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Highlights

Briefings on How to Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the Reader Aids Section at the end of this issue. **An interpreter for hearing impaired persons will be present for the November 16 briefing.**

60934 Neighborhood Self-Help Development HUD/NVACP provides an interim rule to set procedures for the award of grants and other forms of assistance under the program; comments by 1–7–80; effective 11–21–79 (Part II of this issue)

60755 Flammability Standards for Children's Sleepwear CPSC proposes to reissue an enforcement policy for sizes 0–6X and also proposes to issue the same policy statement for sizes 7–14; comments by 12–21–79

60718 Loan Moratorium SBA sets forth conditions of approval for its program; effective 10–22–79

60764 Federally Funded or Assisted Programs CSA proposes specific regulations prohibiting age discrimination; comments by 12–21–79

60946 Federally Funded or Assisted Programs DOT/Sec'y proposes rules to implement its responsibilities under the Age Discrimination Act of 1975; comments by 1–21–80 (Part IV of this issue)

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Area Code 202–523–5240

Highlights

60740 **Audiovisual Product** GSA/NARS informs agencies of the procedure to be followed in the planning and producing of services; effective 10–22–79

60723 **Standard Instrument Approach** DOT/FAA establishes, suspends, or revokes procedures for operations at certain airports

60771 **Occupant Crash Protection** DOT/NHTSA announces publication of an evaluation plan for Federal Motor Vehicle Safety Standard No. 208

60958 **Audit Requirements** OMB revises circular to insure organization-wide rather than grant-by-grant examinations (Part V of this issue)

60717 **Collateralization of Bank Advances** FHLBB revises its statement of policy relating to verification under various circumstances; effective 10–22–79

60716 **Extension of Credit** FRS amends its Regulation A in order to adjust discount rates

60745 **Events of Default** SBA proposes rule regarding leverage to small business companies; comments by 11–21–79

60726 **Claims** Copyright Royal Tribunal publishes rule stating acceptance prior to 7–31–79; effective 11–23–79

60715 **Antitrust Information** NRC amends rules to reduce or eliminate the requirements for submission; effective 10–22–79

60727 **Mail** PS issues final rule regarding certain classes, presorting destinations, optional sortations and minimum quantities for which a bulk mailer must prepare sacks

60746 **Naval Architecture and Marine Engineering** SBA proposes size standard; comments by 11–21–79

60764 **Coal and Other Minerals** Interior/BLM proposes rule requirements for persons who trespass on Federal lands; comments by 11–21–79

60891 **Sunshine Act Meetings**

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60943 **Part III, Interior/HCRS and BIA**
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Rules and Regulations

Federal Register
Vol. 44, No. 205
Monday, October 22, 1979

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

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Chapter XIV

Pennsylvania and Delaware; Geographic Jurisdiction Provisions

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Interim rules and regulations.

SUMMARY: This rule amends Appendix A, paragraph (f) (44 FR 44775) of the interim rules and regulations of the Federal Labor Relations Authority (Authority), General Counsel of the Federal Labor Relations Authority (General Counsel), and Federal Service Impasses Panel (Panel), published at 44 FR 44740, to provide that the States of Pennsylvania and Delaware are within the geographic jurisdiction of the New York Regional Office.

DATES: Effective Date: October 15, 1979.

Comment Date: Written comments on the interim rules and regulations will be considered if received no later than October 31, 1979.

ADDRESS: Send written comments to the Federal Labor Relations Authority, Office of the General Counsel, 200 Constitution Avenue, NW., Room N 5657, Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: S. Jesse Reuben, Deputy General Counsel, (202) 523-7262.

SUPPLEMENTARY INFORMATION: Effective July 30, 1979, the Authority, General Counsel and Panel published, at 44 FR 44740, interim rules and regulations to principally govern the processing of cases by the Authority, General Counsel and Panel under chapter 71 of title 5 of the United States Code. These interim rules and regulations are required by Title VII of the Civil Service Reform Act of 1978 and will continue to be applied until their expiration on January 31, 1980, or upon the effective date of final rules and regulations prior to January 31, 1980. As previously indicated at 44 FR 44740, interested labor organizations, agencies and other persons may comment in writing on the interim rules and regulations and such comments should be submitted no later than October 31, 1979.

Appendix A, paragraph (f) of the interim rules and regulations (44 FR 44775) sets forth the geographic jurisdictions of the Regional Directors of the Authority. Under paragraph (f) of Appendix A, the States of Pennsylvania and Delaware are listed to be within the geographic jurisdiction of the Authority's Washington, D.C. Regional Office. Based upon a careful review of overhead costs, travel costs and the need for effective supervision of field personnel, it has been concluded that it would be in the best interest of optimizing the transaction of Authority business through the most effective and efficient manner by placing the States of Pennsylvania and Delaware within the geographic jurisdiction of the Authority's New York Regional Office. The address of the New York Regional Office, as set forth in Appendix A, paragraph (d)(2) of the interim rules and regulations (44 FR 44775) is as follows:

(2) New York Regional Office—Room 1751, 26 Federal Plaza, New York, New York 10007, Telephone: FTS-264-5640, Commercial—(212) 264-5640.

Accordingly, Appendix A, paragraph (f) of the Authority, General Counsel, and Panel interim rules and regulations (44 FR 44775) is amended, in part, to read as follows:

Appendix A—Authority, General Counsel, Chief Administrative Law Judge, Regional Directors and Panel

Temporary Addresses and Geographic Jurisdictions.

* * * * *

(f) The geographic jurisdictions of the Regional Directors of the Authority are as follows:

State or Other Locality and Regional Office

* * * * *

Delaware—New York.

* * * * *

Pennsylvania—New York.

* * * * *

(5 U.S.C. 7134)

Dated: October 15, 1979.

Ronald W. Haughton,
Chairman.
Henry B. Frazier III,
Member.
Leon B. Applewhaite,
Member.
H. Stephan Gordon,
General Counsel.
Federal Labor Relations Authority.

[FR Doc. 79-32583 Filed 10-19-79; 8:45 am]
BILLING CODE 6325-19-M

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Parts 401, 427

Oat Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

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

EFFECTIVE DATE: October 22, 1979.

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

SUPPLEMENTARY INFORMATION: The Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking in the Federal Register on July 18, 1979 (44 FR 41821), outlining prescribed procedures for insuring oat crops effective with the 1980 crop year. In the notice, FCIC, under the authority

contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), proposed that a new Part 427 of Chapter IV in Title 7 of the Code of Federal Regulations be established to prescribe procedures for insuring oat crops effective with the 1980 crop year to be known as 7 CFR Part 427 Oat Crop Insurance.

All previous regulations applicable to insuring oat crops, as found in 7 CFR 401.101–401.111, and 401.130, are not applicable to 1980 and succeeding oat crops but remain in effect for FCIC oat insurance policies issued for the crop years prior to 1980.

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

In addition, 7 CFR Part 427 provides (1) for a Premium Adjustment Table which replaces the current premium discount provisions and includes a maximum 50 percent premium reduction for good insurance experience, as well as premium increases for unfavorable experience, on an individual contract basis, (2) that the production guarantees will now be shown on a harvested basis with a reduction of the lesser of 6 bushels or 20 percent of the guarantee for any unharvested acreage, (3) that any premium not paid by the termination date will be increased by a 9 percent service fee with a 9 percent simple interest charge applying to any unpaid balances at the end of each subsequent 12-month period thereafter, (4) that the time period for submitting a notice of loss be extended from 15 days to 30 days, (5) that the 60-day time period for filing a claim be eliminated, (6) that three coverage level options be offered in each county, (7) that the Actuarial Table shall provide the level which will be applicable to a contract unless a different level is selected by the insured and the conversion level will be the one closest to the present percent level offered in each county, and (8) for an increase in the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation, as found in 7 CFR 427.5 of these regulations, wherein the Manager of the Corporation is authorized to take action to grant relief.

The Oat Crop Insurance regulations provide a December 31 cancellation date for all oat producing counties.

These regulations, and any amendments thereto, must be placed on file in the Corporation's office for the county in which the insurance is available not later than 15 days prior to the cancellation date, in order to afford farmers an opportunity to examine them before the cancellation date of December 31, 1979, before they become effective for the 1980 crop year.

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

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

In addition, there is hereby added to the final rule an Appendix "B", which lists the counties where oat crop insurance is available in accordance with the provisions of 7 CFR 427.1 outlined below which state in part that before insurance is offered in any county there shall be published by appendix to this part the names of the counties in which such insurance shall be offered.

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

Final Rule

PART 401—FEDERAL CROP INSURANCE

§ 401.130 [Reserved]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby deletes and reserves 7 CFR 401.130, with such regulations as are contained therein remaining in effect for FCIC insurance policies issued for crop years prior to 1980, and issues a new Part 427 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR Part 427) to be known as the Oat Crop Insurance Regulations, which shall remain in effect, until amended or superseded, for the 1980 and succeeding crop years, to read as follows:

PART 427—OAT CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

Sec.

427.1 Availability of Oat Insurance.
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Authority: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506,1516)

§ 427.1 Availability of oat insurance.

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

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

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

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

§ 427.3 Public notice of indemnities paid.

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

§ 427.4 Creditors.

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

§ 427.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the oat insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a

misrepresentation or other erroneous action or advice or by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured, or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 427.6 The contract.

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

§ 427.7 The application and policy.

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

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

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

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

U.S. Department of Agriculture

Federal Crop Insurance Corporation

Application for 19— and Succeeding Crop Years
Oat
Crop Insurance Contract

_____

_____

_____

(Name and Address) (ZIP Code)

_____

(Contract Number)

_____

(Identification Number)

_____

(County)

_____

(State)

_____

Type of entity _____

_____

Applicant is over 18 Yes— No—

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

Level election _____
Price Election _____

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

"Location" farm No.	Guarantee per acre *	Premium per acre **	Practice

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

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

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

_____

(Code No./witness to signature)

_____

(Signature of applicant)

_____

(Date) ——— 19——
Address of office for county:

_____

Phone _____
Location of Farm Headquarters:

_____

Phone _____

Oat Crop Insurance Policy
Terms and Conditions
Subject to the provisions in the attached appendix:

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

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

2. *Crop and acreage insured.* (a) The crop insured shall be oats seeded for harvest as grain, oats seeded in the same manner for harvest as silage or hay, and grain mixtures in which oats is the predominant grain, and for which the actuarial table shows a guarantee and premium rate per acre, and which is grown on insured acreage.

(b) The acreage insured for each crop year shall be that acreage seeded to oats on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached as determined by the Corporation to any acreage (1) on which the oats were seeded with flax or vetch, (2) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (3) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (4) which is destroyed and after such destruction it was practical to reseed to oats and such acreage was not reseeded, (5) initially seeded after the date on file in the office for the county which has been established by the Corporation as being too late to initially seed and expect a normal crop to be produced, (6) of volunteer oats, (7) seeded to a type or variety of oats not established as adapted to the area or shown as noninsurable on the actuarial table.

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

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

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

(b) The production guarantee per acre shall be reduced by the lesser of 6 bushels or 20 percent for any unharvested acreage.

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

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

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

BILLING CODE 3510-08-M

% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE																
	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 – .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 – .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 – .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 – .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 – 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE																
	Number of Loss Years Through Previous Year 2/															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 – 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 – 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 – 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 – 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 – 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 – 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 – 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 – 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 – 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 – Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

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

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

BILLING CODE 3510-08-C

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

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

6. *Insurance period.* Insurance on insured acreage shall attach at the time the oats are seeded and shall cease upon the earliest of (a) final adjustment of a loss, (b) threshing, harvesting for silage or hay, or removal from the field, (c) October 31 of the calendar year in which oats are normally harvested, or (d) total destruction of the insured oat crop.

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

(b) Notice shall be given promptly if, during the period before harvest, the oats on any unit are damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, if the insured wants the consent of the Corporation to put the acreage to another use, or if the insured decides to harvest the crop for silage or hay. Pursuant to such notice, the Corporation shall appraise the potential grain production. *However,* if the Corporation is unable to do so prior to harvest, the insured may harvest the crop provided representative areas are left for appraisal purposes. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to reseed to oats. Notice shall also be given when such acreage has been put to another use.

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

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

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

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

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

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

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

(2) Any harvested production from volunteer crops growing with the seeded oat crop or small grains seeded in the growing oat crop on acreage which the Corporation has not given consent to be put to another use shall be counted as oats on a weight basis.

(3) Appraised production to be counted shall include: (i) the greater of the appraised production or 50 percent of the applicable guarantee for any acreage which, with the consent of the Corporation is seeded before oat harvest becomes general in the current crop year to any other crop insurable on such acreage (excluding any crop(s) maturing for harvest in the following calendar year), (ii) any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (iii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iv) only the appraisal in excess of the lesser of 6 bushels or 20 percent of the production guarantee for all other unharvested acreage.

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

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

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

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

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

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on

or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

County	Cancellation date	Termination date for indebtedness
All counties	December 31	March 31.

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

Appendix (Additional Terms and Conditions)

1. *Meaning of terms.* For the purposes of oat crop insurance:

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

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

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

(d) "Harvest" means the severance of mature oats from the land for threshing, hay or silage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

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

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

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

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

Appendix "B"

Counties Designated for Oat Crop Insurance—7 CFR Part 427

In accordance with the provisions of 7 CFR 427.1, the following counties are designated for oat crop insurance:

California

Modoc

Illinois

Bureau
Caroll
Henry
Jo Daviess
Ogle
Stephenson

Iowa

Adair
Adams
Allamakee
Appanoose
Audubon
Benton
Black Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
Calhoun
Carroll
Cass
Cedar
Cerro Gordo
Cherokee
Chickasaw
Clarke
Clay
Clayton
Clinton
Crawford
Dallas
Davis
Decatur
Delaware
Des Moines
Dickinson
Dubuque
Emmet
Fayette
Floyd
Franklin
Fremont
Greene
Grundy
Guthrie
Hamilton
Hancock
Hardin
Harrison
Henry
Howard
Humbolt
Ida
Iowa
Jackson
Jasper
Jefferson
Johnson
Jones
Keokuk
Kossuth
Lee
Linn
Louisa
Lucas
Lyon
Madison
Mahaska
Marion
Marshall
Mills
Mitchell
Monona
Monroe
Montgomery
Muscatine
O'Brien
Osceola
Page
Palo Alto
Plymouth
Pocahontas
Polk
Pottawattamie
Poweshiek
Sac
Scott
Shelby
Sioux
Story
Tama
Taylor
Union
Van Buren
Wapello
Warren
Washington
Webster
Winnebago
Winneshiek
Woodbury
Worth
Wright

Minnesota

Anoka
Becker
Benton
Big Stone
Blue Earth
Brown
Carver
Chippewa
Chisago
Clay
Cottonwood
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Houston
Isanti
Jackson
Kandiyohi
Kittson
Lac qui Parle
Le Sueur
Lincoln
Lyon
McLeod
Mahnomen
Marshall
Martin
Meeker
Mille Lacs
Morrison
Mower
Murray
Nicollet
Nobles
Norman
Olmsted
Otter Tail
Pennington
Pipestone
Polk
Pope
Red Lake
Redwood
Renville
Rice
Rock
Roseau
Scott
Sherburne
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Wadena
Waseca
Washington
Watonwan
Wilkin
Winona
Wright
Yellow Medicine

Nebraska

Cedar
Dakota
Dixon
Knox
Pierce
Wayne
Thurston

North Dakota

Adams
Barnes
Benson
Billings
Bottineau
Bowman
Burke
Burleigh
Cass
Cavalier
Dickey
Divide
Dunn
Eddy
Emmons
Foster
Golden Valley
Grand Forks
Grant
Griggs
Hettinger
Kidder
La Moure
Logan
McHenry
McIntosh
McKenzie
McLean
Mercer
Morton
Mountrail
Nelson
Oliver
Pembina
Pierce
Ramsey
Ransom
Renville
Richland
Rolette
Sargent
Sheridan
Sioux
Slope
Stark
Steele
Stutsman
Towner
Traill
Walsh
Ward
Wells
Williams

Oregon

Klamath

Pennsylvania

Chester
Cumberland
Dauphin
Perry

South Dakota

Aurora
Beadle
Bon Homme
Brookings
Brown
Brule
Campbell
Charles Mix
Clark
Clay
Codington
Davison
Day
Deuel
Douglas
Edmunds
Faulk
Grant
Gregory
Hamlin
Hand
Hanson
Hughes
Hutchinson
Hyde
Jerauld
Kingsbury
Lake
Lincoln
Lyman
McCook
McPherson
Marshall
Miner
Minnehaha
Moody
Potter
Roberts
Sanborn
Spink
Sully
Tripp
Turner
Union
Walworth
Yankton

Wisconsin

Barron
Brown
Buffalo
Calumet
Chippewa
Clark
Columbia
Crawford
Dane
Dodge
Dunn
Eau Claire
Fond du Lac
Grant
Green
Iowa
Jackson
Jefferson
Kenosha
Kewaunee
La Crosse
Lafayette
Manitowoc
Marathon
Monroe
Outagamie
Pepin
Pierce
Polk
Portage
Racine
Richland
Rock
St. Croix
Saulk
Sheboygan
Trempealeau
Vernon
Walworth
Waukesha
Winnebago
Wood

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

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

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

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: October 15, 1979.

Approved by:

James D. Deal,

Manager.

[FR Doc. 79-32580 Filed 10-19-79; 8:45 am]

BILLING CODE 3510-08-M

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7 CFR Parts 401 and 429

Rye Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

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

EFFECTIVE DATE: October 22, 1979.

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

SUPPLEMENTARY INFORMATION: The Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking in the **Federal Register** on July 19, 1979 (44 FR 42206), outlining prescribed procedures for insuring rye crops effective with the 1980 crop year. In the notice, FCIC, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), proposed that a new Part 429 of Chapter IV in Title 7 of the Code of Federal Regulations be established to prescribe procedures for insuring rye crops effective with the 1980 crop year to be known as 7 CFR Part 429 Rye Crop Insurance.

All previous regulations applicable to insuring rye crops, as found in 7 CFR 401.101-401.111, and 401.133, are not applicable to 1980 and succeeding rye crops but remain in effect for FCIC rye insurance policies issued for the crop years prior to 1980.

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

In addition, 7 CFR Part 429 provides (1) for a Premium Adjustment Table which replaces the current premium discount provisions and includes a maximum 50 percent premium reduction for good insurance experience, as well as premium increases for unfavorable experience, on an individual contract basis, (2) that the production guarantees will now be shown on a harvested basis with a reduction of the lesser of 6 bushels or 20 percent of the guarantee for any unharvested acreage, (3) that any premium not paid by the termination date will be increased by a 9 percent service fee with a 9 percent simple interest charge applying to any unpaid balances at the end of each subsequent 12-month period thereafter, (4) that the time period for submitting a notice of loss be extended from 15 days to 30 days, (5) that the 60-day time period for filing a claim be eliminated, (6) that three coverage level options be offered in each county, (7) that the Actuarial Table shall provide the level which will be applicable to a contract unless a different level is selected by the insured and the conversion level will be the one closest to the present percent level offered in each county, and (8) for an increase in the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation, as found in 7 CFR 429.5 of these regulations, wherein the Manager of the Corporation is authorized to take action to grant relief.

The Rye Crop Insurance regulations provide a June 30 cancellation date for all rye producing counties.

These regulations, and any amendments thereto, must be placed on file in the Corporation's office for the county in which the insurance is available not later than 15 days prior to the cancellation date, in order to afford farmers an opportunity to examine them before the cancellation date of June 30, 1980, before they become effective for the 1980 crop year.

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

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

In addition, there is hereby added to the final rule an Appendix "B", which lists the counties were rye crop insurance is available in accordance with the provisions of 7 CFR 429.1 outlined below which state in part that before insurance is offered in any county there shall be published by appendix to this part the names of the counties in which such insurance shall be offered.

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

PART 401—FEDERAL CROP INSURANCE

Final Rule

§ 401.133 [Reserved]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby deletes and reserves 7 CFR 401.133, with such regulations as are contained therein remaining in effect for FCIC insurance policies issued for crop years prior to 1980, and issues a new Part 429 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR Part 429) to be known as the Rye Crop Insurance Regulations, which shall remain in effect, until amended or superseded, for the 1980 and succeeding crop years, to read as follows:

PART 429—RYE CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

Sec.

429.1 Availability of Rye Insurance.
429.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
429.3 Public notice of indemnities paid.
429.4 Creditors.
429.5 Good faith reliance on misrepresentation.
429.6 The contract.
429.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516).

§ 429.1 Availability of rye insurance.

Insurance shall be offered under the provision of this subpart on rye in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as

amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this chapter the names of the counties in which rye insurance will be offered.

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

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

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

§ 429.3 Public notice of indemnities paid.

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

§ 429.4 Creditors.

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

§ 429.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the rye insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 429.6 The contract.

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

§ 429.7 The application and policy.

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

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

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

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

U.S. Department of Agriculture, Federal Crop Insurance Corporation

Applications for 19— and Succeeding Crop Years; Rye Crop Insurance Contract

_____

_____

_____

(Name and Address) (ZIP Code)

_____

(Contract Number)

_____

(Identification Number)

_____

(County)

_____

(State)

Type of Entity _____

Applicant is over 18 Yes— No—

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

Level Election _____

Price Election _____

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

Location/ farm No.	Guarantee per acre *	Premium per acre **	Practice

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

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

B. WHEN NOTICE OF ACCEPTANCE OF THIS APPLICATION IS MAILED TO THE APPLICANT BY THE CORPORATION, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED as provided in the contract. This accepted applications, the following rye insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the

county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

(Code No./Witness to Signature)

(Signatue of Applicant)

(Date)———, 19—
Address of office for county:

Phone
Location of Farm Headquarters:

Phone

Rye Crop Insurance Policy
Terms and Conditions

Subject to the provisions in the attached appendix:

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

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

2. *Crop and acreage insured.* (a) The crop insured shall be rye which is seeded for harvest as grain and which is grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year shall be that acreage seeded to rye on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* that insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) where rye was seeded with vetch or flax or other small grains, (2) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for whch a premium rate has been established, (3) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (4) which is destroyed and after such destruction it was practical to reseed to rye and such acreage was not reseeded, (5) initially seeded after the date on file in the office for the county which has been established by the Corporation as being too late to initially seed and expect a normal crop to be produced, (6) of volunteer rye, (7) seeded to a type or variety of rye not established as adapted to the area or shown as noninsurable on the actuarial table, or (8) seeded with another crop, except as otherwise provided herein.

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

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

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

(b) The production guarantee per acre shall be reduced by the lesser of 3 bushels or 20 percent for any unharvested acreage.

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

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

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

BILLING CODE 3510-08-M

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

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

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

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

BILLING CODE 3510-08-C

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

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

6. *Insurance period.* Insurance on insured acreage shall attach at the time the rye is seeded and shall cease upon the earliest of (a) final adjustment of a loss, (b) combining, threshing, or removal of the rye from the field, (c) October 31 of the calendar year in which rye is normally harvested, or (d) total destruction of the insured rye crop.

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

(b) Notice shall be given promptly if, during the period before harvest, the rye on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to reseed to rye. Notice shall also be given when such acreage has been put to another use.

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

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

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

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

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

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

(1) Mature production which grades No. 3 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 16.0 percent; and if, due to insurable causes, any rye does not grade No. 3 or better, or is graded smutty, garlicky, or ergoty, in accordance with the Official U.S. Grain Standards, the production shall be adjusted by (i) dividing the value per bushel of the damaged rye (as determined by the Corporation) by the price per bushel of U.S. No. 2 rye and (ii) multiplying the result by the number of bushels of such rye. The applicable price for No. 2 rye shall be the local market price on the earlier of the day the loss is adjusted or the day the damaged rye was sold.

(2) Any harvested production from volunteer crops growing with the seeded rye crop or small grains seeded in the growing rye crop on acreage which the Corporation has not given consent to be put to another use shall be counted as rye on a weight basis.

(3) Appraised production to be counted shall include: (i) the greater of the appraised production or 50 percent of the applicable guarantee for any acreage which, with the consent of the Corporation, is seeded before rye harvest becomes general in the current crop year to any other crop insurable on such acreage (excluding any crop(s) maturing for harvest in the following calendar year), (ii) any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (iii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iv) only the appraisal in excess of the lesser of 3 bushels or 20 percent of the production guarantee for all other unharvested acreage.

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

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

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

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

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

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

(c) Following are the cancellation and termination dates:

	Cancellation date	Termination date for indebtedness
All counties	June 30	Sept. 15.

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

Appendix (Additional Terms and Conditions)

1. *Meaning of terms.* For the purposes of rye crop insurance:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix "B"

Counties Designated for Rye Crop Insurance—7 CFR Part 420

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

North Dakota

Barnes Richland
Pierce

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

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

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

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: October 15, 1979.

Approved by:

James D. Deal,

Manager.

[FR Doc. 79-32581 Filed 10-19-79; 8:45 am]

BILLING CODE 3510-08-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 50

Licensing of Production and Utilization Facilities; Antitrust Review Procedures

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is hereby amending current regulations to reduce or eliminate the requirements for submission of antitrust information in certain "de minimis" instances and to clarify requirements for antitrust review of applications for licenses for class 103 facilities (commercial facilities) other than power reactors.

EFFECTIVE DATE: October 22, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Argil Toalston, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301–492–8339.

SUPPLEMENTAL INFORMATION: Each applicant for a license for a production or utilization facility under section 103 of the Atomic Energy Act of 1954, as amended, is required by § 50.33a of 10 CFR Part 50, Licensing of Production and Utilization Facilities, to respond to a series of questions provided by the Attorney General of the United States in connection with the review of antitrust matters pursuant to section 105c of the Atomic Energy Act of 1954, as amended. In the case of a nuclear power reactor, several utilities may join in a single application for a license. Some of the participants will hold very small shares of the facility and will be entitled to only small percentages of the total output of electricity from the facility.

Generally, participants holding a small share entitling them to a small percentage of the electricity generated by the facility tend to be small entities not normally having a significant competitive impact in their general area. Consequently, on April 26, 1978, the Commission caused to be published in the **Federal Register** (43 FR 17830) a notice of proposed rule making waiving the requirement that "de minimis" participants in nuclear power plants submit antitrust information specified in Part 50, unless specifically requested by the Commission to do so.

The NRC received comments from the law firm of LeBoeuf, Lamb, Leiby & MacRae (LeBoeuf) addressing the **Federal Register** Notice. Based on these comments, the Commission has adopted LeBoeuf's suggestion that threshold levels for determining whether an electric utility may be considered "de minimis" for antitrust purposes should be based on the generating capacity of the applicant at the time of its application rather than its entitlement to electrical output from the facility. Using generating capacity would provide a more direct measurement of the relative size, and thus competitive impact, of an applicant.

Thus, the Commission has concluded that participants whose generating capacity at the time of application is 200 MW(e) or less are not required to submit information specified in Appendix L of Part 50, unless specifically requested by the Commission to do so. The Commission notes that the limit of 200 MW(e) of generating capacity would currently require approximately the 200 largest electric utilities in the United States to respond to all or a portion of NRC's antitrust questions. The Commission believes that utilities smaller than these generally would have a negligible effect on competition. However, under certain circumstances these smaller systems could also be required to submit the information set forth in Appendix L of Part 50 if possible antitrust problems become apparent.

The Commission has also concluded that participants whose generating capacity at the time of application is more than 200 MW(e) but not more than 1400 MW(e) are required to respond only to Question 9 in Appendix L of Part 50. Question 9 deals with neighboring, non-affiliated electric utility systems with peak loads smaller than applicant's. Such applicants could, of course, subsequently be specifically requested by the Commission to submit all the information required by § 50.33a. The Commission notes that the limit of 1400 MW(e) of generating capacity would currently require approximately the 100 largest utilities in the United States to respond to all of the antitrust questions.

These proposed changes would reduce the burden of preparing antitrust-related data on small applicants, while at the same time maintaining an adequate standard of antitrust review. The Antitrust Division of the Department of Justice has concurred in the Commission's proposed action.

Other commercial production and utilization facilities in addition to nuclear power reactors are subject to antitrust review requirements. Amendments are proposed to Parts 2 and 50 in order to clarify that the antitrust review associated with construction permit applications for uranium enrichment facilities and fuel reprocessing plants may also call for

submission of information by the applicant.

Because this rule making action reduces the burden on the resources of both the NRC staff and certain applicants without increasing the burden on anyone else, good cause exists for omitting a value/impact analysis.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 and section 553 of Title 5 of the United States Code, notice is hereby given that the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 2 and 50, have been adopted.

1. Paragraph 2.101(a)(5) of 10 CFR Part 2 is revised to read as follows:

§ 2.101 Filing of application.

(a) * * *

(5) An applicant for a construction permit for a production or utilization facility which is subject to § 51.5(a) of this chapter, and is of the type specified in §§ 50.21(b)(2) or (3) or 50.22 of this chapter or is a testing facility may submit the information required of applicants by Part 50 of this chapter in three parts. One part shall be accompanied by the information required by § 50.30(f) of this chapter, another part shall include any information required by §§ 50.34(a) and, if applicable, § 50.34a of this chapter and a third part shall include any information required by § 50.33a. One part may precede or follow other parts by no longer than six (6) months except that the part including information required by § 50.33a shall be submitted in accordance with time periods specified in § 50.33a. If an applicant for a construction permit for a nuclear power reactor is exempted pursuant to § 50.33a of this chapter from filing the information described by § 50.33a of this chapter, such applicant shall file with the first part of its application an affidavit setting forth facts as to the electrical generating capacity of its system. If it is determined that any one of the parts as described above is incomplete and not acceptable for processing, the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, will inform the applicant of this determination and the respects in which the document is deficient. Such a determination of completeness will generally be made within a period of thirty (30) days. Except for the part including information required by § 50.33a, whichever part is filed first shall also include the fee required by § 50.30(e) and 170.21 of this chapter and the information required by §§ 50.33, 50.34(a)(1), and 50.37 of this chapter. The Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, will accept for docketing an application for a construction permit for a production or utilization facility which is subject to § 51.5(a) of this chapter, and is of the type specified in §§ 50.21(b) (2) or (3) or 50.22 of this chapter or is a testing facility where one part of the application as described above is complete and conforms to the requirements of Part 50 of this chapter. Additional parts will be docketed upon a determination by the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, that they are complete.

2. In § 50.33a of 10 CFR Part 50, paragraph (a) is revised and a new paragraph (e) is added to read as follows:

§ 50.33a Information requested by the Attorney General for antitrust review.

(a)(1) An applicant for a construction permit for a nuclear power reactor shall submit the information requested by the Attorney General as described in Appendix L, if the application is for a class 103 permit and if the applicant has electrical generating capacity exceeding 1400 MW(e).

(2) An applicant for a construction permit for a nuclear power reactor shall submit the information requested by the Attorney General as described in paragraph 9 of Section II of Appendix L if the applicant has electrical generating capacity exceeding 200 MW(e) but no more than 1400 MW(e). Upon request of the Commission, the applicant shall furnish the other information described in Appendix L.

(3) An applicant for a construction permit for a nuclear power reactor is not required to submit the information described in Appendix L unless specifically requested by the Commission to provide the information, if the applicant has electrical generating capacity of 200 MW(e) or less.

(4) The information described in paragraphs (a)(1) and (2) of this section shall be submitted as a separate document prior to any other part of the license application as provided in paragraph (b) and in accordance with § 2.101 of this chapter.

* * * * *

(e) Any person who applies for a class 103 construction permit for a uranium enrichment or fuel reprocessing plant shall submit such information as may be requested by the Attorney General for antitrust review, as a separate document as soon as possible and in accordance with § 2.101 of this chapter.

3. In Appendix L of 10 CFR Part 50, paragraph I.1. is amended to read as follows:

Appendix L—Information Requested by the Attorney General for Antitrust Review Facility License Applications

* * * * *

I. DEFINITIONS

1. "Applicant" means the entity applying for authority to construct or operate subject unit and each corporate parent, subsidiary and affiliate. Where application is made by two or more electric utilities not under common ownership or control, each utility, subject to the applicable exclusions contained in § 50.33a, should set forth separate responses to each item herein.

(Secs. 103, 105, 161, Pub. L. 83-703, 84-1006, 68 Stat. 939, 938, 948, 70 Stat. 1069, 84 Stat. 1472 (42 U.S.C. 2133, 2135, 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Washington, D.C., this 15th day of October, 1979.

For the Nuclear Regulatory Commission,

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-32241 Filed 10-19-79; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 201

Extensions of Credit by Federal Reserve Banks; Changes in Discount Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended its Regulation A, "Extensions of Credit by Federal Reserve Banks," for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country.

EFFECTIVE DATE: The changes were effective on the dates specified below.

FOR FURTHER INFORMATION CONTACT: Theodore E. Allison, Secretary Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3257).

SUPPLEMENTARY INFORMATION: Pursuant to the authority of 5 U.S.C. Sec. 553(b)(3)(B) and (d)(3), these amendments are being published without prior general notice of proposed rulemaking, public participation, or deferred effective date. The Board has for good cause found that current economic and financial considerations

required that these amendments be adopted immediately.

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), Part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under section 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of	Rate	Effective
Boston	12	October 10, 1979
New York	12	October 8, 1979
Philadelphia	12	October 8, 1979
Cleveland	12	October 8, 1979
Richmond	12	October 8, 1979
Atlanta	12	October 9, 1979
Chicago	12	October 9, 1979
St. Louis	12	October 8, 1979
Minneapolis	12	October 8, 1979
Kansas City	12	October 9, 1979
Dallas	12	October 9, 1979
San Francisco	12	October 8, 1979

2. Section 201.52 is amended to read as follows:

§ 201.52 Advances to member banks under section 10(b).

(a) The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of	Rate	Effective
Boston	12½	October 10, 1979
New York	12½	October 8, 1979
Philadelphia	12½	October 8, 1979
Cleveland	12½	October 8, 1979
Richmond	12½	October 8, 1979
Atlanta	12½	October 9, 1979
Chicago	12½	October 9, 1979
St. Louis	12½	October 8, 1979
Minneapolis	12½	October 8, 1979
Kanas City	12½	October 9, 1979
Dallas	12½	October 9, 1979
San Francisco	12½	October 8, 1979

(b) The rates for advances to member banks for prolonged periods and significant amounts under section 10(b) of the Federal Reserve Act and § 201.2(e)(2) of Regulation A are:

Federal Reserve Bank of	Rate	Effective
Boston	13	October 10, 1979
New York	13	October 8, 1979
Philadelphia	13	October 8, 1979
Cleveland	13	October 8, 1979
Richmond	13	October 8, 1979
Atlanta	13	October 9, 1979
Chicago	13	October 9, 1979
St. Louis	13	October 8, 1979
Minneapolis	13	October 8, 1979
Kansas	13	October 9, 1979
Dallas	13	October 9, 1979
San Francisco	13	October 8, 1979

3. Section 210.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of	Rate	Effective
Boston	15	October 10, 1979
New York	15	October 8, 1979
Philadelphia	15	October 8, 1979
Cleveland	15	October 8, 1979
Richmond	15	October 8, 1979
Atlanta	15	October 9, 1979
Chicago	15	October 9, 1979
St. Louis	15	October 8, 1979
Minneapolis	15	October 8, 1979
Kansas City	15	October 9, 1979
Dallas	15	October 9, 1979
San Francisco	15	October 8, 1979

(12 U.S.C. 248(i). Interrets or applied 12 U.S.C. 357.)

By order of the Board of Governors, October 11, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-32490 Filed 10-19-79; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 525 and 531

[No. 79-524]

Collateralization of Bank Advances

October 11, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rules.

SUMMARY: The changes revise the Board's statement of policy relating to verification of collateral securing Federal Home Loan Bank advances, by: (1) no longer requiring that collateralized mortgages be physically segregated; (2) setting out minimum requirements for collateralization agreements; and (3) providing explicitly that collateralization procedures and verfication procedures shall be prescribed by each Bank for its members. The Board believes that such changes are desirable to increase flexibility and efficiency in such procedures while maintaining protection of Bank security interests.

EFFECTIVE DATE: October 22, 1979.

FOR FURTHER INFORMATION CONTACT: Daniel P. Chase, Office of the District Banks (202-377-6654), or Nancy L. Feldman, Associate General Counsel (202-377-6440).

SUPPLEMENTARY INFORMATION: Section 10 of the Federal Home Loan Bank Act of 1932, as amended (12 U.S.C. 1437), authorizes each Federal Home Loan Bank ("Bank") to make advances upon the security of home mortgages. Pursuant to its authority under the Bank Act, the Board has for many years authorized collateralization procedures permitting borrowing members to retain possession of the collateral, leaving up to individual Banks the particular method by which they would perfect liens and take possession of the collateral should that step become necessary. However, the regulations authorizing collateralization procedures required physical segregation of the collateral assigned as security for advances from other mortgages held by borrowing members.

On June 14, 1979, the Board, by Resolution No. 79-343 (44 FR 36055-36056, dated June 20, 1979), proposed to modernize its collateralization requirements as described in the above summary, by revising 12 CFR 531.4. The public comment period closed on August 20, 1979, with receipt of 30 public responses, all favoring the proposed changes. Therefore, the Board has determined to adopt the amendments as proposed, and to rescind 12 CFR 525.19, providing for reporting requirements on individual collateralized mortgages, as inconsistent with the provisions of amended § 531.4.

Several commenters suggested further amending the advances regulations by allowing uncollateralized advances, reducing overcollaterization requirements, and raising collateral dollar limits. These are statutory requirements imposed by Section 10 of the Bank Act and are not subject to regulatory modification, although it is noted that there are provisions under Section 11(g) of the Bank Act for Banks to make available short term advances with lower or no collateral requirements.

Revised § 531.4 requires an opinion from Bank counsel that a security agreement obtained from the borrowing member is in compliance with applicable law. In response to a commenter's question, the Board notes that such opinion would not have to state that the security agreement provided the Bank with a perfected

security interest in the ascribed collateral, because in many jurisdictions this would require physical possession and recording of the mortgage documents, which procedures are not required by the Board. In response to another commenter's question, Bank counsel would have to render opinions regarding compliance with each State law in the Bank's regional district.

The Board finds that publication of these amendments for a 30-day period before effective date, as specified in 5 U.S.C. § 553(d) and 12 CFR 508.14, is unnecessary because the amendments relieve restriction.

Accordingly, the Federal Home Loan Bank Board hereby amends its Regulations for the Federal Home Loan Bank System by rescinding 12 CFR 525.19 and revising 12 CFR 531.4 thereof, to read as set forth below.

PART 525—ADVANCES

§ 525.19 [Rescinded]

1. Rescind § 525.19.

PART 531—STATEMENTS OF POLICY

2. Revise § 531.4, to read as follows:

§ 531.4 Assigned collateral; verification.

A member may retain documents evidencing home mortgages it has assigned to its Bank to secure advances, if it agrees to hold such documents for the benefit and subject to the direction and control of the Bank. The Bank shall obtain a written security agreement signed by the borrowing member and describing the type of collateral, and an opinion by Bank counsel that such agreement is in compliance with applicable law. The Bank shall periodically verify that such mortgage collateral exists and that appropriate collateralization procedures are maintained. The Bank shall prescribe collateralization procedures for members, and shall establish verification procedures in accordance with generally accepted auditing standards.

(Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 79-32554 Filed 10-19-79; 8:45 am]

BILLING CODE 6720-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 131

Loan Moratorium Program

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This Part 131 is established to provide the rules and regulations for the loan moratorium program. It implements section 5(e) of the Small Business Act (15 U.S.C. 634(e)) which authorizes the Small Business Administration (SBA) to undertake or suspend a borrower's obligation under any loan made pursuant to the Small Business Act.

This rule sets forth the conditions for the approval of such a moratorium. It specifies that moratoriums on direct or immediate participation loans will be handled as simple deferments under existing administrative guidelines.

The rule then sets forth the terms for a moratorium on a guaranteed loan and lists the criteria which must be met before such a moratorium can be approved. These criteria are specified in the legislation.

EFFECTIVE DATE: October 22, 1979.

FOR FURTHER INFORMATION CONTACT: Timothy F. O'Leary, Deputy Director, Office of Portfolio Management, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, (202) 653–6429.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the **Federal Register** (44 FR 21654) on April 11, 1979. Interested parties were invited to submit comments. One public comment was received which supported the proposed regulation. Accordingly, the proposed regulations are adopted without change.

Pursuant to authority contained in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b), notice is hereby given that SBA establishes a new Part 131 of Chapter I, Title 13 of the Code of Federal Regulations as set forth below:

PART 131—LOAN MORATORIUM PROGRAM

Sec.

131.1 Statutory provisions.
131.2 Definitions.
131.3 General.
131.4 Criteria.
131.5 Time Periods.
131.6 Repayment.
131.7 Termination.

Authority.—15 U.S.C. 634(b)(6); and 15 U.S.C. 634(e), Pub. L. 95–89, approved August 4, 1977 (91 Stat. 553).

§ 131.1 Statutory provisions.

The statutory provisions will be found at 15 U.S.C. 634(e).

§ 131.2 Definitions.

As used in this part:

"SBA" means the Small Business Administration.

"Moratorium" means the fulfillment by SBA of a borrower's obligation to a participating lender under an SBA-guaranteed loan by the making of payments to such lender on the borrower's behalf.

"Deferment" means the procedure whereby a lender (participant or SBA) suspends a borrower's obligation to make payments on a loan for a stated period of time.

§ 131.3 General.

(a) SBA may, upon written application by a borrower, suspend or undertake borrower's obligation to repay principal and interest on an SBA direct, immediate participation or guaranteed loan.

(b) When SBA has decided to suspend payment on a direct or immediate participation loan, a deferment will be approved under administrative procedures, and payment by borrower will not be required for a stated time period.

(c) In the case of a guaranteed loan, SBA may undertake a borrower's obligation to a participating lender for a period or aggregate periods not to exceed five (5) years. The loan may be extended beyond the statutory limit for a corresponding period of time to accommodate repayment of the obligation undertaken by SBA.

§ 131.4 Criteria.

(a) Undertaking of the borrower's obligation under a guaranteed loan may only be considered if all the following conditions are met: (a) SBA determines that without such undertaking the business will become or remain insolvent;

(b) SBA determines that with such undertaking the business will become or remain viable;

(c) SBA determines that alternative remedies, such as a simple deferment, are not available;

(d) The lender has granted a deferment(s) to the borrower equivalent to at least six (6) monthly installments immediately prior to moratorium approval and, in the opinion of the lender and SBA, such deferment(s) provided a beneficial result;

(e) All parties concerned execute a "Moratorium Agreement" satisfactory to SBA;

(f) The borrower and all co-makers of the guaranteed loan execute a demand note to repay SBA's moratorium advances, and all guarantors or other obligors of the guaranteed loan execute guarantee agreement(s) or any other instruments required by SBA to protect its interests under the demand note;

(g) The borrower and any other obligors provide such security as SBA deems necessary or appropriate to insure that the rights and interests of the lender (SBA or participant) will be safeguarded adequately during and after the moratorium period; and

(h) Collateral securing the demand note shall include, but need not be limited to, all the collateral securing the guaranteed loan, and the lien positions for the demand note on such collateral shall only be subject to prior liens for the guaranteed loan.

§ 131.5 Time periods.

(a) Moratoriums will be limited to six months of future payments unless the SBA deems it necessary to authorize a maximum term of one year in a particular case. If beneficial results are evident to SBA after such period, the moratorium may be continued for additional periods.

(b) Succeeding moratoriums to a maximum aggregate period of five (5) years will not be authorized unless financial analysis indicates:

(1) A continued need for the undertaking;

(2) A significant benefit to the borrower; and

(3) Eventual viability (anticipated ability to repay from earnings) of the borrower.

§ 131.6 Repayment.

(a) Repayment by the borrower of SBA's moratorium advances shall be made pursuant to the demand note executed by the borrower. SBA shall have the right to demand payment at any time SBA determines repayment is necessary or appropriate. The interest rate for the demand note shall be the same as for the guaranteed loan. SBA may demand payment in full of the principal and interest due under the demand note, or SBA may agree with the borrower on a repayment schedule which can include, but shall not be limited to, periodic repayments not less in amount and frequency than under the guaranteed loan. If SBA does not demand repayment until the borrower has repaid the guaranteed loan in full, SBA shall immediately thereafter demand repayment under the demand note.

(b) Advances made by SBA to the lender on behalf of the borrower during the moratorium period(s) will accrue interest at the note rate from the date of each disbursement by SBA. Repayments to SBA by the borrower will be applied first to payment of accrued interest with the balance, if any, to be applied in reduction of principal.

§ 131.7 Termination.

The "Moratorium Agreement" shall provide that SBA shall have absolute discretion to determine at any time whether to make or to discontinue making payments to the lender on behalf of the borrower.

(Catalog of Federal Domestic Assistance Programs Nos. 59.001 (Displaced Business Loans), 59.002 (Economic Injury Loans), 59.003 (Economic Opportunity Loans), 59.008 (Physical Disaster Loans), 59.010 (Product Disaster Loans), 59.012 (Small Business Loans), 59.014 (Coal Mine Health and Safety Loans), 59.017 (Meat and Poultry Inspection Loans), 59.018 (Occupational Safety and Health Loans), 59.021 (Handicapped Assistance Loans), 59.022 (Emergency Energy Shortage Economic Injury Loans), 59.023 (Strategic Arms Economic Injury Loans), 59.024 (Water Pollution Control Loans), 59.025 (Air Pollution Control Loans), 59.027 (Economic Dislocation Loans), 59.028 (Energy Conservation Loans))

Dated: October 10, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 79-32483 Filed 10-19-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-NE-13, Amdt. No. 39-3589]

Airworthiness Directives; Consolidated Aeronautics, Inc.; Colonial C-1, Colonial C-2, Lake LA-4, Lake LA-4A, Lake LA-4P, and Lake LA-4-200

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires the installation of fuses in the anchor light and bilge pump circuits of LA-4-200 airplanes. The AD is needed to prevent the wires in these circuits from burning in the case of an electrical short.

DATES: Effective date—November 21, 1979. Compliance schedule—within 50 hours time in service after the effective date.

ADDRESSES: Send comments in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 79-NE-13, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Ronald L. Vavruska, Electrical/Electronic Staff Engineer, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7340.

SUPPLEMENTARY INFORMATION: There has been a report of a burning of the electrical power wire for the bilge pump caused by an electrical short between the battery relay and the bilge pump switch. The fuse for the bilge pump circuit, in this instance, was located at the switch leaving a substantial length of wire between the battery relay and fuse unprotected. This AD will require the installation of a fuse at the battery relay. The same type of circuit is used for the anchor light, and the AD will also apply to the anchor light circuit. This condition is likely to exist in other airplanes of the same type design.

The 50 hour compliance time for the modification has been established by the FAA on the basis of safety considerations. This compliance time provides the lead time for operators to schedule and plan compliance with the AD with a minimum burden. Accomplishment of the modification required by this AD within the time specified makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable, and this amendment becomes effective November 21, 1979. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received before the effective date will be considered by the Administrator, and the AD may be changed in the light of comments received. All comments will be available both before and after the effective date in the Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible to allow for appropriate evaluation before the effective date of the AD.

The substance of this AD has been informally coordinated with the Aircraft Owners and Pilots Association. The AOPA had no objections.

Adoption of Amendment

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

Consolidated Aeronautics: Applies to Colonial C–1, Colonial C–2, Lake LA–4, Lake LA–4A, Lake LA–4P, and Lake LA–4–200 airplanes with an anchor light or bilge pump installed.

Compliance required within the next 50 hours time in service unless already accomplished.

To preclude burning of power wires in case of an electrical short, install a Cole-Hersee 3031–D fuse holder and a Buss AG5A 5 ampere fuse, or FAA approved equivalents, within 4 inches of the battery relay, in the power lines for the anchor light and bilge pump.

(Lake Aircraft Division, Consolidated Aeronautics Service Bulletin B–62 pertains to the installation required by this AD.)

Upon request, an equivalent method of compliance with the requirements of this AD may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region.

This amendment becomes effective November 21, 1979.

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

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket.

Issued in Burlington, Massachusetts, on October 9, 1979.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 79-32236 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 78-GL-4; Amdt. 39-3592]

Airworthiness Directives; Detroit Diesel Allison Models 250-C18, 250-C18A, 250-C18B, 250-C18C, 250-C20, 250-C20B

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amemdment modifies an existing airworthiness directive (AD) to clarify the compliance time. The airworthiness directive requires that certain engine driven fuel pumps installed in Detroit Diesel Allison 250–C18 and 250–C20 series engines be inspected and modified as specified in the AD. This amendment clarifies that the compliance period for modifying the pumps is based on the time since overhaul, or since new if the pump is new.

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

ADDRESSES: Copies of Detroit Diesel Allison service information referenced herein may be obtained by contacting: Detroit Diesel Allison, Division of General Motors Corporation, P.O. Box 894, Indianapolis, Indiana 46206.

Copies of the service information incorporated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois 60018, and at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Biemond, Engineering and Manufacturing Branch, AGL–217, Flight Standards Divisions, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–4500, extension 359.

SUPPLEMENTARY INFORMATION: This notice amends Amendment 39–3264, 43 FR 30533, AD 78–14–08 which required the inspection and modification of fuel pumps.

After issuing Amendment 39–3264, 43 FR 30533, AD 78–14–08, the FAA determined that the time in service could be since overhaul or new. Therefore, the FAA is amending Amendment 39–3264. Since this amendment relieves a restriction and imposes no additional burden on the public, notice and public procedure thereon are unnecessary and this amendment may be made effective in less than 30 days.

Adoption of the Amemdment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39–3264, 43 FR 30533, AD 78–14–08 by revising it to read:

Detroit Diesel Allison: Applies to 250–C18, 250–C18A, 250–C18B, 250–C18C, 250–C20, and 250–C20B engines equipped with fuel pump P/Ns 6854292, 6856250, 6857548, 6876803, and 6877719, installed in aircraft certificated in all categories.

Compliance required as follows unless previously accomplished. To preclude possible engine flameout resulting from fuel pump drive spline failure: Remove and inspect the fuel pump drive splines in accordance with the procedures specified in Detroit Diesel Allison Commercial Service Letter 61 for the 250–C18 series engines and 1007 for the 250–C20 series engines, revision 3 or later FAA approved revisions and the compliance times specified in (a) and (b) below.

(a) For fuel pumps with 200 or more hours time in service on the effective date of this AD, compliance is required within 25 hours time in service and again each 200 hours time in service thereafter.

(b) For fuel pumps with less than 200 hours time in service on the effective date of this AD, compliance is required prior to reaching 225 hours time in service and again each 200 hours time in service thereafter.

If the pump drive splines exceed the wear criteria specified in the above Commercial Service Letters, the pump shall be removed from service before further flight except that the aircraft may be flown in accordance with FAR 21.197 to a base where the repair can be performed. Unacceptable spline wear may be corrected by replacing worn parts or by modifying the pump in accordance with Detroit Diesel Allison Commercial Engine Bulletins No. 161 for 250–C18 series engines and 1051 for 250–C20 series engines revision 1, or later FAA approved revisions.

All affected fuel pumps shall be modified in accordance with the procedures specified in the above referenced Commercial Engine Bulletins and the compliance times specified in (c) through (e) below. Upon completion of this modification the need and requirement for the above recurring inspection is eliminated. "Time in service" as specified in (c) and (d) below is the time since the last pump overhaul, or since new if the pump has never been overhauled.

(c) For fuel pumps with less than 1475 hours time in service on the effective date of this AD, compliance is required prior to reaching 1500 hours time in service.

(d) For fuel pumps with greater than 1475 hours time in service after the effective date of this AD, compliance is required within 25 hours time in service.

(e) All fuel pumps disassembled for heavy maintenance or overhaul shall be modified regardless of time in service, before being returned to service.

Operators who have not kept time in service records on individual pumps shall substitute engine hours time in service in lieu thereof.

The Detroit Diesel Allison commercial service information identified in this directive is incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1). The Detroit Diesel Allison commercial service information incorporated herein may be obtained upon request to Detroit Diesel Allison, Division of General Motors Corporation, P.O. Box 894, Indianapolis, Indiana 46206. This document may also be examined at the FAA Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, and at FAA Headquarters, 800 Independence Avenue, SW., Washington,

D.C. 20591. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C. and the Great Lakes Region.

This amendment becomes effective October 24, 1979.

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

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Cornelius Biemond, Engineering and Manufacturing Branch, AGL-217, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Issued in Des Plaines, Illinois, on October 2, 1979.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on June 19, 1967.

Louis H. Yates,

Acting Director, Great Lakes Region.

[FR Doc. 79-32238 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-WE-31-AD; Amdt. 39-3590]

Airworthiness Directives; General Dynamics Model 240 Series Airplanes, Including Those Modified for Turbo Propeller Power.

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This notice adopts a new airworthiness directive (AD) which requires inspection and replacement, if necessary, of the elevator flight tab spring tube on General Dynamics Model 240 series aircraft. This AD is needed because failure of the elevator flight tab spring tube could result in vibration of the elevator.

DATES: Effective October 25, 1979. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: General Dynamics, Attention: Larry Hayes, Manager Products Support, Convair Division, P.O. Box 80877, San Diego, California 92138.

Also, a copy of the service information may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591; or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

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

SUPPLEMENTARY INFORMATION: The FAA has determined that cracks exist in the elevator flight tab spring tube on General Dynamics Model 240 airplanes. This condition, if not corrected, could result in failure of the elevator flight tab spring tube with result of a hazardous vibration of the elevator.

In order to prevent the cracking condition from progressing to failure of the elevator flight tab spring tube, this AD requires an early initial inspection and frequent repetitive inspections on tubes of original configuration identified by part number, and also requires a less rigorous repetitive inspection program on tubes of an improved design.

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

Adoption of the Amendment

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

General Dynamics: Applies to Model 240 series airplanes including those modified for turbo propeller power, certificated in all categories. Compliance required as indicated, unless already accomplished.

To prevent failure of the elevator flight tab spring tube, accomplish the following:

(a) Within 25 hours' time in service after the effective date of this AD, inspect the elevator flight tab spring tube per procedures set forth in Section 2, Accomplishment Instructions, of General Dynamics Service Bulletin 600 (240D) 27-5, dated July 18, 1979.

(b) If P/N 24-3540305-24 or 240-3540305-30 tube is installed, within 50 hours' time in service from the inspection of paragraph (a) of this AD and thereafter at intervals not to exceed 50 hours' time in service reinspect the tube for cracks per paragraph (a) of this AD.

(c) If a P/N 240-354035-35 tube or P/N 2D3540305-7 tube is installed, within 100 hours' time in service from the inspection of paragraph (a) of this AD and thereafter at intervals not to exceed 100 hours' time in service, reinspect the tube for cracks per paragraph (a) of this AD.

(d) Replace any cracked elevator flight tab spring tube with like serviceable part and revert to the repetitive inspection intervals per paragraph (b) or (c) of this AD, as appropriate.

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

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

This amendment becomes effective October 25, 1979.

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

Issued in Los Angeles, California on October 5, 1979.

Kenneth C. Patterson,

Acting Director, FAA Western Region.

[FR Doc. 79-32237 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-GL-12-AD; Amdt. 39-3593]

Bendix Energy Controls Division—Fuel Injection Systems; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective on all aircraft with certain Bendix fuel injection systems by airmail letter dated August 28, 1979. The AD requires an inspection of the regular section to assure that the lock nut on the fuel regulator valve stem is properly engaged and to provide additional locking means by crimping.

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

Compliance required within the next 25 hours of aircraft time in service, or within 30 calendar days after the effective date, whichever occurs first.

ADDRESSES: The applicable service documents may be obtained from Bendix Energy Controls Division, South Bend, Indiana 46620. Copies of the

service documents are contained in the Rules Docket, Regional Counsel, AGL-7, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Don Eckert, Propulsion Section, AGL-214, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-4500, extension 308.

SUPPLEMENTARY INFORMATION: Pursuant to the authority delegated by the Administrator, an AD was adopted on August 28, 1979, and made effective immediately by airmail letter and applicable to all aircraft with certain Bendix fuel injection systems. It was determined that there have been instances in which the fuel regulator stem lock nut has become loose and caused cutoff of the fuel supply to the aircraft engine. This condition has resulted in a fatal accident. Since this condition is likely to occur on other aircraft incorporating these fuel injection systems, an AD was issued to require inspection of the lock nut and crimping of the stem.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately. Since the possibility of this condition continues to exist, the AD is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

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

Bendix Energy Controls Division: Applies to the below listed fuel injection systems installed in aircraft certificated in all categories:

Model No. and Parts List No.

RSA-5AB1—2524199-9, 2524216-8, 2524254-7, 2524262-6, 2524378-7, 2524712-3/-5/-6
RSA-5AD1—2524054-7/-8, 2524147-9/-10, 2524171-7/-8, 2524189-7/-8, 2524213-7/-8, 2524242-6/-7, 2524243-7/-8, 2524291-7/-8, 2524297-6/-7, 2524307-6/-7, 2524328-6/-7, 2524341-6/-7, 2524348-7/-8, 2524359-6/-7, 2524450-5/-6, 2524459-5/-6, 2524475-4/-5, 2524550-4/-5, 2524575-4/-5, 2524590-4/-5, 2524592-4/-5, 2524623-4/-5, 2524634-4/-5, 2524640-4/-5, 2524673-4/-5, 2524682-4/-5, 2524723-4/-5, 2524742-4/-5, 2524752-3/-4
RSA-7AA1—2524347-4/-6
RSA-7DA1—2524624-1/-2
RSA-10AD1—2524030-7/-8, 2524152-6/-7, 2524163-10/-11, 2524175-6/-7, 2524255-6/-7, 2524256-8/-9, 2524311-6/-7,2524757-3/-4
RSA-10DB1—2524267-6/-7, 2524275-11/-12, 2524276-7/-8, 2524593-4/-5, 2524649-6/-7
RSA-10DB2—2524501-5/-6, 2524708-4/-5
RSA-10ED1—2524273-8/-9, 2524298-8/-9, 2524366-6/-7, 2524420-7/-8, 2524422-5/-6, 2524477-7/-8, 2524491-5/-6, 2524492-4/-5, 2524500-5/-6, 2524556-5/-6, 2524582-4/-5, 2524601-4/-5, 2524693-4/-5/-6/-7, 2524709-3/-4, 2524733-3/-4
RSA-10ED2—2524791-1/-2/-3

These fuel injection systems are installed on, but not limited to, the engine models listed below:

Lycoming—IO-320 Series, AIO-320 Series, AEIO-320 Series, IO-360 Series, HIO-360 Series, AIO-360 Series, AEIO-360 Series, TIO-360 Series, IGO-480 Series, IO-540 Series, HIO-540 Series, AEIO-540 Series, IGO-540 Series, IVO-540 Series, TIO-540 Series, TIO-541 Series, TIGO-541 Series, IO-720 Series,
Continental—TSIO-520-L, TSIO-520-LB, TSIO-520-WB

Compliance is required within the next twenty-five (25) hours of aircraft time in service, or within the next thirty (30) calendar days from the effective date of this AD, whichever occurs first.

To prevent a fuel flow cutoff to the engine and subsequent loss of power, inspect the lock nut for proper engagement and crimp the stem in accordance with the following Bendix Energy Controls Division Service Bulletins:

1. Service Bulletin No. RS-68 dated August 20, 1979 applicable to the Series RSA-5 and RSA-10 models;

2. Service Bulletin No. RS-69 dated August 20, 1979 applicable to the RSA-7AA1 model; or

3. Service Bulletin No. RS-70 dated August 20, 1979 applicable to the RSA-7DA1 model.

This amendment becomes effective October 24, 1979 as to all persons except those to whom it was made immediately effective by the airmail letter dated August 28, 1979, which contained this amendment.

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

Note.— The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Don Eckert, Engineering and Manufacturing Branch, AGL-214, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Issued in Des Plaines, Illinois on October 2, 1979.

Louis H. Yates,

Acting Director, Great Lakes Region.

[FR Doc. 79-32247 Filed 10-19-79; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-GL-13-AD; Amdt. 39-3594]

General Electric Co.; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective on General Electric CF6-45 and CF6-50 series engines installed in McDonnell Douglas DC-10, Boeing 747, and Airbus Industrie A-300 series aircraft by telegram dated September 21, 1979. The AD requires inspection and retorquing of the engine aft centerbody attachment bolts.

DATES: Effective—October 24, 1979. Compliance—within seven days after the effective date.

ADDRESSES: None. No service document is required for compliance with this AD.

FOR FURTHER INFORMATION CONTACT: Cornelius Biemond, Engineering and Manufacturing Branch, AGL-217, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone 312 694-4500, ext. 359.

SUPPLEMENTARY INFORMATION: Pursuant to the authority delegated by the Administrator, an AD was adopted on September 21, 1979, and made effective immediately by telegram and applicable to all General Electric CF6-45 and CF6-50 series engines installed in McDonnell Douglas DC-10, Boeing 747, and Airbus Industrie A-300 series aircraft. There have been five incidents in which the aft centerbody has been lost from the engine in service. In a subsequent survey of a number of airlines, there were a number of aft centerbody attachment bolts found missing or loose, and a wide range of torque values was reported. Since this condition is likely to occur or exist on other engines of these models, an AD was issued to require inspection and retorquing of these bolts. An explanatory note has been added to clarify the nonapplicability of this AD to an engine with a short fixed core exhaust nozzle with sixteen attachment bolts.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately. Since the possibility of this condition continues to exist, the AD is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

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

General Electric: Applies to all General Electric Model CF6–45 and CF6–50 series turbofan engines installed on McDonnell Douglas DC–10, Boeing 747, and Airbus Industrie A–300 series airplanes. Compliance is required as indicated unless previously accomplished. To preclude the possibility of loss of the aft centerbody of the fixed nozzle/turbine reverser on the CF6–45 and CF6–50 series engines, the following one-time inspection and retorque procedures are required:

Within the next seven days after the effective date, check the torque on the eight bolts that attach the aft centerbody to the forward centerbody of the thrust reverser/fixed nozzle, retorque these bolts to a new torque value of between 110 and 130 inch pounds (old torque value was 55 to 70 inch pounds). If during retorquing any bolt is found with less than 5 inch pounds running torque, or missing, that bolt must be removed or replaced and a thread sealant be applied before reassembly and retorquing. Sermetel W, Alkyd Glyptal 1201, or equivalent may be used as a thread sealant. Alternatively, a new nut may be installed in lieu of the use of sealant.

Note.—This AD does not apply to an engine that incorporates a short, fixed core exhaust nozzle attached with sixteen bolts.

General Electric All Operators Wire No. 79–50–5 dated September 18, 1979 covers this same subject.

This amendment becomes effective October 24, 1979 as to all persons except those to whom it was made immediately effective by the telegram dated September 21, 1979 which contained this amendment.

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

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Cornelius Biemond, Engineering and Manufacturing Branch, AGL–217, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Issued in Des Plaines, Illinois on October 2, 1979.

Louis H. Yates,

Acting Director, Great Lakes Region.

[FR Doc. 79–32248 Filed 10–19–79; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 79–ANW–08]

Redesignation of Control Zone, Pocatello, Idaho

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the effective time for the Pocatello, Idaho, control zone from continuous to part-time to establish effective times for this control zone which coincide with the availability of weather reporting service at this location. The National Weather Service has reduced their hours of operation at Pocatello, Idaho, making this amendment necessary.

EFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW–534), Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington, 98108; telephone: (206) 767–2610.

SUPPLEMENTARY INFORMATION: The National Weather Service at Pocatello, Idaho, currently provides weather reporting service supporting the control zone at Pocatello, Idaho. Beginning May 14, 1979, operational hours for the National Weather Service at Pocatello, Idaho, were changed from full time to the period from 0545 to 2225 hours local time daily and weather reporting service is not available for an 8-hour period. Therefore, the present continuous effective period for the Pocatello, Idaho, control zone must be revised to establish effective times for this control zone coincidental with the availability of weather reporting service by the National Weather Service.

Furthermore, it is anticipated that the loss of weather reporting service at Pocatello, Idaho, will be temporary. Therefore, the revised Pocatello, Idaho, control zone designation provides for changes in the effective times for this control zone by Notice to Airmen with continuous publication of these effective periods in the Airport/Facility Directory.

Since this amendment imposes no additional burden on any person and is relieving in nature, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than thirty (30) days.

Drafting Information

The principal authors of this document are Mr. Robert L. Brown, Operations, Procedures, and Airspace Branch, Air Traffic Division, and Mr. Hays V. Hettinger, Office of the Regional Counsel, Northwest Region, Federal Aviation Administration.

Adoption of this Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective November 1, 1979, as follows:

Pocatello, Idaho

By amending Subpart F 71.171 by adding the following: "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

(Section 107(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c))))

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

Issued in Seattle, Washington, on October 9, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 79–32239 Filed 10–19–79; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 19635; Amdt. No. 1149]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard

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

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

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

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

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

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

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

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

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

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

Adoption of the Amendment

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

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

** * * Effective December 27, 1979*

Crookston, MN—Crookston Muni Kirkwood Fld, VOR Rwy 31, Amdt. 1

** * * Effective December 13, 1979*

Albia, IA—Albia Muni, VOR/DME–A, Original
Estherville, IA—Estherville Muni, VOR Rwy 16, Original
Estherville, IA—Estherville Muni, VOR Rwy 34, Amdt. 2

** * * Effective November 29, 1979*

Peoria, IL—Greater Peoria, VOR Rwy 12 (TAC), Amdt. 15
Peoria, IL—Greater Peoria, VOR/DME or TACAN Rwy 30, Amdt. 3
Owensboro, KY—Owensboro-Daviess County, VOR Rwy 5, Amdt. 8
Owensboro, KY—Owensboro-Daviess County, VOR Rwy 17, Amdt. 4
Owensboro, KY—Owensboro-Daviess County, VOR Rwy 35, Amdt. 12
Litchfield, MN—Litchfield Muni, VOR/DME Rwy 15, Amdt. 3
Litchfield, MN—Litchfield Muni, VOR Rwy 33, Amdt. 4
Atlantic City, NJ—NAFEC, Atlantic City, VOR Rwy 4, Amdt. 12
Atlantic City, NJ—NAFEC, Atlantic City, VOR Rwy 13, Amdt. 2
Atlantic City, NJ—NAFEC, Atlantic City, VOR Rwy 31, Amdt. 12
Akron, OH—Akron-Canton Regional, VOR Rwy 23, Amdt. 3
Watonga, OK—Watonga, VOR/DME–A, Original
Burns, OR—Burns Muni, VOR Rwy 29, Original
Shelbyville, TN—Bomar Field-Shelbyville Muni, VOR Rwy 18, Amdt. 1
Brownsville, TX—Brownsville Intl, VOR Rwy 26, Amdt. 17
Danville, VA—Danville Muni, VOR Rwy 2, Amdt. 11
Danville, VA—Danville Muni, VOR Rwy 24, Amdt. 8
Lynchburg, VA—Lynchburg Muni-Preston Glenn Field, VOR Rwy 3, Amdt. 8
Lynchburg, VA—Lynchburg Muni-Preston Glenn Field, VOR/DME Rwy 21, Amdt. 6
Rock Springs, WY—Rock Springs-Sweetwater County, VOR/DME Rwy 7, Original, cancelled
Rock Springs, WY—Rock Springs-Sweetwater County, VOR/DME Rwy 9, Original
Rock Springs, WY—Rock Springs-Sweetwater County, VOR/DME Rwy 25, Amdt. 3, cancelled
Rock Springs, WY—Rock springs-Sweetwater County, VOR/DME Rwy 27, Original
Rock Springs, WY—Rock Springs-Sweetwater County, VOR–B Amdt. 2

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

** * * Effective November 29, 1979*

Birmingham, AL—Birmingham Muni, LOC Rwy 23, Amdt. 1
Akron, OH—Akron-Canton Regional, LOC BC Rwy 19, Amdt. 8
Brownsville, TX—Brownsville Intl, LOC BC Rwy 31L, Amdt. 5
Harlingen, TX—Harlingen Industrial Airpark, LOC BC Rwy 35L, Amdt. 5

** * * Effective October 1, 1979*

Peoria, IL—Greater Peoria, LOC (BC) Rwy 12, Amdt. 13, cancelled

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

** * * Effective December 27, 1979*

Crookston, MN—Crookston Muni Kirkwood Fld, NDB Rwy 13, Amdt. 3

** * * Effective November 29, 1979*

Umiat, AK—Umiat, NDB–B, Amdt. 2
Peoria, IL—Greater Peoria, NDB Rwy 30, Amdt. 9
Owensboro, KY—Owensboro-Daviess County, NDB Rwy 35, Amdt. 4
Bar Habor, ME—Bar Harbor, NDB–A, Amdt. 2, cancelled
Minneapolis, MN—Minneapolis-St. Paul Intl./Wold-Chamberlain/, NDB Rwy 4, Amdt. 13
Minneapolis, MN—Minneapolis-St. Paul Intl./Wold-Chamberlain/, NDB Rwy 29L, Amdt. 21
Minneapolis, MN—Minneapolis-St. Paul Intl./Wold-Chamberlain/, NDB Rwy 29R, Amdt. 9
Marks, MS—Selfs, NDB–A, Original
Brookfield, MO—Brookfield Memorial, NDB Rwy 35, Original
Brookfield, MO—Brookfield memorial, NDB–A, Original
Saranac Lake, NY—Adirondack, NDB Rwy 23, Amdt. 2
Edenton, NC—Edenton Muni, NDB Rwy 5, Amdt. 3
Edenton, NC—Edenton Muni, NDB Rwy 19, Amdt. 3
Burns, OR—Burns Muni, NDB Rwy 29, Original
Redmond, OR—Roberts Field, NDB Rwy 10, Amdt. 5, cancelled
Jasper, TN—Marion County-Brown Field, NDB Rwy 3, Amdt. 1
Brownsville, TX—Brownsville Intl, NDB Rwy 13R, Amdt. 8
Brownsville, TX—Brownsville Intl, NDB Rwy 31L, Amdt. 1
Newport, VT—Newport State, NDB Rwy 23, Amdt. 5, cancelled
Abingdon, VA—Virginia Highlands, NDB–A, Original
Rice Lake, WI—Rice Lake Municipal, NDB Rwy 36, Amdt. 3
Rock Springs, WY—Rock Springs-Sweetwater County, NDB–A, Amdt. 1, cancelled
Rock Springs, WY—Rock Springs-Sweetwater County, NDB–C, Original

** * * Effective November 1, 1979*

Sioux City, IA—Sioux City Muni, NDB Rwy 31, Amdt. 21
Gulfport, MS—Gulfport-Biloxi Regional, NDB Rwy 13, Amdt. 6

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

** * * Effective November 29, 1979*

Dothan, AL—Dothan, ILS Rwy 31, Amdt. 4
Colorado Springs, CO—City of Colorado Springs Muni, ILS Rwy 35, Amdt. 31
Peoria, IL—Greater Peoria, ILS Rwy 30, Original
Peoria, IL—Greater Peoria, ILS Rwy 30, Amdt. 10, cancelled
Owensboro, KY—Owensboro-Daviess County, ILS Rwy 35, Amdt. 6
Minneapolis, MN—Minneapolis-St. Paul Intl./Wold-Chamberlain/, ILS Rwy 4, Amdt. 18
Minneapolis, MN—Minneapolis-St. Paul Intl./Wold-Chamberlain/, ILS Rwy 29L, Amdt. 37
Minneapolis, MN—Minneapolis-St. Paul Intl./Wold-Chamberlain/, ILS Rwy 29R, Amdt. 4
Atlantic City, NJ—NAFEC, Atlantic City, ILS Rwy 13, Amdt. 1
Akron, OH—Akron-Canton Regional, ILS Rwy 1, Amdt. 29
Akron, OH—Akron-Canton Regional, ILS Rwy 23, Amdt. 2
Brownsville, TX—Brownsville Intl, ILS Rwy 13R, Amdt. 5
Harlingen, TX—Harlingen Industrial Airpark, ILS Rwy 17R, Amdt. 6
Lynchburg, VA—Lynchburg Muni-Preston Glenn Field, ILS Rwy 3, Amdt. 9
Rock Springs, WY—Rock Springs-Sweetwater County, ILS/DME Rwy 27, Original

** * * Effective November 1, 1979*

Sioux City, IA—Sioux City Muni, ILS Rwy, 31, Amdt. 21
Gulfport, MS—Gulfport-Biloxi Regional, ILS Rwy 13, Amdt. 7

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

** * * Effective November 29, 1979*

Burbank, CA—Burbank-Glendale-Pasadena, RADAR–1, Amdt. 10, cancelled
Peoria, IL—Greater Peoria, RADAR–1, Amdt. 4
Atlantic City, NJ—NAFEC, Atlantic City, RADAR–1, Amdt. 12
Akron, OH—Akron-Canton Regional, RADAR–1, Amdt. 13
Ogden, UT—Ogden Municipal, RADAR–1, Amdt. 4, cancelled

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

** * * Effective November 29, 1979*

Peoria, IL—Greater Peoria, RNAV Rwy 22, Amdt. 3
Minneapolis, MN—Minneapolis-St. Paul Intl./Wold-Chamberlain/, RNAV Rwy 29R, Amdt. 6
Shelbyville, TN—Bomar Field-Shelbyville Muni, RNAV Rwy 18, Original

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

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

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

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

James M. Vines

Chief, Aircraft Programs Division.

[FR Doc. 79-32240 Filed 10-19-79; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-2992]

Admarketing, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Beverly Hills, Calif. advertising agency engaged in the advertising and sale of a product known, among other names, as the G.R. Valve to cease from representing, without reliable substantiation, that installing the G.R. valve or any substantially similar automobile retrofit device in a motor vehicle will result in fuel economy improvement. The firm is further prohibited from misrepresenting the performance, efficacy or usefulness of any energy consumption or energy saving characteristic of an automobile retrofit device; or the purpose, contents or conclusions of tests or surveys relating to such charactistic. The order additionally requires respondent to identify and present to its client, in writing, every representation contained in each advertisement which pertains to an energy consumption or energy saving characteristic of the advertised product.

DATES: Complaint and order issued September 25, 1979.[1]

FOR FURTHER INFORMATION CONTACT: FTC/P. Albert H. Kramer, Washington, D.C. 20580. (202) 523–3727.

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

SUPPLEMENTARY INFORMATION: On Monday, July 16, 1979, there was published in the **Federal Register**, 44 FR 41209, a proposed consent agreement with analysis In the Matter of Admarketing, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Subpart-Advertising Falsely or Misleadingly: § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; 13.170–34 Economizing or saving; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests; § 13.255 Surveys. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective Actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records. Subpart-Misrepresenting Oneself and Goods—Goods: § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1757 Surveys. Subpart-Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1870 Nature; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts. Subpart-Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.2063 Scientific or other relevant facts.

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

Carol M. Thomas,

Secretary.

[FR Doc. 79-32486 Filed 10-19-79; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket C-2991]

American Consumer, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires two Philadelphia, Pa. firms engaged in the advertising, sale and distribution of a product known, among other names, as the G. R. Valve, to cease representing, without substantiation, that installing the G. R. Valve or any other air-bleed automobile retrofit device in a motor vehicle will result in fuel economy improvement. Respondents are also barred from using any endorsement or testimonial which has not been properly authorized; and prohibited from misrepresenting a product endorser's expertise in a field of knowledge and the conclusions of tests or surveys pertaining to energy consumption or energy saving characteristics of automobile retrofit devices. Additionally, the order requires that product advertising disclose any material connection that may exist between respondents and a product endorser.

DATES: Complaint and order issued Sept. 24, 1979.[1]

FOR FURTHER INFORMATION CONTACT: Linda Colvard Dorian, Washington, D.C. 20580. (202) 724–1524.

SUPPLEMENTARY INFORMATION: On Monday, July 16, 1979, there was published in the **Federal Register**, 44 FR 41211, a proposed consent agreement with analysis. In the Matter of American Consumer, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Subpart-Advertising Falsely or Misleadingly: § 13.110 Endorsements, approval and testimonials; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; 13.170–34 Economizing or saving; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests; § 13.255 Surveys. Subpart-Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly. Subpart-Corrective Actions and/or Requirements: § 13.533–20 Disclosures; § 13.533–45 Maintain records. Subpart-Misrepresenting Oneself and Goods—Goods: § 13.1665 Endorsements; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1757 Surveys. Subpart-Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts. Subpart-Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.2063 Scientific or other relevant facts.

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

Carol M. Thomas,

Secretary.

[Fr Doc. 79-32485 Filed 10-19-79; 8:45 am]

BILLING CODE 6750-01-M

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

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 302

Final Rule with Respect To Filing of Claims To Cable Royalty Fees

AGENCY: Copyright Royalty Tribunal

ACTION: Final rule.

SUMMARY: This rule amends 37 CFR, Chapter III, Part 302, §§ 302.2 and 302.6 by providing that the CRT shall accept as a valid claim all claims filed prior to July 31, 1979 and further that said claims so filed will be effective for the full calendar year of 1978 and by deleting § 302.5.

