepithelial spaces, and stroma into the tear film layer by osmosis (Ref. 8). Ocular hypertonicity agents, therefore, are used in the management of corneal edema (Refs. 9 and 10).

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(9) OTC Volume 100007.

(10) OTC Volume 100008.

6. *Ocular demulcents.* Demulcents, in general, are compounds of high molecular weight which are used in aqueous solution to coat mucous membranes or abraded surfaces to protect underlying cells from environmental irritants and air (Refs. 1 and 2). They also provide a mechanical means for lubricating and protecting mucous membranes or abraded surfaces by mimicking the action of mucus, which is a natural demulcent (Ref. 3).

Ocular demulcents are used to protect and lubricate the eye and to prevent drying in cases of tear insufficiency. They act as substitutes for mucin, a component of tears which normally accomplishes these functions (Refs. 4 through 7). Further, they are used to provide moisture, protection, and lubrication at the interface between artificial eyes and the inner lining of the orbit to prevent irritation and inflammation (Ref. 4).

Ocular demulcents are found in products intended to serve as tear replacements and tear substitutes (Refs. 8 through 16), and in combination with other ingredients, such as vasoconstrictors, in products intended to relieve the symptoms of irritation from airborne irritants and allergens (Refs. 7 through 22).

Ocular demulcents are sometimes used as viscosity agents in OTC ophthalmic solutions. (See part II. paragraph E. below—Formulation of OTC Ophthalmic Drug Products). High concentrations of some OTC ocular demulcents in aqueous solutions are used to facilitate certain ophthalmological examination procedures.

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(10) OTC Volume 100052.

(11) OTC Volume 100002.

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(14) OTC Volume 100032.

(15) OTC Volume 100033.

(16) OTC Volume 100061.

(17) OTC Volume 100015.

(18) OTC Volume 100021.

(19) OTC Volume 100037.

(20) OTC Volume 100045.

(21) OTC Volume 100062.

(22) OTC Volume 100063.

7. *Ocular emollients.* Emollients, in general, are oleaginous substances, usually fats or oils which are applied to the skin or mucous membranes as protectives and for softening the skin. They also prevent drying of the skin by establishing an occlusive oil film on the stratum corneum (Refs. 1, 2, and 3).

Ocular emollients are used as lubricants in conditions of tear insufficiency, as protectives against airborne irritants and allergens, and as both protectives and agents to prevent loss of moisture in cases of exposure or paralytic keratitis (Refs. 4 and 5).

Ocular emollients are used alone or in combination with other emollients to protect or soften the tissues of eyelids to prevent drying or cracking. They are also used to protect the eye after removal of foreign particles or following surgery (Ref. 6). At times ocular emollients are used in combination with other ingredients such as ocular astringents or ocular anti-infectives (Ref. 7).

Ocular emollients are sometimes also used as ointment bases in OTC ophthalmic products. (See part II. paragraph E. below—Formulation of Ophthalmic Drug Products.)

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E. Formulation of OTC Ophthalmic Drug Products

The human eye is a particularly sensitive organ. It reacts quickly to nearly any change in environment. For this reason, solutions and ointments for use in the eye must be prepared with utmost care. Requirements which must be considered in the preparation and in the control of ophthalmic products are clarity, hydrogen ion concentration, buffering, tonicity, sterility, preservatives, viscosity, stability, packaging, and additives. Many of these requirements are interrelated and must be considered collectively in conjunction with the total requirements of a finished products. The buffer system, for example, must be considered with tonicity in mind. Stability can be related to pH, the buffer system, and the packaging material.

Ophthalmic products are generally formulated to be self-sterilizing, isotonic, buffered for stability and comfort, and sometimes viscous. From a safety standpoint, all solutions for use in the eye must be free from foreign particles.

The pH of the finished formulation and the buffer system required to establish pH comprise an important part of product design and may play a large part in stabilizing active ingredients, especially those which are acid salts of weak bases, such as ephedrine hydrochloride. A property formulated eye product should include a buffer with a capacity sufficient to maintain product pH during the proposed shelf life of the product. Even though optimal patient

comfort is at the pH of tears, which is 7.4, many formulations must be buffered on the acid side, i.e., must have a lower pH, so that product stability is not compromised. However, the buffering capacity should be minimized in order to permit the tear fluid to readily readjust to a pH of 7.4 and to reduce discomfort to the eye.

To insure stability of an active ingredient, it may sometimes be necessary to add stabilizing agents and antioxidants to the formulation.

As a general rule, ophthalmic formulations should be isotonic in order to minimize discomfort. Normally, this is not difficult to achieve. As a practical matter, exact tonicity is not a strict prerequisite for product comfort. The eye can tolerate solutions in a range of 0.5 to 1.8 percent sodium chloride.

The sterilization of eye products is a major factor in preventing serious eye infections and must be considered both the most important and the most exacting procedure in the preparation of products for the eye. To prevent the growth of micro-organisms inadvertently introduced during use, sterile ophthalmic solutions must contain a suitable antimicrobial preservative. The selection of an adequate chemical preservative for ophthalmic solutions is by no means a simple procedure. Preservative agents must be evaluated for suitability as part of the total formulation. Preservative stability and effectiveness should be evaluated on the finished product using appropriate analytical methods and tests.

The absence of ocular irritants in finished products and in manufactured batches should be determined using appropriate animal safety tests.

1. *Special consideration applicable to the formulation of OTC ophthalmic drug products.* To ensure the optimum safety and comfort of the final formulation of an ophthalmic product, the Panel has agreed upon the following requirements and standards:

a. *Clarity.* All solutions for use in the eye should be clear and essentially free from foreign particles, fibers, and filaments.

b. *Hydrogen ion concentration and buffering.* The hydrogen ion concentration of an ophthalmic solution may have considerable effect on the comfort of the patient and on the stability of the active ingredient, as well as affecting the solubility of various constituents in the formulation and the therapeutic action of the active ingredient (Refs. 1 through 7).

Normal tears have a pH of approximately 7.4 and possess some limited buffer capacity because of their protein content. The greatest comfort for the patient, or the least irritation, should logically be found at the normal pH of approximately 7.4. However, comfort is usually stated to be adequate in the pH range of 6.3 to 7.8 in unbuffered solutions. An adjustment of the pH may be necessary to improve and maintain the stability of active ingredients.

The Panel recognizes the relationship between the buffer capacity, pH of a product, and patient comfort. The eye tolerates a wider range of pH if the product has a lower buffering capacity. For example, a solution having a pH of 4 to 5 with low buffer capacity may be tolerated in the eye.

The various inactive formulation ingredients that may be used to buffer or adjust the pH of ophthalmic solutions are presented below. (See part II. paragraph E.2.a below—Buffering agents.) The various inactive formulation ingredients may also be employed in appropriate combinations to provide buffer potential and to establish either an acid or an alkaline pH.

Strong acids such as hydrochloric acid or strong bases such as sodium hydroxide should be used only in nominal amounts to make small, final adjustsments in the pH of the finished product.

As a means of limiting the amount of buffer ingredients that may be used in a preparation, the Panel recommends that the total concentration of buffer ingredients in an ophthalmic solution not exceed the osmotic equivalent of 1.0 percent sodium chloride.

c. *Tonicity.* Ophthalmic solutions should be osmotically equivalent, approximating lacrimal fluid (equivalent to 0.9 percent sodium chloride, freezing point depression of 0.52° C). An isotonic ophthalmic solution causes less discomfort than equivalent solutions that are hypertonic or hypotonic (Refs. 3, 4, 5, 8, 9, and 10).

An ophthalmic solution should have an osmotic equivalence between 0.8 and 1.0 percent sodium chloride to comply with labeling claims of "isotonic solution" or with labeling claims that allude to the solution as being isotonic or osmotically equivalent to lacrimal fluid.

Solutions that are intended for use as eye washes should have an osmotic equivalence between 0.8 and 1.2 percent sodium chloride.

An OTC ophthalmic solution intended for direct application of a limited quantity (drops) to the eye should have an osmotic equivalence between 0.5 and 1.8 percent sodium chloride.

Sodium chloride, potassium chloride, and dextrose, in addition to those buffering agents listed below, may be used to adjust tonicity. Calcium chloride (up to 0.05 percent) and magnesium chloride (up to 0.03 percent) may be used to modify the cation content of ophthalmic solutions, e.g., tear substitutes, balanced salt solutions.

The Panel has no objection to adjusting the tonicity of the final formulations of ophthalmic solutions with small amouts of glycerin or propylene glycol.

Two to 5 percent sodium chloride ophthalmic preparations are hypertonic and are acceptable OTC products when labeled as "hypertonic solutions." (See part VII. below—OCULAR HYPERTONICITY AGENT.)

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d. *Sterility and preservation.* All ophthalmic products must be sterile in accordance with § 200.50 (21 CFR 200.50).

Preservatives must be incorporated in liquid OTC ophthalmic products in multiple dose containers to maintain their sterility.

The Panel agrees that the final choice of preservatives rests with the formulator but that the final product should comply with the sterility and preservative requirements as stated

above. Presently, there is no one preservative that will satisfactorily solve the problems of all formulations and conditions of use. The various ingredients that may be used as preservative agents are presented below. (See part II. paragraph E.2.c. below—Preservative agents.)

Empirical preservative tests, such as the official U.S.P. test, must be performed to demonstrate the effectiveness of preservatives as formulated in a given preparation. the following is a summary of the U.S.P. preservative test.

Preservative Test for OTC Ophthalmic Solutions

Preservative test	Current USP XIX antimicrobial preservatives effectiveness test.
Products to be tested	All OTC ophthalmic solutions.
Challenge micro-organisms.	*Staphylococcus aureus* ATCC 6538.
	Escherichia coli ATCC 8739
	Pseudomonas aeruginosa ATCC 9027.
	Candida albicans ATCC 10231.
	Aspergillus niger ATCC 16404.
Organism inoculum level.	10^5 and ^{6} cells per mL of product.
Test Formulation Sampling.	0, 7, 14, 21, 28 days after inoculation.
Criteria for Acceptance.	Bacteria- 0.1 percent survival by the 14th day. Yeasts and molds at or below initial concentrations during the first 14 days. No increase in organism counts for the remainder of the 28-day test period.

Before any formulation can be regarded as being satisfactory, the finished product must be properly tested prior to marketing.

Bacteriological trials are necessary to demonstrate that the preservative selected in the final formulation is and will be effective until its expiration date. It is essential that preservative effectiveness testing be carried out on the finished formulation in the same packaging that will be used in marketing the product. Data must not be extrapolated from one formulation to another, no matter how slight the variation. Even the material of which the container is made, including labeling inks and labeling adhesives, may affect the preservative. Thus, tests of the effectiveness of preservatives must be done with material obtained from the final market dosage form and market container.

Tamper-proof closures are necessary to insure that the contents cannot be used without destroying the seal. Such closures are considered an aid in ensuring the initial sterility of the product.

Eye cups, eye droppers, and other dispensers packaged in combination with a sterile drug should be sterile when offered for sale to the consumer.

The Panel recognizes that certain eye irritants, e.g., ethylene oxide, ethylene chlorhydrin, and ethylene glycol, are used in the sterilization procedure of ophthalmic containers. As serious harm might result if these irritants came into contact with the eye, containers sterilized with them should be thoroughly aerated and tested for residues prior to filling.

2. *Pharmaceutical necessities.* Pharmaceutical necessities are substances which are of little or no therapeutic value, but which are useful in the formulation of pharmaceutical preparations. Pharmaceutical necessities for OTC ophthalmic preparations include buffering agents, ointment bases, preservative agents, stablizing agents, antioxidants, tonicity agents, and viscosity agents. The Panel reviewed the various pharmaceutical necessities found in ophthalmic formulations and determined the suitability, unsuitability, or need for additional data regarding the suitability of each of the substances.

a. *Buffering agents.* The following inactive formulation ingredients are suitable agents for buffering or adjusting the pH of ophthalmic solutions. They may also be employed in appropriate combinations to provide buffer potential or to establish either acid or alkaline pH.

Acetic acid
Boric acid
Hydrochloric acid
Phosphoric acid
Potassium bicarbonate
Potassium tetraborate
Potassium carbonate
Potassium citrate
Potassium phosphates:
  Dibasic potassium phosphate
  Monobasic potassium phosphate
  Tribasic potassium phosphate
Sodium acetate
Sodium bicarbonate
Sodium biphosphate
Sodium borate
Sodium carbonate
Sodium citrate
Sodium hydroxide
Sodium phosphate

b. *Ointment bases—(1) Suitable ointment bases.* Vehicles for ophthalmic ointments should be nonirritating and sterile. Bland vehicles such as white petrolatum and mineral oil which have a low potential for irritation are most often used. Those ingredients listed as Category I ocular emollients are recommended as suitable ointment bases. (See part IX. below—OCULAR EMOLLIENTS.)

(2) *Unsuitable ointment bases.* Surfactant emulsifiers incorporated in absorption bases and emulsion bases may be irritating to the eye; therefore, absorption and emulsion bases are not recommended. Corn, peanut, cottonseed, and cod liver oils are not recommended because of their general instability and tendency to turn rancid.

c. *Preservative agents—(1) Suitable preservative agents.* The following substances are recommended as suitable preservative agents:

Benzalkonium chloride
Benzethonium chloride
Chlorobutanol
Phenylmercuric acetate
Phenylmercuric nitrate
Thimerosal

Ophthalmic preparations, even though sterile when dispensed, must contain suitable substances or a mixture of substances to destroy or to prevent the growth of micro-organisms accidentally introduced when the container is opened for use. The prime objective of a preservative is to minimize contamination of the preparation.

Instead of specifying a range of effective concentrations for each preparation, the Panel determined that stating maximum concentrations for safe use in the eye would be appropriate to protect the patient from possible toxicity. Suitable concentrations and combinations of preservatives in a product will depend on the various ingredients in the total formulation. Effectiveness must be determined by a suitable preservative test on the final product at the time of manufacture and after aging.

Exaggerated conditions of relative humidty, temperature, and light should be included in the final product testing to detect possible trends and necessity for precautionary label statements as to storage conditions during distribution and normal use by the consumer. Simulated opening and closing of drug containers is useful to indicate how long preservatives last and should be included in the stability data.

(i) *Benzalkonium chloride—(a) Benzalkonium chloride, maximum 0.013 percent (1:7,500) for use in the eye.* Intraocular concentrations of benzalkonium chloride above 0.013 percent (0.017 percent, 0.033 percent, 0.10 percent) have produced moderate to severe reactions in rabbits which lasted over a period of 6 to 8 weeks.

Benzalkonium chloride in a concentration of 0.1 percent (1:1,000) has been shown to produce toxicity to the corneal endothelium of rabbits when applied topically (Ref. 1).

Benzalkonium chloride should not be combined with nitrates of salicylates. Phenylmercuric nitrate or phenylmercuric acetate, 0.002 percent (1:50,000 dilution) or another compatible preservative should be used instead.

(*b*) *Benzalkonium chloride, 0.02 percent, not for use in the eye.* A concentration of 0.02 percent may be used in preparations for instillation in the cul-de-sac to reduce deposits on artificial eyes. Benzalkonium chloride in this concentration should not be used in the intact human eye.

(*c*) *Benzalkonium chloride, maximum 0.013 percent plus edetic acid, edetate calcium disodium, disodium edetate, edetate sodium, or edetate trisodium.* While edetates alone are not effective as preservatives, they enhance the activity of benzalkonium chloride against pseudomonas bacteria.

The preceding discussion of benzalkonium chloride as a preservative agent is based on a review of several sources (Refs. 1 through 13).

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(ii) *Benzethonium chloride—(a) Benzethonium chloride, maximum 0.01 percent (1:10,000) for preparations used directly in the eye.* Although not enjoying the same popularity as cationic surfactants such as benzalkonium chloride for preserving ophthalmic products, clinical and marketing experience supports the use of benzethonium chloride as being satisfactory for this purpose (Refs. 1, 2, and 3).

In general, cationic surfactants are active against a broad spectrum of gram-positive and gram-negative bacteria. Although their effectiveness against various types of pseudomonas has been questioned (Refs. 4 and 5), limited studies indicate that 0.01 percent benzethonium chloride in a vasoconstrictor product containing no other preservative satisfactorily kills five strains of pseudomonas as well as a variety of other test micro-organisms.

As is the case of other cationic surfactants, the action of benzethonium chloride is neutralized or reduced by soap, anionic detergents and organic matter such as tissue substances and pus (Refs. 6 and 7). It is ineffective against clostridial spores and has limited effectiveness against fungi and viruses (Refs. 5, 6, and 7). It can be adsorbed by cotton, rubber, and other porous materials, thus reducing its effectiveness (Ref. 7).

Benzethonium chloride can be incompatible with boric acid, fluorescein, pilocarpine nitrate, salicylates, silver nitrate, silver protein, sulfathiazole sodium, and nitrates in general (Refs. 4 and 8). For proper preservation, solutions containing benzethonium chloride should be stored in tight, light-resistant containers (Ref. 9).

(*b*) *Benzethonium chloride, maximum 0.02 percent (1:5,000) for use in preparations not for direct use in the eye.* Concentrations of even 0.02 percent benzethonium chloride, twice the concentration required for preservative effectiveness, are found to cause minimal irritations when instilled into the eye (Refs. 4, 5, and 10).

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(iii) *Chlorobutanol, maximum 0.5 percent.* Chlorobutanol 0.5 percent has been recommended as an ophthalmic preservative since 1939 and has been in continuous use since that time (Refs. 1 and 2). The U.S.P. recommends its use at the 0.5-percent level, and approximately 25 percent of commercial products in 1968 used chlorobutanol (Ref. 3). Chlorobutanol is effective against both gram-positive and gram-negative organisms including *Pseudomonas aeruginosa* (Refs. 4 through 8). Chlorobutanol is safe and has a low potential for sensitization (Refs. 2 and 4). Chlorobutanol significantly hydrolyzes above a pH level of 5 to 6 (Refs. 8, 9, and 10). Accordingly, the use of this preservative above pH 5 is not recommended. Care must be exercised in the use of chlorobutanol in plastic containers, since chlorobutanol has been shown to permeate polyethylene bottles (Ref. 11).

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(iv) *Mercurial preservatives (phenylmercuric acetate, maximum 0.004 percent (1:25,000); phenylmercuric nitrate, maximum 0.004 percent (1:25,000); thimerosal, maximum 0.01 percent (1:10,000)).* Phenylmercuric acetate, phenylmercuric nitrate, and thimerosal are safe when used up to their respective maximum concentrations as stated. They are moderately effective bacteriostats. However, a major disadvantage of mercurials is their relatively slow kill rates and weak antimicrobial activity. Allergic reactions to mercurials may occur.

Phenylmercuric nitrate is more active than phenylmercuric acetate or thimerosal.

An alkaline pH is required to maintain stability of the organic mercurials in solution. Phenylmercuric nitrate exists predominantly as the poorly ionized hydroxide at a pH greater than 3. It is not precipitated in slightly acid pH like other common organic mercurials.

Pursuant to the U.S.P. and N.F. recommendations, when nitrates or salicylates are used, benzalkonium chloride should be replaced with phenylmercuric nitrate or phenylmercuric acetate, 0.002 percent (1:50,000) or other compatible preservatives.

Ethylenediaminetetracetic acid (EDTA) reduces the effectiveness of phenylmercuric nitrate and should not be used with this preservative.

In view of the widespread use of organic mercurials, particularly thimerosal and phenylmercuric nitrate, and few reported adverse side effects from their use, thimerosal, phenylmercuric nitrate, and phenylmercuric actetate should be considered as useful preservatives for commercial ophthalmic solutions.

When mercury compounds are present as preservatives the labeling should state: "Warning: Do not use this product if you are sensitive to mercury compounds."

The preceding discussion of mercurial preservatives is based on a review of several sources (Refs. 1 through 17).

References

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(v) *Combinations of preservative agents.* The panel recommends the following guidelines for combinations of preservative agents in ophthalmic products.

An ophthalmic product may contain no more than two of the recommended preservtive agents listed above, provided the product meets the requirements for safety and preservative tests, the preservative activity of the combination is not less than any of the ingredients used singly, and the combination is not one specifically mentioned in this document as unacceptable. The use of EDTA with any approved preservative would be considered a single preservative, and another agent could be combined with these two ingredients.

(2) *Unsuitable single preservative agents.* The Panel recommends that the following substances are unsuitable if used alone as preservative agents. The Panel recognizes that these agents may be useful as part of a combination perservative system but that data are lacking at this time to make a final determination. The Panel has discussed these combinations later in this document. (See part II. paragraph E.2.c.(3) below—Preservatives for which more data are needed.)

Methylparaben
Propylparaben
Sodium benzoate
Sorbic acid

(i) *Methylparaben and propylparaben.* The Panel found methylparaben and propylparaben to be unsafe and unsuitable used alone as antimicrobial agents in OTC ophthalmic products. In concentrations that are effective against micro-organisms, these ingredients are irritating to the eye (Ref. 1); in concentrations that are not irritating to the eye, they have little or no effect against micro-organisms.

Although the parabens may be useful agents against fungi (Refs. 2 and 3), the available evidence indicates that they have limited antibacterial action (Refs. 1 and 4) and a kill rate slower than benzalkonium chloride (Refs. 5 and 6).

The parabens have questionable activity against *Pseudomonas aeruginosa* (Refs. 7, 8, and 9). Indeed, the organism can utilize the parabens as a source of carbon, thus precluding the recommendation of the parabens for widespread use (Refs. 10 and 11).

The parabens have been established as potent dermatologic sensitizers, althought there are no known reports of this effect from ophthalmic products (Refs. 12 through 15).

The parabens can be absorbed by plastic material (Ref. 12).

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(ii) *Sodium benzoate.* The Panel is unaware of any data that show that sodium benzoate used alone is safe and effective as a preservative for OTC ophthalmic preparations.

(iii) *Sorbic acid.* Sorbic acid used alone in concentrations of 0.1 to 0.2 percent is not considered an effective antimicrobial agent. Sorbic acid has been used in the food, drug, and cosmetic industry for many years as an inhibitor of fungi (Refs. 1 and 2). A review paper on sorbic acid and abstracts of a literature search indicate that sorbic acid has limited bactericidal or bacteriostatic activity (Refs. 3 and 4). Trade literature also indicates that sorbic acid and potassium sorbate have little activity against bacteria but do have broad antifungal activity (Ref. 5). The Panel concludes that there are no suitable scientific data to establish that sorbic acid used alone is a safe and effective preservative for ophthalmic preparations.

References

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(3) *Preservatives for which more data are needed.* The Panel recommends that more data are needed before a determination of safety and effectiveness can be made for the following preservative agents:

Cetylpyridinium chloride
Chlorhexidine gluconate
Chlorhexidine hydrochloride
Phenylethyl alcohol
Sodium propionate
Methylparaben in combination with other approved preservatives
Propylparaben in combination with other approved preservatives
Sodium benzoate in combination with other approved preservatives
Sorbic acid in combination with other approved preservatives

(i) *Cetylpyridinium chloride.* The Penel is unaware of any currently marked ophthalmic product containing cetylpyridinium chloride as a preservative agent. However, the Panel did receive investigational data on this ingredient (Ref. 1). The data indicated that certain ophthalmic formulations containing 0.01 to 0.02 percent cetylpyridinium chloride passed both the U.S.P. XVIII preservative effectiveness test and the Draize Eye Irritation test. However, all of the formulations tested also contained a sulfonamide anti-infective ingredient. The Panel is not convinced from the data presented that cetylpyridinium chloride would be an effective preservative agent in other formulations. The Panel concludes that well-designed chemical and laboratory studies are necessary to establish that cetylpyridinium chloride would be safe and effective in other ophthalmic formulations.

Reference

(1) OTC Volume 100076.

(ii) *Chlorhexidine gluconate and chlorhexidine hydrochloride.* Chlorhexidine is widely used in British Commonwealth countries, particularly Australia (Refs. 1 and 2). It is also used as an ingredient in the chemical disinfectant systems for hydrophilic soft contact lenses.

Although initial reports concerning chlorthexidine hydrochloride and chlorhexidine gluconate were enthusiastic, it now appears that there are incompatibilites and other problems, such as inactivation, associated with these compounds (Refs. 3 through 9).

Appropriate formulation and well-designed clinical studies are necessary to establish chlorhexidine hydrochloride and chlorhexidine gluconate as safe and suitable preservatives for OTC ophthalmic products.

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(iii) *Phenylethyl alcohol.* The Panel concludes that phenylethyl alcohol (0.5 percent) by itself is a relatively slow-acting bacteriostatic agent. There are conflicting reports concerning its potential for causing irritation of the eye. Phenylethyl alcohol in combination with other preservatives may be useful in opthalmic solutions when drug incompatibilities exist with other preservatives.

Although phenylethyl alcohol (0.5 percent) has been recommended as a preservative for many years, it has not been widely used in the last several years. No product containing this preservative was submitted to the Panel for review.

Appropriate formulation and well-designed clinical studies are necessary to establish phenylethyl alcohol as a safe and effective preservative alone or in combination with other preservatives for OTC ophthalmic products.

This discussion is based on a review of several sources (Refs. 1 through 5).

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(iv) *Sodium propionate.* The Panel is aware that sodium propionate is used extensively in the food and drug industry as a fungistatic agent (Refs. 1 through 4). However, the Panel concludes that there are no suitable scientific data to establish that sodium propionate is a safe and effective preservative in ophthalmic preparations.

Appropriate formulation studies and well-designed clinical studies are necesssary to establish the safety and effectiveness of sodium propionate as a preservative in ophthalmic preparations.

References

(1) OTC Volume 100043.

(2) OTC Volume 100045.

(3) Osol, A., and R. Pratt, "The United States Dispensatory," 27th Ed., J. B. Lippincott Co., Philadelphia, pp. 1074–1075, 1973.

(4) "The National Formulary," 14th Ed., The American Pharmaceutical Association, Washington, DC, pp. 833–834, 1975.

(v) *Methylparaben or propylparaben or both in combination with suitable preservatives.* Methylparaben or propylparaben or a combination of the two in low concentration(s) may be a useful component of a preservative system containing other approved preservatives.

While the Panel concludes that they are not suitable preservative agents when used alone, they may be used in combination with other preservatives, provided that the concentration of each is less than its saturation solubility in water (approximately 0.25 percent for methylparaben and 0.04 percent for propylparaben).

Appropriate formulation studies and well-designed clinical studies are necessary to establish that methyl- or propylparaben in combination with other approved preservatives is a safe and effectives preservative system for OTC ophthalmic preparations. This discussion is based on a review of several sources (Refs. 1 through 14).

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(14) OTC Volume 100057.

(vi) *Sodium benzoate in combination with suitable preservatives.* Sodium benzoate is used extensively as a preservative agent in the food and beverage industry and in the pharmaceutical industry for liquid preparations (i.e., syrups) (Ref. 1). However, the Panel concludes that there are no suitable scientific data to establish that sodium benzoate is a safe and effective preservative for OTC ophthalmic preparations. The effectiveness of sodium benzoate depends on the pH; it must be used in an acid medium with a pH which does not exceed 4 (Ref. 2).

Appropriate formulation testing and well-designed clinical studies are necessary to establish that combinations of sodium benzoate with other approved preservatives provide a safe and effective preservative system for use in OTC ophthalmic preparations.

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(vii) *Sorbic acid in combination with suitable preservatives.* Sorbic acid is used in the food, drug, and cosmetic industry as a preservative against fungal contamination (Refs. 1 and 2). However, the Panel concludes that there are no suitable scientific data to establish that sorbic acid is a safe and effective preservative for OTC ophthalmic preparations. Sorbic acid in combination with some other approved preservative might be a useful method of obtaining a preservative system that would be

effective against a broad spectrum of possible contaminants (bacteria and fungi). The effectiveness of sorbic acid depends on the pH, and it must be used in an acid medium having a pH which does not exceed 6 (Refs. 3, 4, and 5).

Appropriate formulation and well-designed clinical studies are necessary to establish that combinations of sorbic acid with other approved preservatives provide a safe and effective preservative system for use in OTC ophthalmic preparations.

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(4) OTC Volume 100084.

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d. *Stabilizing agents and antioxidants.* The following substances are recommended as suitable stabilizing agents or antioxidants.

Edetic acid, edetate calcium disodium, edetate disodium (EDTA), edetate sodium, edetate trisodium, ethylenediaminetetraacetic acid (EDTA) (maximum 0.1 percent)
Sodium bisulfite (maximum 0.1 percent)
Sodium metabisulfite (maximum 0.1 percent)
Sodium thiosulfate (maximum 0.2 percent)
Thiourea (maximum 0.1 percent)

It is sometimes necessary to stabilize products that contain an active ingredient which may be readily oxidized. For this purpose, sodium bisulfite is most frequently used. EDTA has been found to enhance the activity of antioxidants in some cases, apparently by chelating metallic ions that would otherwise catalyze the oxidation reaction. The Panel recognizes the usefulness of the above agents in stabilizing active ingredients, including some to the vasoconstrictors. This discussion was based on a review of several sources (Refs. 1 through 7).

References

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(6) "The United States Pharmacopeia," 19th Ed., United States Pharmacopeial Convention, Rockville, MD pp. 164–165 and 571, 1975.

(7) "The National Formulary," 14th Ed., The American Pharmaceutical Association, Washington, DC, p. 833, 1975.

e. *Tonicity agents.* Sodium chloride, potassium chloride, dextrose, and those substances listed above as buffering agents are suitable agents for adjusting the tonicity of ophthalmic solutions. Calcium chloride (up to 0.05 percent) and magnesium chloride (up to 0.03 percent) may be used to modify the cation content of ophthalmic solutions.

f. *Viscosity agents.* The following agents are recommended as suitable for increasing the viscosity of ophthalmic preparations:

Cellulose derivatives:
- Sodium carboxymethylcellulose
- Hydroxyethylcellulose
- Hydroxypropyl methylcellulose
- Methylcellulose

Dextran 70
Gelatin
Polyols, liquid:
- Glycerin
- Polyethylene glycol 300
- Polyethylene glycol 400
- Polysorbate 80
- Propylene glycol
- Polyvinyl alcohol
- Povidone

The safety of these substances is discussed later in this document. (See part VIII. below—OCULAR DEMULCENTS.)

There are a number of chemicals which, when added to water, decrease the fluidity (flow) of an aqueous system. Of these chemicals, methylcellulose and its derivatives plus polyvinyl alcohol are the most extensively used to increase the viscosity of ophthalmic solutions. These chemicals are polymers of varying numbers of subunits. The term used to refer to the viscosity characteristics of these chemicals in water is "centipoise." The Panel recognizes that the ingredients identified above vary in physical characteristics in that there are various grades available. The percentages of these compounds used in ophthalmic preparations will vary depending upon their molecular weight (Ref. 1).

By their alteration of surface tension, their solubility characteristics, and their consistency, viscous medications create liquid films upon ocular and prosthetic surfaces. The concentrations selected for use of these agents in ophthalmic preparations are determined by physical measurements of viscosity and wetting angle, which may be altered by infinitely variable combinations of surface-active and viscous materials.

In general, viscosity is desirable in some ophthalmic solutions for providing lubricating properties and for helping to achieve longer retention of the solutions in the eye. The most widely used polymeric substances are methylcellulose, hydroxypropyl methylcellulose, and polyvinyl alcohol (PVA). Under conditions of ophthalmic usage, these viscous drugs are virtually nontoxic.

Terms such as "water-soluble polymeric system" and "water-soluble polymers" are often used to refer to polymeric substances used as viscosity agents. When used alone, these terms are unacceptable to the Panel. The specific polymers contained in the product must be identified.

Viscosity agents are also used as ocular demulcents for their mechanical moisturizing and lubricating (physical) effect when placed in the eye and on prosthetic devices. (See part VIII. below—OCULAR DEMULCENTS.)

Reference

(1) "The United States Pharmacopeia," 19th Ed., United States Pharmacopeial Convention, Rockville, MD, pp. 667–668, 1975.

g. *Solvent vehicles.* The only solvent vehicle allowed by the Panel for OTC ophthalmic solutions is water.

3. *Nonessential ingredients.* The Panel considers it unacceptable to add odor- or color-producing substances to OTC ophthalmic preparations. Eye tissue is very sensitive, and such substances may cause adverse reactions. Common sense dictates that the fewer the number of ingredients in a product, the smaller the chance for sensitivities (allergies) or irritations to occur. There is no evidence to show that the presence of odorants or colorants adds to the safety or effectiveness of the product. The following ingredients are considered nonessential and should not be used in OTC ophthalmic drug products:

a. Colorants

Berberine preparations:
- Berberine bisulfate
- Berberine Hydrochloride
- Berberine sulfate

Hydrastine hydrochloride

b. Odorants

Camphor preparations:
- Camphor
- Camphor water

Geranium oil, Algerian
Peppermint preparations:

Peppermint oil
Peppermint water
Rose and camphor water
Rose water
Witch hazel water

4. *Acceptable OTC ocular formulations.* The Panel recommends the following formulations for OTC ophthalmic drug products:

a. Vasoconstrictor Products

Category I vasoconstrictor (only one allowed)
Suitable preservative(s)
Suitable buffers if needed
Suitable tonicity agents if needed
Suitable stabilizer if needed
Suitable viscosity agent if needed

b. Astringent Products

Zinc sulfate
Suitable preservative(s)
Suitable buffers if needed
Suitable tonicity agents if needed

c. Vasoconstrictor and Astringent Products

Category I vasoconstrictor (only one allowed)
Zinc Sulfate
Suitable preservative(s)
Suitable buffers if needed
Suitable tonicity agents if needed
Suitable stabilizer if needed
Suitable viscosity agent if needed

d. Ocular Hypertonic Solutions

sodium chloride
Suitable preservative agent(s)
Suitable viscosity agent(s) if needed

e. Ocular demulcent products

Category I demulcent agent(s)
Suitable preservative agent(s)
Suitable buffers if needed
Suitable tonicity agents if needed

f. Ocular Emollient Products

Category I emollient agent(s)
Suitable preservative agent(s)
Ointment base if needed
Adjunct(s) for proper consistency if needed

g. Eye Washes (Irrigating Solutions

No active ingredients allowed
Suitable preservative(s)
Suitable buffers
Suitable tonicity agents

F. Determination of Safety and Effectiveness of OTC Ophthalmic Drug Products.

1. *Determination of safety of OTC ocular ingredients.* In determining the safety of a drug or combination of drugs, both animal and human studies were considered.

Animal studies, especially rabbit eye irritation tests (Draize type), were considered very important. The data from the irritation test usually related to levels of the drug that did not cause irritation when applied to rabbit eyes. The drugs were usually applied as ingredient(s) in marketed products, in aqueous solutions, or, in a few instances, alone. Basic animal toxicology data were used to establish an individual drug's toxicity, or more likely, its nontoxicity to organs and tissues.

Attention was paid to information related to adverse effects in humans. Much of this type of data was abstracted from marketing information. A knowledge of the pharmacology of the drug or drugs under consideration made it possible to look specifically for adverse effects in the eye.

Final formulation safety testing in animals. The absence of ocular irritation following short-or long-term use must be demonstrated by animal or clinical testing. The testing should be done on the finished product at the time of manufacture and after long-term storage.

The Panel recommends the "Draize" test or a modification thereof to evaluate the safety of drugs that may reach the surface of the eye (Refs. 1 and 2). Testing should be done on the final formulation of the product. The test involves exposing albino rabbit eyes (the nonpigmented iris facilitates the interpretation of iritis (inflammation of the iris)) to conditions in which a drug or formulation is to be used. A 0.1-mL sample of the formulation is dropped onto the cornea and conjunctiva without rinsing. Instillation of the preparation in the manner and frequency of intended use is followed by documented observations of the cornea, conjunctiva, and iris at initially frequent intervals to identify acute ocular responses, and over a long time, e.g., 1 to 3 months, to identify chronic ocular responses. A set of colored photographs should be available to aid in the interpretation of eye lesions in the rabbit and in rating the severity of the response.

The problems with the Draize test are discussed in the literature (Refs. 1 through 9). The problems include variables such as personal error, sample size, time of release of an irritant from a formulation, sample loss from the eye, frequency of use and observations, and difficulty in correlating rabbit eye irritation with the experience found in man. The rabbit eye is considered to be more sensitive to irritants than the human eye. Agents that are mildly irritating on a single application may be moderately irritating on repeated usage in rabbits or man. Of the variables, the competence of the trained investigator is the most important.

The duration of the Draize test may be varied. For certain new formulations it may be desirable to continue the test for up to 90 days, whereas a test of 21 to 28 days could be satisfactory for other new formulations. For irritation studies of new batches of a formulation, a Draize test of 24 to 72 hours, and observation up to 7 days would be satisfactory.

In eye irritation tests, the nature of the active ingredients must be considered in the evaluation of a Draize test before going to man. For example, any product which causes an itching or burning sensation might pass the Draize test, but, in man, might result in damage from vigorous rubbing. The evaluation of the Draize test results varies, with investigators giving little uniform information. A formulation that produces marked conjunctival and corneal edema and corneal haziness for several days in the rabbit could clear in 7 days and this formulation would pass a Draize test. Such a test is most easily used to distinguish between moderate and severe irritants but is less effective when used to test for the absence of irritation.

2. *Determination of effectiveness of OTC ocular active ingredients.* In determing the effectiveness of ingredients reviewed by the Panel, it was necessary to consider each pharmacologic group separately.

Basic animal and human pharmacology studies as well as clinical studies were useful for assessing the effectiveness of anti-infectives and vasoconstrictors. Basic studies and data concerning the physical properties of demulcent and emollient agents were of value.

Important to the Panel's evaluation was the favorable acceptance, after many years of use, of certain OTC ophthalmic products containing emollient, demulcent, astringent, or vasoconstrictor agents for relieving the symptoms of minor eye irritation. Marketing data and length of time a product has been on the market were of some value.

There were only a limited number of double-blind or crossover studies and very few well-controlled studies available to the Panel. When available, comparative studies of one product versus another were of some value. Clinical experience of a general nature, if documented by qualified experts, contributed to the final decision.

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(7) Draize, J. H., "Dermal Toxicity," *in* "Appraisal of Safety of Chemicals in Foods, Drugs, and Cosmetics," Association of Food and Drug Officials of the United States, Texas State Department of Health, Austin, TX, pp. 46–59, 1959.

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G. Labeling of OTC Ophthalmic Drug Products

The Panel emphasizes the importance of informative and truthful labeling so that the consumer can select the most appropriate product for a specific ocular condition.

The Panel reviewed the general labeling requirements previously adopted by the Food and Drug Administration for OTC products (21 CFR 201.60, 201.61, and 201.62). The Panel concurs that these general requirements are appropriate for OTC ophthalmic preparations.

After reviewing all submitted labels of OTC ophthalmic preparations, the Panel recommends the following additional requirements.

1. *Ingredients.* The Panel concludes that ophthalmic products should contain only active ingredients plus such inactive ingredients (pharmaceutical necessities) as may be necessary for product formulation. All such drug products should identify the active and inactive ingredients in labeling by the established names of the ingredients. Since all OTC ophthalmic products are either solutions or ointments, the label should state the quantity of each active ingredient in percentage concentration (weight-volume, weight-weight, or volume-volume, depending on the physical characteristics of the ingredients). Preservative agent(s) should be identified in the labeling, and their concentration stated on the label as a percentage or as a ratio, e.g., "Preservative agent: Benzalkonium chloride 0.01 percent" or "Preservative agent: Benzalkonium chloride 1:10,000."

The use of a trade name alone on a label is not a meaningful description of the ingredients in the product. The term should be followed by a list of its component ingredients.

Further, the description of certain active ingredients as "water-soluble polymers" or "water-soluble polymeric system" without listing the specific ingredients making up the polymeric system is not sufficently definitive. The Panel recommends that the specific polymers making up the polymeric system be identified on the label.

The Panel strongly recommends that all inactive ingredients be listed on the label, as inactive ingredients may produce local adverse reactions such as allergy, irritation, and hyperemia. An ophthalmic drug product cannot be promoted on the basis of inactive ingredients, and the label cannot emphasize the inactive ingredients beyond the mere listing of them recommended above.

The inclusion of expiration dates in the labeling of OTC ophthalmic products is strongly recommended. Expiration dates should be supported by appropriate stability data, including the following monitored parameters: active ingredient(s), preservative(s), pH, and sterility. Additionally, the label should bear information relative to recommended conditions of storage as might be indicated from stability studies of the ingredients contained in a product.

2. *Indications and directions for use.* The indications for use of an ophthalmic preparation should be simply and clearly stated, should provide the user with enough information for effective and safe use of the preparation, and should include the statement that the preparation is for the temporary relief of symptoms applicable to the ingredients it contains. The label should include a clear statement of the effective minimum and maximum dosage per time interval followed by "or as directed by a physician." It is axiomatic and should be emphasized that the least frequent use of even an effective ophthalmic preparation is desirable.

The Panel recognizes the importance of stating a product's indication in easily understood lay terms. The directions for use should be clear and provide the user with a reasonable expectation of the results the product might produce. No reference should be made or implied regarding the alleviation or relief of symptoms unrelated to the condition that is an indication for use of the product.

The Panel recognizes the present posture of FDA in respect specifically to appropriate and approved labeling indications and directions for use of OTC ophthalmic preparations. The Panel entirely supports FDA in its determination to review, monitor, and give approval to truthful and nondeceptive labeling to provide consumer protection.

On the other hand, the Panel believes that industry should have the opportunity to use unadorned synonyms to acceptable terminology as long as it is truthful, nondeceptive, and given prior approval by FDA.

a. *Acceptable labeling indications*—(1) *For products containing anti-infectives.* "For the treatment of minor external infections of the eye."

(2) *For products containing astringents.* "For the temporary relief of discomfort from minor eye irritations."

(3) *For products containing emollients.* (i) "For the temporary relief of discomfort due to minor irritations of the eye or to exposure to wind or sun."

(ii) "For use as a protectant against further irritation or to relieve dryness of the eye."

(iii) "For use as a lubricant to prevent further irritation or to relieve dryness of the eye."

(4) *For products containing demulcents.* (i) "For the temporary relief of burning and irritation due to dryness of the eye."

(ii) "For the temporary relief of discomfort due to minor irritations of the eye or to exposure to wind or sun."

(iii) "For use as a protectant against further irritation or to relieve dryness of the eye."

(iv) "For use as a lubricant to prevent further irritation or to relieve dryness of the eye."

(5) *For products containing vasoconstrictors.* "For the relief of redness of the eye due to minor eye irritations."

(6) *For products containing hypertonicity agents.* "For the temporary relief of corneal edema."

(7) *For eyewash products.* "For flushing or irrigating the eye to remove loose foreign material, air pollutants, or chlorinated water."

b. *Unacceptable labeling claims.* Phrasing that promises general benefits of good health or well being or warns against the danger of physiologic states such as "fatigue," "tired eyes," or "eyes over forty" is found unproven and thus unacceptable by the Panel. The necessity for using ophthalmic (eye) medication(s) in normal visual activities, e.g., watching television, reading, close work, is an unacceptable labeling claim. The Panel considers statements

suggesting products "for continuous everyday use," "for improvement of tired eyes," or "for use before putting on makeup" to be misleading claims and not acceptable.

Undocumented claims that opthalmic (eye) medications produce cosmetic changes such as "sparkling," "bright," "diamond," or "bedroom" eyes foster the false notion among consumers that such benefits ensue from the use of these medications. Such references to "eye appearance" should not be used also because they might promote frequent or continued use.

Implications that normal eyes require prolonged medication with OTC drugs are unsupported and strongly contrary to the public interest. Hence, such claims should be considered false or misleading and subject to appropriate regulatory action.

The Panel found no evidence that astringents are indicated for treatment of stye or hay fever, and such indications are unacceptable in labeling of products containing these ingredients.

The Panel found no evidence for claims that any OTC ophthalmic product has a particular advantage for individuals simply on the basis of sex, age, or other demographic characteristics.

The Panel does not recognize the term "aromatic preservatives." Such terms as "aromatic preservatives," "other aromatics," and "peppermint" should not appear on labels as preservatives

3. *Warnings.* Because self-medication with OTC ophthalmic preparations will not prevent or treat damage from a serious eye disease, the labeling of these preparations should warn the consumer of serious symptoms which indicate disorders requiring immediate professional attention and alert him or her to seek professional advice if less serious symptoms do not respond within a reasonable period of time or worsen in reaction to an OTC medication. A reasonable period of time within which all pharmacologic classes of ophthalmic medications—except for eyewash products and hypertonicity agents—might be expected to provide symptomatic relief was judged to be 72 hours. Given the indications for eyewash products, these preparations should provide immediate symptomatic relief. Hypertonic preparations are intended to be used for prolonged periods of time once the corneal edema has been diagnosed.

In general, the Panel does not feel that isolated use of OTC opthalmics in infants and children would present any specific problem. While the Panel is not suggesting an age limitation warning in the labeling of OTC opthalmics, it recommends that any specific pediatric ocular condition be treated by a physician.

The following are general and specific warning statements recommended by the Panel for use in the labeling of OTC ophthalmic products:

a. *Statements for use in the labeling of all OTC opthalmic products.*

(1) "To avoid contamination of this product, do not touch tip of container to any other surface. Replace cap after using."

(2) "If you experience severe eye pain, headache, rapid change in vision (side or straight ahead), sudden appearance of floating spots, acute redness of the eyes, pain on exposure to light, or double vision, consult a physician at once."

b. *Statements for use in the labeling of OTC ophthalmic products as specified*—(1) *For all ophthalmic products except eyewash preparations and hypertonicity agents.* "Do not use this product for more than 72 hours except under the advice and supervision of a physician. If symptoms persist or worsen, discontinue use of this product and consult a physician."

(2) *For eyewash preparations.* "If symptoms persist or worsen after use of this product, consult a physician."

(3) *For ophthalmic solutions.* "If solution changes color or becomes cloudy, do not use."

(4) *For products containing vasoconstrictors.* (i) "If you have glaucoma, do not use this product except under the advice and supervision of a physician." The Panel recommends the inclusion of this warning because vasoconstrictors in some instances can cause dilation of the pupil which in turn may trigger an attack of narrow-angle glaucoma in a susceptible individual. The Panel did not attempt to specify narrow-angle glaucoma in the warning, because it believes that individuals who have been diagnosed as having glaucoma are often not aware which type of this disease they have, and it is therefore safer to make the warning general.

(ii) "Overuse of this product may produce increased redness of the eye." The Panel recommends inclusion of this warning to deal with the rebound hyperemia which may occur when vasoconstrictores are used excessively in the eye.

(5) *For products containing mercury compounds.* "Do not use this product if you are sensitive to mercury."

(6) *For hypertonicity products containing from 2 to 5 percent sodium chloride.* (i) "This product may cause temporary burning and irritation on being instilled into the eye."

(ii) "Do not use this product except under the advice and supervision of a physician."

(7) *For products containing mild silver protein.* (i) "Prolonged or frequent use of this product may cause permanent discoloration of the eye and the skin and mucous membranes surrounding the eye.

(ii) "Keep bottle tightly closed and store away from light when not in use to prevent the product from losing potency.

4. *Labeling of product attributes.* The Panel accepts the use in labeling of terms describing certain physical and chemical qualities of OTC ophthalmic products, so long as these terms do not imply any therapeutic effect. The qualities which may be referred to pertain to the comfort and safety of the product, are usually due to specific inactive ingredients (pharmaceutical necessities) included in the final product formulation, and are described in labeling to inform the consumer.

The pH, or hydrogen ion concentration, of an ophthalmic product may have a considerable effect on the ocular comfort of the user. The Panel concludes that certain labeling claims are reasonable and informative to the consumer when they accurately reflect the pH of the solution. Terms such as "neutral solutions," "buffered to the pH of tears," "slightly acidic solution" (with actual pH in parentheses), or "slightly basic solution" (with actual pH in parentheses) are considered acceptable.

The osmotic properties of ophthalmic solutions may also have an effect on the comfort of the consumer. The Panel concludes that certain labeling claims are reasonable and informative to the consumer when they accurately reflect the osmotic or tonicity properties of the product. Terms such as "isotonic solution," "osmotically equivalent to tears," "isotonic to tears or lacrimal fluids" are considered acceptable. An ophthalmic solution should have an osmotic equivalence of between 0.8 and 1.0 percent sodium chloride to comply with labeling claims of "isotonic solution" or with labeling claims that allude to the solution's being isotonic or osmotically equivalent to lacrimal fluid. Solutions intended to be used as eye washes or irrigating fluids should have an osmotic equivalence of between 0.8 and 1.2 percent sodium chloride. (See part II. paragraph E.1.c. above—Tonicity.)

The term "hypertonic solution" is acceptable for solutions containing 2 to 5 percent sodium chloride.

Although all ophthalmic products must be sterile, the Panel accepts the use of the term "sterile solution" or "sterile ointment" on the labeling of

OTC ophthalmic products as being informative to the consumer.

The Panel concludes that certain labeling claims are informative to the consumer when they accurately reflect inherent characteristics of the marketed product. Terms such as "soothing" and "soothing relief" are considered acceptable in the labeling. However, the Panel emphasizes that these terms should not be identified as indications for use. They are merely factual statements related to product performance.

H. Principles Applicable to Combination Products

1. *General concepts.* The Panel acknowledges and concurs with the rationale expressed in the regulation at 21 CFR 330.10(a)(4)(iv), which states as follows:

> An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients; and when the combination, when used under adequate directions for use and warnings against unsafe use, provides rational concurrent therapy for a significant proportion of the target population.

The Panel concludes that, in general, the fewer the ingredients, the safer the therapy. The interests of the user of OTC drugs are best served by exposure to the fewest ingredients possible at the lowest possible dosage regimen consistent with a satisfactory level of effectiveness.

OTC durgs containing safe and effective single ingredients are preferred to those having multiple active ingredients because of the reduced risks of toxic effects, synergistic effects, allergic, or idiosyncratic reactions, and possible unrecognized and undersirable drug interaction(s).

It is an established medical principle to give only those medications, preferably as single entities, necessary for the safe and effective treatment of the patient. This principle applies equally to self-medication. To add needlessly to the patient's medication increases the risk of adverse reactions. However, the Panel recognizes that combinations of active ingredients may be desirable in some circumstances.

The Panel concludes that OTC ophthalmic drugs should contain only such inactive ingredients as are necessary for formulation.

The Panel's combination policy is based on those combination products submitted pursuant to the notice published in the **Federal Register** of April 26, 1973 (38 FR 10306). The Panel recognizes that other combination products may be in the market place but it has either no knowledge of insufficient data to make a reasonable judgment of the safety or effectiveness of such products.

2. *Safety of combinations.* In its consideration of active ingredients, the Panel reviewed the safety and effectiveness of all the combinations submitted. All combinations that meet the criteria for Category I as set forth below are considered safe.

3. *Effectiveness of combinations.* Combination products are regarded as effective if each active ingredient is present in the product within the dosage set by the Panel for each Category I active ocular ingredient, as set forth elsewhere in this document.

The Panel considers it important that the minimum effective dose be established for each ingredient in a combination product. If the dosage level for any active ingredient in a combination product is below the minimum set by the Panel for that ingredient when used alone, data should be developed by appropriate, well-controlled clinical studies to demonstrate its effectiveness.

4. *Active ingredients not reviewed by the Panel.* Each claimed active ingredient must be an ingredient that has been reviewed by the Panel. If a product contains an active ingredient that has not been reviewed by the Panel and is consequently not found in this docment, such ingredient is automatically classified as a Category II ingredient, i.e., not safe or not effective or both for use in OTC ophthalmic drug products. Appropriate animal and human testing and prior approval by FDA is required before a product containing such an ingredient may be marketed.

5. *Criteria for determining Category I combination drug products.* To qualify as a Categroy I combination, i.e., one that is generally recognized as safe and effective, the combination must meet the following conditions:

a. Each active ingredient in the combination must be a Category I ingredient.

b. Each ingredient in the subject combination must be present within the dosage range for a Category I active ingredient, as set forth elsewhere in this document.

c. The final marketed product must be shown to be safe and effective.

d. The Panel concludes that the following combinations of ocular active ingredients are Category I:

(1) *Zinc sulfate (ocular astringent) combined with an ocular vasoconstrictor.* The Panel considers it rational to combine a Category I ocular astringent with a Category I ocular vasoconstrictor because such a combination would better accomplish the overall effect of reducing redness and irritation of the eyes. The Panel is limiting the ocular astringent to zinc sulfate since it is the only Category I ocular astringent recognized at this time. There are several different products currently on the market which combine zinc sulfate with various ocular vasoconstrictors. The experience with these marketed products does not suggest any incompatibility problems. The Panel is unaware of any reason to restrict zinc sulfate-vasoconstrictor combinations to only those that are currently marketed. Therefore, zinc sulfate may be combined with any Category I vasoconstrictor.