EFFECTIVE DATE: This regulation becomes effective November 23, 1979.

FOR FURTHER INFORMATION CONTACT: Douglas Coulter, Chairman, Copyright Royalty Tribunal (202) 653–5175

SUPPLEMENTARY INFORMATION:

Background

The Copyright Revision Act first went into effect in 1978. Because of the complexities surrounding the compulsory licensing provision Congress contemplated that time would be necessary for the parties to adapt. For this reason the Tribunal adopted a rule which required all copyright owners to file "pro forma" claims in July 1978. These "pro forma" claims would later be updated in the July 1979 filing. Thereafter, only one filing would be required each year.

The comments submitted to the Tribunal pursuant to an Advance Notice of Proposed Rulemaking published in the **Federal Register** (43 FR 6263)

reflected a difference of opinion among claimants as to whether the copyright statute required the filing of cable claims in July, 1978. The Tribunal did not find it necessary to make a determination of that legal question. Rather, the Tribunal adopted a rule requiring a filing in July, 1978 in order to establish at the earliest possible date the general nature of the claimants. This prompt identification was desirable both for the work of the Tribunal and to assist the efforts for a voluntary agreement as to cable royalty fee distribution. For the same considerations the Tribunal is now amending its cable claim rules.

Because 1978 was the first year in which the compulsory copyright licensing of cable took effect, the Tribunal feels that some leniency with regard to the filing of cable royalty claims for that year is warranted and will not constitute a precedent for the filing of claims in subsequent years. It may have been difficult initially to have had adequate notice of filing requirements.

By issuing the following regulation directly as a final rule, the Tribunal is foregoing the prior issuance of a notice of proposed rulemaking and the opportunity for public comment. Such a curtailed procedure is permitted by 5 U.S.C. 553(b) when such an action would be in the public interest and the opportunity for public comments prior to issuance of the final rule is impracticable.

The Tribunal on September 12, 1979 issued notice of the declaration of a controversy concerning the distribution of cable royalty fees. In the same notice the Tribunal announced that a conference would take place on October 11, 1979 for claimants or their authorized representatives. Many legal, as well as factual issues, will be involved in these proceedings which by statute must be concluded by September 11, 1980, a period of one year after a controversy was declared. The Tribunal published in the **Federal Register** a timetable for the filing of legal briefs and memorandums by November 15, replies by November 28 and oral arguments on December 5, 1979 on just the legal issues.

At this point in the proceeding many claimants, because of the untimeliness of the filing of their claims, the supplemental filing and the incompletion of the supplemental filing, are at a loss as to just what is their legal standing. It would not be in the best interest of the public not to afford them the opportunity to participate in the proceeding. Nor would it be in the public interest to permit them to go to the expense of participating all the way in the proceeding, and at the end, rule they have no valid claim. The Tribunal believes no claimant should be denied the opportunity to participate because the Tribunal earlier was not in a position to specify detailed information regarding individual royalty claims. The Tribunal finds that to hold a rulemaking proceeding simultaneously with and adjudication proceeding is impractical and not in the public interest.

Accordingly, 37 CFR, Part 302, is amended by revising §§ 302.2 and 302.6 to read as follows, and by deleting § 302.5.

§ 302.2 Filing of claims to cable royalty fees for secondary transmissions during the period January 1 through June 30, 1979.

Every person claiming to be entitled to compulsory license fees for secondary transmissions by cable systems during the period January 1 through June 30, 1978, shall file in the office of the Copyright Royalty Tribunal a claim to such fee during the calendar month of July 1978 or July 1979. Any claimant so filing shall be considered as having filed a claim for the period January 1 through June 30, 1978. For purposes of this clause claimants may file claims jointly or as a single claim. A joint claim shall include a concise statement of the authorizations for the filing of the joint claim.

§ 302.5 [Delete]

§ 302.6 Filing of claims to cable royalty fees for secondary transmissions during the period July 1 through December 31, 1978.

(a) During the month of July 1979, every person claiming to be entitled to compulsory license fees for secondary transmissions during the period July 1 through December 31, 1978, shall file in the offices of the Copyright Royalty Tribunal a claim to such fees. Any claimant so filing shall be considered as having filed a claim for the period July 1 through December 31, 1978.

(b) Every person who filed in the office of the Copyright Royalty Tribunal during the calendar month of July, 1979, claiming to be entitled to compulsory license fees for secondary transmissions by cable systems during the period July 1 through December 31, 1978, but who did not file a claim for the period January 1 through June 30, 1978, shall be considered as having filed a claim for the period of January 1 through June 30, 1978.

(c) For the purpose of this clause claimants may file claims jointly or as a single claim.

Douglas Coulter,

Chairman, Copyright Royalty Tribunal.

[FR Doc. 79-32407 Filed 10-19-79; 8:45 am]

BILLING CODE 1410-01-M

POSTAL SERVICE

39 CFR Part 111

Preparation of Bulk Mailings

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule amends regulations governing the preparation of second-class, controlled circulation, third-class, fourth-class bound printed matter, and library rate mailings. In general, the rule revises the destinations to which packages and sacks of mail must be presorted, offers a number of optional sortations, and changes the minimum quantities of mail for which a bulk mailer must prepare sacks. In addition, a number of minor changes have been made to related mail preparation regulations. These changes are optional until February 3, 1980.

EFFECTIVE DATE: The amendments to Domestic Mail Manual sections 462.3, 562.3 and 661.2 concerning the elimination of certain exceptions to the required use of the ZIP Code in the address on mail matter will become effective on February 3, 1980.

The alternate mail preparation regulations set forth in Domestic Mail Manual sections 467, 567, 667, 766 and 767 are effective immediately for those mailers who can comply with the applicable requirements, and will be mandatory for all mailers effective February 3, 1980. These regulations are adopted on an optional basis in order to give mailers a phase-in period during which they can become familiar with the new mail preparation requirements and to make any changes necessary to comply with the new requirements. During the phase-in period, mailers must comply with either all of the current mail preparation requirements or all of the regulations which will become mandatory on February 3, 1980. Mailers may not selectively use parts of the current preparation requirements and parts of the regulations which will become effective on February 3, 1980.

Effective February 3, 1980, Domestic Mail Manual sections 464, 564, 663, 763 and 765 will be rescinded.

FOR FURTHER INFORMATION CONTACT: Ernest J. Collins, 202-245-4749.

SUPPLEMENTARY INFORMATION: On July 31, 1979, the Postal Service published for comment in the Federal Register proposed changes to Parts 462, 464, 562, 564, 661, 663, 763, 764, and 765 of the Domestic Mail Manual (DMM) as described above (44 FR 44895–44904). Interested persons were invited to submit written comments concerning the proposed changes before August 20, 1979. The August 20 date was subsequently extended to August 31 (44 FR 49702) as a result of requests for additional time to file comments.

Written comments were received from 68 individuals and organizations, and oral comments were received from eleven individuals. Fifty-four commenters expressed their support for the proposed modification of the present eligibility requirement that there be at least ⅓ of a sack, 20 pounds, or 1,000 cubic inches of second-class mail for a specific destination to qualify for a lower per piece postage rate.

Ten commenters wanted the proposal modified to permit mailers to put carrier packages inside 5-digit ZIP Code sacks when there are packages of second-class mail for more than one carrier at a delivery unit. Another was concerned that the proposal would aggravate sack shortages within the Postal Service.

The proposal has been modified to permit publishers of second-class publications to put carrier route packages for more than one carrier at a 5-digit ZIP Code delivery unit inside combined carrier route sacks. This modification should reduce the quantity of sacks required for mailings. The Postal Service will, however, monitor the usage of sacks to determine whether this procedure should be changed.

One commenter wanted to pay the second-class level B per piece rate for 5-digit packages if they are placed inside a Sectional Center Facility (SCF) sack. Another suggests that the level B and C per piece rates be charged for carrier route, 5-digit, and 3-digit packages placed in SCF and State Distribution Center (SDC) sacks. The lower presort charges are based on the degree of presort done by the mailer. These suggestions would result in additional handling costs for the Postal Service. Consequently, the comments have not been adopted.

One commenter was under the mistaken impression that the Postal Service wanted to eliminate the provisions in the regulations which allow mailers to sack mail to the lowest ZIP Code for certain multi-ZIP Coded cities. The proposal merely modifies the present provision to require sacking to a 5-digit delivery unit whenever there are four or more packages of mail for a delivery unit. The final rule gives mailers the option to sack mail to the lowest ZIP Code of one of the post offices listed in § 467.114, Domestic Mail Manual, whenever there are less than four packages for a delivery unit of the post office. However, the proposal does require bulk rate mail to bear the correct ZIP Code in the address of each individual piece of mail. The lowest ZIP Code for a multi-ZIP Coded city will not be allowed on all mail for that city.

One commenter suggested that the Postal Service allow the level B or level E per piece rate for six or more copies of a second-class publication addressed to any multi-ZIP Coded city rather than just to the 113 cities listed in § 467.114. One commenter wanted the Postal Service to allow second-class publishers to palletize copies of their publications to all multi-ZIP Coded offices rather than to only cities having a unique 3-digit ZIP Code. The level B and E rates are being extended to most multi-ZIP Coded cities. It should be noted that this list may be revised in the future to reflect population and distribution system changes. Mailers will be allowed to palletize to the cities listed under prescribed conditions.

Two commenters stated that the proposal did not clearly specify that parcels mailed at the special fourth-class level B presort rate can be palletized to BMC's. Another commenter believed the proposed changes for mailing at the special fourth-class level B presort rate imposes more stringent sorting requirements for mailers. The Postal Service has concluded that the proposed changes regarding the preparation of special fourth-class level B presort rate mail deserve further study and therefore that portion of the proposed rule is not being implemented.

Two commenters stated that six copies of a second-class publication should qualify for handling outside sacks. The proposal did not affect the requirement that bundles to be handled outside sacks must weigh at least 20 pounds, or equal at least 1,000 cubic inches. Reducing the size of bundles allowed to be prepared outside of sacks to six copies would significantly add to Postal Service handling costs. When mailers sack mail, they are inclined to fill sacks to reduce their operating costs, as well as to minimize the risk of damage to their mail while being transported. Mailers bundling mail on the other hand, are generally inclined to prepare small bundles to minimize handling costs. Obviously, the number of piece handlings required by the Postal Service to process these bundles will vary with the size of the bundles. For this reason, the Postal Service finds it necessary to retain the minimum size requirements for bundles prepared in lieu of sacks.

Three commenters believe that six or more copies of a second-class publication addressed to a carrier route or 5-digit destination should qualify for the level C or level B per piece rate if placed on a pallet. It is not cost effective for the Postal Service to handle a package of six copies of a publication when the copies are placed on a pallet. Therefore, the Postal Service will retain the requirement that bundles on a pallet must weigh at least 20 pounds or equal at least 1,000 cubic inches.

Three commenters were under the mistaken impression that the proposal authorized a reduced per piece rate for copies of controlled circulation publications. This is not the intent. Presently there is a single per piece rate for copies of controlled circulation publications. To allow mailers of controlled circulation publications multiple per piece rates would require a change in the rate structure.

One commenter believes copies of a controlled circulation publication should be eligible for a reduced per piece rate. To mail copies of a controlled circulation publication at a reduced per piece rate, would require a change in the rate structure.

Two commenters believed the proposed changes should be handled as a rate or classification change through the Postal Rate Commission. The Postal Service believes it has the right to change mail preparation requirements to recognize work sharing by mailers which reduce costs to the Postal Service and improve service to the public.

One commenter requested that the regulations pertaining to the third line of a sack label be changed to allow mailers to put their publication's name on the third line. This, according to the commenter, would help the Postal Service in locating distribution problems. This could be accomplished by substituting "may" for "must." For the sake of uniformity, the Postal Service believes only the office of mailing should be shown on the third line of the sack label. The endorsement, "News" or "Ord P" (meaning Ordinary Publication) on the second line should be sufficient for Postal Service employees to determine whether a sack of second-class mail should be given expeditious treatment.

Four commenters opposed the proposal to require facing slips on carrier route packages of second-class mail. The final rule has been modified to give mailers the option of putting carrier

route information in the top line of the address label instead of preparing facing slips when carrier route packages for more than one carrier at a 5-digit delivery unit are put inside carrier routes sacks.

One commenter believes that should be a blank line between the second and third lines of a facing slip because a substitute sorter may mistakenly return the sack to the entry office. In addition, the commenter wants the Postal Service to put the publication's name on the third line of the label. We believe the commenter was actually concerned with sack labels rather than facing slips. The Postal Service does not believe sorters will return sacks of mail to the entry office since the top line of a sack label indicates the sack's destination. The Postal Service does not believe it is essential to put a publication's name or the publisher's name on the third line of a sack label.

One commenter was concerned about how much publishers would have to pay mailing agents to prepare a sack of mail and how much it would cost the Postal Service to handle a sack of mail. The Postal Service believes the proposed changes, which permit sacking closer to destinations, will be cost effective for the Postal Service. However, it appears impractical for the Postal Service to determine within a reasonable period of time the cost to publishers of preparing sacks. This cost would vary from mailer to mailer. For this reason, mailers must rely on their own cost analysis in determining if it would be advantageous to perform the optional sorts.

One commenter believes the proposed changes for copies of second-class publications presorted to carrier routes require further streamlining. The commenter wants the Postal Service to require a minimum of 5 pounds of mail for a carrier route or a minimum of 20 pounds if packages for more than one carrier are placed inside a 5-digit sack. The sack label would be endorsed, "direct carrier route" or "mixed carrier routes" as appropriate. This would appear to run counter to the often expressed opinion of many publishers who have complained that Postal Service requirements expressed in pounds and cubic inches of mail are difficult to apply. The Postal Service believes that requirements expressed in numbers of pieces is preferred by most second-class publishers. It should be noted, however, that a major portion of this comment has been adopted since the proposed rule has been modified to permit mailers to put carrier route packages for more than one carrier inside a single sack.

One commenter believes it would be confusing to sorters if the green label 3 is placed on both 3-digit packages and SCF packages. Also, he believes it would be better to use the yellow label C for packages sorted to cities having a unique 3-digit ZIP Code. The Postal Service does not expect to be significantly inconvenienced by the use of the green label on both types of packages. In addition, the Postal Service believes that use of the green label 3 on a package for a city having a unique 3-digit ZIP Code rather than a yellow label C would minimize the costs for the majority of mailers.

One commenter advocated redefining the term "piece" for bound printed matter to enable a mailer to enter an addressed parcel (containing several catalogs weighing less than one pound each) at the bound printed matter rate. This proposal is not adopted because it would change the definition of bound printed matter and, therefore, does not fall within the scope of the Postal Service's proposal to improve presort requirements.

Two commenters want the Postal Service to give publishers a reduced per piece rate for copies of second-class publications addressed for delivery within the county of publication when the copies are presorted to carrier routes. Presently there is a single per piece rate for copies of second-class publications addressed for delivery within the county of publication. To allow multiple per piece rates for copies addressed within the county of publication would require a change in the rate structure.

Two commenters want the Postal Service to extend the carrier route per piece discount to regular rate second-class publications whose circulation per issue to destinations outside the county of publication is less than 5,000 copies. To allow a carrier route discount for publications whose circulation per issue to destinations outside the county of publication is less than 5,000 copies would require a change in the rate structure.

One commenter wants the Postal Service to establish a label for a carrier package. The Postal Service considers the sacking requirements contained in the final rule and the alternative methods provided for indicating the carrier routes on sacks and packages substantially achieve the objective of this comment. In addition, it is believed that most mailers would object to affixing a package label to each package of mail that is presorted to a carrier route. Consequently, the Postal Service has no plans to establish such a label.

One commenter asked whether carrier packages containing less than six pieces would qualify for the level B rate if placed in a 5-digit sack. No, they would not. It is generally not economical to process small carrier packages at the delivery unit.

One commenter believes that using the lowest ZIP Code to label a mixed city sack may be confusing for sorting clerks. The commenter suggested that the Postal Service adopt four digit codes for the list of cities in § 467.114 since the first three digits of the ZIP Code for several cities are the same. The Postal Service does not believe this to be a practical solution because the four digits do not reflect the current distribution system.

One commenter stated that special rate second- and third-class mailings are not accorded presort discount rates in spite of the fact that many perform presort tasks. The commenter, therefore, believes such mailings should be allowed, or even encouraged, to adhere to the new presort requirements but that they should not be required to do so. The lower per piece rates are applicable only to regular rate second-class publications. The basic presort requirements must be met by all mailers. No publisher is required to presort to the extent required for mail sent at the lower per piece postage rates.

One commenter believes the Postal Service should provide guidance regarding the maximum size package it would like to handle. The Postal Service believes there is no need to specify a maximum size for packages since packages must be securely tied.

Two commenters want the proposal modified to permit mailers of second-class publications to put carrier route packages as well as 5-digit packages in a 5-digit sack. Since copies in a carrier route package are entitled to a lower per piece rate than copies in a 5-digit package, postage verification would be more difficult for the Postal Service. In addition, it could increase the workload for delivery units. Consequently, the Postal Service does not want mailers to put carrier route packages and 5-digit packages together in a 5-digit sack.

No comments were received on the proposal to amend §§ 462.31, 562.31, and 661.2 to eliminate most of the exceptions to the requirement that the address on each piece of second-class, controlled circulation and bulk third-class mail must include the ZIP Code. Therefore, the proposed amendments to those sections are adopted. As noted in the proposed rule, the amended regulations will still continue the exception for pieces bearing a simplified address format in accordance with § 122.41.

Because the new preparation regulations are not to become mandatory until February 3, 1980, the Postal Service has decided to delay the effectiveness of the amendments to §§ 462.31, 562.31 and 661.2 until that date as well.

As a result of the decision to phase-in the new preparation regulations, the section numbers for those regulations and all references to the various sections have been changed from the proposed rule. The proposed changes to 464 are now in 467, those to 564 are now in 567, those to 663 are now in 667, those to 763 are now in 767, and those to 765 are now in 766. Sections 464, 564, 663, 763 and 765 will be retained as postal regulations in their present form until February 3, 1980, when they will be rescinded.

In order to make each of the new sets of mail preparation regulations complete, this rule includes regulations which were not published in the proposed rule, but which have been copied from their counterparts in the present mail preparation regulations. The regulations which have been added in this manner are 467.12, 467.13, 467.14, 467.3 except for 467.32d, 467.41, 467.42a and c, 467.5, 567.12, 567.13, 567.14, 567.3 except for 567.32d, 567.41, 567.42a, and c, 567.5, 667.3, 667.41, 667.5, 767.1, 767.4 and 767.51.

Except for 467.5 and 567.5 no substantive changes were made in adding these regulations to the new preparation requirements sections. Sections 467.5 and 567.5 were changed to eliminate the use of the title of the publication in line 3 of the sack labels in 467.53, 467.54, 567.53 and 567.54. This change conforms to a similar change made in the sack label formats under the rest of 467 and 567.

Furthermore, §§ 467.112b and 567.112b were added to provide an additional option to the mailer permitting him to prepare carrier route packages of second-class or controlled circulation mail without using facing slips if certain information is included in the address on each piece. Sections 467.221b and 567.221b were added to provide for the labeling of sacks which contain carrier route packages of second-class or controlled circulation mail for more than one carrier route.

New exhibits 467, 567 and 667 have not yet been prepared and are not included in the final rule. They will be similar to the exhibits now in 464, 564 and 663 and will be included when these regulations are transmitted as new pages of the Domestic Mail Manual.

In view of the considerations discussed above, the Postal Service hereby adopts new sections 467, 567, 667, 766 and 767 of the Domestic Mail Manual as follows:

(39 U.S.C. 401).

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

PART 462 PREPARATION

In 462.3, revise 462.31 to read as follows:

462.3 Addressing

.31 Each piece including the top copy of a firm package (see 467.111) must bear the name and address of the subscriber. The address must include the ZIP Code. *Exception:* the ZIP Code may be omitted from pieces bearing a simplified address in accordance with 122.41.

PART 467 ALTERNATE PRESORT REQUIREMENTS

Add new 467 to read as follows:

467 Alternate presort requirements (see exhibit 467)

[The requirements set forth in this section may be used at the option of the mailer instead of those in 464 until February 3, 1980. On that date, these requirements will be mandatory and 464 will be deleted.]

467.1 Packaging Requirements

.11 *Sortation*

.111 *Firm Packages.* When there are two or more copies for the same address they must be made up into one package if only one piece rate is paid for the group. A blue label F must be affixed to the front of the package (see 467.14). When there is more than one package sent to one address, mailers are allowed to include a package identification notice such as *1 of 4, 2 of 4,* etc., on the package wrapper, provided such endorsement does not interfere with the clarity of the address.

.112 *Optional Carrier Packages.* When there are six or more copies for the same carrier route, rural route, lockbox section or general delivery unit, they may, at the mailer's option, be made up into a carrier package of six or more copies. Such packages may qualify for the level C per piece rate. See 467.6. Whenever a carrier route package is not placed in a sack labeled to show that it only contains packages for the same carrier route the mailer must use one of the following procedures:

a. The mailer may prepare packages with a facing slip which must be affixed to the front of the package and marked as shown below:

Line 1: 5-Digit ZIP Code of Address.

Line 2: Contents and Carrier Route, Rural Route, Lockbox Section, or General Delivery Unit.

Line 3: Post Office of Entry.

Sample Carrier Route Facing Slip:

SAN FRANCISCO CA 94133
NEWS RURAL ROUTE 12
PORTLAND OR 972

b. The mailer may prepare packages without facing slips when the following conditions are met:

(1) The carrier route information consisting of a descriptive prefix (or its abbreviation) plus a two-digit route number or four-digit numeric code must be on the top line of the address, either alone (the preferred format) or with other information (addressee, account data, etc.).

(2) The descriptive prefix "carrier route," "rural route," "highway contract route," or "lockbox section" must either be spelled out (the preferred format) or abbreviated as follows:

Carrier Route	CR.
Rural Route	RR.
Highway Contract Route	SR.
Lockbox Section	LS.

(3) The descriptive prefix must be followed by a two-digit route number when the ZIP Code is included in the address. If the ZIP Code is omitted from the address, the descriptive prefix must be followed by a four-digit numeric route code. This four-digit route code must consist of the last two digits of the ZIP Code followed by the two-digit carrier route number.

(4) The carrier route information must be right justified.

(5) The carrier route information must be preceded by at least two asterisks (or another distinctive character). The following are examples of address formats in the order of preference:

** Carrier Route 22
John Doe
1300 Waterford Drive
District Heights, MD 20028

JhnDoe30WA*** **CR 22
John Doe
1300 Waterford Drive
District Heights, MD 20028

John Doe **CR 22
1300 Waterford Drive
District Heights, MD 20028

** Rural Route 05
John Doe
1602 Country Lane
Burke, VA 22015

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(6) At least 10 spaces must be allowed for carrier route information if it is included with other information on the top line.

.113 *5-Digit Packages.* When there are six or more copies for the same 5-digit ZIP Code destination, they must be made up into 5-digit packages. Mailers are encouraged, but are not required, to affix a red label D to each package. Copies may qualify for the Level B or Level E per piece rate. See 467.6

.114 *Optional City Packages.* When, after making up 5-digit packages, there are six or more copies remaining for one of the following multi-ZIP Coded offices, the mailer is encouraged to prepare a "city" package. A yellow label C must be affixed to each package. Such packages may qualify for the Level B or Level E per piece rate. See 467.6.

Alabama:	
Anniston	36201-05
Decatur	35601-03
Dothan	36301-03
Florence	35630-33
Gadsden	35901-05
Tuscaloosa	35401-06
Alaska:	
Anchorage	99501-49

Arizona:	
Glendale	85301-11
Mesa	85201-08
Scottsdale	85251-69
Sun City	85351-52, 72-75
Tempe	85281-87
Arkansas:	
Fort Smith	72901-16
North Little Rock	72114-19
Pine Bluff	71601-13
California:	
Beverly Hills	90210-15
Buena Park	90620-24
Canoga Park	91303-07
Chula Vista	92010-12
Comptor	90220-24
Concord	94518-24
Costa Mesa	92626-27
Covina	91722-24
Daly City	94014-17
Downey	90240-42
El Cajon	92020-22
El Monte	91731-34
Escondido	92025-27
Fremont	94536-40
Fullerton	92631-38
Gardena	90247-49
Garden Grove	92640-45
Hayward	94541-46
Huntington Beach	92646-49
Laguna Beach	92651-53
Lakewood	90712-16
La Puenta	91744-49
Modesto	95350-55
Mountain View	94040-43
Newport Beach	92660-63
Northridge	91324-30
Ontario	91761-62
Orange	92665-69
Pomona	91766-69
Redondo Beach	90277-78, 54
Redwood City	94061-65
Salinas	93901-15
San Fernando	91340-49
San Gabriel	91775-78
San Juan Capistrano	92675, 90-93
San Leandro	94577-79
San Pedro	90731-33
San Rafael	94901-11
Santa Clara	95050-54
Santa Cruz	95060-66
Santa Rosa	95401-06
Simi Valley	93063-65
Spring Valley	92077-78
Stockton	95201-12
Sunnyvale	94086-88
Thousand Oaks	91360-63
Ventura	93001-09
Walnut Creek	94595-98
West Covina	91790-93
Whittier	90601-12
Wilmington	90744-49
Woodland Hills	91364-75
Colorado:	
Arvada	80001-09
Aurora	80010-16, 40-41
Englewood	80110-15, 50-54
Fort Collins	80521-26
Littleton	80120-29, 60-61
Pueblo	81001-19
Connecticut:	
New Britain	06050-53
Norwalk	06850-57
Waterbury	06701-24
Delaware:	
Newark	19711-13
Florida:	
Boca Raton	33431-32
Boynton Beach	33435-37
Bradenton	33505-08
Clearwater	33515-20
Daytona Beach	32014-23
Delray Beach	33444-47
Fort Meyers	33901-08
Fort Pierce	33450-52
Gainesville	32601-12
Hialeah	33010-16
Hollywood	33019-29
Homestead	33030-35
Lakeland	33801-03
Lake Worth	33460-64
Largo	33540-42
Melbourne	32901-19
Naples	33940-42
New Port Richey	33552-53
Ocala	32670-73
Opa Locka	33054-56
Panama City	32401-10
Pensacola	32501-22
Pompano Beach	33060-68
Punta Gorda	33950-54
Sarasota	33577-83
Tallahassee	32301-13
Tarpon Springs	33589-90
Venice	33595-96
West Palm Beach	33401-11
Winter Park	32789-93
Georgia:	
:	
Albany	31701-07
Athens	30601-07
Conyers	30207-08
Decatur	30030-38
Douglasville	30133-35
Marietta	30060-67
Newnan	30263-65
Norcross	30071, 91-93
Riverdale	30274, 96
Roswell	30075-77
Stone Mountain	30083, 86-88
Illinois:	
Arlington Heights	60004-08
Aurora	60504-07
Belleville	62220-25
Decatur	62521-26
Des Plaines	60016-18
East St. Louis	62201-08
Joliet	60431-36
Melrose Park	60160-65
Oak Lawn	60453-59
Roselle	60172, 93-96
Skokie	60076-77
Indiana:	
Anderson	46011-17
Hammond	46320-27
Lafayette	47901-07
Muncie	47302-06
Terre Haute	47801-12
Kentucky:	
Covington	41011-19
Newport	41071-76
Louisana:	
Lafayette	70501-08
Lake Charles	70601-09
Metairie	70001-11
Monroe	71201-09
Maryland:	
Columbia	21044-46
Hyattsville	20780-88
Laurel	20810-11
Rockville	20850-57
Massachusetts:	
Ayer	01432-33
Chicopee	01013-22
Fall River	02720-26
Falmouth	02540-41,43
Lawrence	01840-45
Lowell	01850-54
Lynn	01901-10
New Bedford	02740-48
North Attleboro	02760-63
Michigan:	
Ann Arbor	48103-09
Battle Creek	49014-17
Birmingham	48008-12
Dearborn	48120-26
Farmington	48018, 24
Jackson	49201-04
Kalamazoo	49001-09
Livonia	48150-57
Mount Clemens	48043-45
Muskegon	49440-45
Plymouth	48170, 87-88
Pontiac	48053-59
Royal Oak	48067-73
Saginaw	48601-07
Southfield	48034, 37, 75-76
Saint Clair Shores	48080-83
Troy	48084, 98-99
Utica	48087, 77-78
Warren	48089-93
Mississippi:	
Gulfport	39501-03
Biloxi	39530-34
Missouri:	
Florissant	63031-34
Hazelwood	63042-45
Independence	64050-55
Montana:	
Great Falls	59401-06
New Jersey:	
Cherry Hill	08002-03
Clifton	07011-15
East Orange	07017-19
Englewood	07631-32
Hackensack	07601-11
Montclair	07042-44
Orange	07050-52
Perth Amboy	08861-63
Plainfield	07060-63
Rahway	07065-67
Ridgewood	07450-52
Rutherford	07070-75
Westfield	07090-92
New York:	
Babylon	11702-04
Floral Park	11001-05
Great Neck	11020-24
Hempstead	11550-54
Mount Vernon	10550-59
Troy	12180-83
Valley Stream	11580-83
North Carolina:	
Fayetteville	28301-08
High Point	27260-64
Wilmington	28401-06
Ohio:	
Cuyahoga Falls	44221-24
Elyria	44035-39
Hamilton	45011-26
Lima	45801-09
Lorain	44052-55
Warren	44481-86
Oklahoma:	
Lawton	73501-05
Norman	73069-71
Oregon:	
Eugene	97401-05
Salem	97301-14
Pennsylvania:	
Altoona	16601-02
Bethlehem	18015-18
Chester	19013-16
Johnstown	15901-09
Levittown	19053-59
McKeesport	15130-35
Media	19063-65
New Castle	16101-05
Norristown	19401-09
Pittston	18640-44
Upper Darby	19082-84
Rhode Island:	
Pawtucket	02860-65
Wakefield	02879-83
Warwick	02886-89
South Carolina:	
Anderson	29621-23
Charleston	29401-12
Greenville	29601-15
Spartanburg	29301-04
Tennessee:	
Kingsport	37660-65
Texas:	
Arlington	76010-19
Baytown	77520-21
Brownsville	78520-21
Carrollton	75006-07
Conroe	77301-02
Duncanville	75116, 37
Galveston	77550-53
Garland	75040-43
Grand Prairie	75050-52
Humble	77338-39
Irving	75060-63, 39
Lancaster	75146, 34
Laredo	78040-41
Lewisville	75028, 56, 67
Longview	75601-05
Mesquite	75149-50, 80-82
Midland	79701-03
Odessa	79760-63
Pasadena	77501-07
Plano	75023-24, 74-75
Richardson	75080-81
San Angelo	76901-03
Spring	77373-79, 80
Texarkana	75501-03
Tyler	75701-12
Waco	76701-11
Wichita Falls	76301-11
Virginia:	
Charlottesville	22901-09
Chesapeake	23320-25
Fairfax	22030-39
Falls Church	22040-46
Hampton	23660-70

Virginia:	
Herndon	22070, 90–95
Lynchburg	24501–15
McLean	22101–02
Newport News	23601–30
Roanoke	24001–50
Springfield	22150–61
Suffolk	23434–38
Virginia Beach	23450–63
Woodbridge	22191–94
Washington:	
Bellevue	98004–07
Everett	98201–07
Olympia	98501–07
Vancouver	98660–67
Yakima	98901–09
Wisconsin:	
Kenosha	53140–43

.115 *3-Digit Packages.* When there are six or more copies for a 3-digit ZIP Code prefix, after the required 5-digit packages and optional city packages have been made, they must be made up into 3-digit packages. A green label 3 must be affixed to each package. Copies in packages of six or more addressed to multi-ZIP Coded cities having a unique 3-digit ZIP Code may qualify for the level B or E per piece rate. See 467.6. These cities are listed in Publication 65, *National ZIP Code and Post Office Directory.*

.116 *Optional SCF Packages.* When there are six or more copies for post offices in the same Sectional Center Facility (SCF) service area remaining after the required 5-digit and 3-digit packages have been made, the mailer is encouraged to prepare an SCF package. A green label 3 must be affixed to each package. A list of all SCF's, the first three digits of all ZIP Codes served by these facilities, and the lowest 3-digit ZIP Codes that are to be used on SCF sack labels is shown in the "Sectional Center Facilities" table contained in Publication 65, *National ZIP Code and Post Office Directory.*

.117 *Optional SDC Packages.* When there are six or more copies for post offices in the same State Distribution Center (SDC) service area remaining after the 5-digit, optional city, 3-digit and optional SCF packages have been made, the mailer is encouraged to prepare an SDC package. In those instances where this SDC makeup is finer than the mandatory state makeup, a facing slip must be used on SDC packages. Individual copies in SDC packages must be wrapped.

.118 *State Packages.* When there are six or more copies for a State remaining after the 5-digit, optional city, 3-digit, optional SCF and optional SDC packages have been made, they must be made up into state packages. An orange label S must be affixed to each package. Individual copies in state packages must be wrapped.

.119 *Mixed States Packages.* Copies remaining after packages have been made, as outlined above, must be made up into mixed state packages. A mixed states white facing slip must be attached to each package. Individual copies in mixed states packages must be wrapped.

.12 *Loose Packing.* Management sectional center (MSC) managers may authorize loose packing of copies in full No. 3 sacks without bundling when all material in a sack goes to the same 5-digit ZIP Code.

Copies must be placed to maintain orientation of the copies while in transit. Mailers desiring to loose pack copies must make requests through the post office of mailing.

Note.—The terms *loose pack* or *loose packing* refer to the placement of unbundled, unbound mail pieces in a receptacle such as a mail sack.

.13 *Facing.* All copies in a package must be faced the same way with an address visible on the top copy.

.14 *Package Labels.* Pressure sensitive package labels must be applied to the lower left corner of the address side of the top copy on letter size packages and next to the address on larger packages. Facing slips must be placed on the address side of the top copy in mixed state and foreign packages. Pressure sensitive labels and facing slips are available from post offices.

467.2 Sacking Requirements

.21 *General.* Except where bundling or palletizing is authorized [see 467.3 and 467.4], packages must be sorted and sacked to destinations as outlined below. No more than 70 pounds of mail may be placed in any sack.

.22 Sortation

.221 *Carrier Sacks.* Mailers who wish to qualify for the level C piece rate (see 467.6), must prepare carrier route sacks in one of the following ways:

a. Carrier route sacks which contain at least one package of six or more copies for the same carrier route must be labeled in the following manner:

Line 1: City and State and 5-Digit Destination.
Line 2: Contents (ORD P or NEWS), Carrier Route and Route Number.
Line 3: Office of Mailing.
Sample Carrier Sack Label:

SAN FRANCISCO CA 94133
NEWS-CARRIER ROUTE 18
PORTLAND OR 972

b. Sacks containing qualifying carrier route packages for more than one carrier route must be labeled in the following manner:

Line 1: City and State and 5-Digit Destination.
Line 2: Contents (ORD P or NEWS), Carrier Routes.
Line 3: Office of Mailing.
Sample Carrier Routes Sack Label:

SAN FRANCISCO CA 94133
NEWS-CARRIER ROUTES
PORTLAND OR 972

.222 *5-Digit Sacks.* When, after preparing optional carrier sacks, there are four or more packages addressed to the same 5-digit ZIP Code destination, packages must be made up into 5-digit sacks. Sacks containing fewer packages may be prepared. Each sack must be labeled in the following manner:

Line 1: City and State and 5-Digit Destination.
Line 2: Contents (ORD P or NEWS).
Line 3: Office of Mailing.
Sample 5-Digit Sack Label:

PHILADELPHIA PA 19118
ORD P
BOSTON MA 021

.223 *Optional City Sacks.* After preparing 5-digit sacks, mailers are encouraged to make up packages addressed to the multi-ZIP Code cities listed in 467.114 into city sacks. Each sack must be labeled in the following manner:

Line 1: City, State, and Lowest ZIP Code.
Line 2: Contents.
Line 3: Office of Mailing.
Sample City Sack Label:

AURORA IL 60504
NEWS
BOSTON MA 021

.224 *3-Digit Sacks.* When, after preparing optional carrier, 5-digit and optional city sacks, there are four or more packages for the same 3-digit ZIP Code destination, the packages must be made up into 3-digit sacks. Sacks containing fewer than four packages may be prepared. Each sack must be labeled in the following manner:

Line 1: City, State, and 3-Digit Prefix.
Line 2: Contents.
Line 3: Office of Mailing.
Sample 3-digit Sack Label:

PHILADELPHIA PA 191
ORD P
BOSTON MA 121

.225 *Optional SCF Sacks.* After preparing optional carrier, 5-digit, optional city and 3-digit sacks, the mailer is encouraged to make up packages addressed to post offices in the same Sectional Center Facility (SCF) service area into SCF sacks. Each sack must be labeled in the following manner:

Line 1: Name and State of SCF, Lowest 3-Digit ZIP Code for that SCF.
Line 2: Contents.
Line 3: Office of Mailing.
Sample SCF Sack Label:

SCF PHILADELPHIA PA 190
ORD P
BOSTON MA 021

Note.—A list of all SCF's, the first three digits of all ZIP Codes served by these facilities, and the principal 3-digit ZIP Code prefixes that are to be used on SCF sack labels is contained in Publication 65, *National ZIP Code and Post Office Directory.*

.226 *Optional SDC Sacks.* After preparing optional carrier, 5-digit, optional city, 3-digit and optional SCF sacks, the mailer is encouraged to make up packages addressed to the same State Distribution Center (SDC) service area into SDC sacks. Each sack must be labeled in the following manner:

Line 1: Name of SDC for Destination Area.
Line 2: Contents and State.
Line 3: Office of Mailing.
Sample Sack Label:

DIS PITTSBURGH PA 150
ORD P PA
SAN FRANCISCO CA 941

.227 *State Sacks.* When, after making up optional carrier, 5-digit, optional city, 3-digit, optional SCF, and optional SDC sacks, there are four or more packages addressed to the same State, the packages must be made up into state sacks. Each sack must be labeled in the following manner:

Line 1: Name of SDC for State of Destination.
Line 2: Contents and State.
Line 3: Office of Mailing.
Sample State Sack Label:

DIS KANSAS CITY MO 640
ORD P MO
SAN FRANCISCO CA 941

.228 *Mixed States Sacks.* Packages remaining after state sacks have been prepared must be made up into mixed states

sacks. Each sack must be labeled in the following manner:

Line 1: Mixed States Distribution Location.
Line 2: Contents.
Line 3: Office of Mailing.
Sample Mixed States Sack Label:

DIS CHICAGO IL 606
ORD P MIXED STATES
CHICAGO IL 606

467.3 Bundling Instead of Sacking

.31 *Regional Authorization.*

.311 The Regional Postmaster General for the post office of mailing may authorize dispatch of second-class mail in bundles outside of mail sacks if such preparation is beneficial to the Postal Service. The publisher must submit an application to the postmaster where the mail is to be deposited. The following information must be furnished with the application:

a. Name of publication and frequency of mailing;

b. Identity of post offices to which shipments will be made; and

c. Approximate quantity of copies and number of bundles to each office.

.312 The postmaster will forward the application to the Regional Postmaster General with a detailed explanation of the transportation and processing arrangements. The application will be reviewed by the General Manager, Logistics Division and by others concerned in that region and in any other region which will process the mail in order to determine whether intermediate or destination offices are capable of receiving and processing the bundles without increasing overall processing costs. The Regional Postmaster General will notify the postmaster at the office where the mail is to be entered whether the application has been approved or, if not, the reason for denial. The postmaster will send notice of the decision to the mailer.

.32 *Bundling Requirements.* Mailers bundling instead of sacking publications must observe the following procedures:

a. Presort by ZIP Code. Mailers must presort publications by ZIP Code separations as required by 467.1.

b. Prepared Lake Sacks. Bundles must be prepared on the same basis as sacks (see 467.2) and individual separations within a bundle must be appropriately wrapped or tied to maintain the identity of the separation. The number of bundles should not exceed the number of sacks which would otherwise be used in a mailing, except when those bundles are used in an approved palletized mailing. This may require bundling up to the 40 pound maximum when volume warrants and the mailing is not palletized.

c. Weight and Numbers. The weight of a bundle must not exceed 40 pounds. A bundle should weigh at least 20 pounds or be of at least 1,000 cubic inches of volume. Lesser quantities must be included in bundles for the next lower level of sortation.

d. Labeling. All bundles must be appropriately labeled on top to show destination and contents as required with sacks. Similarly, each separation within a bundle must be identified by labels in accordance with 467.14.

e. Machinable Mailings. Mailings must be machinable by Postal Service sack-sorting equipment unless they consist of publications intended only for local area delivery (same 3-digit ZIP Code prefix). It is the responsibility of the mailer to satisfy the Postal Service that mailings are machinable. This can be verified by having the mailing post office test process ten or more production bundles on two or more passes through a bulk mail center (BMC). Ordinarily, bundles require cross strapping and heavy-gauge shrink or stretch wrap to insure their integrity in the mailstream.

f. Local Processing and Delivery. When second-class publications are entered for local processing and delivery (i.e. without being routed through a BMC), they need not meet the requirements of 467.32c. However, bundles must be securely bound to withstand handling without breakage or damage and to prevent injury to postal personnel or damage to mechanized sorting systems. If wire is used, it must have rounded edges and flat ends. Binding material must be applied at least once around the length and girth. The use of metal strapping is discouraged because of its possible hazards.

467.4 Palletizing Instead of Sacking

.41 *Regional Authorization.* The Regional Postmaster General for the post office of mailing may authorize the dispatch of second-class mail on pallets without mail sacks, if such preparation is beneficial to the Postal Service. Applications for palletizing instead of sacking must be made and processed as prescribed for bundling in 467.31.

.42 *Palletizing Requirements.* Mailers palletizing instead of sacking publications must observe the following procedures:

a. Mailers must presort publications and prepare packages as prescribed in 467.1. The Regional Postmaster General may waive packaging requirements for 5-digit ZIP Code pallets when mailers effectively demonstrate that they will prepare pallets to remain intact to the destination.

b. Pallets must be made up to the destinations required in 467.2 when the mail load to a destination is either 650 pounds or three feet high. Pallets may also be prepared for the optional destinations described in 467.2. Pallets must not contain more than 2,000 pounds of mail or mail addressed to more than one zone.

c. Pallets must be labeled in the format described in 467.2. These labels must be at least five inches by nine inches in size with characters at least one inch high.

467.5 Copies for Military Post Offices Overseas

.51 *Direct Packages.* When more than one copy is addressed to one unit, APO, or Navy or Marine Corps address (see 122.8), the copies must be securely wrapped in packages or tied in bundles labeled for the military address.

.52 *Mixed Packages.* After all direct packages have been made, if there are more than five copies remaining for dispatch through any postal concentration center, they must be wrapped in packages or tied in bundles and labeled for the center.

.53 *Direct Sacks.* When there are a sufficient number of packages and bundles for one unit, APO, or Navy or Marine Corps address to fill approximately one-half of a No. 2 sack, a direct sack must be made. Direct sacks will not be opened at postal concentration centers. The sack should be labeled in the following manner:

Line 1: Postal Concentration Center Designation, City, State, 3-digit ZIP Code Prefix.
Line 2: Contents, APO or FPO Designation and 5-digit ZIP Code.
Line 3: Office of Mailer.
Sample:

PCC NEW YORK NY 110
ORD P APO 09360
NEW YORK NY

.54 *Mixed Sacks.* When the quantity is insufficient for a direct sack, but there are enough bundles or packages for dispatch through one postal concentration center to fill approximately one-half of a No. 2 sack, a sack must be made up for that center and labeled in the following manner:

Line 1: Postal Concentration Center Designation, City, State, 3-digit ZIP Code Prefix.
Line 2: Contents, APO or FPO Designation for MAIL.
Line 3: Office of Mailing.
Sample:

PCC SAN FRANCISCO CA 962
ORD P APO MAIL
NEW YORK NY

467.6 Preparing Out-Of-County Rated Pieces (Levels B, C, and E).

There are several different piece rates provided for regular rate and science of agriculture publications which reflect the level of presort. Presort levels A, B and C are provided for mailings of 5,000 or more copies of regular rate and science of agriculture publications being sent to destinations outside the county of publication. Presort levels D and E are provided for mailings of less than 5,000 pieces of regular rate and science of agriculture publications being sent to destinations outside the county of publication. Mailers using out-of-county per piece rates (regular rate and science of agriculture publications, see 411) must adhere to the following:

a. To qualify for the Level B or Level E piece rate, a piece must be: (1) In a 5-digit package of six or more pieces and the package must be inside a 5-digit sack, or (2) in a city package (see 467.114) or 3-digit package of six or more pieces addressed to a city having a unique 3-digit ZIP Code prefix. The package must be inside a city sack or a 3-digit sack for a city with a unique 3-digit ZIP Code prefix.

b. To qualify for the level C piece rate, a piece must be in a carrier route package of six or more pieces and the package must be inside a carrier route sack or carrier routes sack.

c. Pieces presented in bundles instead of sacks (see 467.3) are eligible for presort rates providing they meet all other requirements for the presort rates.

d. Mailers must be prepared to document or otherwise confirm the number of pieces mailed and paid for at levels B, C, and E piece rates. *Note.* This may be done in any of the following ways:

(1) By separating sacks paid at the various piece rates when they are presented for mailing, or

(2) By attaching to the mailing statement a list of the number of copies (and pieces) to each 5-digit ZIP Code, to each city having a unique 3-digit ZIP Code prefix, to each city listed in 467.114, and to each carrier route for which level B, C, or E piece rates are being paid, or

(3) By maintaining records for each mailing which will confirm the number of pieces in qualifying 3-digit city, 5-digit, carrier route sacks and carrier routes sacks. The records must document the number of copies (and pieces) to each qualifying 3-digit city, 5-digit, and carrier route destination for which sacks are made up. A printout must be presented prior to the first mailing made under this arrangement. These records must be retained for at least two months.

e. The mailer must provide a copy of the record for a particular mailing, or portions of it, within 30 days of a request by the postmaster of the office of entry. Postmasters will advise the Region's Revenue Protection Program Manager of all publications being mailed under this arrangement. Acceptance units will maintain a list of publications authorized to mail under this arrangement.

f. More than one second-class publication may be combined to meet the volume per sack or bundle requirement for the Levels B, C, and E, piece rates. To qualify for Levels B and C piece rates, at least 5,000 copies of each issue in the combined mailing must be mailed to destinations outside the county of publication. Listings and records provided by publishers in accordance with 467.6d must also document the number of combined pieces and copies of each publication mailed to each unique 3-digit city, 5-digit ZIP Code destination, and carrier route. The total number of consolidated mailing pieces for each level of presort is to be reported on the Form 3541 for one publication or on a separate Form 3541.

A notation such as "per piece charge for consolidated copies of (*title*), (*title*), etc." must be included on the Form 3541 on which the piece rates are computed. The Forms 3541 used to compute pound-rate postage for the individual publications must include a notation as to the number of copies included in the consolidated mailing pieces, and where the piece rate computations can be found (i.e., (number) copies sent in consolidated bundles and reported on the Form 3541 for (*title*).

PART 562 PREPARATION

In 562 revise 562.31 to read as follows:

562.3 Addressing

.31 Each piece including the top copy of a firm package (see 567.12) must bear the name and address of the addressee. The address must include the ZIP Code. Exception: the ZIP Code may be omitted from pieces bearing a simplified address in accordance with 122.41.

PART 567 ALTERNATE PRESORT REQUIREMENTS

Add new 567 to read as follows:

567 Alternate Presort Requirements (See Exhibit 567)

[The requirements set forth in this section may be used at the option of the mailer instead of those in 564 until February 3, 1980, on that date, these requirements will be mandatory and 564 will be deleted.]

567.1 Packaging Requirements

.11 *Sortation.*

.111 *Firm Packages.* When there are two or more copies for the same address they must be made up into one package if only one piece rate is paid for the group. A blue label F must be affixed to the front of the package (see 567.14). When there is more than one package sent to one address, mailers are allowed to include a package identification notice such as 1 of 4, 2 of 4, etc., on the package wrapper, provided such endorsement does not interfere with the clarity of the address.

.112 *Optional Carrier Packages.* When there are six or more copies for the same carrier route, rural route, lockbox section or general delivery unit, they may, at the mailer's option, be made up into carrier packages of six or more copies. Whenever a carrier route package is not placed in a sack labeled to show that it only contains packages for the same carrier route, the mailer must use one of the following procedures;

a. The mailer may prepare packages with a facing slip which must be affixed to the front of the package and marked as shown below:

Line 1: 5-Digit ZIP Code of Address.

Line 2: Contents and Carrier Route, Rural Route, Lockbox Section, or General Delivery Unit.

Line 3: Post Office of Entry.

Sample Carrier Route Facing Slip:

SAN FRANCISCO CA 94133
ORD P RURAL ROUTE 12
PORTLAND OR 972

b. The mailer may prepare packages without facing slips when the following conditions are met:

(1) The carrier route information consisting of a descriptive prefix (or its abbreviation) plus a two-digit route number or four-digit numeric code must be on the top line of the address, either alone (the preferred format) or with other information (addressee, account data, etc.).

(2) The descriptive prefix "carrier route," "rural route," "highway contract route," or "lockbox section" must either be spelled out (the preferred format) or abbreviated as follows:

Carrier Route	CR.
Rural Route	RR.
Highway Contract Route	SR.
Lockbox Section	LS.

(3) The descriptive prefix must be followed by a two-digit route number when the ZIP Code is included in the address. If the ZIP Code is omitted from the address, the descriptive prefix must be followed by a four-digit numeric route code. This four-digit route code must consist of the last two digits of the ZIP Code followed by the two-digit carrier route number.

(4) The carrier route information must be right justified.

(5) The carrier route information must be preceded by at least two asterisks (or another distinctive character). The following are examples of address formats in the order of preference:

---

* * Carrier Route 22
John Doe
1300 Waterford Drive
District Heights, MD 20028

John Doe 30WA * * * * * CR 22
John Doe
1300 Waterford Drive
District Heights, MD 20028

John Doe * * CR 22
1300 Waterford Drive
District Heights, MD 20028

---

* * Rural Route 05
John Doe
1602 Country Lane
Burke, VA 22015

---

(6) At least 10 spaces must be allowed for carrier route information if it is included with other information on the top line.

.113 *5-Digit Packages.* When there are six or more copies for the same 5-digit ZIP Code destination, they must be made up into 5-digit packages. Mailers are encouraged to, but are not required to affix a red label to each package.

.114 *Optional City Packages.* When, after making up 5-digit packages, there are six or more copies remaining for one of the multi-ZIP Coded offices listed in 467.114, the mailer is encouraged to prepare a "city" package. A yellow label C must be affixed to each package.

.115 *3-Digit Packages.* When there are six or more copies for a 3-digit ZIP Code prefix, after the required 5-digit packages and optional city packages have been made, they must be made up into 3-digit packages. A green label 3 must be affixed to each package.

.116 *Optional SCF Packages.* When there are six or more copies for post offices in the same Sectional Center Facility service area remaining after the required 5-digit and 3-digit packages have been made, the mailer is encouraged to prepare an SCF package. A green label 3 must be affixed to each package. A list of all SCF's, the first three digits of all ZIP Codes served by these facilities, and the lowest 3-digit ZIP Codes that are to be used on SCF sack labels is shown in the "Sectional Center Facilities" table contained in Publication 65, *National ZIP Code and Post Office Directory.*

.117 *Optional SDC Packages.* When there are six or more copies for post offices in the same State Distribution Center (SDC) service area remaining after the 5-digit, optional city, 3-digit and optional SCF packages have been made, the mailer is encouraged to prepare an SDC package. In those instances where this SDC makeup is finer than the mandatory state makeup, a facing slip must be used on SDC packages. Individual copies in SDC packages must be wrapped.

.118 *State Packages.* When there are six or more copies for a State remaining after the

5-digit, optional city, 3-digit, optional SCF and optional SDC packages have been made, they must be made up into state-packages. An orange label S must be affixed to each package. Individual copies in state packages must be wrapped.

.119 *Mixed States Packages.* Copies remaining after packages have been made, as outlined above, must be made up into mixed states packages. A mixed states white facing slip must be attached to each package. Individual copies in mixed states packages must be wrapped.

.12 *Loose Packing.* Management sectional center (MSC) managers may authorize *loose packing* of copies in full No. 3 sacks without bundling when all material in a sack goes to the same 5-digit ZIP Code. Copies must be placed to maintain orientation of the pieces while in transit. Mailers desiring to loose pack copies must make requests through the post office of mailing.

Note.—The terms *loose pack* or *loose packing* refer to the placement of unbundled, unbound mail pieces in a receptacle such as a mail sack.*

.13 *Facing.* All copies in a package must be faced the same way with an address visible on the top copy.

.14 *Package Labels.* Pressure sensitive package labels must be applied to the lower left corner of the address side of the top copy on letter size packages and next to the address on larger packages. Facing slips must be placed on the address side of the top copy in mixed state and foreign packages. Pressure sensitive labels and facing slips are available from post offices.

567.2 Sacking Requirements

.21 *General.* Except where bundling or palletizing is authorized (see 567.3 and 567.4), packages must be sorted and sacked to destinations as outlined below. No more than 70 pounds of mail may be placed in any sack.

.22 *Sortation*

.221 *Carrier Sacks.* Mailers are encouraged to prepare carrier route sacks in one of the following ways:

a. Carrier route sacks which contain at least one package of six or more copies for the same carrier route must be labeled in the following manner:

Line 1: City and State and 5-Digit Destination.
Line 2: Contents (ORD P), Carrier Route and Route Number.
Line 3: Office of Mailing.
Sample Carrier Sack Label:

SAN FRANCISCO CA 94133
ORD P CARRIER ROUTE 18
PORTLAND OR 972

b. Sacks containing qualifying carrier route packages for more than one carrier route must be labeled in the following manner:

Line 1: City and State and 5-Digit Destination.
Line 2: Contents (ORD–P), Carrier Routes.
Line 3: Office of Mailing.
Sample Carrier Routes Sack Label:

SAN FRANCISCO CA 94133
ORD P—CARRIER ROUTES
PORTLAND OR 972

.222 *5-Digit Sacks.* When, after preparing optional carrier sacks, there are four or more packages addressed to the same 5-digit ZIP Code destination, packages must be made up into 5-digit sacks. Sacks containing fewer packages may be prepared. Each sack must be labeled in the following manner:

Line 1: City and State and 5-Digit Destination.
Line 2: Contents (ORD P).
Line 3: Office of Mailing.
Sample 5-Digit Sack Label:

PHILADELPHIA PA 19118
ORD P
BOSTON MA 021

.223. *Optional City Sacks.* After preparing 5-digit sacks, mailers are encouraged to make up packages addressed to the multi-ZIP Coded cities listed in 467.114 into city sacks. Each sack must be labeled in the following manner:

Line 1: City, State, and Lowest ZIP Code.
Line 2: Contents.
Line 3: Office of Mailing.
Sample City Sack Label:

AURORA IL 60504
ORD P
BOSTON MA 021

.224 *3-Digit Sacks.* When, after preparing optional carrier, 5-digit and optional city sacks, there are four or more packages for the same 3-digit ZIP Code destination, the packages must be made up into 3-Digit sacks. Sacks containing fewer than four packages may be prepared. Each sack must be labeled in the following manner:

Line 1: City, State and 3-digit Prefix.
Line 2: Contents.
Line 3: Office of Mailing.
Sample 3-Digit Sack Label:

PHILADELPHIA PA 191
ORD P
BOSTON MA 021

.225 *Optional SCF Sacks.* After preparing optional carrier, 5-digit, optional city and 3-digit sacks, the mailer is encouraged to make up packages addressed to post offices in the same Sectional Center Facility (SCF) service area into SCF sacks. Each sack must be labeled in the following manner:

Line 1: Name and State of SCF Lowest 3-digit ZIP Code for that SCF.
Line 2: Contents.
Line 3: Office of Mailing.
Sample SCF Sack Label:

SCF PHILADELPHIA PA 190
ORD P
BOSTON MA 0121

Note.—A list of all SCF's, the first three digits of all ZIP Codes served by these facilities, and the principal 3-digit ZIP Code prefixes that are to be used on SCF sack labels is contained in Publication 65, *National ZIP Code and Post Office Directory.*

.226 *Optional SDC Sacks.* After preparing optional carrier, 5-digit, optional city, 3-digit, and optional SCF sacks, the mailer is encouraged to make up packages addressed to the same State Distribution Center (SDC) service area into SDC sacks. Each sack must be labeled in the following manner:

Line 1: Name of SDC for Destination Area.
Line 2: Contents and State.
Line 3: Office of Mailing.
Sample Sack Label:

DIS PITTSBURGH PA 150
ORD P PA
SAN FRANCISCO CA 940

.227 *State Sacks.* When, after making up optional carrier, 5-digit, optional city, 3-digit, optional SCF and optional SDC sacks, there are four or more packages addressed to the same State, the packages must be made up into state sacks. Each sack must be labeled in the following manner:

Line 1: Name of SDC for State of Destination.
Line 2: Contents and State.
Line 3: Office of Mailing.
Sample State Sack Label:

DIS KANSAS CITY MO 640
ORD P MO
SAN FRANCISCO CA 940

.228 *Mixed States Sacks.* Packages remaining after state sacks have been prepared must be made up into mixed states sacks. Each sack must be labeled in the following manner:

Line 1: Mixed States Distribution Location.
Line 2: Contents.
Line 3: Office of Mailing.
Sample Mixed States Sack Label:

DIS CHICAGO IL 606
ORD P MIXED STATES
CHICAGO, IL 606

567.3 Bundling Instead of Sacking

.31 *Regional Authorization.*

.311 The Regional Postmaster General for the post office of mailing may authorize dispatch of controlled circulation mail in bundles outside of mail sacks if such separation is beneficial to the Postal Service. The publisher must submit an application to the postmaster where the mail is to be deposited. The following information must be furnished with the application:

a. Name of publication and frequency of mailing;

b. Identity of post offices to which shipments will be made; and

c. Approximate quantity of copies and number of bundles to each office.

d. Mode of transportation to be used.

.312 The postmaster will forward the application to the Regional Postmaster General with a detailed explanation of the transportation and processing arrangements. The application will be reviewed by the General Manager, Logistics Division, and by others concerned in that region and in any other region which will process the mail in order to determine whether intermediate or destination offices are capable of receiving and processing the bundles without increasing overall processing costs. The Regional Postmaster General will notify the postmaster at the office where the mail is to be entered whether the application has been approved or, if not, the reason for denial. The postmaster will send a notice of the decision to the mailer.

.32 *Bundling Requirements.* Mailers bundling instead of sacking publications must observe the following procedures:

a. Presort by ZIP Code. Mailers must presort publications by ZIP Code separations as required by 567.1.

b. Prepared Like Sacks. Bundles must be prepared on the same basis as sacks (see 567.2) and individual separations within a

bundle must be appropriately wrapped or tied to maintain the identity of the separation. The number of bundles should not exceed the number of sacks which would otherwise be used in a mailing, except when those bundles are used in an approved palletizing mailing. This may require bundling up to the 40 pound maximum when volume warrants and the mailing is not palletized.

c. Weight and Numbers. The weight of a bundle must not exceed 40 pounds and the minimum number of copies in a bundle may not be less than 20 pounds or 1,000 cubic inches in volume. Lesser quantities must be included in bundles for the next lower level of sortation.

d. Labeling. All bundles must be appropriately labeled on top to show destination and contents as required with sacks. Similarly, each separation within a bundle must be identified by labels in accordance with 567.14.

e. Machinable Mailings. Mailings must be machinable by Postal Service sack-sorting equipment unless they consist of publications intended only for local delivery area (same 3-digit ZIP Code prefix). It is the responsibility of the mailer to satisfy the Postal Service that mailings are machinable. This can be verified by having the mailing post office test process ten or more production bundles on two or more passes through a Bulk Mail Center (BMC). Ordinarily, bundles require cross strapping and heavy-gauge shrink or stretch wrap to insure their integrity in the mailstream.

f. Local Processing and Delivery. When controlled circulation publications are entered for local processing and delivery (i.e. without being routed through a BMC) they need not meet the requirements of 567.32e. However, bundles must be securely bound to withstand handling without breakage or damage and to prevent injury to postal personnel or damage to mechanized sorting systems. If wire is used it must have rounded edges and flat ends. Binding material must be applied at least once around the length and girth. The use of metal strapping is discouraged because of its possible hazards.

567.4 Palletizing Instead of Sacking

.41 *Regional Authorization.* The Regional Postmaster General for the post office of mailing may authorize the dispatch of controlled circulation mail on pallets without mail sacks, if such preparation is beneficial to the Postal Service. Applications for palletizing instead of sacking must be made and processed as prescribed for bundling in 567.31.

.42 *Palletizing Requirements.* Mailers palletizing instead of sacking publications must observe the following procedures:

a. Mailers must presort publications and prepare packages as prescribed by 567.1. The Regional Postmaster General may waive packaging requirements for 5-digit ZIP Code pallets when mailers effectively demonstrate that they will prepare pallets to remain intact to destination.

b. Pallets must be made up to the destinations required in 567.2 when the mail load to a destination is either 650 pounds or three feet high. Pallets may also be prepared for the optional destinations described in 567.2. Pallets must not contain more than 2,000 pounds of mail.

c. Pallets must be labeled in the format described in 567.2. These labels must be at least five inches by nine inches in size with characters at least one inch high.

567.5 Copies for Military Post Offices Overseas

.51 *Direct Packages.* When more than one copy is addressed to one unit, APO, or Navy or Marine Corps address (sec 122.8), the copies must be securely wrapped in packages or tied in bundles labeled for the military address.

.52 *Mixed Packages.* After all direct packages have been made, if there are more than five copies remaining for dispatch through any postal concentration center, they must be wrapped in packages or tied in bundles and labeled for the center.

.53 *Direct Sacks.* When there are a sufficient number of packages and bundles for one unit. APO or Navy or Marine Corps address to fill approximately one-half of a No. 2 sack, a direct sack must be made up. Direct sacks will not be opened at postal concentration centers. The sack should be labeled in the following manner:

Line 1: Postal Concentration Center Designation, City, State, 3-digit ZIP Code Prefix.

Line 2: Contents, APO or FPO Designation and 5-digit ZIP Code.

Line 3: Office of Mailer.

Sample:

PCC NEW YORK NY 110
ORD P APO 09360
NEW YORK NY

.54 *Mixed Sacks.* When the quantity is insufficient for a direct sack but there are enough bundles or packages for dispatch through one postal concentration center to fill approximately one-half of a No. 2 sack, a sack must be made up for that center and labeled in the following manner:

Line 1: Postal Concentration Center Designation, City, State, 3-digit ZIP Code Prefix.

Line 2: Contents, APO or FPO Designation for MAIL.

Line 3: Office of Mailing.

Sample:

PCC SAN FRANCISCO CA 962
ORD P APO MAIL
NEW YORK NY

PART 661 ADDRESSING

In 661, revise 661.2 to read as follows: 661.2 ZIP Code. Each piece including the top copy of a firm package (see 667.121a) must bear the name and address of the addressee. The address must include the ZIP Code. *Exception:* the ZIP Code may be omitted from pieces bearing a simplified address in accordance with 122.41.

PART 667 ALTERNATE PREPARATION OF BULK RATE MAILINGS (THIRD-CLASS)

Add new 667 to read as follows:

667 Alternate Preparation of Bulk Rate Mailings (See Exhibit 667)

The requirements set forth in this section may be used at the option of the mailer instead of those in 663 until February 3, 1980. On that date, these requirements will be mandatory and 663 will be deleted.

667.1 Standard Preparation Requirements

.11 *General.* All bulk third-class mailings other than machinable parcels, as defined in 128, must be prepared in accordance with the following standard preparation requirements.

.12 Packaging Requirements

.121 Sortation—

a. *Firm Packages.* When all mail in a package is for an individual firm, a blue label F must be affixed to the front of the package.

b. *5-Digit Packages.* When there are ten or more pieces for the same 5-digit ZIP Code destination, they must be made up into 5-digit packages. The mailer may package less than 10 pieces in the same manner. Mailers are encouraged, but are not required, to affix a red label D to each package.

c. *Optional City Packages.* When, after making up 5-digit packages, there are pieces for one of the multi-ZIP Coded offices listed in 467.114, the mailer is encouraged to prepare a "city" package. A yellow label C must be affixed to each package.

d. *3-Digit Packages.* When there are ten or more pieces for a 3-digit ZIP Code prefix, after the required 5-digit packages and optional city packages have been made, they must be made up into 3-digit packages. The mailer may package less than 10 pieces in the same manner. A green label 3 must be affixed to each package.

e. *Optional SCF Packages.* When there are pieces for post offices in the same Sectional Center Facility (SCF) service area remaining after the required 5-digit and 3-digit packages have been made, the mailer is encouraged to prepare an SCF package. A green label 3 must be affixed to each package. A list of all SCF's, the first three digits of all ZIP Codes served by these facilities, and the lowest 3-digit ZIP Codes that are to be used on SCF sack labels in shown in the "Sectional Center Facilities" table contained in Publication 65, *National ZIP Code and Post Office Directory.*

f. *Optional SDC Packages.* When there are pieces for post offices in the same State Distribution Center (SDC) service area remaining after the 5-digit, optional city, 3-digit and optional SCF packages have been made, the mailer is encouraged to prepare an SDC package. In those instances where this SDC makeup is finer than the mandatory state makeup, a facing slip must be used on SDC packages.

g. *State Packages.* When there are ten or more copies for a State remaining after the 5-digit, optional city, 3-digit, optional SCF and optional SDC packages have been made, they must be made up into state packages. The mailer may package less than 10 pieces in the same manner. An orange lable S must be affixed to each package.

h. *Mixed States Packages.* Pieces remaining after packages have been made, as outlined above, must be made up into mixed states packages. A mixed states white facing slip must be attached to each package.

667.122 Facing

All pieces in a package must be faced the same way with an address visible on the top piece.

667.123 Package Labels

Pressure sensitive package labels must be applied to the lower left corner of the address side of the top piece on letter size packages and next to the address on larger packages. Facing slips must be placed on the address side of the top piece in mixed state and foreign packages. Pressure sensitive labels and facing slips are available from post offices.

667.124 Loose Packing

Management Sectional Center (MSC) managers may authorize *loose packing* of pieces in full No. 3 sacks without bundling when all material in a sack goes to the same 5-digit ZIP Code. Pieces must be placed to maintain orientation of the pieces while in transit. Mailers desiring to loose pack pieces must make requests through the post office of mailing.

Note.—The terms *loose pack* or *loose packing* refer to the placement of unbundled, unbound mail pieces in a receptacle such as a mail sack.

.13 *Sacking Requirements*

.131 General. Except where bundling or palletizing is authorized (see 667.3 and 667.4), packages must be sorted and sacked to destinations as outlines below. No more than 70 pounds of mail may be placed in any sack.

.132 Sortation

a. *5-Digit Sacks.* When there are twelve or more packages addressed to the same 5-digit ZIP Code destination, packages must be made up into 5-digit sacks. Sacks containing fewer packages may be prepared. Each sack must be labeled in the following manner:

Line 1: City and State and 5-Digit Destination.
Line 2: Contents.
Line 3: Office of Mailing.
Sample 5-Digit Sack Label:

PHILADELPHIA PA 19118
3C FLATS
BOSTON MA 021

b. *Optional City Sacks.* After preparing 5-digit sacks, mailers are encouraged to make up packages addressed to the multi-ZIP Coded cities listed in 467.114 into city sacks. Each sack must be labeled in the following manner:

Line 1: City, State and Lowest ZIP Code.
Line 2: Contents.
Line 3: Office of Mailing.
Sample City Sack Label:

AURORA IL 60504
3C LTRS
BOSTON MA 021

c. *3-Digit Sacks.* When, after preparing 5-digit and optional city sacks, there are twelve or more packages for the same 3-digit ZIP Code destination, the packages must be made up into 3-digit sacks. Sacks containing fewer than twelve packages may be prepared. Each sack must be labeled in the following manner:

Line 1: City, State and 3-Digit Prefix.
Line 2: Contents.
Line 3: Office of Mailing.
Sample 3-Digit Sack Label:

PHILADELPHIA PA 191
3C FLATS
BOSTON MA 021

d. *Optional SCF Sacks.* After preparing 5-digit, optional city, and 3-digit sacks, the mailer is encouraged to make up packages addressed to post offices in the same Sectional Center Facility (SCF) service area, into SCF sacks. Each sack must be labeled in the following manner:

Line 1: Name and State of SCF, Lowest 3-Digit ZIP Code for that SCF.
Line 2: Contents.
Line 3: Office of Mailing.
Sample SCF Sack Label:

SCF PHILADELPHIA PA 190
3C FLATS
BOSTON MA 021

Note.—A list of all SCF's, the first three digits of all ZIP Codes served by these facilities, and the principal 3-digit ZIP Code prefixes that are to be used on SCF sack labels is contained in Publication 65, *National ZIP Code and Post Office Directory.*

e. *Optional SDC Sacks.* After preparing 5-digit, optional city, 3-digit and optional SCF sacks, the mailer is encouraged to make up packages addressed to the same State Distribution Center (SDC) service area into SDC sacks. Each sack must be labeled in the following manner:

Line 1: Name of SDC for Destination Area.
Line 2: Contents and State.
Line 3: Office of Mailing.
Sample Sack Label:

DIS PITTSBURGH PA 150
ORD P PA
SAN FRANCISCO CA 941

f. *State Sacks.* When after making up 5-digit, optional city, 3-digit and optional SCF, and optional SDC sacks, there are twelve or more packages addressed to the same State, the packages must be made up into state sacks. Sacks containing fewer than twelve packages may be prepared. Each sack must be labeled in the following manner:

Line 1: Name of SDC for State of Destination.
Line 2: Contents and State.
Line 3: Office of Mailing.
Sample Sack Label:

DIS KANSAS CITY MO 640
3C LTRS
SAN FRANCISCO CA 941

g. *Mixed States Sacks.* Packages remaining after state sacks have been prepared must be made up into mixed state sacks. Each sack must be labeled in the following manner:

Line 1: Mixed States Distribution Location.
Line 2: Contents.
Line 3: Office of Mailing.
Sample Mixed States Sack Label:

DIS CHICAGO IL 606
3C LTRS MX STATES
CHICAGO IL 606

h. *Loose Pack Sack.* The term "loose pack sack" refers to the placement of unbundled, unbound mail pieces in a receptacle such as a mail sack. Management Sectional Center [MSC] managers may authorize mailers to "loose pack" pieces in full No. 3 sacks without bundling when all material in a sack would normally be "worked" at the point where the sack is opened, e.g., if a 3-digit sack contains no more than nine pieces for any one 5-digit destination. Pieces must be placed to maintain orientation of the pieces while in transit. Mailers desiring to loose pack pieces must request authorization through the post office of mailing.

667.2 Machinable Parcel Preparation Requirements

.21 *General.* Machinable parcels as defined in 128 must be prepared in accordance with the following preparation requirements.

.22 *Sacking Requirements*

.221 *5-Digit Sacks.* When there are 20 pounds or 1,000 cubic inches of material addressed to the same 5-digit ZIP Code destination, they must be placed in 5-digit sacks. Each sack must be labeled in the following manner:

Line 1: City, State and 5-Digit Destination.
Line 2: Contents.
Line 3: Mailer, Office of Mailing.
Sample 5-Digit Sack Label:

PHILADELPHIA PA 19118
3C MACH P
BOSTON MA 021

.222 *Destination Bulk Mail Center (BMC) Sacks.* After the required 5-digit sacks have been prepared, the remaining pieces must be placed in sacks labeled to destination BMC delivery areas, when there are 20 pounds or 1,000 cubic inches of material to a BMC delivery area. Each sack must be labeled in the following manner:

Line 1: Destination BMC.
Line 2: Contents.
Line 3: Mailer, Office of Mailing.
Sample BMC Sack Label:

BMC CHICAGO IL 608
3C MACH P
ATLANTA GA 303

.223 *Origin BMC Sacks.* After the required 5-digit and destination BMC sacks have been prepared, the remaining pieces must be placed in sacks labeled to the origin BMC in the following manner:

Line 1: Origin BMC.
Line 2: Contents.
Line 3: Mailer, Office of Mailing.
Sample Origin BMC Sack Label:;

BMC KANSAS CITY MO 643
3C MACH P
TOPEKA KS 666

667.3 Bundling Instead of Sacking

.31 *Regional Authorization.*

.311 The Regional Postmaster General for the post office of mailing may authorize dispatch of third-class mail in bundles outside of mail sacks if such preparation is beneficial to the Postal Service. The mailer must submit an application to the postmaster where the mail is to be deposited. The following information must be furnished with the application:

a. Name of publication and frequency of mailing;

b. Identity of post offices to which shipments will be made; and

c. Approximate quantity of copies and number of bundles to each office.

.312 The postmaster will forward the application to the Regional Postmaster General with a detailed explanation of the transportation and processing arrangements.

The application will be reviewed by the General Manager, Logistics Division, and by others concerned, in his region and in any other region which will process the mail in order to determine whether intermediate or destination offices are capable of receiving and processing the bundles without increasing overall processing costs. The Regional Postmaster General will notify the postmaster at the office where the mail is to be entered whether the application has been approved or, if not, the reason for denial. The postmaster will send notice of the decision to the mailer.

.32 *Bundling Requirements.* Mailers bundling instead of sacking mailings must observe the following procedures:

a. *Presort by ZIP Code.* Mailers must presort mail by ZIP Code separations as required by 667.1

b. *Prepared Like Sacks.* Bundles must be prepared on the same basis as sacks (see 667.12) and individual separations within a bundle must be appropriately wrapped or tied to maintain the identity of the separation. The number of bundles should not exceed the number of sacks which would otherwise be used in a mailing, except when those bundles are used in an approved palletized mailing. This may require bundling up to the 40 pound maximum when volume warrants and the mailing is not palletized.

c. *Weight and Numbers.* The weight of a bundle must not exceed 40 pounds. A bundle must weigh at least 20 pounds or be of at least 1,000 cubic inches in volume. Lesser quantities must be included in bundles for the next lower level of sortation.

d. Labeling. All bundles must be appropriately labeled on top to show destination and contents as required with sacks. Similarly, each separation within a bundle must be identified by labels in accordance with 663.118.

e. Machinable Mailings. Mailings must be machinable by Postal Service sack-sorting equipment unless they consist of matter intended only for local area delivery (same 3-digit ZIP Code prefix). It is the responsibility of the mailer to satisfy the Postal Service that mailings are machinable. This can be verified by having the mailing post office test process ten or more production bundles on two or more passes through a bulk mail center (BMC). Ordinarily, bundles require cross strapping and heavy-gauge shrink or stretch wrap to insure their integrity in the mailstream.

f. Local Processing and Delivery. Third-class pieces entered for local processing and delivery (i.e. without being routed through a BMC) need not meet the requirements of 667.32e. However, bundles must be securely bound to withstand handling without breakage or damage and to prevent injury to postal personnel or damage to mechanized sorting systems. If wire is used, it must have rounded edges and flat ends. Binding material must be applied at least once around the length and girth. The use of metal strapping is discouraged because of its possible hazards.

667.4 Palletizing Instead of Sacking

.41 *Regional Authorization.* The Regional Postmaster General for the post office of mailing may authorize the dispatch of third-class mail on pallets without mail sacks, if such preparation is beneficial to the Postal Service. Applications for palletizing instead of sacking must be made and processed as prescribed in 667.31.

.42 *Palletizing Requirements.*

.421 *Standard Preparation Requirements.*

a. *General.*

All palletized bulk third-class mailings other than machinable parcels, as defined in 128, must be prepared in accordance with the following standard preparation requirements.

b. *Packages.*

Mailers must presort pieces and prepare packages as prescribed in 667.1. The Regional Postmaster General may waive packaging requirements for 5-digit pallets when mailers effectively demonstrate they will prepare pallets to remain intact to their destinations.

c. *Pallets.*

Pallets must be made up to the required destinations in 667.1 when the mail load to a destination is either 650 pounds or three feet high. Pallets may also be prepared for the optional destinations described in 667.1. Pallets must not contain more than 2,000 pounds of mail.

.422 Machinable Parcel Preparation Requirements. Pallets must be made up to the required destinations described in 667.2 when the mail load to a destination is either 650 pounds or three feet high. Pallets must not contain more than 2,000 pounds of mail.

667.5 Irregular Parcels (SPR's)

.51 *Exemptions From Packaging Requirements*

.511 Irregular parcels one-half inch or more in thickness need not be made up into packages (as required by 667.11) if the packages would be made up to the same destination as the sacks in which they would be placed. For example, ten or more such irregular parcels which are addressed to the same 5-digit destination need not be packaged if placed in a 5-digit sack; but they must be packaged if placed in a mixed city, SCF, state, or mixed state sack. Likewise, if there are ten pieces for the same SCF, but not to the same 5-digit or mixed city, they need not be packaged if placed in an SCF sack, but must be packaged if placed in a state or mixed state sack. Each separate bulk mailing which is commingled must meet the minimum piece or minimum weight requirements for bulk rates.

.512 Items which are so large that ten or less pieces fill a sack need not be packaged.

.52 *Authorizing Commingling.* Regional directors of finance may authorize the commingling of several permit mailings of irregular parcels in order to achieve a finer presort provided adequate means are available to ensure that proper postage is paid. This normally will require that the mailings be made under the provisions of 145.8 or 145.9.

.53 *Waiving Bundling Requirements.* When authorizing commingling, regions may waive the requirements for bundling to 5-digit and 3-digit destinations if doing so results in a finer make-up of at least 50% of the mail.

.54 *Labeling Sacks.* Sack labels for commingled irregular parcels must be identified with the words *3C COMM IRREG* on the second (contents) line.

PART 766—ALTERNATE PREPARATION OF LIBRARY RATE MATERIALS

Add new 766 to read as follows:

766 Alternate Preparation of Library Rate Materials.

[The requirements set forth in this section may be used at the option of the mailer instead of those in 765 until February 3, 1980. On that date, these requirements will be mandatory and 765 will be deleted.]

When 1,000 or more pieces of identical weight are mailed at the library rates (see 711.4) during a single day, they must be presorted and placed in sacks under the instructions contained 767.2 and 767.3.

PART 767—ALTERNATE PREPARATION OF BOUND PRINTED MATTER

Add new 767 to read as follows:

767 Alternate Preparation of Bound Printed Matter.

[The requirements set forth in this section may be used at the option of the mailer instead of those in 763 until February 3, 1980. On that date, these requirements will be mandatory and 763 will be deleted.]

767.1 Markings Required. The words *Bound Printed Matter* must be incorporated as part of the permit indicia or be printed or rubber stamped above the address and to the left or below the permit indicia. Mailings under the bulk rates in 711.2 must also be marked Bulk Rate or Blk. Rt.

767.2 Standard Preparation Requirements

.21 *General.* All bulk rate bound printed matter other than machinable parcels, as defined in 128, must be prepared in accordance with the following standard preparation requirements. Except where bundling or palletizing is authorized (see 767.4 and 767.5), pieces must be sorted and sacked to destinations as outlined below. No more than one zone or 70 pounds of mail may be placed in any sack.

.22 *Sortation.*

.221 5-Digit Sacks. When there are 10 pieces, 20 pounds or 1,000 cubic inches of material addressed to the same 5-digit ZIP Code destination, those pieces must be made up into 5-digit sacks. Sacks containing smaller quantities may be prepared. Each sack must be labeled in the following manner:

Line 1: City and State and 5-Digit Destination
Line 2: Contents:
Line 3: Office of Mailing
Sample 5-Digit Sack Label:
PHILADELPHIA PA 19118
4C FLATS
BOSTON MA 021

.222 *Optional City Sacks.* When after preparing 5-digit sacks, there are 10 pieces, 20 pounds or 1,000 cubic inches of material addressed to the multi-ZIP Coded cities listed in section 467.114, the mailer is encouraged to make up the pieces into city sacks. Sacks containing smaller quantities may be prepared. Each sack must be labeled in the following manner:

Line 1: City, State and Lowest ZIP Code
Line 2: Contents
Line 3: Office of Mailing
Sample City Sack Label:

AURORA IL 60504
4C IRREG
BOSTON MA 021

.223 3-Digit Sacks. When, after preparing 5-digit and optional city sacks, there are 10 pieces, 20 pounds or 1,000 cubic inches of material for the same 3-digit ZIP Code prefix destination, the pieces must be made up into 3-digit sacks. Sacks containing smaller quantities may be prepared. Each sack must be labeled in the following manner:

Line 1: City, State and 3-Digit Prefix
Line 2: Contents
Line 3: Office of Mailing
Sample 3-digit Sack Label:
PHILADELPHIA PA 191
4C IRREG
BOSTON MA 021

.224 *Optional SCF Sacks.* When after preparing 3-digit sacks, there are 10 pieces, 20 pounds or 1,000 cubic inches of material addressed to post offices in the same Sectional Center Facility (SCF) service area, the mailer is encouraged to make up pieces into SCF sacks. Each sack must be labeled in the following manner:

Line 1: Name and State of SCF, Lowest 3-Digit ZIP Code for that SCF
Line 2: Contents
Line 3: Office of Mailing
Sample SCF Sack Label:
SCF PHILADELPHIA PA 190
4C FLATS
BOSTON MA 021

Note.—A list of all Sectional Center Facilities, the first three digits of all ZIP Codes served by these facilities, and the lowest 3-digit ZIP Codes that are to be used on SCF sack labels, is shown in the "Sectional Center Facilities" table contained in Publication 65, *National ZIP Code and Post Office Directory.*

.225 *Optional SDC Sacks.* After preparing 5-digit, optional city, 3-digit and optional SCF sacks, the mailer is encouraged to make up pieces addressed to the same State Distribution Center (SDC) service area into SDC sacks. Each sack must be labeled in the following manner:

Line 1: Name of SDC for Destination Area
Line 2: Contents and State
Line 3: Office of Mailing
Sample Sack Label:
DIS PITTSBURGH PA 150
4C FLATS
SAN FRANCISCO CA 941

.226 *State Sacks.* When after making up 5-digit optional city, 3-digit, optional SCF and optional SDC sacks, there are 10 pieces, 20 pounds or 1,000 cubic inches of material addressed to the same State, those pieces must be made up into state sacks. Each sack must be labeled in the following manner:

Line 1: Name of SDC for State of Destination
Line 2: Contents and State
Line 3: Office of Mailing
Sample of Sack Label:
DIS KANSAS CITY MO 640
4C IRREG
SAN FRANCISCO CA 941

.227 *Mixed States Sacks.* Pieces remaining after state sacks have been prepared must be made up into mixed states sacks. Each sack must be labeled in the following manner:

Line 1: Mixed States Distribution Location
Line 2: Contents
Line 3: Office of Mailing
Sample Mixed States Sack Label:
DIS CHICAGO IL 606
4C IRREG
CHICAGO IL 606

767.3 Machinable Parcel Preparation Requirements

.31 *General.* Machinable parcels, as defined in 128, must be prepared in accordance with the following sacking requirements. No more than one zone of 70 pounds of mail may be placed in any sack.

.32 *Sortation.*

.321 *5-Digit Sacks.* When there are 10 pieces, 20 pounds, or 1,000 cubic inches of material addressed to the same 5-digit ZIP Code destination, they must be placed in 5-digit sacks. Each sack must be labeled in the following manner:

Line 1: City, State and 5-Digit Destination
Line 2: Contents
Line 3: Mailer, Office of Mailing
Sample 5-Digit Sack Label:
PHILADELPHIA PA 19118
4C MACH
BOSTON MA 021

.322 *Destination Bulk Mail Center (BMC) Sacks.* After the required 5-digit sacks have been prepared, the remaining pieces must be placed in sacks labeled to destination BMC delivery areas, when there are 10 pieces, 20 pounds, or 1,000 cubic inches of material to a BMC delivery area. Each sack must be labeled in the following manner:

Line 1: Destination BMC
Line 2: Contents
Line 3: Mailer, Office of Mailing
Sample BMC Sack Label:
BMC CHICAGO IL 608
4C MACH
ATLANTA GA 303

.323 *Origin BMC Sacks.* After the required 5-digit and destination BMC sacks have been prepared, the remaining pieces must be placed in sacks labeled to the origin BMC in the following manner:

Line 1: Origin BMC
Line 2: Contents
Line 3: Mailer, Office of Mailing
Sample Origin BMC Sack Label:
BMC KANSAS CITY MO 643
4C MACH
TOPEKA KS 666

767.4 Bundling Instead of Sacking

.41 *Regional Authorization*

.411 The Regional Postmaster General for the post office of mailing may authorize the preparation of bound printed matter in bundles outside of mail sacks if such preparation is beneficial to the Postal Service. The mailer must submit an appliction to prepare mail in bundles instead of sacks to the postmaster where the mail is to be deposited. The following information must be furnished with the application:

a. Name and frequency of mailing;

b. Identity of post offices to which shipments will be made; and

c. Approximate quantity of pieces and number of bundles to each office.

.412 The postmaster will forward the application to the Regional Postmaster General with a detailed explanation of the transportation and processing arrangements. The application will be reviewed by the General Manager, Logistics Division and by others concerned, in his region and in any other region which will process the mail in order to determine whether intermediate or destination offices are capable of receiving and processing the bundles without increasing overall processing costs. The Regional Postmaster General will notify the postmaster whether the application has been approved or, if not, the reason for denial. The postmaster will send notice of the decision to the mailer.

.42 *Bundling Requirements.* Mailers bundling instead of sacking pieces must observe the following procedures:

a. Presorted by ZIP Code. Bound printed matter must be presorted in 5-digit ZIP-Coded bundles. When there are insufficient pieces for a direct 5-digit bundle, the pieces must be presorted in 3-digit ZIP Coded bundles. All pieces which are not made up into 5-digit and 3-digit ZIP Coded bundles must be sacked and appropriately labeled.

b. Securing and Labeling. All bundles must be secured with a two-way tie (plastic straps or other strong tying material). The bundles must have red label D, yellow label C, or green label 3 affixed to appropriately identify them as either 5-digit ZIP Code delivery unit, mixed city, or SCF bundles.

c. Loaded Sequentially. Trailers of 5-digit and 3-digit ZIP Coded bundles must be sequentially loaded with dividers (plastic or paper) placed between each different 3-digit ZIP Coded destination.

d. Loading Diagram. Each trailer must carry a loading diagram detailing the ZIP Codes and destinations abroad and the sequence in which they are to be unloaded.

767.5 Palletizing Instead of Sacking

.51 *Regional Authorization.* The Regional Postmaster General for the post office of mailing may authorize the dispatch of bound printed matter on pallets without mail sacks, if such preparation is beneficial to the Postal Service. Applications for palletizing instead of sacking will be made and processed as prescribed in 767.41.

767.52 Palletizing Requirements

.521 *Standard Preparation Requirements*

a. General. All palletized bulk rate bound printed matter, other than machinable pracels as defined in 128, must be prepared in accordance with the following preparation requirements:

b. Bundles—Bundles must be made up to the required destinations in 767.2 when there are at least 20 pounds for a destination. The mailer is encouraged to prepare bundles for the optional destinations described in 767.2. The Regional Postmaster General may waive bundling requirements for 5-digit pallets when mailers effectively demonstrate they will prepare pallets to remain intact to the destination.

c. Pallets—Pallets must be made up to the mandatory destinations in 767.2 when the mail load to a destination is either 650 pounds or three feet high. Pallets may also be prepared for the optional destinations in 767.2. Pallets must not contain more than or

2,000 pounds of mail or mail addressed to more than one zone.

.522 Machine Parcel Preparation Requirements

Pallets must be made up to the required destinations in 767.3 when the mail load to a destination is either 650 pounds or three feet high. Pallets must not contain more than one zone or 2,000 pounds of mail.

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BILLING CODE 7710-12-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. E-59, Supp. 1]

Commercial Products; Temporary Regulation

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation extends the expiration date of an FPMR temporary regulation on the management of specifications, standards, and descriptions for commercial products. Additional time is needed to develop and issue a revised temporary regulation on commercial products that will reflect program changes that have been developed since FPMR Temporary Regulation E-59 was issued. The regulation will avoid unnecessary costs in Government procurement.

DATES: Effective date: September 30, 1979. Expiration date: December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Agin, Acquisition Management and Review Directorate (202-566-1867).

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

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

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter E to read as follows:

October 9, 1979.

Commercial products

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation E-59 to December 31, 1979.

2. *Effective date.* This regulation is effective September 30, 1979.

3. *Expiration date.* This regulation expires December 31, 1979.

4. *Explanation of change.* The expiration date shown in paragraph 3 of FPMR Temporary Regulation E-59 is revised to read December 31, 1979. Additional time is required to develop and issue a revised temporary regulation on commercial products that will reflect program changes that have been developed since FPMR Temporary Regulation E-59 was issued.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-32418 Filed 10-19-79; 8:45 am]

BILLING CODE 6820-82-M

National Archives and Records Service

41 CFR Part 101-11

[FPMR Amdt. B-43]

Records Management; Centralized Audiovisual Services

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation informs agencies of the procedure to be followed in planning and producing any audiovisual product. Federal agencies are required by OMB Circular A-114 to supply the National Audiovisual Center (NAC) with the necessary information needed for NAC to meet its Government-wide responsibilities relating to audiovisual services. The intent of this regulation is to simplify the procedure for requesting mandatory title checks for both NARS and the requesting agency.

EFFECTIVE DATE: October 22, 1979.

FOR FURTHER INFORMATION CONTACT: John H. McLean, Director, National Audiovisual Center (301-763-1872).

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

The table of contents for Part 101-11 is amended by adding the following entry:

Sec.
101-11.4930-282 Standard Form 282, Mandatory Title Check.

Subpart 101-11.13—Audiovisual Records Management

Section 101-11.1304(b)(1) is revised to read as follows:

§ 101-11.1304 Centralized audiovisual services.

* * * * *

(b) *Agency requirements.*—

(1) *Mandatory title check.* Prior to authorizing the production of any type of audiovisual product, all agencies, except as noted in OMB circular A-114, shall submit to NAC a completed Standard Form 282, Mandatory Title Check, to request information about the availability of similar products. Submit two copies of SF 282 to the National Audiovisual Center (NAC), General Services Administration, Attn: Mandatory Title Check, Washington, DC 20409.

* * * * *

Subpart 101-11.49—Forms and Reports

Section 101-11.4930-282 is added as follows:

§ 101-11.4930-282 Standard Form 282, Mandatory Title Check.

Note.—The form illustrated in this § 101-11.4930-282 is filed with the original document and does not appear in this volume.

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

Dated: October 9, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-32417 Filed 10-19-79; 8:45 am]

BILLING CODE 6820-26-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No 79-133; Rm-3291]

Radio Broadcast Services; FM Assignment to Brush, Colo.

AGENCY: Federal Communication Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first Class A FM assignment to Brush, Colorado, in response to a petition filed by Ranchland Broadcasting, Inc. The channel can be used to bring a first fulltime local aural broadcast service to the community.

DATE: Effective November 23, 1979.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: October 9, 1979.

Released: October 15, 1979.

By the Chief, Broadcast Bureau.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Brush, Colorado); Report and Order (Proceeding Terminated).

1. The Commission has under consideration its *Notice of Proposed Rule Making*, adopted May 29, 1979, 44 Fed. Reg. 32419, instituted in response to

a petition filed by Ranchland Broadcasting, Inc. ("petitioner"), licensee of daytime-only AM Station KCMP, Brush, Colorado. Petitioner proposed the assignment of FM Channel 296A to Brush, Colorado, as its first FM assignment. No responses to the petition were received.

2. Brush (pop. 3,377), in Morgan County (pop 20,105), [1] is located 126 kilometers (78 miles) northeast of Denver. It is served locally by daytime-only AM Station KCMP, licensed to petitioner. Channel 296A can be assigned to Brush in conformity with the minimum distance separation requirements. Petitioner reaffirmed its intention to file for the channel, if assigned.

3. Sufficient information with respect to the need for an FM assignment to Brush was set forth in the *Notice* and need not be repeated here.

4. We believe that the public interest would be served by the assignment of Channel 296A to Brush, Colorado. An interest has been expressed for its use and such an assignment would provide the community with a first fulltime local aural broadcast service.

5. Accordingly, IT IS ORDERED, That effective November 23, 1979, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the community listed below:

City	Channel No.
Brush, Colorado	296A

6. Authority for the adoption of the amendment 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, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-32493 Filed 10-19-79; 8:45 am]

BILLING CODE 6712-01-M

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

47 CFR Part 83

[PR Docket No. 79-101; FCC 79-626]

Ensuring the Availability of Certain Compulsory Radio Equipment to the Operator of the Vessel's Steering Station In Use

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This rule amendment is in two parts. The first requires that a crew member who is to stand watch at the vessel's steering station must have been instructed in radio operation and voice procedure by the radio operator. The second requires that the VHF radio capability of the vessel be available at whatever steering station is actually in use (except where the station is auxiliary in nature and used only during short periods for docking or close-in maneuvering).

EFFECTIVE DATE: November 23, 1979.

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

FOR FURTHER INFORMATION CONTACT: Irvin Hurwitz, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated, 44 FR 30134, May 24, 1979.

Adopted: October 10, 1979.

Released: October 16, 1979.

By the Commission: Commissioner Jones absent.

In the matter of amendment of Part 83 of the rules to ensure the availability of certain compulsory radio equipment to the operator of the vessel's steering station in use, PR Docket No. 79-101.

Background

1. Following in the wake of two marine disasters, the National Transportation Safety Board (NTSB) requested the Commission to extend its present requirement for a radio capability aboard vessels taking passengers for hire, to whatever steering station aboard the vessel was actually being used. On May 2, 1979, the Commission adopted a Notice of Proposed Rule Making that would amend Part 83 of its rules in that particular.

The Commenters

2. Seven commenters submitted eight comments as follows:

a. Offshore Marine Service Association (OMSA).
b. Jekyll Towing and Marine Services—2 comments (Jekyll).
c. Marine Transportation Service (TRANS).
d. State Boat Corporation (State).
e. Crowley Maritime Corp. (CROW).
f. National Transportation Safety Board (NTSB).
g. Northern California Marine Radio Council (NCMRC).

3. One reply comment was filed by NTSB.

The Comments

4. All the commenters supported the intent of the rulemaking. NCMRC believes, however, that a reasonable period of time should be allowed for all vessels to come into compliance. They suggest a period of one year beginning with the release date of this Report and Order. It is felt this is a reasonable request and the proposed rule has been modified accordingly.

5. OMSA, TRANS, State, CROW, suggest that the proposal not be made applicable to auxiliary steering stations which are used only for brief docking periods or for close-in maneuvering of vessels. In its reply comment, NTSB goes along with this exception. The Commission, too, is in agreement that there would be much expense and little gain in not recognizing the distinction between true conning positions and auxiliary steering stations used over short periods of time for special purposes such as docking and close-in work. The regulations have been amended to make clear this distinction and exempt these auxiliary stations from the proposed regulatory requirements.

6. NCMRC points out that "many present radiotelephone sets are highly portable. Therefore, consideration should be given to permitting the use of mounting arrangements for such portable equipment, together with appropriate power and antenna feed lines, at the steering control stations as an alternative method of complying with the proposed radio-telephone requirements." The Commission agrees and has modified the language of § 83.514(d) accordingly.

7. Jekyll is concerned about application of the proposed requirements to what they refer to as "after steering stations" which "almost always take place within very close proximity to other stations," and suggests the use of 1 watt portable sets for such purposes. Insofar as such "after steering stations" are intended to mean those which would be used for docking or brief maneuvering, it is not our intention, as explained above, to require any installation for their use. If however, the stations they refer to are intended for long-term navigation purposes, they should meet the present day power requirements with provision for portable

installations as suggested above by NPMRC.

8. Jekyll agrees with the proposed new requirement of a radio capability at all conning stations § 83.514(d) insofar as it applies to charter fishing vessels; it also approves this proposed section for use on all other subject vessels which meet the requirement by utilizing VHF radios. They write, "It is perfectly feasible to have these radios, in their entirety, at the steering station."

9. Thus, there is no objection on the part of any commenter to the present rulemaking insofar as it applies to VHF installations. Since there is no present intention to require any but VHF equipment at the several conning stations, Jekyll's comments concerning MF installations become moot. The rationale for restricting this rulemaking to VHF installations is based on the following arguments, that: all vessels involved in the current rulemaking are or soon will be required to carry VHF equipment; the rulemaking was initiated by an NTSB Recommendation based on two experiences with a situation in which VHF equipment was required to be installed, and does not extend to situations necessitating longer range equipment; it is intended, in the present action, to require only an additional VHF capability at the separate subsidiary conning stations.

Conclusion

10. The Commission is therefore requiring a radiotelephone capability at all true operator steering stations with the exceptions, limitations and interpretations referred to in the preceding paragraphs of this Report and Order, and written into the attached Appendix.

11. Any questions concerning the contents of this Report and Order may be referred to Irvin Hurwitz at telephone number (202) 632–7175 or care of the Federal Communications Commission, Washington, D.C. 20554.

12. Accordingly, it is ordered, that, pursuant to the authority contained in Sections 4(i), 303(f) and 303(r) of the Communications Act of 1934, as amended, the Commission's rules are amended, as set forth in the attached Appendix below, effective November 23, 1979.

13. It is further ordered, That this proceeding is terminated.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

1. Section 83.202, paragraph (c) is amended to read as follows:

§ 83.202 Watch required on vessels subject to the Communications Act.

* * * * *

(c) Each vessel of the United States transporting more than six passengers for hire, which is equipped with a radiotelephone installation for compliance with Part III of Title III of the Communications Act shall, while being navigated in the open sea or any tidewater within the jurisdiction of the United States adjacent or contiguous to the open sea, keep a continuous and efficient watch on 2182 kHz while the vessel is beyond VHF communication range of the nearest VHF coast station, whenever such installation is not being used for authorized traffic. While the vessel is within VHF communication range of the nearest coast station, the watch shall be kept on 156.8 MHz whenever such installation is not being used for authorized traffic. The VHF watch shall be maintained at the vessel's steering station actually in use by the qualified operator as defined by § 83.155(e) of this part, or by a designated member of the crew who has been instructed in radio operation and voice procedure by the radio operator. The crew member so designated may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of the watch.

2. In § 83.514, paragraph (d) is amended to read as follows:

§ 83.514 Radiotelephone installation.

* * * * *

(d) After October 1, 1980, a VHF radiotelephone installation or a remote unit with all controls necessary to ensure reliable communications, shall be located at each operator steering station aboard the vessel, except those auxiliary steering stations which are used only during brief periods for docking or for close-in maneuvering. A single portable radiotelephone set shall be considered capable of meeting the requirements of this paragraph provided adequate permanent mounting arrangements with suitable power provision and antenna feed are installed at each operator steering station intended for all such use as is not excepted in this paragraph. Additionally, for vessels of more than 100 gross tons, the radiotelephone installation and all necessary controls shall be located at the level of the main wheelhouse or at least one deck above the vessel's main deck.

[FR Doc. 79–32494 Filed 10–19–79; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 44, No. 205
Monday, October 22, 1979

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 71

Packaging of Radioactive Material for Transportation and Transportation of Radioactive Material Under Certain Conditions; Compatibility With IAEA Regulations.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Extension of Public Comment Period.

SUMMARY: The Nuclear Regulatory Commission is extending, for 60 days, the public comment period on its proposed revision of 10 CFR Part 71. The proposed rule was published on August 17, 1979 (44 FR 48234), for the purpose of making NRC transportation rules compatible with those of the International Atomic Energy Agency. The comment period expired October 16, 1979.

DATES: New comment period expires December 17, 1979.

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

FOR FURTHER INFORMATION CONTACT: Donald R. Hopkins, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301/443-5946.

Dated at Washington, D.C. this 17th day of October 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-32574 Filed 10-19-79; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 73

Physical Protection of Plants and Materials; Reporting of Safeguards Events

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is considering amendments to its regulations to require that licensees report events which significantly threaten or lessen the effectiveness of their safeguards system. Events to be reported would focus on situations that threaten or lessen the effectiveness of their safeguards system as established by safeguards regulations or an approved safeguards plan or by both. Concurrently with the issuance of the proposed rule the NRC is also issuing a guide for comment which provides a procedure that may be used to determine whether an event is reportable along with a partial list of the kinds of events that a licensee should consider reporting in any case.

DATES: Comments must be received on or before December 21, 1979.

ADDRESSEES: Comments or suggestions for consideration in connection with the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. For copies of the Regulatory Guide write to Edward L. Hill, Office of Standards Development, Nuclear Regulatory Commission, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Mr. T. S. Michaels, Safeguards Standards Branch, Office of Standards Development, NRC 301-443-5903.

SUPPLEMENTARY INFORMATION: The Commission is considering amendments to its regulations to require that licensees report to the Commission events which significantly threaten or lessen the effectiveness of their safeguards system as established by safeguards regulations or by an approved safeguards plan or by both. A safeguards plan includes either one or more of the following plans, programs and procedures approved pursuant to 10 CFR Parts 50, 70 and 73: physical security, contingency, and security personnel qualification and training plans, and fundamental nuclear material control programs and procedures. Also, as drafted, the revisions to Section 73.71 would cover events that may occur in the shipment of irradiated fuel for which safeguards requirements were recently issued on an interim basis, June 15, 1979 (44 FR 34466). Such events need to be assessed by the Commission to determine their significance, to determine whether a change in the safeguards plan is needed and to decision on whether a report to Congress is necessary as required by Section 208 of the Energy Reorganization Act of 1974.

Other regulations dealing with safety and safeguards reporting require that certain events by reported to the Commission, but these regulations are not sufficiently explicit with regard to the events of interest. Reporting of actual or attempted thefts or loss of material are covered under §§ 20.402(a), 70.52, and 73.71 of 10 CFR Parts 20, 70, and 73 respectively. These sections, however, do not require reporting of events which could be indicative of a loss of safeguards capability or circumstances which could be part of an overall plan to commit theft or sabotage.

The safeguards events of interest can prsently be reported under 10 CFR Part 21 if a determination is made that the event could lead to a substantial safety hazard. This topic was addressed at a series of meetings[1] held to discuss 10 CFR Part 21 wherein a question was raised as follows:

"Is the site security system to be deemed 'safety related' in accordance with this regulation (in 10 CFR Part 21)?"

The response to this question was given as follows:

"As stated in item (5) of the Preamble to Part 21, 'To the extent that failures to comply or defects in a security system can contribute to a substantial safety hazard, such failures and defects are within the scope of Part 21.'

"In the case of a power reactor, the rationale is that an act of sabotage or terrorism could result in potential offsite exposure comparable to that which could occur as a result of an accident. An example

[1] Remarks Presented (Questions/Answers Discussed) at Public Regional Meetings to Discuss Regulations (10 CFR Part 21) for Reporting of Defects and Noncompliance, July 12-26, 1977—NUREG-0302, Rev. 1, page P-6—question 15.

of a defect or noncompliance in a security system is one which could allow access of an unauthorized individual to a vital area without being detected by the security system. Detection of the unauthorized individual by random visual surveillance or by remote visual electronic surveillance does not provide a continuous capability for initial detection and therefore is not considered to be a detection by the security system. The staff view is that this represents a major reduction in the degree of protection to public health and safety and is therefore a substantial safety hazard and would require notification to the NRC."

In order to narrow the interpretative determinations that may have to be made under 10 CFR Part 21 and to more explicitly define what needs to be reported, it is proposed to amend § 73.71 of 10 CFR Part 73, to (1) require that licensees immediately notify the NRC by telephone of any event which significantly threatens or lessens the effectiveness of their safeguards system as established by safeguards regulations or their NRC approved safeguards plan or by both, (2) that their investigation of the event be documented by a written report to the NRC within five days of the occurrence, and (3) that such reports and notifications will satisfy reporting requirements of 10 CFR Part 21 with regard to reporting of safeguards system failures.

Concurrently with the publication of the proposed revision to § 73.71 the NRC is issuing a Regulatory Guide for comment which provides a procedure acceptable to the staff that may be used to determine whether an event is reportable along with a partial list of the kinds of events that a licensee should consider reporting in any case.

The proposed revision to the regulation and the accompanying guide will provide the following improvement over what presently exists. First, it bounds the determination of the reportability of an event to an established safeguards regulation, safeguards plan, program or procedure and eliminates the need to go beyond the safeguards system to determine whether a substantial safety hazard could occur as a result of a deficiency in the safeguards system. This enables the licensee to judge the severity of an event against an existing framework which is documented and consequently simplifies the decision process involving the reportability of an event. Second, the guide provides a method whereby a licensee can make a determination as to whether an event should be reported. Third, the guide identifies certain events that the Commission believes if taken through the logic in the guide would be reported, thus providing a set of events that the licensee should always consider reportable.

The amendment, if approved, would become effective 75 days after publication in the **Federal Register.**

The promulgation of the amendment will not result in any activity that affects the environment. Accordingly, the Commission has determined under the National Environmental Policy Act, the Council of Environmental Quality guidelines, and the criteria of 10 CFR Part 51.5(d)(3), that neither an environmental impact statement nor an environmental impact appraisal to support a negative declaration for the proposed amendments to 10 CFR Part 73 is required.

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

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. Section 73.71 of 10 CFR Part 73 is amended by adding a new paragraph (c) to read as follows:

§ 73.71 Reports of unaccounted for shipments, suspected thefts, unlawful diversion, industrial sabotage or events which significantly threaten or lessen the effectiveness of safeguards.

* * * * *

(c) Each licensee either under a specific or general license shall report to the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of this part, by telephone, immediately and in no case later than one hour after an authorized individual knows of its occurrence, any event which significantly threatens or lessens the effectiveness of a safeguards system as established by regulations in this Chapter, or by the licensee's approved physical security, contingency, security personnel qualification and training plans and fundamental nuclear material control programs and procedures or by both. The licensee shall submit a written report to the appropriate NRC Regional Office listed in Appendix A of this Part describing the event in detail within 5 days after an authorized individual knows of its occurrence. A copy of such written report shall be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washigton, D.C. 20555. Such notification and reports satisfy the notification requirements of Part 21 of this chapter if the event is also reportable under Part 21.

(Sec. 161o, Pub. L. 83–703, 68 Stat. 50, as amended, Pub. L. 85–507, 72 Stat. 327; sec. 201, Pub. L. 93–438, 88 Stat. 1242–1243 (42 U.S.C. 2073, 2201, 5841))

Dated at Washington, D.C. this 15th day of October 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-32684 Filed 10-19-79; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-79-32-C]

Equal Application Rule and Allocation of Increased Cost at Retail Level; Mandatory Petroleum Price Regulations

AGENCY: Economy Regulatory Administration, Department of Energy.

ACTION: Notice to Extend Comment Period.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby extends the time period parties may comment on the above captioned notice of proposed rulemaking published September 21, 1979 (44 FR 54902) until November 23, 1979.

Pursuant to Executive Order 12044 the DOE "shall give the public at least 60 days to comment on proposed significant regulations." Due to an inadvertent error, the comment period on the above captioned notice of proposed rulemaking did not permit a full 60 day comment period. Accordingly, DOE is extending the comment period until November 23, 1979, in order to meet the 60 day requirement.

DATE: Comments by November 23, 1979, 4:30 p.m.

ADDRESS: All comments to Public Hearing Management, Docket No. ERA–R–79–32–C, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION:

Robert C. Gillette (Hearing Procedures), Economic Regulatory Administration, Room 2222–A, 2000 M Street, NW., Washington, D.C. 20461, (202) 254–5201.

William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, (202) 634–2170.

Ed Mampe (Regulations and Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street, NW., Washington, D.C. 20461, (202) 254–7200.
William Mayo Lee (Office of General Counsel), Department of Energy, Room 6A–127, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6754.

Issued in Washington, D.C. October 16, 1979.

F. Scott Bush,

Assistant Administrator, Regulations and Emergency Planning, Economic Regulatory Administration.

[FR Doc. 79–32431 Filed 10–19–79; 8:45 am]
BILLING CODE 6450–01–M

FARM CREDIT ADMINISTRATION

12 CFR Part 618

Federal Farm Credit Board; Nomination and Election of Directors

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, has under consideration proposed amendments to its regulations pertaining to the nomination and election of directors. The proposed amendments intend to assure, to the extent possible, that association boards are free of undue influence by other persons, including employees, when voting in district board election polls or polls to designate nominees for the Federal Farm Credit Board.

DATES: Written comments must be received on or before December 17, 1979.

ADDRESSES: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Administration, Farm Credit Administration.

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

Part 618 is proposed to be amended to read as follows:

PART 618—GENERAL PROVISIONS

1. Section 618.8150(f) is revised to read as follows:

§ 618.8150 Federal Farm Credit Board.

* * * * *

(f) For both the nomination poll and the final designation poll, the directors of a Federal land bank association or production credit association at a lawful board meeting will vote by the adoption of resolutions as prescribed on the ballots. A majority of the number of directors provided for in the association's bylaws must be present at each meeting, and the vote of the majority of the directors present will control. The final designation resolution may not be adopted until after the ballot is received by the association. No person other than directors of the association may be present during voting. Ballots shall be signed by the director in the chair at the time of voting and shall be attested by a second director present at the time of voting.

* * * * *

2. Section 618.8160(f) is revised to read as follows:

§ 618.8160 District boards of directors.

* * * * *

(f) For both the nomination poll and the election poll, the directors of a Federal land bank association or production credit association at a lawful board meeting will vote by the adoption of resolutions as prescribed on the ballots. A majority of the number of directors provided for in the association's bylaws must be present at each meeting, and the vote of the majority of the directors present will control. The election resolution may not be adopted until after the election ballot is received by the association. No person other than directors of the association may be present during voting. Ballots shall be signed by the director in the chair at the time of voting and shall be attested by a second director present at the time of voting.

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

C. T. Fredrickson,

Senior Deputy Governor.

[FR Doc. 79–32506 Filed 10–19–79; 8:45 am]
BILLING CODE 6705–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

Leverage to Small Business Investment Companies; Events of Default

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: This change would bring the language of section 107.203(b)(2)(iii) into conformity with the revised Bankruptcy Act, Pub. L. 95–598, which revised and codified the Bankruptcy Laws, effective October 1, 1979.

DATES: Written comments should be submitted to Arthur P. Cyr, Acting Director, Office of Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416, on or before November 21, 1979.

FOR FURTHER INFORMATION CONTACT: Arthur P. Cyr, 202–653–6584.

SUPPLEMENTARY INFORMATION: Among the events of default enumerated in § 107.203(b)(2) that automatically accelerate the maturity of debentures issued by a Small Business Investment Company is the commission of "an act of bankruptcy as defined in 11 U.S.C. section 21." The new Bankruptcy Code contains neither a section 21 nor the concept of an act of bankruptcy. However, it is considered desirable to continue to assert the principle that any fraudulent conveyance or the incurring of any fraudulent obligation shall continue to accelerate automatically the maturity of any debenture issued by a Small Business Investment Company. An amendment number was omitted from the Final Rule captioned "Leverage to Unincorporated Small Business Investment Companies" published on August 27, 1979 (44 FR 50028). That rule is Amendment 18 to Revision 5 of Part 107.

Pursuant to the authority contained in section 308 of the Small Business Investment Act, as amended, 15 U.S.C. 661, *et. seq.*, § 107.203(b)(2)(iii) would be amended to read as follows:

§ 107.203 SBA purchase, sale or guaranty of securities evidencing leverage; events of default.

* * * * *

(b) * * *

(2) The entire indebtedness of the Licensee issued to, held or guaranteed by SBA shall immediately become due and payable to SBA without notice, presentation or demand, whenever:

* * * * *

(iii) Licensee makes any transfer or incurs any obligation that is fraudulent under the terms of 11 U.S.C. 548.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: October 3, 1979.

William H. Mauk,

Acting Administrator.

[FR Doc. 79–32568 Filed 10–19–79; 8:45 am]
BILLING CODE 8025–01–M

13 CFR Part 121

Small Business Size Standards; Naval Architecture and Marine Engineering Size Standard Proposal

AGENCY: Small Business Administration.
ACTION: Proposed Rule.

SUMMARY: This proposal would change the present size standard for naval architecture and marine engineering from $9.0 million in average annual receipts to 1,000 employees or less. This change is necessary to maintain the competitive viability of the small business segment of this industry. The 1,000-employee standard will provide a better measurement of the small business segment of this industry and will be less affected by the dollar fluctuation.

DATE: Written comments must be submitted by November 21, 1979.

ADDRESS ALL COMMENTS TO: Kaleel C. Skeirik, Chief, Size Standards Division, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: John D. Whitmore, (202) 653–6373.

SUPPLEMENTAL INFORMATION: In early 1978, this office received requests from several firms and procurement officials to review the existing size standards for naval architecture and marine engineering industry. They contend that the naval architecture and marine engineering industries are uniquely structured as compared to most other industries. It is their contention that the independent naval architects and marine engineers are in competition with engineering divisions of very large companies and also major shipbuilders. Because of this unique situation, these independent firms are at a constant disadvantage in competing for Government contracts.

Further, it is pointed out that the market for these services is basically restricted to the Federal Government, and that any change in the competitive field in the small business set-aside program is extremely detrimental to those firms no longer qualified and thus forces them to compete with firms many times larger in size and strength.

Private commercial markets for these types of services are quite limited. Thus, when companies exceed the size standards, if even only because of inflation, their competitive viability is seriously jeopardized.

Lastly, firms within this industry have presented arguments that employees are a much better indication of company size than sales figures. It is their contention that the number of employees would give a significantly better reading as to company's strength and position within the industry and would be less subject to inflation.

This proposed change will have the effect of maintaining within the marine architecture and naval engineering industry the same number of firms as was included by the original standard set in 1964. It is not expected that any additional firms will be added or excluded from the set-aside program because of this rule change.

Therefore, we propose to amend 13 CFR 121.3–8(e)(6) to read as follows:

§ 121.3–8 Definition of small business for Government procurement.

* * * * *

(e) Services. * * *

(6) Any concern bidding on a contract for naval architectural or marine engineering services is classified as small if its number of employees does not exceed 1,000 persons.

* * * * *

Dated: October 10, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 79-32484 Filed 10-19-78; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Docket No. 19469; Petition Notice No. PR 79–11]

Petition for Rulemaking of the Air Line Pilots Association, International

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of petition for rulemaking request for comments.

SUMMARY: This notice publishes for public comment the petition of the Air Line Pilots Association, International (ALPAI), dated July 25, 1979, to amend § 97.3 of the Federal Aviation Regulations (FAR), 14 CFR Part 97. In particular, the ALPAI asks that § 97.3(b), Aircraft approach category speeds, be based on 1.4 V_{so}, at maximum certificated landing weight, instead of the current aircraft approach speeds based on 1.3 V_{so}. This notice does not propose regulations for adoption or represent an FAA position on the merits of the petition.

DATES: Comments must be received on or before December 21, 1979.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–24), Docket No. 19469, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Raymond E. Ramakis, Regulatory Projects Branch (AVS–24), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 755–8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data, views, or arguments on the petition for rulemaking as they desire. Communications should identify the regulatory docket or petition notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before December 21, 1979, will be considered by the Administrator before taking action on the petition for rulemaking. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of Notice

Any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the petition notice number of this document.

Background Information

On July 25, 1979, the ALPAI submitted a petition for rulemaking, in accordance with Part 11 of the FAR, to amend § 97.3(b) of the FAR. This petition is published in its entirety as part of this notice.

The substantive FAR section cited in the ALPAI petition is § 97.3(b). Section 97.3(b) sets forth the conditions under which aircraft approach speeds would be based on 1.3 V_{so}, at maximum certificated landing weight. Section 97.3(b) states that "Aircraft Approach Category" means a grouping of aircraft based on a speed of 1.3 V_{so} (at maximum certificated landing weight) or on maximum certificated landing weight.

V_{so} and the maximum certificated landing weight are those values as established for the aircraft by the country of registry. If an aircraft falls into two categories, it is placed in the higher of the two. The categories are as follows:

(1) Category A: Speed less than 91 knots, weight less than 30,001 pounds.

(2) Category B: Speed 91 knots or more but less than 121 knots; weight 30,001 pounds or more but less than 60,001 pounds.

(3) Category C: Speed 121 knots or more but less than 141 knots; weight 60,001 pounds or more but less than 150,001 pounds.

(4) Category D: Speed 141 knots or more but less than 166 knots; weight 150,001 pounds or more.

(5) Category E: Speed 166 knots or more; any weight.

The petitioner contends that: (1) the current rule employing 1.3 V_{so} to determine aircraft approach categories is no longer valid for today's generation of large jet aircraft; (2) the rule prior to the recent amendment of § 97.3 on March 15, 1979, protected large aircraft by considering weight as well as speed; (3) the 1.3 V_{so} as it pertains to the certification process is not a real-world speed that is used operationally when conducting instrument approaches; and (4) that the true 1 g stall speed is always much higher than the stall speed established by the aircraft manufacturer, which is in reality the FAR minimum speed.

Although this notice sets forth the contents of the ALPAI petition as received by the FAA without changes, it should be understood that its publication to receive public comment is in accordance with FAA procedurs governing the processing of petitions for rulemaking. It does not propose a regulatory rule for adoption, represent an FAA position, or otherwise commit the agency on the merits of the petition. The FAA intends to proceed to consider the petition under the applicable procedures of Part 11 and to reach a conclusion on the merits of the ALPAI proposal after it has had an opportunity to carefully evaluate it in light of the comments received and other relevant matters presented. If the FAA concludes that it should initiate public rulemaking procedures on the ALPAI petition, the appropriate rulemaking action will be proposed by the FAA, including its evaluation of the proposal.

The ALPAI Petition

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petition for rulemaking of the Air Line Pilots Association, International, dated June 25, 1979.

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

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

[FR Doc. 79-32245 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 1, 27, 29, 33, 43, 45, 61, 91, 121, 127, 133, and 135

[Docket No. 18689; Notice No. 79-1B]

Rotorcraft Regulatory Review; Notice of Conference and Availability of Compilation of Proposals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of Agenda, Compilation of Proposals and Announcement of Conference.

SUMMARY: This notice announces the availability of the Compilation of FAA and Public Proposals, availability of the Conference Agenda book, and the location, dates, and schedule of the Rotorcraft Regulatory Review Conference.

DATES: The Rotorcraft Regulatory Review Conference will be held on December 10–14, 1979.

ADDRESSES: The Rotorcraft Regulatory Review Conference will be held at the Monteleone Hotel, 214 Rue Royale, New Orleans, LA 70140 (telephone 504–523–3341). Copies of the Compilation of Public and FAA Proposals, to be discussed at the Conference, are available after October 10, 1979, and may be requested from: Federal Aviation Administration, Safety Regulations Staff, Regulatory Review Branch, (AVS–22), 800 Independence Avenue, SW., Washington, D.C. 20591

FOR FURTHER INFORMATION CONTACT: Roger E. Riviere, Federal Aviation Administration, Safety Regulations Branch, (AVS–22), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone 202–755–8715.

SUPPLEMENTARY INFORMATION:

Background

Information relating to the objectives of this review and additional information relating to this conference are contained in Notice 79–1, which announced the Rotorcraft Regulatory Review Program (44 FR 3250; January 15, 1979), and Notice 79–1A, which extended the period during which the public could submit proposals from March 31, 1979 to May 31, 1979, (49 FR 12685; March 8, 1979).

A compilation of FAA and public proposals and an Agenda book containing Conference and hotel preregistration forms will be distributed to known interested persons after October 10, 1979. Interested persons who have not received this material may request it at the above address.

Following Notice 79–1 announcing the Rotorcraft Regulatory Review Program, proposals pertaining to FAR Parts 1, 33, and 45 were received. Since these proposals were extensions of existing proposals and clarifying in nature to proposals already submitted in response to Notice 79–1, they have been included in the agenda for discussion at the conference.

Conference Procedures

Persons who plan to attend the conference should complete both the conference and hotel preregistration forms and mail them so that they are received by November 9, 1979. This will ensure a room at the conference hotel site. In addition, those who plan to attend the conference should be aware of the following procedures which are established to facilitate the working of the conference:

(a) There will be no admission fee or other charge to attend and participate. All conference sessions will be open, on a space-available basis, to all persons who register to attend. If necessary to complete the conference agenda, sessions may be extended to evenings. If practicable, the conference may be accelerated to enable adjournment in less than the time scheduled.

(b) The conference will be chaired by the FAA. It will convene and remain in plenary or committee sessions to discuss the proposals forming the conference agenda. If the need arises to resolve a specific issue, the conference chairpersons may form a special committee, identifying its various members. The chairperson of this committee will be an FAA employee, who will report the committee's recommendation to the conference chairpersons.

(c) All conference sessisons will be recorded by a court reporter. Anyone interested in purchasing a copy of the transcript of proceedings should contact the court reporter directly. A copy of the transcript will be docketed. In addition, the sessions will be tape recorded.

(d) The FAA will not consider material presented at the conference by participants on any issue that is not contained in the compilation of FAA and public proposals. Position papers or other handout material may be accepted at the discretion of the chairpersons. However, enough copies must be

provided for distribution to all conference participants.

(e) Proposals appearing in the compilation of proposals will not necessarily be included in a notice of proposed rule making. The FAA will decide, in postconference analysis, which proposals will be revised, expanded, or accepted without change and which will be deferred or rejected. Statements made by FAA participants at the conference should not be taken as expressing a final FAA position.

(f) The proposals in the compilation on of proposals and related conference discussions will be used by the FAA as a basis for developing a notice (or notices), of proposed rule making which will be published in the **Federal Register**. The notice (or notices), when published, will provide interested persons with an opportunity to comment on specific proposed amendments to the Federal Aviation Regulations. Final rules adopted pursuant to such notice will be issued after consideration of all comments received.

Conference schedule: The major Conference proceedings will be conducted through four committees identified with their areas of coverage as:

I Sections 29.1–29.615, 27.1–27.615, and 1.1

II Sections 27.621–27.997 and 29.621–29.997.

III Sections 27.1019–27.1587 including Appendix A and 29.1001–29.1587 including Appendix A.

IV Parts 33, 43, 45, 61, 91, 121, 127, 133 and 135.

A detailed schedule each committee is contained in the Agenda book.

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

Issued in Washington, D.C. on October 9, 1979.

Charles R. Foster,

Associate Administrator for Aviation Standards.

[FR Doc. 79-32305 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-GL-53]

Glenwood, Minn.; Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate controlled airspace near Glenwood, Minnesota to accommodate a new instrument approach into Glenwood Municipal Airport, Glenwood, Minnesota established on the basis of a request from the Glenwood Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions.

DATES: Comments must be received on or before November 19, 1979.

ADDRESSES: Send comments on the porposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 79–GL–53, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minumum decent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 79–GL–53, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before November 19, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for furture NRPMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700 foot controlled airspace transition area near Glenwood, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

Glenwood, Minn.

That airspace extending upward from 700 feet above the surface within a 6.5 statute mile radius of the Glenwood Municipal Airport, Glenwood, Minnesota (Lat. 45°38'41"N; Long. 95°19'14"W).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by wirting to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL–7), Docket No. 79–GL–53, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 20, 1979.

John Turhan,

Acting Director, Great Lakes Region.

[FR Doc. 79-32211 Filed 10-18-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-GL-54]

Hutchinson, Minn.; Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate controlled airspace near Hutchinson, Minnesota to accommodate a new instrument approach into Hutchinson Municipal Airport, Hutchinson, Minnesota established on the basis of a request from the local airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions.

DATES: Comments must be recieved on or before November 19, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-GL-54, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 79-GL-54, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before November 19, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700 foot controlled airspace transition area near Hutchinson, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

Hutchinson, Minn.

That airspace extending upward from 700 feet above the surface within a 6.5 statute mile radius of the Hutchinson Municipal Airport, Hutchinson, MN. (Lat. 44°52' N.; Long. 94°23' W.), excluding that portion which overlaps the Litchfield, Minnesota transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-54, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 20, 1979.

John Truhan,

Acting Director, Great Lakes Region.

[FR Doc. 79-32212 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-GL-52]

Proposed Alteration of Transition Area, Houghton Lake, Mich.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Houghton Lake, Michigan to accommodate new Very High Frequency Omnidirectional Range (VOR) Runway 9 and Runway 27 instrument approach procedures into the Roscommon County Airport, Houghton Lake, Michigan, established on the basis of a request from the County Airport officials to provide that airport with additional instrument approach procedures. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before November 19, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket NO. 79-GL-52, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be

lowered from 1200 feet above the surface to 700 feet for a distance of approximately three miles beyond that now depicted. The development of the proposed procedures necessitates the FAA to alter the designated airspace to insure that the procedures will be contained within controlled airspace. The minimum descent altitudes for these procedures may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views on arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 79–GL–52, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before November 19, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability on NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NRPMs should also request a copy of Advisory Circular No. 11.2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Houghton Lake, Michigan. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In §71.181 (44 FR 442) the following transition area is amended to read:

Houghton Lake, Michigan

That airspace extending upward from 700 feet above the surface within an 8.5 statute mile radius of the Roscommon County Airport, Houghton Lake, Michigan (Lat. 44°21'N; Long. 84°40'W).

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL–7), Docket No. 79–GL–52, 2800 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 20, 1979.

Wayne J. Barlow,

Director,

Great Lakes Region.

[FR Doc. 79–32244 Filed 10–19–79; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 79–SO–62]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Transition Area, Marks, Mississippi

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule will redesignate an extension, add an extension, and correct the geographical location of the Marks RBN in the Marks, Mississippi, Transition Area. This action will provide controlled airspace required to protect instrument flight operations at the Selfs Airport.

DATES: Comments must be received on or before: November 24, 1979.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before November 24, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to alter the Marks, Mississippi, Transition Area. An extension was designated on the 197° bearing from the Marks RBN. The final approach course in the NDB Runway 2 standard instrument approach procedure at the Selfs Airport has been changed to the 195° bearing. A new instrument approach procedure, NDB–A, has been developed to the airport. The geographic position of the Marks RBN has been changed. These proposed changes to the transition area and correction of the RBN location are necessary to provide the required controlled airspace to

protect aircraft executing the instrument approach procedures.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (44 FR 442), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by amending the following:

Marks, Mississippi

All after "within 3 miles" is deleted and ". . . each side of the 195° bearing from the Marks, Mississippi, RBN (latitude 34°13'53"N., longitude 90°17'25" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN; within 3 miles each side of the 006° bearing from the Marks, Mississippi, RBN extending from the 6.5 mile radius area to 8.5 miles north of the RBN," is substituted therefor.

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

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

Issued in East Point, Georgia, on October 9, 1979.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 79-32246 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-GL-50]

Proposed Designation to Transition Area; Shell Lake, Wis.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The nature of this federal action is to designate controlled airspace near Shell Lake, Wisconsin to accommodate a new Non-Directional Radio Beacon (NDB) Runway 31 instrument approach into Shell Lake Municipal Airport, Shell Lake, Wisconsin established on the basis of a request from the Municipal Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions.

DATES: Comments must be received on or before November 19, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-GL-50, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 79-GL-50, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before November 19, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NRPMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71) of the Federal Aviation Regulations (14 CFR Part 71 to establish a 700 foot controlled airspace transition area near Shell Lake, Wisconsin. Subpart G of Part 71 was republished in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (44 FR 442) the following addition should be made:

Shell Lake, Wis.

That airspace extending upward from 700 feet above the surface within a 6.5 statute mile radius of the Shell Lake Municipal Airport, Shell Lake, Wisconsin, (Lat. 45°45'N; Long. 91°55'W) and 3.0 miles each side of the 325° true bearing to the Shell lake (SSQ) NDB (Lat. 45°43'55"N; Long. 91°55'05"W) extending from the 6.5 mile radius area out to 8.5 miles.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-50, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 20, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79-32242 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-GL-51]

Proposed Alteration to Transition Area; Worthington, Minn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Worthington, Minnesota to accommodate a new Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) Runway 29 instrument approach procedure into the Worthington Municipal Airport, Minnesota, established on the basis of a request from Airport officials to provide that airport with an additional instrument approach procedure to serve a newly constructed Runway 11/29. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before November 19, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-GL-51, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace within the transition area will be lowered from 1200 feet above the surface to 700 feet for a distance of approximately one-half mile beyond that now depicted. The control zone airspace will not be altered. The development of the proposed procedures necessitates the FAA to alter the designated airspace to insure that the procedures will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace at times when the control zone is not effective. In addition, aeronautical maps and charts will reflect the area of the instrument procedures which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 79-GL-51, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before November 19, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (44 FR 442) the following transition area is amended to read:

Worthington, Minn.

That airspace extending upward from 700 feet above the surface within an 8½ mile radius of the Worthington Municipal Airport (Lat. 43°39'17"N, Long. 95°35'01"W).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-51, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 20, 1979.

John Truhan,

Acting Director, Great Lakes Region.

[FR Doc. 79-32243 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 17235; Reference Notice No. 77-21]

Proposed Elimination of Certain Flight Plan Requirements for Civil Aircraft Operating Between The United States and Canada or Mexico

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rule making.

SUMMARY: This notice withdraws Notice No. 77-21 (42 FR 53632, October 3, 1977) in which the Federal Aviation Administration proposed to revoke the regulation prohibiting operation of civil aircraft between Canada or Mexico and the United States without prior Air Traffic Control (ATC) authorization or filing an IFR or VFR flight plan. This notice terminates rule-making procedures on Notice No. 77-21 in light of convincing arguments by some of the commenters to the notice stressing the value of the present regulation for search and rescue purposes and law enforcement purposes.

DATES: Effective immediately.

FOR FURTHER INFORMATION CONTACT: Cathy Carroll, Air Traffic Rules Branch (AAT-220), Airspace and Air Traffic Rules Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3128.

SUPPLEMENTARY INFORMATION:

Background

Section 91.84 of Part 91 of the Federl Aviation Regulations (FARs) entitled, "Flights Between Mexico or Canada and the United States," states:

Unless authorized by ATC, no person may operate a civil aircraft between Mexico or Canada and the United States without filing an IFR or VFR flight plan, as appropriate.

Early in 1976, the FAA identified a potential problem in the application of § 91.84 concerning a hardship experienced by certain charter operators serving hunting and fishing camps in remote areas just over the Canadian border. Lack of communications in those areas caused the operators to fly many miles out of the way in order to file or close out a flight plan. Twenty-one operators requested and were granted waivers by the FAA during 1976.

In June of 1976, the FAA discussed the matter of authorization to waive the requirements of § 91.84 with U.S. Customs Service in Washington, D.C., who agreed with such a deviation.

A staff study was conducted to determine if an NPRM should be issued proposing to revoke § 91.84. The study revealed no problem under the rule other than that previously recognized by the FAA concerning operations into remote areas in Canada, but concluded there was an indication that the existing rule may not be needed.

Discussion of Comments

On September 19, 1977, Notice No. 77–21 was issued proposing to eliminate § 91.84. The period for comments closed January 3, 1978. A total of thirty-four comments were received in response to the notice, twenty-one were in favor of the proposal, eleven were opposed and two were noncommittal.

The group in favor consisted primarily of general aviation pilots, but also included two commercial operators and four aeronautical organizations. Their comments centered on the unnecessary burden imposed by the rule, the value of removing unnecessary regulations, and the belief that piolts engaged in illicit activity would not concern themselves with filing the required flight plan. The Drug Enforcement Administration of the Department of Justice did not object to the change proposed by the notice.

Eleven commenters opposed the proposal, including an aviation trade association, the National Transportation Safety Board, the Department of Justice, Immigration and Naturalization Service, and a number of corporate pilots.

Those opposed to the revocation of the rule addressed their comments to three general areas:

(1) The need for flight plans for the purpose of search and rescue;

(2) The need for flight plans to support the law enforcement efforts of other government agencies; and

(3) The need to retain the rule because both Canada and Mexico have a similar rule, and if the FAA were to revoke § 91.84, some pilots might be misled into thinking they were no longer required by those countries to file a flight plan when crossing their borders.

The FAA has given serious consideration to the adverse effects that the revocation of § 91.84 would have, as suggested by those comments. Based on its analysis of those comments and the purposes of the rule, the FAA has determined that rule-making action on the proposed amendment would not be appropriate or in the public interest at this time and that the proposal contained in Notice No. 77–21 should be withdrawn.

The withdrawal of that proposal, however, neither precludes the FAA from issuing similar proposals in the future nor commits the FAA to any subsequent course of action.

Accordingly, pursuant to the authority delegated to me by the Administrator, Notice No. 77–21, published in the **Federal Register** (42 FR 53632) on October 3, 1977, entitled "Elimination of Certain Flight Plan Requirements for Civil Aircraft Operating between the United States and Canada or Mexico," is hereby withdrawn.

(Secs. 307(c), 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(c), 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.45.)

Issued in Washington, D.C. on October 10, 1979.

Charles H. Newpol,

Acting Director, Air Traffic Service.

[FR Doc. 79-32433 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

15 CFR Part 377

Short Supply Controls; Restriction on the Export of Unprocessed Western Red Cedar Logs

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

ACTION: Advance Notice of Rulemaking and Request for Comments.

SUMMARY: On October 1, 1979, the Export Administration Act of 1969 as amended, was superseded by a new law, the Export Administration Act of 1979. This notice outlines the procedures the Department intends to follow and requests public comment in developing and promulgating regulations concerning a provision in the new Act which requires the Secretary of Commerce to impose quantitative restrictions upon the export of unprocessed western red cedar (Thuja plicata) logs harvested from State or Federal lands.

DATES: Comments by November 9, 1979

ADDRESS: Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044, 202–377–3984.

SUPPLEMENTARY INFORMATION: On October 1, 1979 the Export Administation Act of 1969 as amended, was superseded by a new law, the Export Administration Act of 1979 (Pub L. 96–72; to be codified at 50 U.S.C. App 2401 *et seq.*) (the "Act"). Among the provisions of the new Act is a manadatory restriction on the export of unprocessed western red cedar (Thuja plicata) logs harvested from State or Federal lands. Specifically, section 7 of the Act, in pertinent part, provides the following:

Short Supply Controls

Sec. 7. (a) Authority.—(1) In order to carry out the policy set forth in section 3(2)(C) of this Act, the President may prohibit or curtail the export of any goods subject to the jurisdiction of the United States or exported by any person subject to the jurisdication of the United States. In curtailing exports to carry out the policy set forth in section 3(2)(C) of this Act, the President shall allocate a portion of export licenses on the basis of factors other than a prior history of exportation. Such factors shall include the extent to which a country engages in equitable trade practices with respect to United States goods and treats the United States equitably in times of short supply.

(2) Upon imposing quantitative restrictions on exports of any goods to carry out the policy set forth in section 3(2)(C) of this Act, the Secretary shall include in a notice published in the **Federal Register**, with respect to such restrictions an invitation to all interested parties to submit written comments within 15 days from the date of publication on the impact of such restrictions and the method of licensing used to implement them.

(3) In imposing export controls under this section, the President's authority shall include, but not be limited to, the imposition of export license fees.

* * * *

(i) Unprocessed Red Cedar. (1) The Secretary shall require a validated license, under the authority contained in subsection (a) of this section, for the export of unprocessed western red cedar (Thuja plicata) logs, harvested from State or Federal land. The Secretary shall impose quantitative restrictions upon export of unprocessed

western red cedar logs during the 3-year period beginning on the effective date of this Act as follows:

(A) Not more than thirty million board feet scribner of such logs may be exported during the first year of such 3-year period.

(B) Not more than fifteen million board feet scribner of such logs may be exported during the second year of such period.

(C) Not more than five million board feet scribner of such logs may be exported during the third year of such period.

After the end of such 3-year period, no unprocessed western red cedar logs may be exported from the United States.

(2) The Secretary shall allocate export licenses to exporters pursuant to this subsection on the basis of a prior history of exportation by such exporters and such other factors as the Secretary considers necessary and appropriate to minimize any hardship to the producers of western red cedar and to further the foreign policy of the United States.

(3) Unprocessed western red cedar logs shall not be considered to be an agricultural commodity for purposes of subsection (g) of this section.

(4) As used in this subsection, the term "unprocessed western red cedar" means red cedar timber which as not been processed into—

(A) lumber without wane;

(B) chips, pulp, and pulp products;

(C) veneer and plywood;

(D) poles, posts, or pilings cut or treated with preservative for use as such and not intended to be further processed; or

(E) shakes and shingles.

* * * *

Since the Secretary of Commerce has the responsibility for isuing regulations to implement the restriction contained in section 7(i), this notice outlines the procedures the Department intends to follow in developing and promulgating these regulations.

The promulgation of these regulations is exempt from Administrative Procedure Act rulemaking procedures. Furthermore, it has been determined that the regulations are not subject to the provisions of Department of Commerce Administrative Order 218–7 (44 FR 2082 *et seq.*, January 9, 1979) and Industry and Trade Administration Administrative Instruction 1–6 (44 FR 2093 *et seq.*, January 9, 1979), which implement Executive Order 12044 (43 FR 12661 *et seq.*, March 23, 1978), "Improving Government Regulations." Prusuant to section 2.02(e) of Administrative Order 218–7 and section 2.02(e) of Industry and Trade Administration Instruction 1–6, regulations issued in response to short-term statutory deadlines are exempted from these provisions. Because the Act provided no grace period after its effective date for the implementation of the relevant provisions of section 7, it has been determined that these regulations are subject to the foregoing exemption. However, because of the importance and complexity of the issues involved in these regulations, the Department is inviting public participation in their development. All persons who desire to comment are encouraged to do so at the earliest possible time so as to permit the fullest consideration of their views. Comments should be received by C.O.B. November 9, 1979. Comments may take the form of proposed regulatory language, narrative discussion, hypothetical case situations, or any other appropriate format.

In addition the Department intends to consult with Federal and State officials, as well as industry representatives, in connection with the development of the regulations.

The statutory mandate contained in section 7(i) clearly requires that export levels be restricted at the ceilings stated therein. Accordingly, comments provided to the Department should not address the statutory restriction, but rather the method used to implement the restriction. Of particular interest to the Department are the following:

(a) The quantity of western red cedar logs exported historically from "State or Federal"lands and from private lands.

(b) Prevailing industry practices, including harvesting and processing practices, export procedures, identification of logs as to lands from which harvested, typical contractual arrangements regarding harvesting, domestic sales and export sales, sales price for domestic use and for export, etc.

(c) The system of allocating quotas, including the class of persons to whom the quotas are to be allocated, the method of allocating such quotas and the method of establishing the level of individual quotas.

(d) Criteria which might be used for providing quotas on other than a historical basis, including hardship exception criteria.

Because the regulations implementing section 7(i) of the Act must be issued and become effective as soon as possible, they will not be published in proposed form. The Department expects to publish the regulations in interim form shortly after the close of the comment period. At that time, a further opportunity will be provided interested persons to comment on the regulations and such comments will be considered by the Department of Commerce in adopting the regulations in final form.

Because of the need to implement the restrictions required by the Act as soon as possible, the Department reserves the option to issue interim regulations before the end of the comment period. Accordingly, interested persons are encouraged to submit comments at the earliest possible time. Should the Department issue regulations before November 9, 1979, any comments received up to that time will be considered in developing such interim regulations. Comments received after the regulations are issued will be considered in adopting the regulations in final form, together with any additional comments made with regard to the interim regulations.

Written public comments which are accompanied by a request that part or all of the material be treated confidentially, because of its business proprietary nature or for any other reason, will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the regulations.

All public comments to be considered in the development of these regulations will be a matter of public record and will be available for public inspection and copying. This procedure shall not, however, apply to communications from agencies of the United States or foreign governments.

Written comments concerning the regulations should be addressed to: Office of Export Administration, Attention: Short Supply Division, U.S. Department of Commerce, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044.

The public record concerning these regulations will be maintained in the Industry and Trade Administration, Freedom of Information Records Inspection Facility, Room 3012 Main Building, U.S. Department of Commerce, 14th & Constitution Avenue, NW., Washington, D.C. 20230. Records in this facility may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information regarding the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the Industry and Trade Administration Freedom of Information Officer; at the above address or by calling 202/377–3031.

Dated: October 17, 1979.

Robin B. Schwartzman,

Acting Deputy Assistant Secretary for Trade Regulation.

[FR Doc. 79–32446 Filed 10–18–79; 8:52 am]

BILLING CODE 3510–25–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1615 and 1616

Flammability Standards for Children's Sleepwear; Proposed Statements of Enforcement Policy

AGENCY: Consumer Product Safety Commission

ACTION: Proposed statements of policy.

SUMMARY: The Commission proposes to reissue an enforcement policy statement concerning children's sleepwear in sizes 0–6X originally published by the Federal Trade Commission in 1972, and proposes to issue the same enforcement policy statement for children's sleepwear in sizes 7–14. The two statements set forth the factors that the CPSC will consider in deciding whether particular fabrics or garments are covered by its two standards for the flammability of children's sleepwear. The purpose of this action is to clarify how the CPSC determines which items are children's sleepwear garments of fabrics for use in children's sleepwear.

DATES: Interested persons are invited to submit, on or before December 21, 1979, written comments regarding the proposed policy statements.

ADDRESS: Comments and any accompanying material should be sumitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 and titled "Children's Sleepwear Enforcement Policy."

EFFECTIVE DATE: The policy statement for children's sleepwear in sizes 0–6X has been in effect since the FTC issued it in 1972 and it remains in effect. The CPSC proposes that the policy statement continue in effect. The CPSC proposes that the policy statement for sleepwear in sizes 7–14 take effect 30 days after it is issued in final form.

FOR FURTHER INFORMATION CONTACT: H. Elizabeth Jones, Compliance Officer, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492–6400.

SUPPLEMENTARY INFORMATION: The Standard for the Flammability of Children's Sleepwear, sizes 0–6X was promulgated by the Department of Commerce under the Flammable Fabrics Act (FFA)(15 U.S.C. 1191 *et seq.*) on July 29, 1971, with an effective date of July 29, 1972. This standard, as amended, is set forth at 16 CFR 1615. The standard applies to any item of children's sleepwear in sizes 0–6X, which is defined as a product of children's sleepwear or any fabic or related material intended or promoted for use in children's sleepwear. 16 CFR 1615.1(c). The term children's sleepwear is defined as "any product of wearing apparel up to and including size 6X, such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarrily for sleeping or activities related to sleeping. Diapers and underwear are excluded from this definition." 16 CFR 1615.1(a).

Before the effective date of the standard certain questions were raised concerning the interpretation of the phrase "intended or promoted" in the definition of the term "item", (16 CFR 1615.1(c)), and the phrase "intended to be worn primarly for sleeping or activities related to sleeping" in the definition of the term "children's sleepwear" (16 CFR 1615.1(a)). As a result, on March 23, 1972, the Federal Trade Commission (FTC), the agency responsible for the enforcement of the FFA at that time, published an enforcement policy statement in the **Federal Register** (37 FR 5982). That statement in essence provides that whether a particular fabric or garment falls within the scope of the standard is dependent upon (1) the nature of the product and its suitability for children's sleepwear, (2) the manner in which the product is distributed and promoted, and (3) the likelihood that the product will be used by children primarily for sleeping or activities related to sleeping in a substantial number of cases. The policy also states that if there is substanital question as to the applicability of these factors to a particular product, it would be advisable for the manufacturer to place a prominent warning on labels and tags attached to such product to warn the consumer that the product does not meet the flammability standard for children's sleepwear.

On May 14, 1973, all functions under the FFA were transferred to the Consumer Product Safety Commission by section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)). Section 30(e)(2) of the Consumer Product Safety Act, 15 U.S.C. 2079(e)(2), specifies in part that all determinations rules and regulations issued in the exercise of functions transferred under section 30 of the act continue in effect according to their terms until modified, Terminated, superseded, set aside, or repealed by the Commission. Thus, under the provisions of section 30(e)(2) of the CPSA, that enforcement policy statement remains in effect.

On May 1, 1975, the Standard for the Flammability of Children's Sleepwear, Sizes 7 through 14, (FF 5–74) became effective. This standard is set forth at 16 CFR 1616. The standard defines the terms "item" (16 CFR 1616.2(c)) and "children's sleepwear" (16 CFR 1616.2(a)) in the same manner as they are defined in the Standard for the Flammability of Children's Sleepwear, Sizes 0 through 6X, except for the reference to size.

Most children's garments fall clearly into a category of sleepwear or non-sleepwear. However, there are a number of borderline garments that may or may not be primarily intended for sleeping or activities related to sleeping. Many of the garments that fall into this borderline category are infant garments. Another area of concern that has recently come to the Commission's attention involves children's "thermal" garments. The policy statement issued by the FTC for sleepwear garments in sizes 0–6X and fabric intended for use in those garments generally addresses those concerns. Therefore, the Commission proposes to apply the factors set forth in that statement of policy to determine which children's garments in sizes 0–6X and 7–14 or fabric intended for use in such children's garments are subject to the standards. This will include, but is not limited to, a decision as to whether particular infant items are "sleepwear" or "nonsleepwear" and whether particular items of thermal underwear are "underwear" or "sleepwear".

The policy statement issued by the FTC for sleepwear garments in sizes 0–6X and fabric intended for use in those garments advises a manufacturer to place a prominent warning on labels and tags that a particular product does not meet the flammability standard for children's sleepwear, if after applying the factors set forth in the policy, there is still a substantial question as to whether or not the product falls within the scope of the standard. In the policy statements currently being proposed for issuance by the Commission, this advice has been retained; however, the Commission further advises that such a disclaimer will not bind the Commission if in its opinion, the item in question falls within the scope of the standards.

The Commission has been petitioned (FP 70–2) under the Flammable Fabrics Act (FFA) to issue a rule requiring that thermal wear which is or potentially might be marketed as children's sleepwear be labeled to indicate that the garment does not meet the children's sleepwear flammability standards and is not intended for and is not suitable for use as sleepwear. The petition is currently being evaluated by the

Commission staff and no decision has been made on the merits of the petition.

If the staff, after applying the factors in the policy statements, concludes that a particular fabric or garment that has not been manufactured to comply with the applicable standard is sleepwear within the scope of the standard, the responsible firm will be advised of the staff decision. The longstanding practice of the Commission staff has been to send the firm a "letter of advice" that its products are subject to the sleepwear standard and that enforcement action might be necessary. The firm then has 10 days to present its views to the staff. During this 10 day period no enforcement action is initiated. At the expiration of the 10 day period, the staff, if appropriate, may begin legal action. This procedure is contained in staff enforcement guidelines, "Letters of Advice/Notices of Noncompliance of the CPSC Enforcement Policy and Procedural Guides, May 1979". The procedure contained in the staff enforcement guidelines has been incorporated into the children's sleepwear enforcement policy at §§ 1615.64(d) and 1616.65(d) below and will be followed; except that where the public health and safety require it, the Commission may use more expeditious alternatives to protect the public safety. In determining whether the public health and safety may necessitate acting before the 10 day period ends, the Commission will take into account the nature of the hazard presented by the item in question and whether the firm continues to sell the item during the ten-day period. A copy of the enforcement guidelines is available from the Office of the Secretary, 1111 18th Street, N.W., Washington, D.C. 20207 or from the Directorate for Compliance and Enforcement, 5401 Westbard Avenue, Bethesda, Maryland 20207.

To the extent that Commission resources are available, the Commission staff will, upon request, assist manufacturers or importers in their assessment of the suitability of certain fabric or garments for use as children's sleepwear items.

Therefore, in accordance with provisions of the Flammable Fabrics Act (Pub. L. 90–189, sec. 5, 81 Stat. 569 (15 U.S.C. 1194) and the Consumer Product Safety Act, sec. 30, Pub. L. 92–573, (15 U.S.C. 2079)), the Consumer Product Safety Commission proposes to amend the Code of Federal Regulations, Title 16, Chapter II, Subchapter D as follows:

PART 1615—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 0 THROUGH 6X (FF 3–71)

Part 1615, Subpart C is proposed to be amended by adding a new section as follows:

§ 1615.64 Policy to clarify scope of the standard.

(a) The Commission makes the following statement of policy regarding (1) the phrase "intended or promoted" as used in the definition of "item" in § 1615.1(c) and (2) the phrase "intended to be worn primarily for sleeping or activities related to sleeping" in the definition of "children's sleepwear" in § 1615.1(a).

(b) For enforcement purposes, the meaning of these phrases will be interpreted by the Commission according to the following principles:

(1) *Sleepwear fabrics and related materials.* Whether fabric or related material is "intended or promoted" for use in childen's sleepwear depends on the facts and circumstances present in each case. Relevant factors include (i) the nature of the fabric and its suitability for use in children's sleepwear, (ii) the extent to which the fabric or a comparable fabric has been sold to manufacturers of children's sleepwear for use in the manufacture of children's sleepwear garments and (iii) the likelihood that the fabric will be used primarily for children's sleepwear in a substantial number of cases. Wherever there is a substantial question as to the applicability of these factors to a particular fabric, it would be advisable for the fabric manufacturer or importer to place a prominent warning on labels, shipping invoices, packages, etc., that the fabric in question does not meet the flammability standards for childen's sleepwear, and is not intended for, and is not suitable for, use in children's sleepwear. However, any such disclaimer will not bind the Commission if in its opinion the fabric was in fact intended or promoted for use in children's sleepwear garments.

(2) *Sleepwear garments.* Whether a product of wearing apparel is "intended to be worn primarily for sleeping or activities related to sleeping" depends on the facts and circumstances present in each case. Relevant factors include (i) the nature of the product and its suitability for use by children for sleeping or activities related to sleeping, (ii) the manner in which the product is distributed and promoted, and (iii) the likelihood that the product will be used by children primarily for sleeping or activities related to sleeping in a substantial number of cases. Wherever there is a substantial question as to the applicability of these factors to a particular product, it would be advisable for the manufacturer or importer to place a prominent warning on labels or tags attached to such product adequate to warn the consumer that the product of wearing apparel in question does not meet the flammability standard for children's sleepwear, and is not intended for, and is not suitable for use as children's sleepwear. However, any such disclaimer will not bind the Commission if in its opinion the product of wearing apparel was in fact intended or promoted primarily for sleeping or activities related to sleeping.

(c) The foregoing principles are primarily directed to the obligations of manufacturers and importers, but they are also relevant to the obligations of retailers to avoid sales in commerce of "items" of "children's sleepwear" in violation of this standard. Retailers are advised to segregate fabrics and/or garments covered by the standard from fabirc and/or garments beyond the scope of the standard, and to utilize store display signs indicating the distinction.

(d) The Commission, except as noted below, will apply this policy in accordance with Chapter 2C—Letters of Advice/Notices of Noncompliance of the CPSC Enforcement Policy and Procedural Guides, issued in May 1979 and available from the CPSC's Office of the Secretary or from the Directorate for Compliance and Enforcement. Under the procedure described in this chapter, firms will be informed by letter before they or their products may be the subject of enforcement action. Before any such action is taken, the firms will have 10 days within which to provide information, evidence or arguments indicating that the products are not violative or not covered by the standard. However, the Commission may take enforcement action without providing firms 10 days to provide information if it determines that the public health and safety so requires. In determining whether the public health and safety may necessitate acting before the 10-day period ends the Commission will take into account the nature of the hazard presented by the item in question and whether the firm continues to sell the item during the 10-day period.

PART 1616—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 7 THROUGH 14 (FF 5–74).

2. Part 1616, is proposed to be amended by adding a new section as follows:

§ 1616.65 Policy to clarify scope of the standard.

(a) The Commission makes the following statement of policy regarding (1) the phrase "intended or promoted" as used in the definition of "item" in § 1616.2(c) and (2) the phrase "intended to be worn primarily for sleeping or activities related to sleeping" in the definition of "children's sleepwear" in § 1616.2(a).

(b) For enforcement purposes, the meaning of these phrases will be interpreted by the Commission according to the following principles:

(1) *Sleepwear fabrics and related materials.* Whether fabric or related material is "intended or promoted" for use in children's sleepwear depends on the facts and circumstances present in each case. Relevant factors include (i) the nature of the fabric and its suitability for use in children's sleepwear, (ii) the extent to which the fabric or a comparable fabric has been sold to manufacturers of children's sleepwear for use in the manufacture of children's sleepwear garments, and (iii) the likelihood that the fabric will be used primarily for children's sleepwear in a substantial number of cases. Wherever there is a substantial question as to the applicability of these factors to a particular fabric, it would be advisable for the fabric manufacturer or importer to place a prominent warning on labels, shipping invoices, packages, etc., that the fabric in question does not meet the flammability standards for children's sleepwear, and is not intended for, and is not suitable for, use in children's sleepwear. However, any such disclaimer will not bind the Commission if in its opinion the fabric was in fact intended or promoted for use in children's sleepwear garments.

(2) *Sleepwear garments.* Whether a product of wearing apparel is "intended to be worn primarily for sleeping or activities related to sleeping" depends on the facts and circumstances present in each case. Relevant factors include (i) the nature of the product and its suitability for use by children for sleeping or activities related to sleeping, (ii) the manner in which the product is distributed and promoted, and (iii) the likelihood that the product will be used by children primarily for sleeping or activities related to sleeping in a substantial number of cases. Wherever there is a substantial question as to the applicability of these factors to a particular product, it would be advisable for the manufacturer or importer to place a prominent warning on labels or tags attached to such product adequate to warn the consumer that the product of wearing apparel in question does not meet the flammability standard for children's sleepwear, and is not intended for, and is not suitable for use as children's sleepwear. However, any such disclaimer will not bind the Commission if in its opinion the product of wearing apparel was in fact intended or promoted primarily for sleeping or activities related to sleeping.