(2) *Combinations of any two or three ocular demulcent ingredients.* The Panel considers it rational to allow up to three ocular demulcent ingredients to be combined in OTC drug products. The Panel recognizes that severl demulcent ingredients may be necessary for formulation purposes. However, the Panel finds no reason for allowing more than three of these ingredients in any one product.

(3) *Ocular demulcents combined with an ocular vasoconstrictor.* The Panel considers it rational to combine any Category I ouclar demulcent or Category I ocular demulcent combination with any Category I ocular vasonstictor. The demulcent will aid in relieving the discomfort of the eye irritation. In addition, the viscous nature of the demulcent will prolong the action of the vasoconstrictor by keeping the vasoconstrictor in contact with the eye for a longer period.

(4) *Zinc sulfate (ocular astringent) combined with an ocular vasoconstrictor and ocular demulcents.* The Panel has discussed in (1) above the rationale of the zinc sulfate-vasoconstrictor combination. The addition of a Category I demulcent or Category I demulcent combination will aid in producing further relief from the irritation and in prolonging the action of the other ingredients.

(5) *Combinations of two or more ocular emollient ingredients.* The Panel considers it rational to allow ocular emollient active ingredients to be combined when necessary. The Panel recognizes that several emollient ingredients may be necessary to give a product a proper consistency for application to the eye.

6. *Criteria for Category II combination drug products.* A combination is classified by the Panel as a Category II product, i.e., one that is not generally recognized as safe or not generally recognized as effective or both, if any of the following apply:

a. The combination contains active ingredients each of which is safe and effective when used alone, but in combination is found to be not safe. The Panel concludes that combining two different vasoconstrictor agents in a single product would be such a combination.

b. The combination contains any ingredient that is listed elsewhere in this document as a Category II ingredient.

c. The combination contains any ingredient in excess of the maximum dosage set by the Panel for such ingredient.

d. The combination contains any active ophthalmic ingredient that has not been reviewed by the Panel and accordingly not listed in this document.

7. *Criteria for Category II combination drug products.* A combination is classified as a Category III combination if any of the following apply:

a. If any Category I ingredient falls below the established minimum dosage set.

b. If one or more ingredients are Category III ingredients, as set forth else forth elewhere in this document for single active ingredients.

III. Ocular Anesthetics

The Panel concludes that ocular anesthetics are effective but are unsafe for OTC use because the potential risks to the consumer that can arise from the OTC use of these ingredients for out weigh the benefits.

The Panel recognizes that ocular anesthetics have a purpose and justifiable use in ophthalmologic practice, but the Panel concludes that anesthetics should be used only under the direction and supervision of a physician. Professional use of local anesthetics in ophthalmic conditions include (1) obtaining transient loss of corneal and conjunctival sensitivity, e.g., in routine tonometric and gonioscopic procedures, removal of foreign bodies, conjuctival and corneal scrapings, removal of sutures, and paracentesis of the anterior chamber; and (2) relieving severe blepharospasms produced by irritants to allow thorough examination and irrigation of the eye.

One of the risks associated with OTC use of ocular anesthetics is the masking of the symptoms associated with serious eye problems, such as foreign bodies embedded in the eye, corneal abrasions, or eye diseases which require professional attention.

Ocular anesthetics can mask such significant symptoms as severe pain, reduced visual acuity, or major ocular discomfort, and the use of such preparations may prevent or delay definitive treatment of an ocular disease that requires prior diagnosis by a physician to establish proper medical therapy.

It has been well established in animal and in vitro studies that ocular anesthetics generally have toxic effects on the epithelium of the cornea, depress respiration and glycolysis of the epithelial cells, interfere with regeneration of corneal epithelium, increase permeability, induce sensitization reactions, decrease the blink frequency, cause edema of corneal epithelium, and produce dryness of corneal and conjuctival surfaces (Refs. 1 and 2). Self-medication with local anesthetic preparations may lead to irreversible ocular damage if the medication is used for prolonged periods (Ref. 3). Even short-term use can hinder the healing process (Ref. 1).

Ocular anesthetics may remove patches of corneal epithelial cells with even a single application. Repeated use of these anesthetics can lead to severe corneal erosions (Ref. 2). Serious problems, such as corneal ulcerations with scarring and consequent permanent visual loss, have resulted from long-term lay use of ocular anesthetics. While the corneal changes are usually mild and transient after a single instillation of an ocular anesthetic, repeated application of ocular anesthetics following injury to the cornea may seriously delay or prevent regeneration of the corneal epithelium.

The use of ocular anesthetics promotes a vicious cycle in which an anesthetic agent applied to relieve discomfort due to toxic or mechanical injury to the epithelium actually interferes with the healing of the injury and causes the condition to worsen. In addition, the effective potency of an ocular anesthetic agent is diminshed with continued application (Ref. 4). Under these circumstances reapplication of the anesthetic provides a shorter duration of relief of the discomfort, leading to more frequent application. This more frequent application eventually may lead to ulceration of the cornea and conjuctiva.

Chronic use of anesthetics in the eye can lead to changes that begin with keratitis and may end in permanent reduction of visual acuity. Loss of corneal epithelium by sloughing and edema of the corneal stroma, opacification, and marked inflammatory changes in the anterior segment of the eye are the sequence of events that follow days or weeks of such treatment (Ref. 3).

Epstein and Paton (Ref. 3) demonstrated in their case studies that the misuse and abuse of ocular anesthetics could lead to serious eye damage. The development of corneal degeneration and, in one case, irreversible loss of visual acuity was shown to occur after chronic use of local anesthetics (Ref. 2).

Allergic reactions to ocular anesthetics occur and very somewhat with drug used. For example, allergic reactions are less common with proparacaine than with tetracaine. Reactions such as widened intrapalpebral fissures, changes in accommodation, and pupillary dilation occur with cocaine but do not occur with most of the other topical anesthetics (Ref. 2).

The Panel reviewed two submitted ingredients as ocular anesthetics: Antipyrine (which the Panel reviewed in this category because if its inclusion in a submitted product as a claimed pain reliever, rather than for its pharmacologic activity which is not truly anesthetic) and piperocaine hydrochloride.

The Panel noted that antipyrine in a 0.4-percent solution was found to have only slight local anesthetic effect on the eye (Ref. 5). Piperocaine hydrochloride in a 2-percent solution or a 4-percent ointment is an effective ocular anesthetic (Ref. 6).

In keeping with the Panel's belief that an anesthetic effect, no matter how slight, can mask symptoms of serious ocular disorders and that misuse or overuse of ocular anesthetic ingredients may ultimately be injurious to the eye, the Panel concludes that the entire class of ocular anesthetics is unsafe for OTC use, and therefore, all ocular anesthetics are classified as Category II. Because the entire anesthetic class is in Category II, all labeling associated with ocular anesthetic ingredients is also in Category II.

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IV. Ocular Anti-Infectives

A. General Discussion

Topical anti-infective agents are applied to the eye to inhibit the growth of infecting organisms. Body mechanisms then remove the infecting organisms and act to repair the tissue damage. The anti-infective drugs act to interfere preferentially with the metabolism of the micro-organism in comparison with the normal cells of the eye. The preferred treatment of ocular infection depends on isolating and determining the infecting organism, so that the proper anti-infective agent will be used.

The Panel believes that anti-infective preparations should not be used to self-treat serious ocular infections such as corneal ulcers and intraocular infections, since these infections require vigorous and appropriate treatment by a physician. The Panel recognizes, however, that many minor ocular infections such as blepharitis, conjunctivitis, and hordeolum (stye) may not require immediate attention by a physician since these conditions are normally self-limiting, and serious complications from self-treatment are rare. Therefore, the Panel believes it is theoretically reasonable to recommend the OTC use of ocular anti-infective drug products to treat minor infections of the eye. However, the Panel recognizes that at the present time there are no anti-infective ingredients that can be generally recognized as safe and effective.

Because the Panel believes that the consumer would not be able to diagnose conjunctivitis, blepharitis, or stye, the indications for use of these products should be limited to "for the treatment of minor external infections of the eye." In addition, since the signs and symptoms of infections amenable to OTC treatment are often similar to conditions that are not amenable to OTC treatment, the labeling of OTC anti-infective drug products must warn the user of the product's limitations, so that if a more serious underlying ocular problem exists, professional treatment will not be delayed. The Panel concludes that the general warning statements required on all OTC ophthalmic drug products are sufficient to alert consumers to the potential seriousness of ocular problems and to encourage them to seek professional help if the condition worsens or persists for more than 72 hours.

B. Categorization of Data

1. *Category I conditions under which ocular anti-infective active ingredients are generally recognized as safe and effective and are not misbranded.* The Panel recommends that the Category I conditions be effective 30 days after the date of publication of the final monograph in the **Federal Register.**

Category I Active Ingredients

None.

Category I Labeling

The Panel recommends the following labeling for OTC ocular anti-infectives:

a. *Indication.*

"For the treatment of minor external infections of the eye."

b. *Warnings*—(1) *For all OTC ophthalmic anti-infective drug products.*

(i) "Do not use this product for more than 72 hours except under the advice and supervision of a physician. If symptoms persist or worsen, discontinue use of this product and consult a physician."

(ii) "If you experience severe eye pain, rapid change in vision (side or straight ahead), sudden appearance of floating spots, acute redness of the eyes, pain on exposure to light, or double vision, consult a physician at once."

(iii) "To avoid contamination of this product, do not touch tip of container to any other surface. Replace cap after using."

(2) *For OTC ophthalmic anti-infective drug products containing mercury compounds.* "Do not use this product if you are sensitive to mercury."

(3) *For OTC ophthalmic anti-infective solutions.* "If solution changes color or becomes cloudy, do not use."

2. *Category II conditions under which ocular anti-infective active ingredients are not generally recognized as safe and effective or are misbranded.*

The Panel recommends that the Category II conditions be eliminated from OTC ocular anti-infective drug products effective 6 months after the date of publicaiton of the final monograph in the **Federal Register.**

Category II Actie Ingredient

Sulfacetamide sodium

Sulfacetamide sodium.—While sufacetamide sodium was not included in the original submissions of data pursuant to the call for data as published in the **Federal Register** of April 26, 1977 (38 FR 10306), the Panel specifically requested data from the manufacturer on this ingredient, which is currently limited to prescription use, to determine the feasibility of recommending OTC marketing. It is marketed in 10-, 15-, and 30-percent concentrations.

Sulfacetamide sodium is a sulfonamide having a solubility of 1 g in 2.5 mL of water. The drug has a bitter taste, and Scruggs, Wallace, and Hanna (Ref. 1) noted that, following application to the eye, sulfacetamide sodium will pass into the nose, and the throat, where a bitter taste will be noted. The drug then can be systemically absorbed from the nasal cavity and oral pharynx.

The preparation, stabilization, and sterilization of sulfacetamide sodium solutions may be difficult (Ref. 2). Solutions of sulfacetamide sodium in water are alkaline (Ref. 3); a 30-percent solution of sulfacetamide sodium has a pH of 8 (Ref. 4). Ophthalmic solutions of this drug are buffered by the addition of phosphates and borates. Both buffered and unbuffered solutions, on standing, experience the formation of sulfanilamide and can turn brown (Ref. 5). Clarke (Ref. 5) studied the extent of decomposition of sulfacetamide sodium solutions, and Fletcher and Norton (Ref. 6) found that buffered sulfacetamide sodium was stabilized by the addition of 0.1 percent sodium metabisulfite.

The sterility of sulfacetamide sodium solutions is difficult to maintain upon exposure to the environment. Whittet (Ref. 7) found fungi, including common molds, in sulfacetamide solutions which included the 30-percent concentration. The sterility of these can only be maintained by the addition of preservatives and by storage in a cool place.

Sulfacetamide ophthalmic ointment preparations are sterile and contain preservatives. There is no need for buffers or stabilizers when this drug is suspended in anhydrous ointment.

Sulfacetamide sodium ophthalmic preparations are incompatible with silver preparations.

(1) *Safety.* Sulfacetamide sodium has been widely used as a prescription drug to treat external eye infections. The incidence of severe ocular toxicity and systemic side effects has been low (Refs. 8 and 9). The Panel recognizes, however, that the use of sulfacetamide sodium has been limited to a small segment of the population which is usually under the medical supervision of an ophthalmologist and generally for a short period of time. Also, those patients known to be sensitive to sulfonamides are usually treated with other drugs. The exact incidence of sensitization in the general population, if this drug were marketed OTC, is not known, but it most likely would be higher than at present.

Sollman (Ref. 10) states that local application of sulfonamides to skin, conjunctiva, and nasal mucosa presents a special hazard of sensitization, in that future internal or external use of sulfonamides may produce serious local or generalized exfoliative dermatitis.

The Panel is aware that the current ophthalmic solutions of sulfacetamide sodium produce a burning and smarting sensation when instilled into the eye. This effect was first noted by Benedict and Henderson (Ref. 9). A 30-percent sulfacetamide sodium solution is equivalent in tonicity to a hypertonic sodium chloride solution of 9 percent (Ref. 11). Luxenburg and Green (Ref. 12) reported that every patient studied complained of stinging and burning, lasting for about 5 minutes, when a 30-percent solution of sulfacetamide was instilled into the eye. Occasionally, the 30-percent solution may produce epithelial cell injury to the cornea and conjunctiva which can cause ocular irritation lasting from several hours to days. It is not surprising that most subjects experience a burning and smarting sensation following the ocular instillation of even a 10-percent sulfacetamide sodium solution (Ref. 11). Repeated, unsupervised use could lead to persistent ocular irritation.

Cases of Stevens-Johnson syndrome were reported in reaction to sulfacetamide sodium by Ban and Bose (Ref. 13) in 1965 and Gottschalk and Stone (Ref. 14) in 1976. There are also recent reports of bloody tear production following sulfacetamide instillation into the eye (Ref. 15).

(2) *Effectiveness.* Sulfonamides exert a bacteriostatic action against a variety of gram-positive and gram-negative pathogenic bacteria (Refs. 16, 17, and 18), including some strains of pseudomonas grown in culture (Ref. 19). There is only one double-blind study related to the value of topical sulfacetamide sodium in the treatment of blepharitis (Ref. 20). While this study was not designed to show the antibacterial effectiveness of sulfacetamide, it did show that the post-treatment bacterial cultures of the conjunctiva were negative.

Sulfacetamide is ineffective in treating fungal and viral infections of the eye and has been known to give rise to resistant strains of micro-organisms when given orally (Ref. 21). It is possible that long-term unsupervised use of sulfacetamide could lead to the development of resistant strains of bacteria and fungi, and a proliferation of fungi in the conjunctival sac.

Sulfacetamide sodium has been used since the late 1930's in the treatment of many types of infections which include those of the eye, skin, and urinary tract (Refs. 21 through 24). It is now primarily used to treat eye infections (Refs. 20 and 21). There are a number of reports suggesting that sulfacetamide is effective in treating ocular infections, including trachoma (Refs. 4, 8, 21, 22, 23, and 25 through 33). In 1969 the National Academy of Sciences-National Research Council concluded that sulfacetamide sodium is effective in treating acute and chronic conjunctivitis and corneal ulcers. This conclusion was published in the **Federal Register** on September 10, 1969 (34 FR 14248). There are numerous publications on the possible effectiveness of sulfacetamide sodium in animal experimental models of infection, but these experiments are always difficult to evaluate (Refs. 16, 17, 18, 24, 31, 33, 34, and 35).

(3) *Evaluation.* After review of the data, the Panel concludes that sulfacetamide sodium (either 10-, 15-, or 30-percent concentrations) is not safe for OTC use as an ocular anti-infective due to its irritating and allergic sensitization potential. In addition, while the prescription product is currently effective, sanctioning the OTC marketing of sulfacetamide sodium could lead to the emergence of resistant strains of organisms. Therefore, the Panel concludes that sulfacetamide sodium should remain limited to prescription use.

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Category II Labeling

The Panel concludes that the use of certin labeling claims related to the safety and effectiveness of ocular anti-infective ingredients in ophthalmic products is unsupported by scientific data.

The use of the term "stye" as a product name or as a part of a product name is unacceptable to the Panel because it implies that the product will cure a stye infection. There is no scientific evidence to support this implication, and the use of this term as a product name could be misleading to the consumer.

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.*

The Panel recommends that a period of 2 years be permitted for the completion of studies to support the movement of Category III conditions to Category I.

Category III Active Ingredients

Boric acid
Mild silver protein
Yellow mercuric oxide

a. *Boric acid.* The Panel concludes that boric acid is safe for use as an OTC ocular anti-infective when used within the dosage limits set forth below, but there are insufficient effectiveness data available to permit final classification.

Boric acid, also known as boracic acid, or orthoboric acid, is a colorless, odorless material which is in the form of scales, crystals, or white powder. When dry, it is 99.5 percent boric acid (Refs. 1 and 2). Boric acid is readily prepared from borax (sodium borate).

Boric acid and sodium borate are used as a buffer system for many ophthalmic solutions. Boric acid solution has also been used extensively as an eyewash (Refs. 3 and 4).

(1) *Safety.* The Panel concludes that boric acid is safe when used in the amounts contained in ophthalmic solutions or ointments.

Boric acid has enjoyed great popularity in the form of powders, lotions, ointments, and pastes. Solutions for irrigation of bladder, rectum, and serous cavities also have been used. Within a few years after the use of boric acid became established in medicine, reports of poisonings began to appear in the literature (Refs. 5 and 6). Many of the early reports of poisoning were from the application of boric acid-containing medicaments to burns or wounds (misuse) and not from accidental ingestion. More recently, however, boric acid poisoning has occurred accidently rather than from its use as a medication (Ref. 6).

By the mid 1940's any use of boric acid was questioned. For example, Watson (Ref. 7) wrote a paper entitled "Boric Acid: A Dangerous Drug of Little Value." Pfeiffer, Hallman, and Gersch (Ref. 8) wrote a paper entitled "Boric Acid Ointment: A Study of Possible Intoxication in the Treatment of Burns."

The significant risk of toxicity associated with either absorption of boric acid through broken skin, or through inadvertent oral ingestion, has prompted some medical authorities to discourage the use or the distribution of boric acid for any medical purpose (Refs. 5 and 9).

Poisoning from the minimal lethal dose of boric acid has occurred accidently rather than from its use as medication (Ref. 6). Accidental poisoning has been reported to occur in infants from the oral ingestion of as little as 3 g boric aid (Ref. 10). Much larger doses have been administered to adults without dangerous toxic effects (Refs. 6 and 11). Frost and Richards (Ref. 12) found that low concentrations of boric acid injected over long periods of time in animals produced no toxic effects. He concluded that boric acid would not exert toxic effects until the renal threshold is exceeded and accumulation occurs in the tissues.

The Panel recognizes that OTC ophthalmic products contain much less boric acid than is required to produce toxicity. It would be necessary to ingest the contents of a number of commercial containers of OTC ophthalmic boric acid preparations for toxicity to occur. Therefore, the Panel concludes that boric acid is safe for OTC ophthalmic use.

(2) *Effectiveness.* The Panel concludes that there are insufficient data available on effectiveness to permit final classification of boric acid as an OTC ocular anti-infective.

Many consumers have used boric acid solution as eye drops to treat minor ocular infections. Many professionals who treat ocular infections have prescribed saturated boric acid solution or 5-percent boric acid ointment to treat minor ocular infections. Yet, there are no reports to indicate that boric acid preparations are effective in treating ocular infections. Many minor ocular infections disappear without treatment with drugs.

Throughout history, boric acid has been used to treat infections. Borax was used by Arab physicians in A.D. 875 to cleanse wounds, and it was taken internally as well (Ref. 13). Homberg, in 1702, heated borax and converted it into boric acid and gave it the name *sal sedativum* (Ref. 5). Borax and boric acid have been used as a panacea by the early physicians and surgeons to treat illness. Godlee (Ref. 14), in 1873, recommended that boric acid be used as a companion agent with Lister's anti-infective, carbolic acid (phenol). Boric acid was used as an anti-infective in the pre-bacteriological era prior to the germ theory of disease. Boric acid became widely accepted as a germicide without laboratory and clinical studies to document its effectiveness (Ref. 15).

At the beginning of the 20th century, boric acid was used to clean teeth and preserve meat (Ref. 16). Soon afterwards toxicity to the borate was noted. Bernstein (Ref. 17) in 1910 tried 0.3 percent boric acid to preserve pork. He found some beneficial effect by noting a lack of odor of the stored pork. Later a number investigators questioned whether saturated boric acid solution would kill micro-organisms. Tanner and Funk (Ref. 18), in 1919, reported a bacteriostatic effect of one-tenth saturated solution of boric acid on several bacterial pathogens.

Allen (Ref. 19), in 1929, investigated 21 commonly used germicides for their bactericidal activity. He found boric acid to be the least effective of the 21 germicides studied.

Browning (Ref. 20) determined the effect of various dilutions of boric acid on the growth of pathogenic bacteria in broth cultures. He reported both bacteriostatic and bactericidal activity but only after 24 hours of incubation.

In 1958, Kingma (Ref. 13) reviewed the pharmacology and toxicology of boron compounds. At that time about 95 percent of the dermatologists surveyed were using boric acid preparations in their practice. Kingma cultured *Staphylococcus aureus, Streptococcus haemolyticus,* and *Bacillus (Escherichia) coli* in the presence of various concentrations of boric acid for 24 hours. An extrapolation of the preliminary results of his data indicated a 50-percent inhibition of growth with a 0.1- to 0.5-percent concentration of boric acid. Half of the bacteria were killed by incubation for 24 hours with 0.4- to 0.75-percent boric acid solution. Kingma noted that the bacteriostatic effect of boric acid solutions requires at least 24-hour contact with pathogenic bacteria, and to shorten this time interval would require a much higher concentration of boric acid.

It has become recognized that boric acid solutions are at best bacteriostatic when in contact with pathogenic bacteria for less than one hour.

Boric acid and its sodium salt are presently used as a buffer system in ophthalmic preparations. This buffer system is effective and well tolerated when used in eye drops. However, to

claim that boric acid is useful in the treatment of infections of the conjunctiva, cornea, and eyelid requires studies using current clinical experimental methods as discussed below. (See part IV. paragraph C. below—Data Required for Evaluation.) For example, the bacteriostatic effects of boric acid must be demonstrated to be sufficiently rapid to be useful in infections of the eye. Furthermore, eye drops are diluted by the tears, and this dilution is so great that component ingredients in the drop are diluted ten times in a matter of minutes (Refs. 21 and 22). There is no evidence to indicate that boric acid crystals, when suspended in ointment, reach a concentration in the tears that is adequate to exert a bacteriostatic effect (Ref. 23). However, ointments do provide a method of delivering rather high concentrations of drug to the eye (Ref. 24). Should evidence be gained to demonstrate that a bacteriostatic concentration of boric acid can be maintained in the tear film, it will then be necessary to obtain clinical evidence supporting claims of efficacy in the treatment of infections of the conjunctiva and lids.

(3) *Proposed dosage.* Adults and children: Instill a 5-percent boric acid ointment or solution in the affected eye(s). As the Panel is recommending drug release studies to be done as part of the Category III testing, the Panel is unable to propose a dosage frequency at this time. The drug release data will determine the frequency of application required to produce the required effect.

(4) *Labeling.* The panel recommends the Category I labeling for products containing ocular anti-infective active ingredients. (See part IV. paragraph B.l. above—Category I Labeling.)

(5) *Evaluation.* Data to demonstrate effectiveness will be required in accordance with the guidelines set forth below for OTC ocular anti-infectives. (See Part IV. paragraph C. below—Data Required for Evaluation.)

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b. *Mild silver protein.* The Panel concludes that mild silver protein is safe when used within the dosage limits set forth below, but effectiveness data are lacking to permit final classification at this time.

Marketed mild silver protein products contain either 20 or 40 mg of silver per mL of solution. The silver ion is stabilized with gelatin and edetate but the silver ion is unstable when exposed to light. Therefore, the Panel concludes that mild silver protein solutions should be packaged in tight, light-resistant containers to avoid changes in potency. Also, the labeling should instruct the user to tightly close the container after each use and to store away from light. Mild silver protein is a colloidal complex of silver and protein in which the protein serves to regulate or reduce the corrosive properties of the silver ion.

(1) *Safety.* Mild silver protein has been used for decades without reports of toxicity. However, prolonged or frequent use of any silver preparation may produce a condition known as argyria or argyrosis. In the eye, this condition develops as an unsightly, long-lasting, ashen-grey-to-brown color of the skin and mucous membranes and is caused by the accumulation of silver granules in the membranes or tissues of the body. the Panel considers it reasonable to require statement on the label concerning this side effect.

Hanna, Fraunfelder, and Sanchez (Ref. 1) found that long-term use of mild silver protein leads to staining of the conjunctiva, cornea, and the region around the punctum, but that normal eye function is not altered by the staining effect.

Because there are no toxicity concerns from use of mild silver protein, the Panel concludes that it is safe for OTC use as an anti-infective, provided that the labeling contains a statement warning of the argyria side effect with prolonged use.

(2) *Effectiveness.* In the preantibiotic era, silver preparations were used in the treatment of infections. Mild silver protein has in vitro activity against many bacteria (Refs. 2 through 7). Development of resistance of micro-organisms sensitive to this agent has not been reported. However, some strains of *Staphylococcus aureus* and pseudomonas species are always resistant (Ref. 4). Its effectiveness as an ocular anti-infective has not been documented (Refs. 5, 6, and 7). Solutions of mild silver protein do not require

preservative agents since the silver ion has intrinsic antibacterial activity.

The Panel concludes that the claim that mild silver protein is useful in the OTC treatment of minor eye infections requires clinical studies as outlined below. (See part IV. paragraph C. below—Data Required for Evaluation.)

(3) *Proposed dosage.* Adults and children: Instill 1 to 2 drops of mild silver protein solution, containing 20 to 40 mg of silver per mL of solution, into the affected eye(s). Repeat every 2 to 4 hours as necessary.

(4) *Labeling.* The Panel recommends the Category I labeling for products containing ocular anti-infective active ingredients. (See part IV. paragraph B.1. above—Category I Labeling.)

In addition, the Panel recommends that labeling of mild silver protein products contain the following warnings:

(a) "Prolonged or frequent use of this product may cause permanent discoloration of the eye and the skin and mucous membranes surrounding the eye."

(b) "To prevent medicine from deteriorating, keep bottle tightly closed and store away from light when not in use."

(5) *Evaluation.* The Panel concludes that when used within the dosage limit set forth above, mild silver protein is safe for use as an OTC ocular anti-infective. However, there are insufficient data on effectiveness to permit final classification at this time. Data to demonstrate effectiveness will be required in accordance with guidelines set forth for OTC ocular anti-infectives. (See part IV. paragraph C. below—Data Required for Evaluation.)