(c) The foregoing principles are primarily directed to the obligations of manufacturers and importers, but they are also relevant to the obligations of retailers to avoid sales in commerce of "items" or of "children's sleepwear" in violation of this standard. Retailers are advised to segregate fabrics and/or garments covered by the standard from fabric and/or garments beyond the scope of the standard, and to utilize store display signs indicating the distinction.

(d) The Commission, except as noted below, will apply this policy in accordance with Chapter 2C—Letters of Advice/Notices of Noncompliance of the CPSC Enforcement Policy and Procedural Guides, issued in May 1979 and available from the CPSC's Office of the Secretary or from the Directorate for Compliance and Enforcement. Under the procedure described in this chapter, firms will be informed by letter before they or their products may be the subject of enforcement action. Before any such action is taken, the firms will have 10 days within which to provide information, evidence or arguments indicating that the products are not violative or not covered by the standard. However, the Commission may take enforcement action without providing firms 10 days to provide information if it determines that the public health and safety so requires. In determining whether the public health and safety may necessitate acting before the 10-day period ends the Commission will take into account the nature of the hazard presented by the item in question and whether the firm continues to sell the item during the 10-day period.

Request for Comments:

The enforcement policy statement originally issued by the FTC for sleepwear in sizes 0–6X remains in effect under provisions of the CPSA. Since no new requirements would be added by the reissuance of the enforcement policy, notice and public procedure are not prerequisites to this reissuance. The proposed enforcement policy for children's sleepwear in sizes 7–14 (as well as the proposed reissuance of the policy for sleepwear in sizes 0–6X) are generally statements of policy and therefore are exempt from the notice and public procedure requirements of the Administrative Procedure Act (5 U.S.C. 553(b)). The Commission, nevertheless, has decided to propose the reissuance of the 0–6X policy statement and the issuance of the 7–14 policy statement for public comment.

Therefore, interested persons are invited to submit written comments by December 21, 1979. Comments may be accompanied by written data, views and arguments and should be addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in the Office of the Secretary, third floor, 1111 18th Street, NW., Washington, D.C. between 8:30 am and 5:00 pm Monday through Friday.

(Sec. 5, Pub. L. 90–189, 81 Stat. 569, 15 U.S.C. 1194; Sec. 30(b), Pub. L. 92–573, 86 Stat. 1231, 15 U.S.C. 2079(b).)

Dated: October 16, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-32505 Filed 10-19-79; 8:45 am]

BILLING CODE 6355-01-M

POSTAL RATE COMMISSION

39 CFR Part 3001

Written Comments on Possible Rulemaking on Experimental Proposals by United States Postal Service

October 16, 1979.

AGENCY: Postal Rate Commission.

ACTION: Notice of Written Comments on Possible Rulemaking.

SUMMARY: Notice is hereby given that the following parties have submitted written comments to the Commission regarding possible rulemaking:

American Bankers Association
National Association of Greeting Car Publishers
Officer of the Commission
Purolator Courier Corporation, *et al.*
Time, Inc.
United States Postal Service

These comments are available for review at the Postal Rate Commission Docket Section. Written comments filed during the September 28, 1979 conference on this subject were

included as appendices to the transcript of that conference.

FOR FURTHER INFORMATION CONTACT:
David F. Stover, General Counsel, (202) 254–3830

David F. Harris,
Secretary.

[FR Doc. 79-32410 Filed 10-19-79; 8:45 am]
BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1344-1]

California Plan Revision; SIP Chapter 4–California Air Quality Control Strategies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: On May 23, 1979, the California Air Resources Board (ARB) submitted to the EPA a revision to the State Implementation Plan (SIP). This revision consists of Chapter 4, *California Air Quality Control Strategies,* which outlines the control measures currently being implemented in California as well as those measures which the ARB proposes to adopt as part of the nonattainment plans already adopted by local districts. The intended effects of this revision are to address certain requirements of the Clean Air Act as amended (CAA), and 40 CFR Part 51, to update the SIP, and to inform the public on these matters. The EPA invites public comments on this revision, especially as to its consistency with the CAA.

DATES: Comments may be submitted on or before December 21, 1979.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A–4–2), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco CA 94105.

Copies of the revision and the evaluation report are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations:

Californian Air Resources Board, 1102 "Q" Street, P.O. Box 2815, Sacramento, CA 95814.

Environmental Protection Agency, Los Angeles Contact Office, 300 North Los Angeles Street, Los Angeles CA 90012.

Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Douglas Grano, Chief, Regulatory Section Air Technical Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, (415) 556–2938.

SUPPLEMENTARY INFORMATION:

Background

The CAA was enacted by Congress in 1963 and amended several times thereafter. Under the CAA, the EPA established National Ambient Air Quality Standards (NAAQS) for certain pollutants. Each State was required to adopt a plan (the SIP) to attain and maintain the NAAQS throughout the State.

The State of California adopted an SIP and submitted it to the EPA in 1972. That plan was partly approved and partly disapproved. Since 1972, the SIP has been amended in part many times, becoming somewhat fragmented in the process. For this reason, the ARB is in the process of revising and updating its overall plan. The chapter now being considered in this notice is part of that task.

Under section 107(d) of the CAA the State of California submitted to the EPA on December 2, 1977 a list of the NAAQS attainment status of all areas in the State. The list was published in the **Federal Register** on March 3, 1978 (43 FR 8962). After review of public comments, including changes recommended by the State, a revised list was published as final rulemaking on March 19, 1979 (44 FR 16388). Additional changes have been requested by the State and are now being considered by the EPA.

The CAA requires the submission of a revised SIP for nonattainment areas, in which one or more of the NAAQS are exceeded. These nonattainment area plans (NAP's) must demonstrate attainment of the NAAQS by 1982 or, under certain conditions, by 1987.

In California, the NAP's are prepared by local and regional agencies and submitted to the ARB. The ARB may take steps to correct any deficiencies a NAP may have. If and when approved by the ARB, a NAP would be submitted to the EPA as a revision to the SIP.

The CAA generally requires that ozone NAP's include regulations reflecting reasonably available control technology (RACT) for major stationary sources (and, in urban areas with attainment dates beyond 1982, minor stationary sources) of volatile organic compounds (VOC) for which the EPA has issued a Control Techniques Guideline (CTG) by January 1978.

For VOC sources covered by CTG's issued after January 1978, NAP's must include schedules to adopt and submit additional legally enforceable RACT regulations on an annual basis, for those CTG's that have been published by January of the preceding year.

The CAA also generally requires that NAP's include RACT for stationary sources of nitrogen oxides, sulfur dioxide, and particulate matter in areas which are in a nonattainment status for those pollutants.

In addition, plans for nonattainment areas must require permits for the construction and operation of new or modified stationary sources in accordance with section 173 of the CAA (relating to permit requirements).

In an effort to ensure that the NAP's for California meet the foregoing requirements, the ARB has been engaged in the Statewide development of uniform rules, known as model rules, for the control of emissions from certain stationary sources. These rules are intended to represent RACT and to encourage as much uniformity among air pollution control district (APCD) rules as is practicable.

The model rules contained in Appendix 4–B have been submitted to the EPA for informational purposes, and are not now legally enforceable regulations. These model rules may be submitted as part of an APCD's NAP in the future. The EPA will review those rules in relation to the respective CTG for each type of emission source. The CTG's provide information on available air pollution control techniques and contain recommendations of what the EPA calls the "presumptive norm" for RACT.

Description

Chapter 4 outlines California's overall control strategy, including control measures being implemented at both state and local levels.

Part I, "Vehicular Sources", discusses vehicular control measures in two categories, technical control measures and transportation control measures. Existing and future control measures are described in each category.

Part II, "Non-vehicular (Stationary Source) Controls", describes and lists regulations now in effect which are applicable to stationary sources in each air pollution control district. The second half of Part II describes model rules and the process by which they are developed, as well as the ARB's Schedule for Adoption of Rules, either by the districts or by the ARB for the districts. Anticipated dates for ARB development of additional model rules are also indicated.

Appendix 4–A is a list of the air pollution control districts in California,

with their addresses and telephone numbers.

Appendices 4–C, 4–D, 4–E, and 4–F are portions of the California Administrative Code.

Appendix 4–B, "Category I Model Rules for Stationary Sources", contains model rules developed by the ARB and considered by the ARB to be "reasonably available" for adoption by air pollution control districts which have applicable sources. "Category I" is defined in Chapter 4 as those rules "to be adopted by local air pollution control district before 5/31/79, or by ARB for district before 6/30/79, if necessary." Model rules included in Appendix 4–B are as follows:

1. New Source Review
2. Architectural Coatings
3. Automotive Assemblyline Coatings
4. Can and Coil Coatings
5. Dry Cleaning (Petroleum)
6. Solvent Metal Cleaning (Degreasing)
7. Gasoline Vapor Recovery
8. Manufactured Metal Parts and Products Coatings
9. Marine Lightering Operations
10. Paper and Fabric Coating Operations
11. Storage of Organic Liquids
12. Valves and Flanges at Oil Refineries
13. Electric Utility Boilers
14. Gas-fired, Fan-type Central Furnaces
15. Coke Calcining (SCAQMD only)
16. Marine Lightering Operations (SOx) (see #9)
17. Oil Field Steam Generators (Kern Co.)
18. Coke Ovens

Discussion

As a revision to the SIP, this chapter appears to be approvable. It provides an outline of the control strategies currently being implemented in California as well as the direction in which the ARB and local agencies are moving to develop and implement future control measures. The EPA proposes to approve this chapter and incorporate it into the SIP as an informational document, consistent with 40 CFR Part 51.

With respect to the model rules described in Appendix 4–B, it should be noted that final rules similar to these model rules may be submitted to the EPA in the future as legally enforceable rules to fulfill EPA requirements for nonattainment area plans pursuant to Part D of the CAA.

In the event that such a rule is submitted in legally enforceable form, the EPA will propose action on the specific rule for a specific District. In this notice and in any future notice of proposed rulemaking on this subject, the EPA invites comment as to whether the ARB's general control strategy is consistent with the requirements of 40 CFR §§ 51.12, 51.13, and 51.14, dealing with control strategy.

Public Comments

Under Section 110 of the CAA, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP submitted by the State. The Regional Administrator hereby issues this notice setting forth the above described revision as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office during the specified comment period. Comments received will be available for public inspection at the EPA Region IX Office, the EPA Public Information Reference Unit, and the ARB Office in Sacramento.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination whether the revision meets the requirements of the CAA and 40 CFR Part 51 (especially §§ 51.12, 51.13, and 51.14), Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12044 the 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. The EPA labels these other regulations "specialized". The EPA has reviewed the revision being acted upon in this notice and determined that it is a specialized revision not subject to the procedural requirements of Executive Order 12044.

Authority: Sections 110 and 301(a) of the Clean Air Act, as amended [42 U.S.C. §§ 7410 and 7601(a)].

Dated: October 11, 1979.

Paul De Falco, Jr.

Regional Administrator.

[FR Doc. 79-32488 Filed 10-19-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 60

[FRL 1295-1]

Standards of Performance for New Stationary Sources: Petroleum Refineries Review of Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Review of Standards.

SUMMARY: EPA has reviewed its standard of performance for petroleum refineries (40 CFR 60.100, Subpart J). The review is required under the Clean Air Act, as amended August 1977. The purpose of this notice is to announce EPA's intent to undertake the development of a revised standard which would limit SO_2 emissions from catalyst regenerators.

DATE: Comments must be received by December 21, 1979.

ADDRESS: Send comments to: Central Docket Section (A–130), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attention: Docket A–79–09.

The document "A Review of Standards of Performance for New Stationary Sources—Petroleum Refineries" (EPA–450/3–79–008) is available upon request from Mr. Robert Ajax (MD–13), Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Ajax, Telephone: (919) 541–5271.

SUPPLEMENTARY INFORMATION:

Background

New Source Performance Standards (NSPS) for petroleum refineries were promulgated by the Environmental Protection Agency on March 8, 1974. (40 CFR 60.100, Subpart J). These standards regulate the emission of particulate matter and carbon monoxide, and the opacity of flue gases from fluid catalytic cracking unit (FCCU) catalyst regenerators and FCCU regenerator incinerator-waste heat boilers. They also regulate the emission of sulfur dioxide from fuel gas combustion devices. These regulations apply to any affected facility which commenced construction or modification after June 11, 1973.

The Clean Air Act Amendments of 1977 require that the Administrator of the EPA review and, if appropriate, revise established standards of performance for new stationary sources at least every 4 years [Section 111(b)(1)(B)]. This notice announces that EPA has completed a review of the standard of performance for petroleum refineries and invites comment on the results of this review.

Findings

On the basis of a review of compliance data available in EPA's Regional Offices and a review of literature describing recent control technology applicable to catalyst regenerators and fuel gas combustion devices, EPA has made the following conclusions regarding the need to revise the existing standard.

Particulate Matter

The available data indicate that the current limitation on particulate matter emissions accurately reflects the performance capability of best available control systems. It is, therefore, concluded that no revision should be made to the particulate standard. New technologies such as high efficiency separators, high temperature regenerators, and new catalysts have reduced the total quantity of uncontrolled particulate matter emitted. However, the method established in the standard for calculating the allowable emissions effectively corrects for the reduction due to changes in catalysts and operating procedures.

While it is concluded that the particulate matter standard should not be revised, a question has been raised as to the validity of Reference Method 5 when high concentrations of condensible sulfur compounds are present. This test method, which is used to measure compliance with the particulate standard, operates at a nominal temperature of 120°C and, as such, is capable of collecting condensible matter which exists in gaseous form at stack temperature. If significant quantities of such condensible material exist which are not controllable by the best systems of emission reduction, then a facility employing such systems could be found to be in non-compliance with the standard. An analysis of data available when the standard was established indicated this was not a problem at that time. However, with high sulfur content feed, there is evidence that condensible sulfur oxides may exist at concentrations sufficient to affect compliance.

EPA is currently studying this question. Depending on the results of this study, EPA may revise the standard or the test method.

Carbon Monoxide

The present standard for carbon monoxide emissions was established at a level which would permit regenerator in situ combustion. This method of controlling carbon monoxide emissions offers production and energy efficiencies but is recognized to be less effective than a carbon monoxide boiler. No new data were obtained during this review to alter the original finding that it is not practical to control CO emissions to less than 500 ppm by in situ regeneration and, therefore, no revision in the standard is planned at this time. However, it should be noted that the recent advent and increased use of CO oxidation catalysts and additives may provide data showing that concentrations lower than 500 ppm are achievable. If such data become available, the Agency will consider revision of the standard. It should be further noted that for the purpose of attaining and maintaining the national ambient air quality standards, State Implementation Plan new source reviews may, in some cases, require greater CO emission reductions than those required by the standards of performance for new sources.

At the time the standard was established, EPA concluded that CO emissions should be continuously monitored. A requirement for such monitoring was, therefore, included in the standard. This requirement is applicable to all catalyst regenerators subject to the standard. However, the effective date of the monitoring requirement was deferred until EPA develops performance specifications for CO monitoring systems. EPA has found no basis for revising this monitoring requirement and performance specifications are currently under development and evaluation. It is planned to issue an advanced notice of proposed rulemaking in 1979 setting forth the specifications which have been developed and which will be assessed in field studies.

Sulfur Dioxide

The present standard currently limits SO_2 emissions resulting from the combustion of fuel gas. The catalyst regenerator is also a significant source of SO_2 emissions but is not subject to the standard. The review considered both the need to revise the current limitation and the need to include limitations on SO_2 emissions from the catalyst regenerator..

Available compliance test data indicate that the current standard limiting sulfur to 230 mg H_2S/dscm from combustion of fuel gas is being met and, in some cases, exceeded by a wide margin. Six tests showed an average of 107 mg H_2S/dscm and a range of 7 to 229 mg H_2S/dscm. While these data indicate that a reduction in the present limitation is possible, the range exhibited is consistent with the control device performance documented at the time the standard was established. On the basis of this, along with the increased sulfur content of feedstock expected with increased imports and the variable crude oil supply conditions now existing, it is concluded that the fuel gas sulfur limitation is appropriate and that no revision is needed.

A deficiency in the current standard limiting sulfur in fuel gas relates to the lack of a continuous monitoring method. EPA recognized the need for continuous monitoring at the time the standard was adopted. However, at that time, no monitoring systems had been demonstrated to be adequate for this purpose and EPA had not established performance specifications for such systems. Consequently, application of the monitoring requirement was deferred until performance specifications could be adopted. Since the adoption of the standard, EPA has pursued a program to develop and assess the performance of an H_2S monitoring system. On this basis, performance specifications are now being developed. It is planned to issue an advanced notice of proposed rulemaking in 1979 setting forth the specifications which have been developed and which will be assessed in field studies.

During the review of the standard, an ambiguity was identifed in the current limitation on sulfur in fuel gas concerning the applicability of this limitation to fuel gas burned in waste-heat boilers. To clarify this, an amendment was prepared which was published in the **Federal Register** on March 12, 1979. This amendment makes clear that fuel gas fired in waste-heat boilers is not exempt from the standard.

Sulfur dioxide emissions from fluid catalytic cracking unit (FCCU) catalyst regenerators are not regulated by the standard. However, sulfur dioxide scrubber technology is available and being used to control steam generator emissions and a limited number of FCCU regenerators. Also, Amoco Oil Company has developed a new cracking process which reduces sulfur oxide emissions from FCCU regenerators. The process uses a new catalyst that retains sulfur oxides and returns them to the reactor where they are removed with the product stream. If a low sulfur product is required, the sulfur will be removed by amine stripping or hydrotreating and eventually recovered in a sulfur recovery unit. Pilot tests indicate that the new catalyst is capable of reducing sulfur oxide emissions 80 to 90 percent and commercial tests are planned to confirm these data.

The potential uncontrolled emissions from new, modified, or reconstructed catalyst regenerators are significant. Uncontrolled emission rates from catalyst regenerators are typically 5 to 10 Mg/day and range up to 100 Mg/day from the largest units. The growth rate in terms of new catalyst regenerators is uncertain due to the present uncertainty of petroleum supplies and demand. However, for perspective a growth rate of 0.5 percent in capacity from 1979

through 1985 would result in additional emissions from uncontrolled new sources of 23 Mg per day in 1986; a growth rate of 0.75 percent would result in additional uncontrolled emissions of 58 Mg SO_x/day. Emissions from modified or reconstructed sources would add to this total.

Based on the existence of these SO_2 control technologies, EPA plans to initiate a program later this year to assess the applicability, cost, performance, and non-air environmental impacts of these technologies. If supported by the findings of this program EPA will propose a limit on FCCU SO_2 emissions.

Volatile Organic Compounds

The emission of volatile organic compounds (VOC) from FCC unit regenerators is not limited in the present NSPS. These are, however, of concern, both because of their role as oxidant precursors and as potentially hazardous compounds. Of particular concern are the polynuclear aromatic compounds (PNA) because of their potential carcinogenic effects. The most abundant PNA measured in regenerator flue gas is benzo-a-pyrene (BAP) with a concentration of 0.218 kg BAP/1,000 barrels of feed. The concentration of BAP can effectively be reduced in a carbon monoxide boiler to 1.41×10^{-5} kg BAP/1,000 barrels of feed. However, there are no data indicating the concentration of BAP in the flue gas from high temperature (in situ) regeneration nor from regenerators using CO oxidation promoting catalyst. This, therefore, has been identified as an area for future study by EPA's Office of Research and Development.

Public Participation

All interested persons are invited to comment on this review, the conclusions, and EPA's planned action.

Douglas M. Costle,

Administrator.

Dated: October 15, 1979.

[FR Doc. 79-32567 Filed 10-19-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 60

Standards of Performance for New Stationary Sources: Portland Cement Plants; Review of Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Review of Standards.

SUMMARY: EPA has reviewed the standards of performance for portland cement plants (40 CFR 60.60). The review is required under the Clean Air Act, as amended August 1977. The purpose of this notice is to announce that, based on an assessment of the industry, applicable control technology, and results of performance tests conducted pursuant to the standard, EPA has determined that no revision to the particulate emission limitation is needed but that the standard should be revised to require continuous opacity monitoring.

DATES: Comments must be received by December 21, 1979.

ADDRESS: Comments should be submitted to the Central Docket Section (A–130), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attention: Docket No. A–79–19.

The document, "A Review of Standards of Performance for New Stationary Sources—Portland Cement Industry" (EPA–450/3–79–012), is available upon request from Mr. Robert Ajax (MD–13), Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Ajax, telephone: (919) 541–5271.

SUPPLEMENTARY INFORMATION:

Background

On August 17, 1971, the Environmental Protection Agency proposed a standard under Section 111 of the Clean Air Act to control particulate matter emissions from portland cement plants. The standard, promulgated on December 23, 1971, applies to any facility constructed or modified after August 17, 1971, which manufactures portland cement by either the wet or dry process. Specific affected facilities are the: kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging, and bulk loading and unloading and unloading systems.

The standard prohibits the discharge into the atmosphere from any kiln any gases which:

1. Contain particulate matter in excess of 0.15 kg/Mg (0.30 lb/ton) feed to the kiln, or
2. Exhibit greater than 20 percent opacity.

The standard prohibits the discharge into the atmosphere from any clinker cooler any gases which:

1. Contain particulate matter in excess of 0.050 kg/Mg (0.10 li/ton) feed (dry basis) to the kiln, or
2. Exhibit 10 percent opacity or greater.

The standard prohibits the discharge into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity, or greater.

The Clean Air Act Amendments of 1977 require that the Administrator of the EPA review and, if appropriate, revise established standards of performance for new stationary sources at least every 4 years [Section 111(b)(1)(B)]. This notice announces that EPA has undertaken a review of the standard of performance for portland cement plants. As a result of this review, EPA has concluded that the present particulate emission limit is appropriate, and does not need revision. However, a provision to require opacity monitoring should be added. In addition, EPA is, however, planning to undertake a program, in its Office of Research and Development, to investigate and demonstrate methods such as combustion modifications which could reduce NO_x emissions from combustion used in process sources such as cement plants. Positive results from this program would form the basis for a possible revision to the standard in 1982 or 1983. Comments on these findings and plans are invited.

Findings

Industry Status

Capacity. There are currently 53 cement companies producing portland cement in the U.S. The 53 companies operate 158 cement plants throughout the U.S. with single plant capacity ranging from 50,000 Mg to 2,161,000 Mg per year. The industry also includes 8 plants with only clinker grinding facilities which use either an imported or domestic clinker as feed material. Cement plants are found in nearly every State because of the high cost of transportation. The actual clinker capacity of these plants is also distributed throughout the U.S., although some regions have little capacity due to a lack of demand; and although many areas of the Country are presently experiencing cement shortages and delays, announced capacity increases in these areas are still small.

Energy Considerations. The portland cement industry is very energy intensive with energy costs accounting for approximately 40 percent of the cost of cement. Accordingly, significant emphasis in the industry is on increasing energy efficiency. For this reason, almost all new and planned construction will use the dry process which can be twice as energy efficient as the wet process. Additional savings can be

realized by using preheaters, especially suspension preheaters.

These process changes have both positive and negative effects on particulate emissions. The replacement of wet process units with dry process units increases potential emissions, particularly in the grinding, mixing, blending, storage, and feeding of raw materials to the kiln. The suspension preheater, on the other hand, tends to decrease particulate emissions due to its multicyclone construction. It also ensures more thorough contact of the kiln exhaust gases with the feed material which may increase sorption of sulfur oxide from the exhaust on the feed.

Economic Considerations. Almost all cement produced is utilized by the construction industry. As a result, the production of cement follows the cyclical pattern of the construction industry. Relatively high cement production has occurred during periods of growth in new home and other construction markets, and production has decreased in such periods of recession as occurred in 1973–1975.

In contrast, over the short term, production capacity has not closely paralleled actual production. This is due apparently to the lead time required to add capacity, to the difficulty in accurately predicting future demand, and to economic and other factors including the effect of pollution control requirements on the closure of old, marginal plants.

An examination of production and capacity over the past 10 years suggests the difficulty which the industry has experienced in attempting to meet demand while avoiding excess capacity. In the early 1970's, utilization of production capacity was greater than 90 percent. However, wage and price controls were in effect from 1971 to 1973 during which time the industry experienced its lowest profit margin since the 1930's. New plant construction was postponed while some older plants were being closed. As a result, regional cement shortages occurred in 1972–1973. When price controls were removed in 1973, the price of cement jumped 14 percent and some new capacity construction was begun. Shortly thereafter, the Country entered a recession and cement production fell to 70 percent of capacity.

The cyclic occurrence of high demand exceeding capacity has been evidenced again in the past several years. The rapid growth in the construction industry since 1975 has increased the demand for cement and parts of the U.S. have seen shortages, particularly in the West. At the same time, the industry has not rapidly added new capacity, although the Bureau of Mines projects high demand in the early 1980's.

In considering whether pollution control costs influenced the recent lag in capacity, the Council on Wage and Price Stability concluded that:

> . . . the added pollution control costs do change the way a firm would consider a new investment decision by making larger price increases necessary for the expenditures to be committed. this does not mean that the imposition of these controls has necessarily cause any reduction in new capacity expenditures in the cement industry. However, this analysis does leave open the possibility that an investment decision could be changed for a marginal plant because of pollution control costs (particularly a plant selling cement for $40 per ton and using a 12 percent rate of return). (*Prices and Capacity Expansion in the Cement Industry*, Council on Wage and Price Stability, Washington, D.C., 1977.)

Since cement is already selling for as high as $53 per ton on the West Coast, it is very likely that capital investment will not be stifled by pollution control expenditures.

Emission Control Status

Fifty-one cement kilns and clinker coolers have been identified which are operating and are subject to the new source performance standard. Of these, 49 are in compliance with 0.15 kg/Mg kiln feed (kiln) and 0.05 kg/Mg kiln feed, (cooler) emission limits. One completed kiln has only recently been tested and data are not available; and one facility has notified its State authority that it cannot meet the standards. Also, five cement kilns potentially subject to the standard were identified for which data were not available. The number of sources with other NSPS-affected facilities was not determined, although there are none reported that are not in compliance with the applicable 10 percent opacity standard.

For the 29 kilns and 20 clinker coolers which were in compliance, the kiln test results averaged 0.073 kg/Mg and ranged from a high of 0.142kg/Mg feed to a low of 0.013kg/Mg feed. The range for kilns with emissions controlled by ESP is 0.142 to 0.020 kg/Mg, and for kilns with fabric filter baghouses the range is 0.132 to 0.013 kg/Mg dry kiln feed. The data indicate that neither the ESP nor the baghouse is significantly better at controlling cement kiln particulate matter emissions.

Cement plant clinker coolers have been tested at emission levels ranging from a high of 0.061 kg/Mg to a low of 0.005 kg/Mg dry kiln feed with a mean of 0.024 kg/Mg. Compliance test data on a single wet scrubber show emissions near the mean emission level for fabric filter baghouse controls (0.022 kg/Mg). Data for affected facilities using gravel bed filters indicate a mean emission level of 0.034 kg/Mg dry feed (0.023–0.045kg/Mg).

The compliance test data were analyzed to determine if the type of control technology, the process type (i.e., wet or dry), or interaction of process type and control technology affected the ability to control the emission of particulate matter from portland cement kilns or clinker coolers. This analysis indicates that no control technology in use today is more effective for controlling particulate matter emissions. Although comparison of mean values indicates that the possibility that emissions from dry process kilns are controlled slightly more effectively than wet process kilns, the difference is not statistically significant.

Nitrogen Oxide Emissions

Cement kilns are a very large and presently unregulated source of nitrogen oxides (NO_x) emissions. Based upon estimated NO_x emissions of 1.3 kg/Mg of cement produced and 71.4 million Mg of portland cement produced in 1977, an estimated 93,000 Mg of NO_x were emitted by portland cement plants that year. The main factors that result in the production of NO_x are the flame and kiln temperature, the residence time that combustion gases remain at this temperature, the rate of cooling of these gases, and the quantity of excess air in the flame. Control of these factors may permit the operator to sharply reduce the emission of NO_x, but such practices have not been demonstrated in cement plants for NO_x emissions.

Opacity Monitoring

When the NSPS for portland cement plants was established in 1971 no provisions were included to require continuous monitoring of opacity. This was, in part, because the presence of water vapor in the exhaust gases from wet-process facilities would affect monitor accuracy. In addition, monitoring systems had not been demonstrated at baghouse controlled facilities where stack gases are emitted from roof monitors or multiple stub stacks. However, since the standard was adopted, a monitoring system has been demonstrated at a steel plant utilizing baghouse controls and stub stacks.

Conclusions

On the basis of the findings which are summarized above, EPA has concluded that the current particulate matter standards are appropriate and effective and that no revision is needed. While

the compliance test data do show that the mean results are well below the standards, the range of data suggest that the standard is set at a level which reflects the performance of the best systems of emission reduction.

However, it is concluded that the standard should be revised to include provisions requiring the continuous monitoring of opacity. This conclusion is based upon the demonstration of opacity monitors on baghouse stub stacks and on the shift in the portland cement industry toward the dry process, as well as EPA's belief that continuous monitoring represents an important and effective means for assuring proper operation and maintenance of particulate matter control equipment. Adoption of any opacity monitoring requirement will be preceded by a proposal and the opportunity for public comment. The Agency expects to undertake development and to propose this revision during 1980.

It is also concluded that the lack of demonstrated control technology and an emission limitation for NO_x is an important deficiency. The Agency is therefore planning to evaluate, develop, and demonstrate means for limiting NO_x emissions. This program, which will include other industrial process fuel users, will be aimed at transferring technology being employed to control NO_x emissions from steam generators. If this proves successful, the results will be used as a basis for development of NO_x standards.

Public Participation

All interested persons are invited to comment on this review, the conclusions, and EPA's planned action.

Dated: October 16, 1979.

Douglas M. Costle,

Administrator.

[FR Doc. 79-32506 Filed 10-19-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 707

[OTS-120001; FRL 980-8]

Exports of Toxic Substances; Notification of Export under Section 12(b)

Correction

In FR Doc. 79-30526, published at page 56856, on Tuesday, October 2, 1979. The subject heading at the beginning of the document "Notification of Export for Polychlorinated Biphenyls and Fully Halogenated Chlorofluoralkanes" was incorrect and should read as set forth above.

BILLING CODE 1505-01-M

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40 CFR Part 710

[OTS-80006; FRL 1337-4]

Toxic Substances Control Act; Proposed Amendment to Inventory Reporting Requirements

AGENCY: Environmental Protection Agency.

ACTION: Proposed amendment; notice of opportunity for comment.

SUMMARY: The Administrator proposes to amend 40 CFR 710.1(c) of the "Inventory Reporting Requirements" to specify January 1, 1983, as the date after which records, required to be kept to document information reported for the inventory, need not be retained.

DATES: Written comments must be received on or before December 21, 1979.

ADDRESS: Written comments should bear the document control number OTS-80006 and should be submitted to the U.S. Environmental Protection Agency, Office of Toxic Substances, Chemical Information Division (TS-793), 401 M Street, SW, Washington, DC 20460, Attention: Document Control Officer. All written comments concerning this notice will be available for public inspection in the Office of Toxic Substances, Room 447 East Tower from 9 a.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Industry Assistance Office, Office of Toxic Substances (TS-799), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; or call 800-424-9065, or, in Washington, call 554-1404.

SUPPLEMENTARY INFORMATION:

Authority and General Purpose

On December 23, 1977, EPA published the Inventory Reporting Requirements (40 CFR Part 710, 42 FR 64572), under section 8(a) of the Toxic Substances Control Act, (15 U.S.C. Section 2601 *et seq.*). Persons who report under these regulations must maintain records that document information reported for the inventory. However, the regulations fail to specify the length of time for which the required records must be kept. This omission has been the subject of some concern in the regulated community. This amendment clarifies this issue by specifying January 1, 1983, as the final date after which these records need not be kept.

The purpose of the recordkeeping requirement is to aid the Agency in monitoring compliance with the Inventory reporting requirements. The effect of the January 1, 1983 deadline is to provide a five-year retention period for those persons who reported for the initial inventory beginning on January 1, 1978, and a shorter retention period of not less than three years for those processors and importers who report additional substances for the revised inventory. The January 1, 1983 date was selected because the resulting retention periods were found by the Office of Enforcement to represent an adequate time for pursuing both affirmative and responsive enforcement of the Inventory Reporting Requirements. The date is also consistent with the intent expressed in the March 6, 1978, Federal Register (43 FR 9254) to provide for such a retention period.

Specialized Regulation Notice

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

The above classification is based upon a determination that the regulation is a minor amendment to an existing regulation.

It is therefore proposed to amend 40 CFR 710.1(c) to read as set forth below.

Dated: October 16, 1979.

Douglas M. Costle,

Administrator.

Section 710.1(c) is amended to read as follows:

§ 710.1 Scope and compliance.

* * * * *

(c) Each person who reports under these regulations shall maintain records that document information reported under these regulations and, in accordance with the Act, permit access to, and the copying of, such records by EPA officials. Records required to be maintained under these regulations must be kept until January 1, 1983.

(Sec. 8(a), Pub. L. 94-469, 90 Stat. 2027 (15 U.S.C. 2607(a)))

[FR Doc. 79-32487 Filed 10-19-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 9230

Proposed Trespass Penalties

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to propose rulemaking.

SUMMARY: This is to give public notice that the Bureau of Land Management is considering a proposed rulemaking to amend 43 CFR Part 9230—Trespass, to require that persons who trespass for coal and other minerals on Federal lands pay for damages to the mineral estate and reclaim the lands affected or pay for such reclamation. The Bureau of Land Management solicits any comments and suggestions from the public on the form and content of such regulations.

DATE: Comments by November 21, 1979.

ADDRESS: Send comments to: Director (650), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240. Comments will be available for public review in Room 5555 of the above address during regular working hours (7:45 a.m.–4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Walter Rewinski, 202/343–6821 or Ann Vance, 202/343–4803.

SUPPLEMENTARY INFORMATION: Mineral trespass is defined in 43 CFR Part 9230 as the extraction, severance, injury, or removal of mineral materials from public lands under the jurisdiction of the Department of the Interior. This definition and the regulations in 43 CFR Part 9230 apply to all federally owned mineral resources under the jurisdiction of the Department, including Federal mineral resources underlying surface administered by another Federal agency or surface not in Federal ownership.

The Bureau of Land Management is presently investigating numerous cases of Federal coal trespass in Alabama. Current 43 CFR Part 9230 regulations do not address several situations identified during these investigations. The current trespass regulations require trespassers to pay for federally owned mineral resources that are actually removed in trespass. However, the current regulations do not require trespassers to pay for mineral or other resources damaged during the illegal removal of federally owned resources. Moreover, although other regulations promulgated by the Department and State agencies require the reclamation of lands disturbed by mining operations, current trespass regulations do not address the reclamation of land mined in trespass.

The Bureau of Land Management is considering drafting proposed rulemaking to update the current 43 CFR Part 9230 regulations to require trespassers to pay for damage to the mineral estate and to reclaim the lands affected or pay for such reclamation. Comments and suggestions should address the merits or deficiencies of the current regulations and the form and content of any proposed revisions.

Dated: October 11, 1979.

Guy. R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 79–32489 Filed 10–19–79; 8:45 am]

BILLING CODE 4310–84–M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Chapter X

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From the Community Services Administration

AGENCY: Community Services Administration.

ACTION: Proposed Rules.

SUMMARY: The Community Services Administration proposes specific regulations to carry out its responsibilities under the Age Discrimination Act of 1975, 42 U.S.C. 6101 *et seq.*, and the recently published final general government-wide regulations published by HEW in the **Federal Register** on June 12, 1979 (44 FR 33768). The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also contains certain exceptions which permit age distinctions and factors other than age to continue in use under certain circumstances. The Act applies to persons of all ages.

DATES: Comments must be received on or before December 21, 1979.

ADDRESS: Send comments to: Ms. Mosina Jordan, Associate Director for Human Rights, Community Services Administration, 1200 19th Street, NW., Room 500, Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis Diamond, Office of Human Rights, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, Phone No. (202) 653–5675.

SUPPLEMENTARY INFORMATION:

Basic Policy Statement

As an agency whose mission is to combat poverty, CSA is acutely aware of the need for meaningful civil rights legislation and effective Federal regulations to ensure that the various groups of individuals who have been denied the benefits of Federal programs in the past are given an equal opportunity to participate in those same programs today. There is, indeed, a direct correlation between discrimination on the one hand and poverty on the other. As long as people are denied the right to participate in Federally assisted programs designed for the general population because of their race, sex, age, national origin or any other protected status, this nation will be unable to eliminate its poverty and CSA will continue to fight an uphill battle. CSA is committed to ending discrimination in Federally assisted programs on account of age—especially on account of advancing age and where possible, will subject age distinctions to strict scrutiny.

Proposed CSA Regulation

CSA is proposing minimal regulations to implement the above procedures. CSA's proposed regulations are divided into five subparts: Subpart A—General; Subpart B—Standards for Determining Age Discrimination; Subpart C—Duties of CSA Grantees; Subpart D—Compliance Review, Complaint Process and Investigation; Subpart E—Procedure for Effecting Compliance.

The next sections of this preamble summarize the contents of each of those subparts.

Subpart A—General

Subpart A explains the purpose of CSA age discrimination regulations, which is to set out CSA policies and procedures under the Act and the government-wide regulations. The regulations apply to any program or activity receiving Federal financial assistance from CSA. Subpart A also defines terms used in the proposed CSA regulations which were not defined in the government-wide regulations.

Subpart B—Standards for Determining Age Discrimination

Subpart B sets standards for CSA grantees which reflect the standards set out in the government-wide regulations (primarily Subpart B). CSA will use the standards in the government-wide regulations to determine whether an age distinction is prohibited. The government-wide regulations permit a grantee to provide special benefits to the elderly or to children as part of a

program serving persons of all ages, provided the action does not have the effect of excluding otherwise eligible persons from participation. A grantee may also take voluntary affirmative action to overcome the effect of conditions that have resulted in limited participation in the grantee's program on the basis of age.

Subpart C—Duties of CSA Grantees

CSA grantees have primary responsibility to ensure that their programs and activities are in compliance with the Act, the government-wide regulations and these regulations. Where a CSA grantee passes on financial assistance to delegates, the grantee must notify delegates of their obligations under the proposed CSA regulations.

Each grantee (and each delegate where appropriate) employing the equivalent of 15 or more full-time employees must complete a written self-evaluation of its compliance with the proposed CSA regulations. The self-evaluation must identify and justify each age distinction the grantee imposes on the program receiving Federal financial assistance from CSA. If the self-evaluation reveals a violation of the Act, the government-wide regulations and these regulations, the grantee must take corrective action. The grantee must keep the self-evaluation and make it available upon request to CSA and the public. Each CSA grantee must make available upon request to CSA information necessary to determine whether the grantee is in compliance with these regulations. Grantees must also permit reasonable access by CSA to books and records to the extent necessary to determine compliance with this part.

Subpart D—Compliance Review, Complaint Process and Investigation

Subpart D of the proposed regulations establishes the procedures CSA will use for compliance reviews, complaint processing and investigations of complaints.

CSA may conduct compliance and pre-award reviews of grantees, even in the absence of a complaint against the grantee. The review may be as comprehensive as necessary to determine whether a violation has occurred.

Complaints of age discrimination may be filed with CSA by an individual or a class or by a third party. A complainant must file a complaint within 180 days from the date the complainant first knew of the alleged act of discrimination although CSA may extend this time limit for good cause. A complaint must identify the parties involved, describe generally the practice complained of, and be signed by the complainant. CSA will distribute information regarding the obligations of grantees under these regulations. The information will include a complaint form that a person may use when alleging a violation. CSA will permit a complainant to add information to a complaint when necessary to meet the requirements of a sufficient complaint. CSA will return to the complainant any complaint that does not fall within the jurisdiction of this part.

CSA will use the procedures for the mediation of age discrimination complaints set out in Subpart D of the government-wide regulations.

CSA will investigate complaints that are unresolved after mediation or are reopened because the mediation agreement is violated. If mediation does not bring about a resolution of the complaint, CSA will begin to develop formal findings through further investigation of the complaint.

A grantee may not intimidate or retaliate against any person who attempts to exercise a right protected by this part or who participates in any aspect of the proceedings to resolve allegations of age discrimination.

Subpart E—Procedure for Effecting Compliance

The procedures for securing compliance with the Act and these regulations are taken from the government-wide regulations, including fund termination after an opportunity for a hearing on the record and referral to the Department of Justice or the use of any Federal, State or local government agency requirement which has the effect of correcting a violation. These regulations include a provision for the limited deferral of new Federal financial assistance from CSA when termination proceedings are initiated.

Where the Director finds that a grantee has discriminated on the basis of age, he or she may require the grantee to take necessary remedial action to overcome the effects of the discrimination. When CSA withholds funds from a grantee, the Director may disburse those funds to an alternate grantee. The alternate grantee must demonstrate the ability to comply with Part 1011.80 and to achieve the goals of the Federal statute which authorizes the financial assistance.

Complainants may file civil actions when administrative remedies are exhausted. Administrative remedies are exhausted if either 180 days have elapsed since the complainant filed the complaint and CSA has made no finding, or if CSA issues a finding in favor of the complainant. The proposed regulations repeat the requirements of the Act concerning the private right of action.

These proposed regulations are based on the government-wide age discrimination regulations (published at 44 FR 33767; June 12, 1979). The government-wide regulations set out definitions and the standards for determining what is age discrimination and what CSA must include in their specific regulations. CSA may not change the definitions and standards set forth in the government-wide regulations. Therefore, CSA asks reviewers not to comment on those definitions or standards, but to direct any comments to the new material in CSA's specific regulations. CSA will not respond to comments on requirements in the final, government-wide regulations.

Graciela (Grace) Olivarez,

Director, Community Services Administration.

45 CFR Chapter X is amended by adding a new Part 1011 to read as follows:

PART 1011—NONDISCRIMINATION ON THE BASIS OF AGE IN CSA PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—General

Sec.

1011.1 Purpose.
1011.2 Applicability.
1011.3 Definitions.

Subpart B—Standards for Determining Age Discrimination

1011.11 Rules against discrimination.
1011.12 Exceptons to the rules against age discrimination. Normal operation or statutory objective of any program or activity.
1011.13 Exceptions to the rules against age discrimination. Reasonale factors other than age.

Subpart C—Duties of CSA Grantees

1011.31 General responsibilities.
1011.32 Self-evaluation.
1011.33 Information requirements.

Subpart D—Compliance Review, Complaint Process and Investigation

1011.41 Compliance reviews.
1011.42 Complaint Process—Local Complaint Procedures.
1011.43 Compliant Process—CSA Complaint Procedures.
1011.44 Complaint Process—Mediation.
1011.45 Investigation.
1011.46 Prohibition against intimidation and retaliation.

Subpart E—Procedure for Effecting Compliance

1011.51 General.
1011.52 Termination of or refusal to grant or to continue financial assistance.

Sec.
1011.53 Remedial and affirmative action.
1011.54 Alternate funds disbursal procedure.
1011.55 Hearings.
1011.56 Decisions and notices.
1011.57 Exhaustion of administrative remedies.

Appendix A—Federal Financial Assistance to Which This Part Applies—Funding Authorities Under the Economic Opportunity Act of 1964, as Amended
Appendix B—CSA Activities

Authority: The provisions of this part are proposed under the Age Discrimination Act of 1975, 42 U.S.C. 6101 *et seq.*, and the government-wide regulations implementing this Act found at 45 CFR Part 90.

Subpart A—General

§ 1011.1 Purpose.

The purpose of these regulations is to set out CSA's policies and procedures under the Age Discrimination Act of 1975 and the government-wide age discrimination regulations prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act and the government-wide regulations permit recipients of Federal funds to continue to use age distinctions and factors other than age which meet the requirements of the Act and the government-wide regulations.

§ 1011.2 Applicability.

(a) This part applies to all grantees and their delegate agencies receiving financial asssistance from CSA.

(b) The Age Discrimination Act of 1975 applies to any program or activity receiving Federal financial assistance, including programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972 [31 U.S.C. 1221 *et seq.*].

(c) The Age Discrimination Act of 1975 does not apply to:

(1) An age distinction contained in that part of a Federal, State or local statute or ordinance adopted by an elected, general purpose legislative body which:

(i) Provides any benefits or assistance to persons based on age; or

(ii) Establishes criteria for participation in age-related terms; or

(iii) Describes intended beneficiaries or target groups in age-related terms.

(2) Any employment practice of any employer, employment agency, labor organization, or any labor-management joint apprenticeship training program, except for any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act of 1974 (CETA), (29 U.S.C. 801 *et seq.*).

§ 1011.3 Definitions.

(a) The following terms in these regulations are defined in the government-wide regulations:

"Act" means the Age Discrimination Act of 1975, as amended, [Title III of Public Law 94–135). "Action" means any act, activity, policy, rule, standard, or method of administration; or the use of any policy, rule, standard, or method of administration.

"Age" means how old a person is, or the number of elapsed years from the date of a person's birth.

"Age distinction" means any action using age or an age-related term.

"Age-related term" means a word or words which necessarily imply a particular age or range of age [for example, "children," "adult," "older persons," but not "student"].

"Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

"Statutory objective" means any purpose of a program or activity expressly stated in any Federal statute, State statute, or local statute or ordinance adopted by an elected, general purpose legislative body.

(b) As used in these regulations, the definitions are:

"CSA" means the Community Services Administration and includes all of its organizational units.

"Director" meand the Director of the Community Services Administration.

"Associate Director for Human Rights" means the CSA official responsible for implementing and enforcing CSA's Civil Rights program.

"Responsible CSA official" with respect to any program receiving Federal financial assistance means the Director or other official of CSA who by law or by delegation has the principle responsibility within CSA for the administration of the law extending such assistance.

"United States" means the states of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the Territories and possessions of the United States, and the term "State" means any one of the foregoing.

"Federal financial assistance" includes: (1) Grants, loans, or donation of Federal funds, (2) The grant or donation of Federal property and interest in property,

(3) The detail of Federal personnel, (4) The sale or lease of, or the permission to use (on other than a casual or transient basis) Federal property or any interest in such property without consideration, at a normal consideration, or at a consideration which is reduced for the purpose of assisting the grantee, and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes, the provison of assistance.

"Program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through an employee of the grantee or provided by others through contracts or other arrangements with the grantee, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal resources or such non-Federal resources.

"Facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein. The provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

"Grantee" means any state, political subdivision, instrumentality of any state or political subdivision, any public or private agency, institution, organization, or other entity, or any individual, in any state, to whom Federal financial assistance is extended directly or through another grantee. Such term does not include any ultimate beneficiary under a federally assisted program.

"Grantee Board" means the entity responsible for the administration of funds received pursuant to the Economic Opportunity Act of 1964, as amended.

"Applicant" means one who submits an application, request, or plan required to be approved by CSA or by a grantee as a condition of eligibility for Federal financial assistance. The term "application" means any such application, request or plan.

"Delegate" means any of the entities in the definition of "grantee" to which a grantee extends or passes on Federal financial assistance. A delegate is generally regarded as a recipient of Federal financial assistance and has all the duties of a grantee under these regulations.

Subpart B—Standards for Determining Age Discrimination

§ 1011.11 Rules against discrimination.

(a) The rules stated in this section are limited by the exceptions contained in §§ 1011.12 and 1011.13 of these regulations.

(b) General rule: No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

(c) Specific rules: A grantee may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect, on the basis of age, of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financial assistance, or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

(d) The specific forms of age discrimination listed in paragraph (c) of this section do not necessarily constitute a complete list.

§ 1011.12 Exceptions to the rules against age discrimination, normal operation or statutory objective of any program or activity.

(a) A grantee is permitted to take an action, otherwise prohibited by § 1011.11, if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

(1) Age is used as a measure or approximation of one or more other characteristics; and

(2) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; and

(3) The other characteristic(s) can be reasonably measured or approximated by the use of age; and

(4) The other characteristic(s) are impractical to measure directly on an individual basis.

§ 1011.13 Exceptions to the rules against age discrimination reasonable factors other than age.

A grantee is permitted to take an action otherwise prohibited by § 1011.11 which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

Subpart C—Duties of CSA Grantees

§ 1011.31 General responsibilities.

(a) Each CSA grantee has primary responsibility to ensure that its programs and activities are in compliance with the Act, the government-wide regulations and these regulations. A grantee also has responsibility to maintain records, provide information, and to afford access to its records to CSA, to the extent required to determine whether it is in compliance with the Act and these regulations.

(b) Where a CSA grantee passes on financial assistance to a delegate agency, the grantee must notify the delegate of its obligations under the CSA regulations.

§ 1011.32 Self-evaluation.

(a) Each grantee employing the equivalent of 15 or more full-time employees shall complete a written self-evaluation of its compliance under the Act within 18 months of the effective date of these regulations and at each application thereafter for financial assistance under the Economic Opportunity Act of 1964, as amended.

(b) In its self-evaluation, each grantee shall identify and justify each age distinction imposed by the grantee receiving Federal financial assistance from CSA.

(c) Each grantee shall take corrective action whenever a self-evaluation indicates a violation of the Act or these regulations.

(d) Each grantee shall make the self-evaluation available on request to CSA and to the public.

§ 1011.33 Information requirements.

(a) Each grantee shall:

(1) Make available upon request to CSA information necessary to determine whether the grantee is complying with the Act and these regulations.

(2) Permit reasonable access by CSA to the books, records, accounts, and other grantee facilities and sources of information to the extent necessary to determine whether the grantee is in compliance with the Act and these regulations.

Subpart D—Compliance Reviews, Complaint Process and Investigation

§ 1011.41 Compliance reviews.

(a) CSA may conduct compliance reviews and pre-award reviews of grantees or use other similar procedures that will permit it to investigate and correct violations of the Act and these regulations. CSA may conduct these reviews even in the absence of a complaint against a grantee. The review may be as comprehensive as necessary to determine whether a violation of these regulations has occurred.

(b) If a compliance review or pre-award review indicates a violation of the Act or these regulations, CSA will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, CSA will arrange for enforcement as described in § 1011.51.

§ 1011.42 Complaint process—local complaint procedures.

(a) *Submission of an Equal Opportunity Complaint.* Any person, individually or as a member of a class or on behalf of others, may file a complaint alleging discrimination prohibited by the Act or these regulations based on an action occurring on or after July 1, 1979 with the Equal Opportunity Officer (EOO) of the grantee not more than 180 calendar days from the date the complainant first had knowledge of the alleged act of discrimination. A copy of the complaint shall be immediately mailed to the Associate Director for Human Rights or his/her designee by the Equal Opportunity Officer.

(b) *Resolution and decision by the grantee. AT* (1) The EOO shall make every effort to resolve the complaint informally. The EOO shall, if requested by the complainant, assist in discussions with any party to the complaint and may take other steps which may assist in the resolution of the complaint.

(2) The aggrieved person has the right to be accompanied, represented and advised by a representative or attorney of his/her choice. If the aggrieved person or the representative is an employee of the agency, he/she shall be given a reasonable amount of working time to prepare and present his/her

request for a resolution of the complaint. These procedures shall be included in the grantee's personnel policies and must be approved by the appropriate CSA official.

(3) The EOO shall have 21 days to attempt to resolve the complaint before CSA will begin processing the complaint, if it has been filed with CSA or CSA otherwise assumes jurisdiction.

(4) The EOO shall be given access within the grantee to any information necessary for resolving the complaint.

(5) The EOO shall inform the complainant of the right to file a formal complaint with CSA and any other appropriate Federal, State and local civil rights agencies.

(6) Nothing in this subpart should be construed to mean that a complainant cannot file a complaint directly with CSA at any time. However, the complaint will be referred to the grantee for resolution if the complainant cannot justify why he/she by-passed the grantee process.

(c) *Reports on Grantee Efforts at Resolution.* (1) When the EOO has completed attempts to resolve the complaint, a report shall be prepared, setting out a summary of the complaint, the preliminary inquiry and the disposition of the complaint, indicating the basis for the disposition.

(2) Copies of the report shall be given to the grantee's board, the complainant and to the Office of Human Rights. A report shall be forwarded within 21 days of the filing of a complaint, regardless of the disposition of the complaint.

§ 1011.43 Complaint process—CSA Complaint procedures.

(a) *Filing of Complaint with CSA.* (1) If the result of the procedures outlined in Section 1011.42 is unsatisfactory to the complainant, a formal complaint may be filed within 10 calendar days of receipt of the report of the EOO.

(2) A complainant may file a complaint directly with CSA. However, no complaint will be investigated if not received by CSA or the local EOO within 180 days of the date of the alleged discrimination, unless the time for filing is extended for good cause by the Associate Director for Human Rights or his/her designee. If a complaint is filed with the local EOO and CSA, CSA shall not begin processing the complaint until the 21 days set forth § 1011.43(b)(3) have expired.

(3) CSA will attempt to facilitate the filing of complaints wherever possible, including taking the following measures:

(i) Accepting as a sufficient complaint, any written statement which identifies the parties involved and the date the complainant first had knowledge of the alleged violation, describes generally the action or practice complained of, and is signed by the complainant.

(ii) Freely permitting a complainant to add information to the complainant to meet the requirements of a sufficient complaint.

§ 1011.44 Complaint process—Mediation.

(a) Within 10 days of receipt of a complaint, the Associate Director for Human Rights or his/her designee shall refer to the Federal Mediation and Conciliation Service (FMCS) all complaints that:

(1) Fall within the jurisdiction of the Act and these regulations; and

(2) Contain all information necessary for further processing.

(b) Both the complainant and the grantee shall participate in the mediation process to the extent necessary to reach an agreement or make an informal judgment that an agreement is not possible. There must be at least one meeting with the mediator before CSA will accept a judgment that an agreement is not possible. However, the grantee and the complainant need not meet with the mediator at the same time.

(c) If the complainant and the grantee reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and grantee sign it. The mediator shall send a copy of the agreement to CSA. CSA will take no further action on the complaint unless the complainant or the grantee fails to comply with the agreement.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the mediation agency.

(e) CSA will use the mediation process for a maximum of 60 days after receiving a complaint. Mediation ends if:

(1) 60 days elapse from the time CSA receives the complaint; or

(2) Prior to the end of that 60 day period, an agreement is reached; or

(3) Prior to the end of that 60 day period, the mediator determines that an agreement cannot be reached.

(f) The mediator shall return unresolved complaints to CSA.

(g) In the event that CSA receives a complaint alleging discrimination on account of age and another protected class (e.g. race, color, national origin, sex, creed, political affiliation, or beliefs), CSA will submit the entire complaint to the FMCS to allow for an expeditious resolution of the entire complaint.

§ 1011.45 Investigation.

(a) The Associate Director from Human Rights or his/her designee shall initiate the investigation of complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement.

(b) The grantee shall be notified that it may at any time prior to CSA's findings make a documentary submission responding to, rebutting, or denying allegations raised in the course of the complaint investigation.

(c) Within 180 days of the initiation of a complaint investigation, the Associate Director for Human Rights or his/her designee shall notify the grantee in writing of:

(1) The preliminary findings;

(2) Recommendations for achieving voluntary compliance, where appropriate; and

(3) The opportunity to engage in voluntary compliance negotiations, where appropriate.

(d) If within 50 days of CSA's recommendation for achieving voluntary compliance, the recommendations have not been agreed to, voluntary compliance has not been secured, or the preliminary findings have not been shown to be false, the Associate Director for Human Rights shall make a formal written determination of noncompliance. This determination shall be made no later than 14 days after the conclusion of the 50-day negotiation period.

(e) If the Associate Director for Human Rights makes a formal determination of noncompliance, the grantee will be allowed an additional 10 days in which to come into voluntary compliance. If voluntary compliance has not been secured within the 10-day period, the Director shall institute proceedings under Subpart E.

(f) All agreements to come into voluntary compliance shall be in writing, shall set forth the specific steps the grantee has agreed to take, and shall be signed by the Associate Director for Human Rights and an official of the grantee with authority to legally bind the grantee.

§ 1011.46 Prohibition against intimidation or retaliation.

No grantee shall intimidate, retaliate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Age Discrimination Act, 42 U.S.C. 6101 *et seq.*, the government-wide regulations implementing this Act,

45 CFR Part 90, or this part, or because he/she has made a complaint, testified, assisted, or participated in any manner in any investigation, proceeding or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any preliminary inquiries thereunder.

Subpart E—Procedure for Effecting Compliance

§ 1011.51 General.

(a) If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, a referral to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any applicable law of the United States or any assurance or other contractual undertaking.

(b) If an applicant fails or refuses to furnish an assurance required under Subpart C or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that subpart, Federal financial assistance may be refused in accordance with the procedures of this subpart.

(c) The Agency may defer action on applications for assistance to the grantee or applicant during the pendency of enforcement proceedings under this subpart.

§ 1011.52 Termination of or refusal to grant or to continue financial assistance.

(a) No order suspending, terminating or refusing to grant or continue Federal financial assistance for failure to comply with this part shall become effective until:

(1) The Associate Director for Human Rights or his/her designee has advised the applicant or grantee of its failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for a hearing, of a failure by the applicant or grantee to comply with a requirement imposed by or pursuant to this subpart;

(3) The action has been reviewed by the Director of CSA pursuant to § 1011.56 or he/she has had the opportunity to review and did not do so; and

(4) The expiration of 30 days after the Director of CSA has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or grantee as to whom such finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been found.

(b) Voluntary compliance will be determined as not being available, if a voluntary compliance agreement is not arrived at during the period for voluntary compliance negotiations set forth by this part.

§ 1011.53 Remedial and affirmative action by grantees.

(a) Where a grantee is found to have discriminated on the basis of age, the grantee shall take any remedial action which the agency may require to overcome the effects of the discrimination. If another grantee exercises control over the grantee that has discriminated, both grantees may be required to take remedial action.

(b) Even in the absence of a finding of discrimination, a grantee may take affirmative action to overcome the effects of conditions that resulted in limited participation in the grantee's program or activity on the basis of age.

(c) If a grantee operating a program which serves the elderly or children in addition to persons of other ages provided special benefits to the elderly or to children, the provision of those benefits shall be presumed to be voluntary affirmative action provided that it does not have the effect of excluding otherwise eligible persons from participation in the program.

§ 1011.54 Alternate funds disbursal procedure.

(a) When CSA withholds funds from a grantee under these regulations, the Director may disburse the withheld funds directly to an alternate grantee, any public or non-profit private organization or agency, or State or political subdivision of the State.

(b) The Director will require any alternate grantee to demonstrate:

(1) The ability to comply with these regulations; and

(2) The ability to achieve the goals of the Federal statute authorizing the program or activity.

§ 1011.55 Hearings.

(a) *Opportunity of hearing.* Whenever an opportunity for a hearing is required by this part, reasonable notice of such hearing shall be given by registered or certified mail, return receipt requested. This notice shall advise the applicant or grantee of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and either (1) fix a date less than 20 days after the date of such notice within which the applicant or grantee may request of the responsible CSA official that the matter be scheduled for hearing, or (2) advise the applicant or grantee that the matter in question has been set for hearing at a stated place and time. The complainant shall be advised of the time and place of the hearing. An applicant or grantee may waive a hearing and submit written information and argument for the record. The failure of an applicant or grantee to request a hearing under this section or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under the Act and this subpart and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be at a time and place in Washington, D.C. fixed by the responsible CSA official or his/her designee unless he/she determines for cause that another location should be selected. Hearings shall be held before a hearing officer who shall be referred to hereinafter as the hearing examiner.

(c) *Right to counsel.* In all proceedings under this section, the applicant or grantee and CSA shall have the right to be represented by counsel.

(d) *Procedures, evidence and record.* (1) The hearing, decision, and any review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (Section S5–8 of the Administrative Procedure Act) and in accordance with such rules of procedure as are proper, including but not limited to giving of notices subsequent to those provided for in § 1011.52 of this section; taking of testimony, exhibits, arguments and briefs; requests for findings and other related matters. Both CSA and the applicant or grantee shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the hearing examiner.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this section, but rules or

principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the hearing examiner. The hearing examiner may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence unless dispensed with by stipulation. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under the Act, the Director may, by agreement with such other departments or agencies, provide for consolidated or joint hearings, and for the application to such hearings of rules of procedure consistent with this part. Final decisions in such cases, insofar as this subpart is concerned, shall be made in accordance with § 1011.56.

§ 1011.56 Decisions and notices.

(a) *Initial decisions.* The hearing examiner shall make an initial decision. A copy of such initial decision shall be mailed to the applicant or grantee. The applicant or grantee may within 30 days of the mailing of the intial decision file with the Director of CSA its exceptions to the inital decision. In the absence of exceptions, the Director of CSA may, on his/her own motion, within 45 days after the initial decision, serve on the applicant or grantee a notice that he/she will review the decision. Upon the filing of such exceptions or of such notice of review, the Director of CSA shall review the administrative record and initial decision, and issue his/her own decision thereon. In the absence of either exceptions or a notice of review, the initial decision shall constitute the final decision of CSA.

(b) *Final decision.* Whenever the Director of CSA makes the initial decision pursuant to paragraph (c) of this section, or whenever the hearing examiner issues an initial decision, the applicant or grantee and complainant shall be given a copy of the decision. A copy of the final decision of the Director of CSA shall be given to the applicant or grantee and the complainant.

(c) *Waived hearings.* Whenever a hearing is waived pursuant to § 1011.55(a), a decision shall be made by the Director of CSA on the record and a copy of such decision shall be given to the applicant or grantee and to the complainant.

(d) *Rulings required.* The decision of a hearing examiner shall set forth each of his/her findings, conclusions, or exceptions presented, and shall identify the requirement or requirements imposed by or pursuant to this part that the applicant or grantee has failed to comply with.

(e) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purpose of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or grantee determined to have failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Associate Director for Human Rights that it will fully comply with this part.

(f) *Post-termination proceedings.* (1) An applicant or grantee adversely affected by an order issued under paragraph (e) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or grantee adversely affected by an order issued pursuant to paragraph (e) of this section may at any time request the Associate Director for Human Rights to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or grantee has met the requirements of paragraph (f)(1) of this section. If the Associate Director for Human Rights determines that those requirements have been satisfied, he/she shall restore such eligibility.

(3) If the Associate Director for Human Rights denies any such request, the applicant or grantee may submit a written request for a hearing to the Director of CSA specifying why it believes such denial to have been in error. The applicant or grantee shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with such rules of procedure as issued by the Director of CSA. The applicant or grantee will be restored to eligibility if it proves at a hearing that it satisfied the requirements of paragraph (f)(1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (e) of this section shall remain in effect.

§ 1011.57 Exhaustion of administrative remedies.

(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act. Administrative remedies are exhausted if:

(1) 180 days have elapsed since the complainant filed the complaint and CSA has made no finding with regard to the complaint; or

(2) CSA issues any finding in favor of the grantee.

(b) If CSA fails to make a finding within 180 days or issues a finding in favor of the grantee, CSA will:

(1) Promptly advise the complainant of this fact; and

(2) Advise the complainant of his or her right to bring a civil action for injunctive relief; and

(3) Inform the complainant:

(i) That the complainant may bring a civil action only in a United States District Court for the district in which the grantee is located or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant shall give 30 days notice by registered mail to the Secretary of Health, Education and Welfare, the Director, the Attorney General of the United States, and the grantees;

That the notice must state: The alleged violation of the Act; The relief requested; The court in which the complainant is bringing the action; and Whether or not attorney's fees are demanded in the event the complainant prevails; and

That the complainant may not bring an action if the same alleged violation of the Act by the same grantee is the subject of a pending action in any court of the United States.

Appendix A to Part 1011—Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the Community Services Administration.

Appendix A—Federal Financial Assistance To Which This Part Applies Funding Authorities Under the Economic Opportunity Act of 1964, as Amended

EOA section	42 U.S.C. section	Federal financial assistance
101	2712	Research, Demonstration & Pilot Projects.
221	2808	Community Action.
222(a)(1)	2809	Community Food and Nutrition.
222(a)(2)	2809	Senior Opportunity and Services.
222(a)(3)	2809	Environmental Action.
222(a)(4)	2809	Rural Housing Development and Rehabilitation.
222(a)(5)	2809	Emergency Energy Conservation Services.
222(a)(6)	2809	Summer Youth Recreation.
222(a)(7)	2809	Demonstration Employment and Training Opportunities.
226	2813	Design and Planning Assistance Programs.
227	2814	National Youth Sports Programs.
228	2815	Consumer Action and Cooperative Programs.
230	2823	Technical Assistance and Training.
231	2824	State Agency Assistance.
232	2825	Research and Pilot Programs.
234	2827	Special Assistance.
235	2828	Demonstration Community Partnerships.
302(a)	2651	Loans to Low Income Families (Rural Loan Programs).
402	2862	Assistance for Migrant, and Other Seasonally Employed, Farmworkers and their Families.
712	2982a	Community Development Corp.
748(b)	2985e	Research and Planning (Community Economic Development).
901(a)	2995	Program and Project Evaluation.

Appendix B to Part 1011—Nondiscrimination on the Basis of Age in Program or Activities Receiving Federal Financial Assistance from the Community Services Administration.

Appendix B—CSA Activities

For the information of grantees and other reviewers, the following is a summary of activities that the government-wide regulations require of CSA. The citation in brackets is to the section of the government-wide regulations which CSA is summarizing.

(1) Review age distinctions CSA imposes on its grantees to determine whether they are permissible under the Act. CSA will publish the results of that review for public comment 12 months after CSA publishes its final regulations. [§ 90.32]

(2) Cooperate for all compliance and enforcement purposes with other Federal agencies which provide Federal financial assistance to the same grantee or class of grantees. [§ 90.33]

(3) Make annual reports to Congress describing CSA's efforts to carry out the Act. [§ 90.34]

(4) Attempt to ensure that CSA grantees comply voluntarily with the Act. [§ 90.42]

(5) Provide notice and technical assistance to CSA grantees and make available educational materials. [§ 90.43(a)]

(6) Review the effectiveness of these regulations 30 months after they become effective. [§ 90.62]

[FR Doc. 79-32565 Filed 10-19-79; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

49 CFR Parts 127, 171, 172, 173, 174, 175, 176, 177

[Docket No. HM-169; Notice No. 79-1]

Requirements for Transportation of Radioactive Materials; Extension of Comment Period

AGENCY: Materials Transporation Bureau, Research and Special Programs Administration, DOT.

ACTION: Extension of time to file comments.

SUMMARY: On January 8, 1979, the Materials Transportation Bureau (MTB) published a notice of proposed rulemaking under Docket HM-169 (44 FR 1852) pertaining to requirements for the transportation of radioactive materials. The changes were proposed to make them compatable with the latest revised international standards for transport of radioactive materials as promulgated by the International Atomic Energy Agency (IAEA). By this notice, the MTB is extending the comment period of Docket HM-169 to coincide with the extension of comment period being taken by the U.S. Nuclear Regulatory Commission (NRC), of its parallel proposal to ammend Title 10 CFR, Part 71, "Packaging of Radioactive Materials for Transport and Transportation of Radioactive Materials Under Certain Conditions" published elsewhere in this issue.

DATE: The time for filing comments is extended from October 16, 1979 to December 17, 1979.

FOR FURTHER INFORMATION CONTACT: R.R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, DOT, Washington, D.C. 20590, phone 202-426-2311.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy filed a petition with the NRC requesting a 90-day extension of time to file comments on the notice of proposed rulemaking dealing with standards for transport of radioactive materials. The NRC has determined that a 90-day extension is not necessary and has extended the comment period for 60-days. Since the MTB and NRC notices contain parallel proposals, the MTB believes an extension of time to file comments to Docket HM-169 is appropriate and hereby extends the comment period of this docket from October 16, 1979 to December 17, 1979.

(49 U.S.C. 1803, 1804, 1808, 49 CFR 1.53; 49 CFR Part 1 App. A. and paragraph (a)(4) of App. A to Part 106)

Issued in Washington, D.C., on October 16, 1979.

Douglas A. Crockett,

Acting Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-32573 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74-14; Notice 15]

Evaluation Plan for Federal Motor Vehicle Safety Standard No. 208, Occupant Crash Protection

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

ACTION: Announcement of NHTSA publication and request for comments.

SUMMARY: This notice announces the publication by the NHTSA of an Evaluation Plan for Federal Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection.* Safety Standard No. 208 was amended on June 30, 1977 (42 FR 34289) to require the provision of automatic restraint protection (protection that requires no action by vehicle occupants) in passenger cars, on a phased-in basis beginning September 1, 1981. The Evaluation Plan consists of a series of research and informational gathering projects scheduled for 1980-1986. The plan states that the NHTSA will analyze the actual road experience of vehicles equipped with automatic restraints (automatic seat belts, air bags or other automatic devices) to refine current measurements of the effectiveness of automatic restraints in reducing fatalities and injuries. This Evaluation Plan is in response to a commitment made by the Secretary of Transportation at the time of issuance of the standard,

to Executive Order 12044, "Improving Government Regulations," and to recommendations of the National Transportation Safety Board and the General Accounting Office. Public review and comment on the Evaluation Plan are welcomed by the NHTSA.

ADDRESS: Interested persons may obtain a copy of the Evaluation Plan free of charge by contacting Ms. Kitts, Office of Management Services, National Highway Traffic Safety Administration, Room 4423, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–0874).

All comments should refer to the docket number and notice number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Frank G. Ephraim, Director, Office of Program Evaluation, Plans and Programs, National Highway Traffic Safety Administration, Room 5212, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–1574)

SUPPLEMENTARY INFORMATION: As amended, Safety Standard No. 208 will require automatic restraint protection for front seat occupants in passenger cars with wheelbases greater than 114 inches manufactured on and after September 1, 1981, in passenger cars with wheelbases greater than 100 inches on and after September 1, 1982, and in all passenger cars manufactured on or after September 1, 1983. Most manufacturers will install either automatic seat belts (belts that are attached to the vehicle door and automatically move into place when the vehicle occupant enters the car and closes the door) or air bags to meet the new requirements of the standard, although other automatic devices may also be used. When automatic restraints are installed on all passenger cars, the agency estimates that at least 9,000 fatalities and hundreds of thousands of injuries will be prevented each year.

The NHTSA has completed its Evaluation Plan for Safety Standard No. 208 and invites public review and comment. The Evaluation Plan describes NHTSA's goals for evaluating automatic restraint systems and Standard No. 208 during the period 1980–1986. The planned evaluation includes vehicles equipped with automatic protection both before and after the standard becomes effective, since some manufacturers plan to offer the devices on an optional basis before they are required. The primary objectives of the evaluation are as follows:

- To refine measurements of the overall fatality and injury reducing effectiveness of automatic restraints in highway accidents.
- To observe the operational characteristics of restraint systems on the road and their effectiveness in specific crash situations.
- To assess the public acceptance and utilization of various automatic restrain designs and the impact of the standard on the industry.
- To refine estimates of all major consumer expenses or savings as a result of the standard.

These general objectives are expanded in the Plan into a variety of specific questions that will be addressed by the agency during its evaluation. The Plan discusses in detail the various research projects, surveys and other methodologies that will be used to obtain the needed information.

The NHTSA intends to issue evaluation program reports on a semi-annual basis during 1980–1986. These reports will summarize the results of the evaluation projects and present additional pertinent statistical, engineering and economic analyses.

The NHTSA welcomes public review of the Evaluation Plan for Standard No. 208 and invites all public comments. Following is a reprint of the Executive Summary of the Plan:

Executive Summary

Federal Motor Vehicle Safety Standard 208 will requiure automatic crash protection for front seat occupants in full-sized automobiles beginning in model year 1982. Automatic crash protection will be required for intermediate and compact passenger automobiles in model year 1983, and for subcompacts in 1984. Automatic restraints have been available as optional equipment on a few makes and models since 1974. There were over 150,000 such automobiles on the highway by mid-1979 and more are expected to be sold prior to the Standard's effective date. Standard 208 is one of the National Highway Traffic Safety Administration's (NHTSA) most significant regulations.

This is NHTSA's proposed plan for evaluating automatic restraint systems and Standard 208 during the period 1980–86. The plan covers passenger automobiles equipped with automatic crash protection both prior to and after the Standard's effective dates. The development of an evaluation plan prior to the effective date of a major regulation is a requirement based on the President's Executive Order 12044 and the Department of Transportation's "Statement of Regulatory Policies and Procedures." The Department stated that it would evaluate the Standard in the preamble of the Standard issued in June 1977.

The National Transportation Safety Board (NTSB) and the General Accounting Office (GAO) both reviewed Standard 208 and, in view of the exceptional significance of the regulation, they also recommended that NHTSA prepare a complete evaluation plan. The NTSB further recommended that the plan be published for public comment by October 1979.

The evaluation plan, as can be seen below, addresses an extensive list of specific questions. Most of the questions are not new: NHTSA has developed, to date, answers to most of them as a result of an extensive program of testing, data collection and analysis of automatic restraints. NHTSA has, for example, published estimates of the effectiveness of restraints, their cost, and the likely usage rates of automatic belts and has refined the estimates as additional information became available. Since 1978, and throughout the period of the implementation of Standard 208, NHTSA will publish Occupant Protection Program Progress Reports.

The purpose of this evaluation plan is to make further refinements in the assessment of the actual, on-the-road experience of automobiles with automatic restraints as the Standard takes effect. Also, should unexpected problems occur with particular cars equipped with automatic restraints, the evaluation plan will enable NHTSA and the auto makers to become aware of them promptly and to take remedial action. This could also encourage foreign car manufacturers to increase the variety of automatic restraint system designs available to the American public. If consumers have a choice of restraint systems, and have the information developed in the evaluation available, they are more likely to make a choice of systems that will give them the best protection. The primary objectives of this evaluation are:

- To measure the actual overall effectiveness of automatic restraints in reducing fatalities and injuries in highway crashes.
- To observe the operational characteristics of restraint systems on the road and their effectiveness in specific crash situations.
- To assess the public acceptance and utilization of automatic restraints.
- To assess the industrial consequences of the Standard.
- To perform a cost analysis of the Standard, including manufacturing, repair, and replacement, and to analyze insurance savings, etc.

These 5 general objectives subsume a larger number of specific questions. NHTSA formulated 30 individual evaluation questions and ranked them by priority. The questions that have the highest priority are:

- What is the fatality reducing effectiveness of the various production automatic restraint systems?
- What is the injury reducing effectiveness of the various production automatic restraint systems?
- What are the attitudes of the general public and of new car buyers toward the Standard?
- What injuries do people in crashes receive with automatic restraints? How do they compare with injuries that would have occurred if the occupants had been unrestrained?
- Are there any instances of automatic restraint malfunctions in crashes?
- Are there any instances of automatic restraint malfunctions during normal vehicle operations?
- What other automatic restraint system malfunctions occur? How frequent are the malfunctions and what are their causes?
- What is the sales mix of air bags and automatic belts?
- What is the automatic belt usage rate?
- How effective are automatic restraints as a function of automobile size?

The questions next in priority are the following:

- What is the frequency of air bag deployment in crashes? What types of crashes cause deployments?
- What is the casualty reducing effectiveness of automatic restraints at various levels of crash severity? At various directions of crash force?
- How effective are restraints in exceptional crash situations, such as with occupants of unusual size, with occupants who are not in the normal seating position, or under extreme operating conditions?
- How are undeployed air bags disposed of when vehicles are scrapped? Do vehicle disposal techniques pose any health or environmental hazards?
- How comfortable and convenient are various production automatic belt systems relative to one another?
- What is the cost of automatic restraints?
- What is the cost of replacing automatic belts or air bags deployed in crashes? To what extent is it paid by insurance companies?
- What is the effect of the Standard on insurance costs?
- What product liability claims are made relating to automatic restraints?
- Are product liability claims generally reduced as a result of automatic restraints?

The remaining questions are lower in priority, but should be addressed to the extent that resources permit:

- What crash injuries do users of the various automatic restraint systems experience?
- Is there a difference in the effectiveness of automatic restraints by seating position (i.e., driver, right front, center front)?
- How are various production automatic belts disconnected or otherwise not used? What are the reasons for disconnecting or not using them?
- How often are deployed air bags not replaced in cars that are crashed and later repaired?
- How often are malfunctioning restraint systems left unrepaired?
- How does the standard affect consumers' car buying habits?
- How does the Standard affect manufacturers' decisions on automotive design, production and marketing?
- What is the effect of NHSTA public information programs on restraint purchase and usage?
- What, if any, is the cost of routine maintenance of restraints?
- What is the cost of repairing malfunctioning restraint systems?
- What is the economic impact of the Standard on restraint system suppliers?

The NHTSA evaluation plan consists of 14 projects that will be scheduled to provide timely and reliable results on each of the evaluation questions, especially on the high-priority questions. The projects involve such disciplines as accident investigation and analysis, economic analysis and consumer surveys. NHTSA considers the plan to be feasible and consistent with potentially available resources. The specific projects are:

- National Accident Sampling System data collection and analysis
- Fatal Accident Reporting System data analysis
- State accident data analysis
- In-depth accident investigation and clinical analysis
- Analysis of reports to NHTSA's "Auto Safety Hotline"
- Analysis of information from auto manufacturers and restraint system suppliers
- Analysis of new car registration data
- Analysis of on-the-road belt usage observations
- New car owner survey
- Public survey
- Controlled tests of automatic belt comfort and convenience
- Cost and weight study based on component teardown of production restraint systems
- Analysis of auto repair manual data to determine the number of restraint system replacements, and repair jobs
- Analysis of insurance cost data

In addition to these specific evaluation projects, NHTSA has six ongoing programs that pertain to Standard 208:

- Industry monitoring activities
- Research, development and testing of occupant crash protection
- Safety belt usage stimulation
- Automobile crashworthiness ratings
- Defects investigation
- Standards enforcement

While these programs are not part of the evaluation plan per se, they will contribute useful data to the evaluation effort. In turn, the evaluation findings will play a role in shaping the future course of these programs.

The anticipated completion milestones—the dates when interim or summary reports dealing with an evaluation question can be prepared—are sensitive, to some extent, to factors outside of NHTSA's control, such as the auto makers' production plans and the sales mix of air bags and automatic belts. These factors could advance or delay the completion of some of the analyses by as much as a year. The following, however, is a year-by-year list of likely evaluation accomplishments during the period from calendar year 1980 through year 1986:

1980

- Initial estimates of automatic belt fatality and injury reduction
- Continuing in-depth investigation of selected accidents involving cars with automatic restraints
- Collection of production and sales information

1981

- Initial estimate of manufacturing cost of automatic restraint systems
- Collection of initial insurance cost information

1982

- Initial estimates of air bag fatality and injury reduction
- Initial public survey on consumer attitudes towards the Standard
- First study of on-the-road usage of automatic belts in post-Standard cars
- Refinement of estimates of the manufacturing cost of automatic restraints
- First report on product liability claims experience

1983

- Refined estimates of injury and fatality reduction
- Report on restraint-malfunctions and types of injuries with automatic restraints
- Estimate of air bag deployment rate
- Initial report of owner survey results—restraint malfunction and repair, restraint disconnection, public attitude toward automatic restraints
- Initial estimate of automatic restraint replacement rate

1984

- Updated estimates of effectiveness
- Summary report on manufacturing cost of automatic restraints
- Summary report on product liability claims experience
- Summary report on belt comfort and convenience

1985

- Summary report on effectiveness—overall, by car size, and in specific crash modes
- Summary report on restraint malfunctions and types of injuries with automatic restraints
- Summary report on automatic belt usage
- Summary report on owner survey results

1986

- Summary report on insurance cost reduction due to the Standard

NHTSA proposes to issue evaluation progress reports on an approximately semi-annual basis during 1980–86. The reports will summarize the results of the evaluation projects and present additional pertinent statistical, engineering and economic analyses.

The NHTSA plan should make it possible to obtain major results on most of the evaluation questions in 1982 or 1983—i.e., within one or two years of the effective date of the Standard.

NHTSA's preliminary projection is that the evaluation may cost a total of $11 to $17 million, spread over a 6-year period (1981–86). The higher cost figure includes a major modification of State accident data systems that may be needed to measure injury reduction adequately. The evaluation will also require an in-house effort totalling approximately 50 person-years, spread over a 6-year period.

NHTSA welcomes public review and comments on the proposed plan. We look forward to public, governmental and industry participation in the evaluation projects.

(Secs. 103, 112, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50)

Issued on October 16, 1979.

Joan Claybrook,

Administrator.

[FR Doc. 79-32556 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 44, No. 205
Monday, October 22, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Official Agency Designation of the Denver Grain Exchange Association, Inc., Commerce City, Colo., and Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the designation of the Denver Grain Exchange Association, Inc., Commerce City, Colorado, as an official agency to perform official inspection services under the authority of the United States Grain Standards Act, as amended. This notice also proposes a geographic area within which that agency will operate.

DATE: Comments to be postmarked on or before December 6, 1979.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8262.

SUPPLEMENTARY INFORMATION: Denver Grain Exchange Association, Inc. (the "Agency"), 620 Brighton Boulevard, Commerce City, Colorado 80022, made application pursuant to Section 7 of the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), to be officially designated under the Act, to perform official inspection services, not including official weighing.

The Federal Grain Inspection Service (FGIS) has conducted the required investigation of the Agency which included an onsite review of its inspection point (hereinafter "specified service point") and the Agency was deemed eligible for designation to perform official inspection services (other than appeal inspection), not including official weighing. A document designating the Agency as an official agency was signed on February 1, 1979. The Agency is responsible for providing official grain inspection functions under the Act, replacing those official grain inspection functions previously provided by the Denver Grain Exchange, Commerce City, Colorado. The designation also included an interim assignment of geographic area within which the official Agency will provide official inspection services.

Note.—Section 7(f)(2) of the Act provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

The geographic area assigned on an interim basis pending final determination in this matter is:

The entire State of Colorado.

In Nebraska, the area shall be:

Bounded: On the North by the northern Scotts Bluff County line and the northern Morrill County line east to Highway 385;

Bounded: On the East from the northern Morrill County line south along Highway 385 to the northern Cheyenne County line; the northern and eastern Cheyenne County lines; the northern and eastern Deuel County lines;

Bounded: On the South by the southern Deuel, Cheyenne, and Kimball County lines; and

Bounded: On the West by the western Kimball, Banner, and Scotts Bluff County lines.

In Wyoming, the counties of Goshen and Platte.

In addition, the following locations which are outside of the foregoing contiguous geographic area and are to be serviced by the Agency shall be considered as part of the Agency's geographic area: Albin Elevator, Albin; Farmers Coop, Burns; Carpenter Elevator, Carpenter; Pillsbury Company, Egbert; and Pine Bluffs Feed & Grain, Pine Bluffs, all in Laramie County, Wyoming.

Exceptions to this geographic area are the following locations situated inside the Agency's area which have been and will continue to be serviced by Hastings Grain Inspection, Inc., Hastings, Nebraska: Farmers Coop and Dayton Dorn Grain Company, Big Springs, Nebraska, in Deuel County.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located.

In addition to the specified service point within the geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain the address of the specified service point and a map of the proposed geographic area for the Agency from the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8525.

Publications of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

This Agency has been performing official inspection services within the proposed geographic area since February 1979. The boundaries thereof are known by persons affected, do not impose significant new restrictions or obligations, and have limited public effect. Therefore, the comment period shall be limited to 45 days.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to this Agency. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250. All materials must be postmarked not later than December 6, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 127(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made.

(Secs. 8, 9, 27, Pub. L. 94-582, 90 Stat. 2870, 2875, 2889 (7 U.S.C. 79, 79a, 74 note).)

Done in Washington, D.C., on October 17, 1979.

L. E. Bartelt,
Administrator.

[FR Doc. 79-32450 Filed 10-19-79; 8:45 am]
BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

[Docket No. 32851; Agreement CAB 1175, as amended; Order 79-10-87]

Agreements Adopted by the International Air Transport Association Relating to the Traffic Conferences; Procedural Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of October 1979.

The International Air Transport Association (IATA) and other parties, have requested that the staff or Board members hold a pre-hearing conference to discuss the procedural format for the legislative hearing.[1] We accede to their requests, and will hold a pre-hearing conference at the Board, in Room 1027, on Thursday, October 18, at 2:00 p.m.[2] The prehearing conference will be conducted by Chairman Cohen. Representatives of any party to this proceeding may attend the conference and raise relevant questions concerning the rules which we have adopted to govern the hearing. It would be helpful for those attending to submit written statements of the questions they wish to raise.

We are altering the witness panels listed in Appendix A to Order 79-10-63 to this extent: Mr. Claude Taylor and Mr. John deWolf of Air Canada will now testify on October 23 rather than October 24, and Dr. Nawal Taneja will testify on October 24 instead of October 23.

Accordingly,

1. We will hold a pre-hearing conference to discuss procedural isses at the Board on Thursday, October 18, at 2:00 p.m., in Room 1027;[3]

2. Any party to this proceeding may participate in the pre-hearing conference; and

3. Mr. Claude Taylor and Mr. John deWolf of Air Canada will now testify on October 23, and Dr. Nawal Taneja will now testify on October 24.

4. The Chairman is authorized on behalf of the Board to rule on the procedural issues raised at the conference.

This Order shall be served on all parties who have previously filed in this docket and shall be published in the **Federal Register.**

[1] On September 25, 1979, IATA filed a motion for a procedural conference. Air Canada has filed an answer in support of that motion.

[2] 1825 Connecticut Avenue, NW. Washington, D.C.

[3] Because the legislative hearing is being held next week, we have had to announce this conference on less than seven days notice.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[4]

Secretary.

[FR Doc. 79-32552 Filed 10-19-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 36442]

Chicago-Madison Subpart Q Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (79-10-88), Chicago-Madison Subpart Q Proceeding, Docket 36442.

SUMMARY: The Board is proposing to award nonstop air route authority between Chicago and Madison to Ozark Airlines under the expedited procedures of Subpart Q of its Procedural Regulations. The application involves the removal of a certificate restriction in the market. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by November 19, 1979, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 36442, which we have entitled the *Chicago-Madison Subpart Q Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Ozark Air Lines; Dept. of Aviation, Chicago, Ill.; Manager Dane County Regional Airport; Greater Rockford Airport Authority; Illinois Division of Aeronautics; Wisconsin Bureau of Aeronautics; Mayors of Chicago, Rockford and Madison, and Governors of Illinois and Wisconsin.

FOR FURTHER INFORMATION CONTACT: Gerard N. Boller, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5330.

SUPPLEMENTARY INFORMATION: The complete text of Order 79-10-88 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79-10-88 to that address.

[4] All Members concurred.

By the Civil Aeronautics Board: October 16, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-32551 Filed 10-19-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-10-92; Docket No. 36243]

Sky West's Temporary Subsidy Rate

AGENCY: Civil Aeronautics Board.

ACTION: Summary of Order 79-10-92 which proposes to establish Sky West's temporary subsidy rate at $197,345 annually from June 1, 1979, through May 31, 1982, inclusive, Docket 36243.

SUMMARY: On July 31, 1979, Sky West petitioned the Board to establish its subsidy rates on both a temporary and final basis. In support of its request, Sky West stated that subsidy was necessary to provide adequate service to its two eligible points—Cedar City, Utah, and Page, Arizona. The adopted order tentatively provides Sky West with some relief, pending the setting of a final rate at a later date.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson or James M. Craun, Jr., Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5368.

The complete text of Order 79-10-92 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW, Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-10-92 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: October 16, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-32553 Filed 10-19-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

University of Pennsylvania School of Medicine, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-

651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before November 13, 1979.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 735 at 666–11th Street N.W. Washington, D.C.

Docket No. 79–00417. Applicant: University of Pennsylvania School of Medicine, 454 Johnson Pavilion/G2, 36th and Hamilton Walk, Philadelphia, Pennsylvania 19104. Article: LKB 2128–010 Ultrotone IV Ultramicrotome and Accessories. Manufacture: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for sectioning biological materials that have been embedded in epoxy. Especially import are studies using monolayers of normal and neoplastic cells. These studies will be conducted to further basic knowledge of the cellular pathways of toxins and growth factors. The article will also be used to teach electron microscopy techniques to pre- and post-doctoral students in Neuropatholoy and physicians who specialize in neuropathology. Application received by Commissioner of Customs: September 19, 1979.

Docket No. 79–00418. Applicant: U.S. Department of Health, Education, and Welfare Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205. Article: Calibrator, 20 microvolts. Manufacturer: Covington Computer Systems, Canada. Intended use of article: The article is intended to be used for studies of human patients with neurological diseases affecting the movements of their eyes (patients who have such diseases as Parkinson's disease, Progressive supranuclear palsy, Gaucher's disease). The objectives of the investigations is to provide information which may be useful in the diagnosis of certain diseases, and in the study of the mechanisms of action of these diseases. Application received by Commissioner of Customs: September 19, 1979.

Docket No. 79–00419. Applicant: The Pennsylvania State University, Department of Chemistry, Whitmore Laboratory, University Park, PA 16802. Article: NMR Spectrometer System, Model WP–200 with Aspect 2000–i Data System and Accessories. Manufacturer: Bruker Instruments Inc., West Germany. Intended use of article: The article is intended to be used for the measurement of ^{13}C spin lattice relaxation times. For example, determination of the relaxation times of fully substituted carbon atoms in organic molecules provides a means of determining certain atoms in organic molecules provides a means of determining certain internuclear distances. In addition, the article will be used in the direct study of ^{13}C labelled substrates, inhibitors, cofactors, and effectors bound to enzymes in low concentrations. Application received by Commissioner of Customs: September 19, 1979.

Docket No. 79–00420. Applicant: Purdue University, FREH Bldg., W. Lafayette, IN 47907. Article: Electron Microscope Accessories consisting of Specimen Cooling Holder, Heating Holder and Power Control Unit. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for a wide range of research projects including: the study of crystallographic aspects in solid eletrolytes of beta alumina-type compounds, a study related to the understanding and control of the polytypical behavior in silicon carbide and related materials, studies involving multiply periodic structures of compounds of Magneli phases and materials such as TaS_2, $TaSe_2$, $NbSe_2$, $TiSe_2$, and $LaGe_2$. Other studies involving geological samples include research on sulfide minerals for which transmission electron microscopy would allow the identification of inversion mechanism, twinning faults, analysis of small grain inclusions, and the ability to have sufficient resolution to observe effects of ion omission in minerals. Further geological studies will include the mechanism and kinetics of exsolution in pyroxenes where high analytical capabilities are needed to determine coherent phase boundaries. Application received by Commissioner of Customs: September 27, 1979.

Docket No. 79–00422. Applicant: Sidney Farber Cancer Institute, 44 Binney Street, Boston, Mass. 02115. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in research involving the study of the structure of various molecules such as nucleic acids (DNA and RNA), proteins, and ultrastructural features of eucaryotic cells like mitochondria, chloroplasts, centrioles virus particles etc. The objectives of the research are to investigate various aspects of the metabolism and growth of viruses, macromolecular aspects of genetic processes and factors involved in the control of cellular growth. All of this research is cancer related. Application received by Commissioner of Customs: September 19, 1979.

Docket No. 79–000423. Applicant: University of California, UCD Nuclear Magnetic Resonance Facility, Davis, California 95616.Article: 8.5 Telsa Superconducting NMR Magnet and Accessories. Manufacturer: Oxford Instruments Ltd., United Kingdom. Intended use of article: The article is intended to be used to conduct high resolution nuclear magnetic resonance (NMR) studies, with the emphasis to be on proton NMR of molecules of biological importance. Studies to be pursued include molecule identification, molecular structure and conformation investigations, studies of molecular motion, and investigations of tertiary structure of peptides and proteins. Application received by Commissioner of Customs: September 19, 1979.

Docket No. 79–00424. Applicant: Electric Power Research Institute, Inc., 3412 Hillview Avenue, P.O. Box 10412, Palo Alto, CA 94303. Article: UNIWEMA 400 Machine and Accessories. Manufacturer: Kabelmetal of Hanover, West Germany. Intended use of article: The article will be used in the project "Flexible Ga-Insulated Metal-Enclosed Transmission System Design" in which new areas of research and development of gas-insulated transmission lines will be undertaken. If successful the use and economic impact of gas-insulated transmission lines will be broadened. The project will involve the study of manufacturing procedures, metal properties and raw material availability for a corrugated metal enclosure. Other work will be directed at the design of a flexible conductor and insulated spacers to support the conductor in the corrugated enclosure. Corrosion, gas dielectric and installation studies will conclude the analytical and designed portion of the development program. Application received by Commissioner of Customs: September 19, 1979.

Docket No. 79–00427. Applicant: Mallory Institute of Pathology Foundation, 784 Massachusetts Ave., Boston, Mass. 02118. Article: LKB 14800–3 Cryokit complete. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of radioactive lung samples from experimental animals. Samples 1mm cube will be frozen and

sectioned very thinly for examination in the electron microscope. Experiments will consist of instillation of radioactive drugs into the trachea of hamster to discover the route of drug absorption and clearance in the trachea and lung. Application received by Commissioner of Customs: September 19, 1979.

Docket No. 79–00428. Applicant: University of Notre Dame, South Bend Center for Medical Education, 22 Hagger Hall, Notre Dame, IN 46556. Article: Ultramicrotome, Model LKB 2128–010 and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural studies on normal and pathological animal central nervous system tissues as well as normal and pathological fish gills. Investigations will also include studies of the development and regeneration of the nervous system and the localization of biochemical events by means of ultrastructual autoradiography. The subcellular changes in cells of the nervous system induced by changes in their biochemical and physical environments will also be studied. In addition, the article will be used from time to time in the training of graduate and medical students in the use and application of electron microscopy and ultramicrotomy to anatomical and biochemical research problems. Application received by Commissioner of Customs: September 19, 1979.

Docket No. 79–00429. Applicant: University of Iowa, Iowa City, Iowa 52242. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of the replication of yeast DNA molecules, and the binding of RNA polymerase to bacteriophage DNA and cell-to-cell interactions in the formation of embryonic tissues in both insects and vertebrates. The experiments to be conducted will include the following:

(1) Promoter function in bacteriophage.

(2) Eucaryotic chromosomal and mitochondrial DNA replication.

(3) Vertebrate limb chondrogenesis and neural fold defects.

(4) Control of insect reproduction and development.

In addition, the article will be used in a course entitled "Introduction to Electron Optical Research Techniques" to provide hands on training in electron microscopy for graduate students and professional staff who plan to use electron microscopy in their research. Application received by Commissioner of Custom: September 19, 1979.

Docket No. 79–00430. Applicant: HEW, PHS, Center for Disease Control, 255 East Paces Ferry Road, NE., Atlanta, GA 30305. Article: Scanning Microdensitometer, Model M85. Manufacturer: Vickers Instruments Ltd., United Kingdom. Intended use of article: The article is intended to be used to quantitate histochemical reactions, biochemical products, and physical characterics of single fixed cells. Specifically, the article will be used in several hemotology studies including the following:

1. Determination of the DNA content of Feulgen stained cells,
2. Determinations of the Hb content per red cell,
3. Autoradiographic analyses,
4. Histochemical techniques, and
5. Accurate cell size determinations.

Application received by Commissioner of Customs: September 19, 1979.

Docket No. 79–00431. Applicant: Uniformed Services University of the Health Sciences, School of Medicine, 4301 Jones Bridge Rd., Bethesda, Md. 20014. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for high resolution studies of negatively stained preparations, analysis of intramembranous particles in freeze preparations, and high resolution studies of thin sections of biological materials embedded in plastic. The research projects will include the following:

1. Analysis of interaction of glial cells around surface of cell body of injured neurons during postnatal development.
2. Visualization of both single and double stranded DNA and RNA molecules.
3. Visualization of nucleic acid-protein interactions in bacterial and animal virus systems.
4. Direct genetic mapping of the Herpex simple virus genome using "R-loop" DNA-mRNA hybridization techniques.
5. Quantitative and qualitative studies of cells of connective tissue origin in the brain ventricular system.
6. Analysis of synaptic distribution in developing and mature CNS.
7. Basal membrane biosynthesis in the lens.

The article will also be used extensively in graduate school courses which include an interdepartmental laboratory course on electron microscopic techniques, a course on ultrastructure of the central nervous system and elective tutorial courses in special projects in transmission electron microscopy. Application received by Commissioner of Customs: September 18, 1979.

Docket No. 79–00432. Applicant: Solar Energy Research Institute, 1536 Cole Boulevard, Golden, CO 80401. Article: Surface Analysis System, Model LHS–10. Manufacturer: Leybold-Heraeus GmbH&Co., West Germany. Intended use of article: The article is intended to be used to determine the elemental composition and structural arrangements of the surface layers of surfaces, thin films, and interfaces of various elements and organic and inorganic compounds as part of a program to improve the lifetime and reliability of solar energy materials. Experiments to be conducted include preparation and reaction of materials in selected atmospheres followed by study using four different surface analysis techniques. Application received by Commissioner of Customs: September 19, 1979.

Docket No. 79–00433. Applicant: University of Alabama in Birmingham, University Station, Birmingham, Alabama 35294. Article: LKB 2088 Ultrotome V Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section human and animal tissues such as enamel, dentin, bone, tumors and soft tissues of oral cavity which have been embedded in hardened epoxy resins for examination by electron microscopy. One research project will involve the investigation of ultrastructure and cytochemistry of leukocyte growth and division in normal and pathological conditions with the following objectives: 1) to determine the location and function of complex carbohydrates in leukocyte lysosomal granules; 2) to characterize dysgranulopoietic conditions in congenital neutropenia and 3) to identify abnormalities of granulogenesis in leukemia granulocytes. Another project is the investigation of the ultrastructure and cytochemistry of iron and lead metabolism with the following objectives: 1) to develop cytochemical and autoradiographic techniques for the ultrastructural identification of iron and lead; 2) to identify mechanisms for normal and pathologic deposition of tissue iron and lead; 3) to determine the subcellular location of iron release from transferrin and 4) to determine the pathway and mechanism of iron and lead uptake in duodenal absorptive cells. The article is also to be used in the courses entitled "Selected topics in Physiology related to dental research" and "Special topics in Biomaterials" and post-doctoral training programs in

Caries Research and applicants in Pathology. The course will involve a study of general principles of techniques and the use of the electron microscope to study the fine structure of cells and various subcellular organelles and the employment of cytochemical staining methods to localize various enzymes. Application received by Commissioner of Customs: September 19, 1979.

Docket No. 79-00437. Applicant: Baltimore City Hospital, 4940 Eastern Avenue, Baltimore, Maryland 21224. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of renal biopsies at the ultrastructural level with two interrelated purposes in mind: 1) immediate clinical diagnosis of the renal disease responsible for the clinical symtomatology; 2) long term correlation of ultrastructural studied of a series of cases with light, immunofluorescence and clinical data to determine which ultrastructural criteria are best correlated with diagnosis and prognosis. Poorly differentiated tumors will be studies by electron microscopy for the prescence of such subcellular organelles as neurosecretory granules, melanosomes, tonofibrils and tight junctions, etc. which allow accurate clinical diagnosis to be made. Studies will also be conducted on surgical specimens of tumors with the interest of identifying subcellular markers for prediction of response to therapy and selection of drugs for maximum therapeutic effect. Application received by Commissioner of Customs: September 19, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-32422 Filed 10-19-79; 8:45 am]

BILLING CODE 3510-22-M

University of Rochester; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666—11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00278.

Applicant: University of Rochester, 250 East River Road, Rochester, New York 14623. Article: S-1 Streak Image Tube. Manufacturer: Hadland Photonics Ltd., United Kingdom. Intended use of article: The article is intended to be used to study the feasibility of hearing targets with a pulsed high laser to produce thermonuclear reactions.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a warranty replacement part for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar part being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-32423 Filed 10-19-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Revised NOAA Directive Implementing the National Environmental Policy Act and Executive Order No. 12114

AGENCY: National Oceanic and Atmospheric Administration U.S. Department of Commerce.

ACTION: Notice of revised NOAA Directive.

SUMMARY: This notice presents for public review revised NOAA Directive 02-10 implementing the National Environmental Policy Act (NEPA), in compliance with § 1507.3 of the regulations of the Council on Environmental Quality (CEQ) promulgated November 29, 1978 in 43 FR 55978. The revised directive is also intended to implement the provisions of Executive Order No. 12114, signed by the President on January 4, 1979. This revised directive will be effective for all NOAA components upon publication of this notice. The revised directive is, however, subject to change before final adoption, based on comments received during the review period. Subsequent to public review of the revised directive, a final directive will be filed with CEQ and published in the **Federal Register**. Since the final directive will be an internal directive in the NOAA Directives Manual, the criteria and procedures established by NOAA to implement Executive Order No. 12044, "Improving Government Regulations," are not applicable.

COMMENT DATE: Comments should be in written form and be received no later than November 21, 1979, by: Dr. Richard L. Lehman, Director, Ecology and Conservation Office, National Oceanic and Atmospheric Administration, Room 5813, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230, Attention: Environmental procedures.

FURTHER INFORMATION: For further information, contact Dr. Richard L. Lehman, same address as above, telephone: (202) 377-5181.

Dated: October 11, 1979.

M. P. Snidero,

Acting Deputy Assistant Administrator for Administration.

02-10 Environmental Review Procedures

Section

1. Purpose
2. Effect on Other Instructions
3. References and Background
4. Applying Procedures Early in the Process
5. When to Prepare an Environmental Assessment
6. Whether to Prepare an Environmental Impact Statement (EIS)
7. Scoping
8. EIS Preparation
9. Comments on Other Agencies' EIS's
10. Integration of NEPA and E.O. 12114 into the NOAA Decisionmaking Process
11. Predecision Referrals to CEQ
12. International Scope of Environmental Reviews
13. Public Involvement

Appendices: NOAA Decision Process Outlines I through IX

1. *Purpose*—This directive establishes policies and procedures for environmental review processes conducted by NOAA, to implement the National Environmental Policy Act, to further its purpose with respect to the environment outside the United States, and to conform to the regulations issued by the Council on Environmental Quality (CEQ), 43 FR 55978 (November 29, 1978), the Department of Commerce, Department Administrative Order 216-6 (Proposed), 44 FR 54392 (September 19, 1979) (DOA 216-6), and Executive Order No. 12114 on Environmental Effects

Abroad of Major Federal Actions, 44 FR 1957 (January 9, 1979).

The CEQ Regulations and DAO 216-6 are hereby incorporated into the NOAA Directives Manual; section citations, except as otherwise noted, are to the CEQ regulations. This directive outlines the procedures contained in the CEQ regulations and DAO 216-6, emphasizes those sections new to our operations, and contains procedures and policies specific to NOAA.

2. *Effect on Other Instructions*—This directive supersedes NOAA Directives Manual 02-10 dated 1/17/79.

3. *References and Background*

a. National Environmental Policy Act of 1969, 42 U.S.C. 4321-4347 (NEPA).

b. CEQ, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR Parts 1500-1508, November 1978 (CEQ Regulations).

c. Executive Order No. 12114, Environmental Effects Abroad of Major Federal Actions, 44 FR 1957 (January 9, 1979).

d. Department Administrative Order 216-6 (Proposed), 44 FR 54329 (September 19, 1979).

e. NOAA Administrator's Letter No. (April 3, 1978).

f. Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 *et seq.* (CZMA).

g. Fishery Conservation and Management Act of 1976, as amended 16 U.S.C. 1801 *et seq.* (FCMA).

h. Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. 1361 *et seq.*, (MMPA).

i. Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*, (ESA).

4. Applying Procedures Early in the Process

a. A review of the potential environmental consequences of any proposed action shall be undertaken by the responsible program manager of a NOAA Major Line Component (MLC) as soon as possible in the planning process. Early consultation with the Office of Policy and Planning through the Director of the Ecology and Conservation Office (EC) will enable MLC's to determine whether and at what time an environmental document should be prepared. Offices proposing to conduct research should also consult with the Director, EC, on the necessity of preparing an environmental document when it appears that such research may itself have environmental impacts or predetermine the nature of future actions that would have such impacts.

The term "environmental document" includes those documents listed in section 1508.10, and those documents listed in Sec. 12.b(2) of this directive.

b. In those cases where actions are planned by Federal or non-Federal agency applicants prior to NOAA involvement, the NEPA coordinator for the appropriate MLC will, upon request, supply potential applicants with written guidance on the scope, timing and content of environmental documents required by NOAA. Types of actions initiated by private applicants or other governmental entites for which NOAA involvement is foreseeable include:

Program	Applicant	NOAA contact
Coastal Zone Management Programs (Sec. 306, CZMA)	Coastal States, Territories and Commonwealths.	NEPA Compliance Unit, OCZM.
Marine Sanctuaries (Title III, MPRSA)	States, private individuals and organizations.	NEPA Compliance Unit, OCZM.
Estuarine Sanctuaries and Beach Access Acquisition (Sec. 315, CZMA).	States	NEPA Complaince Unit, OCZM.
Fishery Management Plans (Sec. 305, FCMA)	Regional Fishery Management Councils.	NEPA Coordinator, NMFS.
Regulations, Permits and Waivers under the MMPA (Secs. 101(a)(2), 101(a)(3), 103, and 104, MMPA).	Private parties, scientific institutions and commercial fishermen.	Office of Marine Mammals and Endangered Species, NMFS.
Coastal Energy Impact Program (Sec. 308, CZMA)	Coastal States and local governments.	NEPA Compliance Unit, OCZM.

c. MLC's should inform the Director, EC, when their involvement in a proposal initiated by State and local agencies and Indian tribes is reasonably foreseeable. The Director, EC, will inform MLC's of any such proposals that come to his or her attention.

d. MLC's shall consult with the Director, EC, before communicating with other Federal agencies or governmental entities regarding whether and to what extent NOAA will foreseeably become engaged in actions proposed by such agencies or in the preparation of environmental documents initiated by such agencies.

e. MLC's, in consultation with the Director, EC, shall determine which MLC will be responsible for the preparation of any environmental document required by this directive and to what extent other MLC's should participate in developing such documents.

5. When To Prepare an Environmental Assessment

a. Program managers are encouraged to prepare an Environmental Assessment (EA) any time such a formulation of environmental concerns would advance NOAA planning. If an EA is prepared, it should accompany the proposal through all stages in the decisionmaking process.

b. An EA "shall include brief discussions of the need for the proposal, of alternatives * * *, of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted". (Sec. 1508.9(b).)

c. EA's are normally required for actions classified in Section 6(b) of this directive. An EA need not be prepared for proposed actions which require the preparation of an environmental impact statement (Sec. 6(a)), or those categorically excluded from the NEPA process (Sec. 6(c)).

6. Whether To Prepare an Environmental Impact Statement

a. Actions Which Normally Require an Environmental Impact Statement

Preparation of an Environmental Impact Statement (EIS) is normally required for any major action that will have a significant impact on the quality of the human environment. These actions include, but are not restricted to:

(1) Actions initially adopting and implementing natural resource management plans, programs or policies, such as Coastal Zone Management Programs; Designations of Marine Sanctuaries; Fishery Management Plans; waivers of the moratorium on taking of marine mammals issued pursuant to Sec. 101(a)(3) of the MMPA; and issuance of regulations for the incidental taking of marine mammals in commercial fishing under Secs. 101(a)(2) and 103 of the MMPA.

(2) Research projects and activities when:

a. Research is to be conducted in the natural environment on a scale at which substantial air masses are manipulated (e.g., cloud seeding experiments), substantial amounts of mineral resources are disturbed (e.g., experiments to improve ocean sand mining technology), or substantial

volumes of water are moved (e.g., artificial upwelling studies), or substantial amounts of wildlife habitats are disturbed;

b. Either the conduct of or the reasonably foreseeable consequences of a research activity would have a significant impact on the quality of the human environment;

c. Research is intended to form the basis for development of future project which would be considered major actions significantly affecting the environment under this directive; or

d. Research involves the use of highly toxic agents, pathogens, or non-native species in open systems.

(3) Federal plans, studies or reports prepared by NOAA that would likely determine the nature of future major actions to be undertaken by NOAA or other Federal agencies that would significantly affect the quality of the human environment.

(4) Proposals for legislation, as defined in Sec. 1508.17, which require the preparation of a legislative EIS in accordance with Sec. 1506.8 and section 4.02(j) of DAO 216–6.

b. Actions Which Normally Require EA's But Not Necessarily EIS's

The following actions will normally require preparation of an EA. If the EA reveals that the action will have significant environmental impacts, preparation of an EIS is required. Otherwise, a finding of no significant impact may be prepared and attached to or integrated with the EA, as specified below.

(1) Major amendments to actions for which an EIS has already been published, such as amendments to Coastal Zone Management Programs and Fishery Management Plans, where the amendment will result in impacts which differ significantly in context or intensity form those described in the EIS previously published on the action.

(2) Awards of grants, loans, and loan guarantees for land acquisition or construction, such as those administered under the Coastal Energy Impact Program (CEIP), where such actions may result in significant direct or cumulative environmental impacts.

(3) Listing a species and designating a critical habitat under the ESA, designating a species as depleted under the MMPA, and adopting protective regulations under the ESA or MMPA.

(4) Acquisition, construction, or modification of new facilities budgeted by NOAA or major relocations of NOAA personnel undertaken for programmatic reasons.

(5) Other actions, including research, that may have significant environmental impacts.

(6) Proposals for Legislation, as defined in Section 1508.17.

If the appropriate Assistant Administrator determines, based upon the EA, that the proposal will not significantly affect the quality of the human environment, a finding of no significant impact shall be prepared, briefly stating the reasons for this finding. This document shall be attached to or incorporated with the EA and, accompanied by a public distribution list, will be forwarded to the Director, EC, for NOAA concurrence. The Director, EC, will transmit the combined documents to the Deputy Assistant Secretary of Commerce for Environmental Affairs (DAS), EPA (Office of Environmental Review), other interested Government agencies, and the public.

The EA and the finding of no significant impact must be made available to the public before the actions described therein may begin. In certain circumstances, the Director, EC, in consultation with the affected MLC, may require that the proposed action not be taken until 30 days after the finding of no significant impact has been made available for public review. These circumstances include those mentioned in Sec. 1501.4[e][2] (*i.e.*, that the action is similar to one that would normally require an EIS, or is without precedent), as well as circumstances where significant reservations based on environmental concerns have been expressed by consulting agencies or the public.

c. Categorical Exclusions

The following categories of actions do not normally have a significant effect on the human environment that would require preparation of an environmental document. Neither an EA nor an EIS is required for these actions, except as specified in paragraph 7 below.

(1) Amendments to actions within the scope of the major action described in a previously published EIS. Such actions may not alter the context or intensity of impacts described in the original EIS. These actions include but are not limited to:

(a) Extension of the time in effect of the major action, e.g., a Preliminary Fishery Management Plan, when there would not be a change in the environmental consequences of its implementation;

(b) Incorporation into a Coastal Zone Management Plan of State-proposed additional provisions that are consistent with the management objectives and are within the scope of the program for which an EIS or EA has already been issued (as, for example, amendments to implementing regulations or approval of local coastal programs);

(c) Funding of a proposal for which an EIS has already been prepared by another Federal agency; and

(d) Funding of a proposal conditioned upon obtaining required permits issued pursuant to the requirements of NEPA.

(2) Preproposal actions. A "proposal" exists at that stage in the development of an action when an agency subject to NEPA has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated. (Sec. 1508.23.)

(3) Programmatic functions with no potential for significant environmental impacts. The following NOAA programmatic functions are generally exempt from the environmental documentation requirements of NEPA: routine experimental procedures; minor adjustments to program plans and budgets; mapping, charting and surveying services; ship support; fisheries financial support services; basic research in ocean engineering, including development and calibrations of oceanographic instrumentation; grants to educational institutions under the Sea Grant program unless they provide for research of the type described in Sec. 6(a)(2) above; enforcement operations; basic environmental services, such as weather observation, communications, analysis and predictions; environmental satellite services; environmental data and information services; air quality observations and analysis; support of international global atmospheric and Great Lakes research programs; disbursements under the Fishing Vessel and Gear Damage Compensation Fund and the Fishermen's Contingency Fund; executive direction; administrative services; and administrative support of the National Advisory Committee on Oceans and Atmosphere.

(4) Promulgation of regulations regarding procedures and criteria for adoption of natural resource management plans, programs, or policies and related implementing regulations, including but not limited to, Coastal Zone Management Programs; Fishery Management Plans; regulations and waivers issued pursuant to Secs. 101(a)(2), 101(a)(3) and 103 of the MMPA; and the listing of species and designation of critical habitat pursuant to the ESA, when an EA or EIS will be prepared for specific actions to be taken pursuant to such regulations.

(5) Permits for scientific research and public display under the MMPA, grants under the MMPA, return of management of marine mammals to States under the MMPA where no waiver of the moratorium is involved, permits for scientific research propagation and hardship under the ESA, and comments and opinions made on other agencies' activities under authority of the ESA, NEPA, the Fish and Wildlife Coordination Act and any other provision of law.

(6) Other categories of actions which, as determined in consultation with the Director, EC, would not have significant environmental impacts, including claims brought for recovery of damages for injuries to natural resources within NOAA jurisdiction.

(7) *Exceptions.* The preparation of an EA or EIS is required for actions described in subsections (1)–(6) above if they:

(a) Are likely to result in significant environmental impacts as defined in Sec. 1508.27, or

(b) Involve a geographic area with unique characteristics, are the subject of public controversy based on potential environmental consequences, have uncertain environmental impacts or unique or unknown risks, establish a precedent or a decision in principle about future proposals, may result in cumulatively significant impacts, or may have any adverse effects upon endangered or threatened species or their habitats.

7. Scoping

a. General

Scoping is "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action" (Sec. 1501.7). The fullest practicable public participation and interagency consultation should be sought in the early identification and determination of significant environmental issues related to a proposed action.

b. Notice of Intent

As a part of the scoping process, a notice of intent to prepare an EIS shall be published in the **Federal Register** as soon as practicable after a decision has been reached to prepare an EIS. See Sec. 1501.7. The notice of intent is described in Sec. 1508.22 as follows.

"Notice of Intent" means a notice that an environmental impact statement will be prepared and considered. The notice shall briefly:

(a) Describe the proposed action and possible alternatives.

(b) Describe the agency's proposed scoping process including whether, when, and where any scoping meeting will be held.

(c) State the name and address of a person within the agency who can answer questions about the proposed action and the environmental impact statement.

When there is likely to be a lengthy period between the decision to prepare an EIS and actual preparation of the Draft EIS (DEIS), a notice of intent may be published at a reasonable time in advance of preparation of a DEIS, upon consultation with the Director, EC.

c. Scoping Process

As part of the scoping process, MLC's in consultation with the Director, EC, shall perform the actions described in Section 1501.7(a) and may, in addition, perform the actions described in Section 1501.7(b).

8. EIS Preparation

a. Should a finding be made that significant environmental impacts will result from a proposed NOAA action, a Discussion Paper will be prepared in the format of an EIS (Sec. 1502.10) and coordinated with EC and other appropriate NOAA elements.

b. The Discussion Paper, modified as necessary by the responsible MLC in response to comments received from other MLC's and EC, constitutes the DEIS. Three copies of the DEIS and two letters, one submitting the DEIS to the Environmental Protection Agency (EPA) and one transmitting it to all other reviewers, shall be prepared for the signature of the Director, EC, who shall provide the DAS with one copy. Copies of letter formats and procedures are available from EC. Following receipt of copies of these letters as signed by the Director, EC, the originating MLC will take all further actions.

c. Five copies of the DEIS, plus the signed transmittal letter, shalll be sent to EPA in Washington, D.C., and five copies shall also go to the appropriate EPA regional office. On the same day that the DEIS is sent to EPA, copies of the document, accompanied by copies of the general transmittal letter, shall be sent to all Federal, State and local government agencies, public groups and individuals who may have an interest in the proposal.

d. The dealine for EPA receipt of EIS's is 3:00 p.m. each Friday. A public notice of availability will be published by EPA in the **Federal Register**. The required 45-day public review period for DEIS's begins on the date this notice is published.

e. The Final EIS (FEIS), reflecting comments received on the DEIS (Sec. 1503.4), is prepared after the 45-day period. Three copies of the FEIS shall be sent to the Director, EC, for final NOAA approval in the same manner as previously described in subsection b of this section for DEIS's. The Director, EC, shall furnish one copy to the DAS. After approval, five copies of the FEIS shall be sent to EPA in Washington, D.C., and five copies to the appropriate EPA regional office. Copies shall also be sent to all parties who commented on the DEIS, as well as others who have requested them. Thre is a 30-day review period for FEIS's, beginning with the date of publication of EPA's notice of availability, before the proposed action can begin. Copies of any comments received on FEIS's shall be sent to the Director, EC, and EPA.

f. A supplemental DEIS of FEIS may be required in certain cases, pursuant to Sec. 1502.9(c)(1)–(2). Supplemental EIS's shall be prepared, circulated, and filed as prescribed by Sec. 1502.9(c)(4) and in accordance with this directive. If a supplemental EIS is prepared, it shall be introduced into any existing formal administrative record on the proposal and distributed as described above.

9. Comments on Other Agencies' Environmental Impact Statements

NEPA requires that EIS's on proposed programs and projects having a significant environmental impact be submitted for review to any Federal agency which has jurisdiction by law or special expertise over the resources potentially affected. The DAS is responsible for Departmental EIS review. The Director, EC, is responsible for coordinating NOAA review and comments on these EIS's and will forward NOAA comments to the DAS for transmittal to the originating agency. Copies of the EIS and a deadline for receipt of comments will be sent to appropriate NOAA elements by EC. Guidance in the preparation of these comments is available in Sec. 1503.3, Administrator's Letter No. 17, and from EC.

10. Integration of NEPA and E.O. 12114 Into the NOAA Decisionmaking Process

a. Inclusion of Environmental Documents in the Decisionmaking Process

Any environmental document prepared in accordance with this directive shall accompany any other decisional document in the NOAA decisionmaking process, and the alternatives identified in such documents shall correspond. Any environmental document prepared on a proposal shall be part of the administrative record of any formal

rulemaking or adjudicatory proceedings which may be held on that proposal.

b. Production of Environmental Documents for NOAA Programs

Environmental documents should be prepared at the earliest practicable time so that the environmental review process will run concurrently with and be integrated into NOAA decisionmaking. The NOAA decisionmaking process and the environmental review process for those actions likely to have a significant impact on the quality of the human environment shall be fully integrated. Decisionmaking charts for major NOAA programs, in Appendices I through IX of this Directive, identify major NOAA decision points, the corresponding decisionmakers, and the environmental documents which must be available to them.

c. Record of Decision

A FEIS will clearly present NOAA's proposed action for public review and comment. The FEIS will contain a proposed record of decision which will become final upon expiration of the 30-day review period on the FEIS. The review period for the FEIS will coincide with the review period under the Administrative Procedure Act, and any period for appeal otherwise available. The record of decision shall contain the elements enumerated in Sec. 1505.2.

11. Predecision Referrals to CEQ of Proposed Actions Determined To Be Environmentally Unsatisfactory (Sec. 1504.3)

MLC's shall notify the Dirctor, EC, of Federal actions believed to be environmentally unsatisfactory pursuant to Sec. 1504.3. In appropriate cases, the Director, EC, shall request the DAS to make predecision referrals to CEQ for such actions.

12. International Scope of Environmental Reviews

a. Generally

The provisions of this directive shall apply to NOAA activities, or impacts thereof, which occur outside the territory of the United States, or which may affect resources not subject to the management authority of the United States. Specifically, except as provided in subsection b of this section, the provisions of this directive will be followed with respect to the following categories of NOAA actions.

(1) Major Federal actions significantly affecting the environment of the global commons outside the jurisdiction of any nation (e.g., the oceans or Antarctica);

(2) Major Federal actions significantly affecting the environment of a foreign nation not participating with the United States and not otherwise involved in the action;

(3) All other major Federal actions significantly affecting the environment of a foreign nation, including, but not limited to, those which provide to that nation:

(a) A product, or physical project producing a principal product or an emission or effluent, which is prohibited or strictly regulated by Federal law in the United States because its toxic effects on the environment create a serious public health risk; or

(b) A physical project which in the United States is prohibited or strictly regulated by Federal law to protect the environment against radioactive substances; and

(4) Major Federal actions outside the United States, its territories and possessions which significantly affect natural or ecological resources of global importance designated for protection by the President under the provisions of Executive Order No. 12114, or, in the case of such a resource protected by international agreement binding on the United States, by the Secretary of State.

b. Constraints

(1) EIS's on actions subject to this section should be as complete and detailed as possible under the circumstances. In undertaking an environmental analysis of activities or impacts which occur outside the United States, it may, on occasion, be necessary to limit the circulation, timing, review period, or the detail of an EIS for one or more of the following reasons:

(a) Diplomatic considerations;

(b) National security considerations;

(c) Relative unavailability of information;

(d) Commercial confidentiality; and

(e) The extent of NOAA's role in the proposed activity.

(2) Except with respect to those actions described in subsection (a)(1) of this section when the above factors indicate that full compliance with the substantive and procedural requirements applicable to the publication of EIS's would not be possible for the reasons specified in subparagraphs b., c. and d. of paragraph (1), consideration may be given to the preparation of:

(a) Bilateral or multilateral environmental studies, relevant or related to the proposed actions, by the United States and one or more foreign nations, or by an international body or organization in which the United States is a member or participant; or preparation of:

(b) Concise reviews of the environmental issues involved, including environmental assessments, summary environmental analyses, or other appropriate documents.

(3) NOAA MLC's, in consultation with the Director, EC, and the General Counsel (GC) will decide whether an EIS should not be prepared on an action pursuant to this subsection.

c. Special Efforts

Certain activities having environmental impacts outside the United States require special efforts because of their international environmental significance. These include activities which:

(1) Involve products either prohibited or strictly regulated under Federal law for reasons pertaining to public health or safety;

(2) Threaten natural or ecological resources of global importance or which threaten the survival of any species;

(3) May have a significant impact on any historic, cultural, or national heritage or resource of global importance; or

(4) Involve environmental obligations set forth in an international treaty, convention, or agreement to which the United States is a party.

d. Consultation

In preparing an environmental document for an activity which may affect another country or is undertaken in cooperation with another country and will have environmental effects abroad, NOAA staff shall consult with their counterparts in that other country both in the early stages of preparation of environmental documents (in order to determine the scope and nature of the environmental issues involved), and in connection with the results and significance of such documents, except when the factors listed in subsection b.(1)(a), (b), and (d) of this section would indicate otherwise. MLC's shall advise the Director, EC, when such consultations are likely to involve substantial policy considerations regarding the proposed action or its environmental consequences. The Director, EC, and General Counsel shall coordinate such consultations with the DAS and with the Department of State. In the process of consulting with foreign officials, every effort must be made to take into account foreign sensitivities and to understand that one of NOAA's objectives in the preparation of environmental documents in cases involving environmental effects abroad is to provide environmental information

to foreign decisionmakers, as well as to responsible NOAA officials. Finally, NOAA's efforts in preparing environmental documents pursuant to this section shall be directed, in part, toward strengthening the ability of other countries to carry out their own analyses of the likely environmental effects of proposed actions.

13. Public Involvement

MLC's, in cooperation with the Office of Public Affairs (PA), shall make every effort to involve the public in the implementation of NEPA and preparation of environmental documents pursuant to NEPA. Interested persons may obtain information and status reports on EIS's and other elements of the environmental review process from the Director, EC.

MLC's should seek the assistance of their respective Public Affairs officers in providing to the public notice and information pursuant to NEPA and these procedures. MLC's shall be guided by Section 1506.6 and by NOAA Directive 21–25 (June 13, 1977) in providing, in consultation with EC and PA, for adequate public involvement in the environmental review process.

Appendix I

The Fishery Management Plan/ Environmental Impact Statement—(FMP/ EIS) Process

I. Preplanning.
A. Identify the fishery management unit (Council).
B. Decision by Council to prepare an FMP/ EIS.
C. Notice of intent to prepare an EIS to appear in **Federal Register** (NMFS).
D. Conduct scoping meeting (Council and NMFS).
E. Prepare work plan under Executive Order No. 12044 (Council).
F. Decision by Administrator to approve work plan.

II. Draft FMP/DEIS Development (FMP/DEIS includes Regulatory Analysis and Draft Proposed Regulations).
A. Preparation of draft FMP/DEIS (Council).
B. Approval of draft FMP/DEIS by Council.
C. NOAA review and processing of draft FMP/DEIS as "discussion paper" (NMFS, EC).
D. Transmittal of draft FMP/DEIS (EC).

III. Public Participation.
A. Notice of availability of draft FMP/DEIS **Federal Register** (NMFS).
B. Publication of notice of public hearings in **Federal Register** (NMFS).
C. Public review (45 day minimum) and public hearings.
D. Incorporation of comments into draft FMP/DEIS (NMFS).
E. Adoption of FMP by Council and submission to Secretary.

IV. Secretarial Review: Secretary of Commerce.
A. Secretarial review (NMFS).
B. Secretarial approval for publication in **Federal Register** (NMFS).[1]

V. Promulgation of Regulations.
A. Publish approved FMP and proposed regulations (PR) in **Federal Register** (NMFS).
B. Public review of FMP and PR (45 days; 60 days if significant under E.O. 12044).
C. Assess and incorporate comments on the FMP and PR (NMFS).
D. Prepare FEIS/final regulations (NMFS).
E. Approve FMP, final regulations and RA (NMFS–NOAA).
F. Process and approve final FMP/EIS and log with EPA (EC).
G. Publish final regulations in **Federal Register** (NMFS).
H. Publish FMP/FEIS notice of availability in **Federal Register** (EPA).
I. 30-day FEIS public review period and 30-day APA "cooling-off" period on final regulations run concurrently.

VI. Continuing Fishery Management.
A. Monitoring effectiveness of regulations.
B. Refinements to regulations—through formal interpretation and regulatory changes.
C. Research and assessment activities.

VII. Amendments to FMP.
A. Council decision to amend.
B. Restart all or part of FMP process as shown in I–V above.

Appendix II

Coastal Zone Management Program/EIS Process OCZM

I. State development and adoption of coastal program.
A. Development of State coastal program.
B. Submission of State coastal program and environmental assessment to OCZM.

II. Evaluation and approval of State coastal program.
A. Internal OCZM review of State program.
B. Publication of Notice of Intent to Prepare EIS.
C. Scoping process.
D. Preparation of Discussion Paper (Pre-DEIS).
E. NOAA review of Discussion Paper.
F. Preparation of DEIS.
G. Publication of DEIS.
H. DEIS review period (45 days).
I. Preparation of FEIS.
J. Publication of FEIS and Proposed Record of Decision.
K. Public review period (30 days).

Approval of State Coastal Zone Management Program by Assistant Administrator, OCZM.

Appendix III

Coastal Zone Management Program/ Amendment Process, OCZM

I. State development of and request for amendment.
A. State develops amendment and submits to Assistant Administrator.
B. State announces public hearing.
C. State holds at least one public hearing.
D. State transmittal of hearing record to Assistant Administrator.

II. Evaluation by Assistant Administrator, OCZM.
A. CZMA tests—(1) review public hearing record (I–D, above); (2) determine if CZMP as amended is still approvable.
B. Preparation of EA or decision to prepare EIS.
C. Publication of finding of no significant impact or preparation of EIS.

Assistant administrator approves requested amendment.

Appendix IV

Coastal Energy Impact Program—OCZM

I. Applicant requests financial assistance.
A. Assistant Administrator for OCZM determines eligibility pursuant to regulations promulgated pursuant to CZMA Sec. 308.
B. An environmental assessment is required for each application pursuant to 44 Fed. Reg. 29580 (May 21, 1979).
C. Assistant Administrator makes determination according to provisions of Section 6 of this directive as to appropriate NEPA procedure.

II. EIS Procedures.
See Appendix II, Part II.
Assistant Administrator approves assistance.

Appendix V

Marine Sanctuaries Designations—OCZM

I. Processing of Sanctuary Proposals by OCZM.
A. Sites are recommended to OCZM.
B. Publication of recommended sites in **Federal Register.**
C. Analysis and initiation of consultation.
D. List of active candidates published in **Federal Register.**
E. Review of active candidates.
1. Public workshops.
2. OCZM review and decision whether site should continue to be an active candidate.

II. Development of Sanctuaries Designations and Implementing Regulations by OCZM.
A. Preparation of EIS. See Appendix II, Part II.
B. Submission of Proposed Designation to Secretary of Commerce by Administrator.
C. Submission of Proposed Designation to President by Secretary of Commerce.

Approval by President.

Approval by Secretary of Commerce.

Designation of Sanctuary by Secretary or Administrator; Adoption of Implementing Regulations by Assistant Administrator.

Appendix VI

Estuarine Sanctuaries and Beach Access Acquisition—OCZM

I. Applicant state requests financial assistance.

II. OCZM Determination of Eligibility.
Assistant Administrator for CZM determines eligibility pursuant to federal regulations.

III. EIS Procedures are applied to eligible proposals.
See Appendix II, Part II.

[1] Under appropriate circumstances, emergency regulations having immediate effect may be published as interim final regulations and maintained for two 45-day periods or until superseded by final regulations.

Assistant Administrator Approves Estuarine Sanctuary or Beach Access Grant Application.

Appendix VII

Major Actions Under the Marine Mammal Protection Act and the Endangered Species Act, NMFS

I. Actions requiring informal rulemaking.
A. Identification of the proposed action.
B. Preparation of EA or publication of Notice of Intent to prepare an EIS.
C. Scoping process.
D. Preparation of Discussion Paper.
E. NOAA Review of Discussion Paper.
F. Preparation of DEIS and Proposed Regulations.
G. Publication of DEIS and Proposed Regulations.
H. Notice of informal hearing on proposed regulations and/or DEIS.
I. Public Hearings: Assessment of written and oral comments.
K. Preparation of FEIS and Final Regulations.
Approval by Administrator.
J. Publication of FEIS and Final Regulations; 30-day Public Review Period.
Implementation of Action.

II. Actions requiring formal rulemaking.
A. Identification of the proposed action.
B. Publication of Notice of Intent to prepare an EIS on the proposed action.
C. Scoping process.
D. Preparation of Discussion Paper.
E. NOAA review of Discussion Paper.
F. Preparation of DEIS and MMPA 103(d) statement.
G. Publication of DEIS and MMPA 103(d) statement; 45 Day Review.
H. Informal Hearing on DEIS.
I. Assessment of Public Record and comments.
J. Publication of FEIS and Proposed Regulations.
K. Formal Public Hearings on rulemaking.
L. Assessment of Public Record.
M. Preparation of FEIS, Administrator's Decision and Final Regulations.
Approval by the Administrator.
N. Publication of FEIS, Administrator's Decision and Final Regulations; 30 Day Public Review Period.
Implementation of Action.

Appendix VIII

Legislative Proposal Process—Office of General Counsel (GC)

1. GC, in consultation with the Office of Congressional Affairs ("CA") and affected MLC's, determines need for legislative proposal.
2. GC, in consultation with affected MLC, assigns staff to develop a legislative proposal and establishes a timetable for development of proposal.
3. Preparation of descriptive entry for submission to Department Legislative Program. Copy of entry together with recommendation for preparation of environmental document furnished to DAS.
4. Environmental Document required by DAS prepared by designated staff together with draft bill and statement of purpose and need.
5. Review and approval by Assistant Administrator for responsible MLC, CA specialist and Assistant General Counsel assigned to responsible MLC.
6. Review by GC and EC based on materials prepared in (4) and decision memorandum.
7. GC transmits draft bill, statement of purpose and need, and appropriate environmental document to Departmental Assistant General Counsel for Legislation and DAS.
8. GC undertakes further actions required on legislative proposal, including consultations with Department and Office of Management and Budget.

Appendix IX

Major Acquisition, Construction, or Modification of Facilities, Major Relocations of Personnel/Office of Administration

1. Identification of need for new facilities or relocation.
2. Development of preliminary options.
3. Preparation of Environmental Assessment.
4. Review and comment on options and EA by Assistant Administrator for Administration, Director, Office of Ecology and Conservation, and Assistant Administrator(s) of MLC(s) involved.
5. Decision whether to prepare EIS by AA for Administration.
6. Public review of EIS and selection of agency's preferred alternative.
Approval by Administrator.

[FR Doc. 79-32550 Filed 10-19-79; 8:45 am]
BILLING CODE 3510-12

DEPARTMENT OF ENERGY

Issuance of Proposed Decisions and Orders; September 10 Through September 14, 1979

Notice is hereby given that during the period September 10 through September 14, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 105, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except federal holidays.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
October 15, 1979.

Proposed Decisions and Orders

Altex Oil Corporation, Denver, Colo., DXE-6625, crude oil

Altex Oil Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the UPRR Anschutz Ranch No. 1 Well for the benefit of the working interest owners at upper tier ceiling prices. On September 11, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's request.

Gulf Oil Corporation, Houston, Tex., DXE-7729, crude oil

Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Miriam Partlow, *et al.*, Unit for the benefit of the working interest owners at upper tier ceiling prices. On September 14, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's Miriam Partlow, *et al.*, Unit.

Koch Industries, Inc., Wichita, Kans., DXE-7272, crude oil

Koch Industries, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Sink Draw No. 1 Lease for the benefit of the

working interest owners at upper tier ceiling prices. On September 11, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's Sink Draw No. 1 Lease.

Standard Oil Company (Indiana), Chicago, Ill., DEA-0226, DEE-0075, crude oil

The Standard Oil Company (Indiana) filed an Application for Exception from the provisions of 10 CFR 212.84(e)(6). The firm also filed an Appeal from the Decision of the Office of Petroleum Operations to dismiss a related Petition for Adjustment which the firm had filed. The exception request, if granted, would permit the firm to determine its intra-affiliate transfer price for crude oil produced in Trinidad by reference to a crude oil not necessarily produced in the environs of Trinidad. On September 10, 1979, the DOE issued a Proposed Decision and Order in which it determined that the exception request be granted.

Hammermill Paper Company, Erie, Pa., DEE-7747, DEE-7748, temperature restrictions

Hammermill Paper Company filed an Application for Exception from the provisions of 10 CFR 490.14. The request, if granted, would permit Hammermill to utilize its air cooling systems in two of its buildings during their unoccupied periods. On September 13, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Texaco, Inc., Denver, Colo., DXE-6874, crude oil

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the V. F. Semlek "C" Lease for the benefit of the working interest owners at upper tier ceiling prices. On September 11, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's V. F. Semlek "C" Lease.

Texaco, Inc., Denver, Colo., DXE-7166, crude oil

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the A. S. Wisness Lease for the benefit of the working interest owners at upper tier ceiling prices. On September 11, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be denied with respect to the applicant's A. S. Wisness Lease.

Texaco, Inc., Denver, Colo., DXE-7602, crude oil

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Government T. F. Stroock NCT-1 Lease for the benefit of the working interest owners at market price levels and the remaining crude oil production at upper tier ceiling prices. On September 11, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's Government T. F. Stroock NCT-1 Lease.

Texaco, Inc., Park County, Wyo., DXE-7634, crude oil

Texaco, Inc. filed an Application for Extension of Exception Relief from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would result in an extension of the relief already granted to Texaco, allowing it to sell at upper tier ceiling prices all of the crude oil produced from the Government Gwen Knapp Lease, located in Park County, Wyoming. In addition, Texaco requested that it be permitted to sell a portion of that same product at market prices. On September 12, 1979, the DOE issued a Proposed Decision and Order which determined that the extension request be granted and also that Texaco be permitted to sell 77.49 percent of the crude oil produced from the lease at market prices.

Union Oil Company of California, Los Angeles, Calif., DEE-7357, crude oil

Union Oil Company of California filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the Pacific Electric Pool located in Los Angeles County, California at upper tier ceiling prices. On September 14, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted, in part, with respect to the applicant's Pacific Electric Pool.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of September 10 through September 14, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case Number, and Location

Berwyn Fuel, Inc., DEE-3061, Laurel, MD.
Flowers Grocery, DEE-4785, Louisville, MS.
Amerada Hess, DEE-7974, Washington, DC.
Amerada Hess, DEE-7999, Washington, DC.
Howie Oil, DEE-2549, Pensacola, FL.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of September 10 through September 14, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name, Case Number, and Location

Don's Shell, DEE-3616, Culver City, CA.
Eagle's Chevron, DEE-7233, W. Yellowstone, MT.
Lake Erie Patrol, DEE-7644, Put-in-Bay, OH.
Amoco Service Sta., DEE-3653, Folsom, CA.
Farina Auto Service, DEE-5824, N. Bellmore, NY.
Garrett's Amoco, DEE-7659, Clarksburg, WV.
Gray Bros. Oil Co., DEE-5237, Ashland, MS.
Jack's Amoco, DEE-4930, Stoystown, PA.
Kwik Six No. 3, DEE-6536, Longmont, CO.
Kwik Six No. 9, DEE-6537, Longmont, CO.
Lawson's Gulf, DEE-3861, Orangeburg, SC.
Louie B. Bolin, DEE-7472, Greenville, SC.
Marty's Amoco, DEE-7354, Laurel, MD.
R. P. & J. L., Overstreet, DEE-6701, Bedford, VA.
Robert E. Pleasant, DEE-3723, Phila., PA.
Roxy Mini Market, DEE-5220, Phila., PA.
Webb's Service, DEE-6631, Redondo Bch., CA.
Woodbrook Amoco, DEE-4934, Baltimore, MD.
Zanowic's Sunoco, DEE-6929, Brielle, NJ.

[FR Doc. 79-32428 Filed 10-19-79; 8:45 am]
BILLING CODE 6450-01-M

Refiners Crude Oil Allocation Program; Supplemental Notice for Allocation Period and Notice of Issuance of Emergency Allocation

The notice specified in 10 CFR 211.65(g) of the refiners' crude oil allocation (buy/sell) program for the allocation period of October 1, 1979, through March 31, 1980, was issued September 21, 1979 (44 FR 55943, September 28, 1979). As part of the publication of that Notice, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) assigned emergency allocations for the month of October 1979, pursuant to 10 CFR 211.65(c)(2) and 10 CFR 211.65(a)(5) to a number of small refiners. The ERA hereby issues a supplemental buy/sell list for the allocation period of October 1, 1979, through March 31, 1980, which sets forth new emergency allocations for the months of October, November, and December 1979, assigned pursuant to 10 CFR 211.65(c)(2), as amended on April 27, 1979 (44 FR 26060, May 4, 1979).

The supplemental buy/sell list for the allocation period October 1, 1979, through March 31, 1980, is set forth as an appendix to this notice. The list includes the names of the small refiners granted emergency allocations for the months of October, November and December 1979, and their eligible refineries; the quantity of crude oil each refiner is eligible to purchase; the fixed percentage share for each refiner-seller; and the additional sales obligation of each refiner-seller, which reflects each refiner-seller's sales obligation for the emergency allocations listed herein.

The allocations for the small refiners on the supplemental buy/sell list were determined in accordance with 10 CFR 211.65(c)(2). Sales obligations for refiner-sellers were determined in accordance with 10 CFR 211.65 (e) and (f).

The buy/sell list covers PAD Districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to 10 CFR 211.65(f), each refiner-seller shall offer for sale during an allocation period, directly or through exchanges to refiner-buyers, a quantity of crude oil equal to that refiner-seller's sales obligation plus any volume that the ERA directs the refiner-seller to sell pursuant to 10 CFR 211.65(j).

Pursuant ot 10 CFR 211.65(h), each refiner-buyer and refiner-seller is required to report to ERA in writing or by telegram the details of each transaction under the buy/sell list within forty-eight hours of the completion of arrangements therefor. Each report must identify the refiner-seller, the refiner-buyer, the refineries to which the crude oil is to be delivered, the volumes of crude oil sold or purchased, and the period over which the delivery is expected to take place.

The procedures of 10 CFR 211.65(j) provide that if a sale is not agreed upon subsequent to the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request that the ERA direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such request must be received by the ERA no later than 20 days after the publication date of this supplemental buy/sell notice. Upon such request, the ERA may direct one or more refiner-sellers that have not completed their required sales to sell crude oil to the refiner-buyer.

In directing refiner-sellers to make such sales, ERA will consider the percentage of each refiner-seller's sales obligation for the allocation period that has been sold as reported pursuant to § 211.65(h), as well as the refiner-seller or sellers that can best be expected to consummate a particular directed sale. If, in ERA's opinion, a valid directed sale request cannot reasonably be expected to be consummated by a refiner-seller that has not completed all or substantially all of its sales obligation for the allocation period, the ERA may issue one or more directed sales orders that would result in one or more refiner-sellers selling more than their published sales obligations for that allocation period. In such cases, the refiner-seller or sellers will receive a barrel-for-barrel reduction in their sales obligations for the next allocation period pursuant to 10 CFR 211.65(f)(3)(ii).

If the refiner-buyer declines to purchase the crude oil specified by ERA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation period, provided that the refiner-seller or refiner-sellers have fully complied with the provision of 10 CFR 211.65.

Refiner-buyers making request for directed sales must document their inability to purchase crude oil from refiner-sellers by supplying the following information to ERA:

(i) Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy/sell program transactions.

(ii) Name and location of the refineries for which crude oil has been sought, the amount of crude oil sought for each refinery, and the technical specifications of crude oils that have historically been processed in each refinery.

(iii) Statement of any restrictions, limitations, or constraints on the refiner-buyer's purchases of crude oil, particularly concerning the manner or time of deliveries.

(iv) Names and locations of all refiner-sellers from which crude oil has been sought under the buy/sell notice, the refineries for which crude oil has been sought, and the volume and specifications of the crude oil sought from each refiner-seller.

(v) The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

(vi) Such other pertinent information as ERA may request.

All reports and applications made under this notice should be addressed to: Chief, Crude Oil Allocation Branch, 20th Street Postal Station, P.O. Box 19028, Washington, D.C. 20036.

Copies of the decisions and orders assigning the emergency allocations listed herein may be obtained from: Economic Regulatory Administration, Public Information Office, 2000 M Street, N.W., Rm. B110, Washington, D.C. 20461, (202) 634–2170.

ERA requires each applicant for an emergency allocation to serve all refiner-sellers with a copy of its application and any amendments thereto simultaneously with the applicant's filing the application with ERA. The application must be received by all refiner-sellers by the filing deadline set forth in § 211.65(c)(2). If the applicant claims confidentiality for any of the information contained in its application, the basis for the claim must be clearly stated. ERA does not consider the names of potential suppliers contacted in unsuccessful attempts to obtain crude oil or offers of crude oil that the applicant has rejected to be proprietary.

Comments on each application will be accepted by ERA if received within eight days of service of the application.

This notice is issued pursuant to Subpart G of DOE's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before November 21, 1979.

Issued in Washington, D.C., October 17, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix

The Buy/Sell list for the period October 1, 1979, through March 31, 1980, is hereby amended to reflect emergency allocations for the months of October, November, and December 1979, and the resulting changes in sales obligations of refiner-sellers. The amended list sets forth the name of each refiner-seller, the additional volumes of crude oil that each such refiner-seller is required to offer for sale to small refiners, and emergency allocations for the months of October, November and December 1979.

Office of Hearings and Appeals Decision

By decision and Order dated September 5, 1979, the Office of Hearings and Appeals of the Department of Energy granted an appeal filed by Energy Cooperatives, Inc., which operates a refinery in East Chicago, Indiana. The Decision and Order (Case Number DEL–8112) specified in part that:

(2) Notwithstanding any contrary provisions of 10 CFR 211.65(a), ECI shall be regarded as a refiner-buyer for the allocation period October 1 through December 31, 1979, and its right to purchase crude oil pursuant to 10 CFR 211.65 is hereby established at 3,034,896 barrels.

(3) The Administrator of the Economic Regulatory Administration or his designee shall immediately issue a Supplemental

Notice for the Refiners Crude Oil Allocation Program which designates ECI as an eligible refiner-buyer that is entitled to purchase 3,034,896 barrels of crude oil during the October 1 through December 31, 1979 period.

Crude Oil Allocation Program Additional Sales Obligations Resulting From Emergency Allocations for the Period October 1, 1979–March 31, 1980

Refiner-sellers	Share	Additional sales obligation
Amoco Oil Co	.105	850,369
Atlantic Richfield Co	.077	624,466
Chevron U.S.A., Inc	.101	824,584
Cities Service Co	.025	199,704
Continental Oil Co	.004	32,475
Exxon Co., U.S.A	.089	722,565
Getty Refining & Marketing Co	.021	172,238
Gulf Refining & Marketing Co	.091	739,711
Marathon Oil Co	.022	185,553
Mobil Oil Corp	.094	763,840
Phillips Petroleum Co	.041	335,912
Shell Oil Co	.113	922,431
Sun Co	.055	450,564
Texaco Inc	.114	923,186
Union Oil Co. of California	.046	371,106
Total additional sales obligation		8,118,704

[1] All Refiner-Sellers' percentage shares have been changed to reflect the Continental Oil Company and Exxon Company, U.S.A. Decision and Order dated March 20, 1979. Case numbers are FEX-0184 and FEX-0185.

Emergency Allocations for October, November, and December 1979

Refiner	Refinery location	October 1979 allocation (barrels)	November 1979 allocation (barrels)
Clark Oil and Refining Corp	Blue Island, Ill	654,131	639,030
CRA, Inc	Coffeyville, Kans	644,273	985,290
Hunt Oil Co	Tuscaloosa, Ala	274,102	265,710
Laketon Asphalt Refining Co	Laketon, Ind	51,832	65,160
Murphy Oil Corp	Superior, Wis		201,330
Saber Refining Co	Corpus Christi, Tex	86,847	123,720
Seaview Petroleum Co	Paulsboro, N.J	374,325	362,250
Tipperary Refining Co	Ingleside, Tex	62,257	60,510
		2,147,767	2,697,000

December 1979 allocation: Murphy Oil (Superior, Wis.) 239,041 barrels

Additional Allocations for the October 1, 1979–March 31, 1980, Allocation Period

Emergency allocations (October)	2,147,767
Emergency allocations (November)	2,697,000
Emergency allocations (December)	239,041
Plus F.C.I. allocation	3,034,896
Total allocations	8,118,704

[FR Doc. 79-32565 Filed 10-19-79; 8:45 am]
BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; Canada

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sales:

Contract S–EU–601, sale to Italy of 190.8 grams of normal uranium in the form of U_3O_8, to be used for reference material in medical laboratories in the development of analytical standards for nuclear fuels and metal impurities.

Contract S–CA–280, sale to Canada of 7.7 grams of normal uranium as pitchblende ore, and 1.1 grams of thorium as monazite sand, to be used for standardization of gamma-ray spectrometer.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than November 6, 1979.

Dated: October 16, 1979.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-32472 Filed 10-19-79; 8:45 am]
BILLING CODE 6450-01-M

International Atomic Energy Agreement; Civil Uses; Proposed Subsequent Arrangement; Switzerland

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following shipment:

WC–SD–11, United States to Switzerland, 200 grams of Uranium, 99.78% U–238, to be used to produce single crystals for research at the Lab fur Festkerperphysik at Zurich.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than November 6, 1979.

Dated: October 16, 1979.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-32473 Filed 10-19-79; 8:45 am]
BILLING CODE 6450-01-M

International Atomic Energy Agreement; Civil Uses; Austria; Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is herby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Austria.

RTD/AT(EU)–54, transfer from West Germany to Austria of 70.82 grams Uranium, containing 7.26 grams of U–235 (10.251%), 1.031 grams Plutonium, and 25 grams Thorium, for destructive post-irradiation examination.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than November 6, 1979.

For the Department of Energy.

Dated: October 16, 1979.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-32474 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreement; Civil Uses; Japan; Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

S-JA-267, sale of 10,000 kilograms of heavy water to the Power Reactor and Nuclear Fuel Development Company, for use as moderator in the FUGEN reactor, Tsuruga, Japan.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than November 6, 1979.

Dated: October 16, 1979.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-32475 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreement; Civil Uses; Argentina and Finland; Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy, and the Agreements for Cooperation Between the Government of the United States of America and the Governments of Argentina and Finland.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following shipments:

Contract Number	United States to	Description
WC-NE-5	Netherlands	7.3 grams plutonium oxide.
WC-EU-89	West Germany.	3.8 grams plutonium oxide.
WC-EU-79	Belgium	7.3 grams plutonium oxide.
WC-EU-85	West Germany.	3.5 grams plutonium oxide.
WC-EU-84	France	7.3 grams plutonium oxide.
WC-FI-1	Finland	3.8 grams plutonium oxide.
WC-Ar-2	Argentina	7.3 grams plutonium oxide.

The materials listed above are to be used in the IAEA's Safeguard Analytical Laboratory Evaluation (SALE) program, which is designed to evaluate the capability of participating laboratories to analyze materials to be safeguarded in the nuclear fuel cycle and to provide the means by which measurement capability may be improved through the interchange of measurement technology.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than November 6, 1979.

For the Department of Energy.

Dated: October 16, 1979.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-32480 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council; Subcommittee on U.S. Petroleum Inventories, and Storage and Transportation Capacities; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given of the following meeting of the National Petroleum Council, Committee on U.S. Petroleum Inventories, and Storage and Transportation Capacities:

DATE: Tuesday, November 6, 1979.

TIME: 9:00 a.m.

PLACE: Pan American Room, Capital Hilton Hotel, 16th & K Streets, NW, Washington, DC.

CONTACT: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, Rm 8G-031, 1000 Independence Avenue, SW, Washington, DC 20585, telephone: 202/252-5187.

PURPOSE OF COMMITTEE: The parent Committee was established to provide advice, information and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

TENTATIVE AGENDA: The Subcommittee will review a draft report on U.S. Petroleum Inventories, and Storage and Transportation Capacities, and subsequently will report its findings to the parent Committee.

PUBLIC PARTICIPATION: The meeting is open to the public. The Chairperson of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to the meeting should inform the Advisory Committee Management Office, 202/252-5187, at least 5 days prior to the meeting and reasonable provision will be made to include their presentation on the agenda.

TRANSCRIPTS: Available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152 Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays.

Issued at Washington, D.C., on October 16, 1979.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 79-32432 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-79-007; ERA Case No. 51007-0638-21-22; ERA Case No. 51007-0638-22-22; ERA Case No. 51007-0638-23-22; and ERA Case No. 51007-0638-24-22]

Acceptance of Exemption Request Pursuant to the Interim Rules of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Acceptance of Exemption Request Pursuant to the Interim Rules of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On June 14, 1979, Florida Power Corporation (FPC) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent peakload powerplant exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) (42 U.S.C. 8301 *et seq.*) which prohibits the use of petroleum and natural gas in

new powerplants. Criteria for petitioning for a peakload exemption from the provisions of FUA are published at 10 CFR 501.3 and 503.41. FPC proposes to install four 63,000 KW oil-fired combustion turbine units and certifies for each unit that it will be operated solely as a peakload powerplant and will be operated only to meet peakload for the life of the plant.

FUA imposes statutory prohibitions against the use of natural gas and petroleum by new powerplants. ERA's decisions in this matter will determine whether any of the proposed units qualify for the requested peakload powerplant exemptions.

ERA has accepted this petition pursuant to 10 CFR 501.3 and 501.64. In accordance with the provisions of Sections 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before December 6, 1979. A request for a public hearing must be made by any interested person within this same 45 day period.

ADDRESSES: Fifteen copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461. Docket Number ERA–FC–79–007 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B–110, Washington, D.C. 20461, phone (202) 634–2170.

James W. Workman, Acting Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3128, Washington, D.C. 20461, phone (202) 254–7450.

G. Randolph Comstock, Deputy Assistant General Counsel for Coal Regulations, Room 6G–087, 1000 Independence Ave., S.W., Washington, D.C. 20585, phone (202) 252–2967.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, N.W., Room 3128, Washington, D.C. 20461, phone (202) 254–7442.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA), on May 15 and 17, 1979, published in the **Federal Register** interim rules to implement provisions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act). The Act prohibits the use of natural gas and petroleum in certain new major fuel burning installations and powerplants unless an exemption to do so has been issued by ERA.

Florida Power Corporation (FPC) submitted a sworn statement as Exhibit A to each of the four petitions by Mr. Ned B. Spake, Vice President, Environment and New Technology of FPC as required by 10 CFR 503.41(b)(1). In his statements, Mr. Spake certifies that the oil-fired combustion turbines (Suwannee River CT–1 through CT–4) will be operated solely as peakload powerplants and will be operated only to meet peakload for the life of each plant. He also certifies that the design capacity of each unit is 63,000 KW and that the maximum generation that will be allowed during any 12 month period is the design capacity times 1,500 hours or 94,500,000 Kwh.

FPC also furnished the information required by 10 CFR 502.11 (Petroleum and natural gas consumption), 502.12 (Conservation measures), and 502.13 (Environmental impact analysis). A prepetition conference was held at FPC's request on June 8, 1979.

ERA retains the right to request additional relevant information from FPC at any time during the pendency of these proceedings where circumstances or procedural requirements may so require.

The public file, containing documents on these proceedings, a copy of the prepetition conference transcript and supporting materials is available for inspection upon request at: ERA, Room B–110, 2000 M Street, N.W., Washington, D.C. 20461, Monday–Friday, 8:00 a.m.—4:30 p.m.

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

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79–32430 Filed 10–19–79; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 77–006–LNG, FPC Docket Nos. CP77–330, et al.]

El Paso Eastern Co., et al.; Conference To Define Issues Relating to Rehearing

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of conference.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued the order attached as an appendix to this notice calling a conference on October 25, 1979 in Houston, Texas, to define issues to be addressed in the rehearing of El Paso Eastern Company, *et al.*, ERA Docket No. 77–006–LNG. The proceeding involves applications for authority to import liquefied natural gas (LNG) from Algeria into the United States, authority to construct and operate an LNG terminal and other facilities on Matagorda Bay, Texas, and authority to sell the imported LNG for resale in interstate commerce.

FOR FURTHER INFORMATION CONTACT:

Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, telephone (202) 254–8202.