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c. *Yellow mercuric oxide.* The Panel concludes that there are insufficient data to make a final determination that yellow mercuric oxide is safe and effective for use as an OTC ocular anti-infective.

The bacteriostatic property of mercuric salts is considered to be due to the mercuric ion content of the solution (Ref. 1). Mercuric oxide exists in red and yellow crystalline forms. Both forms are practically insoluble in water, having a solubility of 0.52 mg per 100 mL of water at 25° C (Ref. 2). However, mercuric oxide contains 92 percent mercury for ionization and becomes highly soluble in water at 100° C. On cooling to 25° C, only 0.48 mg mercuric ion will be in 100 mL solution, which is a concentration of 0.0048 mg per mL water or a dilution of 1 part of mercuric ion in approximately 200,000 parts of water (Ref. 2).

(1) *Safety.* The Panel concludes that there are insufficient data available to determine the safety of yellow mercuric oxide for use as an OTC ocular anti-infective.

Mercury has been used for centuries to treat infections (Ref. 3). Inorganic mercury salts were recommended by Robert Koch in 1861 as antiseptic drugs. The soluble mercury salts are bacteriostatic, but these compounds are also toxic when applied to mucous membranes (Ref. 1).

Yellow mercuric oxide was introduced into ophthalmology by Pagenstecher in 1866 as a 0.1- to 1.0-percent concentration suspended in ointment. Pagenstecher's ointment contained yellow mercuric oxide and small amounts of mercuric chloride. In 1933, Hosford and McKenney (Ref. 4) noted that Pagenstecher observed that the immediate effect of this ointment was "undoubtedly irritant" and that the ointment produced tissue sloughing if applied too freely and left too long in contact with the tissue. Hosford and McKenney suggested that Pagenstecher's ointment was more often harmful than useful.

The Panel received a report from a practicing ophthalmologist that, because of a delay in medical attention, serious problems resulted in patients using an ointment containing yellow mercuric oxide to self-treat minor infections of the eye, including stye (Refs. 5 and 6).

There is a recent submission indicating that over 1 million units of an ophthalmic preparation containing yellow mecuric oxide have been marketed with only a small number of minor patient complaints (Ref. 7).

(2) *Effectiveness.* The Panel concludes that there are insufficient data to determine the effectiveness of yellow mercuric oxide for use as an OTC ocular anti-infective.

The antibacterial action of mercurial salts is a function of the amount of free mercuric ion that is delivered. Therefore, the water insoluble-mercurials, such as yellow mercuric oxide, do not produce immediate effects (Ref. 1). While the water-insoluble mercurials are gradually dissolved by the proteins and salts of the tissues, the concentration of available mercuric ion from yellow mercuric oxide is insufficient to prevent growth of staphylococcus (Ref. 8). A more recent limited in vitro bacteriologic study suggests that yellow mercuric oxide may have anti-infective properties (Ref. 7).

The Panel notes that in the past, yellow mercuric oxide ointment which was marketed OTC contained small amounts of mercuric chloride. Hosford and McKenney (Ref. 4) suggested that the effectiveness of the ointment was due to the mercuric ion released from the mercuric chloride and not from the yellow mercuric oxide. However, in 1889 Geppert confirmed that, while mercuric chloride has a high bacteriostatic potency and prevents the multiplication of many bacteria in dilutions of 1:300,000, it is not a reliable germicide, for the bacteria are not killed but resume growth when the mercuric chloride is removed or further diluted (Ref. 1). The National Formulary now requires that yellow mercuric oxide be used in pure form—not "contaminated" by the presence of any other ingredient—and the Panel recognizes that any effectiveness which the mercuric chloride might have contributed is now removed (Ref. 7).

(3) *Proposed dosage.* Adults and Children: Instill a small amount of a 1-percent yellow mercuric oxide ointment into the affected eye(s) twice a day.

(4) *Labeling.* The Panel recommends the Category I labeling for products containing ocular anti-infective ingredients. (See part IV. paragraph B.1. above—Category I Labeling).

(5) *Evaluation.* The Panel concludes that there is insufficient evidence to determine whether yellow mercuric oxide is safe because of the sensitizing properties of mercuric salts. In addition, the Panel concludes that there is also insufficient evidence to determine whether this ingredient is effective as an ocular anti-infective.

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Category III Labeling

None.

C. Data Required for Evaluation

The Panel considers that the following guidelines for moving Category III ingredients into Category I are in accordance with the present state of the art and do not preclude the use of improved methodology in the future.

1. *Clinical trials.* The Panel has given careful consideration to the types of studies and data required to reclassify Category III ocular anti-infectives as Category I. It is sufficient to perform a well-controlled, double-blind clinical study of adequate size to determine if the Category III ocular anti-infectives are effective.

The final appraisal of effectiveness should take place under circumstances conforming to actual expected use in the community. The study should include a sufficient number of patients to substantiate effectiveness as an ocular anti-infective. "Before-treatment" data should be obtained for each subject to note any conditions which might bias analyses. The study should include patients diagnosed as having minor external eye infections, i.e., conjunctivitis, blepharitis, or stye. Patients with more serious ocular infections should not be included in the study since the OTC ocular anti-infectives are not indicated for serious infections. Patients should be observed closely for any adverse effects.

Animal and human model studies when appropriate can give useful information concerning the effectiveness of a product, but the final appraisal must take place in a well-controlled clinical study. The Panel agrees that § 314.111(a)(5)(ii) (21 CFR 314.111(a)(5)(ii)) outlines the features of a well-defined clinical trial.

All data, including both favorable and unfavorable results, should be submitted to FDA.

2. *Drug release studies.* The Panel recognizes the value of drug release studies where appropriate on formulations prior to conducting a clinical study (where appropriate) to determine dosage frequency to be used in the clinical study. Under the varying conditions of ophthalmic ointment preparation, the amount of drug available for ocular contact can be greatly altered. Ophthalmic ointments are designed to melt at body temperature (Refs. 1, 2, and 3); for example, the standard ophthalmic ointment, a 60:40 mixture of white petrolatum, U.S.P., and mineral oil, U.S.P., melts readily when applied to the eye. Ophthalmic drugs which are suspended in this ointment base dissolve on contact with the tears. Other ointment bases may contain varying amounts of water so that it is possible that the drug is dissolved in the aqueous phase (Refs. 3 and 4). It is important that data be obtained concerning the length of time it takes before the anti-infective agent is diluted to noninhibitory antibacterial concentrations in the tear film. Some drugs have been known to be diluted to one-tenth the original strength in a matter of minutes (Refs. 5 and 6). The manner of administering the ocular preparations can greatly affect the rate of loss of material from the tear film (Ref. 7). The experimental clinical protocol and the labeling of the finished product should indicate exactly how the formulation is to be given. Animal and human model studies (where appropriate) could also be used to validate the results of the drug release study before conducting the clinical trial.

3. *Animal and human models.* It is the consensus of the Panel that animal and human model studies (where appropriate) could give useful information as to the effectiveness of a product. Information derived from these studies could be helpful, for example, in predicting appropriate dosage levels for desired response in clinical trials.

Experimental animal models of antibacterial activity involve injuring the superficial cornea or conjunctiva or both. This is followed by ocular drops of pathogenic bacteria of the type the drug is expected to be used to treat. The treatment is begun after the infectious process develops. Furgiuele, Kiesel, and Martyn (Ref. 8) in 1965 infected rabbits by scarifying the cornea and then dropping in 1,000,000 cells per mL of pseudomonas organisms. One day later, treatment was begun with gentamicin ocular drops and the treatment continued for 5 days. Clinical signs of inflammation such as edema, hyperemia, and discharge were graded. The double-blind, cross-over experiment using nontreated eyes as a control and with the amount of inflamation evaluated by a trained observer were used to make statistically valid conclusions about the effectiveness of the therapy. Similar animal studies using minor external eye infections can be used to determine the effectiveness of the anti-infective.

A human study could involve the use of certain ocular ointments which form an occlusive shield over the surface of the eye. Grayston et al. (Ref. 9) found that the use of these ointments for several hours on the cornea and conjunctival surfaces fostered the development of bacterial conjunctivitis. Bacterial growth in the conjunctival sac can also be increased if the eye if bandaged (Ref. 10). Quantitative bacterial counts are obtained prior to bandaging. The eyes are then treated with randomly selected anti-infective ophthalmic preparations or controls during the period of patching which may continue for several days. Repeated quantitative bacterial counts are obtained at selected times.

While the human model studies may be useful in predicting the dosage regimen for some clinical trials, it may not be applicable for all drugs (Ref. 11).

Testing of Category III ingredients should be done on the final formulation product.

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V. Ocular Vasoconstrictors

A. *General Discussion*

Irritation of the external tissues of the eye (cornea and conjuctiva) results in the production of copious tears which are intended to dilute the irritating substance to a nonirritating concentration. When the noxious substances are not sufficiently diluted by tears, white blood cells migrate to the area, and a dilation of the underlying blood vessels (resulting in hyperemia or redness of the eye) occurs.

Minor reaction of the eye to noxious agents may be recognized as ocular itching and tearing with sensations of smarting and burning.

Sometimes this minor ocular irritation can be alleviated by the use of buffered, neutral, aqueous eye drops. If redness persists along with itching, the redness may be relieved by aqueous eye drops containing low concentrations of an ocular vasoconstrictor, which functions by constricting blood vessels underlying the surface of the eye that have dilated in response to noxious or irritating agents.

B. *Categorization of Data*

1. *Category I conditions under which ocular vasoconstrictor active ingredients are generally recognized as safe and effective and are not misbranded.* The Panel recommends that the Category I conditions be effective 30 days after the date of publication of the final monograph in the **Federal Register.**

Category I Active Ingredients

Sympathomimetic amines
- Ephedrine hydrochloride
- Naphazoline hydrochloride
- Phenylephrine hydrochloride (0.08 to 0.2 percent concentrations)
- Tetrahydrozoline hydrochloride

The four sympathomimetic amines listed above have been widely used in OTC ocular preparations to treat minor redness of the eye. Many other sympathomimetic amines might be demonstrated to be effective and safe for use as OTC ocular vasoconstrictors (Refs. 1 and 2); however, the Panel had no data to support OTC use for other vasoconstrictor amines.

Safety. The Panel finds this group of sympathomimetic amines generally safe for OTC use at concentrations specified in the individual ingredient sections below. The Panel recognizes that the ingredients in this group have had a long OTC marketing history without causing undue side effects; however, it strongly recommends against too-frequent or prolonged use of these ingredients. One danger is that such use may delay proper medical treatment for more serious conditions that are also characterized by redness of the eyes. Also, excessive use may produce such adverse side effects as excessive cell loss, prolonged constriction of conjunctival blood vessels followed by dilation of these blood vessels (rebound hyperemia), and subjective effects of ocular stinging and burning. On encountering the symptoms of rebound hyperemia, the user would be led to believe that more vasoconstrictor is needed, when actually deleting the vasoconstrictor is necessary to relieve this condition. The Panel believes that the labeling of ocular vasoconstrictor products should warn the consumer against excessive use and delaying medical treatment if symptoms persist.

At concentrations higher than recommended for OTC use, the sympathomimetic amines will cause mydriasis (dilation of the pupil) (Refs. 3 through 7). Even at the low concentrations specified for OTC use, these ingredients, occasionally, may cause some mydriasis, especially in those subjects who wear contact lenses, whose cornea is abraded, or who have lightly colored irises (Refs. 5, 8, and (9). This mydriasis may in turn trigger an attack of narrow-angle glaucoma in a susceptible individual (Ref. 10).

The Panel recognizes the possibility of systemic toxicity if sympathomimetic amines are ingested orally but believes systemic effects from short-term ocular use are highly unlikely especially at the concentrations used in OTC opthalmic products (Refs. 11 through 15).

Effectiveness. The Panel is aware that concentrations of sympathomimetic amines higher than those recommended for OTC use have a purpose in opthalmology. In higher concentrations, these drugs are used to dilate the pupil as an examining procedure, to decrease intraocular pressure in treatment of open-angle glaucoma, and to decrease the incidence of posterior synechiae in uveitis. In concentrations specified for OTC use, ocular vasoconstrictor amines function by constricting the conjunctival blood vessels, resulting in the relief of redness of the eye.

a. *Ephedrine hydrochloride.* Ephedrine occurs naturally in the MaHuang plant and was used in China for over 5,000 years before being introduced into Western medicine in 1924 (Ref. 16). It is now usually produced synthetically. A 0.123-percent concentration of ephedrine hydrochloride in aqueous solution is generally nonirritating and has been used for many years to treat cases of minor eye irritation (Ref. 17). This concentration is recognized by the Panel as safe for OTC use. Theodore (Ref. 18) reported that ephedrine hydrochloride is a valuable agent for the treatment of allergic manifestations of the eye because of its vasoconstricting properties.

Dosage. Adults and children: Instill 1 to 2 drops of a 0.123-percent concentration in the affected eye(s) up to four times daily.

b. *Naphazoline hydrochloride.* The Panel concludes that naphazoline hydrochloride in concentrations of 0.01 to 0.03 percent is safe for use in eye drops as an OTC ocular vasoconstrictor. In the OTC concentrations this ingredient is generally well tolerated and nonirritating (Refs. 5 and 19 through 23). Occasionally naphazoline hydrochloride in concentrations of 0.02 and 0.03 percent may, however, produce minimal mydriasis (Ref. 5). Concentrations above 0.1 percent will cause both constriction of the blood vessels and dilation of the pupils (Ref. 24). Schiller (Ref. 25) and others (Refs. 26 and 27) reported rebound congestion from prolonged use of naphazoline nasal proudcts. However, rebound hyperemia has not been reported from use of naphazoline opthalmic products.

This ingredient has been confirmed to be an effective vasoconstrictor. One study compared naphazoline hydrochloride in 0.1 and 0.012 percent concentrations for ocular vasoconstrictor activity against chlorine water and histamine. The results showed both strengths to be effective, with little difference between the two (Ref. 20). Another study was conducted using naphazoline in 0.012 percent concentration in one eye and nothing in the other eye prior to exposure to chlorine water. The conjuctival blood vessels in the treated eye were not abnormally dilated by exposure to chlorine water (Ref. 5).

Dosage. Adults and children: Instill 1 to 2 drops of a 0.01- to 0.03-percent concentration in the affected eye(s) up to four times daily.

c. *Phenylephrine hydrochloride (concentrations of 0.08 to 0.2 percent).* Phenylephrine hydrochloride, in concentrations of 0.08 to 0.2 percent, has a long marketing history as an OTC ocular vasoconstrictor. Concentrations of 2 to 10 percent of phenylephrine hydrochloride are used by physicians to dilate the pupil (Refs. 28 and 29). The significantly lower concentrations used in OTC ocular vasoconstrictor products constrict the conjunctival blood vessels

without producing pupillary dilation. A number of human and animal studies have in fact shown phenylephrine hydrochloride to be effective as an ocular vasoconstrictor at 0.08- to 0.2-percent concentrations (Ref. 30). In two studies, a 0.12-percent solution of phenylephrine hydrochloride was compared to a tear-like solution for providing relief from hyperemia induced by histamine; in four studies these two medications were compared in treating hyperemia induced by chlorinated water. All six studies showed the 0.12-percent phenylephrine hydrochloride solution to be more effective than the tear-like solutions in reducing redness of the eyes.

Dosage. Adults and children: Instill 1 to 2 drops of a 0.08- to 0.2-percent concentration in the affected eye(s) up to four times daily.

d. *Tetrahydrozoline hydrochloride.* The Panel found that 0.01- to 0.05-percent concentrations of tetrahydrozoline hydrochloride used in OTC aqueous eye drops usually produce no dilation of the pupil in healthy eyes and have not been reported to cause rebound hyperemia. In one study, 348 patients with allergic conjunctivitis and 808 patients with chronic conjunctivitis were treated with a 0.05-percent aqueous solution of tetrahydrozoline hydrochloride (Ref. 31). In the first group 336 out of the 348 patients and 717 of the 808 in the second group found this treatment to be effective in providing temporary relief from redness of the eyes. Another study compared a 0.05-percent solution of tetrahydrozoline hydrochloride with a 0.1-percent solution in treating eyes reddened by chronic conjunctivitis, ocular allergies, or exposure to chemical or physical irritants. Both solutions were shown to be effective in reducing redness, with the 0.05-percent solution providing the same degree of relief as the 0.1-percent solution and having a similar duration of action (Ref. 32).

Dosage. Adults and children: Instill 1 to 2 drops of a 0.01- to 0.05-percent concentration in the affected eye(s) up to four times daily.

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Category I Labeling

a. *Indication.* "For the relief of redness of the eye due to minor eye irritations."

b. *Warnings*—(1) *For all OTC ophthalmic vasoconstrictor drug products.* (i) "Do not use this product for more than 72 hours except under the advice and supervision of a physician. If symptoms persist or worsen, discontinue use of this product and consult a physician."

(ii) "If you have glaucoma, do not use this product except under the advice and supervision of a physician."

(iii) "Overuse of this product may produce increased redness of the eye."

(iv) "To avoid contamination of the product, do not touch tip of container to any other surface. Replace cap after using."

(v) "If you experience eye pain, headache, rapid change in vision (side or straight ahead), sudden appearance of floating spots, acute redness of the eyes, pain on exposure to light, or double vision, consult a physician at once."

(2) *For OTC ophthalmic vasoconsitrictor drug products containing mercury.* "Do not use this product if you are sensitive to mercury."

(3) *For OTC ophthalmic vasoconstrictor solutions.* "If solution changes color or becomes cloudy, do not use."

2. *Category II conditions under which ocular vasoconstrictor ingredients are not recognized as safe and effective or are misbranded.*

The Panel recommends that the Category II conditions be eliminated from OTC ocular vasoconstrictor drug products effective 6 months after the date of publication of the final monograph in the **Federal Register.**

Category II Active Ingredients.

None.

Category II Labeling.

The Panel recommends that the following labeling not be permitted for use in marketing of OTC ocular vasoconstrictor ingredients:

a. *Claims for cosmetic purposes or enhancement of vision.* The Panel finds any labeling which states or implies that certain cosmetic benefits may be derived from use of ocular vasoconstrictor products unacceptable. Labeling claims of this nature are scientifically unfounded and misleading to the consumer, as are labeling claims which imply relief of a tired state (e.g., "for tired eyes"). For the same reasons, the Panel finds unacceptable claims which imply a need for ocular vasoconstrictors in normal visual activities or for continuous everyday use of these products.

b. *Claims for treatment of hay fever.* The Panel opposes the use of claims which state or imply that ocular vasoconstrictor products are used to treat the actual state of hay fever because such claims are scientifically unfounded and may delay the consumer in seeking the advice of a physician.

c. *Claims relating to demographic characteristics.* The Panel finds no evidence in support of claims that the use of an ocular vasoconstrictor product has a particular advantage to the consumer solely on the basis of such demographic characteristics as sex or age.

d. *Claims for relief of symptoms within a period of time not supported by scientific data.* The Panel concurs with the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Products that claims for relief of symptoms within a period of time that is not specific (e.g., "fast-action") and not supported by scientific data are unacceptable.

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.* The Panel recommends that a period of 2 years be permitted for the completion of studies to support the movement of Category III conditions to Category I.

Category III Active Ingredient

Phenylephrine hydrochloride (concentrations below 0.08 percent.)

Phenylephrine hydrochloride (concentrations below 0.08 percent). The Panel is aware that at least one ocular vasoconstrictor product containing phenylephrine at a concentration below 0.08 percent is marketed OTC. As the Panel found this ingredient safe for OTC ocular vasoconstrictor use at concentrations of 0.08 to 0.2 percent, there is no question of its safety at lower concentrations. However, the Panel is aware of no data that demonstrate the effectiveness of phenylephrine hydrochloride at concentrations below 0.08 percent. The Panel concludes that clinical studies, as outlined below, are required to determine at what concentrations below 0.08 percent phenylephrine hydrochloride is effective as an ocular vasoconstrictor. (See part V. paragraph C. below—Data Required for Evaluation.)

Category III Labeling

None.

C. Data Required for Evaluation

The Panel considers that the following guidelines for moving Category III ingredients into Category I are in accordance with the present state of the art and do not preclude the use of improved methodology in the future.

The Panel has given careful consideration to the types of studies and data required to move phenylephrine hydrochloride from Category III to Category I. It is sufficient to perform a well-controlled, double-blind clinical study of adequate size to determine at what concentrations below 0.08 percent phenylephrine hydrochloride is effective as an ocular vasoconstrictor. Model studies demonstrating the effectiveness of phenylephrine hydrochloride at concentrations below 0.08 percent will be also be acceptable.

The Panel agrees that 21 CFR 314.111(a)(5)(ii) outlines the features of a well-controlled clinical trial. The final appraisal of effectiveness should take place under circumstances conforming to actual expected use in the community. The study should include a sufficient number of patients to substantiate effectiveness, and "before-treatment" data should be obtained for each subject to note any conditions which might bias analysis. The study should include patients diagnosed as having redness of the eye from minor causes—not redness indicative of injury or severe infection. Patients should be watched closely for any adverse effects.

The test formulation should be compared to a standard OTC ocular vasoconstrictor preparation that is recognized as effective, such as a 0.2-percent solution of phenylephrine hydrochloride. Formulations must be used according to directions provided on their labels, and the test formulation must be shown to provide clinically significant relief of the redness of the eyes tested in order to be recognized as effective.

In an acceptable model study, redness can be induced by instilling a drop of histamine hydrochloride or 0.07 percent chlorine water ("swimming pool water") in each of the subject's eyes. This should be followed 5 minutes later by instillation of a drop of the test formulation in one eye and a drop of an effective OTC vasoconstrictor preparation in the other eye. Any changes in the degree of redness in each eye should be graded by trained observers and the data analyzed for significant differences.

Testing of Category III ingredients should be done on the final formulation product.

VI. Ocular Astringents

A. General Discussion

An astringent is a topically applied protein precipitant which has a low cell penetrability. Its action is essentially limited to the surface cells and the interstitial spaces (Ref. 1).

Many astringents are irritants or caustics in moderate to high concentrations. Consequently, strict attention must be paid to the appropriate concentration of ocular astringents.

The principal astringents are (1) the salts of aluminum, zinc, manganese, iron, and bismuth; (2) certain others salts that contain these metals such as permanganates; and (3) tannins, or related polyphenolic compounds. Acids, alcohols, phenols, and other substances that precipitate proteins may be astringent in the proper concentration; however, such substances are generally not employed for their astringent effects, because they readily penetrate cells and promote tissue damage. Strongly hypertonic solutions dry the affected tissues and are thus often wrongly called astringents, as these solutions do not appear to precipitate protein (Ref. 2).

The Panel recognizes that the ingredients it has classified as ocular astringents do not produce a true astringent action in the eye. A true astringent action is not desirable as this would cause damage to the corneal epithelium. However, historically these ingredients have been designated and promoted as astringents. The Panel believes that any astringent action of these ingredients is extremely mild and is limited in helping to remove mucus from the eye, thus providing subjective relief from minor eye irritations. The Panel recommends that the indications for use of these products be limited to "for the temporary relief of discomfort from minor eye irritations."

B. Categorization of Data

1. *Category I conditions under which ocular astringent active ingredients are generally recognized as safe and*

effective and are not misbranded. The Panel recommends that the Category I conditions be effective 30 days after the date of publication of the final monograph in the **Federal Register.**

Category I Active Ingredient

Zinc sulfate

Zinc sulfate. The Panel concludes that zinc sulfate is safe and effective for use as an active ingredient in OTC ocular astringents when used within the dosage limit set forth below.

Zinc sulfate occurs as colorless, transparant prisms, or small needles that are efflorescent in dry air. It is very soluble in water, freely soluble in glycerin, insoluble in alcohol, and its solutions are acid to litmus. There is a tendency for solutions of zinc sulfate to form a slight cloudiness due to the separation of a boric salt formed through partial hydrolyzation (Ref. 3).

Zinc sulfate ophthalmic solution is a sterile solution of zinc sulfate in water rendered isotonic by the addition of suitable salts and having a final pH of between 5.8 and 6.2. Available solutions contain zinc sulfate in concentrations of 0.1, 0.2, or 0.25 percent, with the 0.25-percent concentration used most often (Ref. 4).

Some ophthalmic preparations use zinc sulfate as a single active ingredient, but most use zinc sulfate in combination with a vasoconstrictor and at times other ingredients. OTC zinc sulfate ophthalmic products are intended to relieve symptoms of minor eye irritation (Refs. 5 through 11).

The Panel recognizes that zinc sulfate is generally considered as having some mild astringent properties when applied topically to the eye (Refs. 12 and 13). The Panel also believes that the safety of zinc sulfate has been well documented based on the fact that millions of bottles of ophthalmic perparations containing zinc sulfate have been used with few adverse effects.

(1) *Safety.* Zinc sulfate, in a concentration of 0.25 percent, has been used in OTC eye drops for decades to relieve minor ocular irritations (Refs. 5 through 11).

A 20-day "Draize" irritation test was conducted on nine rabbits using an ophthalmic solution containing 0.25 percent zinc sulfate, a vasoconstrictor, and a lubricating agent (Ref. 11). The test solution was administered to the left eyes of the rabbits, with the untreated right eyes serving as controls. Three rabbits received one drop of the preparation containing 0.25 percent zinc sulfate four times daily; three rabbits received two drops four times daily; and three rabbits received three drops four times daily. There was no mucosal irritation noted in any of the animals' eyes. Slit lamp examinations of all animals revealed no untoward ocular reactions.

In a controlled study conducted on 56 volunteers in July 1967, 11 physicians instilled into the subjects' eyes an ophthalmic solution containing 0.25 percent zinc sulfate, a vasoconstrictor, and a lubricating agent (Ref. 11). All of the test subjects displayed symptoms of a particular ocular condition or inflammation, and the physicians who conducted the study diagnosed each test subject and noted their symptoms. The product containing 0.25 percent zinc sulfate was instilled into the eyes of the test subjects at prescribed intervals. The only side effects noted were sensations of stinging or burning on instillation, with one patient complaining of a headache.

Marketing experience with an ophthalmic product containing 0.25 percent zinc sulfate in solution indicates that zinc sulfate is safe for the relief of minor eye irritation. From 1963–1973, over 250,000 bottles of this product were sold, and there have been few inquiries or complaints received (Ref. 7).

(2) *Effectiveness.* Zinc sulfate does not produce a vasoconstriction of conjunctival blood vessels (Refs. 9, 10, and 11). The 0.25-percent zinc sulfate solution inhibits the growth of some bacteria and has been suggested for use in the treatment of angular conjunctivitis (Morax-Axenfeld bacillus) and acute catarrhal conjunctivitis ("pink eye"—pneumococcus or Koch-Weeks bacillus) (Refs 14 and 15). However, there are no recent studies to support these uses of zinc sulfate (Ref. 16).

Zinc sulfate, in a concentration of 0.25 percent in an aqueous solution, is used in many OTC eye drops for the temporary relief of minor eye irritations (Refs. 5 through 10). It has been found to be effective in the treatment of experimental ocular irritations in man.

In July of 1967, a controlled study was conducted on 56 volunteers who displayed symptoms of various ocular conditions. A large majority of the subjects were relieved of their minor eye irritations with the use of the ophthalmic product containing 0.25 percent zinc sulfate (Ref. 11).

The Panel concludes that zinc sulfate is effective in relieving minor eye irritations.

(3) *Dosage.* Adults and children: Instill 1 to 2 drops of a 0.25-percent concentration in the affected eye(s) up to four times per day.

(4) *Labeling.* The Panel recommends the Category I labeling for ocular astringent active ingredients. (See part VI. paragraph B.1. below—Category I Labeling.)

References

(1) Swinyard, E. A., "Surface-Acting Drugs," *in* "The Pharmacological Basis of Therapeutics," 5th Ed., Edited by Goodman, L. S., and A. Gilman, Macmillan Publishing Co., New York, p. 951, 1975.

(2) Harvey, S. C., "Topical Drugs," *in* "Remington's Pharmaceutical Sciences," Edited by Osol, A., et al., 15th Ed., Mack Publishing Co., Easton, PA, pp. 716–717, 1975.

(3) Harvey, S. C., "Antimicrobial Drugs," *in* "Remington's Pharmaceutical Sciences," 15th Ed., Edited by Osol, A., et al., Mack Publishing Co., Easton, PA, p. 1101, 1975.

(4) "The United States Pharmacopeia," 19th Ed., United States Pharmacopeial Convention, Rockville, MD, p. 545, 1975.

(5) OTC Volume 100014.

(6) OTC Volume 100016.

(7) OTC Volume 100023.

(8) OTC Volume 100030.

(9) OTC Volume 100034.

(10) OTC Volume 100037.

(11) OTC Volume 100063.

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(14) Apt, L., "Eyelid Disorders, Conjunctival Disorders," *in* "Current Pediatrics Therapy," Edited by Gallis, S. S., and B. M. Kagan, W. B. Saunders Co., Philadelphia, pp. 507–509, 1971.

(15) "AMA Drug Evaluations," 1st Ed., American Medical Association, Chicago, pp. 519–530, 1971.

(16) McCowan, J. R., and W. J. Husa, "Evaluation of Collyria by the Rabbit Eye Method," *Journal of the American Pharmaceutical Association (Scientific Edition)*, 45:474–477, 1956.

Category I Labeling

The Panel recommends the following Category I labeling for OTC ocular astringent active ingredients.

a. *Indication.* "For the temporary relief of discomfort from minor eye irritations."

b. *Warnings*—(1) *For all OTC ophthalmic astringent drug products.* (i) "Do not use this product for more than 72 hours except under the advice and supervision of a physician. If symptoms persist or worsen, discontinue use of this product and consult a physician."

(ii) "To avoid contamination of this product do not touch tip of container to any other surface. Replace cap after using."

(iii) "If you experience servere eye pain, headache, rapid change in vision (side or straight ahead), sudden appearance of floating spots, acute redness of the eyes, pain on exposure to

light, or double vision, consult a physician at once."

(2) *For OTC ophthalmic astringent drug products containing mercury compounds.* "Do not use this product if you are sensitive to mercury."

(3) *For OTC ophthalmic astringent solutions.* "If solution changes color or becomes cloudy, do not use."

2. *Category II conditions under which ocular astringent active ingredients are not generally recognized as safe and effective or are misbranded.* The Panel recommends that the Category II conditions be eliminated from OTC ocular astringent drug products effective 6 months after the date of publication of the final monograph in the **Federal Register.**

Category II Active Ingredients

None.

Category II Labeling

The Panel concludes that the use of certain labeling claims related to the safety or effectiveness of ocular astringent ingredients in ophthalmic products is unsupported by scientific data.

a. *Claims for treatment of a disease state or infection* The Panel opposes the labeling indication "relief from hay fever" because such a claim implies that the ocular astringent product can be used to treat this disease state. The Panel recognizes that ocular astringents can be used for the relief of symptoms of hay fever, such as itching and watering, but astringents are not effective in treating the disease state.

The Panel is aware of the use of ophthalmic products containing ocular astringent ingredients for the relief of discomfort due to styes. However, the use of the term "stye" as a product name or as a part of a product name is unacceptable to the Panel because it implies that the product will cure a stye infection. There is no scientific evidence to support this implication.

b. *Claims for a decongestant effect.* The Panel opposes the labeling indication, "relief of congestion," because ocular astringents do not have a vasoconstrictive action.

c. *Claims for a physiological effect.* Claims implying a physiological effect that is meaningless or has no foundation are unacceptable to the Panel. Examples of such claims are "relief for most forms of minor eye distress" and "relief from tired eyes."

d. *Claims for relief of symptoms within a period of time not supported by scientific data.* Claims for relief of symptoms within an indeterminate period of time, e.g., "fast action," which are not supported by scientific data are unacceptable.

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.* The Panel recommends that a period of 2 years be permitted for the completion of studies to support the movement of Category III conditions to Category I.

Category III Active Ingredient

Infusion of rose petals.

Infusion of rose petals. Infusion of rose petals is an extract of *Rosa gallica* buds; the extract contains volatile oil, mucilage, coloring matter, sugar, guercitrim, and guercitannic acid (Ref. 1). An older edtion of "The National Formulary" describes the raw material but fails to define its constitutents (Ref. 2). While data from studies with a marketed product containing infusion of rose petals imply that infusion of rose petals would be a safe and effective Ocular astringent, the Panel concludes that there are insufficient data to permit final classification at this time. The Panel is unable to determine from the data submitted the concentration of infusion of rose petals in the marketed product. The Panel is also unclear as to the actual active principle contained in infusion of rose petals that produces the claimed astringent effect. "The Dispensatory of the United States of American" states that the astringency of infusion of rose petals is due chiefly to a tannin (Ref. 3). However, recent chemical studies performed on infusion of rose petal preparations have failed to give a positive test for tannins (Ref. 4). While the manufacturer claims three procedures for assuring batch-to-batch uniformity, the Panel was not presented with data to show that these procedures assure uniformity between batches.

(1) *Safety.* Two lots of an ophthalmic product containing infusion of rose petals were evaluated for ocular irritation in albino rabbits (Ref. 4). A 0.05 ml dose was instilled into six rabbit eyes at 20-minute intervals for 6 hours. A separate group of six untreated eyes served as negative controls. The conjunctiva was graded by the Draize method at 2, 4, and 6 hours. The Baldwin method was utilized to grade changes in the iris, cornea, lens, and anterior chamber. Results of the study showed the test eyes to have a slightly greater minimal conjuctival congestion when compared to the negative controls. There were no changes in the iris, anterior chamber, lens, or cornea for any test eye.

A controlled study was conducted on 51 individuals who were experiencing eye irritation resulting from adaptation to contact lenses (Ref. 5). A marketed product containing infusion of rose petals was used to treat the symptoms. There were no allergic reactions, side reactions, or systemic disturbances as a result of the use of the product.

It is the opinon of the Panel that the marketed product containing infusion of rose petals meets the eye irritation safety tests. Furthermore, the Panel feels that the safety record of this product is favorable, based on the low incidence of reported complaints (Ref. 5). Therefore, the Panel concludes that infusion of rose petals is safe for OTC ophthalmic use.

(2) *Effectiveness.* The clinical studies reviewed by the Panel regarding the effectiveness of infusion of rose petals for use as an OTC ocular astringent dealt with the marketed product containing infusion of rose petals. There was no information either in the literature or submitted by the manufacturer on the effectiveness of the individual active component(s) in infusion of rose petals.

The marketed product has been shown to be effective in reducing irritation encountered in adapting to corneal contact lenses (Ref. 4)

A double-blind clinical trial was conducted on 47 patients with mild ocular irritation (Ref. 5). One-half of the patients used a mild astringent containing a vasoconstrictor, and the other half used the marketed product containing infusion of rose petals. Both were used four times a day for 7 days. The results of this study showed that both preparations demonstrated a significant improvement in clinical symptomatology and that the product containing infusion of rose petals had an appreciably lower incidence of complaints (Ref. 5). The Panel questios the design and the statistical analysis of this study.

It is claimed that infusion of rose petals is effective in treating the symptoms of hay fever. Histamine and other amines react with a variety of compounds including tannic acid and polyphenols to form a precipitate. Infusion of rose petals also yields a precipitate when mixed with a solution of histamine phosphate. It is theorized that infusion of rose petals is effective in treating the symptoms of hay fever by removing histamine through precipitation from tears of hay fever patients (Refs. 4 through 7). However, the Panel is not convinced from the data presented that enough histamine is released during a hay fever episode to account for ocular redness, excessive tearing, and swollen tissues.

The Panel is unable to determine the active ingredient(s) in infusion of rose petals. The Panel concludes that additional data are needed on an assay

procedure or chemical analysis of the active ingredient(s) before a determination can be made regarding the effectiveness of the active component(s) in infusion of rose petals.

(3) *Proposed dosage.* The Panel is unable to propose a dosage since the concentration of active constituents of infusion of rose petals in marketed products is unknown.

(4) *Labeling.* The Panel recommends the Category I labeling for ocular astringent active ingredients. (See part VI. paragraph B.1. above—Category I Labeling.)

(5) *Evaluation.* The Panel recommends testing in accordance with the guidelines set forth below for infusion of rose petals to move from Category III to Category I. (See part VI. paragraph C. below—Data Required for Evaluation.)

References

(1) Stecher, P. G., "The Merck Index," 8th Ed., Merck and Co., Inc., Rahway, NJ, p. 922, 1968.

(2) "The National Formulary," 8th Ed., American Pharmaceutical Association, Washington, DC, p. 445, 1946.

(3) Osol, A., et al., "The Dispensatory of the United States of America." 25th Ed., J. B. Lippincott Co., Philadelphia, pp. 1830–1831, 1955.

(4) OTC Volume 100031.

(5) OTC Volume 100099.

(6) OTC Volume 100081.

(7) Halpern, A., and A. J. MonteBovi, "The Estivin-Histamine Complex," *American Journal of Pharmacy*, 128:266–270, 1956.

Category III Labeling

None.

C. *Data Required for Evaluation*

Infusion of rose petals is the only ocular astringent ingredient placed in Category III by the Panel. While the data submitted with a marketed product containing infusion of rose petals imply that this ingredient would be a safe ocular astringent, the Panel is concerned that the quality control procedures currently used are not sufficient to assure uniformity of batches. The Panel recognizes that infusion of rose petals is derived from natural sources and that different batches will contain varying amounts of each constituent. However, the Panel believes that the active ingredients in the infusion and the effective concentration need to be identified. After determining the active ingredients in infusion of rose petals, the manufacturer should develop quality control procedures to ensure that each batch of final formulation delivers the same concentration of the active ingredients.

Testing of Category III ingredients should be done on the final formulation product.

VII. Ocular Hypertonicity Agent

A. General Discussion

The Chief determinant of the passage of fluid from one body compartment to another is a change in osmotic pressure.

Osmosis is the movement of fluid through a semipermeable membrane from a compartment with a lower concentration of dissolved particles (molecules or ions) to a compartment with a higher concentration of such particles to equalize the concentration of particles in each compartment.

A hypertonic ophthalmic solution has a higher concentration of dissolved particles than the fluid in the corneal area. When such a solution is instilled into the eye, it causes fluid to be drawn from the cornea. In cases of corneal edema, the edematous area is thus decreased by loss of excess fluid, and visual acuity may improve to a level approaching normal.

The utilization of osmotic therapy in cases of chronic edema is not an attempt to cure the underlying disease but rather to supply symptomatic relief of corneal sweeling. Therapy is symptomatic and may have to be continued on a permanent basis (Ref. 1).

A number of ingredients are used as hypertonicity agents, but only preparations of sodium chloride in 2- and 5-percent concentrations are available as OTC hypertonicity agents (Refs. 2 and 3).

B. Categorization of Data

1. *Category I conditions under which active ingredients for use as ocular hypertonicity agents are generally recognized as safe and effective and are not misbranded.* The Panel recommends that the Category I conditions be effective 30 days after the date of publication of the final monograph in the **Federal Register.**

Category I Active Ingredient

Sodium chloride in 2- to 5-percent concentrations

Sodium chloride. The Panel concludes that preparations containing sodium chloride in 2- to 5-percent concentrations are safe and effective for use as OTC ocular hypertonicity agents when used within the dosage limits set forth below.

When applied to the eye, sodium chloride solutions in concentrations of 2- to 5-percent act as hypertonicity agents because of their osmotic effect on edematous tissue (Ref. 4).

(1) *Safety.* Hypertonic sodium chloride has been used by physicians for decades as an aid in reducing corneal edema. In recent years 2- and 5-percent concentrations of sodium chloride have been available for OTC use. When instilled into a normal eye, these concentrations produce a burning and stinging sensation. Concentrations of sodium chloride above 5 percent are not used in therapy as they could be excessively irritative (Ref. 5), while concentrations below 2 percent have not been found to be effective. (See part VII. paragraph B.1.(2) below—Effectiveness).

A number of studies have shown a 5-percent concentration of sodium chloride, both in solution and ointment forms, to be well-tolerated by patients with chronic corneal edema. The great majority of patients were able to use preparations of this concentration without suffering excessive burning of the eyes, excessive ocular irritation, pain, photophobia, foreign body sensation, and adverse changes in vision (Refs. 1, 5, and 6). One study reported an obvious allergic reaction in one patient to a 5-percent sodium chloride marketed preparation, and a burning sensation in another patient so acute that when the same solution was applied the medication could not be continued (Ref. 1). Accidental instillation into a normal eye will result in temporary discomfort and redness but will not produce permanent damage.

A study of 52 chronic corneal edema patients treated with hydrophilic lenses showed that hypertonic sodium chloride solutions were safely used in conjunction with this treatment (Ref. 7).

Because hypertonic sodium chloride preparations may produce a stinging and burning sensation upon instillation in the eye, the Panel concludes that the labeling should warn the user of this side effect. The Panel believes that this uncomfortable sensation would prevent too frequent application or "overdose" by the consumer, and therefore, concludes that preparations of 2- to 5-percent sodium chloride are safe for OTC use.

(2) *Effectiveness.* Of seven commercially available hypertonic preparations evaluated in a study of chronic corneal edema, a 5-percent sodium chloride ointment was found to be the most effective in achieving a reduction of corneal edema. This ointment utilized a petrolatum and wool fat vehicle which enabled it to remain in the vicinity of the cornea for a prolonged period of time. The degree of reduction of corneal edema treated with this ointment was 20 percent. As the petrolatum and wool fat vehicle used alone was found to achieve a 10-percent reduction of corneal edema, the 20-percent effectiveness of the sodium chloride ointment cannot be attributed entirely to the sodium chloride (Ref. 6). However, the addition of sodium

chloride to the ointment base can be said to have substantially enhanced the effectiveness of the product.

Another study evaluated visual acuity of 75 chronic corneal edema patients treated with a 5-percent sodium chloride solution over a period of 18 months. The drops were administered four to eight times daily as required to maintain acuity, and patients were evaluated at 1-week, 1-month, and finally 3-month intervals. An improvement in visual acuity—as a result of a reduction in edematous corneal tissue—occurred in 61 percent of the eyes tested (Ref. 1).

While an ointment form of sodium chloride preparation has the advantage of keeping the sodium chloride in contact with the eye for long periods of time, the consistency of an ointment will vary with change in temperature. An excess of ointment may actually reduce visual auity for several minutes by forming a film over the corneal surface. Hypertonic sodium chloride solutions, when used in conjunction with hydrophilic bandage lenses, are preferred over a ointment which may become trapped in the contact lens-cornea interface and be an impediment to visual acuity (Ref. 1).

Concentrations of sodium chloride of less than 2 percent have been shown to be ineffective in reducing corneal thickness (Ref. 5). Albino rabbits treated with a 2-percent concentration of sodium chloride in a solution containing a water-soluble polymer showed a reduction of corneal thickness by 8.66 percent after 4 hours. As the effect of such treatment in rabbits is half that in man, a 17.32-percent corneal edema reduction in man can be inferred with the 2-percent sodium chloride solution (Ref. 5).

The Panel concludes that sodium chloride preparations in 2- to 5-percent concentrations are effective ocular hypertonicity agents, drawing fluid from edematous corneal tissue by osmosis.

(3) *Dosage.* Adults and children: Instill 1 or 2 drops of a 2- to 5-percent concentration in the affected eye(s) every 3 or 4 hours, or as directed by a physician.

(4) *Labeling.* The Panel recommends the Category I labeling for OTC ocular hypertonicity agents. (See part VII. paragraph B.1 below—Category I Labeling.)

References

(1) Marisi, A., and J. V. Aquavella, "Hypertonic Saline Solution in Corneal Edema," *Annals of Ophthalmology*, 7:229–223, 1975.

(2) Havener, W. H., "Ocular Pharmacology," 3d Ed., C. V. Mosby Co., St. Louis, pp. 448 and 550, 1974.

(3) Baum, J. L., "Current Ophthalmology," *Survey of Ophthalmology*, 22:146, 1977.

(4) Lofholm, P. W., "Ophthalmic Products," *in* "Handbook of Nonprescription Drugs," 5th Ed., American Pharmaceutical Association, Washington, DC, p. 231, 1977.

(5) Green, K., and S. Downs, "Reduction of Corneal Thickness with Hypertonic Solutions," *American Journal of Ophtalmology*, 75:507–510, 1973.

(6) Luxenberg, M. N., and K. Green, "Reduction of Corneal Edema with Topical Hypertonic Agents," *American Journal of Ophthalmology*, 71:847–853, 1971.

(7) Aquavella, J. V., "Chronic Corneal Edema," *American Journal of Ophthalmology*, 76:201–207, 1973.

Category I Labeling

The Panel recommends the following labeling for OTC ocular hypertonicity agents.

a. *Indication.* "For the temporary relief of coreal edema."

b. *Warnings*—(1) *For all OTC ophthalmic hypertonicity drug products.* (i) "Do not use this product except under the advice and supervision of a physician."

(ii) "To avoid contamination of this product, do not touch tip of container to any other surface. Replace cap after using."

(iii) "If you experience severe eye pain, headache, rapid change in vision (side or straight ahead), sudden appearance of floating spots, acute redness of the eyes, pain on exposure to light, or double vision, consult a physician at once."

(iv) "This product may cause temporary burning and irritation on being instilled into the eye."

(2) *For OTC ophthalmic hypertonicity drug products containing mercury.* "Do not use this product if you are sensitive to mercury.

(3) *For OTC ophthalmic hypertonicity solutions.* "If solution changes color or becomes cloudy, do not use."

2. *Category II conditions under which active ingredients for use as ocular hypertonicity agents are not generally recognized as safe and effective or are misbranded.* None.

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.* None.

VIII. Ocular Demulcents

A. General Discussion

Demulcents are agents that are employed primarily to alleviate irritation and dryness of the eye (Refs. 1, 2, and 3). They are generally applied to the eye as aqueous solutions. A variety of substances possess demulcent properties, including high molecular weight substances, water-soluble polymers, or water-soluble polyols. Mucus is a natural demulcent. When applied locally to irritated tissue, demulcents tend to coat the surface and protect the underlying cells from external stimuli. They also prevent drying of the affected tissue. These substances are indicated for dry or irritated eyes and also act as ocular lubricants, their demulcent and lubricating actions being related to their physical characteristics rather than to their chemical activity.

Ocular demulcents are used as tear substitutes and as viscosity agents in OTC ophthalmic solutions, their viscous consistency assisting in increasing retention time of other therapeutic ingredients in the eye. (See part II. paragraph E. above—Formulation of OTC Ophthalmic Drug Products.) They are also used in dry eyes for their lubricating properties and in professional eye examination techniques which require the use of viscous fluids to separate the examining instruments from the surface of the eye and to establish an ocular seal. (See part II. paragraph C.2.g. above—Professional examination.) The Panel recommends limiting this use to professional labeling only. Such information would be unhelpful and possibly confusing to the consumer.

Generally, the selection of a demulcent agent or a combination of demulcent agents rests with the formulator, with the final demulcent/lubricant action of the product depending not only on the demulcent agent, but also on such other ingredients in the product as electrolytes, buffering agents, and preservatives.

References

(1) Swinyard, E. A., "Surface-Action Drugs," *in* "The Pharmacological Basis of Therapeutics," 5th Ed., Edited by Goodman, L. S., and A. Gilman, Macmillan Publishing Co., New York, pp. 946–947, 1975.

(2) Harvey, S. C., "Topical Drugs," *in* "Remington's Pharmaceutical Sciences," 15th Ed., Edited by Osol, A., et al., Mack Publishing Co., Easton, PA, p. 715, 1975.

(3) Havener, W. H., "Ocular Pharmacology," 3d Ed., C. V. Mosby Co., St. Louis, pp. 494–497, 1974.

B. Categorization of Data

1. *Category I conditions under which ocular demulcents are generally recognized as safe and effective and are not misbranded.* The Panel recommends that the Category I conditions be effective 30 days after the date of publication of the final monograph in the **Federal Register.**

Category I Active Ingredients.

Cellulose derivatives:
Carboxymethylcellulose sodium

Hydroxyethylcellulose
Hydroxypropyl methylcellulose
Methylcellulose
Dextran 70
Gelatin
Polyols, liquid:
Glycerin
Polyethylene glycol 300
Polyethylene glycol 400
Polysorbate 80
Propylene glycol
Polyvinyl alcohol
Povidone

a. *Cellulose derivatives (carboxymethylcellulose sodium, hydroxyethylcellulose, hydroxypropyl methylcellulose, and methylcellulose).* The Panel concludes that cellulose derivatives (carboxymethylcellulose sodium, hydroxyethylcellulose, hydroxypropyl methylcellulose, and methylcellulose) are safe and effective for use as OTC ocular demulcents when used within the dosage limits set forth below.

Methylcellulose is prepared from wood pulp or chemical cotton by treatment with alkali and methylation of the alkali cellulose with methyl chloride. Methylcellulose is in the form of colorless and odorless granules. It is soluble in cold water and insoluble in hot water (Ref. 1).

Carboxymethylcellulose sodium occurs as white granules, and its solubility is equally good in hot and cold water. Solutions are stable between pH 2 and 10 (Ref. 2).

The cellulose derivatives are water-soluble derivatives of cellulose that form viscous, transparent solutions.

(1) *Safety.* The cellulose derivatives are used in pharmacy as suspending agents for oral and external preparations and for preparing bland vehicles for ophthalmic drugs. Manufacturers of prescription ophthalmic products add water-soluble cellulose derivatives or other macromolecular compounds or both to almost 50 percent of their preparations (Ref. 3). Methylcellulose and carboxymethylcellulose sodium have been used for many years as bulk laxatives in daily oral doses of 1 to 6 g (Refs. 4, 5, and 6). These bulk-forming laxatives are essentially devoid of systemic effects (Ref. 4). Cellulose derivatives are chemically inert and virtually nontoxic to living tissue, including the eyes. Swan (Refs. 7 and 8) first reported on the ophthalmic use and safety of methylcellulose solutions. Swanson, Jeter, and Cregor (Ref. 9) reported that methylcellulose and polyvinyl alcohol, when used as ophthalmic vehicles, were neither toxic nor irritating to corneal tissue and surrounding ocular tissue. Havener (Ref. 10) summarized the safety of methylcellulose,"Methylcellulose is nonirritating to ocular tissue and may be used without fear of eye damage. Topical instillation of a 1-percent solution can be continued indefinitely without altering the appearance of the normal eye."

Subconjunctival injection of 0.1 mL of a 1.0-percent methylcellulose solution in rabbits causes practically no irritation (Ref. 7). The healing of experimental corneal epithelial wounds is not slowed by a 2-percent methylcellulose solution (Ref. 11). When 0.1 mL of 0.5-percent methylcellulose in balanced salt solution was injected into the anterior chamber of rabbit eyes, no irritation resulted other than would be expected from the trauma of the needle. After such injection, traces of methylcellulose were detectable in the aqueous humor for 3 days (Ref. 12).

Although intensive safety and toxicity studies have not been reported for the other cellulose derivatives, they have been used extensively in prescription and OTC products for many years (Ref. 3 and 13 through 30). Animal and human use and safety tests have been carried out on finished products containing the various cellulose derivatives, and there is no indication that the other cellulose derivatives would be less safe than methylcellulose (Ref. 13 through 30). After many years of extensive consumer use of ophthalmic products containing these gums, the Panel knows of no adverse reactions that can be attributed to the cellulose derivatives. The only side effect that can be attributed to products containing cellulose derivatives, especially the more viscous preparations, is that dry crusts of the material may form on eye lids. These crusts may be annoying or irritating to some patients, but they can be wiped off easily.

(2) *Effectiveness.* Swan (Refs. 7 and 8) first reported on the effective use of methylcellulose solutions as ocular lubricants and demulcents. Methylcellulose and other cellulose derivative solutions are effective when used to augment deficient tear secretions. They are also effective as protective lubricants in the postenucleation socket for the prosthesis, as protective medicaments for various pathologic conditions, and as gonioscopy ointments (Refs. 10 and 31 through 38). Limited human studies have been carried out to establish effectiveness of final products containing cellulose compounds (Refs. 13 through 30). Ophthalmic vehicles containing a cellulose derivative may remain in the eye from 2 to 4 minutes after instillation. A 1-percent hydroxpropyl methylcellulose solution is reported to have remained an average of 210 seconds after instillation (Ref. 39). Methylcellulose and hydroxypropyl methylcellulose solutions are recognized in the official compendium as ophthalmic protectants and tear substitutes (Ref. 40).

The demulcent and lubricant actions of these cellulose derivatives are due to their physical properties in aqueous solutions. The Panel is aware that the cellulose derivatives can vary in physical characteristics according to the concentration used. Mims (Ref. 38) found that a concentration of 0.33 percent methylcellulose (4000 centipoise (cP)) was most satisfactory as a tear substitute, whereas concentrations of 0.25, 0.5, or 1 percent were either insufficiently viscous or too viscous. A wide range of concentrations is used in commercial products ranging from 0.24 to 2.5 percent of cellulose derivative (Refs. 13 through 30).