Martin S. Kaufman, Office of General Counsel, 12th and Pennsylvania Avenue, N.W., Room 5116, Washington, D.C. 20461, telephone (202) 566–9380.

Issued in Washington, D.C., October 16, 1979.

Douglas G. Robinson,

Deputy Administrator for Policy, Economic Regulatory Administration.

Order Convening a Conference To Define Issues Relating to Rehearing

On December 21, 1978, in Opinion Number Four, DOE/ERA denied an application to import LNG from Algeria through a facility located at Matagorda Bay, Texas.

On January 19, 1979, El Paso, *et al.*, the People of the State of California and the Public Utilities Commission of the Sate of California filed petitions for rehearing of Opinion Number Four. On January 22, 1979, United Gas Pipe Line Company and United LNG Company filed a petition for Rehearing and Request to Reopen in the same proceeding. On January 19, 1979, the American Gas Association (AGA) filed a brief in support of El Paso Eastern Company's petition for rehearing. All but the AGA are parties to the proceeding.

The petitioners for rehearing (petitioners) stated that they had no notice of the criteria used to evaluate the issues upon which the application was decided, and no opportunity to adduce evidence addressed to those issues, principally the issues of national need for the gas, regional need for the gas and the presumption in favor of direct sales to gas utility distributors. The petitioners also argued that ERA relied on material not in the record in reaching its decision, especially with respect to the issue of national need.

On February 20, 1979, DOE/ERA issued an order which granted rehearing. The order stated that DOE/ERA would issue a subsequent order at a later date setting forth its views on rehearing.

In order to afford the DOE/ERA a better opportunity to understand the nature of the issues upon which petitioners seek rehearing and the type of further proceedings that would best allow these issues to be

addressed, DOE/ERA will hold a conference on October 25, 1979, at 10:00 a.m., in Court Room #6, 11th floor, Federal Building, 515 Rusk Street, Houston, Texas. At this conference, the following questions shall be considered: If the record is to be reopened, (1) which of the issues involved in the formulation of the final decision do the petitioners contend they were not given adequate opportunity to address; (2) if petitioners and other parties are provided opportunity to address those issues, which would require the presentation of additional evidence, and which would require only the opportunity to make new arguments based on the present record; (3) what is the nature of the evidence the petitioners would submit in support of their contentions; and (4) what procedures should be followed by DOE/ERA in order to reach a final decision in this proceeding?

The petitioners will initially be asked at the conference to address the enumerated questions. Other parties will then be given the opportunity to comment upon the presentations made by those seeking rehearing.

Issued in Washington, D.C., on October 16, 1979.

Douglas G. Robinson,
Deputy Administrator for Policy, Economic Regulatory Administration.

[FR Doc. 79-32427 Filed 10-19-79; 8:45 am]
BILLING CODE 6450-01-M

[ERA Case No. 51913-2176-21-77]

Montana-Dakota Utilities Co.; Request for Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of request for classification.

SUMMARY: On May 31, 1979, Montana-Dakota Utilities Company (MDU) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Glendive Combustion Turbine Unit No. 1 (Glendive 1) as an existing facility pursuant to § 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule), 10 CFR 515.6, issued by ERA on March 15, 1979 (44 FR 17464) and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA). FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. ERA's decision in this matter will determine whether Glendive 1 is a new or existing powerplant. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants.

The purpose of this Notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with 10 CFR 515.26, no public hearings will be held.

DATES: Written comments are due on or before November 13, 1979.

ADDRESSES: Ten copies of written comments will be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, Phone (202) 634-2170.

James W. Workman, Acting Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3128I, Washington, D.C. 20461, Phone (202) 254-7450.

G. Randolph Comstock (Office of the General Counsel), Room 6G-087, 1000 Independence Ave., S.W., Washington, D.C. 20461, Phone (202) 252-2967.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, N.W., Room 3128L, Washington, D.C. 20461, Phone: (202) 254-7442.

SUPPLEMENTARY INFORMATION:

Montana-Dakota Utilities Company (MDU) is a corporation organized under the laws of the State of Delaware. MDU supplies electric service in a 168,100 square mile area contained in North Dakota, South Dakota, Montana and Wyoming.

MDU stated that it executed a contract in March 1978, for the construction of 28 MW, No. 2 fuel oil-fired combustion turbine, to be known as Glendive Combustion Turbine Unit No. 1 (Glendive 1) in Dawson County, Montana, and that commercial operation is scheduled for June 1979.

On May 31, 1979, pursuant to ERA's Revised Interim Rule, 10 CFR Part 515, issued by ERA on March 15, 1979, MDU requested that ERA classify Glendive Combustion Turbine Unit No. 1 (Glendive 1) as an "existing facility." In accordance with 10 CFR 515.6 a powerplant will be classified as existing if the cancellation, rescheduling or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse effect on the electric system reliability. MDU supported its request for classification by providing evidence in support of their claim that MDU would suffer a substantial financial penalty if Glendive 1 were not permitted to proceed as an oil-burning facility. A summary of the evidence requirements and MDU's response to those requirements follow:

Substantial financial penalty—Pursuant to 10 CFR 515.6(a), ERA will classify a facility as existing upon a demonstration that at least 25 percent of the total projected project cost as of November 9, 1978, was expended in nonrecoverable outlays as of November 9, 1979.

In response to the evidence requirement of 10 CFR 515.7(b)(1), MDU provided the following information:

Total projected project costs as of 11/9/78	$4,532,000
Total project expenditures, including obligation and cancellation charges as of 11/9/78	$4,238,661
Total recoverable expenditures	$301,864
Total nonrecoverable outlays including penalty charges for obligations and cancellations	$3,936,797
Nonrecoverable outlays percentage of total project expenditures as of 11/9/78	87%

ERA hereby invites all interested persons to submit written comments on this matter.

The public file, containing MDU's request for classification and supporting materials is available for inspection upon request at:

ERA, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, Monday-Friday, 8:00 a.m.-4:30 p.m.

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

Robert L. Davies,
Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-32429 Filed 10-19-79; 8:45 am]
BILLING CODE 6450-01-M

Proposed Order Granting Special Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby sets forth its Order proposing to grant a special temporary public interest exemption from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 et seq., pursuant to Section 311(e) of FUA, 10 CFR 501.68, and 10 CFR 508, to the following powerplants:

Case control No.	Petitioner	Generating station	Unit identification	Location
52370-3043-21-41	Portland General Electric Co.	Bethel	CT 1	Salem, Oreg.
66004--9117-01-41	Rochester Public Utilities.	Cascade Creek	No. 1	Rochester, Minn.
51988-2275-01-41	Nebraska Public Power District.	Ogallala	No. 1	Ogallala, Nebr.
51988-2276-02-41		Bluffs	No. 2	Scotts Bluff, Nebr.
52588-0733-21-41	Savannah Electric & Power Co.	Port Wentworth	CT 1	Chatham County, Ga.
52588-0732-21-41		Boulevard	CT 1	Chatham County, Ga.
52588-0732-22-41			CT 2	
52588-0732-23-41			CT 3	
51817-1304-21-41	Board of Public Utilities, City of McPherson.	Municipal Plant	GT 1	McPherson, Kans.
51817-1304-22-41			GT 2	
51817-1304-23-41			GT 3	
53195-6210-01-41	The Washington Water Power Co.	Northeast Combustion Turbine.	CT 1	Mead, Wash.
52958-6203-21-41	Tri-State Generation & Transmission Assoc., Inc.	Republic River	CT 1	Wray, Colo.
52958-6203-22-41			CT 2	
52958-6203-23-41			CT 3	
52958-6619-21-41		Burlington	CT 1	
52958-6619-22-41			CT 2	Burlington, Colo.
50703-2231-01-41	City of Crete Utilities Department.	Crete	No. 1	Crete, Nebr.

I. Statutory Prohibitions

The above listed powerplants are prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source, or are prohibited from using natural gas as a primary energy source in excess of the average base year proportions allowed in Section 301(a)(3) of the Act.

II. Eligibility for Exemption

The existing powerplants listed above have submitted petitions to ERA for a Special Temporary Public Interest Exemption and have asserted that:

a. Each existing powerplant is:

1. Prohibited on May 8, 1979 from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or

2. Prohibited from using natural gas in excess of the average base year proportions allowed in Section 301(a)(3) of FUA.

b. The proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA:

1. Will displace consumption of middle distillate or residual fuel oil; and

2. Will not displace the use of coal or any other alternate fuel in any facility of the owner/operator utility system, including the powerplant for which the exemption was submitted.

III. Rationale

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The expanded use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption. This increased use of natural gas will help the United States meet its commitment to reduce its demand for imported petroleum products, protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have had a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that this increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy selfsufficiency. This is in keeping with purposes of FUA and is in the public interest.

Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria established in § 508.2 of the Special Rule (April 9, 1979, 44 FR 21230), ERA proposes to grant the exemptions.

IV. Duration

ERA proposes to grant these temporary public interest exemptions generally for a period of two years and may extend them from one to three additional years. Certain petitioners have requested that they be granted exemptions for a period of greater than two years but less than five years, the maximum period allowed under FUA, and to the extent that these requests are in the public interest ERA will consider them.

These proposed exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

V. Terms and Conditions

Pursuant to the authority of Section 314 of FUA and 10 CFR 508.6, ERA will require the order recipient upon issuance of a final order to: 1) Complete a Form ERA 316 (Temporary Public Interest Exemption for Use of Natural Gas by Existing Powerplants Form), 2) Report the actual monthly volumes of natural gas used in each exempted powerplant and the estimated number of barrels of each type of fuel oil displaced during the exemption period, 3) Submit a system-wide fuel conservation plan to include the two-year period covered by the temporary exemption, and 4) Submit annually to ERA a report on progress achieved in implementing the system-wide fuel conservation plan.

Issued in Washington, D.C., on October 16, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-32564 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

Receipt of Petitions for Temporary Public Interest Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978 and Proposed Order Granting the Temporary Exemptions.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Petitions and Proposed Orders.

SUMMARY: A number of petitions have been received and filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for temporary public interest exemptions for the use of natural gas as a primary energy source. Such exemptions are authorized by Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, November 9, 1978, (FUA or the Act). The owners/operators of the powerplants have provided the following information:

Petitioner generating station	Unit identification	Maximum quantity of oil displaced barrels/ per day	Type of oil displaced	Coal displaced
Portland General Electric Co. (Bethel)	CT 1	18,000	Distillate	No.
Rochester Public Utilities (Cascade Creek).	No. 1	21,000	Distillate	No.
Nebraska Public Power District (Ogallala).	No. 1	19,000	Distillate	No.
(Bluffs)	No. 2	1,000	Distillate	No.
Savannah Electric & Power Co. (Port Wentworth).	CT 1	20,000	Distillate	No.
(Boulevard)	CT 1 CT 2 CT 3	78,000	Distillate	No.
Board of Public Utilities, City of McPherson (Municipal Plant).	CT 1 CT 2 CT 3	171,000	Distillate	No.
The Washington Water Power Co. (Northeast Combustion Turbine).	CT 1	24,000	Distillate	No.
Tri-State Generation & Transmission Assoc., Inc. (Republican River).	CT 1 CT 2 CT 3	125,000	Distillate	No.
(Burlington)	CT 1 CT 2	89,000	Distillate	No.
City of Crete Utilities Department (Crete).	No. 1	12,000	Distillate	No.

FUA became effective on May 8, 1979. The Act prohibits the use of natural gas as a primary energy source in certain existing powerplants and also authorizes an exemptions procedure in regard to that and other prohibitions.

ERA is proposing to issue orders which would grant temporary public interest exemptions to all of the petitioners enumerated above, pursuant to the authority of Section 311(e) of FUA and 10 CFR 508, published by ERA on April 9, 1979 (44 FR 21230). These proposed orders, when finalized, would grant a temporary exemption to the subject powerplants from the prohibition against natural gas use, contained in Section 301(a) (2) and (3) of FUA.

ERA is publishing this notice of petitions filed and its proposed order to grant these exemptions, to invite interested persons to submit written comments pursuant to the requirements of FUA. In addition, any interested person may request that a public hearing be convened in regard to these petitions under the provisions of Section 701(d) of FUA.

DATES: Written comments relating to these petitions and the proposed order are due on or before November 28, 1979. Requests for a public hearing are also due on or before November 28, 1979.

ADDRESSES: Requests for a public hearing and/or 10 copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Deparment of Energy, Room B-110, 2000 M Street, NW., Washington, D.C. 20461 (202) 634-2170.

Robert L. Davies (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 3128, 2000 M Street, NW., Washington, D.C. 20461 (202) 254-7442.

G. Randolph Comstock (Office of General Counsel), Department of Energy, Room 6G-087, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2967.

SUPPLEMENTARY INFORMATION: On April 9, 1979, ERA issued a final rule implementing the authority granted to DOE by Section 311(e) of FUA. This final rule, set forth in 10 CFR Part 508, established the policy ERA has adopted in implementing its authority under Section 311(e) of FUA and the eligibility criteria, which petitioners for the temporary exemption must demonstrate. This temporary exemption will allow certain existing electric powerplants to use natural gas as a primary energy source in excess of the amounts which are mandated by Section 301(a) (2) and (3) of FUA.

The use of natural gas, permitted under the temporary exemptions, will allow existing electric powerplants to displace distillate and residual fuel oils as their primary energy source.

This expanded use of natural gas in these powerplants will be a significant step toward reducing our short term oil consumption and will help the United States in meeting its goals to reduce its demand for imported oil, protect the Nation from the effects of any oil shortages, and will serve to cushion the impact of increasing world oil prices.

The above listed owners/operators have filed petitions with ERA to request a temporary public interest exemption for their existing electric powerplants. ERA has reviewed their petitions and has found that the powerplants meet the eligibility criteria established in § 508.2 of the final rule (44 FR 21230).

ERA, in its proposed order, is granting temporary public interest exemptions for the above listed powerplants.

This is not the final notice of petitions and proposed orders under the special rule. ERA will continue to comply with the requirements of Section 701(c) of FUA and will publish further notices as petitions are received.

Issued in Washington, D.C., on October 16, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-32555 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER80-15]

Canal Electric Co.; Termination of Rate Schedule

October 16, 1979.

The filing company submits the following:

Take notice that on October 9, 1979 Canal Electric Company ("Canal") tendered for filing a Notice of Termination for its currently effective Rate Schedule FERC No. 19. Said Rate Schedule consists of a unit power sales agreement effective February 1, 1976 between Canal and Vermont Electric Power Company, Inc. ("Vermont") for the sale of unit power purchased by Vermont from Canal Electric Company's Unit No. 2.

Rate Schedule No. 19 was accepted for filing by Federal Power Commission order issued June 21, 1976 in Docket No. ER76-477 and by Federal Power Commission letter order dated October 1, 1976 in Docket No. ER76-856 and will terminate by its own provisions on October 31, 1979. Canal has requested the Commission to waive its notice requirements pursuant to § 35.15 of its Regulations and to permit the tendered Notice of Termination to become effective as of October 31, 1979, the final day upon which service was rendered under Rate Schedule No. 19.

A copy of this filing has been mailed to Vermont.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32523 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER76-5]

Indiana & Michigan Power Co.; Notice of Compliance Filing

October 16, 1979.

The filing Company submits the following:

Take notice that on September 28, 1979, the Indiana and Michigan Power Company (I&M) filed "Settlement No. 1 to Rate Schedule FERC No. 1 for Electric Service to Indiana and Michigan Electric Company.

This filing is in compliance with the letter order dated March 20, 1979, in the above case.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before November 5, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32524 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP76-91]

Montana Dakota Utilities Co.; Order Denying Motion for Shortening Time for Comments

October 16, 1979.

Montana Dakota Utilities Company (MDU) has moved to shorten the time for filing comments on the settlement proposal filed October 10, 1979. The stated ground is to permit Commission decision in time to allow the settlement to be put into effect December 1, 1979. It does not appear, however, that shortening the time for comments would allow sufficient time to put into effect the necessary procedural safeguards. Accordingly, the motion is denied.

If, upon examining the filed comments, it appears that responses to comments are unnecessary, the filing of responses will be dispensed with.

MDU is directed to serve notice of the settlement proposal and time for comments upon all persons who have presented their views at the hearings held in Billings, Montana or in writing. It is further ordered that notice of the proposed settlement and date for comments be published in the Federal Register as soon as possible.

Thomas L. Howe,

Presiding Administrative Law Judge.

[FR Doc. 79-32525 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-19]

New Bedford Gas & Edison Light Co.; Termination of Rate Schedule

October 16, 1979.

The filing company submits the following:

Take notice that on October 9, 1979 New Bedford Gas and Edison Light Company ("New Bedford") filed a Notice of Termination for its currently effective Federal Energy Regulatory Commission Rate Schedule No. 30. Said Rate Schedule consists of a unit power sales agreement dated May 3, 1978, between New Bedford Gas and Edison Light Company and the Westfield Gas and Electric Light Department for the sale by New Bedford of a portion of its entitlement to the capacity and related energy produced by Canal Electric Company's Unit No. 2.

FERC Rate Schedule No. 30 was originally accepted for filing by FERC letter order dated October 4, 1978 in Docket No. ER78-545. FERC Rate Schedule No. 30 became effective November 1, 1978 and will terminate by its own provisions on October 31, 1979. New Bedford has requested the Commission to waive its notice requirements pursuant to § 35.15 of its Regulations and to permit the tendered Notice of Termination to become effective as of October 31, 1979, the final day upon which service will be rendered under Rate Schedule No. 30.

A copy of this filing has been mailed to Westfield Gas and Electric Light Department.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32526 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-17]

New Bedford Gas & Edison Light Co.; Termination of Rate Schedule

October 16, 1979.

The filing company submits the following:

Take notice that on October 9, 1979 New Bedford Gas and Edison Light Company ("New Bedford") filed a Notice of Termination for its currently effective Federal Energy Regulatory Commission Rate Schedule No. 27. Said Rate Schedule consists of a unit power sales agreement dated May 2, 1978, between New Bedford Gas and Edison Company and The Electric Light Department of the Town of Danvers for the sale by New Bedford of a portion of its entitlement to the capacity and related energy produced by Canal Electric Company's Unit No. 2.

FERC Rate Schedule No. 27 was originally accepted for filing by FERC letter order dated July 21, 1978 in Docket No. ER78-372. FERC Rate Schedule No. 27 became effective November 1, 1978 and will terminate by its own provisions on October 31, 1979. New Bedford has requested the Commission to waive its notice requirements pursuant to § 35.15 of its Regulations and to permit the tendered Notice of Termination to become effective as of October 31, 1979, the final day upon which service will be rendered under Rate Schedule No. 27.

A copy of this filing has been mailed to The Electric Light Department of the Town of Danvers

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to

become a party must file a petition to intervene. Copies of this filing are on fill with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32527 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-21]

New Bedford Gas & Edison Light Co.; Termination of Rate Schedule

October, 16, 1979.

The filing company submits the following:

Take notice that on October 9, 1979 New Bedford Gas and Edison Light Company ("New Bedford") filed a Notice of Termination for its currently effective Federal Energy Regulatory Commission Rate Schedule No. 32. Said Rate Schedule consists of a unit power sales agreement dated May 3, 1978, between New Bedford Gas and Edison Light Company and the Holden Municipal Light Department for the sale by New Bedford of a portion of its entitlement to the capacity and related energy produced by Canal Electric Company's Unit No. 2

FERC Rate Schedule No. 32 was originally accepted for filing by FERC letter dated order October 27, 1978 in Docket No. ER78-621. FERC Rate Schedule No. 32 became effective November 1, 1978 and will terminate by its own provisions on October 31, 1979. New Bedford has requested the Commission to waive its notice requirements pursuant to § 35.15 of its Regulations and to permit the tendered Notice of Termination to become effective as of October 31, 1979, the final day upon which service will be rendered under Rate Schedule No. 32.

A copy of this filing has been mailed to Holden Municipal Light Department.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32528 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-16]

New Beford Gas & Edison Light Co.; Termination of Rate Schedule

October 16, 1979.

The filing company submits the following:

Take notice that on October 9, 1979 New Bedford Gas and Edison Light Company ("New Bedford") tendered for filing a Notice of Termination for its currently effective Rate Schedule FERC No. 24. Said Rate Schedule consists of a transmission agreement effective February 1, 1976 between New Bedford and Vermont Electric Power Company, Inc. ("Vermont") for the transmission of unit power purchased by Vermont from Canal Electric Company's Unit No. 2 from its point of delivery at the Canal Electric Company 345 KV bus to Boston Edison Company's West Medway Substation.

Rate Schedule No. 24 was accepted for filing by Federal Power Commission letter order dated May 6, 1976, in Docket No. ER76-482 and has been once amended by Federal Energy Regulatory Commission letter order issued August 4, 1978 in Docket No. ER78-434. Rate Schedule FERC No. 24 will terminate by its own provisions on October 31, 1979. New Bedford has requested the Commission to waive its notice requirements pursuant to § 35.15 of its Regulations and to permit the tendered Notice of Termination to become effective as of October 31, 1979, the final day upon which service will be rendered under Rate Schedule No. 24.

A copy of this filing has been mailed to Vermont.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32529 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-20]

New Bedford Gas & Edison Light Co.; Notice of Termination of Rate Schedule

October 16, 1979.

The filing company submits the following:

Take notice that on October 9, 1979 New Bedford Gas and Edison Light Company ("New Bedford") filed a Notice of Termination for its currently effective Federal Energy Regulatory Commission Rate Schedule No. 31. Said Rate Schedule consists of a unit power sales agreement dated May 3, 1978, between New Bedford Gas and Edison Light Company and the Templeton Municipal Lighting Plant for the sale by New Bedford of a portion of its entitlement to the capacity and related energy produced by Canal Electric Company's Unit No. 2.

FERC Rate Schedule No. 31 was originally accepted for filing by FERC letter order dated October 4, 1978 in Docket No. ER78-546. FERC Rate Schedule No. 31 became effective November 1, 1978 and will terminate by its own provisions on October 31, 1979. New Bedford has requested the Commission to waive its notice requirements pursuant to § 35.15 of its Regulations and to permit the tendered Notice of Termination to become effective as of October 31, 1979, the final day upon which service will be rendered under Rate Schedule No. 31.

A copy of this filing has been mailed to Templeton Municipal Lighting Plant.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32530 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-18]

New Bedford Gas & Edison Light Co.; Termination of Rate Schedule

October 16, 1979.

The filing company submits the following:

Take notice that on October 9, 1979 New Bedford Gas and Edison Light Company ("New Bedford") filed a Notice of Termination for its currently effective Federal Energy Regulatory Commission Rate Schedule No. 29. Said Rate Schedule consists of a unit power sales agreement dated May 3, 1978, between New Bedford Gas and Edison Light Company and the Mansfield Municipal Electric Department for the sale by New Bedford of a portion of its entitlement to the capacity and related energy produced by Canal Electric Company's Unit No. 2.

FERC Rate Schedule No. 29 was originally accepted for filing by FERC letter order dated October 4, 1978 in Docket No. ER78-544. FERC Rate Schedule No. 29 became effective November 1, 1978 and will terminate by its own provisions on October 31, 1979. New Bedford has requested the Commission to waive its notice requirements pursuant to § 35.15 of its Regulations and to permit the tendered Notice of Termination to become effective as of October 31, 1979, the final day upon which service will be rendered under Rate Schedule No. 29.

A copy of this filing has been mailed to Mansfield Municipal Electric Department.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32531 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-23]

New Bedford Gas & Edison Light Co.; Termination of Rate Schedule

October 16, 1979.

The filing company submits the following:

Take notice that on October 9, 1979 New Bedford Gas and Edison Light Company ("New Bedford") tendered for filing a Notice of Termination for its currently effective Rate Schedule FERC No. 35. Said Rate Schedule consists of a unit power sales agreement dated October 23, 1978, by and between New Bedford Gas and Edison Light Company and the Electric Light Department of the Town of Braintree, Massachusetts for the sale by New Bedford of a portion of its entitlement to the capacity and related energy produced by Canal Electric Company's Unit No. 2.

Rate Schedule FERC No. 35 was originally accepted for filing in Docket No. ER79-95 and has been once amended by Commission letter order dated June 20, 1979 in Docket No. ER79-345. Rate Schedule FERC No. 35 will terminate by its own provisions on October 31, 1979.

New Bedford has requested the Commission to waive its notice requirements pursuant to § 35.15 of its Regulations and to permit the tendered Notice of Termination to become effective as of October 31, 1979, the final day upon which service will be rendered under Rate Schedule No. 35.

A copy of this filing has been mailed to Braintree.

Any person desiring to be heard or to protest said filing should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32532 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-22]

New Bedford Gas & Edison Light Co.; Termination of Rate Schedule

October 16, 1979.

The filing company submits the following:

Take notice that on October 9, 1979 New Bedford Gas and Edison Light Company ("New Bedford") filed a Notice of Termination for its currently effective Federal Energy Regulatory Commission Rate Schedule No. 33. Said Rate Schedule consists of a unit power sales agreement dated May 3, 1978, between New Bedford Gas and Edison Light Company and the Hingham Municipal Lighting Plant for the sale by New Bedford of a portion of its entitlement to the capacity and related energy produced by Canal Electric Company's Unit No. 2.

FERC Rate Schedule No. 33 was originally accepted for filing by FERC in Docket No. ER79-1. FERC Rate Schedule No. 33 became effective November 1, 1978 and will terminate by its own provisions on October 31, 1979. New Bedford has requested the Commission to waive its notice requirements pursuant to § 35.15 of its Regulations and to permit the tendered Notice of Termination to become effective as of October 31, 1979, the final day upon which service will be rendered under Rate Schedule No. 33.

A copy of this filing has been mailed to Hingham Municipal Lighting Plant.

Any person desiring to be heard or to protest said filing should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32533 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-10]

Tucson Electric Power Co.; Notice of Cancellation

October 16, 1979.

The filing Company submits the following:

Take notice that on October 4, 1979, the Tucson Electric Power Company filed a notice that its Rate Schedule FERC No. 21, effective March 27, 1978 is to be cancelled as of midnight, September 30, 1979.

This cancellation does not apply to Supplement No. 1 to Rate Schedule FERC No. 21.

A copy of this filing has been served upon Platte River Power Authority.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on on before November 7, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32534 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-11]

Wisconsin Electric Power Co.; Proposed Rate Schedule

October 16, 1979.

The filing Company submits the following:

Take notice that on October 4, 1979, Wisconsin Electric Power Company filed a proposed Rate Schedule A to supersede Rate Schedule FPC No. 39 as Supplemented.

Because Rate Schedule A will supersede Rate Schedule FPC No. 39, the company submits that notice of cancellation is not required to be filed.

The Company requests that the notice rules under § 35.0 of the Commission's regulations be waived.

A copy of this filing has been served upon the Town of Florence, Wisconsin and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before November 7, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb

Secretary.

[FR Doc. 79-32535 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. GP79-136 and GP79-141]

Oklahoma Natural Gas Gathering Corp. v. Sun Oil Co. et al.; Protests

October 15, 1979.

Take notice that on August 30, 1979, Oklahoma Natural Gas Gathering Corporation (Oklahoma) filed with the Federal Energy Regulatory Commission (Commission), pursuant to 18 CFR 154.94, protests to the blanket affidavits, interim collection filings, or rate changes of four producers insofar as they relate to the following contracts and the contractual authority thereunder to charge and collect maximum lawful prices under section 108 of the Natural Gas Policy Act of 1978 (NGPA):

Sun Oil Company—Rate Schedule No. 402
Sun Oil Company—Rate Schedule No. 450
Tenneco Oil Company—Rate Schedule No. 22
Texaco, Inc.—Rate Schedule No. 253
Entex Petroleum, Inc.—contract dated April 17, 1962
Entex Petroleum, Inc.—contract dated June 1, 1966

Oklahoma asserts that the above listed producers have claimed contractual authority to collect the maximum lawful price under section 108 of the NGPA, but that the above listed contracts do not authorize the collection of those prices.

These contracts are on file with the Commission and are open to public inspection.

Any person desiring to be heard or to make any protest concerning the protest filed in this docket should on or before November 5, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken herein but will not serve to make the protestants parties to this proceeding. Any party wishing to become a party in any hearing herein, must file a petition to intervene in accordance with the Commission's Rules. After that date, these protests will be forwarded to the Commission's Chief Administrative Law Judge for disposition in accordance with Order 23-B (44 FR 38834, July 3, 1979).

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32514 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-489]

Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Application

October 17, 1979.

Take notice that on September 17, 1979, Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, (Applicants) filed in Docket No. CP79-489 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for United Gas Pipe Line Company (United) and the construction and operation of certain facilities necessary to render such transportation service, all as more fully set forth in the application on file with the Commission and open to public inspection.

United has contracted to purchase natural gas from Transok Pipeline Company (Transok), an interstate pipeline.[1] In order to receive such gas into its system, United has entered into a transportation agreement dated August 27, 1979, with Applicants providing for the transportation of up to 75,000 Mcf of natural gas per day by Applicants for United's account. By the terms of such agreement, Panhandle would receive from Transok for United's account up to 45,000 Mcf of natural gas

[1] Transok will sell the gas to United pursuant to Section 311(b) of the Natural Gas Policy Act (NGPA) and Part 284 of the Commission's Interim Regulations Implementing the NGPA.

per day at a proposed point of interconnection with Transok on Panhandle's system in Garfield County, Oklahoma, and up to 30,000 Mcf of natural gas per day from Oklahoma Natural Gas Company (ONG) for United's account at an existing point of interconnection with ONG on Panhandle's system in Dewey County, Oklahoma. From said points, Applicants propose to transport and exchange the gas with redelivery of the gas by Trunkline to United at either a proposed interconnection between the facilities of Trunkline and United in St. Mary Parish, near Garden City, Louisiana, or an existing interconnection between facilities of Trunkline and United in Lasalle Parish, Louisiana.

The application states that United would pay Panhandle for the proposed transportation service a monthly charge of $414,750, subject to adjustment, based on the firm quantity of 75,000 Mcf per day. Applicants indicate that an upward or downward adjustment of 18.17 cents per Mcf would be applied to any excess or deficiency in quantities taken. Panhandle would pay Trunkline for its *pro rata* share of the transportation service from the amounts paid by United, it is stated. Panhandle indicates that it would retain 6 percent of the volumes of gas received for fuel usage.

Panhandle also requests authorization to construct an interconnection for the receipt and measurement of gas at the Garfield County point of receipt. The cost of such facilities is estimated to be $181,000, which cost United would reimburse Panhandle.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32544 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER78-507]

Public Service Co. of Colorado; Order Approving Settlement

October 9, 1979.

On June 25, 1979, the Public Service Company of Colorado (PSCC) filed two proposed settlements with the Administrative Law Judge in Docket No. ER78-507, one with Colorado-Ute Electric Association, Inc., and one with all other wholesale customers. The settlement proposal applicable to Colorado-Ute included an offer of settlement at the filed rate and an alternative offer of settlement at rates commensurate with the settlement rates offered to the other wholesale customers. PSCC accompanied these filings with a motion that the Commission approve the originally filed rate, while Colorado-Ute and the Commission staff recommend approval of the rate commensurate with that being offered the other customers.

The Law Judge denied the motion, and certified both settlements to the Commission recommending approval of both settlements and that the alternate rate approved for Colorado-Ute be that which is comparable with the other customers' proposed rate.

The issue concerning the rates for Colorado-Ute resolves around the contract between Public Service Company of Colorado and Colorado-Ute, which provides, *inter alia:*

> Public Service will not initiate, seek or request from any authority having jurisdiction an increase or decrease in such rates for power purchases or transmission service in any proportion different from any general adjustment to the balance of its wholesale and transmission service rates.

PSCC contends this contract clause applies only to the initial rate filing. However, the ALJ upheld the staff and Colorado-Ute position that the clause is of the type which falls within the *Mobile-Sierra* doctrine,[1] is applicable to settlements, and requires that all fixed rate customers be offered the same rates, so as to avoid a unilateral change in contract rate vis-a-vis like customers.

The Commission agrees and observes the following points in support of this view:

(1) This issue arose with PSCC in Docket No. E-8882 which was resolved by the Federal Power Commission in an order upholding the staff position that the filed rate contract would "be meaningless if PSCC were permitted to file one set of new rates in accordance with the contract only to be permitted to turn around and negotiate and file in the form of a settlement agreement another set of new rates as to any and all of the customers." Order Approving Settlement, (issued November 17, 1975), at 3.

(2) In *City of Richmond* v. *F.P.C.*, 481 F.2d 490, 495 (D.C. Cir. 1973), the United States Court of Appeals interpreted *Mobile-Sierra* to mean that a contract stating sales of electric energy at wholesale would be at rates similar to others filed with a public service commission requires that the rate remain proportional throughout the term of the contract, not just at time of the initial filing.

(3) PSCC alleges that applying the filed rate to Colorado-Ute would produce a return on equity of 6.7%, which is lower than that produced under the settlement rates agreed upon for PSCC's other customers, and that providing the same reduced rate for Colorado-Ute would then yield a return on equity of 4.86%, which PSCC characterizes as "confiscatory." Assuming, *arguendo*, this is true, PSCC has failed to allege, much less demonstrate, that it meets the standard set by *Sierra*, 350 U.S. 348, 355 (1956) which states:

> * * * the sole concern of the Commission would seem to be whether the rate is so low as to adversely affect the public interest—as where it might impair the financial ability of the public utility to continue its service, cast upon other consumers an excessive burden, or be unduly discriminatory.

PSCC seems to be arguing that the rate should not be made proportional for Colorado-Ute because this will not be profitable. This line of reasoning is specifically rejected in *Sierra*, at 355,

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[1] *United Gas Co.* v. *Mobile Gas Corp.*, 350 U.S. 332 (1956); *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

wherein the Supreme Court states "it is clear that a contract may not be said to be either 'unjust' or 'unreasonable' simply because it is unprofitable to the public utility."

(4) The contract clause on its face clearly relates to the filing of settlement rates as well as originally filed proposed rates. It prohibits PSCC from requesting "an increase or decrease in such rates * * * in any proportion different from any general adjustment to the balance of its wholesale and transmission service rates." A rate reduction from PSCC's proposed rate level to its other wholesale customers must also be reflected in PSCC's rate to Colorado-Ute. Therefore, we approve the alternative "adjusted rate" submitted by PSCC for Colorado-Ute in this proceeding.

Based on the staff's analysis, the earned rate of return under the proposed settlements will not exceed the staff's recommended 9.0% rate of return with 12.50% on common equity and a common equity of 38.04%.

The Commission orders: (A) The Settlement Agreement with Colorado-Ute, adopting the alternative proportional rates, and the Settlement Agreement with all other wholesale customers are in the public interest and are hereby accepted and approved.

(B) This order is without prejudice to any findings or orders which have been made or which will hereinafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Public Service Company of Colorado, or any other person or party.

(C) The tariff sheets attached to the settlement agreements are accepted for filing effective February 5, 1979 as designated on the enclosure. All amounts collected in excess of the settlement rates must be refunded within 30 days of the issuance of this order with interest computed in accordance with Commission Order No. 47. Within 15 days after the refunds have been made, the Company shall file with this Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates; the monthly revenue refund; and the monthly revenue interest computed together with a summary of such information for the total refund period. In addition, the Company shall furnish a copy of such report to each wholesale customer and to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail. Upon satisfactory completion of the above filing requirement, this docket is terminated.

(D) The Secretary shall cause prompt publication of this order to be made in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32515 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-493]

Southern Natural Gas Co.; Application

October 17, 1979.

Take notice that on September 20, 1979, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP79-493 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Southern requests authorization to construct and operate approximately 7.8 miles of 8⅝-inch O.D. steel pipeline and necessary appurtenances, including a receiving/measurement station, to connect Gulf Oil Exploration and Production Company's (Gulf Oil) well in Block 51, Chandeleur Sound Area, St. Bernard Parish, Louisiana, to Southern's existing 6⅝-inch Eloi Bay Pipeline at M.P. 10.725 in St. Bernard Parish, Louisiana. Southern proposes to construct facilities in order to take delivery of volumes of natural gas which Southern has contracted to purchase from Gulf Oil under a gas purchase agreement, dated March 30, 1979. It is indicated that the sale of gas to Applicant by Gulf Oil would be made pursuant to the Natural Gas Policy Act of 1978 for resale in interstate commerce.

The estimated cost of construction of the proposed pipeline and appurtenant facilities is $1,559,460, which cost Southern expects to finance initially by short-term financing and/or cash from current operations, and ultimately from permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determing the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Southern to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32545 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP79-113]

Standard Gas Co.; Protest To Charge and Collect NGPA Prices

October 15, 1979.

Take notice that on August 7, 1979, the Standard Gas Company (Standard) filed in Docket No. GP79-113 a petition protesting the right of Cecil Pruitt, Jr. (Pruitt) to charge and collect from Standard the maximum lawful prices for natural gas established by the Natural Gas Policy Act of 1978 (NGPA) and the right to make any interim or retroactive collection of such prices, pursuant to § 154.94(h)(8) of the Commission's regulations 918 CFR 154.94(h)(8)). Standard is a corporation organized and operating under the laws of the State of West Virginia, with its principal offices in Jane Lew, West Virginia.

As stated in the petition, Pruitt is a small producer and is seeking to charge and collect from Standard maximum lawful prices set under section 108 of the NGPA for natural gas produced from

wells designated as Alkire No. 1 (047–041–1636) and Alkire No. 2 (047–041–1716).

In order to collect up to the maximum lawful price under section 108, contractual authority to collect and charge the price authorized by the NGPA must exist. The contract between Pruitt and Standard contains the following clause:

(7) For the gas so furnished, supplied and delivered into the pipeline of Buyer, at the point as above described, by Seller, the Buyer agrees and binds itself to pay unto the Seller at the rate of Thirty ($.30) cents per thousand cubic feet.

Standard contends in its protest that the contract does not, in the price clause set forth above or in any other part, give Pruitt the necessary authority to collect section 108 prices, or to file for interim collections. Standard further protests that no part of the contract was intended to operate as a price escalator clause within the meaning of Order No. 23, issued by the Commission in Docket No. RM79–22 on March 13, 1979. A copy of the entire contract is in the Commission's public files and available for inspection by any member of the public.

Any person desiring to be heard or to make any response concerning Standard's protest filed in this docket should, on or before November 5, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken herein, but will not serve to make the protestants parties to this proceeding. Any party wishing to become a party to this proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's rules. After the period for protests and interventions has expired, these protests will be forwarded to the Commission's Chief Administrative Law Judge for disposition in accordance with Order No. 23–B (44 FR 38834, July 3, 1979).

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32516 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[FERC Gas Rate Schedules Nos. 10 and 95; Docket No. GP79–90]

Texas Pacific Oil Co., Inc., and Texas Pacific Oil Co., Inc. (Blanket Affidavit Filing of December 6, 1978); Order Providing for Hearing, Setting Pre-Hearing Conference Consolidating Proceedings and Granting Intervention

October 10, 1979.

On September 11, 1978, Texas Pacific Oil Company, Inc. (Texas Pacific) filed notices of change in rate from the minimum rate of 18.0 cent to the 29.5 cent base rate established in Opinion No. 749 for sales under its Rate Schedule Nos. 10 and 95 to Arkansas Louisiana Gas Company (Arkla). Texas Pacific maintains that these filings are contractually authorized.

Texas Pacific's predecessor in interest, Joseph E. Seagram & Sons, Inc. (Seagram), entered into a contract on January 29, 1962, with Arkla for the sale of natural gas from acreage in the Arkoma Area, Oklahoma.[1] By letter agreement dated March 20, 1962,[2] the parties agreed that:

"* * * [S]hould Arkansas Louisiana, subsequent to the date of the Gas Purchase Agreement dated January 29, 1962, hereinabove referred to, contract with Sellers other than Seagram for gas to be delivered into the trunkline to be built to service the dedicated area under the above referred to Gas Purchase Contract, Seagram shall have at its option the right to be included as a contract member under such subsequent contracts or to amend its existing contract to include those leases which Seagram owns within such area dedicated by the Sellers in any such subsequent contracts."

Pursuant to the March 13th agreement, Seagram and Arkla executed a contract on December 31, 1963, adopting the terms and conditions of a contract dated March 15, 1962, as previously amended, between Arkla and Sinclair Oil and Gas Company (Sinclair) for certain leases owned by Seagram in the area covered by the Sinclair contract. The December 31, 1963, contract is on file as Texas Pacific's Rate Schedule No. 95.

By letter agreement dated November 12, 1975, between Arkla and Atlantic Richfield Company (Arco), successor in interest to Sinclair, an area rate clause was added to the 1962 Sinclair contract (presently Arco's Rate Schedule No. 481).

Texas Pacific maintains that the composite legal effect of the March 13, 1962, letter agreement between Seagram and Arkla and the November 12, 1975, letter agreement between Arkla and and Arco, constitutes the requisite contractual authority for the subject rate increase filings.

Texas Pacific also filed a blanket affidavit on December 6, 1978, whereby it seeks to charge the NGPA section 104 rate for flowing gas sold to Arkla under texas Pacific's Rate Schedule Nos. 10 and 95.

Arkla has requested that the Commisison reject Texas Pacific's September 11 rate increase filings. Arkla objects to the rate changes on the grounds that the filings lack contractural authorization and that, even if contractually authorized, the contractual authorization would be premised on an indefinite price escalation clause which is prohibited by §154.93 of the Commission's Regulation.[3] Arkla also filed a protest in Docket No. GP79–90 on August 15, 1979, to Texas Pacific's December 6, 1978, blanket affidavit filing whereby Texas Pacific seeks to charge the NGPA section 104 rate for flowing gas sold to Arkla under Rate Schedule Nos. 10 and 95.[4] Arkla is objecting to the December 6, 1978, blanket affidavit filing on the same grounds that it opposes the September 11, 1978, rate increase filings, *i.e.*, that the filing lacks contractual authorizations and, in the alternaitive, the filing violates § 154.93 of the Commission's regulations.[5]

The Commission finds that both the rate increase filings of September 11, 1978, relating to Texas Pacific's Rate Schedule Nos. 10 and 95 and the protest, filed by Arkla to Texas Pacific's December 6, 1978, blanket affidavit filing in Docket No. GP79–90 raise common issues of law and fact and should be consolidated for disposition.

The Commission also finds that it is necessary and in the public interest that a hearing be held to determine the lawfulness of the proposed rate increases in this consolidated proceeding.

The Commission orders: (A) Texas Pacific's rate increase filings of September 11, 1978, relating to its Rate Schedule Nos. 10 and 95, and Arkla's protest to Texas Pacific's December 6,

[1] On file as Texas Pacific's Rate Schedule No. 10.

[2] The letter agreement is written on letterhead stationery of Frankfort Oil Company, which company negotiated the various agreements involved herein on behalf of Seagram. Arkla states that Seagram and Frankfort were affiliated companies and that Texas Pacific is the successor to both companies.

[3] Arkla filed a protest, petition to intervene and motion to reject the rate increases on October 10, 1978. Arkla also filed a motion to consolidate Texas Pacific's September 11, 1978, rate filings relating to Rate Schedule Nos. 10 and 95.

[4] The Commission has given notice of the protest filed by Arkla in Docket No. GP79–90 and interested parties are allowed to respond on or before October 3, 1979.

[5] Arkla does not object, however, to Texas Pacific's attempt to charge the NGPA section 104 minimum rate for gas sold to Arkla under Rate Schedule Nos. 10 and 95.

1978 blanket affidavit filing in Docket No. GP79–90 are hereby consolidated for the purpose of hearing and decision.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 14, 15 and 16 thereof, the Natural Gas Policy Act of 1978, the Commission's rules of practice and procedure and Regulations under the Natural Gas Act and Natural Gas Policy Act of 1978 (18 CFR Chapter I), a public hearing shall be held in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, for the purpose of hearing and disposition of the issues herein.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss as provided for in the rules of practice and procedure).

(D) The Presiding Administrative Law Judge shall preside at a prehearing conference to be held in this proceeding on October 23, 1979, at 10:00 a.m., EDT in a hearing room at the address noted in Ordering Paragrah (B).

(E) All parties to this proceeding shall file their proposed direct testimony and evidence on or before October 17, 1979. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(F) Arkla's petitions to intervene are hereby granted subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters specifically set forth in its petitions to intervene; *And provided further,* That the admission of such intevenor shall not be construed as recognition by the Commission that it might be aggrieved by any order issued in this proceeding.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79–32517 Filed 10–19–79; 8:45 am]

BILLING CODE 6450–01–M

[Dockets Nos. RM79–15 and RP72–99]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

October 15, 1979.

Take notice that on October 1, 1979, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing pursuant to Section 401 of the Natural Gas Policy Act of 1978 (NGPA) the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1:

First Revised Sheet No. 233A
First Revised Sheet No. 233B
First Revised Sheet No. 233C

The sheets are proposed to be effective November 1, 1979.

Transco states the purpose of the tariff sheets is to implement procedures for relief from curtailment on Transco's system pursuant to Section 401 of the NGPA and in accordance with the Commission's "Order Granting Transcontinental Gas Pipeline Corporation's Application for Rehearing" issued August 2, 1979, in Docket No. RM79–15. The tendered tariff sheets continue the effectiveness of Transco's currently effective relief procedures beyond the October 31, 1979 termination date. Transco States the relief procedures of § 13.4 to the General Terms and Conditions are consistent with the "Settlement Agreement As To Curtailment Rules of Transcontinental Gas Pipe Line Corporation Commencing November 1, 1978" approved by the Commission's orders issued January 19, 1979, and August 2, 1979, in Docket No. RP72–99.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers, interested state commissions and parties to Transco's curtailment proceeding in Docket No. RP72–99.

Any person desiring to be heard or to make any protest with reference to said filing should on or before October 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–32518 Filed 10–19–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. RP72–99]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

October 15, 1979.

Take notice that on October 1, 1979, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing, pursuant to § 13.2(b)(ii)(5) of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheet:

Second Revised Sheet No. 229

This tariff sheet, which is proposed to be effective November 1, 1979, provides for increases in Annual Quantity Entitlements totalling 1,351,442 dekatherms (dt) for fourteen small volume customers which requested such increases in accordance with Article VI of Transco's "Settlement Agreement as to Curtailment Rules" as approved and adopted by the Commission by orders issued January 19, 1979, and August 2, 1979, in the above captioned docket.

Transco states that the foregoing increases in entitlements for customers which purchase under Transco's Rate Schedule G and OG are being proposed in accordance with the provisions set forth in § 13.2(b)(ii) of the General Terms and Conditions of Transco's FERC Gas Tariff, Second Revised Volume No. 1.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions and to parties to Transco's curtailment proceeding in Docket No. RP72–99.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before October 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32519 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP78-328]

Transcontinental Gas Pipe Line Corp.; Petition To Amend

October 17, 1979.

Take notice that on September 19, 1979, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP78-328 a petition to amend the Commission's order of August 8, 1978, issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorized Transco to increase the volume of gas that it is now transporting for Consolidated Gas Supply Corporation (Consolidated), from a particular point on Transco's system, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Pursuant to the order of August 8, 1979, Transco was granted authorization to provide a firm and interruptible transportation service for Consolidated from sixteen points on the Transco system, onshore and offshore Louisiana, to a point of redelivery on Consolidated's system at Leidy, Clinton County, Pennsylvania. Transco indicates that it is now providing such firm and interruptible transportation service for Consolidated from the authorized sixteen points on its system, onshore and offshore Louisiana, and that one of the authorized points of delivery to Transco for firm transportation is the point of interconnection of Transco's Southwest Louisiana Gathering System (SW System) and the tailgate of U-T Offshore System's Johnson's Bayou Plant in Cameron Parish, Louisiana (U-TOS delivery point), where the maximum delivery obligation is presently 25,000 dekatherms (dt) per day.

Transco states that Consolidated now desires it to increase the maximum delivery obligation at the U-TOS delivery point from 25,000 dt to 55,000 dt per day. Consequently, Transco requests authorization to increase the maximum delivery obligation at the U-TOS delivery point to 55,000 dt per day. Consolidated and Trasco have entered into an amendatory agreement dated April 12, 1978, providing for such increase.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 8, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32546 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-504]

Trunkline Gas Co.; Application

October 17, 1979.

Take notice that on September 26, 1979, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP79-504 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation for Amoco Production Company (Amoco) 50 percent of Amoco's interest in the natural gas to be produced from South Timbalier Block 156, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Pursuant to a transportation contract between Trunkline and Amoco, dated August 1, 1979, Trunkline would transport up to 3,000 Mcf of natural gas on a firm basis for Amoco from a point of receipt on Amoco's production platform located in South Timbalier Block 156 and redeliver the subject gas to Amoco for its further delivery to Florida Gas Transmission Corporation (Florida Gas). Redelivery of the gas to Amoco would occur at an existing point of the interconnection of the facilities of Trunkline and Amoco in Calcasieu Parish, Louisiana. The gas transported for Amoco would assist Amoco in fulfilling its warranty agreements with Florida Gas and Florida Power and Light Company (FP & L), it is asserted.

For the transportation service Amoco would pay Trunkline a monthly charge of $13,500 based on the maximum daily quantity of 3,000 Mcf per day. In the event Trunkline fails or is unable to take natural gas up to the daily contract demand level, the monthly charge shall be reduced 14.80 cents for each Mcf of deficiency on such day or days. If Amoco delivers or causes to be delivered to Trunkline natural gas at the point of receipt for Amoco's account in excess of the transportation quantity, the charge would be increased 14.80 cents for each Mcf of excess gas taken on such day or days.

The transportation contract further provides that Trunkline would retain a volume equal to 0.7 percent of the volume received for transportation fuel.

Trunkline states that the rates are subject to increases and decreases based upon Trunline's rate proceedings, installation of facilities by Trunkline required to maintain the capacity to transport said gas for Amoco or decreases in Amoco's transportation quantities.

Trunkline has purchased Amoco's remaining interest in South Timbalier Block 156 and Mobil Oil Exploration and Producing Southeast Incorporated's 50 percent interest in the natural gas to be produced from South Timbalier Block 156.[1]

Trunkline asserts that the requested authorization would enable Amoco to move its South Timbalier Block 156 gas supplies to the interstate market and facilitate sales of such gas by Amoco to FP & L. Trunkline states that it has sufficient capacity in its existing and to be constructed facilities to transport Amoco's gas as well as the other volumes connected to Trunkline's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commision's rules.

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[1] Pursuant to budget authority granted in Docket No. CP78-536, Trunkline would construct 1.09 miles of 8-inch pipeline and appurtenant facilities to connect South Timbalier Block 156 into Trunkline's existing Terrebonnne System.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene if filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Trunkline to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32547 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP79-142]

Zenith Natural Gas Co. v. Gulf Oil Corp.; Protest To Charge and Collect NGPA Prices

October 15, 1979.

Take notice that on August 30, 1979, Zenith Natural Gas Company (Zenith) filed with the Federal Energy Regulatory Commission (Commission), pursuant to 18 CFR 154.94, a protest to the interim collection filing of Gulf Oil Corporation (Gulf), insofar as it relates to the Gas Purchase Contract dated March 14, 1929, as amended, between Zenith Natural Gas Company (successor to Zenith Gas System, Inc.), as Buyer and Gulf Oil Corporation (successor in turn to Barbara Oil Company and Kewanee Oil Company), as seller, covering certain properties in the Medicine Lodge Field, Barber County, Kansas.

Zenith asserts that Gulf claims to have the contractual authority to collect the maximum lawful price under section 108 of the NGPA, but that the above mentioned contract does not authorize the collection of this price.

These contracts are on file with the Commission and are open to public inspection.

Any person desiring to be heard or to make any response with respect to this protest should file with the Commission on or before November 5, 1979 a petition to intervene in accordance with 18 CFR 1.8. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken herein but will not serve to make the protestants parties to this proceeding. Any party wishing to become a party to this proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's rules.

After the time for protests and interventions has elapsed, these protests will be forwarded to the Commission's Chief Administrative Law Judge for disposition in accordance with Order 23-B (44 FR 38834, July 3, 1979).

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32520 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-14]

Alabama Power Co.; Proposed Rate Schedule

October 16, 1979.

The filing Company submits the following:

Take notice that Alabama Power Company on October 9, 1979 tendered for filing an Agreement with Central Alabama Electric Cooperative, Inc., intended as an initial rate schedule. The filing is for the proposed East Chilton and Titus delivery points. This agreement provides for a capacity of 10,000 kva at 115 kv at each delivery point. The delivery points will be served at the Company's applicable revision to Rate Schedule REA-1 incorporated in FERC Electric Tariff, Original Volume 1 of Alabama Power Company as allowed to become effective by Commission Order in FERC Docket 78-77.

Copies of the filing were served upon Central Alabama Electric Cooperative, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1979. Protests will be considered by the Commission in determining the parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32521 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-24]

Arizona Public Service Co.; Filing of a Wholesale Power Agreement

October 16, 1979.

The filing company submits the following:

Take notice that on October 10, 1979, the Arizona Public Service Company (APS) tendered for filing a Wholesale Power Agreement, dated July 17, 1979, between APS and the Town of Wickenburg (Wickenburg).

The rates set forth in the Agreement are those rates which the Commission permitted APS to charge Wickenburg in Docket No. ER78-145. However, the Agreement provides that if, as a result of Commission decisions in pending APS rate cases, the Commission permits APS to charge rates different from those provide in the Agreement, appropriate adjustments shall be made.

APS requests that the formal requirements of Section 35.13 be waived.

A copy of this filing has been sent to Wickenburg and the Arizona Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a pary must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32522 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-507]

Big Sandy Gas Corp.; Application

October 17, 1979.

Take notice that on September 28, 1979, Big Sandy Gas Corporation (Big

Sandy), P.O. Box 1473, Charleston, West Virginia 25325, filed in Docket No. CP79-507 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee Gas), the construction and operation of certain compressor and related pipeline facilities necessary to implement the transportation for Tennessee Gas and further, the continuation of its existing operations which have previously been performed on an intrastate basis, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Pursuant to a contract, dated August 17, 1979, Big Sandy has agreed to transport for Tennessee Gas such volumes as Tennessee Gas may purchase from Tug Fork Corporation (Tug Fork) and Appalachian Exploration and Development, Inc. (AED). The initial volumes transported for Tennessee Gas would be approximately 2,200 Mcf per day and when all proposed compressors are installed, delivery capacity would be approximately 8,000 Mcf to 10,000 Mcf per day. Should transportation volumes become available in the future which exceed Big Sandy's then existing transportation capacity, Big Sandy has agreed, on a best efforts basis, to expand and upgrade its system, Big Sandy asserts.

The transportation agreement between Tennessee Gas and Big Sandy provides that Tennessee Gas would pay Big Sandy at a rate of 60.0 cents per Mcf for the transportation service, comprised of two rate components: 40.0 cents per Mcf for transporting the gas, plus 20.0 cents per Mcf for compressing the gas in order to deliver it into Tennessee Gas' system.

The application indicates that the gas to be transported on behalf of Tennessee Gas would initially come from existing wells which are owned by Tug Fork and which are located throughout Big Sandy's pipeline system. In the future, it is anticipated that additional transportation gas would be derived from new wells which are to be filled by AED.

Big Sandy asserts that it would then collect the gas and transport it through its pipeline system to a point where the pipeline systems of Tennessee Gas and Big Sandy cross in Wayne County, West Virginia. Near such point, Big Sandy proposes to install and operate a compressor station which would consist of 3 compressors totalling 1,800 horsepower. In addition, Big Sandy proposes to install approximately 3,900 feet of 8.58-inch O.D. pipeline and other related facilities to connect with Tennessee Gas.

The cost of the proposed new compressors and related pipeline facilities is estimated to total approximately $1,500,000 and would be financed through a cash contribution from Big Sandy's corporate parent, Industrial Gas Corporation.

Big Sandy states that its pipeline system is "U" shaped and extends generally from east to west through Kanawha, Boone, Lincoln, Wayne, and Logan Counties, West Virginia and that it has been engaged in the business of transporting gas for others with West Virginia. Big Sandy states that it is presently exempt from Commission jurisdiction.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 8, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Big Sandy to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32536 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP79-124 (formerly GP79-109, 110[1])]

Carnegie Natural Gas Co. v. Allegheny Land & Mineral Co.; Protest To Charge and Collect NGPA prices

October 17, 1979.

Take note that on September 7, 1979, Carnegie filed, pursuant to §§ 154.94(h)(8) and (i)(3) of the Commission's Regulations (18 C.F.R. §§ 154.94(h)(8) and (i)(3)) a petition protesting the alleged contractural right of the Allegheny Land & Mineral Company (Allegheny) to charge Carnegie the applicable, maximum lawful prices established by the Natural Gas Policy Act of 1978 (NGPA).

Carnegie is located at 3904 Main St., Munhall, PA, 15120.

According to Carnegie, Allegheny is asserting that the indefinite price escalation clause contained in the settlement agreement in Docket No. RI74-188 applies to the sale of natural gas by Allegheny to Carnegie from wells numbered A-280 and A-290. Carnegie asserts that Allegheny is maintaining that the escalation clause consitutes the contractural authority for Allegheny to charge Carnegie the maximum lawful prices of the NGPA applicable to the gas from the two wells.[2] Carnegie alleges that the West Virginia Department of Mines, Oil and Gas Division has already found that the gas qualifies for the price of section 108 of the NGPA, as gas from stripper wells. Carnegie alleges that the gas would otherwise qualify for the price of section 104 of the NGPA.

Carnegie protests the asserted right of Allegheny to charge and collect the applicable NGPA prices and to make interim and retroactive collection of the NGPA rates under Part 273 of the Commission's Regulations. Carnegie asserts that the escalation clause in

[1] Carnegie Natural Gas Company (Carnegie) originally filed separate protests of the two contracts covered by this docket, on August 13, 1979. These two protests were assigned respectively to Docket No. GP79-109 for the contract covering well No. A-280 and to Docket No. GP79-110 for the contract covering well No. A-290. Since Carnegie consolidated these two protests in its instant filing assigned to this docket, the protests will be considered under this docket.

[2] The issue of whether the price escalation clause in the settlement agreement is triggered by the maximum lawful prices of the NGPA is presently before the Commission in Independent Oil & Gas Association of West Virginia, Docket Nos. RI74-188 and RI75-21.

Docket No. RI74–188, if applicable to the sales made by Allegheny to Carnegie, is not triggered by "new and unforeseen [higher] statutory ceiling rates where the pre-existing contracts did not contemplate such rate increases." Carnegie maintains that the (pre-existing) contracts involved here are fixed rate contracts and thus do not contemplate rate increases up to the maximum lawful prices of the NGPA.

The actual language of the contracts at issue in this docket is contained in Carnegie's protest, a copy of which is contained in the Commission's public files and available for inspection by any member of the public.

Any person desiring to be heard or to make any protest concerning Carnegie's protest filed in this docket should on or before November 8, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. § 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken herein, but will not serve to make the protestants parties to this proceeding. Any party wishing to become a party to this proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's Rules. After the period for protests and interventions has expired, these protests will be forwarded to the Commission's Chief Administrative Law Judge for disposition in accordance with Order No. 23–B (44 FR 38834, July 3, 1979.)

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–32537 Filed 10–19–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. CP79–491]

Colorado Interstate Gas Co.; Application

October 15, 1979.

Take notice that on September 18, 1979, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP79–491 and application pursuant to Section 7(c) of the Natural Gas Act, and Section 157.7(c) of the Regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing January 1, 1980, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment CIG's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the service presently rendered by CIG.

CIG states that the total cost of construction of the facilities to make miscellaneous arrangements on its system would not exceed $300,000, which cost would be financed from current working funds on hand, funds from operations, short-term borrowings, or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for CIG to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–32508 Filed 10–19–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. CP78–544]

Columbia Gulf Transmission Co. and Transcontinental Gas Pipe Line Corp.; Petition To Amend

October 17, 1979.

Take notice that on October 1, 1979, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP78–544 a petition to amend the order of March 21, 1978 issuing a certificate of public convenience and necessity in the instant docket pursuant to Section 7(c) of the Natural Gas Act by authorizing an additional delivery point in Jefferson Davis County, Mississippi to be included in the transportation and exchange arrangement between Columbia Gulf and Transco, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Pursuant to the order of March 21, 1978, Columbia Gulf is authorized to transport up to 50,000 Mcf of natural gas per day from the terminus of a pipeline system owned by Sea Robin Pipeline Company near Erath, Louisiana to Columbia Gulf's Rayne, Louisiana compressor station at which point Columbia Gulf retains such gas as exchange gas. Columbia Gulf redelivers to Transco at a point of interconnection in Terrebonne Parish, Louisiana, the thermal equivalent of the gas received by Columbia Gulf.

The petition indicates that Columbia Gas Transmission Corporation, an affiliate of Columbia Gulf, has contracted to purchase natural gas to be produced from Carson Dome Field, Jefferson Davis County, Mississippi from Forest Oil Corporation by an agreement dated August 8, 1979. In order to effect delivery of this gas to Transco, Columbia Gulf would construct, Transco would operate and they would jointly own 9.89 miles of 12-inch pipeline and related metering facilities connecting Carson Dome Field to Transco's existing 42-inch pipeline in Jefferson County, Mississippi, it is asserted.

By an amendment dated September 5, 1979, Columbia Gulf and Transco have agreed to modify their said agreement to add the Carson Dome point of delivery as a delivery point to Transco. The amendment further provides that thermally equivalent volumes of the gas received by Columbia Gulf at the point of receipt, less adjustments, would be redelivered to Transco first at the Carson Dome point of delivery and

second at the Terrebonne point of delivery.

The contract demand of 50,000 Mcf per day remains unchanged; however, with the express written consent of Columbia Gulf, Transco may tender daily volumes in excess of the contract demand for transportation and exchange.

Transco would pay Columbia Gulf 60.0 cents per Mcf of contract demand for the transportation portion of the service. The amendment provides that the monthly demand charge would be reduced by allowing an underrun credit to Transco for volumes received by Transco at the Carson Dome point of redelivery.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 8, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32538 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-7]

Delmarva Power & Light Co.; Filing of Service Agreement

October 15, 1979.

The Filing Company submits the following:

Take notice that on October 5, 1979, the Delmarva Power & Light Company (Delmarva) filed a new service agreement with the Mayor and Council of New Castle, Delaware (New Castle).

The New agreement is to become effective October 26, 1979. It represeents a change in service to an existing wholesale for resale customer and makes no change in rates, terms, or conditions of Delmarva's FERC Electric Tariff Volume No. 8.

Since such service is the only rate of Delmarva for wholesale for resale service of a customer of the class of New Castle, no comparison of the proposed rate can be provided.

Delmarva further requests expedition of processing and such waivers as necessary to comply with the proposed effective date.

A copy of this filing has been served upon New Castle and the Public Service Commission of Delaware.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before November 5, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32509 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-494]

Florida Gas Transmission Co.; Application

October 17, 1979.

Take notice that on September 20, 1979, Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP79-494 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 3.5 billion Btu's of natural gas per day for Mid Louisiana Gas Company (Mid Louisiana), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that Mid Louisiana has arranged to purchase certain volumes of natural gas produced in the Bayou Bleu Field Area, Iberville Parish, Louisiana. In order to receive this gas into its system, Mid Louisiana has entered into a transportation agreement dated July 30, 1979, with Florida Gas, which agreement provides for the transportation of up to 3.5 billion Btu of natural gas per day [1] by Florida Gas for Mid Louisiana's account. Florida Gas states that it would receive such gas from Mid Louisiana at a new point of interconnection to be established on Florida Gas's 8-inch Bayou Bleu lateral and proposes to transport and redeliver the gas to Mid Louisiana at a new point of interconnection on Florida Gas's mainline in East Baton Rouge Parish, Louisiana, near the point where Mid Louisiana's and Florida Gas's mainlines cross. Florida Gas states that it would retain 0.5 percent of the million Btu delivery quantity to offset compressor fuel, unaccounted for losses, etc., attributable to the proposed transportation service.

Florida Gas proposes to charge Mid Louisiana for the proposed transportation service a transportation rate of 11.0 cents per million Btu's redelivered at the point of redelivery or a minimum charge of $500 per month. It is indicated that the proposed transportation rate (11.0 cents per million Btu) is composed of a facility charge (10.3 cents per million Btu's), and a service charge (0.7 cents per million Btu's), it is said. The proposed transportation charge is said to reflect a rate which is based 50 percent on mileage and 50 percent on fixed costs.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the

[1] The transportation agreement provides that Florida Gas may accept a greater or lesser quantity of natural gas depending upon the operation and transmission conditions of its pipeline facilities and its own operating requirements, it is stated.

matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32539 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-9]

Kansas City Power & Light Co.; Filing

October 15, 1979.

The filing Company submits the following:

Take notice that on October 5, 1979, Kansas City Power & Light Company (KCPL) tendered for filing Service Schedules C-MPA-5 for Firm Power Service under the Municipal Participation Agreements between KCPL and the following Municipalities:

Customer—Superseding and Replacing

Baldwin City, Kansas—Schedule C-MPA-4, Supplement No. 7 to KCPL's Rate Schedule FERC No. 85

Garnett, Kansas—Schedule C-MPA-4, Supplement No. 7 to KCPL's Rate Schedule FERC No. 78

Osawatomie, Kansas—Schedule C-MPA-4, Supplement No. 7 to KCPL's Rate Schedule FERC No. 77

Carrollton, Missouri—Schedule C-MPA-4, Supplement No. 7 to KCPL's Rate Schedule FERC No. 86

KCPL states that the purpose of this filing is to bring Firm Power rate levels for these customers up to those rate levels for similar service deemed to be effective August 31, 1979 by an Order of the Commission issued on August 30, 1979, in Docket No. ER79-166. KCPL requests an effective date of August 31, 1979 for these filings. The filing of these rate schedules (i) is in no way to be deemed a concurrence by KCPL in the purported lawfulness, justness, or reasonableness of the FERC August 30 Order, and (ii) is expressly without prejudice to KCPL's right and intention to file with FERC an application for rehearing challenging the August 30 Order.

Copies of this filing have been served on the City of Baldwin City, Kansas, City of Garnett, Kansas, City of Osawatomie, Kansas, City of Carrollton, Missouri, the Kansas State Corporation Commission, and the Missouri Public Service Commission.

Any person desiring to be heard or to protest and filings should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before November 5, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32510 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Dockets Nos: GP79-85, GP79-86, GP79-87, and GP79-130]

Louisiana-Nevada Transit Co. v. Phillips Petroleum Co., Hunt Oil Co., Exxon Corp., Cotton Valley Operators Committee; Protest To Charge and Collect NGPA Prices

October 17, 1979.

Take notice that on August 1, 1979, the Louisiana-Nevada Transit Company (LNT) filed pursuant to 154.94(h)(8) of the Commission's Regulations (18 CFR 154.94(h)(8)) petitions protesting blanket affidavits of the following producers to charge the maximum lawful prices insofar as those affidavits relate to the following contracts:

1. Phillips Petroleum Company (Phillips) Rate Schedule No. 584

2. Hunt Oil Company (Hunt) Rate Schedule No. 30

3. Exxon Corporation (Exxon) Rate Schedule No. 195

4. Cotton Valley Operators Committee (Cotton Valley) Rate Schedule No. 1

As stated in the petition, Phillips, pursuant to Rate Schedule No. 584, sells natural gas to LNT and seeks to charge the applicable NGPA rate. According to LNT, Phillips asserts that the contract between Phillips and LNT permits the price payable thereunder to escalate to the applicable NGPA rate. However, LNT in its petition alleges that under its contract with Phillips, Phillips has contractual entitlement to charge and collect the NGPA rates only as long as that rate does not exceed the rate set forth in Article VII of the January 1, 1976, contract between LNT and Phillips. LNT in its petition protests on the grounds that the escalation clause in the contract limits the right of Phillips to collect only certain NGPA rates.

Hunt, pursuant to Rate Schedule No. 30, sells natural gas to LNT and seeks to charge the applicable NGPA rate. LNT protests on the grounds that the provisions of the contract between Hunt and LNT dated December 2, 1955, as amended by agreements dated January 12, 1956, August 30, 1956, December 21, 1965, and January 1, 1976, particuarly paragraph 2 of the agreement dated January 1, 1976, do not permit escalation of the contract "to Congressionally or legislatively authorized prices."

Exxon, pursuant to Rate Schedule No. 195 sells natural gas to LNT and seeks to charge the applicable NGPA rate. LNT protests on the grounds that Article VIII of the contract between Exxon and LNT dated December 30, 1955, and amended January 21, 1976, does not permit escalation of the contract to "Congressionally or legislatively authorized prices."

Cotton Valley, pursuant to Rate Schedule No. 1 sells natural gas to LNT. LNT protests on the grounds that CVOC has the authority to charge and collect the filed for NGPA rate as long as that rate does not exceed the rate set forth in the June 9, 1977, agreement to price redetermination which is, in effect an amendment to the LNT-CVOC contract dated October 24, 1940.

Any person desiring to be heard or to make response with respect to this protest should file with the Federal Energy Regulatory Commission on or before November 8, 1979, a petition to intervene or a protest in accordance with 18 CFR 1.8 or 1.10. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken herein, but will not serve to make the protestants parties to this proceeding. Any party wishing to become a party to this proceeding or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's rules. This protest will be forwarded to the Commission's Chief Administrative Law Jugde for disposition in accordance with Order No. 23-B [44 FR 38834, July 3, 1979) at the end of the notice period.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32540 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. CP66-121, CP66-110, et al. CP79-161]

Midwestern Gas Transmission Co.; Petition To Amend

October 17, 1979

Take notice that on October 2, 1979,[1] Midwestern Gas Transmission Company (Midwestern), 1100 Milam Building, Houston, Texas 77002, filed in Docket Nos. CP66-121 and CP66-110, *et al.*, a petition to amend the order of September 25, 1979, issued in said docket pursuant to Section 3 of the Natural Gas Act so as to authorize Midwestern to import additional volumes of natural gas to be purchased from TransCanada Gas Pipelines Limited (TransCanada), at an existing interconnection of the facilities of TransCanada and the facilities of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) near Niagara Falls, New York (Niagara Interconnection), and in Docket No. CP79-161, a petition to amend the order issued September 25, 1979, in CP79-161 pursuant to Section 7(c) of the Natural Gas Act by authorizing the sale of such volumes of gas imported at the Niagara Interconnection to Tennessee, all as more fully set forth in the petitions to amend which are on file with the Commission and open to public inspection.

Midwestern states that by order issued by the Economic Regulatory Administration on August 9, 1979, at Docket No. 79-04-NG and by order of the Commission on September 25, 1979, at Docket Nos. CP66-110, *et al.*, Midwestern is authorized to import an additional 114,000,000 Mcf of natural gas from Canada at a point on the United States-Canadian boundary near Emerson Manitoba until and including October 31, 1980. Midwestern also received authorization in Docket No. CP79-161, to resell the total volumes imported by Midwestern to Tennessee, Northern Natural Gas Company and Natural Gas Pipeline Company of America.

It is indicated that the gas to be sold by Midwestern to Tennessee is to be transported by Great Lakes Gas Transmission Company (Great Lakes) for Midwestern from Emerson to Farwell, Michigan where the gas would be received by Michigan Wisconsin Pipe Line Company (Mich Wisc) for the account of Tennessee and then transported for Tennessee by Mich Wisc to Will County, Illinois, where gas would be delivered into the facilities of Midwestern for the account of Tennessee. Midwestern would make concurrent reductions in its purchases of gas from Tennessee at Portland, Tennessee, thus effecting ultimate delivery of the gas into Tennessee's system.

Midwestern states that it has been advised that Tennessee is experiencing an emergency on its system in that Tennessee would be unable to fill its top storage capacity before commencement of the winter withdrawal season unless it either obtains additional supplies of gas in its gas storage area, located in New York and Pennsylvania, or reduces gas available to its customers through increased curtailments during the remaining summer period of normal storage injection. In order to alleviate such condition and to maximize top storage inventories prior to the winter heating season, Tennessee has requested assistance from TransCanada by having TransCanada make gas available to Tennessee at the Niagara Interconnection for a period of up to sixty days. It is stated that subsequent to such request for assistance from TransCanada, Tennessee was advised by TransCanada that gas could be made available for sale at the Niagara Interconnection for a limited period of time. Tennessee then requested TransCanada to seek the necessary authorization to allow gas to be exported from Canada and sold to Midwestern at the Niagara Interconnection in daily volumes as TransCanada may have available and Tennessee can receive at the Niagara Interconnection as a purchase from Midwestern during the next sixty day period.

Tennessee has requested Midwestern to also seek necessary authorization to allow up to 120,000 Mcf per day of gas to be imported by Midwestern and sold to Tennessee at the Niagara Interconnection for a term of sixty days following initial delivery by TransCanada at the Niagara Interconnection, it is stated. It is further stated that receipt of such gas at such point would allow Tennessee to inject volumes of gas into its storage fields which would make a substantial contribution toward Tennessee's ability to enter the winter withdrawal period with full top storage.

Midwestern specifically requests that Docket No. CP66-121 be further amended to allow Midwestern to import up to 120,000 Mcf of natural gas per day at the Niagara Interconnection for a period of sixty days following commencement of deliveries at that point, such volumes to be a part of the 114,000,000 Mcf of gas previously authorized. In Docket No. CP79-161, Midwestern requests that the certificate be amended to allow Midwestern to sell up to 120,000 Mcf per day of gas to Tennessee at the Niagara Interconnection for a period of sixty days following commencement of deliveries at that point, such volumes to be a part of the gas to which Tennessee would otherwise be entitled to buy if imported at Emerson, Manitoba.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 7, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32541 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[1] The application was initially tendered for filing on October 2, 1979; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until October 10, 1979.

[Docket No. ER80-5]

Minnesota Power & Light Co.; Proposed Changes in Rates and Charges

October 15, 1979.

The filing Company submits the following:

Take notice that Minnesota Power & Light Company on October 3, 1979, tendered for filing proposed changes in its rates and charges for sales-for-resale service to seventeen municipal customers, one privately-owned electric system customer and one electric cooperative customer, as embodied in MP&L's proposed Rate Schedule Nos. 04 and 05. In addition, MP&L has filed for an increase in the transmission service rate applicable to the City of Wadena, Minnesota and the distribution wheeling rate applicable to United Power Association. The proposed changes would increase revenues from jurisdictional sales and service by $5,388,658 based on the twelve-month period ending December 31, 1980.

MP&L states that the proposed increases in sale-for-resale rates are intended primarily to increase the rate of return to an adequate level and reflect the inclusion in rate base of a new 500 MW coal-fired generating unit at MP&L's Clay Boswell steam electric station. MP&L requests that the rate increases become effective on April 1, 1980 in accordance with approved settlement agreements in prior proceedings.

Copies of the applicable portions of the filing have been served upon MP&L's jurisdictional customers. Copies have also been mailed to the Minnesota Public Service Commission and the Public Service Commission of Wisconsin.

Any ge person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before November 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32511 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. E-8494]

Minnesota Power & Light Co.; Order Directing Compliance

October 15, 1979.

On April 6, 1979, Minnesota Power & Light Company (MP&L) filed a revised compliance pursuant to a letter from the Director of the Commission's Office of Electric Power Regulation (OEPR), dated March 7, 1979. Notice of the revised compliance filing was issued on April 30, 1979, with protests due on or before May 18, 1979. No protests were received. The revised compliance filing was accepted for filing on May 24, 1979, by a letter from the Secretary of the Commission upon the direction of the director, OEPR.

On June 22, 1979, the Intervenors [1] filed an application for rehearing of the acceptance of the revised compliance filing on the grounds that neither the Secretary nor the Director, OEPR, had been delegated the authority by the Commission to accept compliance filings required by Commission rate orders. In addition, Intervenors allege that even if the acceptance letter represents the exercise of lawfully delegated authority the letter was unlawful because it failed to consider Intervenors' protest and objection to the original compliance filing. Intervenors note that they filed a response to MP&L's original compliance filing that, among other things, objected to MP&L's determination of billing demands for the firm portion of partial requirements service [2] for the purpose of computing refunds in a manner different from the method MP&L used to determine its billing demands for billing purposes. As MP&L did not change its method of determining billing demands in the revised compliance filing and as MP&L did not respond to objections raised by Intervenors, they allege that their objections have continued application to the revised filing.

We hold that Intervenors were obligated to file comments with respect to the revised filing and that the Secretary was authorized to accept the compliance filing. In addition, we have reviewed the objections raised by Intervenors with respect to the billing demands. In MP&L's initial rate filing, it had included a rider for standby service in its proposed schedule 92 that modified the manner of determining firm power billing demands for partial requirement municipals. The rider contained a provision, captioned "Modification," that provided that "Annual System Demand" as defined therein was to be substituted for "Estimated Annual System Demand" in MP&L's previously filed municipal service agreements for purposes of determining firm power billing demands. MP&L believes that the rider was voided by Commission action in Opinion No. 12; thereby reinstating the old method of calculating the firm power billing demands of MP&L's municipals customers on the basis of Estimated Annual System Demand. Intervenors assert that the rider was rejected by the Commission in its order of April 29, 1974, and even though the rates were not effective until July 18, 1974, MP&L continued to bill on the basis of Annual System Demand. Additionally, Intervenors contend that MP&L has not argued that the billing methodology proposed in the compliance filing is required by the provisions of the contracts with Hibbing and Aitkin and that the continued billing on the basis of Annual System Demand served to effect a modification of terms of the written contract.