It has been reported that pH and buffer ingredients can influence the viscosity of methylcellulose solutions (Ref. 41). Although high concentrations of cellulose derivatives would probably have no serious effect on the eye, there are practical limitations to the concentrations that may be used as effective demulcents and lubricants. A 2.5-percent methylcellulose (4000 cP) solution has a consistency of a thin ointment and can be used in gonioscopy (Ref. 37). The Panel agrees that a 2.5-percent total concentration limit on cellulose derivatives will allow adequate flexibility for the formulator, but will prevent the use of higher concentrations that have not been adequately tested for safety and effectiveness. A lower limit of 0.2 percent would also allow the necessary flexibility to obtain adequate effectiveness with the higher molecular weight varieties of cellulose derivatives.

(3) *Dosage.* Adults and children: Instill 1 or 2 drops in the affected eys(s) of an aqueous solution containing 0.2 to 2.5 percent total cellulose derivatives.

(4) *Labeling.* The Panel recommends the Category I labeling for ocular demulcent active ingredients. (See part VIII. paragraph B.1. below—Category I Labeling.)

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b. *Dextran 70.* Dextran is a term that is applied to polysaccharides that are produced by bacteria growing on a sucrose substrate. Several organisms produce dextrans, but only *Leuconostoc mesenteroides* and *Leuconostoc dextranicum* have been used commercially. The chemical and physical properties of the dextrans vary with the methods of production. The average molecular weight of dextran 70 is 70,000 (Ref. 1).

(1) *Safety.* The Panel is not aware of any adverse effects associated with the products containing dextran that have been marketed for several years. Dextran 70 is a polymer of glucose with an average molecular weight of about 70,000. It has been used for many years as a plasma volume expander, usually in a 6-percent concentration in 0.9 percent saline solution. Dextran 70 is a potent antigen. Such allergic reactions as hives, angioedema, bronchospasm, and anaphylaxis have been observed after injection of dextran 70 (Ref. 2). However, the Panel is not aware of allergic responses occurring after topical application in the eye. No significant irritation or adverse effects were observed in rabbit eyes after topical irritation studies of 1-day and 21-day durations were carried out using products containing 0.1 percent dextran 70 (Refs. 3 and 4). No significant adverse effects were observed when the dextran 70 concentration was increased to 0.3 percent (Refs. 3 and 4). Limited 1-day human safety and comfort studies, using 15 to 40 subjects, were conducted to test products containing 0.1 percent dextran 70 (Refs. 3 and 4).

The only adverse effects noticed in all the dextran 70 products tested were transient stinging and temporarily blurred vision.

(2) *Effectiveness.* The Panel agrees that the colloidal properties of dextran 70 would probably have demulcent and lubricant activity. However, no data are available to establish that dextran alone in solution, especially at the 0.1-percent concentration level, would be effective. Its effective use in combination with other approved polymers is apparently due to the additive physical properties of the combined ingredients.

In-house, single-dose, comparative-comfort studies, which were considered by the manufacturer as a means of assessing effectiveness, were carried out using 40 healthy human subjects (Refs. 3 and 4). The data indicated that the products containing 0.1 percent dextran 70 and another polymer were comfortable but not significantly more comfortable than products to which they were compared. Comparative-comfort studies did not indicate that products containing dextran 70 have significantly increased effectiveness or unique activity as compared with other products containing polymers without dextran 70 (Refs. 3 and 4). Because a 0.1-percent concentration of dextran alone would not be effective as a demulcent, it should be used only in combination with another approved polymeric demulcent agent.

(3) *Dosage.* Adults and children: Instill 1 or 2 drops in the affected eye(s) of an aqueous solution containing 0.1 percent dextran 70 plus another approved polymeric demulcent agent.

(4) *Labeling.* The Panel recommends the Category I labeling for ocular demulcent active ingredients. (See part VIII. paragraph B.1. below—Category I Labeling.)

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(3) OTC Volume 106050.

(4) OTC Volume 100052.

c. *Gelatin.* The Panel concludes that gelatin is safe and effective for use as an OTC ocular demulcent when used within the dosage limits set forth below.

Gelatin is a heterogeneous mixture of water-soluble proteins of high average molecular weight. Gelatin is a product obtained by the partial hydrolysis of collagen derived from the skin, white connective tissues, and bones of animals (Ref. 1). Gelatin derived from an acid-treated precursor is known as gelatin A.

Gelatin is a colorless or slightly yellow substance that is transparent, brittle, practically odorless, and

tasteless. It may be processed into sheets, flakes, or coarse powder (Ref. 1).

(1) *Safety.* Gelatin is used widely in the food and drug industry and is considered a safe and nontoxic foodstuff (Ref. 2). Acacia, tragacanth, and gelatin solutions were the most used ophthalmic vehicles before the introduction of methylcellulose. However, these solutions have the disadvantages of having high refractive indices, of being chemically unstable, and of being good growth media for micro-organisms (Ref. 3). A concentration of 0.01 percent gelatin, when used as a demulcent agent in a product containing an effective preservative agent, would not display these disadvantages. A 20-day Draize eye irritation study for a product containing 0.01 percent gelatin indicated no irritation to rabbit eyes (Ref. 4). The Panel concludes that concentrations greater than 0.01 percent would not be practical because of the disadvantages mentioned above in this section.

(2) *Effectiveness.* The probable basis for adding gelatin to a demulcent tear substitute or tear-like preparation is to include a protein component in an attempt to simulate the protein composition of tears. No studies have been carried out to determine the value and effectiveness of adding gelatin to a demulcent tear replacement. Its effective use as a demulcent in combination with other approved polymers would apparently be due to the additive physical properties of the ingredients. There are no studies to indicate that products containing gelatin have significantly greater effectiveness or more unique activity than other demulcent products. Because gelatin alone would not be effective as a demulcent, it should be used only in combination with another approved polymeric demulcent agent.

(3) *Dosage.* Adults and children: Instill 1 or 2 drops in the affected eye(s) of a 0.01-percent concentration in aqueous solution plus another approved polymeric demulcent agent solution as needed.

(4) *Labeling.* The Panel recommends the Category I labeling for ocular demulcent active ingredients. (See part VIII. paragraph B.1. below—Category I Labeling.)

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(4) OTC Volume 100040.

d. *Polyols, liquid (glycerin, polyethylene glycol 300, polethylene glycol 400, polysorbate 80, and propylene glycol).* The Panel concludes that liquid polyols (glycerin, polyethylene glycol 300, polyethylene glycol 400, polysorbate 80, and propylene glycol) are safe and effective for use as OTC ocular demulcents as specified in the dosage section discussed below.

Glycerin, the polyethylene glycols, and propylene glycol are clear, colorless, water-soluble, viscous liquids. Glycerin has a sweet warm taste and is about 0.6 times as sweet as cane sugar. Glycerin absorbs moisture from the air (Ref. 1).

The polyethylene glycols are bland and have low toxicity. They do not hydrolyze or deteriorate on storage, and they will not support mold growth (Ref. 2).

Propylene glycol is a hygroscopic, viscous liquid with a slightly acrid taste. It is miscible with water, acetone, and chloroform. Under ordinary conditions, propylene glycol is stable (Ref. 3).

Polysorbate 80 is often used as an emulsifying agent because of its hydrophilic and lipophilic characteristics (Ref. 4).

(1) *Safety.* Glycerin, the polyethylene glycols, and propylene glycol are extensively used as solvents and vehicles for external, oral, and parenteral drug products. The nontoxicity of glycerin and propylene glycol in food and pharmaceutical use has been established both by marketing experience and clinical data. The polyethylene glycols are important ingredients in the drug industry because of their blandness, water solubility, wide compatibility, and low order of toxicity (Refs. 5 through 10). A repreated eye irritation study was conducted in rabbits and humans using a product containing 0.33 percent glycerin. After the product was instilled five times a day, 5 days a week, for a total of 3 weeks, no significant irritation was noted (Ref. 11). A 21-day Draize study in rabbits was carried out for a product containing 0.33 percent glycerin, and again the data indicated no significant irritation (Ref. 11). Two 20-day Draize tests in rabbits and a safety test in 80 human subjects were carried out on a product containing 3 percent polyethylene glycol 300, and the data indicated no significant irritation (Ref. 12).

(2) *Effectiveness.* Glycerin, polyethylene glycols, and propylene glycol have been recognized for many years as demulcents and have been incorporated into lotions and ointments for application to the skin and gargles and lozenges for the throat (Refs. 5, 6, and 7). Because of their ability to coat tissue surface, the Panal concludes that these ingredients are effective as demulcents and lubricants when applied to the eye. Glycerin and propylene glycol are used in tear substitute products which contain other viscous demulcent agents, such as the cellulose derivatives.

The Panel concludes that a 0.2- to 1.0-percent concentration range for glycerin and the liquid glycols will allow adequate flexibility for the formulator but will prevent the use of higher concentrations that have not been adequately tested for safety and effectiveness.

(3) *Dosage.* Adults and children: Instill 1 or 2 drops of a 0.2-to 1.0-percent concentration in aqueous solution in the affected eye(s) as needed.

(4) *Labeling.* The Panel recommends the Category I labeling for ocular demulcent active ingredients. (See part VIII. paragraph B.1. below—Category I Labeling.)

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(11) OTC Volume 100006.
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e. *Polyvinyl alcohol.* Polyvinyl alcohol (PVA) is a long-chain plastic polymer that is readily soluble in water. It is widely used as an ophthalmic vehicle and can lower surface tension (Refs. 1, 2, and 3).

(1) *Safety.* Polyvinyl alcohol is widely used as an ophthalmic vehicle and is regarded as nontoxic to ocular tissues. Injections of polyvinyl alcohol solutions into the anterior chamber of rabbit eyes caused no significant irritation or corneal edema (Ref. 4). Subcutaneous and subconjunctival implants of polyvinyl alcohol in rabbits caused some tissue response after three months (Ref. 5). Studies on the regeneration of damaged corneal epithelium suggest that instillation of polyvinyl alcohol solutions caused only slight retardation of regeneration (Ref. 6). Another report indicated that regeneration was not impaired (Ref. 7).

Acute (13-day) and extended (20-, 21-, 51-, and 90-day) rabbit-irritation (Dranze-type) studies have been conducted. Comfort and effectiveness studies in human subjects which have been carried out using products containing 1.4 to 3.0 percent polyvinyl alcohol involved 632 patients in a clinical evaluation of a product containing 2.5 percent polyvinyl alcohol for safety and comfort when used with hard contact lenses (Refs. 8 through 16). In the above studies, no significant irritation that could be attributed to polyvinyl alcohol in rabbit or human eyes was reported. From 1963 to 1974, 5.5 million units of a product containing 4.0 percent polyvinyl alcohol have been distributed, and the manufacturer reports very few instances of discomfort from the use of this product (Ref. 17). A 20-day Draize irritation study indicated that the above product was not toxic or irritating to rabbit eyes (Ref. 17). Polyvinyl alcohol at 2-, 4-, and 6.8-percent concentrations was evaluated for ocular irritation (an acute 1-day study and a 5-day study) and found to be nonirritating to rabbit eyes (Ref. 18). The Panel concludes that polyvinyl alcohol, in concentrations up to 4 percent in aqueous solution, is safe and nontoxic to the eye.

(2) *Effectiveness.* Polyvinyl alcohol in aqueous solution has been recognized for many years as an effective ocular demulcent and lubricant, as a form of treatment for tear insufficiency, and as a vehicle for ophthalmic drugs (Refs. 2, 3, 6, 19, and 20). In general, polyvinyl alcohol solutions are much less viscous than methylcellulose solutions. The demulcent and lubricant action of polyvinyl alcohol appears to depend on its ability to form a film over the eye surface and on hard contact lenses which helps to protect underlying tissue (Ref. 6). Polyvinyl alcohol lowers surface tension and can wet the hydrophilic surface of hard contact lenses (Ref. 21). Numerous human safety and comfort evaluations have been carried out on finished polyvinyl alcohol products, and a wide range of concentrations is used in these products (from 0.125 to 4 percent polyvinyl alcohol) (Refs. 8 through 16). Many preparations contain more than one polymer, such as polyvinyl alcohol and hydroxypropyl methylcellulose (Refs. 8 through 18). The Panel is aware that polyvinyl alcohol is available in various viscosity grades, and that the viscosity and wetting ability of the polymer may be influenced by other ingredients in the finished product. The Panel agrees that a 4-percent total concentration limit on polyvinyl alcohol will allow adequate flexibility for the formulator, but will prevent the use of higher concentrations that have not been adequately tested for safety and effectiveness.

(3) *Dosage.* Adults and children: Instill 1 or 2 drops of an aqueous solution containing 0.1 to 4.0 percent polyvinyl alcohol in the affected eye(s) as needed.

(4) *Labeling.* The Panel recommends the Category I labeling for ocular demulcent active ingredients. (See part VIII. paragraph B.1. below—Category I Labeling.)

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f. *Povidone.* The Panel concludes that povidone is safe and effective for use as an OTC ocular demulcent as specified in the dosage section discussed below.

Povidone is a synthetic polymer, occurring as a faintly yellow, solid substance. It is soluble in water, yielding a colloidal solution (Ref. 1).

(1) *Safety.* Povidone is used as an ophthalmic vehicle and is widely used as a pharmaceutical aid as a tablet binder, coating agent, and dispersing and suspending agent (Refs. 2 through 5). Povidone is essentially an inert material with extremely low acute toxicity and does not cause organic disturbances on long-term administration (Ref. 6). A report from the National Academy of Sciences—National Research Council (NAS–NRC Report, Drug Efficacy Study, Log 2694, NDA 11126, accession number 1968) on a product containing 3 percent povidone indicated that this product may well be safe for use in soothing and lubricating dry eyes and in making the wearing of contact lenses more comfortable. A very limited eye irritation test (one instillation of dilute material in three rabbits) was carried out for a contact lens cleaning solution containing 2 percent povidone (Ref. 7). No significant irritation was observed.

(2) *Effectiveness.* Aqueous solutions of povidone have been recognized as suitable vehicles for ophthalmic products (Refs. 2 and 3). The FDA, after considering the NAS–NRC report mentioned earlier as well as other available evidence, published in the **Federal Register,** May 22, 1971 (36 FR 9344), its conclusion that povidone ophthalmic solution is probably effective in soothing and lubricating dry eyes and in making the wearing of contact lenses more comfortable. In 1956 a report indicated that a product containing povidone reduced or prevented the development of irritation during anesthesia (Ref. 8). The Panel

concludes that povidone has an effective demulcent and lubricating action similar to that of polyvinyl alcohol. The viscosity of solutions containing 10 percent or less of povidone is essentially the same as that of water (Ref. 8). Two-percent solutions of povidone and polyvinyl alcohol have almost the same viscosity (Ref. 9). The Panel agrees that a 2.0-percent total concentration limit on povidone will allow adequate flexibility for the formulator but prevent the use of higher concentrations that have not been adequately tested for safety and effectiveness. Lower concentrations of the agent in aqueous solutions will still maintain some demulcent/lubricant effect. Additive demulcent/lubricant action would be obtained when demulcent agents are used in combination. Therefore, the Panel recommends a range of 0.1 to 2.0 percent for povidone as a demulcent/lubricant agent.

(3) *Dosage.* Adults and children: Instill 1 or 2 drops of a 0.1- to 2.0-percent concentration of an aqueous solution in the affected eye(s) as needed.

(4) *Labeling.* The Panel recommends the Category I labeling for ocular demulcent active ingredients. (See part VIII paragraph B.1. below—Category I Labeling.)

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(8) Lederman, E., "Ophthalmic Irritation Following Gaseous Anesthesia," *Eye, Ear, Nose and Throat Monthly,* 35:785–787, 1956.

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Category I Labeling

The Panel recommends the following Category I labeling for ocular demulcent active ingredients.

a. *Indications.* (1) "For the temporary relief of burning and irritation due to dryness of the eye."

(2) "For the temporary relief of discomfort due to minor irritations of the eye or to exposure to wind or sun."

(3) "For use as a protectant against further irritation or to relieve dryness of the eye."

(4) "For use as a lubricant to prevent further irritation or relieve dryness of the eye."

b. *Warnings*—(1) *For all OTC ophthalmic demulcent drug products.* (i) "Do not use this product more than 72 hours except under the advice and supervision of a physician. If symptoms persist or worsen, discontinue use of this product and consult a physician."

(ii) "To avoid contamination of this product, do not touch tip of container to any other surface. Replace cap after using."

(iii) "If you experience severe eye pain, headache, rapid change in vision (side or straight ahead), sudden appearance of floating spots, acute redness of the eyes, pain on exposure to light, or double vision, consult a physician at once."

(2) *For OTC ophthalmic demulcent drug products containing mercury compounds.* "Do not use this product if you are sensitive to mercury."

(3) *For OTC ophthalmic demulcent solutions.* "If solution changes color or becomes cloudy, do not use."

2. *Category II conditions under which ocular demulcent agents are not generally recognized as safe and effective or are misbranded.*

None.

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.*

None.

IX. Ocular Emollients

A. General Discussion

Emollients are bland oleaginous substances used for their local action on the skin and mucous membranes (Refs. 1 and 2). They are employed as softening agents and render the skin and tissue more pliable. Emollients soften surface tissue by forming an occlusive film on the surface and thus prevent drying from evaporation of the water that diffuses to the surface from underlying layers of tissue. They can act as protectants by excluding water-soluble irritants, air, and airborne bacteria. Emollients are indicated for the dry or irritated eye. They also act as lubricants. Emollient products are of such consistency that they should be packaged in appropriate ophthalmic ointment tubes having special tips for easy application to the eye.

The Panel is aware that emollient ingredients are widely used as vehicles for ophthalmic ointment products. Their inertness and blandness are such that repeated and prolonged use of these ingredients would not be harmful to the eye. Ocular emollient preparations should be instilled into the eye by pulling down the lower lid and applying a small amount of ointment to the inside of the lid (one-fourth inch from ophthalmic tube applicator) or as directed by a physician.

References

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(2) Harvey, S. C., "Topical Drugs," *in* "Remington's Pharmaceutical Sciences," 15th Ed., Edited by Osol, A., et al., Mack Publishing Co., Easton, PA, p. 715, 1975.

B. Categorization of Data

1. *Category I conditions under which ocular emollient active ingredients are generally recognized as safe and effective and are not misbranded.* The Panel recommends that the Category I conditions be effective 30 days after the date of publication of the final monograph in the **Federal Register.**

Category I Active Ingredients.

Lanolin preparations:
- Anhydrous lanolin
- Lanolin
- Nonionic lanolin derivatives

Oleaginous ointment base ingredients:
- Light mineral oil
- Mineral oil
- Paraffin
- White ointment
- White petrolatum
- White wax

a. *Lanolin preparations (anhydrous lanolin, lanolin, and nonionic lanolin derivatives).* The Panel concludes that lanolin preparations (anhydrous lanolin, lanolin, and nonionic lanolin derivatives) are safe and effective for use as OTC ocular emollients as specified in the dosage section discussed below.

Lanolin is a purified unctuous material obtained from the wool of sheep and it contains 25 to 30 percent water. It is a yellowish-white, smooth, greasy mass with a slight odor and is practically insoluble in water. Anhydrous lanolin is lanolin that contains essentially no water. Anhydrous lanolin is a yellowish, semisolid fat which has a slight odor or is practically odorless. It mixes with

about twice its weight of water without separation (Ref. 1).

(1) *Safety.* Most OTC and prescription ophthalmic ointment products are prepared with a base of petrolatum and mineral oil, often with added lanolin or anhydrous lanolin (Refs. 2 and 3). Anhydrous lanolin is used when the formulator wishes to have an anhydrous base for an active ingredient. Lanolin materials have been used for centuries in dry skin softening products and in protective ointments. Because of their physical properties, lanolin materials by themselves are not suitable for direct application to tissues and are usually incorporated at a concentration of 1 to 10 percent in oleaginous ointment bases such as petrolatum. Because certain individuals are allergic to lanolin substances, these substances have been deleted from several official formulations (Refs. 4, 5, and 6). However, the Panel is not aware of any significant number of allergic reactions associated with the topical ocular use of ointments containing lanolin materials. Nonionic lanolin derivatives, because of their more refined and purified state, are less sensitizing than lanolin (Ref. 7). An ophthalmic emollient ointment containing nonionic lanolin derivatives has been on the market for many years, and the Panel is not aware of any significant adverse effects associated with this product. A Draize eye irritation test (0.2 cm^3 of ointment) in rabbits was carried out for 20 consecutive days, and no damage or irritation was observed (Ref. 8).

Lanolin and other oleaginous ointment bases are toxic to the interior of the eye, causing endothelial damage, corneal edema, vascularization, and scarring (Refs. 9 and 10). For this reason, ophthalmic medications in ointment or oily liquid vehicles should not be introduced into the interior of the eye or used in such a way during surgery that they may accidentally enter the eye. On the other hand, a survey of ophthalmologists indicated that ointments are routinely used immediately after surgery, after the first dressing change, for corneal abrasions, and for corneal ulcers (Ref. 11). The safety of immediate postoperative ophthalmic ointment application is supported by the experience of a noted surgeon who saw no side effects secondary to ointment usage in over 20,000 postsurgical patients (Ref. 12). A study on the effect of ointments on wounded corneas of rats, rabbits, and monkeys indicated that nonemulsion ointment bases containing white petrolatum or mineral oil with or without lanolin did not interfere with corneal healing (Ref. 13).

The Panel is aware that temporary blurring of vision will occur when preparations containing lanolin and other oleaginous materials are applied to the eyes as the result of an oily film that covers the eye surface. This condition may last only a few minutes after application and is not harmful to the eye, even after prolonged use.

(2) *Effectiveness.* Preparations containing lanolin have been recognized for many years as emollients and have been incorporated into lotions and ointments for application to the skin and mucous membranes. They have been used in the preparation of ointment vehicles for various medications, including ophthalmic preparations. Because of their intrinsic lubricating and protectant properties, the Panel concludes that these ingredients are effective as emollients and lubricants when applied to the eye.

(3) *Dosage.* Adults and children: Pull down the lower lid of the affected eye and apply a small ribbon (one-fourth inch) of ointment to the inside of the eyelid.

(4) *Labeling.* The Panel recommends the Category I labeling for ocular emollient active ingredients. (See part IX. paragraph B.1. below—Category I Labeling.)

References

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(3) "Ophthalmology Prescription Handbook," 2d Ed., Browning Medical Publishers, Pasadena, CA, 1968.

(4) Blaug, S. M., "Medicated Applications," *in* "The Pharmaceutical Basis of Therapeutics," 5th Ed., Edited by Goodman, L. S., and A. Gilman, Macmillan Publishing Co., New York, pp. 1531–1532, 1975.

(5) Masters, E. J., "Allergies to Cosmetic Products," *New York State Journal of Medicine*, 60:1934–1940, 1960.

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(8) OTC Volume 100041.

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(10) Scheie, H. G., R. A. Rubenstein, and J. A. Katowitz, "Ophthalmic Ointment Bases in the Anterior Chamber," *Archieves of Ophthalmology*, 73:36–42, 1965.

(11) Fraunfelder, F. T., and C. Hanna, "Ophthalmic Ointment," *Transactions of the American Academy of Ophthalmology and Otolaryngology*, 77:467–475, 1973.

(12) Castroviejo, R., "Ointment Bases in the Anterior Chamber," *Archives of Ophthalmology*, 74:143–144, 1965.

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b. *Oleaginous ingredients (light mineral oil, mineral oil, paraffin, white ointment, white petrolatum, white wax).* The Panel concludes that oleaginous ingredients (light mineral oil, mineral oil, paraffin, white ointment, white petrolatum, white wax) are safe and effective for use as OTC ocular emollients as specified in the dosage section discussed below.

The oleaginous substances include the hydrocarbons (mineral oils, paraffin, and white petrolatum), the purified wax from the honeycomb of the bee (white wax), and a mixture of 5 percent white wax in white petrolatum (white ointment).

Light mineral oil and mineral oil are colorless, oily liquids that are practically tasteless and odorless. The density of light mineral oil is usually 0.83 to 0.86, as compared to the density of mineral oil, which is 0.875 to 0.905 (Ref. 1).

Paraffin is a whitish mass which is somewhat translucent and odorless (Ref. 2). White petrolatum is a semisolid, unctuous mass that is transparent in thin layers and is practically odorless and tasteless (Ref. 1).

White wax is yellowish-white in color, with a texture that varies from soft to brittle. It has a honey-like odor and melts at 62 to 65° C (Ref. 3).

(1) *Safety.* The oleaginous substances have been used widely for a long period of time as occlusive coverings for the skin, and as vehicles for ophthalmic drugs and for certain antibiotics that are unstable in the presence of water (Refs. 4, 5, and 6). Essentially all of the marketed prescription ophthalmic ointments contain one or more of these oleaginous materials (Ref. 7). White petrolatum and white ointment are frequently employed without modification for external application to the skin surface. These materials are considered inert and practically nontoxic (Refs. 8 and 9). A 20-day Draize irritation test was carried out on an ocular emollient product containing petrolatum, mineral oil, and a lanolin derivative, and no damage or irritation was observed (Ref. 10).

Oleaginous ointment bases are toxic to the interior of the eye, causing endothelial damage, corneal edema, vascularization, and scarring (Refs. 11 and 12). For this reason, ophthalmic medications in ointment or oily liquid

vehicles should not be introduced into eyes with open wounds. On the other hand, a survey of ophthalmologists indicated that ointments are routinely used immediately after surgery, after the first dressing change, for corneal abrasions, and for corneal ulcers (Ref. 13). The safety of immediate postoperative ophthalmic ointment application in most instances is supported by the experience of a noted surgeon who saw no side effects secondary to ointment usage in over 20,000 postsurgical patients (Ref. 14). A study on the effect of ointments on wounded corneas of rats, rabbits, and monkeys indicated that nonemulsion ointment bases containing white petrolatum or mineral oil with or without lanolin did not interfere with corneal healing (Ref. 15).

The Panel is aware that temporary blurring of vision will occur when these oleaginous materials are applied to the eye as a result of an oily film that covers the eye surface. This condition may last only a few minutes after application and is not harmful to the eye, even after prolonged use.

(2) *Effectiveness.* Oleaginous substances have been recognized for many years as emollients and protectants. They have been incorporated into lotions and ointments for application to the skin and mucous membranes and have been used as bland vehicles for ophthalmic drugs (Refs. 4 through 7, 9, and 13). Most ophthlamic ointments are prepared with a base of white petrolatum and mineral oil with or without lanolin. Paraffin and white wax are used to increase the consistency of ointment products and are not used alone as emollients. By virtue of their intrinsic lubricating and protectant properties, the Panel concludes that oleaginous substances, properly formulated into ointment dosage forms suitable for application to the eye, are effective as emollients and lubricants.

(3) *Dosage.* Adults and children: Pull down the lower lid of the affected eye and apply a small ribbon (one-fourth inch) to the inside of the eyelid.

(4) *Labeling.* The Panel recommends the Category I labeling for products containing ocular emollient active ingredients. (See part IX. paragraph B.1. below—Category I Labeling.)

References

(1) Windholz, M., "The Merck Index," 9th Ed., Merck and Co., Inc., Rahway, NJ, p. 931, 1976.

(2) Windholz, M., "The Merck Index," 9th Ed., Merck and Co., Inc., Rahway, NJ, p. 910, 1976.

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(10) OTC Volume 100041.

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(12) Scheie, H. G., R. A. Rubenstein, and J. A. Katowitz, "Ophthalmic Ointment Bases in the Anterior Chamber," *Archives of Ophthalmology*, 73:36–42, 1965.

(13) Fraunfelder, F. T., and C. Hanna, "Ophthalmic Ointment," *Transactions of the American Academy of Ophthalmology and Otolaryngology*, 77:467–475, 1973.

(14) Castroviejo, R., "Ointment Bases in the Anterior Chamber," *Archives of Ophthalmology*, 74:143–144, 1965.

(15) Hanna, C., et al., "The Effect of Ophthalmic Ointments on Corneal Wound Healing," *American Journal of Ophthalmology*, 76:193–200, 1973.

Category I Labeling

The Panel recommends the following Category I labeling for ocular emollient active ingredients:

a. *Indications.* (1) "For the temporary relief of discomfort due to minor irritations of the eye or to exposure to wind or sun."

(2) "For use as a protectant against further irritation or to relieve dryness of the eye."

(3) "For use as a lubricant to prevent further irritation or to relieve dryness of the eye."

b. *Warnings* —(1) *For all OTC ophthalmic emollient drug products.* (i) "Do not use for more than 72 hours except under the advice and supervision of a physician. If symptoms persist or worsen, discontinue use of this product and consult a physician."

(ii) "If you experience severe eye pain, headache, rapid change in vision (side or straight ahead), sudden appearance of floating spots, acute redness of the eyes, pain on exposure to light, or double vision, consult a physician at once."

(iii) "To avoid contamination of this product, do not touch tip to any other surface. Replace cap after using."

(2) *For OTC ophthalmic emollient drug products containing mercury compounds.* "Do not use this product if you are sensitive to mercury."

2. *Category II conditions under which ocular emollient active ingredients are not generally recognized as safe and effective or are misbranded.*

None.

3. *Category III conditions for which the available data are insufficient to permit final classification at this time.*

None.

X. Eyewashes

A. *General Discussion*

Eyewashes, eye lotions, and eye-irrigating solutions are sterile, aqueous solutions intended for washing, bathing, irrigating, or mechanically flushing the eye. They are used to dilute or remove irritants such as foreign bodies, pollen, and noxious chemicals from the eye. They are not used to treat even minor infections of the eye. These preparations should be neutral and comfortable to the eye, and should not contain therapeutically active ingredients such as vasoconstrictors, anti-infectives, astringents, etc. A rational formulation for an OTC eyewash preparation includes water, sodium chloride, and other tonicity agents to establish isotonicity with tears, agents for establishing pH and buffering to achieve the same pH as tears, and a suitable preservative agent. A discussion of tonicity, buffering, and formulation ingredients is presented earlier in this document. (See part II. paragraph E. above—Formulation of OTC Ophthalmic Drug Products.)

The tears are the first line of defense for the conjunctiva, the cornea, and, to some extent, the eyelids. The tears maintain the hydration of the corneal and conjunctival surfaces. The output of tears greatly increases when the cornea and conjunctiva become irritated, but occasionally it is necesssary to flush the irritants from the cornea, conjunctiva, and lids. For this purpose, isotonic, neutral aqueous solutions which contain no therapeutically active ingredients are used.

When the eye is exposed to certain adverse environmental conditions, symptoms of irritation can develop. Foreign material in the eyes can result in a foreign body sensation, inflammation, swelling, tearing, uncontrolled blinking

of the eyelids, or symptoms of irritation, discomfort, burning, stinging, smarting, and itching. When such symptoms occur, foreign material may be present in an undissolved form, such as dust or an eyelash; as suspended particulate material in tears, such as pollen or smog; or as noxious materials such as airborne pollutant gases and chemicals, dissovled in tears.

Provided the eye is not damaged by such debris, the relief of symptoms occurs with removal of the causative substance. Treatment consists of washing or flushing the exposed eye and conjunctival sacs with an irrigating solution to remove tangible foreign material and substances dissolved or suspended in the tears.

Many of the symptoms of irritation, including a foreign body sensation, occur with various anterior eye disease conditions, such as conjunctivitis, keratitis, and blepharitis, which result in inflammation and other changes in ocular tissue. There is little danger of such conditions becoming exacerbated through use of irrigating solutions alone. However, exacerbation of the underlying condition through delayed professional attention is a distinct possibility.

Eyewashes, eye lotions, and eye-irrigating solutions are not only used by consumers for cleaning and washing irritants from the eyes, but they are also used for the emergency flushing of chemicals or foreign bodies from the eye(s) in homes, places of work, first aid stations, clinics, and hospitals. These products are important components of first aid and emergency kits in industrial settings, clinics, and hospitals. Terms such as "eye-wash," "eye lotion," and "irrigating solution" or fluid are very descriptive and inform the user (whether patient or professional) what the solution is used for. One of the above terms should be prominently displayed on the label of such products.

In the absence of or in addition to using these products, copious flushing of the eye with water is required in the emergency treatment of chemical burns or in cases where gross amounts of foreign material have entered the eye.

In addition to their emergency first aid use, irrigating fluids are used by medical personnel for irrigation following diagnostic procedures and for postoperative irrigation.

Eyewash and eye lotion products are usually packaged in screwcapped glass or plastic containers with an appropriate sterile eye cup included as part of the total package. Irrigating solutions or fluids are packaged in flexible plastic containers equipped with an appropriate nozzle to facilitate application of the fluid to the eye. The label should have appropriate directions for applying the solution.

B. Category I Labeling

The Panel recommends the following Category I labeling for eye wash preparations.

1. *Indication.* "For flushing or irrigating the eye to remove loose foreign material, air pollutants, or chlorinated water."

2. *Warnings*—a. *For all eyewash products.* (1) "If you experience severe eye pain, headache, rapid change in vision (side or straight ahead), sudden appearance of floating spots, acute redness of the eyes, pain on exposure to light, or double vision, consult a physician at once."

(2) "If symptoms persist or worsen after use of this product, consult a physician."

(3) "Not for use in eyes with open wounds."

(4) "If solution changes color or becomes cloudy, do not use."

b. *For preparations using an eye cup.* "Rinse cup with clean water immediately before and after each use, and avoid contamination of rim and inside surfaces of cup."

c. *For preparations using a nozzle applicator.* "Do not touch nozzle to any surface since this may contaminate the solution."

d. *For preparations containing mercury compounds.* "Do not use this product if you are sensitive to mercury."

(3) *Directions for use.* The Panel recommends the following directions for the various types of eye wash products.

a. For solutions intended to be applied with an eye cup. "Apply the half-filled cup, pressing it tightly to the affected eye to prevent the escape of the liquid, and tilt the head backward. Open eyelids wide and rotate eyeball to insure thorough bathing with the wash or lotion."

b. For solutions intended to be applied as a stream to flush the eye. "Flush the affected eye as needed, controlling the rate of flow of solution by pressure on the bottle."

The agency has determined that in accordance with 21 CFR 25.24(d)(9) (proposed in the **Federal Register** of December 11, 1979, 44 FR 71742) this proposal is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations be amended by adding new Part 349, to read as follows:

PART 349—OPHTHALMIC DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec.
349.1 Scope.
349.3 Definitions.

Subpart B—Active Ingredients

349.10 Ophthalmic Anti-infectives. [Reserved]
349.12 Ophthalmic astringents.
349.14 Ophthalmic demulcents.
349.16 Ophthalmic emollients.
349.18 Opthalmic hypertonicity agent.
349.20 Ophthalmic vasoconstrictors.
349.22 Eyewashes.
349.30 Permitted combinations of active ingredients.

Subpart C—[Reserved]

Subpart D—Labelling

349.50 Labeling of products containing ophthalmic anti-infectives.
349.55 Labeling of products containing ophthalmic astringents.
349.60 Labeling of products containing opthalmic demulcents.
349.65 Labeling of products containing opthalmic emollients.
349.70 Labeling of products containing ophthalmic hypertonicity agents.
349.75 Labeling of products containing opthalmic vasoconstrictors.
349.80 Labeling of eyewash products.

Authority: Secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 stat. 948 (21 U.S.C. 321, 352, 355, 371); (5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—General Provisions

§ 349.1 Scope.

An over-the-counter ophthalmic drug product in a form suitable for topical administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in the Part 349 and each of the general conditions established in § 330.1 of this chapter.

§ 349.3 Definitions.

As used in this part:

(a) *Ophthalmic drug product.* A drug product applied to or instilled in the eye which should be sterile in accordance with 21 CFR 200.50.

(b) *Anti-infective.* A therapeutic agent which destroys or limits the multiplication of micro-organisms.

(c) *Astringent.* A locally acting pharmacologic agent which, by precipitating protein, helps to clear mucus from the outer surface of the eye.

(d) *Buffering agent.* A substance which stabilizes the pH of solutions against changes produced by introduction of acids or bases from such sources as drugs, body fluids, tears, etc.

(e) *Demulcent.* An agent, usually a water-soluble polymer, which is applied topically to the eye to protect and lubricate mucous membrane surfaces and relieve dryness and irritation.

(f) *Emollient.* An agent, usually a fat or oil, which is applied locally to eye lids to protect or soften tissues and to prevent drying and cracking.

(g) *Eyewash, eye lotion, irrigating solution.* A sterile aqueous solution containing no active ingredients, intended for bathing or mechanically flushing the eye.

(h) *Hypertonicity agent.* An agent which exerts an osmotic gradient greater than that present in body tissues and fluids, so that water is drawn from the body tissues and fluids across semipermeable membranes. Applied topically to the eye, a hypertonicitiy agent creates an osmotic gradient which draws water out of the cornea.

(i) *Isotonicity.* A state or quality in which the osmotic pressure in two fluids is equal.

(j) *Vasoconstrictor.* A pharmacologic agent which, when applied topically to the mucous membranes of the eye, causes transient constrition of conjunctival blood vessels.

Subpart B—Active Ingredients

§ 349.10 Ophthalmic anti-infectives. [Reserved]

§ 349.12 Ophthalmic astringent.

The active ingredient of the product consists of the following when used within the concentration limit established: Zinc sulfate 0.25 percent.

§ 349.14 Ophthalmic demulcents.

The active ingredients of the product consist of the following when used within the concentration limits established for each ingredient:

(a) Cellulose derivatives (sodium carboxymethylcellulose, hydroxyethylcellulose, hydrxypropyl methylcellulose, and methylcellulose) 0.2 to 2.5 percent.

(b) Dextran 70 0.1 percent when used with another approved polymeric demulcent agent.

(c) Gelatin 0.01 percent.

(d) Polyols, liquid (glycerin, polyethylene glycol 300, polyethylene glycol 400, polysorbate 80, and propylene glycol) 0.0 to 1.0 percent.

(e) Polyvinyl alcohol 0.1 to 4.0 percent.

(f) Povidone 0.1 to 2.0 percent.

§ 349.16 Ophthalmic emollients.

The active ingredients of the product consist of the following:

(a) Lanolin preparations (anhydrous lanolin, lanolin, and nonionic lanolin derivatives).

(b) Oleaginous ingredients (light mineral oil, mineral oil, paraffin, white petrolatum, white wax).

§ 349.18 Ophthalmic hypertonicity agent.

The active ingredient of the product consists of the following when used within the concentration limits established: Sodium chloride 2 to 5 percent.

§ 349.20 Ophthalmic vasoconstrictors.

The active ingredients of the product consist of the following when used within the concentration limits established for each ingredient:

(a) Ephedrine hydrochloride 0.123 percent.

(b) Naphazoline hydrochloride 0.01 to 0.03 percent.

(c) Phenylephrine hydrochloride 0.08 to 0.2 percent.

(d) Tetrahydrozoline hydrochloride 0.01 to 0.05 percent.

§ 349.22 Eyewashes.

These products should contain no active ingredients, but should contain water, tonicity agents to establish isotonicity with tears, agents for establishing pH and buffering to achieve the same pH as tears, and a suitable preservative agent.

§ 349.30 Permitted combinations of active ingredients.

(a) Any single ocular astringent active ingredient identified in § 349.12 may be combined with any single ocular vasoconstrictor active ingredient identified in § 349.20.

(b) Any two or three ocular demulcent active ingredients identified in § 349.14 may be combined.

(c) Any single ocular demulcent active ingredient identified in § 349.14 or any ocular demulcent combination identified in paragraph (b) of this section may be combined with any single ocular vasoconstrictor identified in § 349.20.

(d) Any single ocular astringent active ingredient identified in § 349.12 may be combined with any single ophthalmic vasoconstrictor active ingredient identified in § 349.20 and any single ophthalmic demulcent identified in § 349.14 or ophthalmic demulcent combination identified in paragraph (b) of this section.

(e) Any two or more emollient active ingredients identified in § 349.16 may be combined as necessary to give the product proper consistency for application to the eye.

Subpart C—[Reserved]

Subpart D—Labeling

§ 349.50 Labeling of products containing ophthalmic anti-infectives.

(a) *Statement of identity.* The labeling of the product shall contain the established name of the drug(s) and identify the product as an "ophthalmic anti-infective."

(b) *Indications.* The labeling of the product shall contain the following indication, under the heading "Indications": "For the treatment of minor external infections of the eye."

(c) *Warning.* The labeling of the product shall contain the following warnings, under the heading "Warnings":

(1) *For all ophthalmic anti-infective drug products.* (i) "Do not use this product for more than 72 hours except under the advice and supervision of a physician. If symptoms persist or worsen, discontinue use of this product and consult a physician."

(ii) "If you experience severe eye pain, headache, rapid change in vision (side or straight ahead), sudden appearance of floating spots, acute redness of the eyes, pain on exposure to light, or double vision, consult a physician at once."

(iii) "To avoid contamination of this product, do not touch tip of container to any other surface. Replace cap after using."

(2) *For ophthalmic anti-infective drug products containing mercury compounds.* "Do not use this product if you are sensitive to mercury."

(3) *For ophthalmic anti-infective drug products containing mild silver protein.* (i) "Prolonged or frequent use of this product may cause permanent discoloration of the eye and the skin and mucous membranes surrounding the eye."

(ii) "Keep bottle tightly closed and store away from light when not in use to prevent the product from losing potency."

(4) *For ophthalmic anti-infective solutions.* "If solution changes color or becomes cloudy, do not use."

(d) *Directions for use.* The labeling of the products shall contain under the heading "Directions," the recommended dosage per time interval, e.g., every 4 hours, or other time interval, e.g., 3 times

daily, broken down by age groups if appropriate, followed by "or as directed by a physician."

§ 349.55 Labeling of products containing ophthalmic astringents.

(a) *Statement of identity.* The labeling of the product shall contain the established name of the drug(s) and identify the product as an "ophthalmic astringent."

(b) *Indications.* The labeling of the product shall contain the following indication, under the heading "indications": "For the temporary relief of discomfort from minor eye irritations."

(c) *Warnings.* The labeling of the product shall contain the following warnings, under the heading "Warnings":

(1) *For all ophthalmic astringent drug products.* (i) "Do not use this product for more than 72 hours except under the advice and supervision of a physician. If symptoms persist or worsen, discontinue use of this product and consult a physician."

(ii) "If you experience severe eye pain, headache, rapid change in vision (side or straight ahead), sudden appearance of floating spots, acute redness of the eyes, pain on exposure to light, or double vision, consult a physician at once."

(iii) "To avoid contamination of this product, do not touch tip of container to any other surface. Replace cap after using."

(iv) "If solution changes color or becomes cloudy, do not use."

(2) *For ophthalmic astringent drug products containing mercury compounds.* "Do not use this product if you are sensitive to mercury."

(d) *Directions for use.* The labeling of the product shall contain the following statement under the heading "Directions": "Adults and children: Instill 1 to 2 drops in the affected eye(s) up to four times per day."

§ 349.60 Labeling of products containing ophthalmic demulcents.

(a) *Statement of identity.* The labeling of the product shall contain the established name of the drug(s) and identify the product as an "ophthalmic demulcent."

(b) *Indications.* The labeling of the product shall contain any of the following indications, under the heading "Indications":

(1) "For the temporary relief of burning and irritation due to dryness of the eye."

(2) "For the temporary relief of discomfort due to minor irritations of the eye or to exposure to wind or sun."

(3) "For use as a protectant against further irritation or to relieve dryness of the eye."

(4) "For use as a lubricant to prevent further irritation or to relieve dryness of the eye."

(c) *Warnings.* The labeling of the product shall contain the following warnings, under the heading "Warnings":

(1) *For all opthalmic demulcent drug products.* (i) "Do not use this product for more than 72 hours except under the advice and supervision of a physician. If symptoms persist or worsen, discontinue use of this product and consult a physician."

(ii) "If you experience severe eye pain, headache rapid change in vision (side or straight ahead), sudden appearance of floating spots, acute redness of the eyes, pain on exposure to light, or double vision, consult a physician at once."

(iii) "To avoid contamination of this product, do not touch tip of container to any other surface. Replace cap after using."

(iv) "If solution changes color or becomes cloudy, do not use."

(2) *For ophthalmic demulcent drug products containing mercury compounds.* "Do not use this product if you are sensitive to mecury."

(d) *Directions for use.* The labeling of the product shall contain the following statements under the heading "Directions": "Adults and children: Instill 1 or 2 drops in the affected eye(s) as needed."

(e) *Professional labeling.* The labeling of any OTC ophthalmic demulcent product provided to health professionals (but not to the general public) may contain instructions for the use of these products in professional eye examinations (i.e. gonioscopy, electroretinography).

§ 349.65 Labeling of products containing ophthalmic emollients.

(a) *Statement of identity.* The labeling of the product shall contain the established name of the drug(s) and identify the product as an "ophthalmic emollient."

(b) *Indications.* The labeling of the product shall contain any of the following indications, under the heading "Indications":

(1) "For the temporary relief of discomfort due to minor irritations of the eye or to exposure to wind or sun."

(2) "For use as a protectant against further irritation or to relieve dryness of the eye."

(3) "For use as a lubricant to prevent further irritation or to relieve dryness of the eye."

(c) *Warnings.* The labeling of the product shall contain the following warnings, under the heading "Warnings":

(1) *For all ophthalmic emollient products.* (i) "Do not use this product for more than 72 hours except under the advice and supervision of a physician. If symptoms persist or worsen, discontinue use of this product and consult a physician."

(ii) "If you experience severe eye pain, headache, rapid change in vision (side or straight ahead), sudden appearance of floating spots, acute redness of the eyes, pain on exposure to light, or double vision, consult a physician at once."

(iii) "To avoid contamination of the product, do not touch tip of container to any other surface. Replace cap after using."

(2) *For ophthalmic emollient products containing mercury compounds.* "Do not use this product if you are sensitive to mercury."

(d) *Directions for use.* The labeling of the product shall contain the following statement under the heading "Directions": "Adults and children: Pull down the lower lid of the affected eye and apply a small ribbon (one-fourth inch) of ointment to the inside of the eyelid."

§ 349.70 Labeling of products containing ophthalmic hypertonicity agents.

(a) *Statement of identity.* The labeling of the product shall contain the established name of the drug and identify the product as an "ophthalmic hypertonicity agent."

(b) *Indications.* The labeling of the product shall contain the following indication under the heading "Indications": "For the temporary relief of corneal edema."

(c) *Warnings.* The labeling of the product shall contain the following warnings, under the heading "Warnings":

(1) *For all ophthalmic hypertonicity drug products.* (i) "Do not use this product except under the advice and supervision of a physician."

(ii) "If you experience severe pain, headache, rapid change in vision (side or straight ahead), sudden appearance of floating spots, acute redness of the eyes, pain on exposure to light, or double vision, consult a physician at once."

(iii) "To avoid contamination of this product, do not touch the tip of the container to any other surface. Replace cap after using."

(iv) "This product may cause temporary burning and irritation on being instilled into the eye."

(v) "If solution changes color or becomes cloudy, do not use."

(2) *For ophthalmic hypertonicity agent products containing mercury compounds.* "Do not use this product if you are sensitive to mercury."

(d) *Directions for use.* The labeling of the product shall contain the following statement under the heading "Directions": "Adults and children: Instill 1 or 2 drops in the affected eye(s) every 3 or 4 hours, or as directed by a physician."

§ 349.75 Labeling of products containing ophthalmic vasoconstrictors.

(a) *Statement of identity.* The labeling of the product shall contain the established name of the drug(s) and identify the product as an "ophthalmic vasoconstrictor."

(b) *Indications.* The labeling of the product shall contain the following indication, under the heading "Indications": "For the relief of redness of the eye due to minor eye irritations."

(c) *Warnings.* The labeling of the product shall contain the following warnings, under the heading "Warnings":

(1) *For all ophthalmic vasocostrictor drug products.* (i) "Do not use this product for more than 72 hours except under the advice and supervision of a physician. If symptoms persist or worsen, discontinue use of this product and consult a physician."

(ii) "If you experience severe eye pain, headache, rapid change in vision (side or straight ahead), sudden appearance of floating spots, acute redness of the eyes, pain on exposure to light, or double vision, consult a physician at once."

(iii) "If you have glaucoma, do not use this product except under the advice and supervision of a physician."

(iv) "Overuse of this product may produce increased redness of the eye"

(v) "To avoid contamination of this product, do not touch tip of container to any other surface. Replace cap after using."

(vi) "If solution changes color or becomes cloudy, do not use."

(2) *For ophthalmic vasoconstrictor products containing mercury compounds.* "Do not use this product if you are sensitive to mercury."

(d) *Directions for use.* The labeling of the product shall contain the following statements under the heading "Directions": "Adults and children: Instill 1 to 2 drops in the affected eye(s) up to four times per day."

§ 349.80 Labeling of eyewash products.

(a) *Statement of identity.* The labeling of the product shall contain the established name of the drug(s) and identify the product with one or more of the following terms: "eyewash," "eye lotion," or "irrigating solution."

(b) *Indications.* The labeling of the product shall contain the following indication, inder the heading "Indications": "For flushing or irrigating the eye to remove loose foreign material, air pollutants, or chlorinated water."

(c) *Warnings.* The labeling of the product shall contain the following warnings under the heading "Warnings":

(1) *For all eyewash products.* (1) "If symptoms persist or worsen after use of this product, consult a physician."

(ii) "Not for use in open wounds."

(iii) "To avoid contamination of this product, do not touch tip of container to any other surface. Replace cap after using."

(iv) "If you experience severe pain, headache, rapid change in vision (side or straight ahead), sudden appearance of floating spots, acute redness of the eyes, pain on exposure to light, or double vision, consult a physician at once."

(v) "If solution changes color or becomes cloudy, do not use."

(2) *For eyewash products containing mercury compounds.* "Do not use this product if you are sensitive to mercury."

(3) *For eyewash products intended for use with an eye cup.* "Rinse cup with clean water immediately before and after each use, and avoid contaimination of rim and inside surfaces of cup."

(d) *Directions for use.* The labeling of the product shall comtain the following statements under the heading "Directions":

(1) *For eyewash products intended for use with an eyecup.* "Apply the half-filled cup, pressing tightly to the affected eye to prevent the escape of the liquid, and tilt the head backward. Open eye lids wide and rotate eyeball to ensure thorough bathing with the wash or lotion."

(2) *For eyewash products intended for use with a nozzle applicator.* "Flush the affected eye as needed, controlling the rate of flow of solution by pressure on the bottle."

Interested persons are invited to submit their comments in writing (preferably in four copies and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal on or before August 4, 1980. Such comments should be addressed to the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be accompanied by a supporting memorandum or brief. Comments replying to comments may also be submitted on or before September 3, 1980. Comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

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

Dated: April 11, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-13750 Filed 5-5-80; 8:45 am]

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federal register

Tuesday
May 6, 1980

Part III

Federal Communications Commission

Semiannual Agenda of Significant Proceedings

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Semiannual Agenda of Significant Proceedings

AGENCY: Federal Communications Commission.

ACTION: Publication of Semiannual Agenda of Significant Proceedings.

SUMMARY: On March 23, 1978, President Carter signed Executive Order 12044 directing Federal agencies to make improvements in the regulatory process. As part of these improvements, the Order stated that agencies shall publish at least semiannually an agenda of significant proceedings to provide the public with adequate notice of these matters. In compliance with the Order the FCC has prepared an agenda of important proceedings under development or review.

EFFECTIVE DATE: May 6, 1980.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Anne Riffey, Office of the Executive Director, (202) 632-7513.

SUPPLEMENTARY INFORMATION:

Semiannual Agenda of Significant Proceedings

The Commission wants to encourage greater public participation in the FCC rule making process. To help keep the public informed of significant rule making proceedings, the Commission has prepared an agenda of important proceedings now in progress. The Commission expects to publish an agenda of significant proceedings in the **Federal Register** every six months.

The following terms may be helpful in understanding the status of the proceedings included in this report:

1. A Notice of Inquiry (NOI) is issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

2. A Notice of Proposed Rule Making (NPRM) is issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

3. A Memorandum Opinion and Order (MO&O) is issued by the Commission to deny a petition for rule making, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

4. A Report and Order is issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed.

5. A Rule Making (RM) Number is assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rule making, but before the Commission has taken action on the petition.