In addition, we find that our order of April 29, 1974 rejected the rider as it applied to MP&L's partial requirements municipal customers and that Opinion No. 12 rejected only the standby demand charge as it applied to Superior Water, Light and Power Company. Further, our review indicates that MP&L continued to determine firm service billing demands for the municipalities on the basis of the modification contained in the rider even though the rider had been rejected by the Commission. In fact, MP&L billed under this procedure for four subsequent rate filings after the rider was rejected by us in 1974.[3] We order MP&L to refile its compliance filing by calculating the firm power billing demand for partial requirement municipalities customers on the basis of the Annual System Demand. We further order MP&L to develop demand charges using such billing demands, and to make refunds in accordance with such changes.

The Commission orders: (A) MP&L is hereby ordered to develop billing demands for the partial requirements municipal customer using Annual System Demand.

(B) MP&L is hereby directed to develop the demand charge for schedule 90R Alternative using such billing demands.

(C) MP&L is hereby ordered to change the monthly rate for the Demand Charge in Alternative Schedule 90R to reflect such computations.

(D) MP&L is hereby ordered to make refunds in accordance with the above ordered changes.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32512 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-486]

National Fuel Gas Supply Corp.; Application

October 17, 1979.

Take notice that on September 12, 1979, National Fuel Gas Supply Corporation (Applicant), Ten Lafayette Square, Buffalo, New York 14240, filed in Docket No. CP79-486 an application

[1] Cities of Biwabik, Brainerd, Ely, Gilbert, Staples, Two Harbors and Virginia; Villages of Aitkin, Buhl, Grand Rapids, Hibbing, Keewatin, McKinley, Mt. Iron, Nashwauk, Pierz, Proctor and Randall, and Stuntz Cooperative Light and Power Association.

[2] Villages of Hibbing and Aitkin.

[3] The Commission order was affirmed by the United States Court of Apeals for the D.C. Circuit, 527 F.2d 1368 (1976), without opinion.

pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a meter and regulator station in order to provide a new delivery point for delivery of gas to Northeast Heat and Light Company (Northeast), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks authorization to install and operate a meter and regulator station on its line in northwest Pennsylvania for the purpose of providing an additional delivery point for delivery of gas to Northeast. Applicant states that the facilities proposed to be installed would consist of a 2-inch orifice meter and recorder, a 2-inch regulator, three 2-inch valves, a 2-inch relief valve, and a 10¾-inch x 36-inch drip. These facilities would supply 200 Mcf of gas per day to Northeast, it is stated.

The estimated total cost of installation of the proposed facilities is $3,500, which cost would be financed with internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be fully given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32542 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-396]

Northern Natural Gas Co.; Amendment

October 17, 1979.

Take notice that on September 18, 1979, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP79-396 an amendment to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to include in such application the border price of natural gas imported from Canada and transported through the Alaskan Natural Gas Transportation System (ANGTS) in the Purchase Gas Adjustment Clause of its FERC Gas Tariff, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.[1]

In its application herein, Northern proposes to receive into its system, at points near Aberdeen, South Dakota, Welcome, Minnesota, and Ventura, Iowa, up to 800,000 Mcf per day of natural gas from the Northern Border Pipeline Company (Northern Border) segment of ANGTS. It is stated that of this volume of gas, Northern would purchase 200,000 Mcf per day of gas from Northwest Alaskan Pipeline Company (Northwest Alaskan), which is importing such gas from the Province of Alberta, Canada. In its original application, Applicant noted the magnitude of the cost to be incurred for both the purchase and transportation of the Canadian gas involved herein and indicated that it was essential that it be provided with a means of recovering such costs on a current basis. Applicant requests that the Commission approve Applicant's specific proposed method of assuring automatic cost recovery. Applicant also requests that the border price of gas imported from Canada and transported through ANGTS be included in the Purchase Gas Adjustment Clause of its FERC Gas Tariff. Additionally, Applicant seeks approval of an additional provision in its Tariff which would permit the "tracking" of transportation charges incurred for the shipment of the Canadian gas through ANGTS.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 7, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary

[FR Doc. 79-32543 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA79-31]

Northern Natural Gas Co.; Application for Adjustment

October 15, 1979.

Take notice that on September 28, 1979, the Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. SA79-31 an application for an adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) wherein Northern seeks exemption from the tariff filing requirements of section 281.204 of the Commission's Regulations under the NGPA, all as more fully set forth in the application for adjustment.

Section 281.204 of the Commission's Regulations requires the filing of tariff sheets regarding curtailment plans, the filing of indices of entitlements regarding high-priority and essential agricultural users, the attribution of natural gas, and the establishment of a Data Verification Committee. Northern requests that it be exempted from the filing requirements of section 281.204, insofar as it may apply to the jurisdictional sales of its Peoples Natural Gas Division (Peoples) in the Texas Panhandle area. Northern states that its Peoples Texas Panhandle System sells gas to only two

[1] The application was initially tendered for filing on September 18, 1979; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until October 9, 1979; thus, filing was not completed until the latter date.

jurisdictional customers, Southern Union Gas Company and Felt Water Development Company, and that such sales are made in accordance with tariffs on file with the Commission, which is part of Northern's original volume no. 4. Nonjurisdictional sales are also made in rural sales areas in the town of Texline, Texas. These sales of gas to the ultimate consumers are regulated by various state and local authorities and are made in order of the priorities set forth in curtailment plans on file with said authorities. Northern (operating as Peoples) currently has no curtailment plan on file with the Commission for the two jurisdictional sales on its Texas Panhandle System.

The entire supply for People's Texas Panhandle System is purchased from the Colorado Interstate Gas Company (CIG). During the approximately nine years that Peoples has operated the Texas Panhandle System, its supplies of gas for its jurisdictional customers have never been curtailed by CIG, and it does not anticipate any curtailment of gas to these customers in the foreseeable future.

Northern further requests that, in the event its application for an adjustment cannot be granted prior to October 31, 1979, it be granted interim relief pending final determination of this proceeding.

Any person desiring to participate in this adjustment proceeding shall file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene in accordance with the provisions of section 1.41 of the Commission's Rules of Practice and Procedure (18 CFR 1.41). All petitions to intervene must be filed on or before November 6, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-32513 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; September 4 Through September 7, 1979

Notice is hereby given that during the period September 4 through September 7, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

October 15, 1979.

Farmland Industries, Inc., Kansas City, Mo., DEE-7731, motor gasoline

On August 6, 1979, Farmland Industries, Inc. filed an Application for Exception with the Office of Hearings and Appeals of the Department of Energy. The exception request, if granted, would relieve the firm of its obligation under 10 CFR, Part 211, to sell more motor gasoline to four refiners. In a Proposed Decision and Order issued on September 7, 1979, the Office of Hearings and Appeals determined that the exception request should be denied.

Louise S. Barge, Decatur, Ga., DEE-6468, temperature restrictions

Louise S. Barge filed an Application for Exception from the provisions of 10 CFR, Part 490. The Application, if granted, would permit Mrs. Barge to lower the temperature below 78°F in her office. On September 7, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

David H. Krathen, Fort Lauderdale, Fla., DEE-7656, temperature restrictions

David H. Krathen filed an Application for Exception from the provisions of 10 CFR, Part 490. The Application, if granted, would permit Mr. Krathen to lower the temperature below 78°F in his office. On September 7, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of September 4 through September 7, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in an increase in the firm's base period allocation of motor gasoline.

The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case Number, and Location

Ballance Oil Co., DEE-2571, Russelville, KY.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of September 4 through September 7, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted, would result in an increase in the firm's base period allocation of motor gasoline.

The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name, Case Number, and Location

Gary's Service Station, DEE-5799, Herminie, PA.
Gordon's Chevron, DEE-6598, Banning, CA.
Kirshberger Gulf, DEE-7593, Clarksville, AR.
Pete's Gulf, DEE-7178, Findlay, OH.
Arnie's Truck Plaza, DEE-6001, Jamestown, ND.
Beer World, DEE-4371, Washington, D.C.
Bill's Mobil, DEE-5135, Hyattsville, MD.
Collins Chevron, DEE-5903, Plantation, FL.
Downtown Exxon, DEE-5491, Harrodsburg, KY.
Frank's Auto Service, DEE-7093, E. Longmeadow, MA.
Main Street Gulf, DEE-4713, Westerly, RI.

[FR Doc. 79-32428 Filed 10-19-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180276A; FRL 1343-1]

Arizona Commission of Agriculture and Horticulture; Amendment to Specific Exemption To Use Permethrin To Control Heliothis Species on Lettuce

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of amendment to specific exemption.

SUMMARY: EPA has granted an amendment to the specific exemption granted to the Arizona Commission of Agriculture and Horticulture (hereafter referred to as the "Applicant") to use permethrin (Ambush and Pounce) to control *heliothis* species on 40,000 acres of lettuce in Arizona. The amendment permits the use of fenvalerate if a sufficient quantity of permethrin is not available for this use. The specific exemption expires on December 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Emergency Response Section, Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, SW., Room: E–124, Washington, D.C. 20460, Telephone: 202/426–0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: On Wednesday, April 11, 1979 (44 FR 21702), EPA published a notice in the **Federal Register** which announced the granting of a specific exemption to the Applicant to use 40,000 pounds of permethrin to control *Heliothis* spp. on lettuce. Since then, the Applicant has requested permission to use fenvalerate (manufactured by Shell Chemical Company as Pydrin, EPA Reg. No. 201–401) in the event that a sufficient quantity of permethrin is not available for this use. Fenvalerate will be applied in the same manner and at the same rate as permethrin. No additional quantity was requested.

After reviewing the application and other available information, EPA has determined that the requested amendment would not significantly change the original specific exemption and should not present an undue hazard to man or the environment. Accordingly, EPA has amended the specific exemption to permit the use of Pydrin on lettuce to control *Heliothis* spp. in Arizona. The specific exemption is revised by the addition in item 1 of the April 11, 1979 notice that in the event a sufficient quantity of permethrin is not available for this use, Pydrin may be used at a maximum dosage rate of 0.2 pound active ingredient (a.i.) per acre. This revision is subject to the following restrictions:

1. Available data indicate that the 0.1 pound a.i. rate should provide as good a control as the 0.2 pound a.i. rate in most situations. Therefore, in most instances th 0.1 pound a.i. rate should be recommended;

2. Lettuce will be field-trimmed to remove wrapper leaves;

3. These pesticides are extremely toxic to fish and aquatic vertebrates and invertebrates. They must be used with care when application is made in areas adjacent to any body of water. They may not be applied when weather conditions favor run-off or drift. They must be kept out of lakes, streams, and ponds. Care must be taken not to contaminate water by cleaning of equipment or disposal of wastes;

4. Permethrin or fenvalerate should not be applied any closer to fish-bearing waters than indicated in the chart below:

Application method and height	Aerial (10 feet)			Ground (2 feet)		
Application rate (lbs. a.i. fenvalerate)	.05	0.1	0.2	0.05	0.1	0.2
Freshwater (distance in feet)	1,847	2,779	3,950	369	556	790
Application rate (lbs. a.i. permethrin)	.05	0.1	0.2	0.05	0.1	0.2
Freshwater (distance in feet)	585	990	1,600	117	198	320

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or aquatic organism kills;

5. These products are highly toxic to bees exposed to direct treatment or residues on crops or weeds. The pesticides may not be applied or allowed to drift to weeds in bloom on which an economically significant number of bees are actively foraging. Protective information may be obtained from the State Cooperative Extension Service;

6. A 60-day crop rotation restriction is imposed for permethrin. For fenvalerate: Root crops may not be planted for 12 months after the last application. No other crop may be planted for 60 days after the last application;

7. The EPA shall be immediately informed of any adverse effects resulting from the use of these pesticides in connection with this exemption;

8. Lettuce with residue levels of fenvalerate not exceeding 1 part per million (ppm) may enter into interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

9. All other terms and conditions of the specific exemption granted on March 1, 1979, still apply.

(Sec. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: October 12, 1979.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79–32463 Filed 10–19–79; 8:45 am]

BILLING CODE 6560–01–M

[OPP 180377; FRL 1343–3]

California Department of Food and Agriculture; Crisis Exemption To Use Komeen To Control Hydrilla Verticillata in Water

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of temporary crisis exemption.

SUMMARY: EPA gives notice that the California Department of Food and Agriculture (hereafter referred to as "California") has availed itself of a crisis exemption to use Komeen Aquatic Herbicide (copper (metallic) 8%) to control *Hydrilla verticillata* in potable water systems, irrigation canals, and reservoirs in California. California had applied for a specific exemption in April, 1979.

FOR FURTHER INFORMATION CONTACT:

Emergency Response Section, Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, SW., Room: E–124, Washington, D.C. 20460, Telephone: 202/426–0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: On August 6, 1979, California notified EPA that it was implementing a crisis exemption to use Komeen to control *Hydrilla verticillata* infestations throughout the State. According to California, since the submission of a request for a specific exemption for this use of Komeen, severe water delivery and maintenance problems arose and immediate treatment was necessary.

California has been using Komeen at a rate of not more than four applications per year, using ground or air equipment.

Komeen is being applied at a rate of 8 to 16 gallons in 4 to 44 gallons of water per acre by air or in 84 to 384 gallons of water per acre by ground. All applications are being made by, or under the supervision of, an applicator who is State-certified for this category of pest control. All applications are being made in accordance with California closed mixing system regulations. Prior to use, a permit must be obtained from the county agricultural commissioner. The permit gives details of the use of and the dealer from whom the product may be purchased. The dealer verifies the permit and maintains a record of each sale. The county agricultural commissioner, under the auspices of California, monitors the use of the product under this exemption and will prepare a written report describing any unusual or adverse effects attributable to this use. California had already requested a specific exemption for this use until June 30, 1980.

(Sec. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: October 12, 1979.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-32461 Filed 10-19-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP 180374; FRL 1343-5]

California Department of Food and Agriculture; Crisis Exemption To Use Permethrin and Fenvalerate on Sweet Corn To Control Heliothis Species

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of temporary crisis exemption.

SUMMARY: EPA gives notice that the California Department of Food and Agriculture (hereafter referred to as "California") has availed itself of a crisis exemption to use permethrin and fenvalerate on a maximum of 9,000 acres of sweet corn to control *Heliothis* species (tobacco budworm and corn earworm) in California. Since treatment was expected to exceed 15 days, California submitted a request for a specific exemption for continuation of this use of permethrin and fenvalerate.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: On April 25, 1979, California informed EPA that the State was initiating a crisis exemption to use a maximum of 16,000 pounds of either permethrin or fenvalerate on a total of 9,000 acres of sweet corn in Imperial and Riverside Counties, California. California stated that this use was necessary to prevent destruction of the corn crop by severe and widespread infestations of *Heliothis* spp. According to California, there was insufficient time to request a specific exemption because of the extent and severity of the infestation and the nature of the damage that was occurring. California reported that losses from this newly developing pest problem could reach more than $1.5 million if the *Heliothis* spp. were not controlled. California claimed that the pesticides registered for this use did not give adequate control.

Permethrin (Ambush) and fenvalerate (Pydrin) were applied at a rate of 0.1–0.2 pound active ingredient in not less than 30 gallons of water per acre if application was made by ground, or in not less than 5 gallons of water per acre if application was made by aircraft. A maximum of 10 applications were to be made at 3- to 7-day intervals. Workers were not to reenter the fields until the spray dried, and a 2-day pre-harvest interval was observed. All applications were made by or under the supervision of an applicator State-certified for this category of pest control. Applications were made in accordance with California closed mixing system regulations. Application was limited to those fields with at least 5 percent infestation after tasseling. Crop refuse from treated fields was not to be fed to livestock. A 60-day crop rotation period was imposed. Because of permethrin's and fenvalerate's toxicity to fish and aquatic invertebrates and to bees, appropriate restrictions were imposed.

Since treatment was to exceed fifteen days, California submitted a request for a specific exemption for continuation of this program until December 31, 1979.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136)).

Dated: October 12, 1979.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-32459 Filed 10-19-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP 180379; FRL 1343-2]

California Department of Food and Agriculture; Crisis Exemption To Use Pydrin To Control Pear Psylla on Pears

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of temporary crisis exemption.

SUMMARY: EPA gives notice that the California Department of Food and Agriculture (hereafter referred to as "California") has availed itself of a crisis exemption to use Pydrin 2.4 EC (fenvalerate) on 37,000 acres of pears in California for the control of pear psylla. California had requested a specific exemption for this use on June 12, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: According to California, this use of Pydrin 2.4 EC is necessary to prevent severe damage and large product losses due to pear psylla. California reports that the rapid increase in the pest population and the severity of damage made immediate treatment necessary and did not permit additional time for EPA review of the specific exemption requested earlier.

California is using ⅓ to ⅔ quart of Pydrin 2.4 EC in 10 to 20 gallons of water per acre, when applied by air, or in 50 to 400 gallons of water per acre when applied by ground. No more than two applications will be made from post-harvest to bloom. A 24-hour re-entry interval and 3-month pre-harvest interval will be observed. Prior to application for a permit, actual field counts of pear psylla will be taken. Orchard floors may not be grazed nor may treated fruit be fed to livestock. Pydrin will not be used or allowed to drift to weeds on which an economically significant number of bees are actively foraging. All applications will be made by, or under the supervision of, an

applicator State-certified for this category of pest control. All applications will be made in accordance with California closed mixing system regulations. The county agricultural commissioner, under California's auspices, will monitor the use of the product. Prior to use, a permit, which will give details of the use of Pydrin and the dealer from whom the product may be purchased, must be obtained from the county agricultural commissioner. The dealer must obtain a copy of the permit and maintain a record of each sale. California has asked permission to continue this program until March 31, 1980.

(Sec. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136)).

Dated: October 12, 1979.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-32482 Filed 10-19-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP 180368; FRL 1343-8]

Colorado Department of Agriculture; Issuance of Specific Exemption To Use Paraquat as a Desiccant on Faba Beans

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of specific exemption.

SUMMARY: EPA has granted a specific exemption to the Colorado Department of Agriculture (hereafter referred to as the "Applicant") to use paraquat as a desiccant on 200 acres of faba beans in San Luis Valley, Colorado. The specific exemption expires on September 30, 1979.

FOR FURTHER INFORMATION CONTACT: The Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: Due to adverse growing conditions which typify the San Luis Valley of Colorado, only two crops of economic significance are grown in that area—potatoes and barley. A legume crop which can tolerate the cold weather is required for rotation purposes. Faba beans can serve as an excellent rotation crop while at the same time producing a valuable hog food. According to the Applicant, however, without a harvesting aid, the crop continues to grow and the beans shatter and fall to the ground. In the past, alfalfa has been used as the rotation crop. However, the Applicant indicates that it is a poor yielding rotation legume crop and that growers anticipate a loss while it occupies the field. No desiccant is presently registered for use on faba beans. Paraquat CL is currently registered as a harvest aid of soybeans and potatoes. Aerial application of paraquat is currently approved for desiccation of soybeans. The Applicant is unable to estimate the economic loss which could be incurred by farmers without the use of paraquat.

The Applicant proposed a single aerial application of paraquat to be made ten days before harvest. Harvested beans will be fed to hogs.

EPA has determined that residues of paraquat from the proposed use are not expected to exceed 0.4 parts per million (ppm) in dried faba beans, providing a 10-day pre-harvest interval is observed. The currently established tolerance for residues of paraquat in meat, fat, and meat byproducts of hogs is adequate to support the feed use of these faba beans. EPA has also determined that the proposed use should not pose an unreasonable adverse hazard to the environment.

After reviewing the application and other available information, EPA has determined that (a) an emergency situation does exist in Colorado; (b) there is no pesticide currently registered and available to desiccate faba beans in Colorado; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the faba beans are not desiccated; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 30, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Paraquat CL, EPA Reg. No. 239-2186-AA, manufactured by Chevron Chemical Company, is authorized;

2. A single aerial application of paraquat, at the rate of 0.5 pound active ingredient in 12 gallons of water per acre, will be made;

3. A maximum of 200 acres may be treated;

4. A maximum of 100 pounds active ingredient may be applied;

5. All applications will be made by State-certified commercial applicators;

6. A pre-harvest interval of 10 days will be observed;

7. Treated beans may be used only for animal feed. The use of dried bean vines as animal feed is prohibited;

8. Applications should not be made when weather conditions favor drift from the application site;

9. All applicable directions, precautions, and restrictions on the product label must be followed;

10. Faba beans with residues of paraquat not exceeding 0.4 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

11. A full report summarizing the results of the program must be submitted to EPA by March 30, 1980;

12. The EPA shall be immediately informed of any adverse effects resulting from the use of paraquat in connection with this exemption; and

13. The Applicant shall be responsible for assuring that all of the provisions of this specific exemption are met.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 892; 7 U.S.C. 136).)

Dated: October 12, 1979.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-32456 Filed 10-19-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180371; FRL 1343-7]

Minnesota Department of Agriculture; Issuance of Specific Exemption To Use Mesurol To Control Blackbirds on Wild Rice

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of specific exemptions.

SUMMARY: EPA has granted a specific exemption to the Minnesota Department of Agriculture (hereafter referred to as the "Applicant") to use Mesurol on 10,000 acres of wild rice to control blackbirds which are causing grain losses. The specific exemption expires on September 30, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Room: E-124, Washington, D.C.

20460, Telephone: 202–426–0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: According to the Applicant, blackbirds attack cultivated wild rice paddies every year. If not controlled, blackbird damage may cause well over 50 percent of the wild rice grain to be lost to harvest, and as a result, economic losses of from 1.5 to 3.0 million dollars may occur. There are no alternative registered means of control for this use.

The areas to be treated cover approximately 10,000 acres of commercial wild rice located in the following counties: Aitkin, Beltrami, Cass, Clearwater, Crow Wing, East Polk, Hubbard, Itasca, Koochiching, Lake of the Woods, Pennington, Red Lake, and Wadena. The Applicant will apply Mesurol aerially at a dosage rate of 1.5 to 3.0 pounds active ingredient per acre. At the lower rate, two applications may be made. The 75% WP formulation of Mesurol will be used. A 14-day pre-harvest interval will be observed.

Mesurol (3,5-dimethyl-4-(methylthio)phenyl methyl carbamate) is currently registered as a seed treatment on corn for repelling blackbirds. Tolerances for the Mesurol active ingredient residues have been established on cherries at 25 parts per million (ppm), peaches at 15 ppm, and corn at 0.03 ppm. A temporary tolerance for Mesurol active ingredient residues on domestic rice has been established at 0.2 ppm. EPA has determined that residues greater than that level should not occur in the human food, processed wild rice. Since neither wild rice hulls not straw is used for animal feed, residues of Mesurol should not appear in meat, milk, poultry, and eggs. Also, since rice paddies will be drained prior to application, residues of the active ingredient should not be present in either irrigation or drinking water. In addition, wild rice constitutes a very small fraction of the human diet. Therefore, a 0.2 ppm residue level of this pesticide in or on processed wild rice grain should be adequate to safeguard the public health.

The Fish and Wildlife Service, U.S. Department of the Interior (USDI), has informed EPA that two endangered species, the peregrine falcon (*Falco peregrinus*) and the wolf (*Canis lupus*) may be present in the Minnesota counties where the pesticide is to be applied; however, since neither species is known to frequent rice paddies, it is believed that Mesurol will not cause any adverse effects in this respect. Both the USDI and EPA agree that Mesurol is acutely toxic to fish and aquatic invertebrates; accidental contamination of aquatic areas near these rice paddies will result in fish kills. Therefore, the Applicant is required to use the utmost caution with this pesticide to avoid such contamination.

After reviewing the application and other available information, EPA has determined that (a) an emergency situation concerning blackbird damage to commercial wild rice crops has occurred; (b) there is no pesticide presently registered and available for this use to control blackbirds in Minnesota; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the blackbirds are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 30, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The Chemagro product, Mesurol 75% WP, is authorized;

2. The dosage rate shall be 1.5 to 3.0 pounds active ingredient per acre. Two applications may be made at the 1.5 pound rate. Total amount applied per acre must not exceed 3.0 pounds active ingredient;

3. Application of Mesurol is restricted to those wild rice fields where damage from depredation will cause significant economic losses, as determined by State Cooperative Extension or authorized State personnel.

4. Up to 10,000 acres in the thirteen counties listed in this notice may be treated;

5. Only State-certified and licensed commercial applicators may apply Mesurol;

6. Aerial applications are authorized;

7. Applications are limited to drained rice fields only;

8. Applicators must take careful measures to avoid contamination of adjacent aquatic areas or fish kills will occur;

9. Residues of the Mesurol active ingredient in or on processed wild rice grain should not exceed 0.2 ppm. Wild rice grain with residues not exceeding that level may be shipped in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education and Welfare, has been advised of this action;

10. There will be a pre-harvest interval of 14 days;

11. The University of Minnesota should continue to monitor residue levels of Mesurol in soil and wild rice in cooperation with Chemagro. In addition, efficacy data should be collected so that a registration of this pesticide for use on wild rice may be obtained;

12. Any adverse effects of this pesticide in connection with this specific exemption must be reported to the EPA immediately. In particular, the peregrine falcon and the wolf, endangered species that occur in north central Minnesota, must be protected by cautious application to avoid contamination of areas frequented by these species;

13. Mesurol is highly toxic to bees exposed to direct treatment. It may not be applied or allowed to drift to crops or weeds when bees are actively visiting the area;

14. Mesurol is toxic to fish and other aquatic organisms. Precautions must be taken to avoid or minimize spray drift to aquatic areas; and

15. The Applicant is responsible for assuring that all the provisions of this specific exemption are followed and must submit a report summarizing the results of this program to EPA by January 15, 1980.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136)).

Dated: October 12, 1979.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-32457 Filed 10-19-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1344-2]

Motor Vehicle Pollution Control; Waiver of Carbon Monoxide Emission Standards; Extension of Deadline for Determinations on Waiver Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of deadline for determinations on applications for waiver of 1981 and 1982 model year light-duty vehicle emission standard for carbon monoxide (CO).

SUMMARY: Toyo Kogyo Company (Toyo Kogyo) and Nissan Motor Company (Nissan) have assented to EPA's proposal to delay until October 25, 1979, the determinations on these automobile manufacturers' respective applications for waiver of the effective date of the 3.4 gram per mile (gpm) CO emission standard scheduled to become operative

for 1981 model year light-duty motor vehicles.

FOR FURTHER INFORMATION CONTACT: Glenn Unterberger, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472-9417.

PUBLIC DOCKET: Information relevant to these waiver determinations is contained in Public Docket EN-79-17 at the Central Docket Section of the Environmental Protection Agency (EPA), Room 2903B, 401 M Street, S.W., Washington, D.C. 20460 and are available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

SUPPLEMENTARY INFORMATION: Section 202(b)(5) of the Clean Air Act ("the Act"), 42 U.S.C. 7521(b)(5), permits a manufacturer of light-duty motor vehicles to apply to EPA's Administrator for waiver of the 3.4 gpm CO standard scheduled to apply to 1981 and 1982 model year vehicles. EPA received CO waiver applications from Toyo Kogyo on August 3, 1979, and from Nissan on August 14, 1979.

Section 202(b)(5)(A) of the Act requires the Administrator to make a determination on a CO waiver application within 60 days of the date of filing. Determinations on the Toyo Kogyo and Nissan waiver applications, however, have been delayed while the Administrator considered a group of waiver applications filed by other automobile manufacturers approximately one month before Toyo Kogyo submitted its consolidated waiver request. Both Toyo Kogyo and Nissan have given EPA their assent to a delay in the Administrator's determinations on their respective CO waiver applications. EPA has assured both of these manufacturers of the Administrator's intent to decide on their respective waiver applications by October 25, 1979.

Dated: October 14, 1979.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 79-32498 Filed 10-19-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP—180375; FRL 1343-4]

New York State Department of Environmental Conservation; Crisis Exemption To Use Fenvalerate To Control Periodical Cicadas on Non-bearing Fruit trees

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of a temporary crisis exemption.

SUMMARY: EPA gives notice that the New York State Department of Environmental Conservation (hereafter referred to as "New York") availed itself of a crisis exemption to use fenvalerate (Pydrin) on 3,000 acres of non-bearing apple, pear, and stone fruit trees in the Hudson Valley, New York, for the control of periodical cicadas.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: New York reported that the periodical cicada and two other magicicada species, found in lesser numbers, occur in the fruit tree-growing areas of the Hudson Valley. Every 17 years nymphs emerge from the soil, molt, and become adults. After mating, the females lay their eggs in the wood of small branches. The eggs hatch in July, and the nymphs drop to the ground and enter the soil where they feed on tree roots for 17 years.

New York reported that injury caused by these insects is two-fold: Limb damage due to ovipositing females; and root-feeding by nymphs. Cicadas prefer to lay their eggs in small trees in open areas, that is, new or as yet non-bearing trees. Ovipositional damage can set back tree training and fruit production three years, according to New York. New York estimated a one-year set back in production would cost a grower $1,157 per acre; in addition, there is added time and cost of pruning and reshaping the trees to overcome this damage. New York did not give an estimate of losses due to nymphal feeding on roots.

New York claimed that with the emergence of the cicadas this May, it became apparent that carbaryl, the best available material 17 years ago, had not given adequate control. It had killed the adult cicadas, but knockdown was not quick enough to prevent ovipositing and infestation by the resulting nymphs. With the start of ovipositing in June, 1979, a crisis situation requiring immediate attention was determined to exist. According to New York, although other materials such as oxamyl and methomyl provide quick knockdown properties, they are slower than Pydrin and have poor residual effectiveness, necessitating daily applications.

New York reported that a maximum of 500 gallons of Pydrin 2.4 EC were used on a maximum of 500 acres of non-bearing apple, pear, and stone fruit trees. Pydrin was used at a rate of 0.1 to 0.2 pound active ingredient per acre in no more than two applications. Application was made only by, or under the supervision of, State-certified applicators. The crisis exemption has expired.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136)).

Dated: October 12, 1979.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-32460 Filed 10-19-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180363; FRL 1342-8]

Oregon and Washington State Departments of Agriculture; Issuance of Specific Exemptions To Use Chlorpyrifos To Control Mint Root Borer on Mint

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of specific exemptions.

SUMMARY: EPA has granted specific exemptions to the Oregon and Washington State Departments of Agriculture (hereafter referred to as "Oregon," "Washington," or the "Applicants") to use chlorpyrifos to control the mint root borer on 20,000 acres of peppermint in Oregon and 4,000 acres of peppermint in Washington. The specific exemptions expire on November 30, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: The mint root borer *(Fumibotys fumalis* (Guenee)) causes damage to the rhizomes of the peppermint. The main damage occurs after the harvesting of the peppermint (August, September, October). Larvae feed in the rhizomes for 70 to 80 days and then emerge to form prepupa in the soil. The following spring pupation occurs and the adults emerge from early to mid-June. Eggs are then deposited on the peppermint and upon hatching, the larvae enter the rhizomes. Larvae leave damaged rhizomes and seek fresh ones. Damage to the rhizomes severely weakens the peppermint plants and renders them extremely susceptible to winter injury, resulting in reduced stands the following season. Oregon estimates that the production lifetime of a peppermint field infested with mint root borer is reduced by one-half (4–5 years compared with 8–10 years). The mint root borer has become a serious pest of peppermint in the United States. Oregon reports that it was discovered in that State in 1971 and that now approximately 24,000 acres are infested. Washington reports it was first detected in that State in 1976 and is now established in 4,000 acres of peppermint. No pesticide is currently registered for the control of the mint root borer. Oregon estimates that an annual loss of $10 million could occur, if there is not effective control of the mint root borer; Washington estimates a loss of $1.2 million.

The Applicants propose to make a single post-harvest application of Lorsban 4 EC, EPA Reg. No. 464–448 which contains the active ingredient (a.i.) chlorpyrifos. Oregon will treat 20,000 acres of peppermint in north central Oregon, western Oregon (Willamette Valley), and southwestern Oregon (Josephine County). Washington will treat 4,000 acres in Yakima County. The proposed dosage rate is four pints product (2 pounds a.i.) in no less than ten gallons of water per acre per season.

EPA has determined that residues of chlorpyrifos and its metabolite, 3, 5, 6-trichloro-2 pyridinol, are not likely to exceed 0.1 part per million (ppm) in or on fresh or spent peppermint hay, and 0.35 ppm in mint oil from the proposed use. There levels have been judged adequate by EPA to protect the public health. EPA has imposed a restriction against feeding either the fresh or spent hay to livestock to avoid possible secondary chlorpyrifos residues in meat and milk. EPA anticipates no unreasonable adverse effect on the environment as a result of this program.

After reviewing the applications and other available information, EPA has determined that (a) pest outbreaks of mint root borer have occured or are likely to occur; (b) there is no pesticide presently registered and available for use to control the mint root borer in Oregon and Washington; (c) there are no alternative means of control, taking into account the efficacy and harzard; (d) significant economic problems may result if the mint root borer 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 Applicants have been granted specific exemptions to use the pesticide noted above until November 30, 1979, to the extent and in the manner set forth in the applications. The specific exemptions are also subject to the following conditions:

1. The Dow Chemical U.S.A. insecticide, Lorsban 4 EC, is authorized at a dosage rate of four pints of product (2 pounds a.i.) per acre. A total of 10,000 gallons of product (40,000 pounds a.i.) are authorized in Oregon; a total of 2,000 gallons of product (8,000 pounds a.i.) are authorized in Washington;

2. Applications are to be made by ground application at the volumes specified in the applications. The pesticide must be incorporated into the soil by application of 0.5–1.0 inch of irrigation water immediately after treatment;

3. Only one post-harvest application/acre/season is to be made. Either growers or commercial State-licensed applicators may apply chlorpyrifos. State University extension specialists and agents shall provide information about rates and procedures;

4. Up to 20,000 acres of peppermint in Oregon and up to 4,000 acres of peppermint in Washington, in the areas indicated above, may be treated with chlorpyrifos;

5. Fresh or spent peppermint hay is not to be used as a livestock feed item;

6. Mint oil with a residue level of chlorpyrifos and its metabolite, 3, 5, 6-trichloro-2-pyridinol, not exceeding 0.35 ppm may enter interstate commerce. Fresh or spent hay with residues of chlorpyrifos and its metabolite not exceeding 0.1 ppm may also enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action.

7. All applicable label directions, precautions, and restrictions must be adhered to;

8. Any adverse effects resulting from the use of chlorpyrifos under this specific exemption must be immediately reported to the EPA;

9. There must be a 400-foot buffer zone between peppermint fields and any fish-bearing area; and

10. Oregon and Washington must each submit a report to EPA summarizing the results of that State's program by the end of March, 1980.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136)).

Dated: October 12, 1979.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-32464 Filed 10-19-79; 8:30 am]

BILLING CODE 6560-01-M

[OPP-180372; FRL 1343-6]

South Dakota Department of Agriculture; Issuance and Revocation of Specific Exemption To Use Toxaphene To Control Grasshoppers on Rangeland

AGENCY: Environmental Protection Agency (EPA) Office of Pesticide Programs.

ACTION: Issuance and revocation of specific exemption.

SUMMARY: EPA granted a specific exemption to the South Dakota Department of Agriculture to use toxaphene on 600,000 acres of rangeland in South Dakota to control grasshoppers. The specific exemption was to have expired on September 30, 1979. The specific exemption was revoked on July 19, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E–125, Washington, D.C. 20460, Telephone: 202–426–0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: On June 26, 1979, EPA granted a specific exemption to the south Dakota Department of Agriculture to use toxaphene to control grasshoppers on rangeland. Use of toxaphene was deemed necessary because of the dense canopy present on the rangeland; registered insecticides did not have the penetrating and residual killing properties which toxaphene possess; and if the grasshopper eggs and young insects were not controlled in those areas, they would later reinfest adjoining range and cropland.

On July 5, 1979, the National Audubon Society and the Missouri Breaks Chapter of that Society filed suit against EPA and the Governor of South Dakota in the U.S. District Court of South Dakota to prevent the spraying of toxaphene. On July 6, 1979, the court entered a Temporary Restraining Order which halted the toxaphene spray program. EPA suspended the specific exemption temporarily.

EPA and the Governor of South Dakota determined that it would be pointless to pursue the issue further, since the critical time period for completion of the toxaphene program would have already elapsed. Accordingly, EPA revoked the specific exemption on July 19, 1979.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136)).

Dated: October 12, 1979.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-32458 Filed 10-19-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180376; FRL 1342-7]

Texas Department of Agriculture; Crisis Exemption To Use Sodium Chlorate at a Harvest Aid on Cowpeas

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of a temporary crisis exemption.

SUMMARY: EPA gives notice that the Texas Department of Agriculture (hereafter referred to as "Texas") availed itself of a crisis exemption to use sodium chlorate as a harvest aid on a maximum of 4,000 acres of cowpeas in Frio and LaSalle Counties, Texas.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460. Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: According to Texas, farmers were unable to cultivate their cowpeas properly in Frio and LaSalle Counties because of an extended period of wet weather. Texas stated that this lack of proper cultivation resulted in heavy infestations of Johnsongrass and careless weeds which interfere with harvest operations and lower the quality of the peas which can be harvested. Since the peas had to be harvested within two weeks, Texas claimed, to prevent their ruin in the fields, and there was no EPA-registered product available as a harvest aid, Texas initiated a crisis exemption. According to Texas, farmers stood to lose $240,000 without an effective harvest aid material.

A maximum of 24,000 pounds of the active ingredient sodium chlorate was used on 4,000 acres of cowpeas in Frio and LaSalle Counties. Sodium chlorate was applied at a rate not in excess of 6 pounds per acre. Application was made by State-licensed aerial applicators. Applicators were to take proper precautions to see that the spray did not drift into non-target areas. Texas imposed a pre-harvest interval of 7 days. Fields were not to be grazed within 14 days of application. Texas claimed that sodium chlorate is exempt from residue tolerance requirements under the Food, Drug, and Cosmetic Act for other crops including soybeans, a crop similar to cowpeas. The crisis exemption has expired.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136)).

Dated: October 12, 1979.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-32485 Filed 10-19-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Dockets Nos. 79-254 and 79-255; Files Nos. BPCT-5068 and BPCT-5078; FCC 79-607]

KOTV, Inc. (KOTV (TV)) and Scripps-Howard Broadcasting Co. (KTEW (TV)); Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: **September 27, 1979.**

Released: **October 16, 1979.**

In re applications of KOTV, INC. (KOTV(TV)) Tulsa, Oklahoma, BC Docket No. 79-254, File No. BPCT-5068; Scripps-Howard Broadcasting Co. (KTEW(TV)), Tulsa, Oklahoma, BC Docket No. 79-255, File No. BPCT-5078; For Construction Permits.

1. The Commission has before it for consideration the above-captioned applications of KOTV, Inc., licensee of Station KOTV(TV), channel 6, Tulsa, Oklahoma (CBS) and Scripps-Howard Broadcasting Co., licensee of Station KTEW(TV), channel 2, Tulsa, Oklahoma (NBC), each requesting a construction permit to make changes in the facilities of its respective station. KOTV(TV) seeks authority to move the transmitter site from a location 7 miles northwest of Tulsa to a point 1.8 miles east of Oneta, Oklahoma (25 miles southeast of Tulsa), a move of approximately 26.3 miles toward Arkansas, and increase antenna height above average terrain from 1,310 feet to 1,667 feet. No change in effective radiated visual power is proposed (100 kW). KTEW(TV) proposed to change the transmitter site to the same location as that proposed by KOTV(TV). This would entail a move from a site 6½ miles north northwest of the center of Tulsa to the new site which is about 26.5 miles southeast of the present site. Antenna height above average terrain would be increased from 1,330 feet to 1,857 feet; no change in effective radiated visual power (100 kW) is proposed.

2. Also before the Commission are petitions to deny filed against both applications by George T. Hernreich, doing business as KFPW Broadcasting Co., licensee of Station KFPW-TV, channel 40, Fort Smith, Arkansas; Noark Investment Company (controlled by Hernreich), licensee of KFPW-TV's satellite Station KTVP(TV), channel 29, Fayetteville, Arkansas (hereinafter collectively referred to as "Hernreich"); and Mid-America Broadcasting, Inc., licensee of Station KTVJ(TV), channel 16, Joplin, Missouri (CBS).[1] Informal objections were filed against both applications by MCM Broadcasting, Inc., licensee of Station KLMN(TV), channel 24, Fort Smith, Arkansas. Various other pleadings filed in this proceeding are listed in the Appendix.[1a] KOTV claims that the petition to deny filed against its application by Mid-America was late-filed because the KOTV application was "cut-off" September 12, 1977 and the petition to deny was not filed until December 27, 1977, which was the "cut-

[1] For convenience, the parties who filed petitions to deny are referred to collectively as "petitioners" although not all may have made each allegation attributed to "petitioners."

[1a] All pleadings filed in this proceeding which relate to the application (BPET-584) of Arkansas Educational Television Commission for a construction permit for a new noncommercial educational television station to operate on channel 6, Mountain View, Arkansas, were disposed of in our memorandum Opinion and Order in *Arkansas Educational Television Commission*, FCC 79-167, released March 23, 1979. Several pleadings were filed in this proceeding which are not authorized under our rules. They have not been listed in the Appendix and will not be considered. *Central Alabama Broadcasters, Inc. (WSLA-TV)*, 68 FCC 2d 1339 (1978).

off" date for the Scripps-Howard application (hereinafter KTEW). Mid-America concedes that the petition was late-filed as to KOTV, but requests: (1) A waiver of § 1.580(i) of the rules, or (2) that the Commission consider the petition as timely filed because the KTEW and KOTV applications are, in effect, a joint proposal, or (3) that the Commission consider the petition as an informal objection filed pursuant to § 1.587 of the Commission's rules. Since, for the reasons to be discussed subsequently, a hearing is necessary and Mid-America will be made a party as to KOTV, logic requires that we make Mid-America a party as to KTEW as well, for we are considering a joint proposal. It is immaterial, therefore, whether we accept Mid-America as a petitioner or as an informal objector.

3. Petitioners claim standing on the grounds that there would be overlap of the predicted Grade B contours of KOTV and KTEW and petitioners' stations (the Hernreich stations for the first time and increased overlap with Mid-America's Station KTVJ), resulting in diversion of viewership and advertising revenues. We find that petitioners have standing. *Federal Communications Commission* v. *Sanders Brothers Radio Station*, 309 U.S. 470, 60 S. Ct. 693, 9 RR 2008 (1940).

4. Petitioners raise three basic questions with respect to the applications: (1) UHF impact; (2) ascertainment; and (3) KOTV's environmental narrative statement. We shall consider these in reverse sequence. Petitioners alleged that the environmental narrative statement filed by KOTV [2] was insufficient in that the statement failed to consider and discuss wildlife, residential development, land use plans, transportation plans, outdoor recreation plans, waste disposal, surface drainage and so forth. The KOTV application was amended on November 11, 1977 to supplement the environmental statement, and the amendment represents a rather exhaustive consideration and discussion of all of the environmental factors mentioned by the petitioners. We are satisfied that the applicants have complied fully with the various requirements of § 1.1311 of the Commission's rules and have demonstrated that there will be no significant adverse environmental effects as the result of the construction as proposed.[3]

5. Petitioners alleged that, although Washington County, Arkansas, contains 45% of the population of the six-county gain area, the applicants have conducted no ascertainment survey in that county, which includes the city of Fayetteville (1970 population 30,729). It is further alleged that no programming changes are proposed to meet the problems and needs of the gain area and the applicants have not specified the problems to which existing programs would be responsive. On November 11, 1977, KOTV amended its application to list eight major perceived problems in the gain area and programs fashioned to respond to those problems. In its opposition to the petitions to deny, KOTV stated that Fayetteville would be outside of KOTV's proposed Grade B contour and that it is not, therefore necessary for it to survey that community. Moreover, KOTV asserts, it does not undertake to serve Fayetteville, explaining that Fayetteville is already within the predicted Grade B contour of Station KTVP, Mid-America's CBS station in Joplin. KTEW responded that it conducted an ascertainment in the gain area which fully complies with the requirements of the Commission's *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). KTEW stated that it did determine significant problems in the gain area and that most of these were identical to those found as the result of the ascertainment surveys it made in connection with its 1977 renewal application. Consequently, it proposes no significant changes in its present programming. Finally, KTEW joins KOTV in the observation that most of Washington County is outside of the proposed Grade B contour and that Fayetteville is about 80 miles from the KTEW/KOTV site and outside both proposed Grade B contours.

6. Our review of the ascertainment efforts persuades us that the applicants have satisfied the requirements of the *Primer* insofar as the gain areas are concerned. The opposing parties did not dispute the applicants' arguments in responsive pleadings. Consequently, we hold that, with respect to the ascertainment question, petitioners have raised no meritorious claims.

7. The central question which is raised in this proceeding is the effect, if any, of the proposed changes on the ability of the Fort Smith/Fayetteville and Joplin UHF stations to survive and to compete effectively, i.e., UHF impact, and it is on this question that issue is joined. The contending parties have submitted a prodigious amount of facts and figures, the petitioners seeking to prove that the UHF stations have been in precarious financial positions and that their existence would be in jeopardy if the KOTV and KTEW proposals were granted and implemented; the applicants, using petitioners' figures as well as their own, interpret the data to show that the UHF stations are doing very well indeed. With these preliminary observations, we proceed to an examination of the situation as we understand it.

8. There are three television stations licensed to Fort Smith, Arkansas: KFSM–TV, channel 5 (NBC), KLMN(TV), channel 24 (CBS), and KFPW–TV, channel 40 (ABC).[4] Stations KAFT(TV), channel *13 (ETV) and KTVP(TV), channel 29 (ABC) are licensed to Fayetteville, Arkansas, the former being a noncommercial educational station and the latter operating as a "satellite" of Station KFPW–TV, Fort Smith. There are two television stations licensed to Joplin, Missouri: KODE–TV, channel 12 (ABC), and KTVJ(TV), channel 16 (CBS).

9. Hernreich alleges that KTVP sustained losses of about $250,000 between 1970 and 1973, prior to his ownership of the station, and it went dark in 1973. Hernreich acquired control of KTVP in 1975. The present authorization of KOTV involves no overlap with the Grade B contours of the Hernreich stations, but the proposal would result in overlap of the KOTV Grade B contour with the city grade contours of Stations KTVP and KFPW. Hernreich alleges that the present Grade B contour of Tulsa Station KTUL–TV, channel 8, penetrates the Fort Smith Area of Dominant Influence (ADI) and that if KOTV and KTEW are permitted to expand their service areas into the Fort Smith ADI, two of the six counties in the Fort Smith ADI will shift to the Tulsa ADI. If this happens, it is stated, the Fort Smith market will drop from 165th to 181st, substantially reducing its attractiveness to advertisers and further eroding the economic base upon which the Hernreich stations depend for survival. Hernreich states that Fort Smith is already dominated by VHF Station KFSM–TV, the Fort Smith NBC affiliate.

10. The joint move, it is alleged, will create an unserved area of 985 square miles containing 35,000 people and an underserved area of 50 square miles

[2] The statement, of course, pertains to both applications since the facilities are to be co-located.

[3] Hernreich did not file a reply to the applicants' opposition nor did he pursue the environmental question in any manner following the amendment. Mid-America filed a reply, but did not mention the environmental question. We presume, therefore, that this question has been abandoned by petitioners.

[4] The network affiliations shown are the current ones, having changed since the beginning of this case. The change in network affiliations is the subject of the supplement which KOTV filed to its opposition pleading on June 2, 1978.

containing 410 people. There is no unserved area within the area which would receive the KOTV/KTEW signals for the first time (the gain area). The only benefit, Hernreich continues, would be a second and third television service to 2,700 people in a 250 square mile area. Over 70 percent of the gain area now has two or more television services. Mid-America states that the KOTV Grade B contour will overlap the KTVJ (Joplin) city grade contour for the first time and that the overlap of the KOTV and KTVJ Grade B contours would increase from 249 square miles containing 3,448 people to 1,420 square miles containing 41,899 people. KTVJ, Mid-America says, is not financially sound and the Joplin, Missouri-Pittsburg, Kansas, market is not a growth market. There would be, Mid-America asserts, a loss of the only Grade B service to 35,414 people in a 985 square mile area with no offsetting first Grade B service to anyone. Hernreich further asserts that KFPW is just beginning to break even and that Station KTUL–TV, the Tulsa VHF ABC affiliate, already has a substantial share of the Fort Smith ADI. Hernreich also points out that Station KLMN(TV), the new Fort Smith UHF CBS affiliate, recently was activated and that the proposed KOTV/KTEW move would seriously hamper the opportunities for this new station to survive and compete. It also, of course, represents additional competition for Station KFPW–TV. In general, the petitioners argue that the net effect of the proposed move would be to reduce the market shares of the Fort Smith, Fayetteville and Joplin UHF stations, would cause a shift of counties to the Tulsa ADI, reducing the market ranking of Fort Smith, seriously impact the new Fort Smith UHF station, create substantial loss areas (including creation of an unserved area) without any offsetting significant gains, and generally upset the climate in which the UHF stations must compete.

11. In response to these allegations, the applicants generally contend that, contrary to the assertions of the UHF stations, they have not made a *prima facie* case of adverse impact as required by our decision in *WFMY Television Corp.*, 59 FCC 2d 1010 (1976); that the basis for the claims of adverse impact, e.g., the shift of counties from the Fort Smith ADI to the Tulsa ADI, is purely speculative; and that the UHF stations are not in precarious straits. Part of KFPW–TV's problems, KOTV says, is unrelated to its status as a UHF station, but is attributable to the fact that KFPW–TV operated at substantially reduced power for more than four years because of a defective transmitter and a defective antenna. With respect to the loss area, KTEW states that it does not now serve the theoretical loss area because of co-channel interference caused by Station KCKT, Great Bend, Kansas, adding that 96 percent of the area which would receive no predicted Grade B service is not now served. Moreover, KTEW says, the unserved area to be created looks to the Oklahoma City stations for service and not to KTEW. The actual unserved area which would be created by the recession of both the KTEW and KOTV interference-free contours would be, therefore, about 49 square miles containing 1,481 people. KTEW further contends that its gain area is not as extensive as would appear upon superficial examination because of interference in the eastern and southeastern portions from co-channel Station KETS, Little Rock, Arkansas, and adjacent channel interference from Station KOET, channel 3, Eufaula, Oklahoma. KTEW supports KOTV's contentions that Hernreich's losses are attributable to factors other than his UHF status, such as operation with reduced power from September 1973 to July 1977 and the nationwide economic recession of 1974 and 1975.

12. Insofar as the creation of an unserved area is concerned, the applicants concede that such an event would occur, but they contend that there are offsetting factors which would justify grants under the doctrine of *Hall* v. *Federal Communications Commission*, 99 U.S. App. D.C. 66, 237 F. 2d, 567, 14 RR 2009 (1956). They argue that there would be a first predicted Grade B service (i.e., elimination of an unserved area) to 189 persons; an additional predicted Grade B service to 3,942 persons in a 414 square mile area which is now within the predicted Grade B contour of only one station; improved service in the Tulsa market area; greatly improved service to Muskogee, Oklahoma, the second largest city in the Tulsa service area; a first off-air CBS network service to more than 24,000 persons; concentration of tall television towers; and correction of an alleged competitive and service imbalance in the Tulsa market. In addition, KOTV has stated that it intends to provide translator service to the loss area to replace the service which would be lost by the move. It has already filed applications to implement that plan.

13. It is an undisputed principle that the loss of service and, particularly, the withdrawal of the only existing service to an area, is *prima facie* against the public interest, absent a substantial showing of offsetting factors. *Hall* v. *Federal Communications Commission, supra.* The weighing process in which we engage to determine whether the projected loss of service will be counterbalanced by other factors involves more than a mere comparison of numbers. *KTOV, Inc.*, 39 RR 2d 1551 (Rev. Bd. 1977). This case is not totally dissimilar to that which we had before us in *West Michigan Telecasters, Inc.*, 22 FCC 2d 943 (1970), reconsideration denied, 26 FCC 2d 668 (1970), affirmed *sub nom West Michigan Telecasters, Inc.* v. *Federal Communications Commission*, 460 F. 2d 883, 23 RR 2d 2123 (1972). There, the applicant proposed to exchange a gain of 385,116 people for a loss of 89,182 of whom 49,718 received Grade B service from two other television stations. We examined all factors, not just numbers, and concluded that the gains, despite their size, did not outweigh the losses. There, as here, there was an offer to provide translator service to the loss area and, consistent with long-standing policy, we ruled that translators could not compensate for the loss of primary service. Translators may only be used to compensate for such loss where special circumstances exist, such as terrain obstructions, that are substantially beyond the control of the licensee. See, e.g., *Arkansas Educational Television Commission, supra.* We reiterate that principle in this case.[5] See also *KTVO, Inc., supra.* Cf. *WSTE–TV, Inc.* v. *Federal Communications Commission*, 185 U.S. App. D.C. 13, 566 F. 2d 333, 41 RR 2d 1117 (1977). The loss of service and, clearly, the creation of an unserved area are serious matters, particularly to those viewers who will suffer the loss. We think that the question of whether the losses will be offset by gains is one which, under the circumstances of this case, is best resolved in hearing. Although KTEW contends that the area which would receive no interference-free television service is minimal, KTEW has not dealt with the fact, shown by KTEW's own figures, that the proposed KTEW move would result in the loss of interference-free service from KTEW to an area of 1,517 square miles containing 26,495 people. Whether this loss will be offset by gains is, as in the case of KOTV, a question best resolved in hearing. In addition, the question of

[5] We are currently re-evaluating our policies with respect to translators in the *Notice of Inquiry* in BC Docket 78–253, 68 FCC 2d 1525 (1978) (An Inquiry into the Future role of Low-Power Television Broadcasting and Television Translators in the National Telecommunications System). Until we have completed our inquiry, there will be no change in this policy.

whether the area in which interference from KCKT, Great Bend, Kansas, is claimed actually suffers from interference is a question which we feel is best resolved in a hearing. The presence of directional receiving antennas and other factors make it unclear as to the extent to which co-channel interference makes reception in that area unsatisfactory.

14. The UHF impact question presents a somewhat different problem. The parties have submitted a welter of information, some of which is speculative. They have reached opposite conclusions from the same set of facts. For example, Hernreich has disclosed, for the six years since Station KFPW–TV went on the air in 1971, its annual losses, indicating that only in 1976 did the station make a profit. KOTV, expanding on these same figures by showing depreciation and amortization as well as payments to principals, concludes that the station has generally shown a positive cash flow and is by no means in financial trouble. KOTV also points out that, because of the operation of KFPW–TV at reduced power for a number of years, its past performance is not a reliable indicator of future performance. Hernreich did not deal with the effect of the operation of KFPW–TV at reduced power. It is, nevertheless, a fact that the proposals entail deep penetration, for the first time, into areas upon which the UHF stations must depend for their economic bases. Additionally, the concern for the ability of newly-activated Station KLMN(TV) to survive and compete is a valid one, based on a wealth of past experience. In our view, sufficient data has been furnished by the petitioners to warrant a closer look at the entire situation to determine whether the effect of the proposed moves would be to so injure the UHF stations as to require the curtailment of existing service. Petitioners have provided far more than unsupported allegations of economic injury. We are not convinced that we are in a position to decide this dispute in its present posture and we believe, therefore, that an informed judgment can only be made on the basis of a hearing record. In brief, we think that the petitioners have met the test which we laid down in *WFMY Television Corp., supra*. Consequently, we have concluded that an issue must be specified to determine the impact, if any, of the proposals on the ability of the Fort Smith, Fayetteville and Joplin UHF stations to survive and to compete effectively and the effect, if any, upon the public interest.

15. For the reasons stated, we are unable to make the statutory finding that grant of the applications, or either of them, would serve the public interest, convenience and necessity and we have concluded that the applications must be designated for hearing in a consolidated proceeding.

16. Accordingly, it is ordered, that the petitions to deny and the informal objections filed herein are granted to the extent indicated and otherwise are denied.

17. It is further ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of KOTV, Inc. and Scripps-Howard Broadcasting Company are designated for hearing in a consolidated proceeding at a time and place and before an Administrative Law Judge to be specified in a subsequent Order, upon the following issues:

(1) To determine whether grant of the applications, or either of them, would impair the ability of authorized UHF television stations in the area to compete effectively or would jeopardize, in whole or in part, the continuation of existing UHF television service.

(2) To determine the areas and populations which will gain or lose television service in the event of grant of the applications, or either of them, and the number of other television broadcast services available to such areas and populations.

(3) To determine, in the light of the evidence adduced pursuant to Issue (2), above, the extent of areas and populations which would lose the only predicted Grade B television service in the event of grant of the applications, or either of them, and whether factors exist which would offset such deprivation of service.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether grant of the applications, or either of them, would serve the public interest, convenience and necessity.

18. It is further ordered, that George T. Hernreich, doing business as KFPW Broadcasting Company, licensee of Station KFPW–TV, Fort Smith, Arkansas; Noark Investment Company, licensee of Station KTVP(TV), Fayetteville, Arkansas; Mid-America Broadcasting, Inc., licensee of Station KTVJ(TV), Joplin, Missouri; and MCM Broadcasting Company, licensee of Station KLMN(TV), Fort Smith, Arkansas, are made parties respondent in this proceeding.

19. It is further ordered, that the burden of proceeding with the introduction of evidence with respect to Issue 1 shall be upon the parties respondent and the burden of proceeding with the introduction of evidence on all other issues and the burden of proof on all issues shall be upon the applicants.

20. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the parties respondent herein, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall, within twenty (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 set for the hearing and present evidence on the issues specified in this Order.

21. It is futher ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) 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 § 1.594(g) of the rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-32447 Filed 10-19-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-603-DR]

Texas; 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 Texas (FEMA–603–DR), dated September 25, 1979.

DATED: October 9, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634–7825.

NOTICE: The Notice of a major disaster for the State of Texas dated September 25, 1979, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 25, 1979.

The following County for Individual Assistance only: Nueces.

(Catalog of Federal Domestic Assistance No. 14.701. Disaster Assistance.)

William H. Wilcox,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-32449 Filed 10-19-79; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 806R]

Sullivan & Son, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Sullivan & Son, Inc., 220 Myra Street, Neptune Beach, Florida 32233, FMC No. 806R, was cancelled effective August 15, 1979.

By letter dated July 17, 1979, Sullivan & Son, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 806R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Sullivan & Son, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977:

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 806R was revoked effective August 15, 1979; and

It is ordered, that Independent Ocean Freight Forwarder License No. 806R, issued to Sullivan & Son, Inc., be returned to the Commission;

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Sullivan & Son, Inc.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 79-32558 Filed 10-19-79; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 430]

Trio Shipping Co., Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Trio Shipping Company, Inc., 160 Broadway, Suite 905, New York, New York 10038, FMC No. 430, was cancelled effective July 20, 1979.

By letter dated June 21, 1979, Trio Shipping Company, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 430 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Trio Shipping Company, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 430 was revoked effective July 20, 1979; and

It is ordered, that Independent Ocean Freight Forwarder License No. 430, issued to Trio Shipping Company, Inc., be returned to the Commission;

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Trio Shipping Company, Inc.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 79-32557 Filed 10-19-79; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1124]

Transco International, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Transco International, Inc., 109 West 27th Street, New York, New York 10001, FMC No. 1124, was canceled effective August 1, 1979.

By letter dated July 3, 1979, Transco International, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1124 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Transco International, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.2 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1124 was revoked effective August 1, 1979; and

It is ordered, that Independent Ocean Freight Forwarder License No. 1124, issued to Transco International, Inc., be returned to the Commission;

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Transco International, Inc.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 79-32559 Filed 10-19-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests

a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than November 13, 1979.

A. *Federal Reserve Bank of Richmond*, 701 East Byrd Street, Richmond, Virginia 23261:

SOUTH CAROLINA NATIONAL CORPORATION, Columbia, South Carolina (finance, loan servicing, and insurance activities; South Carolina): to engage, through its subsidiary, Provident Finance Company of South Carolina, Inc., in making or acquiring loans or other extensions of credit for its own account such as would be made by a consumer finance company; servicing loans and other extensions of credit for the account of others; and offering life, accident and health and property insurance directly related to its extensions of credit. These activities would be conducted from an office in Anderson, South Carolina and the geographic area to be served is Anderson County, South Carolina.

B. *Federal Reserve Bank of Kansas City*, 925 Grand Avenue, Kansas City, Missouri 64198:

FIRST NATIONAL CHARTER CORPORATION, Kansas City, Missouri (mortgage banking activities; Kansas, Missouri): To engage, through its subsidiary, Charter Bankers Mortgage Company, in making residential and commercial mortgage and construction loans. These activities would be conducted from an office in Kansas City, Missouri, serving southwestern Jackson County, and northwestern Cass County, Missouri, and Johnson County, Kansas; and from an office in Lee's Summit, Missouri, serving the eastern two thirds of Jackson County and northeastern Cass County, Missouri.

C. *Federal Reserve Bank of Dallas*, 400 South Akard Street, Dallas, Texas 75222:

FIRST UNITED BANCORPORATION, INC., Fort Worth, Texas (bookkeeping and data processing activities; Texas): To engage, through its subsidiary, First United Services, Inc. (formerly First United Systems, Inc.), in providing bookkeeping and data processing services for the internal operations of the holding company and its subsidiaries and affiliates, and storing and processing other banking, financial or related economic data.

Such activities will be conducted at an office in Fort Worth, Texas, serving Tarrant, Dallas, Johnson, Bell, Factor, and Erath Counties, Texas.

D. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

SEAFIRST CORPORATION, Seattle, Washington (finance and leasing activities; Colorado, Wyoming, Utah, Arizona, New Mexico, Kansas, Nebraska, Oklahoma and Texas): To engage through its subsidiary, Seafirst Commercial Finance Corporation, in making or acquiring loans and other extensions of credit, including commercial loans secured by a borrower's inventory, accounts receivable, capital equipment, or other assets; servicing loans; leasing personal property; and acting as an agent or broker for the sale of life, accident and health insurance directly related to its extensions of credit. Comments on this application must be received by November 9, 1979.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, October 12, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32443 Filed 10-19-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than November 13, 1979.

A. *Federal Reserve Bank of Boston*, 30 Pearl Street, Boston, Massachusetts 02106:

1. SHAWMUT CORPORATION, Boston, Massachusetts, and TEXAS AMERICAN BANCSHARES, INC., Fort Worth, Texas, (agricultural financing: Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin): To continue to engage, through their joint venture subsidiary, American AgCredit Corporation (formerly American Cattle & Crop Services Corporation), in agricultural commodity financing, and servicing such financing, and related and incidental activities, and in general, making, servicing, or acquiring, for its own account or for the account of others, loans and other extensions of credit to agricultural enterprises or secured by agricultural commodities. These activities would be conducted from offices in Amarillo, Texas, and Denver, Colorado, and will be expanded to serve the twenty-six States listed in the caption to this notice.

2. FIRST NATIONAL BOSTON CORPORATION, Boston, Massachusetts, (data processing activities; Massachusetts): To engage, through its indirect subsidiary, First of Boston Computeristics, Inc., in providing bookkeeping and data processing services for the internal operations of Peoples Savings Bank, Worcester, Massachusetts, and the storing and processing of other banking, financial or related data, including performing such data processing services and preparing such reports as are typically performed or prepared by or for banks. These activities would be conducted at an

office to be located in Worcester, Massachusetts, serving Worcester, Massachusetts.

B. *Federal Reserve Bank of New York*, 33 Liberty Street, New York, New York 10045:

1. CHEMICAL NEW YORK CORPORATION, New York, New York, (financing and insurance activities; Winston-Salem, North Carolina): To engage through its subsidiary, Sunamerica Corporation, in making or acquiring for its own account loans and other extensions of credit and servicing loans and other extensions of credit, including but not be limited to, making or acquiring loans to consumers; making or acquiring loans and other extensions of credit to businesses (including inventory financing); making or acquiring extensions of credit secured by personal property lease contracts; acting as agent or broker for the sale of, credit life, credit accident and health, mortgage life, mortgage disability, and property and casualty insurances, all directly related to such extensions of credit. These activities will be an expansion of activities presently conducted from an existing office in Winston-Salem, North Carolina. In addition, the service area of this office will be expanded to serve the whole State of North Carolina. Any credit life and credit accident and health insurance sold in connection with the proposed activities will be reinsured through Sun States Life and/or Great Lakes Insurance Companies, indirect subsidiaries of the applicant.

2. CITICORP, New York, (financing and insurance activities; Florida): To engage, through its subsidiary Citicorp Person-to-Person Financial Center of Florida, Inc. in making loans to individuals (for personal, family or household usage) and businesses to finance the purchase of mobile home, modular units or related housing, together with the real property to which such housing will be permanently affixed, such property being used as the security for loans, sale of credit-related life and accident and health insurance to cover the outstanding balances of credit transactions in the event of the obligor's disability. These activities would be conducted from an office in Tampa, Florida, and would serve the entire State of Florida. This is an application to expand the activities and the service area of an already existing office.

C. *Federal Reserve Bank of Philadelphia*, 100 North 6th Street, Philadelphia, Pennsylvania 19105:

NATIONAL CENTRAL FINANCIAL CORPORATION, Lancaster, Pennsylvania, (mortgage banking activities; Pennsylvania): To engage, through it subsidiary, Hartzler Mortgage Company, in the following activities: for its own account or for the account of others making construction and development construction loans and originating, acquiring and servicing residential, commercial and industrial mortgage loans, selling credit life and accident and health insurance on such extensions of credit by Hartzler Mortgage Company. These activities would be conducted from an office located in Lancaster, Pennsylvania, and will service the State of Pennsylvania.

D. *Federal Reserve Bank of Dallas*, 400 South Akard Street, Dallas, Texas 75222:

SHAWMUT CORPORATION, Boston, Massachusetts, and TEXAS AMERICAN BANCSHARES, INC., Fort Worth, Texas (agricultural financing: Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin): to continue to engage, through their joint venture subsidiary, American AgCredit Corporation (formerly American Cattle & Crop Services Corporation), in agricultural commodity financing, and servicing such financing, and related and incidental activities, and in general, making, servicing, or acquiring, for its own account or for the account of others, loans and other extensions of credit to agricultural enterprises or secured by agricultural commodities. These activities would be conducted from offices in Amarillo, Texas, and Denver, Colorado, and will be expanded to serve the twenty-six States listed in the caption to this notice.

Board of Governors of the Federal Reserve System, October 11, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32444 Filed 10-19-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than November 15, 1979.

A. *Federal Reserve Bank of Cleveland*, 1455 East Sixth Street, Cleveland, Ohio 44101:

1. PITTSBURGH NATIONAL CORPORATION, Pittsburgh, Pennsylvania (financing activities; Arkansas, Nevada, Ohio): To engage, through a wholly-owned subsidiary, The Kissell Company, Springfield, Ohio, in making or acquiring and servicing for its own account and/or the accounts of others, loans and other extensions of credit. These activities will be conducted from offices located in Henderson, Nevada; South Dayton, Ohio; and Hot Springs, Arkansas. The geographic areas to be served are, respectively, the Metropolitan area of Henderson and Boulder City, Nevada (Clark County); Montgomery, Greene, Butler, Warren and Preble Counties, Ohio; and Hot Springs, Garland, Saline, Pulaski, Clark, and Montgomery Counties, Arkansas.

B. *Federal Reserve Bank of Kansas City*, 925 Grand Avenue, Kansas City, Missouri 64198:

1. JEFFERSON BANKSHARES OF COLORADO, INC., Lakewood, Colorado (insurance activities; Colorado): Doing business as Lakewood Insurance Agency, to continue to act as agent or broker for the sale of credit life, credit accident and health insurance, property and casualty insurance on property

serving as collateral for loans, and liability insurance as part of a package with the foregoing coverages or any particular one of them. These activities were earlier commenced *de novo* and all such insurance would be related to extensions of credit by Applicant's subsidiary bank. These activities are conducted from the premises of Applicant's subsidiary bank in Lakewood, serving the Denver-Boulder SMSA.

C. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

1. SANDY HOLDING COMPANY, Sandy, Utah (industrial banking and insurance activities; Utah): To engage, through its subsidiary, Alta First Thrift, in operating a thrift and loan as authorized by Utah law, including the acceptance of time and savings deposits; making, acquiring, and servicing loans and other extensions of credit; and selling life, accident and health insurance directly related to extensions of credit. These activities would be conducted from an office located in Sandy, Utah, and the geographic areas to be served are Sandy City and the southern part of Salt Lake County. Comments on this application must be received by November 14, 1979.

Board of Governors of the Federal Reserve System, October 15, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32445 Filed 10-19-79; 8:45 am]

BILLING CODE 6210-01-M

Fannin Bancshares, Inc.; Formation of Bank Holding Company

Fannin Bancshares, Inc., Houston, Texas, 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, less directors' qualifying shares, of Fannin Bank, Houston, 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 November 15, 1979. 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, October 15, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-32435 Filed 10-19-79; 8:45 am]

BILLING CODE 6210-01-M

Irving Bancorp, Inc.; Formation of Bank Holding Company

Irving Bancorp, Inc., Chicago, Illinois, 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 per cent or more of the voting shares of The Irving Bank, Chicago, 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 November 15, 1979. 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, October 15, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-32436 Filed 10-19-79; 8:45 am]

BILLING CODE 6210-01-M

J. Henry Schroder International Bank; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as J. Henry Schroder International Bank, Miami, Florida. J. Henry Schroder International Bank would operate as a subsidiary of J. Henry Schroder Bank & Trust Company, New York, New York. The factors that are considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. 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 November 13, 1979. 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, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 12, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32442 Filed 10-19-79; 8:45 am]

BILLING CODE 6210-01-M

Heritage Wisconsin Corp.; Proposed Retention of Heritage Insurance Agency

Heritage Wisconsin Corporation, Wauwatosa, Wisconsin, 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 voting shares of Heritage Insurance Agency, Wauwatosa, Wisconsin.

Applicant states that the proposed subsidiary would continue to enagage in the activity of selling homeowners insurance directly related to extensions of credit by subsidiaries of Applicant. Heritage Insurance Agency also proposes to engage in the sale of lenders dual interest insurance that is directly related to extensions of credit by Applicant's subsidiaries. These activities would be performed from offices of Applicant's subsidiary in Wauwatosa, Wisconsin, and the geographic areas to be served are the greater Milwaukee area, Racine and Beloit, Wisconsin, and areas in their vicinity. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any

request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 15, 1979.

Board of Governors of the Federal Reserve System, October 15, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-32440 Filed 10-19-79; 8:45 am]

BILLING CODE 6210-01-M

Pacesetter Financial Corp.; Acquisition of Bank

Pacesetter Financial Corporation, Grand Rapids, Michigan, 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 the successor by consolidation to The Almont Savings Bank, Almont, Michigan. 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 November 15, 1979. 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, October 15, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-32439 Filed 10-19-79; 8:45 am]

BILLING CODE 6210-01-M

Seafirst Corp.; Proposed Acquisition of Sutter Trust Co.

Seafirst Corporation, Seattle, Washington, 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 acquire voting shares of Sutter Trust Company, Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activity of mortgage banking including the origination and servicing of mortgage loans. These activities would be performed from offices of Applicant's subsidiary in Phoenix, Arizona, and the geographic area to be served is the State of Arizona. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 13, 1979.

Board of Governors of the Federal Reserve System, October 12, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32441 Filed 10-19-79; 8:45 am]

BILLING CODE 6210-01-M

Upper Midwest Financial Corp.; Formation of Bank Holding Company

Upper Midwest Financial Corporation, Garretson, South 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 93 per cent or more of the voting shares of First National Bank in Garretson, Garretson, South 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 November 7, 1979. 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, October 12, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32437 Filed 10-19-79; 8:45 am]

BILLING CODE 6210-01-M

Western Bancorporation; Formation of Bank Holding Company

Western Bancorporation, Houston, Texas, 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 percent (less directors' qualifying shares) of the voting shares of Western Bank, Houston, 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 November 13, 1979. 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, October 12, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-32438 Filed 10-19-79; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on October 15, 1979. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before November 9, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Nuclear Regulatory Commission

The NRC requests an extension without change clearance of the reporting requirements contained in 10 CFR Part 150. Exemptions and Continued Regulatory Authority in Agreement States Under Section 274; specifically §§ 150.16(b), 150.17(b), 150.17(c), 150.19(b) and 150.19(c). These sections require certain licensees of Agreement States to report to the NRC thefts or attempted thefts of special nuclear material, source material, or tritium; to file with the NRC an annual statement of source material inventory; and also to file with the NRC a semi-annual statement of tritium inventory. Respondents are certain firms possessing special nuclear material, source material, or tritium under licenses issued by Agreement States. NRC states that no respondent burden is estimated for §§ 150.16(b), 150.17(c) and 150.19(c) since the number of reports of thefts is expected to be insignificant. NRC estimates for the remaining reporting requirements are as follows: § 150.17(b), 60 respondents and 2 hours per report, and § 150.19(b), 10 respondents and 2 hours per report.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 79-32507 Filed 10-19-79; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

[E-79-17]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Arizona Corporation Commission involving electric utility rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Arizona Corporation Commission involving the application of the Tucson Electric Power Company for an increase in its electric rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: October 12, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-32412 Filed 10-19-79; 8:45 am]

BILLING CODE 6820-AM-M

[E-79-16]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Hawaii Public Utilities Commission involving electric utility rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Hawaii Public Utilities Commission involving the application of the Hawaiian Electric Company for an increase in its electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officals, and employees thereof.

Dated: October 12, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-32413 Filed 10-19-79; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 16488A]

Colorado; Application for Pipeline

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Co., P.O. Box 840, Denver, Colorado 80201, has applied for a right-of-way for approximately 0.38 miles of natural gas pipeline to collect natural gas in the West Douglas Gathering System on the following public lands:

Sixth Principal Meridian, Rio Blanco County, Colo.

T. 2 S., R. 101 W.
Section 18: SW¼.
T. 2 S., R. 102W.
Section 13: SE¼.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Western Slope Gas Co.

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

Andrew W. Heard, Jr.,

Leader, Craig Team, Branch of Adjudication.

[FR Doc. 79-32495 Filed 10-19-79; 8:45 am]

BILLING CODE 4310-84-M

Decker-Birney, South Rosebud, and Coalwood Management Framework Plans; Intent

This notice is to advise you that the Miles City, Montana District Office is proceeding to review and amend portions of the Decker-Birney, South Rosebud, and Coalwood Management Framework Plans (MFPs) to make certain that those portions of the MFPs reflect, as completely as possible, existing statutory requirements and policies and to continue to carry out the requirements of the Federal Lands Review mandated by Section 522(c) of the Surface Mining Control and Reclamation Act (SMCRA).

Background standards and procedures for this MFP review and amendment preparation are contained in Federal Register Notice FR Vol. 44, No. 140, 42584–42652 of July 19, 1979, and FR Vol. 44, No. 153, 46386–46401 of August 7, 1979. The standards for this review are also discussed in a final environmental statement describing the Secretary of Interior's preferred coal program and alternatives, which was released in April 1979.

The subject area is within the Powder River Coal Region and covers portions of Big Horn, Rosebud, Custer, and Powder River Counties in Montana. It is adjacent to the Ashland Division of the Custer National Forest, the Northern Cheyenne and Crow Indian Reservations, and the State of Wyoming.

The completed plan amendments will identify areas acceptable for further consideration for coal leasing as well as identifying areas which are unsuitable for surface mining. The amendments will *not* include decisions to lease any area for coal, but may recommend preferred leasing areas to minimize environmental or socio-economic impacts or suggest leasing schedules or environmental quality standards (thresholds) to minimize cumulative impacts. Any federal coal identified as acceptable for further consideration for leasing may be included in the first Powder River Coal Region (Montana and Wyoming) activity plan and environmental impact statement. The Secretary of Interior has announced a preliminary Powder River Coal Regional leasing target of 776 million tons for 1982. To achieve this goal, preliminary lease tract delineation and ranking procedures will start in the summer of 1980 and the subject MFP amendments must be completed by July 1980.

The plan amendments and environmental assessment record (EAR) will be prepared by an interdisciplinary team and in consultation with appropriate state and federal agencies as well as qualified surface owners over federally reserved coal.

A public meeting will be held in early December 1979. The purpose of the meeting is to give interested people the opportunity to help the Bureau to identify issues, concerns, and those coal areas within the existing MFPs where the Federal Lands Review Process will be applied. Coal companies, state government, and members of the public are encouraged to submit nonconfidential coal geology and economic data through December 1, 1979, concerning the evaluation areas. Information leading to a decision to include any other coal areas, beyond those identified in the existing MFPs, will be carefully evaluated to insure that further consideration is warranted at this time. After the December public meeting, additional time will be provided to the public for submission of (non-coal) resource data which should be considered in the remaining steps or screens in the Federal Lands Review Process (43 CFR 3420.2–3).