6. A Docket Number is assigned to a proceeding if the Commission has issued either a Notice of Proposed Rule Making or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers which consist of the last two digits of the calendar year in which the docket was established plus a sequential number which begins at 1 with the first docket initiated during a calendar year (e.g. Docket 78-1 or Docket 79-1). The abbreviation for the responsible Bureau usually precedes the docket number, as in "BC Docket 79-164." When a docket number consists of only five digits (e.g. Docket 19622), this indicates that the docket was established before January 1, 1978.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Semiannual Agenda of Significant Proceedings

Title of regulation	Rulemaking or docket No.	Description	Stage of development
Commercial Television Network Practices, Contact Person: Stanley Besen and Thomas Krattenmaker 254-7030.	21049	Inquiry into practices and policies of the 3 major television networks regarding the acquisition and distribution of television programming.	Network Inquiry Special Staff, established to analyze the issues involved, reports periodically to Commission concerning steps taken and additional actions planned.
Subscription (Pay) TV Operations, Contact Person: Freda Thyden, 632-7792.	21502	Inquiry to determine whether current rules governing pay TV operation are necessary or desirable and whether any new rules are needed to govern the service.	A second Report and Order is forthcoming in the near future, to be followed by a Further NPRM.
Inquiry into the Proper Role of Television Translators and Low-Power TV Broadcasting, Contact Person: Michael Couzens, 632-6302.	BC Docket 78-253.	Inquiry into uses of television translators, especially in rural areas, to determine if rules concerning translators should be changed to permit their increased use.	Staff expects to present alternatives to the Commission in July for its consideration.
Clear Channel Proceeding, Contact Person: Louis Stephens, 632-7792; Gary Stanford, 632-9660.	20642	Consideration of a proposal to permit additional AM stations to operate on the 25 Class I-A Clear Channels.	Analysis is being conducted on the comments received on the NOI and NPRM and further NPRM adopted in December 1979, and on the extensive record compiled thus far. Recommendation will be made to Commission in late May 1980.
Reimbursement for Participation in Commission Proceedings, Contact: Randy May, 632-7020.	Gen. Docket 78-205.	Inquiry as to whether the FCC should reimburse expenses of public participants in its rule making proceedings.	NPRM adopted Dec. 19, 1979. Comment period extends to May 1980.
New VHF Channel Assignments, Contact Person: John Bass, 632-7792.	20418	Study of possibility of assigning new VHF channels in the Top-100 markets, specifically at this time in Charleston, West Virginia; Johnstown or Altoona, Pennsylvania; Knoxville, Tennessee; and Salt Lake City, Utah.	Staff has analyzed responses to NPRM and is preparing a further study of the feasibility of new channels.
FM Quadraphonic Broadcasting, Contact: Al Jarratt, 653-7275	21310	Inquiry into whether Commission should authorize a quadraphonic FM broadcasting system.	Further NOI adopted in January 1979, and comments analyzed. Staff is currently drafting a NPRM which will probably be issued in June 1980.
Reduction of AM Bandwidth to 9 kHz, Contact: Gary Stanford, 632-9660.	BC Docket 79-164.	Inquiry into reduction of spacing between AM channels from 10 kHz to 9 kHz.	Final resolution is awaiting the results of the Region 2 Conference on AM Broadcasting, to be held in November 1981. In the interim, Commission will promulgate further reports.
Deregulation of Radio, Contact Person; Roger Holberg, 632-7792	BC Docket 79-219.	Study to determine if radio broadcasting should be partially or totally deregulated.	Combined NOI and NPRM issued September 1979. Comments are being analyzed with a view to issuance of a Report and Order.
Equal Employment Opportunity in the Broadcast Industry, Contact Person: Steve Bookshester, 632-7792.	21474	Revision of FCC Form 395, the annual employment form filed by broadcaster, to make it more useful in monitoring the broadcasters' commitment to equal employment opportunity.	The Commission has adopted a 2nd Report and Order in which it declined to include the handicapped as a specific EEO reporting category but established a coordinator for the handicapped in the Office of Public Affairs. Further Rule Making is contemplated.

Semiannual Agenda of Significant Proceedings—Continued

Title of regulation	Rulemaking or docket No.	Description	Stage of development
Cable TV Systems: Multiple Ownership and Cross-Ownership, Contract: William Johnson, 632-6468.	Dockets 18891 and 20423.	Inquiry to determine if FCC should limit size of cable systems, multiple ownership and cross ownership.	Additional Reports and Orders in these dockets are forthcoming.
Cable TV Impact on Broadcast Service, Contract Person: Stephen Bailey, 632-6468.	21284 and 20988.	Inquiry into the economic relationship between television broadcasting and cable television to provide the Commission with better methods of predicting changes in these industries and analyzing cases where questions of impact are raised.	Staff is analyzing the record, including comments received pursuant to the NPRM adopted in April 1979, which proposed deletion of the distant signal and syndicated program exclusivity rules; staff is preparing a Report and Order.
MTS-WATS Market Structure Inquiry, Contact Person: Carl Lawson, 632-9342.	CC Docket 78-72.	Inquiry to determine whether public interest requires interstate Message Telecommunitations Service (long distance telephone service) and/or Wide Area Telecommunications Service (bulk rate long distance service), or their functional equivalents, to be provided on a sole source basis.	A Second Supplemental NOI and NPRM was adopted by the Commission in April 1980, concerning access charges for use of local exchanges by interstate common carriers. Staff will undertake an analysis of comments received.
Common Carrier, Competitive Carrier Rule Making, Contact Person: Mike Fingerhut, 632-5550.	CC Docket 79-252.	The Commsission will address whether, and to what extent, the Commission should require nondominant carriers who offer services subject to competition to file cost support information with their tariff filings and to obtain Commission approval before undertaking certain activities..	Comments on the optional deregulatory proposals have been received.
Resale/Shared Use of MTS and WATS, Contact: Brad Allenby, 632-6917.	RM 3453	Study by Commission on whether AT&T's Tariff restrictions on resale and shared use of MTS and WATS should be removed.	NPRM adopted by Commission, with comments due from the main parties in May 1980, and reply comments due in July 1980.
AT&T Rate Structure Rule Making, Contact Person: Pat Donovan, 632-6312.	CC Docket 79-246.	Inquiry into AT&T private line tariff and rate structures and volume discount policies.	Comments on the Commission's tentative conclusions are now due in June 1980.
AT&T Rate of Return, Contact: Kent Nilsson, 632-9342	CC Docket 79-187.	Inquiry to determine if AT&T's rate of return during 1978 exceeded the limits specified by the Commission in Docket 20376.	Comments from NOI are being reviewed and staff is drafting a recommended decision to be presented to the Commission.
Cellular Mobile Communications, Contact Person: Michael Sullivan, 632-6450.	CC Docket 79-318.	Inquiry into implementation of cellular mobile communications systems.	An NPRM was issued in January 1980, with comments due in May, after which the staff will evaluate the comments and prepare a Report and Order.
"Authorized User" Petitions, Contact Person: Scott Socol and Shelly Sternad.		Study of whether to authorize non-carrier entities to obtain service directly from Comsat for provision of international communications.	Commission on April 22, 1980, authorized issuance of an NPRM, which will be forthcoming shortly.
Electronic Computer-Originated Mail, Contact Person: Ken Levy, 632-6917.	CC Docket 79-6.	Inquiry into extent of Commission jurisdiction over U.S. Post Office in ECOM-type services.	Docket has been closed, but Postal Service is appealing the Commission's decision in federal court.
Uniform System of Accounts for telephone companies, Contact Person: Doug Slotten, 632-9342.	CC Docket 78-196.	Study to develop a system of accounts which can readily provide cost information by both jurisdiction and individual service categories.	Review of comments received on First Supplemental NPRM is ongoing. Staff will devise specifications of the new proposed Uniform System of Accounts.
International Resale and Shared Use, Contact Person: Helen Golding, 632-5550.	CC Docket 80-176.	Study of the restrictions on resale and shared use of international services.	NPRM adopted by Commission in April 1980, proposes the elimination of restrictions on resale and shared use. Comment period extends to July 1980.
AT&T General Rate Increase, Contact: Brad Allenby, 632-6917		Tariff filing by AT&T that would increase its tariff charges, to become effect in part by June 1980.	Staff is studying the economic implications of such a tariff charge, and is formulating recommendations.
Second Generation Satellites, Contact: Ron Lepkowski, 632-5930		The total number of applications for new domestic satellites may exceed the number that could be accomodated in the orbital arc useful for U.S. service. In order to avoid potential conflicts, a rule making approach is desired.	In April 1980, the Commission set a cut-off date for pending satellite space station applications. The staff is currently developing new policy options to accommodate an increased number of satellities.
Children's Television Programming and Advertising Practices, Contact Person: Susan Greene, 653-7586.	19142	Evaluation of Television licensees' compliance with the Commission's 1974 policy guidelines on children's television programming and advertising practices.	NPRM adopted by Commission in December 1979. The comment stage extends from January to August 1980.
Improvements to UHF Television Reception, Contact Person: Phil Gieseler, 653-5940.	Gen. Docket 78-391.	A five-person task force has been created to examine comparability for UHF and VHF television reception and to assist in determining what regulatory changes are needed to achieve comparability.	A final report to Congress that discusses the need for legislation to achieve UHF-VHF comparability is scheduled to be completed in September 1980.
Xerox XTEN Proposal, Contact Person: Bert Withers, 632-6350; Beverly Baker, 632-5930.	Gen. Docket 79-188.	Xerox Corporation has proposed the allocation of microwave frequencies in the 10.55-10.68 GHz band for use in providing a new common carrier electronic message service.	Comment dates on NPRM of August 1979, were extended to March 1980. A Commission decision is expected by the end of 1980.
Radio Frequency Interference to Electronic Equipment, Contact Person: Al Paul, 632-7040.	Gen. Docket 78-369.	Inquiry to determine extent of radio frequency interference to electronic equipment and need for government regulation to lessen such interference..	Purssuant to NOI, review of the comments received and the record has been completed and a statistical summary of comments is currently being developed, to be followed by coordination with appropriate operating bureaus and offices. An options paper is to be issued by the end of 1980.
Telephone Interconnection in Land Mobile Radio Services, Contact Person: Lewis Goldman, 632-6498.	20846	Proceeding to develop and prescribe specific rules for interconnection of private land mobile radio systems with the public switched telephone network.	A Report and Order is currently being drafted by the staff.
Additional Personal Radio Service, Contact Person: John B. Johnston, 254,6884.	PR Docket 79-140.	Inquiry into need for new Personal Radio Service at 900 MHz, and technical and operation characteristics of such a possible service.	Staff is evaluating comments submitted in response to the NOI, for which the comment period had been extended to February 1980. Staff is developing an action paper to be presented for the Commission's consideration.

The following items appeared in the Commission's October 29, 1979, Semiannual Agenda of Significant Rule Makings (44 FR 61979) and have since been resolved by the Commission:

Significant Items Resolved

Title	Docket	Description	Resolution
Second Computer Inquiry	20828	Inquiry to establish regulatory boundary between regulated communication offerings and unregulated data processing offerings of communications common carriers.	On April 7, 1980, the Commission issued a Final Decision in which it deregulated enhanced telecommunications services and the provision by common carriers of all terminal equipment. (Enhanced telecommunications services are services which combine basic telecommunications services, such as MTS and WATS telephone services with computer processing applications which provide additional, different, or restructured information.) Reference: FCC Public Notice Issued April 7, 1980, mimeo #30294.
Ownership of Television Stations Within the Top 50 Markets	BC 78-101	The Commission determined in 1968 that it was necessary to require a "compelling public interest showing" by parties seeking to obtain more than 3 television stations (or more than 2 VHF stations) in the top 50 broadcast markets. The Commission undertook a study to re-evaluate this policy.	On November 29, 1979, the Commission adopted a Report and Order eliminating the Top-50 Policy. The Commission found that there seemed to be no significant problem of concentration of ownership of top-fifty TV stations in fewer and fewer hands. Reference: *Report and Order*, 44 FR 75421, December 20, 1979.
Public Message Telegraph Service	CC 78-95 and CC 78-96.	Determination of whether Western Union Telegraph Company should continue to be the sole source supplier of public message telegraph service.	On December 12, 1979, the Commission adopted a Memorandum Opinion and Order which eliminated nearly all special rules relating to telegraph service. These rule changes place telegram and other public message services in the same position as almost all other competitive services regulated by the Commission. reference: *Memorandum Opinion and Order*, 45 FR 3037, January 16, 1980.
Economic Implications and Interrelationships Arising from Policies and Practices Relating to Customer Interconnection, Jurisdictional Separations and Rate Structures.	20003	Fact-finding inquiry concerning the impact of Commission policy relating to competition in the telecommunications equipment and service markets.	On January 9, 1980, the Commission concluded that its polices encouraging competition in the telephone private line and telephone terminal markets continue to benefit the public by speeding innovation and meeting unsatisfied communication needs. The Commission determined that no adverse harm resulting from the increase of competition in these markets has been demonstrated. Reference: *Second Report*, 45 FR 6350, February 7, 1980.
Land Mobile Spectrum Management	21229	Inquiry into the practices and procedures of private land mobile radio service spectrum management to determine methods for efficient spectrum use.	The Commission has postponed taking any action in this docket. Comments received in this proceeding have incdicated that revision of Commission licensing procedures as envisioned would require extensive computer expenses. Because budgetary problems prevent the Commission from meeting these expenses at this time, the program discussed in this docket is posponed until funds become available to complete it.

[FR Doc. 80-13806 Filed 5-5-80 8:45 am]
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federal register

Tuesday
May 6, 1980

Part IV

Department of the Interior

Bureau of Land Management

Oil and Gas Lease Assignments, Transfers and Subleases; Emergency Final Rulemaking

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3100

[Circular No. 2461]

Oil and Gas Lease Assignments, Transfers and Subleases

AGENCY: Bureau of Land Management, Interior.

ACTION: Emergency final rulemaking.

SUMMARY: By Order No. 3049, dated February 29, 1980, the Secretary of the Interior suspended all noncompetitive oil and gas leasing in response to information resulting from an investigation which indicated criminal activities in noncompetitive leasing so widespread as to threaten the validity of lease offers and the integrity of the leasing system. The Secretary on the same date established a working group under direction of the Bureau of Land Management to review all aspects of the noncompetitive leasing system and alleged abuses of the program and to report to him on recommendations for steps to be taken which would permit resumption of leasing free of fraud and abuse. After reviewing the work group's report and considering other points of view, the Secretary revoked the suspension by Order No. 3051, dated April 7, 1980, and directed resumption of leasing upon institution of modifications in the noncompetitive oil and gas leasing systems on June 16, 1980. This final rulemaking amends 43 CFR 3106.2-2(a) with respect to one such modification, specifically, new procedures for obtaining approval of assignments and transfers of record title interests in oil and gas leases.

These procedures provide greater control over lessees transferring and assignees acquiring interests in Federal leases by requiring the use of a prenumbered assignment form. Each prenumbered form will be designated by the Bureau of Land Management for use in assigning a record title interest in a particular lease. Each prenumbered form may be used to assign only that lease designated on the assignment form by the Bureau. This rulemaking restricts the availability of assignment forms for both competitive and noncompetitive leases.

These changes are designed to preclude the practice of using forms presigned by an offeror/assignor in circumvention of the regulations and the law because they do not disclose the true party in interest in the offer when first filed.

EFFECTIVE DATE: May 6, 1980.

ADDRESS: Suggestions and inquiries should be sent to: Director (530), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Charles Weller, 202 343-7753.

SUPPLEMENTARY INFORMATION: This change in the existing procedures for the assignment of an interest in an oil and gas lease is designed to strengthen the control of the Department of the Interior over persons selling or seeking to acquire interests in Federal oil and gas leases. The change will prevent a particular abuse uncovered by an ongoing, Bureau-wide investigation of fraud in the leasing system. The perpetrator of this type of fraud induces people to sign blank lease offers and assignment forms. The lease offer is then filed in the name of the purported applicant, while fraudulently concealing the identity and interest of the perpetrator in the offer from the Government. Should one of these fraudulently filed lease offers result in a lease, the perpetrator then uses one of the presigned assignment forms to obtain or transfer actual ownership of the lease. This scheme allows the perpetrator to violate, without detection, the Federal acreage limitation and also to multiple-file in the simultaneous oil and gas lease drawings.

All future assignments of record title interests in Federal oil and gas leases must be filed on a prenumbered assignment form which has been designated by the Bureau of Land Management for use in assigning a particular lease. The form may be used to assign only that lease to which it is designated. The availability of assignment forms is also restricted. Forms to assign leases issued under the simultaneous oil and gas leasing system shall be available only upon lease issuance or 60 days after priority of applications is established by drawing, whichever is sooner. Forms to assign leases issued under the over-the-counter leasing system shall be available upon lease issuance or 60 days after the filing of the offer to lease, whichever is sooner. Forms to assign leases issued under the competitive leasing system shall be available after the Bureau of Land Management assigns a serial number to the competitive bid.

In total, the changes will have the effect of making assignment forms unavailable prior to the filing of a lease offer, thereby addressing directly a fraudulent practice found to be pervasive in the current investigation, and rendering unusable any presigned forms which may currently be in existence. The additional restriction on the availability of forms to assign over-the-counter and simultaneous oil and gas leases recognizes that these leasing programs, as opposed to competitive leasing, attract many applicants with no experience in oil and gas leasing. By establishing a "cooling-off" period during which no assignment forms are available, we provide an opportunity for all interested parties to contact the applicant and thereby reduce the chance that the applicant will be victimized or made an unwilling participant in a fraudulent leasing arrangement. The Bureau of Land Management shall also use the period to further inform the applicant of the statutory and regulatory requirements relating to leasing and assigning.

Option A-6 of the March 24, 1980, report of the Bureau of Land Management working group, which was subscribed to by the Secretary of the Interior in his decision of April 7, 1980, would have restricted the availability of forms until after a lease is issued. Upon further consideration of the factors necessary to prevent fraud while minimizing the impact on industry practice, a modification of the previous decision was adopted with the Secretary's approval. The modifications are contained in this emergency rulemaking.

Assignment forms are available from the Bureau of Land Management office with jurisdiction over the lease being assigned. Requests for assignment forms may be made in person, in writing or by telephone. The specific lease being assigned must be identified in any request for a form.

Because of the alleged widespread criminal activities in the noncompetitive leasing system and the need to make immediate changes in the regulations governing that program so that greater control can be exercised over all phases of the noncompetitive leasing program, this rulemaking is being made final upon its publication. The immediate change will prevent further circumvention of the existing regulations and the law by those who would continue the use of allegedly illegal methods for their benefit and to the detriment of the noncompetitive leasing program and honest participants in it.

The principal author of this rulemaking is Doris Koivula of the Division of Onshore Energy Minerals, Bureau of Land Management.

It is hereby determined that publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is required.

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

Under authority of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.), Part 3100, Subchapter C, Chapter II, Title 43 of the Code of Federal Regulations is amended as set forth below.

Guy R. Martin,

Assistant Secretary of the Interior.

May 1, 1980.

1. Section 3106.2-2 is amended by revising the caption and paragraph (a) to read as follows:

PART 3100—OIL AND GAS LEASING

§ 3106.2-2 Forms.

(a) *Record title; copies required.* An assignment of a record title interest shall be filed in triplicate in the proper Bureau of Land Management Office.

(1) *Official form.* A form approved by the Director shall be used. Three copies of the form, each of which has been prenumbered and designated by the Bureau of Land Management for use in assigning a record title interest in a particular lease, shall be furnished upon request. Each form shall be used to assign only the designated lease. No reproductions of the official form shall be accepted for filing. The signature of the authorized officer on the official form shall constitute approval of the assignment.

(2) *Separate instruments required.* Each of the three copies of the assignment form shall be signed holographically (manually) in ink and shall be filed for each lease or for each transfer of all or a part of the leased acreage or of a divided or an undivided interest in the record title in such lease. When transfers to the same person, association or corporation involving more than one lease are filed at the same time for approval, one showing as to qualifications of the assignee, if not previously furnished, shall suffice.

(3) *When forms may be obtained.* Forms for the assignment of leases issued under Subpart 3112 of this title will be available upon lease issuance or 60 days after priority of applications is established by drawing, whichever comes first. Forms for the assignment of leases issued under Subpart 3111 of this title will be available upon lease issuance or 60 days after the filing of an offer to lease, whichever occurs first. Forms for the assignment of competitive leases shall be available upon the designation of serial number to competitive bids by the Bureau of Land Management.

(4) *Where forms may be obtained.* The official form may be obtained only from the Bureau of Land Management office have jurisdiction over the lease to be assigned. The serial number of the particular lease to be assigned shall be identified in any request for a form.

* * * * *

[FR Doc. 80-13891 Filed 5-5-80; 8:45 am]

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Reader Aids

Federal Register

Vol. 45, No. 89

Tuesday, May 6, 1980

INFORMATION AND ASSISTANCE

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Federal Register, Daily Issue:

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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, MAY

29001-29262.....1
29263-29554.....2
29555-29780.....5
29781-00000.....6

CFR PARTS AFFECTED DURING MAY

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.

3 CFR

Administrative Orders:

Presidential Determinations:

No. 80-16 of Apr. 14, 1980 (Amended by Presidential Determination No. 80-18 of May 2, 1980).....20787

No. 80-17 of May 2, 1980.....20785

No. 80-18 of May 1, 1980.....20787

Executive Orders:

12169 (Amended by EO 12213).....29781

12212.....29557

12213.....29781

12214.....29783

Proclamations:

4754.....29555

5 CFR

300.....29530

351.....29263

Proposed Rules:

412.....29300

7 CFR

418.....29001

419.....29001

421.....29001

907.....29002

908.....29002

910.....29265

918.....29003

928.....29559

1124.....29559

1945.....29265

1980.....29265

Proposed Rules:

Ch. IV.....29056

Ch. XIV.....29302

401.....29056

437.....29056

908.....29063

915.....29843

944.....29843

953.....29846

1701.....29847

8 CFR

239.....29243

Proposed Rules:

211.....29848

214.....29848

9 CFR

78.....29267

92.....29268

94.....29270

Proposed Rules:

92.....29302

10 CFR

212.....29546

1024.....29764

Proposed Rules:

211.....29770

212.....29553

12 CFR

701.....29270

Proposed Rules:

226.....29702

14 CFR

39.....29004, 29005, 29007, 29008, 29560-29562

71.....29009, 29563, 29564

97.....29565

Proposed Rules:

71.....29063

121.....29064

127.....29064

135.....29064

15 CFR

30.....29567

369.....29010

385.....29568

399.....29568

502.....29271

503.....29272

16 CFR

13.....29010

1025.....29206

17 CFR

230.....29275

Proposed Rules:

230.....29847

240.....29853

270.....29067

18 CFR

154.....29011

270.....29569

271.....29569

282.....29573

19 CFR

6.....29247

20 CFR

Proposed Rules:

655.....29854

21 CFR

101.....29275

522.....29275, 29789

540 ... 29276
Proposed Rules:
182 ... 29304
184 ... 29304
349 ... 30002
680 ... 29305
1030 ... 29307

23 CFR
663 ... 29015

24 CFR
203 ... 29277, 29573
213 ... 29277
221 ... 29277
227 ... 29277
234 ... 29277
235 ... 29277
275 ... 29279
841 ... 29279
3280 ... 29539
Proposed Rules:
203 ... 29855
234 ... 29855

25 CFR
11 ... 29790
Proposed Rules:
172 ... 29070

26 CFR
Proposed Rules:
1 ... 29308
48 ... 29309

28 CFR
45 ... 29574
50 ... 29530

29 CFR
56 ... 29280
1607 ... 29530
Proposed Rules:
Ch. XII ... 29590

30 CFR
250 ... 29280
Proposed Rules:
Ch. VII ... 29072, 29309–29311, 29855
250 ... 29309

31 CFR
51 ... 29530
535 ... 29287

32 CFR
Proposed Rules:
286b ... 29590
1900 ... 29855

33 CFR
117 ... 29020
165 ... 29020
Proposed Rules:
110 ... 29593
117 ... 29593, 29594
140 ... 29072
141 ... 29072
142 ... 29072
143 ... 29072
144 ... 29072
145 ... 29072
146 ... 29072
147 ... 29072
157 ... 29087

36 CFR
216 ... 29289
Proposed Rules:
50 ... 29856

38 CFR
36 ... 29292

40 CFR
52 ... 29293, 29790
122 ... 29589
125 ... 29589
180 ... 29802–29803
Proposed Rules:
52 ... 29312, 29313, 29595, 29596, 29864
167 ... 29597
169 ... 29597
180 ... 29597

41 CFR
Ch. 101 ... 29294
5–1 ... 29574, 29575
5A–1 ... 29574
5B–1 ... 29576
5B–2 ... 29576
5B–7 ... 29576
5B–16 ... 29576
60–3 ... 29530
105–61 ... 29577

42 CFR
57 ... 29803
Proposed Rules:
405 ... 29535
440 ... 20535
456 ... 29535
482 ... 29535

43 CFR
3100 ... 30056
Public Land Orders:
5719 ... 29021
5721 ... 29295

44 CFR
65 ... 29021
67 ... 29577
70 ... 29807–29830
Proposed Rules:
67 ... 29090, 29313–29323, 29598

45 CFR
163c ... 29588
205 ... 29831
235 ... 29831

46 CFR
33 ... 29588
35 ... 29588
71 ... 29588
75 ... 29588
78 ... 29588
91 ... 29588
94 ... 29588
97 ... 29588
160 ... 29588
189 ... 29588
192 ... 29588
196 ... 29588
Proposed Rules:
276 ... 29610
536 ... 29323
538 ... 29323

47 CFR
0 ... 29835
22 ... 29023
73 ... 29835–29840
90 ... 29297
Proposed Rules:
Ch. I ... 30052
2 ... 29323
21 ... 29323, 29335, 29350
61 ... 29865
73 ... 29865–29872
74 ... 29323, 29350
94 ... 29323, 29350

48 CFR
Proposed Rules:
4 ... 29612

49 CFR
510 ... 29032
571 ... 29045
1033 ... 29048–29054, 29840–29841
Proposed Rules:
571 ... 29102
1102 ... 29102
1270 ... 29104
1271 ... 29104
1272 ... 29104
1273 ... 29104
1274 ... 29104
1275 ... 29104
1276 ... 29104
1277 ... 29104
1278 ... 29104
1279 ... 29104

50 CFR
33 ... 29841
227 ... 29054
661 ... 29250
Proposed Rules:
17 ... 29370, 29371, 29373
216 ... 29375

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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.)

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DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
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DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

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

FEDERAL COMMUNICATIONS COMMISSION

67125 11-23-79 / Personal radio services; permitting cross-border communications with Canadian general radio service licensees

List of Public Laws

Last Listing May 5, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.J. Res. 541 / Pub. L. 96-240 Making additional funds available by transfer for the fiscal year ending September 30, 1980, for the Federal Trade Commission. (May 1, 1980; 94 Stat. 342.) Price $1.

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