In addition, all information will be used in the 1984 Powder River Resource Management Plan/Environmental Impact Statement—a comprehensive plan for the entire Powder River Resource Area scheduled for completion in 1984. This plan will follow all requirements of the Federal Land Policy and Management Act, the Surface Mining Control and Reclamation Act, BLM planning and coal management regulations pursuant to these, and recent Council on Environmental Quality regulations.

Data should be sent to the Bureau of Land Management State Office in Billings, Montana, or the Miles City District Office. Subsequently, a public hearing on the draft amendments and EAR will be held in the spring of 1980 to allow public comment by persons who may be adversely affected by the proposed plan amendments.

Documents relevant to the planning process are available in the Montana State Office and Miles City District Office. To submit data or for further information on the areas being reviewed, please contact: District Manager, Bureau of Land Management, West of Miles City, P.O. Box 940, Miles City, Montana 59301, (406) 232–4331.

Kannon Richards,

Acting Director, State of Montana.

[FR Doc. 79-32496 Filed 10-19-79; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board, Mid-Atlantic Technical Working Group Committee; Meeting

Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Pub. L. 92–463).

Name: Mid-Atlantic Technical Working Group Committee.

Date: November 14, 1979.

Place: 26 Federal Plaza, Room 1–102, New York, New York.

Time: 9:00 a.m. to 4:30 p.m.

Committee membership consists of representatives from federal agencies, the coastal states from New York through Virginia, the petroleum industry, and other private interests.

Agenda: Proposed Lease Sale 59 tract selection recommendations; the Regional Studies Plan for the North and Mid-Atlantic Regions.

The meeting will be open to the public. Public attendance may be limited by the space available. Persons wishing to make oral presentations to the Committee regarding matters on the agenda should contact Dick Wildermann of the New York OCS Office (212–264–2960) by November 7. Written statements should be submitted by November 21 to the New York OCS Office, Bureau of Land Management, 26 Federal Plaza, Suite 32–120, New York, New York 10007.

Minutes of the meeting will be available for public inspection and copying by January 11, 1980 at the above address.

Frank Basile,

Manager, New York OCS Office.

[FR Doc. 79-32497 Filed 10-19-79; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Chattahoochee River National Recreation Area; Boundary Revisions

In accordance with section 101 of Pub. L. 95–344, which authorized the Chattahoochee River National Recreation Area in the State of Georgia, notice of boundary revisions are to be published. Notice is hereby given that boundary revisions have been made in the Sope Creek/Powers Ferry, Johnson Ferry, Morgan Falls and Suwanee Creek segments of the national recreation area.

Copies of maps depicting the boundary revisions are on file and available for inspection at the following addresses:

Director, National Park Service, Department of Interior, Washington, D.C. 20240.

Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303.

Superintendent, Chattahoochee River, National Recreation Area, P.O. Box 1396, Smyrna, Georgia 30080.

Dated: August 27, 1979.

Joe Brown,

Regional Director, Southeast Region.

[FR Doc. 79-32409 Filed 10-19-79; 8:45 am]

BILLING CODE 4310-70-M

Circle Line-Statue of Liberty Ferry, Inc.; Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before November 21, 1979, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Circle Line-Statue of Liberty Ferry, Inc., authorizing it to continue to provide boat transportation facilities and services for the public at Statue of Liberty Monument for a period of approximately ten (10) years from date of execution through March 31, 1990.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the North Atlantic Regional Office, National Park Service, 15 State Street, Boston, Massachusetts 02109.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on September 30, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Circle Line-Statue of Liberty Ferry, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of Circle Line-Statue of Liberty Ferry, Inc., is substantially equal to others received. In the event a responsive proposal superior to that of Circle Line-Statue of Liberty Ferry, Inc., (as determined by the Secretary) is submitted, Circle Line-Statue of Liberty Ferry, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Circle Line-Statue of Liberty Ferry, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be post marked or hand delivered on or before November 21, 1979, to be considered and evaluated.

Interested parties should contact the Regional Director, North Atlantic Regional Office, National Park Service, 15 State Street, Boston, Massachusetts 02109, for information as to the requirements of the proposed contract.

Dated: September 11, 1979.

Larry J. Hovig,

Action Regional Director, North Atlantic Region.

[FR Doc. 79-32434 Filed 10-19-79; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COORDINATION AGENCY

Joint Committee for Agricultural Development of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Joint Committee on Agricultural Development (JCAD) of the Board for International Food and Agricultural Development (BIFAD) on November 13 and 14, 1979.

The purpose of the meeting is to: Review and coordinate the reports from Regional Work Groups (RWGs) and their recent consultations with A.I.D. Missions; discuss the JCAD role in the involvement of Private Volunteer Organizations (PVOs) in Title XII Country Programs; discuss how and the desirability of RWGs to monitor the Strengthening Grants; discuss future Regional Workshops on Strengthening Grant Reports and Audits; and discuss new responsibilities of the RWGs and future meeting dates.

The meeting on November 13, 1979, will convene in Regional Work Groups: Africa RWG at 9:00 a.m. in Room 2941, New State Department Bldg. (Mr. William Johnson, A.I.D. Federal Designee for this meeting, can be contacted at (703)–632–0196); Latin America RWG at 10:00 a.m. in Room 2242 New State Department Bldg. (Mr. Blair Allen, A.I.D. Federal Designee for this meeting can be contacted at (202)–632–8279); Near East RWG at 9:30 a.m. in Room 6484 New State Department Bldg. (Mr. Keith Sharper, A.I.D. Federal Designee for this meeting, can be contacted at (202)–632–9256); and the Asia RWG at 9:00 a.m. in Room 216, Rosslyn Plaza Bldg., 1601 North Kent Street, Rosslyn, Virginia, (Mr. David Lundberg, A.I.D. Federal Designee for this meeting can be contacted at (703)–235–8870). The meeting on November 14, 1979 will convene from 9:00 a.m. to 4:30 p.m. in Room 1406 of the State Department Building, 22nd and C St. NW., Washington, D.C. 20523. These meetings are open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Frank H. Madden, Office of Title XII Coordination and University Relations, Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the November 14 meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at (703)–235–9085.

Dated: October 10, 1979.

Frank H. Madden,

AID Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc. 79-32420 Filed 10-19-79; 8:45 am]

BILLING CODE 4710-02-M

Joint Research Committee of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2),

Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the twenty-eighth meeting of the Joint Research Committee (JRC) of the Board for International Food and Agricultural Development (BIFAD) on November 13 and 14, 1979.

The purpose of the meeting is to review and discuss progress of Collaborative Research Support Programs (CRSPs) being planned and implemented, and to further consider changes in composition and roles of JRC to relate to the Institute for Scientific and Technological Cooperation upon its establishment. Planning CRSPs which will be discussed include Human Nutrition, Integrated Crop Protection, Peanuts, and Soil Management. Ongoing CRSPs which will be discussed include Small Ruminants and Sorghum and Millet.

The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. on November 13 and 14, 1979. The meeting on November 13 will be held at the State Department, Room 5951, 22nd and C St. N.W., Washington, D.C. 20523. The meeting on November 14 will be held in Room 5941 of the State Department Building. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Office of Title XII Coordination and University Relations, Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the agency for International Development, State Department, Washington, D.C. 20523, or telephone him at (703–235–8929).

Dated: October 15, 1979.

Erven J. Long,

AID Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 79–32421 Filed 10–19–79; 8:45 am]

BILLING CODE 4710–02–M

NATIONAL ENDOWMENT FOR THE ARTS

Museum Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel to the National Council on the Arts will be held November 13, 1979, from 9 a.m. to 5:30 p.m., in Room 1422, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9 (B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

October 17, 1979.

[FR Doc. 79–32542 Filed 10–19–79; 8:45 am]

BILLING CODE 7537–01–M

Opera-Musical Theatre Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Opera-Musical Theatre Advisory Panel to the National Council on the Arts will be held November 27, 1979, from 9:00 a.m.–6:00 p.m.; November 28, 1979, from 9:00 a.m.–6:00 p.m.; and November 29, 1979, from 9:00 a.m.–5:00 p.m., in Room 1422, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on November 27, 1979, from 9:00 a.m.–6:00 p.m.; November 28, 1979, from 9:00 a.m.–6:00 p.m.; and November 29, 1979, from 9:00 a.m.–2:00 p.m. Policy and Guidelines will be discussed.

The remaining sessions of this meeting on November 29, 1979, from 2:00 p.m.–5:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

October 17, 1979.

[FR Doc. 79–32455 Filed 10–19–79; 8:45 am]

BILLING CODE 7537–01–M

Visual Arts Panel Craftsmen's Apprenticeships; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the (Craftsmen's Apprenticeships) Visual Arts Advisory Panel to the National Council on the Arts will be held on November 8, 1979, from 9:00 a.m.–5:30 p.m. and November 9, 1979, from 9:00 a.m.–5:30 p.m., in Room 1422, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on November 9, 1979, from 9:00 a.m.–5:30 p.m. The topic of discussion will be Policy.

The remaining sessions of this meeting on November 8, 1979, from 9:00 a.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** March 17, 1977, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

October 17, 1979.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 79–32453 Filed 10–19–79; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Policy Research and Analysis and Science Resources Studies; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Policy Research and Analysis and Science Resources Studies.
Date and Time:
November 8, 1979—9:00 a.m. to 4:30 p.m.
November 9, 1979—9:00 a.m. to 1:00 p.m.
Place: Room 543, National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.
Type of Meeting: Open.
Contact Person: Mrs. Sharon Lemon, Division of Policy Research and Analysis, Directorate for Scientific, Technological, and International Affairs, Room 1233, National Science Foundation, Washington, D.C. 20550. Telephone (202) 632–5990. Anyone who plans to attend should contact Mrs. Lemon by November 5, 1979.
Summary Minutes: May be obtained from the contact person, Mrs. Lemon, at the above address.
Purpose of Committee: To provide advice, recommendations, and oversight concerning program emphases and directions of the Divisions of PRA and SRS.
Agenda:

Thursday, November 8, 1979

9:00 a.m.—Plenary Session.
10:00 a.m.—General Session.
1:15 p.m.—Subcommittee Meetings—Scientific and Technical Personnel, Output Indicators, Public Sector Innovation, Industrial Innovation.

Friday, November 9, 1979

9:00 a.m.—Subcommittee Meetings—Environment, Energy and Resources and Technology Assessment and Risk Analysis.
10:45 a.m.—Presentation of Committee Report.
1:00 p.m.—Adjournment.

M. Rebecca Winkler,
Committee Management Coordinator.
October 16, 1979.
[FR Doc. 79-32562 Filed 10-19-79; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee for the Review of Elementary Particle Physics; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Physics; Subcommittee for the Review of Elementary Particle Physics.
Date and Time: November 8–9, 1979, 9:00 a.m. to 5:00 p.m. each day.
Place: Room 341, National Science Foundation, 1800 G St., N.W., Washingfon, D.C. 20550.
Type of Meeting: Closed.
Contact Person: Dr. Laura P. Bautz, Deputy Director, Division of Physics, Room 341, National Science Foundation, Washington, D.C. 20550, Telephone (202) 632–4175.
Purpose of Subcommittee: To provide oversight concerning NSF support for research in elementary particle physics.
Agenda: To review NSF Elementary Particle Physics Program documentation as part of the program oversight function.
Reason for Closing: The meeting will deal with a review of grants and declinations in which the Subcommittee will review materials containing the names of applicant institutions and principal investigators and privileged information from the files pertaining to the proposals. The meeting will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
October 16, 1979.
[FR Doc. 79-32563 Filed 10-19-79; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Reactor Safety Research Subcommittee; Meeting

The ACRS Reactor Safety Research Subcommittee will hold a meeting on November 6–7, 1979, in Room 1046, 1717 H St., NW., Washington, DC 20555 to discuss preparation of the ACRS Annual Report to Congress on the NRC Reactor Safety Research Program. Notice of this meeting was published September 20, 1979 (44 FR 54559). This meeting will be closed to the public.

The agenda for subject meeting shall be as follows:

Tuesday, November 6, 1979—8:30 a.m. to 12:00 noon.
Wednesday, November 7, 1979—1:00 p.m. until conclusion of business.

The Subcommittee will meet in closed sessions to hold discussions with representatives of the NRC Staff, and their consultants, regarding items pertinent to the ACRS review.

In addition the Subcommittee will meet in closed Executive Session to exchange their preliminary opinions regarding preparation of a draft report to be submitted to the ACRS.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to close these sessions to protect information, the premature disclosure of which might significantly frustrate implementation of proposed action (5 U.S.C. 552b(c)(9)).

Dated: October 15, 1979.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 79-32119 Filed 10-19-79; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reliability and Probabilistic Assessment; Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.) the ACRS Subcommittee on Reliability and Probabilistic Assessment will meet on November 6–7, 1979 in Room 1046, 1717 H St., N.W., Washington, DC. This meeting will be closed to the public at the request of foreign governments to insure the security of information considered confidential and provided only on the basis that it will be protected from public disclosure.

The agenda for this meeting will be as follows:

Tuesday, November 6, 1979: 8:30 a.m.—12:00 noon.
Wednesday, November 7, 1979: 1:00 p.m. until conclusion of business.

The Subcommittee will meet in closed sessions with its consultants and representatives of the Federal Republic of Germany Reactor Safety Committee (FRGRSK), the Federal Republic of France Groupe Permanent Reactors (FRFGPR), the Electricite de France (EDF), and the United Kingdom Atomic Energy Authority (UKAEA) to discuss the development and use of possible quantitative risk assessment criteria for nuclear power reactors.

I have determined in accordance with Subsection 10(d) of Public Law 92–463 that it is necessary to close this meeting to insure the security of information identified and supplied by foreign governments as confidential (5 U.S.C. 552b(c)(1)).

Dated: October 15, 1979.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 79-32120 Filed 10-19-79; 8:30 am]
BILLING CODE 7590-01-M

[Dockets Nos. 50-424 and 50-425]

Georgia Power Co. (Alvin W. Vogtle Nuclear Plant, Unit Nos. 1 and 2); Director's Denial of Request Under 10 CFR 2.206

By petition dated May 1, 1979, Georgians Against Nuclear Power (GANE) requested that the Director of Nuclear Reactor Regulation reconsider his April 13, 1979, denial of an earlier petition filed by GANE to suspend the construction permits for the Alvin W. Vogtle Nuclear Plant, Unit Nos. 1 and 2, and to hold hearings to re-evaluate the need for power from the Vogtle facility. GANE's May 1st petition has been treated as a request for action under 10 CFR 2.206 of the Commission's regulations. Notice of receipt of GANE's May 1st petition was published in the Federal Register 44 FR 33985 (June 13, 1979).

After consideration of the information submitted by GANE in its May 1st petition and in its supplementary letters of July 17 and August 2, 1979, I have determined that this information does not represent a change in circumstances which would significantly alter the cost-benefit balance for the facility as originally determined in the construction permit proceeding. Consequently, this request to suspend the license and institute a new proceeding is denied.

A copy of the decision will be placed in the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555 and in the local public document room for the Alvin W. Vogtle Plant, Unit Nos. 1 and 2, located at the Burke County Library, 4th Street, Waynesboro, Georgia 30830.

Dated at Bethesda, Md., this 12th day of October 1979.

Edson G. Case,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 79-32575 Filed 10-19-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District (Rancho Seco Nuclear Generating Station); Supplemental Notice of Hearing

Please take notice that the prehearing conference scheduled in this proceeding for November 7, 1979, and the evidentiary hearing in this proceeding scheduled for November 27, 1979, will be held at:

Conference Room, West 1140, U.S. Federal Building, 2800 Cottage Way, Sacramento, California.

So ordered: Atomic Safety and Licensing Board.

Dated at Bethesda, Md., on October 10, 1979.

Michael L. Glaser,

Chairman.

[FR Doc. 79-32576 Filed 10-19-79; 8:45 am]

Billing Code 7590-01-M

Determination of Extraordinary Nuclear Occurrence

By Federal Register notice on July 23, 1979, (44 FR 43128), the Commission initiated a determination as to whether the March 28 accident at Three Mile Island constitutes an "extraordinary nuclear occurrence". Section 140.83 of the Commission's regulations (10 CFR 140.83) may be read to imply that such a determination must be made within 90 days, subject to extension by the Commission. The Commission hereby extends the time in which this determination is to be made until January 31, 1980. This extension is made necessary to complete staff review of information, allow for public comment on the report to be filed by the staff, and for Commission review and decision.

Dated at Washington, D.C., this 16th day of October, 1979.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-32584 Filed 10-19-79; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Intergovernmental Science, Engineering, and Technology Advisory Panel; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovenmental Science, Engineering, and Technology Advisory Panel—Science and Technology Transfer Task Force.

Place: Quality Inn, Arlington, Virginia, Jefferson Room.

Date: Friday, November 9, 9 a.m. to 5 p.m. Saturday, November 10, 9 a.m. to 12 noon.

Contact Person: Mr. Robert Goldman, Office of Science and Technology Policy, Executive Office of the President; Telephone: 202-395-4596. Anyone who plans to attend should contact Mr. Goldman by November 7, 1979.

The purpose of the meeting is to set priorities for Task Force efforts and to consider what further steps are needed to foster the appropriate application of science and technology by State and local governments.

Minutes of the meeting: Summary minutes of the meeting will be available from Mr. Goldman.

Tentative Agenda

Friday, November 9, 1979

I. New Task Force Responsibilities-

The Future of the Problem Identification Process

NSF's Intergovenmental Programs

II. An Action Program to Strengthen Intergovernmental Scientific and Technological Cooperation—

Key Propositions

Types of Scientific Information and Technology of Concern

The Federal Interest

Functions and Institutions

Saturday, November 10, 1979

Task Force Recommendations

William J. Montgomery,

Executive Officer, Office of Science and Technology Policy.

October 15, 1979.

[FR Doc. 79-32549 Filed 10-19-79; 8:45 am]

Billing Code 3170-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill our the form; and
The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose names and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447–620.

Revisions

Rural Electrification Administration
Borrowers' operating report
REA 12A–H
Annually
REA electric borrowers (power supply). 1,237 responses; 9,244 hours
Charles A. Filett, 395–5080

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—697–1195.

Extensions

Department of the Navy
*Academic certification form
NAVMC10469
On occasion
Accredited colleges and universities. 3,000 responses; 750 hours
Richard Sheppard, 395–3211

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—William Riley—245–7488.

Revisions

Office of the Secretary
Income survey development program 1979 research panel
WAVE 5
OS–20–79
Quarterly
Household members in national probability sample, 72,012 responses; 25,204 hours
Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523–6341.

New Forms

Employment and Training Administration
Use of non-profit institutions for public service employment expansion and transition
MT–301
Single time
CETA prime sponsor staff, 125 responses; 94 hours
Arnold Strasser, 395–5080

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—John J. Stanton—245–3064.

New Forms

An exploratory study of fuel switching
Single time
Auto owners in 6 cities, 160 responses; 320 hours
Edward H. Clarke, 395–5867

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2282.

Extensions

*Request to mortgage company for amount of unpaid mortgage
FL 29–712
On occasion
Lenders, 1,000 responses; 167 hours
Richard Eisinger, 395–3214

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

October 17, 1979.

[FR Doc. 79–32560 Filed 10–19–79; 8:45 am]

BILLING CODE 3110–01–M

POSTAL RATE COMMISSION

Visit to Boston, Mass., Post Office

October 16, 1979.

Notice is hereby given that a member of the Commission will visit the Boston (MA) Post Office on Friday afternoon, October 19, for the purpose of acquiring general knowledge of postal operations. A report of the visit will be on file in the Commission's docket room.

David F. Harris,

Secretary.

[FR Doc. 79–32406 Filed 10–19–79; 8:45 am]

BILLING CODE 7715–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 10900; 811–2347]

First State Capital Fund, Inc.; Application

October 11, 1979.

Notice is hereby given that First State Capital Fund, Inc. ("Applicant"), 5507 South Lewis Street, Tulsa, Oklahoma 74105, registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, filed an application on June 23, 1977, and amendments thereto on April 16, 1979, and September 24, 1979, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is incorporated under the laws of the State of Delaware, and that it registered under the Act on February 25, 1972. Applicant further states that on January 8, 1973, it filed a registration statement under the Securities Act of 1933 ("Securities Act") registering for sale to the public 1,000,000 shares of its common stock. According to the application, such registration statement under the Securities Act was declared effective, and the public offering of Applicant's shares commenced, on May 23, 1973.

Applicant states that on April 18, 1977, there were 38,691,238 shares of its common stock outstanding with a net asset value of $8.027 per share, and that between April 18, 1977, and May 6, 1977, Applicant redeemed all of its outstanding common stock held by shareholders, except such stock held by its investment adviser and principal underwriter, First State Financial, Inc.

("FSF"). Applicant further states that shares were redeemed at net asset value per share upon the request of the redeeming shareholders. The application states that (i) at the time of its filing, Applicant's assets consisted of cash in the amount of $3,040 and securities having the market value of $41,945, and (ii) Applicant has no debt or other liabilities outstanding.

In pertinent part, Section 3(c)(1) of the Act excludes from the definition of "investment company" any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. Applicant represents that all of its outstanding securities are owned by FSF and that FSF has fewer than one hundred shareholders. Applicant further represents that (i) it is not making and does not presently propose to make a public offering of its securities; (ii) it does not propose to engage in any business activity other than that necessary to wind-up its affairs and (iii) if its application for an order pursuant to Section 8(f) of the Act is granted, it will distribute all of its remaining assets to FSF.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order and, upon the taking effect of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than November 5, 1979, 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 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 will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-32499 Filed 10-19-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 10898; 812-4514]

St. Paul Money Fund, Inc.; Application

October 11, 1979.

Notice is hereby given that St. Paul Money Fund, Inc. ("Applicant"), 500 Bielenberg Drive, P.O. Box 43284, St. Paul, Minnesota 55164, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on August 6, 1979, and an amendment thereto on September 17, 1979, requesting an order, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to compute its net asset value per shares, for the purposes of effecting sales, redemptions and repurchases of its share, to the nearest one cent on a share value of one dollar ("penny rounding"). 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 designed as an investment vehicle for individuals, fiduciaries and institutions with temporary cash balances or reserves, and that it has not yet commenced the distribution of its shares to the public. It further states that its investment objective will be to provide maximum current income to the extent consistent with stability of principal through investment in money market instruments maturing in twelve months or less.

As stated in the application, in all respects other than its proposed use of penny rounding, Applicant proposes to value its portfolio securities in accordance with the views set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("Release No. 9786"). In Release No. 9786 the Commission, among other things, expressed its view that it would be inconsistent with the provisions of Rule 2a–4 for "money market" funds to "round off" calculations of their net asset values per share to the nearest one cent on share values of $1.00, because the calculation of net asset value per share in such a manner might have the effect of masking the impact of changing values of portfolio securities and, therefore, might not "reflect" properly the values of the underlying portfolio instruments.

Applicant states that while its net asset value per share could ordinarily be expected to remain $1.00 (rounded to the nearest cent) under its proposed pricing method, the net asset value per share could fluctuate based on changes in the values of portfolio securities. To maximize the likelihood of maintaining the stability of its net asset value per share, Applicant further states that its board of directors may reduce or suspend the payment of dividends if net asset value per share should decline below $.997 and may supplement such dividends with other distributions if the net asset value per share should rise above $1.003.

Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter thereof 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 to sell such security. Rule 2a–4 adopted under the Act provides, *inter alia*, 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 that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Applicant submits that without an exemption from the provisions of Rules 2a–4 and 22c–1 under the Act, it would be prohibited from determining its net asset value in the manner set forth above. Accordingly, it has requested exemptive relief.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may

conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision 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.

In support of the relief requested, Applicant submits that: (1) it believes that potential investors are vitally concerned that the net asset value of their shares remain stable and that such investors are not concerned with the differences in yield that may result depending upon whether Applicant's net asset value per share is calculated by rounding to the nearest one cent, as opposed to rounding to the nearest one-tenth of a cent; (2) granting the relief requested would provide shareholders of Applicant with the convenience of being able to determine the value of their shares simply by knowing the number of shares they own and would thus make the task of maintaining an investment record easier; (3) computing net asset value per share to the nearest one cent on a share value of one dollar will allow Applicant to maintain a constant net asset value per share under ordinary circumstances and thereby permit Applicant to serve the interests and requirements of its shareholders; and (4) its board of directors has determined in good faith that this method of calculating net asset value per share, under such circumstances, is appropriate and in the best interests of Applicant's shareholders.

Applicant submits that the exemptions from the provisions of Rules 2a–4 and 22c–1 under the Act which it has requested are 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. It states that the following conditions may be imposed in an order granting such exemptive relief:

(1) That Applicant's Board of Directors, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, undertakes—as a particular responsibility within its overall duty of care owed to shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objective, that Applicant's price per share, as computed for the purpose of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from $1.00.

(2) That Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share, and that Applicant will not (i) purchase an instrument with a remaining maturity of greater than one year, or (ii) maintain a dollar-weighted average portfolio maturity in excess of 120 days; and

(3) That Applicant's purchases of portfolio instruments, including repurchase agreements, will be limited to those United States dollar denominated instruments which the 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.

Notice is further given that any interested person may, not later than October 31, 1979, 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 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 will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–32500 Filed 10–19–79; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

Office of the Secretary

[CMI 8/243]

Secretary of State's Advisory Committee on Private International Law; Meeting

A meeting of the Secretary of State's Advisory Committee on Private International Law will be held at 10:00 a.m. on Friday, November 16, 1979, in Room 5519 of the Department of State in Washington, D.C. Members of the general public may attend and participate in the discussion subject to instructions of the Chairman.

The principal purpose of the meeting is to review proposed positions of the United States Government on issues of private international law under international negotiation. Suggestions for the future work program of the Hague Conference on Private International Law and the U.N. Commission on International Trade Law will also be considered.

Members of the general public wishing to attend the meeting will be admitted up to the capacity of the meeting room. Entry to the Department of State building is controlled and will be facilitated if members of the general public who plan to attend the meeting provide their name, affiliation and address to Mrs. Mary Marshall, Office of the Legal Adviser, Department of State; telephone number (202) 632–8134. All non-government attendees at the meeting should use the main entrance to the Department at 22nd and C Street N.W.

Stephen M. Schwebel,

Vice-Chairman.

[FR Doc. 79–32504 Filed 10–19–79; 8:45 am]

Billing Code 4710–07–M

[CM 8/242]

Study Group CMTT of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group CMTT of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on November 15, 1979, at the ComSat Headquarters Building, 950 L'Enfant Plaza, Washington, D.C., Room 4071. The meeting will begin at 10 a.m.

Study Group CMTT deals with the specifications to be satisfied in the transmission of telecommunication programs over long distances. The main purpose of the meeting will be a review of the work underway in preparation for

the international meeting of CMTT in 1980.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632–2592.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

October 15, 1979.

[FR Doc. 79–32503 Filed 10–19–79; 8:45 am]

BILLING CODE 4710–07–M

[CM 8/241]

Study Group 2 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 2 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on November 14, 1979, in Room 521J at the National Aeronautics and Space Administration, 600 Independence Avenue, S.W., Washington, D.C. The meeting will begin at 9:30 a.m.

Study Group 2 deals with matters relating to the communications for scientific satellites, space probes, spacecraft, exploration satellites (e.g., meteorological and geodetic), and to interference problems concerning the radioastronomy and radar astronomy services. The purpose of the meeting will be review of draft documents being considered for submission to the international meeting of Study Group 2 in 1980.

Members of the general public may attend the meeting and join in the discussions subject to instruction of the Chairman.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632–2592.

Dated: October 15, 1979.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 79–32502 Filed 10–19–79; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 78–135a]

Waiver of Navigation and Vessel Inspection Laws and Regulations; Suspension of Requirements for Survey, Inspections, and Measurement of M/V Lionheart

AGENCY: Coast Guard, DOT.

ACTION: Notice of extension of order.

SUMMARY: The Coast Guard has extended the order suspending the provisions of law requiring survey, inspection, and measurement of the *M/V Lionheart* until September 30, 1980, or until a replacement vessel for the *M/V Lionheart* is placed in operation, whichever occurs first. The order was due to expire on October 31, 1979. The extension has been granted to allow the *M/V Lionheart* to continue in present service pending the availability of a replacement vessel.

EFFECTIVE DATE: This extension became effective on October 11, 1979.

ADDRESS: The materials referenced in this notice will be available for examination and copying between 7:30 a.m. and 4:30 p.m., Monday through Thursday, at the Marine Safety Council (G–CMC/TP24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202–426–1477).

FOR FURTHER INFORMATION CONTACT: Commander Lloyd C. Burger, c/o Commandant CG–MVI/TP24), U.S. Coast Guard Headquarters, Washington, D.C. 20593 (202–426–2178).

SUPPLEMENTARY INFORMATION: 1. The original order was issued on October 24, 1978, and notice of the order was published in the **Federal Register** of November 2, 1978 (43 FR 51161). Thereafter, on June 28, 1979, the order was extended until October 31, 1979, and notice of the extension was published in the **Federal Register** of July 26, 1979 (44 FR 43833). The background and rationale for issuing the original order and the extension are explained in detail in the **Federal Register** notices of November 2, 1978, and July 26, 1979, and, accordingly, are not repeated here.

2. Comments on the extension order were requested from interested members of the public in the July 26, 1979 notice. No comments have been received.

3. On September 12, 1979, a request for an additional extension was submitted to the Coast Guard. As stated in the request, a new RO–RO vessel, to be built in West Germany, has been contracted for with delivery scheduled for September 1, 1980, and the Artubar barge that was started at Seatrain Shipyard will be completed at Norfolk Shipbuilding and Drydock, Co., with completion scheduled for March 1, 1980. Based upon these facts, and upon the fact that the considerations leading to the original order and first extension remain unchanged, a determination has been made to extend the order for a further period to allow the *M/V Lionheart* to continue in service pending the availability of a replacement vessel. The terms of the additional extension make the original order effective through September 30, 1980, or until a replacement vessel for the *M/V Lionheart is placed in operation, whichever occurs first.*

4. This notice was drafted by CDR Lloyd C. Burger, Office of Merchant Marine Safety, and William R. Register, Office of the Chief Counsel.

(46 USC 82; 49 USC 1655(b); E.O. 10289; and 49 CFR 1.45(a))

Dated: October 11, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 79–32582 Filed 10–19–79; 8:45 am]

BILLING CODE 4910–14–M

National Highway Traffic Safety Administration

[Docket No. IP79–5; Notice 2]

Uniroyal Tire Co.; Denial of Petition for Determination of Inconsequential Noncompliance

This notice denies the petition by Uniroyal Tire Company of Detroit, Michigan, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published in the **Federal Register** on May 17, 1979 (44 FR 28907) and an opportunity afforded for comment.

Paragraph S6.5 requires that the information specified in cash of its subparagraphs be marked on each sidewall. Among this information is the maximum load rating and corresponding inflation pressure (subparagraph (d)), the word "tubeless" or "tube type" as applicable (subparagraph (g)), and the letter designating the tire load range (subparagraph (j)). A labeling mold plate

containing this information fell out of the mold and went unnoticed during the curing of 200 tires. Instead of the above information the words "10 Ply Rating" were molded in. Uniroyal would like to buff off the words "10 Ply Rating" and brand in "Load Range F", to minimize the possibility that some would be misled into using a lower inflation pressure suitable for 10 ply rating tire (The correct rating is "10 Ply Sidewall 8 Ply/12 Ply Rating.")

Uniroyal argued that its noncompliance was inconsequential for the following reasons: the error occurred on the sidewall of the tire that does not contain the tire's serial number, and all required information does appear on the serial number side. Omission of "tube type" on one sidewall would not create a hazard as there is no tubeless rim in this size and the tube type rim has a slot that is too large for a tubeless valve to fill. Finally, omission of the inflation pressure is not important since it appears on the other side of the tires in question.

No comments wre received on the petition.

The NHTSA has decided to deny the petition by Uniroyal. Section 201 of the National Traffic and Motor Vehicle Safety Act requires that tire labeling shall include the composition of the material used in the ply of the tire, the actual number of plies, and the tire's maximum permissible load, emphasizing the concern of Congress for proper tire labeling. The proposal to brand "Load Range F" addresses only one of the four missing labeling requirements. The argument that the information is on the serial side is without merit, as there is no assurance that the tires will be mounted on the vehicle with the required labeling information on an outward facing sidewall. On the basis of owner surveys, NHTSA knows that as a general rule owners are reluctant to crawl under vehicles to read information off tires. Inflation pressure is especially critical to insure that tires are not overloaded. In addition, the labeling information would be vital for any future retreading operation on these 9.00–20 vehicle tires.

A denial will also encourage Uniroyal to improve its inspection procedures. The petitioner claimed that the error "went unnoticed during the curing of 200 tires." Each of these tires takes from 45 to 60 minutes to cure in a tire press. Assuming a 24-hour production schedule, the tires went through initial and final inspection "unnoticed" for approximately 8 days.

Accordingly, petitioner has not met its burden of persuasion that its noncompliance with Standard No. 119 herein described is inconsequential as it relates to motor vehicle safety, and its petition is hereby denied.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on October 16, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-32424 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-59-M

Federal Aviation Administration

General Aviation District Office at Houston, Tex., and Air Carrier District Office at Houston, Tex.; Notice of Consolidation

Notice is hereby given that on or about October 21, 1979, the General Aviation District Office at Houston, Texas, and the Air Carrier District Office at Houston, Texas, will be consolidated. The consolidated office will be listed as the Flight Standards District Office, Houston, Texas. All services to the public formerly provided by the individual offices will be provided by the consolidated office. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Fort Worth, Texas, on October 10, 1979.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 79-32210 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA) Executive Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held November 14, 1979 at the Sheraton National Motor Hotel, South Ball Room, Columbia Pike and Washington Boulevard, Arlington, Virginia commencing at 2:00 p.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Report of Special Committee Activities for the Past Year; (3) Status of RTCA SC–135 and European Organization for Civil Aviation Electronics (EUROCAE) Working Group 14 Report on Environmental Conditions and Test Procedures for Electronic/Electrical Equipment and Instruments; (4) Status of RTCA SC–142 Report on Air Traffic Control Radar Beacon/Discrete Address Beacon System (ATCRBS/DABS) and EUROCAE Working Group 20 Report on Address Select/Discrete Address Beacon System (ADSEL/DABS); (5) FAA Briefing on Proposed New Technical Standard Order (TSO) Procedures; (6) FAA Briefing on Future (1980–1982) Activities of Interest to RTCA International Associates; (7) Summary Commentary by International Associates' Representatives; and (8) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

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

Karl F. Bierach,

Designated Officer.

[FR Doc. 79-32208 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE–79–25]

Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before November 12, 1979.

ADDRESSES: Send comments on any petition in triplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–24), Petition Docket No. ———, 800

Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

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

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
19634	Douglas Aircraft Company	14 CFR 121.310(d)(4)	To permit Part 121 operation of McDonnell Douglas DC-8 aircraft with an emergency light system without a cockpit control device that has an "on," "off," and "armed" position.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
19422	Continental Airlines Inc. (CAL)	14 CFR 61.39(b)	To allow certain CAL pilots who were involved in a 25-day work stoppage in 1976 to count the time as continuous employment for CAL, in order to allow those pilots to take the flight test for an airline transport pilot certificate (ATPC). The exemption is required to allow those pilots to qualify for the exception which allows the flight test to be taken although the 24-month period has elapsed since the written test was passed. Granted 9/28/79.
19443	Air Atlantic Airlines	14 CFR 135.10 and 135.243(a)	To allow the petitioner an extension of time for compliance with the pilot-in-command requirement to possess an Airline Transport Pilot Certificate while operating their commuter air line. Withdrawn 9/28/79.

[FR Doc. 79-32209 Filed 10-19-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Coke From the Federal Republic of Germany; Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of coke from the Federal Republic of Germany are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended. There is substantial doubt that imports of the subject merchandise, allegedly at less than fair value, are causing, or are likely to cause, injury to an industry in the United States. Therefore, the case is being referred to the U.S. International Trade Commission for a determination as to whether there is no reasonable indication of injury by reason of such imports.

EFFECTIVE DATE: October 22, 1979.

FOR FURTHER INFORMATION CONTACT: Richard Rimlinger, Trade Analysis Division, U.S. Customs Service, 1301 Constitution Avenue, NW, Washington, DC 20229, (202) 566-5492.

SUPPLEMENTARY INFORMATION: On September 7, 1979, a petition was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel representing Alabama By-Products Corporation, Birmingham, Alabama; Drummond Coal Company, Jasper, Alabama; and Island Creek Coal Company, Lexington, Kentucky, alleging that coke from the Federal Republic of Germany is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C. 160 *et seq.*) (hereinafter referrred to as "the Act").

For purposes of this investigation, the term "coke" means coke and compositions of coke, provided for in items 521.340, and 521.3160, Tariff Schedules of the United States Annotated.

Pricing information was supplied by petitioners for coke sold to the United States and to the West German home market which indicates that there may be less than fair value margins of as much as 70 percent.

Petitioners have presented information in support of their allegation that certain home market sales of West German coke are occurring at slightly less than the cost of production, within the meaning of section 205(b) of the Act (19 U.S.C. 164(b)). Further clarifying information has been sought pertaining to this point. Once that information is received a determination will expeditiously be made whether a full-scale investigation under section 205(b) is appropriate.

Petitioners have presented information in support of their allegation that U.S. coking coal producers and/or U.S. coke producers are being, or are likely to be, injured by reason of the alleged less than fair value imports from West Germany.

The petitioners cite increased West German penetration of the U.S. coke market, and declines in U.S. production of both coke and coking coal over the period 1976-78. Also cited are decreases in the sales, production, capacity utilization and profits of domestic producers of coking coal. However, the evidence presented by petitioners, together with data otherwise obtained,

is ambiguous on the point whether domestically-produced coke is being under sold by West German coke imports. The information also indicates, *inter alia*, that the high level of 1978 coke imports may have been due to an extended UMW strike, and the inability of the domestic coke industy to produce enough coke for domestic needs due to environmental constraints on U.S. production. Further, the information indicates that real domestic blast furnace coke capacity may be so low as to have made impossible the displacement of U.S. coke and/or coking coal by West German imports.

Therefore, on the basis of the information currently available, there is substantial doubt of injury or likelihood of injury to an industry in the United States by reason of such imports from the Federal Republic of Germany. Accordingly, the U.S. International Trade Commission is being advised of such doubt pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29), and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value. Should the U.S. International Trade Commission, within 30 days of receipt of this referral, advise the Secretary that there is no reasonable indication that an industry in the United States is being, or is likely to be, injured by reason of the importation of such merchandise into the United States, this investigation will be terminated. Otherwise, the investigation will continue to conclusion.

This notice is published pursuant to § 153.30, Customs Regulations (19 CFR 153.30).

Robert H. Mundheim,

General Counsel of the Treasury.

October 15, 1979.

[FR Doc. 79-32501 Filed 10-19-79; 8:45 am]

BILLING CODE 4810-22-M

[Public Debt Series No. 24-79]

Series Y-1981; Treasury Notes of October 31, 1981

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 $3,900,000,000 of United States securities, designated Treasury Notes of October 31, 1981, Series Y-1981 (CUSIP No. 912827 KA 9). 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 October 31, 1979, and will bear interest from that date, payable on a semiannual basis on April 30, 1980, and each subsequent 6 months on October 31 and April 30, until the principal becomes payable. They will mature October 31, 1981, 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, October 23, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, October 22, 1979.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury

securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Wednesday, October 31, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Friday, October 26, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, October 26, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secetary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer 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.

October 17, 1979.

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. 79-32639 Filed 10-19-79; 8:45 am]

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INTERSTATE COMMENCE COMMISSION

[Volume No. 37]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack and Crate

Dated: October 10, 1979.

Republications of Grants of Operating Rights Authority Prior to Certification

Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before December 21, 1979. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 111812 (Sub-583F) (Republication), filed August 7, 1978, published in the **Federal Register** issue of November 24, 1978, and republished this issue: Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as above). A Decision of the Commission, *Review Board No. 3,* decided July 25, 1979, and served August 9, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, transporting *cigarette lighters, portable appliances, writing instruments, stationery products, and personal care products,* (1) from Andover, MA, to Kent, WA, Atlanta, Morrow, Forest Park, and Newnan, GA, Sparks, NV, Lawrence, KS, Arlington and Dallas, TX, and points in CA and Florida, and (2) from Santa Monica and La Mirada, CA, to Andover, MA, La Grange Park, IL, Lawrence, KS, Arlington and Dallas, TX, and Newnan, GA, restricted to the transportation of traffic originating at the facilities of the Gillette Company and further restricted in (1) and (2) against the transportation of commodities in bulk; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to change the commodity description, territorial description and the restriction.

MC 119493 (Sub-223F) (Republication), filed July 17, 1978, published in the **Federal Register** issue of September 5, 1978, and republished this issue: Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, MO 64801. Representative: Lawrence F. Kloeppel (same address as above). A Decision of the Commission, *Review Board No. 2,* decided July 24, 1979, and served August 15, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting (1) *wood pallets and wood boxes,* from Independence, KS, to points in Arkansas, Missouri, Nebraska, Oklahoma, and Texas, and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above from points in Arkansas, Missouri, Nebraska, Oklahoma, and Texas to Independence, KS, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to change the commodity and territorial description and add a restriction.

MC 135033 (Sub-5F) (Republication), filed March 30, 1978, published in the **Federal Register** issue of June 8, 1978, and republished this issue: Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 68106. Representative: Bruce A. Bullock, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. A Decision of the Commission, *Review Board No. 3,* decided August 7, 1979, and served June 8, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *contract carrier,* by motor vehicle, over irregular routes, transporting *alcoholic beverages and non-alcoholic beverages* (except in bulk), and *bottled cherries, olives, and onions,* from New York and Hammondsport, NY, Philadelphia and Schenley, PA, Lawrenceburg, IN, Frankfort, Louisville, and Owensboro, KY, Chicago Plainfield, and Pekin, IL, and Hillside and Jersey City, NJ, to Omaha, NE, under contract with Nebraska Wine and Liquors, Inc., of Omaha, NE; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to change the commodity description.

MC 138553 (Sub-1F) (Republication), filed August 29, 1978, published in the **Federal Register** issue of October 26, 1978, and republished this issue: Applicant: M & N GRAIN COMPANY, a corporation, Box P, Business 71 South, Nevada, MO 64772. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, MO 64105. A Decision of the Commission, *Review Board No. 2,* decided June 20, 1979, and served August 14, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, transporting *hides and pelts,* (1) from Little Rock and Searcy, AR, Belmond and Waterloo, IA, McCook and Norfolk, NE, Columbus, OH, Texarkana and Tyler, TX, and Muskego, WI, to Butler, MO, (2) from Butler, MO, to Phoenix, AZ, Woburn, MA, Hartland, ME, St. Paul, MN, Manchester and Penacook, NH, Buffalo, Gloversville, and Johnstown, NY, and Memphis, TN, (3) from Columbus, OH, to Danversport, MA, Hartland, ME, and Milwaukee, WI, and (4) from Great Bend, KS, to Los Angeles, CA, Manchester, NH, and Laredo, TX, and (5) from Muskego, WI, to Danversport, MA, and Laredo, TX; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to correct "Danversport, MN" to read as "Danversport, MA".

MC 143983 (Republication), filed November 4, 1977, published in the **Federal Register** issue of January 26, 1978, and republished in this issue: Applicant: MEL-KRIS TRUCKING CORPORATION, 803 East 27th Street, Paterson, NJ 07513. Representative: Meyer Stein, 400 Madison Avenue, New York, NY 10017. A Decision of the Commission, *Review Board No. 2,*

decided July 5, 1979, and served August 20, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) textiles and textile products, and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities in (1) above (except commodities in bulk), between New York, NY, on the one hand, and, on the other, Glens Falls, NY, under continuiing contract(s) with Native Textiles, Division of Carisbrook Industries, Inc., of New York, NY; that applicant is fit, willing and able to properly perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations and rules. The purpose of this republication is to change the commodity description.

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

Notice

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register**, with a copy being furnished the applicant. Protests to these applications will be *rejected*.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 57778 (Sub-4 (M1F)) (Sub-16 (M1F)) (Notice of filing of petition to modify Certificate filed April 24, 1979. Petitioner: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 W. Jefferson Ave., Detroit, MI 48209. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Petitioner holds motor common carrier Certificate in MC 57778 Subs 4 and 16 issued July 18, 1966, and November 3, 1976, respectively. MC 57778 Sub 4 authorizes transportation of *frozen foods, meats, meat products, meat by-products, articles distributed by meat-packing houses, table sauces, specialty food items, and fresh and frozen fish*, in vehicles equipped with mechanical refrigeration, between points in MI. MC 57778 Sub 16 authorizes the transportation of *candy*, in vehicles equipped with mechanical refrigeration, from the facilities of E. J. Brach & Sons, Inc., at Carol Stream, and Chicago, IL, to points in named counties in MI. By the instant petition, petitioner seeks to modify the authority as follows: Delete the vehicle restriction in both the Sub 4 and Sub 16 certificates.

MC 130293 (M1F), filed May 24, 1979. (Notice of filing of petition to modify license.) Applicant: GOODMAN TOURS, INC., 7277 Big Creek Parkway, Middleburg Heights, OH 44130. Representative: S. Harrison Kahn, Suite 733 Investment Bldg., 1511 K Street, NW., Washington, DC 20005. Petitioner holds motor common carrier License in MC 130293, issued January 7, 1977, which authorizes transportation, over irregular routes, of *passengers and their baggage*, in special and charter operations, in round trip tours, beginning and ending at points in Cuyahoga, Lake, Medina, Wayne, and Holmes Counties, OH, and extending to points in the United States (including AK, but excluding HI). Applicant is authorized to engage in the above-specified operations as a broker at Middleburg Heights, OH. By the instant petition, petitioner seeks to modify the authority so it reads as follows: To engage in operations, in interstate or foreign commerce, as a *broker*, at Middleburg Heights, OH, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, in round-trip tours, between points in the United States (including AK and HI).

Broker, Water Carrier and Freight Forwarder Operating Rights Applications; Notice

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such an authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues of allegations phrased generally, protests not in reasonable compliance with the requirements of the rules may be rejected.

Permanent Authority Decisions Decision–Notice

Decided: October 10, 1979.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the

granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Failure to file a protest within 30 days will be considered as a waiver of opposition to the applicant. A protest under these rules shall comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below), and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand deneid.

By the Commission, Review Board Number 1, Members Carlton, Joyce, and Jones.

Brokers

MC 130519 (Sub-1F), filed June 13, 1979. Applicant: SUMMIT TRAVEL, INC., 601 Business Loop 70 West, Suite 11, Columbia, MO 65201. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101. To engage in operations, in interstate or foreign commerce, as a *broker*, at Columbia, MO, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, by motor common carrier, between points in the United States (including AK and HI). (Hearing site: Columbia or Kansas City, MO.)

MC 130572F, filed May 10, 1979. Applicant: DISCOVERY TOURS COMPANY, d.b.a. RENO RECREATIONAL TOURS, 133 North Sierra St., Suite 205, Reno, NV 89501. Representative: William C. Thornton (same address as applicant). To engage in operations, in interstate or foreign committee, as a *broker*, at Reno, NV, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in Washoe County, NV, and points in CA. (Hearing site: Reno, NV.)

MC 130580F, filed June 8, 1979. Applicant: FUGAZY TRAVEL & INCENTIVE CORP., 645 Madison Avenue, New York, NY 10022. Representative: Arthur Wagner, 600 Madison Avenue, New York, NY 10022. To engage in operations, in interstate or foreign commerce, as a *broker*, at New York, NY, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the United States (including AK and HI). (Hearing site: New York, NY, or New Haven, CT.)

MC 130592F, filed July 20, 1979. Applicant: EXPERT FREIGHT BROKERAGE, INC., 1913 Crimson, Troy, MI 48084. Representative: Steven J. Kalish, 1750 Pennsylvania Avenue, NW., Washington, DC 20006. To engage in operations, in interstate or foreign commerce, as a *broker*, at Troy, MI, in arranging for the transportation, by motor vehicle, of *general commodities* (except household goods as defined by the commission), between points in the United States (including AK and HI). (Hearing site: Detroit. MI, or Washington, DC.)

MC 130593F, filed May 29, 1979. Applicant: DON M. DRUM, d.b.a. BACKHAUL LOCATORS, Suite 507, Irving Bank Tower, Irving, TX 75060. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. To engage in operations, in interstate or foreign commerce, as a *broker*, at Irving, TX, in arranging for the transportation, by motor vehicle, of *heavy construction equipment and off-highway machinery*, between points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 130602F, filed August 14, 1979. Applicant: THE JOURNEY ASSOCIATES, A Corporation, 140 North Center, Mesa, AZ 85201. Representative: Fred J. Ash, 8 West Pepper Pl., Mesa, AZ 85201. To engage in operations, in interstate or foreign commerce, as a *broker*, at Mesa, AZ, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at points in Maricopa County, AZ, and extending to points in the United States (including AK and HI). (Hearing site: Phoenix or Tuscon, AZ)

Permanent Authority Decisions—Decision-Notice Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: October 10, 1979.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petition may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission on or before November 21, 1979.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occured within the one-year period immediately proceeding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by an carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concering the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930 (a) (formerly section 210 of the Interstate Commerce Act).

In absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carlton, Joyce, and Jones.

MC 1745 (Sub-9F), filed May 8, 1979. Applicant: INTERSTATE VAN LINES, INC., 5801 Rolling Rd., West Springfield, VA 22152. Representative: Marshall Kragen, 1835 K St., NW, Suite 600, Washington, DC 20006. Transporting *household goods* as defined by the Commission, between points in CA and AZ, on the one hand, and, on the other, points in AL, GA, TN, NC, SC, VA, FL, LA, MS, AR, KY, OH, MI, WV, MD, PA, NY, NJ, DE, IL, IN, CT, MA, NH, RI, VT, ME, and DC. (Hearing site: Washington, DC).

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

MC 13569 (Sub-51F), filed May 14, 1979. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, INC., 1200 South State Street, Girard, OH 44420. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Chicago, IL, to points in MI, NJ, NY, OH, and PA. (Hearing site: Columbus, OH).

Note.—The sole purpose of this application is to substitute the proposed single-line operation in lieu of existing joint-line services.

Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission on or before November 21, 1979. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC-F-14082F. Authority sought for purchase by CHIPPEWA MOTOR FREIGHT, INC., 100 East 41st Street, Sioux Falls, SD 57105, to purchase a portion of the operating rights of WESTERN TRANSPORATION COMPANY, 1300 West 35th Street, Chicago, IL 60609, and for acquisition of control of such rights by Lewis Industries, Inc., 510 Northwestern Bank Building, Sioux Falls, SD 57102, through the purchase. Applicant's attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Operating rights

sought to be transferred are as a common carrier, over regular routes, as follows: General Commodities, with the usual exceptions between (1) Chicago, IL and South Haven, MI, as follows: From Chicago over U.S. Highway 12 to St. Joseph, MI, thence over U.S. Highway 31 to South Haven; From Chicago over U.S. Highway 20 to junction Indiana Highway 212, thence over Indiana Highway 212 to junction U.S. Highway 12, thence over U.S. Highway 12 to St. Joseph, and thence to South Haven as specified above; and return over the above-specified routes to Chicago. Service is authorized to and from all intermediate points; and the off-route points of Baroda, Derby and Three Oaks, MI. (2) Between South Bend, IN and Kalamazoo, MI, as follows: From South Bend over U.S. Highway 31 to Benton Harbor, MI, thence over U.S. Highway 12 to Kalamazoo, and return over the same route. Service is authorized to and from all intermediate points; and off-route points as follows: Berrien Center, Mattawan, Lawton, Keeler, and Milburg, MI. (3) Between Benton Harbor, MI and Kalamazoo, MI, as follows: From Benton Harbor over unnumbered highway via Sodus, MI to Eau Claire, MI, thence over Michigan Highway 62 to Dowagiac, MI, thence over Michigan Highway 40 to junction U.S. Highway 12, and thence over U.S. Highway 12 to Kalamazoo, and return over the same route. Service is authorized to and from all intermediate points. (4) Between South Bend, IN and Gary, IN, for operating conveniences only: From South Bend over U.S. Highway 20 to Gary, and return over the same route. Service is not authorized between termini or to or from intermediate points. (5) General Commodities over irregular routes between points and places in the Chicago Commercial Zone; and (6) Alternate routes with-in the State of Michigan. Application has been filed for temporary authority under Section 210a(b).

MC–F14172F. Authority sought for purchase by GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518, of the operating rights of DAVID STEINMAN d.b.a. STEINMAN TRUCKING COMPANY, River Street at South Washington Avenue, Scranton, PA 18503, and for acquisition by John Gilchrist and Diane Gilchrist, both of 105 North Keyser Avenue, Old Forge, PA 18518, of control of such rights through the transaction. Applicant's Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Operating rights to be transferred are Regular Routes: General commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Carbondale, PA, and Scranton, PA, serving all intermediate points; from Carbondale over U.S. Highway 6 to Scranton, and return over the same route. From Carbondale over county highways known as Montdale Road and O'Neill Highway to Scranton, and return over the same route.

MC 9071 (Sub-4F). To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting general commodities (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving Wilkes Barre, PA, as an off-route point in connection with applicant's authorized regular routes. Vendee is authorized to operate as a common carrier within all the states of the United States (except Alaska and Hawaii). Application has been filed for temporary authority under Section 210a(b). (Hearing Site: Scranton, PA.)

MC–F14173F. Authority sought for control by AUSTIN LEASING CORP., and A. L. C. TRANSPORTATION, INC., of Phillipp Transit Lines, Inc., which holds authority from the Commission in MC 2002. Applicant's Attorney: Joseph R. Siegelbaum, Esq., Kalb, Friedman and Siegelbaum, 17 Academy Street, Newark, New Jersey 07102. Application has been filed for Temporary Authority.

MC–F14174F. Authority sought for purchase by AUSTIN LEASING CORP., and A. L. C. TRANSPORTATION, INC., of the operating rights of Secon Service System, Inc., f.k.a. Yale Transport Corp., Debtor-in-Possession. Applicant's Attorney: Joseph R. Siegelbaum, Esq., Kalb, Friedman and Siegelbaum, 17 Academy Street, Newark, New Jersey 07102. Operating Rights to be transferred: The non-bulk operating authority contained in Certificate MC–17778 and sub-numbers thereto, generally including general commodity operating authority in the Middle Atlantic and Lower New England Areas. Application has been filed for Temporary Authority.

MC–F14175F. Authority sought for purchase by WALSH BROS., INC., 33 Brill Street, Newark, NJ 07105 of the operating authorities of TIGER TRANSPORT, INC., INTERNAL REVENUE SERVICE, Successor in Interest, 313 State Street, Perth Amboy, NJ 08861. Applicant's representative Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Operating rights to be purchased: Docket No. 138418 Sub 4, irregular routes, Pipe and pipe fittings, from Phillipsburg, Burlington, and Florence, NJ to New York, NY, and points in Nassau and Suffolk Counties, NY, with no transportation for compensation on return except as otherwise authorized: Cotton softener and bleach and muriates and chlorates of potassium, from New York, NY to Perth Amboy, NJ and points in Essex, Bergen, Hudson, Passaic, and Union Counties, NJ, with no transportation for compensation on return except as otherwise authorized: Ingredients used in the manufacture of brewery products, from points on Staten Island, NY to Newark, Paterson, Elizabeth, and Trenton, NJ, Wilkes-Barre, Easton, Norristown, and Philadelphia, PA, and Bridgeport and New Haven, CT; and Empty containers for brewery products ingredients, from the destination points specified immediately above, to points on Staten Island, NY: (a) Commodities, the transportation of which because of size or weight require the use of special equipment or special handling, and (b) self-propelled articles, each weighing 15,000 pounds or more, and related machinery tools, parts and supplies moving in connection therewith, (restricted to commodities which are transported on trailers), Between New York, NY and points in Philadelphia, Delaware, Montgomery, and Bucks Counties, PA, those in NJ, and those in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, NY: Storage tanks, capacity of 5,000 gallons or over, Between New York, NY, and points in Fairfield County, CT, those in Philadelphia, Delaware, Montgomery, and Bucks Counties, PA, those in NJ, and those in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, NY. Transferee is authorized to operate as a common carrier in the states of CT, MA, NJ, NY, PA and RI. An application has been for temporary application under Section 210a(b).

Caption Summary

MC–F14176F. Authority sought by CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077, for purchase of a portion of the operating rights of COOPER-JARRETT, INC., Hanover Plaza, Morristown, NJ 07960, and control of such rights through the purchase by Centra, Inc. and T. J. Maroun and M. J. Maroun, 34200 Mound Road, Sterling Heights, MI 48077. Applicants' attorneys: Irving Klein, Southgate Tower, 371 Seventh Avenue, New York, NY 10001, and Jack Goodman, Axelrod, Goodman, Steiner & Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Operating rights

sought to be transferred are contained in Certificate of Public Convenience And Necessity No. MC 35334 (Sub-No. 65), authorizing the transportation, over *regular routes*, by motor vehicle, as a *common carrier, general commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Cincinnati, OH, and Manchester, OH, serving the intermediate points between Manchester and Aberdeen, OH: from Cincinnati over U.S. Hwy 52 to Manchester and return over the same route. Between Cincinnati, OH, and Vanceburg, KY, serving the intermediate points between Sandy Springs and Aberdeen, OH: from Cincinnati over U.S. Hwy. 52 to Sandy Springs, OH, and then across the Ohio River to Vanceburg, KY, and return over the same route. Between Vanceburg, KY, and Cincinnati, OH, serving the intermediate points between Vanceburg and Maysville, KY: from Vanceburg over KY Hwy. 10 to Maysville KY, then across the Ohio River to junction U.S. Hwy. 52, then over U.S. Hwy. 52 to Cincinnati, and return over the same route, and over *irregular routes*, by motor vehicle, as a *common carrier*, (a) *general commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Amelia, OH, and points in OH within 10 miles of Amelia, OH, on the one hand, and, on the other, Cincinnati, OH, and points in that part of OH south of a line beginning at junction U.S. Hwy. 68 and OH Hwy. 32, and extending along OH Hwy. 32 to junction unnumbered highway (formerly portion OH Hwy. 74), then along unnumbered highway through Glen Este and Mt. Carmel, OH, to junction OH Hwy. 32, then along OH Hwy. 32 to Cincinnati, OH, and west of U.S. Hwy. 68, including points on the indicated portions of the highways specified, and (b) *general commodities*, except livestock, Classes A and B explosives, articles of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, between Sardinia, OH, and points within 5 miles thereof, on the one hand, and, on the other, points in KY. Vendee proposes to tack the separate irregular-route authorities sought to be purchased to the end that a single-line service may be rendered to points in KY, on the one hand, and, on the other, Amelia, OH and points in OH within 10 miles thereof, and to tack at Cincinnati the combined irregular-route authorities proposed to be purchased so as to render a single-line service between points in KY, on the one hand, and, on the other, points on the irregular and regular routes of transferee so as to permit the rendition of a single-line service between points in KY, on the one hand, and, on the other, points authorized to be served by transferee in IL, IN, WI, MI, PA, NY, WV, KY, and OH. A gateway elimination application will be filed. No temporary authority application will be filed.

MC–F14177F. Transferee: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA, 70526. Transferor: S. L. HARRIS, d.b.a. P.B.I., 1711 Lake Harris Road, White Oak, TX, 75693. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX, 78701. Operating right which are the subject of this transaction: Certificate No. MC 135982, Sub-8, issued 12–4–75 as follows: *Malt beverages* from Ft Worth, TX to points in LA; and materials, supplies and equipment, used in the manufacture, sale and distribution of malt beverages from points in LA to Ft Worth, TX. Present operating rights of transferee: MC 123993 and subs (certificate) and MC 41116 and subs (permit). Application for temporary authority has been filed.

MC–F14179F. Authority sought for control by CROWLEY MARITIME CORPORATION, One Market Plaza, San Francisco, CA 94105 and THOMAS B. CROWLEY of same address of NORTHWESTERN CONSTRUCTION, INC., 3812 Spenard Road, AK 99503 through stock ownership. Applicant's Attorney: Leo C. Franey, 700 World Center Building, 918—16th Street, N.W., Washington, D.C. 20006. Operating Rights to be controlled: *General Commmodities*, except household goods and commodities in bulk, as a *contract carrier*, over irregular routes, between points in Alaska within 50 miles of the U.S. Post Office at Deadhorse, AK in seasonal operations extending from July 1, to October 15, restricted to the transportation of traffic having a prior or subsequent movement by water under contract with Artic Marine Freighters. Crowley Maritime Corporation presently owns the stock of Northwestern Construction, Inc. The purpose of this application is to obtain approval of control upon issuance of authority in MC 145929. Applicant also controls Gulf Caribbean Marine Lines, Inc., Arctic Lighterage Company and Mukluk Freight Lines, Inc., motor common carriers authorized to transport general commodities between specified points in Florida and Alaska; as set forth in detail in MC 141323, MC 141642 and MC 118518, respectively and North Star Forwarding Co. in FF–308 and FF–308 (Sub-1), and water common carriers, Arctic Lighterage Company, Drummond Lighterage, Columbia Common Carriers, Inc. and Bay Cities Transportation Company authorized to operate in self-propelled and non-self-propelled vehicles between points on the Atlantic Coast, the Gulf of Mexico, Pacific Coast and Alaska as specified in W–1229, W–586, W–580, and W–379. No duplicating authority sought. Dual operations approved in MC 145929. No temporary authority application filed.

MC–F14180F. Authority sought for the amalgamation of KINGSWAY TRANSPORTS LIMITED, 123 Rexdale Boulevard, Rexdale, Ontario, Canada M9W 1P3 and JOHN N. BROCKLESEY TRANSPORT LIMITED, 123 Rexdale Boulevard, Rexdale, Ontario, Canada M9W 1P3, with KINGSWAY TRANSPORTS LIMITED being the surviving corporation. Applicants' attorney: S. Harrison Kahn, Kahn and Kahn, Suite 733 Investment Building, Washington, D.C. 20005. John N. Brocklesby Transport Limited is a motor common carrier of commodities, the transportation of which because of size or weight require the use of special equipment (except motor vehicles), between ports of entry on the U.S.-Canada boundary line at or near Morses Line, West Berkshire, Richford, East Richford, North Troy, Beebe Plain, Derby Line, High Gate Springs, and Norton, VT., Beecher Falls and Scott Bog, NH, and Fort Covington, Trout River, Mooers Forks, Champlain and Rouses Point, NY, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and New York. This authority is set forth in Docket MC 126672. Kingsway Transports Limited is a motor common carrier of general commodities, with the usual exceptions, authorized in Certificates of Public Convenience and Necessity issued in Docket MC 112908, Sub-1, Sub-3, Sub-4, Sub-5, and Sub-7 to operate between New York, NY and ports of entry on the U.S.-Canada boundary line near Rouses Point, NY, serving intermediate and off-route points in New York and New Jersey within 15 miles of New York City; between points in the Detroit, Michigan Commercial Zone, on the one hand, and, on the other, the port of entry at the U.S.-Canada boundary line at Detroit, Michigan; between the plantsite of Kelsey-Hayes Company located at Romulus Township, Wayne County,

Michigan, on the one hand, and, on the other, the port of entry at the U.S.-Canada boundary line at Detroit, Michigan; between the junction of New York Highways 9 and 9b near Chazy, NY and the U.S.-Canada boundary line at or near Champlain, NY; between Buffalo, NY and Niagara Falls, NY; between Niagara Falls, NY and Fort Niagara, NY; between Niagara Falls, NY and Youngstown, NY; between St. Johnsbury, NY and Lockport, NY; between junction U.S. Highway 384 and 429 at Lockport, NY; between Martinsville, NY and Lockport, NY; between the plantsite and facilities of Ford Motor Company at Romeo, Michigan, on the one hand, and, on the other, U.S.-Canada boundary line at Detroit, Michigan. Operations through the Champlain, NY and Detroit ports of entry are restricted to traffic moving in foreign commerce only. No application for temporary authority has been filed. Washington, D.C. has been requested as the hearing site.

MC–F14181. Applicants: Vendees: DELTA LINES, INC., 333 Hegenberger Road, Oakland, CA 94621. DELTA CALIFORNIA INDUSTRIES, 333 Hegenberger Road, Oakland, CA 94621. Vendor: ARKANSAS BEST FREIGHT SYSTEM, INC., Post Office Box 48, Fort Smith, AR 72902. Representatives: For Vendees: Andrew J. Skaff, Esquire, Delta California Industries, 333 Hegenberger Road, Oakland, CA 94621. Russell R. Sage, Esquire, Major, Sage & King, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. For Vendor: Thomas Harper, Esquire, Harper, Young & Smith, Post Office Box 43, 510 N. Greenwood, Fort Smith, AR 72902. Authority sought for purchase by DELTA LINES, INC., 333 Hegenberger Road, Oakland, CA, of a portion of the operating rights of ARKANSAS BEST FREIGHT SYSTEM, INC., Post Office Box 48, Fort Smith, AR, and for acquisition by Delta California Industries and Thomas R. Dwyer, both of 333 Hegenberger Road, Oakland, CA, and Peter G. and Frances H. Dwyer, both of 42 Grover, Colusa, CA, of control of such rights sought to be acquired through the purchase. Vendees' attorneys: Andrew J. Skaff, 333 Hegenberger Road, Oakland, CA, and Russell R. Sage, Major, Sage & King, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA; Vendor's representative: Thomas Harper, Harper, Young & Smith, Post Office Box 43, 510 N. Greenwood, Fort Smith, AR. Operating rights sought to be purchased: *general commodities*, with exceptions, as a *common carrier* over *regular routes* between Phoenix, AZ and Kingman, AZ, and between Kingman, AZ and Alunite, NV; *general commodities*, with exceptions, over *regular routes* between Phoenix, AZ and Alamogordo, NM, serving no intermediate points, and between Alamogordo, NM and Fort Worth, TX, serving no intermediate points, restricted against the transportation of traffic moving from, to or through El Paso, TX, as more fully described in Certificate MC 29910, and Sub——. Vendee is authorized, pursuant to Certificate MC 56640, as a *common carrier* in the States of WA, OR, CA, NV and AZ. Application has not been filed for temporary authority under Section 210a(b).

Transfer Proceedings

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission on or before November 21, 1979. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

Finance Docket 29113F, By decision of the Motor Carrier Board approved the transfer to YELLOW FORWARDING CO. (a Delaware Corporation), Shawnee Mission, KS, of Eighth Amended Permit FF–148, issued March 10, 1969, to REPUBLIC FREIGHT SYSTEM, INC. (A New York Corporation), Shawnee Mission, KS, authorizing the forwarding of general commodities, (a) between all pointed in the United States, except between points in CA, on the one hand, and, on the other, points in ID, OR, and WA; and (b) from points in KS, and points in the United States in and east of MN, IA, MO, AR, and LA, to points in AK and HI. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. John M. Records, P.O. Box 7270, Shawnee Mission, KS 66207, representative for applicants.

MC–F–C78035, filed September 5, 1979. Transferee: JAMES J. McCABE, Jr., d.b.a. J. McCABE & SON, 38 Greenhalge Ave., Everett, MA 02149. Transferor: BERNARD M. McCABE, JOHN L. McCABE and JAMES J. McCABE, d.b.a. B. McCABE and SONS, 25 Bow St., Somerville, MA 02143. Representatives: James L. Sullivan, 23 Bow Street, Somerville, MA 02143. Authority sought for the purchase by transferee of transferors' operating rights in Certificate MC 61943 issued October 5, 1953, as follows: Household goods between Somerville, MA and points in MA within ten miles of Somerville to MA, NH, ME, RI, CT, NY, and NJ; and merchandise as is dealt in by retail home furnishing stores, when transported on delivery instructions of such stores from Somerville MA and points within 10 miles of Somerville to points in CT and RI with no transportation for compensation on return except as otherwise authorized. Transferee holds no authority from the Commission. An application for temporary lease authority has not been filed.

MC–F–C78225, filed June 26, 1979. Representative: Timothy Mashburn, P.O. Box 2207, Austin, Texas 78768. Transferor: G. P. BOURROUS TRUCKING COMPANY, INC., Route 1, Box 380, Diboll, TX 75941. Transferee: BLACKMON TRUCKING COMPANY, INC., Merryville Highway, De Ridder, Louisiana 70634. Authority sought for the purchase by transferee of the operating rights of transferor as set forth in Certificate MC 140881 (Sub-1), as follows: Veneer, from Starks, LA, to Houston, TX, and wood chips, bark, wood waste, and sawdust (except in bulk, in tank vehicles), from points in Calcasieu Parish, LA, to Silsbee, TX, and from Starks, LA, to points in Newton, Jasper, Hardin and Orange Counties, TX. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under 49 U.S.C. § 11349.

MC–F–C78294, filed September 10, 1979. Transferee: CHANDLER MOTOR FREIGHT, INC., 27 Ocean Street, Beverly MA 01915. Transferor: CHANDLER'S EXPRESS, INC., 23 Beacon Boulevard, Peabody, MA 01960. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate of Registration MC 54779 (Sub-1), issued April 7, 1964, as follows: *general commodities*, over regular and irregular routes, between points in Massachusetts. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–F–C78298, filed September 12, 1979. Transferee: DELTA MOTOR FREIGHT, INC., 1616 Rowe Blvd., Poplar Bluff, MO 63901. Transferor: DODDS TRUCK LINE, INC., U.S. Hwy 63 North, West Plains, MO 65775. Representatives: Ron Dodds, P.O. Box 1083, Poplar Bluff, MO 63901 (For Transferee). Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (For Transferor). Authority sought for the purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificates MC 99793 (Sub-1, 10, 12, and 15), issued November 6, 1964, March 1, 1968, November 6, 1968, May 10, 1971, respectively, and those rights acquired in MC–F–10802, to be designated MC 99798 (Sub-16), as follows: *General commodities*, with the usual exceptions, over specified regular routes, between St. Louis and Doniphan, MO; between Fremont and St. Louis, MO; between junction MO Hwy 72 and MO Hwy 21 and Grandin, MO; between St. Louis, MO and junction MO Hwys 21 and 72; between Patterson, MO and East St. Louis, IL; between the MO–AR State line and national Stock Yards, IL; between Doniphan, MO and Poplar Bluff, MO. *General commodities*, with the usual exceptions, over irregular routes, between St. Louis and Springfield, on the one hand, and, on the other, points in Iron and Arcadia Townships, Iron County, MO. *Livestock*, from Patterson, MO, to National Stock Yards, IL, over a specified route. *Livestock, fertilizer, and feed*, between Piedmont, MO and points within 20 miles of Piedmont, on the one hand, and, on the other, East St. Louis, Il. *Petroleum lubricating oils and greases*, from Roxana, IL to Doniphan, MO, over a specified regular route. *Empty containers*, from Doniphan, Mo to Roxana, IL, over a specified regular route. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under 49 U.S.C. 11349.

MC–F–C78300, filed August 27, 1979. Transferee: LILLIAN COLON, d.b.a. SHAPIRO'S VAN LINES, 2970 Nostrad Ave., Brooklyn, NY 11229. Transferor: COASTAL VAN & STORAGE, INC., 215 Wilson Ave., Newark, NJ 07105. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10001. Authority sought for the purchase by transferee of a portion of the operating rights of transferor as set forth in Certificate MC–139808, issued October 7, 1974, as follows: *Household goods*, as defined by the Commission, between points in Brooklyn, NY, on the one hand, and, on the other, points in NY, NJ, PA, DE, MD, VA, NC, SC, GA, FL, and DC. Transferee presently holds no authority from this Commission. Application for temporary authority has not been filed under 49 U.S.C. 11349.

MC–F–C78306, filed September 25, 1979. Transferee: HULL J. HOLTRY AND CHARLES, M. KNOUSE, d.b.a. BRENEMAN MOVING & STORAGE, R.D. #3, Waynesboro, PA 17268. Transferor: William F. Breneman, R.D. 3, Waynesboro, PA 17268. Representative: Frederic G. Antoun, Jr., 247 Lincoln Way E., Chambersburg, PA 17201. Authority sought for the purchase by transferee of the entire operating rights of transferor, as set forth in Certificate MC–102288, issued April 10, 1961, as follows: *Household* goods, as defined by the Commission, between Waynesboro, PA, and points in Franklin County, PA within 15 miles of Waynesboro, on the one hand, and, on the other, points in MD, VA, WV, DE, NJ, and DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–F–C78316, filed September 17, 1979. Applicant: HENRY R. BLONDELL, JR., d.b.a BLONDELL TRUCKING, Box 416, Cornell, WI 54732. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to purchase authority of Eugene Stennett, d.b.a. Gene's Trucking, No. MC–1424. Sub 2, 903 York Avenue, St Paul, MN 55106, to transport, over irregular routes, *Solidified Carbon Dioxide*, in containers, from Chicago and Morris, IL, to St. Paul, Lake City, Red Wing, and Winona, MN, and Eau Claire and La Crosse, WI, under a continuing contract or contracts with Jasons Dry Ice, Inc., of St. Paul, MN. (Hearing Site: Minneapolis or St. Paul, MN.) Transferee holds no I.C.C. authority. Temporary lease is not sought.

MC–F–C78322, filed September 18, 1979. Transferee: ARTHUR T. BROWN, JR., Rt. 40 R.D. 2, Monroeville, NJ 08343. Transferor: GEORGE F. HEPNER, R.D. 3, Elmer, NJ 08318. Representative: Alan W. Newkirk, 115 S. Main St. Elmer, NJ 08318. Authority sought for the purchase by transferee of the operating rights of transferor as set forth in Certificate MC–15638, issued October 24, 1949, as follows: *Agricultural commodities*, from points in Gloucester, Salem, and Cumberland Counties, NJ, to New York, NY, Philadelphia, PA, Baltimore, MD, and DC. *Agricultural supplies*, from Philadelphia, PA, New York, NY, and Baltimore, MD, to points in Gloucester, Salem, and Cumberland Counties, NJ. *Lime*, from West Chester, PA, to points in Gloucester, Salem, and Cumberland Counties, NJ. *Fertilizer and fertilizer materials*, from Philadelphia, PA, to Bridgeton, NJ. Transferee presently holds no authority from this Commission. Application for temporary authority has not been filed under 49 U.S.C. 11349.

MC–F–C 78328, filed September 24, 1979. Applicants: D. A. EXPRESS, INC., 1570 Van Drunen, South Holland, IL 60473 (Transferee); and AMERICAN CARTAGE, INC., 10831 S. 76th Court, Worth, IL 60482 (Transferor). Representative: Daniel C. Sullivan, Esq., Sullivan & Associates, Ltd., 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Application in proceedings under Section 10926(1) of the Interstate Commerce Act for Transfer of Motor Carrier Operating Rights of American Cartage, Inc., transferor, a common and contract carrier operating over irregular routes pursuant to authority granted by the Interestate Commerce Commission in Docket Nos. MC–52927 and MC–78670, to D.A. Express, Inc., transferee, an Illinois Corporation and non-carrier located at 1570 Van Drunen, South Holland, Illinois 60473. Temporary lease authority is not sought.

MC–F–C 78297, filed September 12, 1979. Transferee: ASTRO MOTOR FREIGHT SYSTEMS, INC., 6th & Iron, Salem, MO 65560. Transferor: DODDS TRUCK LINE, INC., U.S. Hwy 63 North, West Plains, MO 65775. Representatives: Dean Stagner, 6th & Iron, Salem, MO 65560 (for Transferee); Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105 (for Transferor). Authority sought for the purchase by transferee of a portion of the operating rights of transferor as set forth in Certificates MC–99798 (Sub-Nos. 1, 5, 6, 7, 10, 11, and 12), issued November 6, 1964, September 9, 1965, February 11, 1966, February 11, 1966, March 1, 1968, October 4, 1967, and November 6, 1968,

respectively, as follows: *General commodities,* with the usual exceptions, over specified regular routes, between St. Louis, MO, Salem, Ava, and Hartville, MO; between St. Louis and Mountain View, MO; between Birch Tree, MO and St. Louis, MO; between Rolla, Mo and East St. Louis, IL; between National Stock Yards, IL and Dixon and Stoutland, MO; between Cuba, MO and National Stock Yards, IL; between Salem, MO and junction MO Hwys 72 and 21; between St. Louis, MO and junction MO Hwys 21 and 72; and between Salem, MO and National Stockyards, IL. *General commodities,* with the usual exceptions, between points in Phelps, Dent, Crawford, Shannon, Texas, and Reynolds Counties, MO; between the Plant or mine site of Ozark Lead Co., near Ellington, MO, on the one hand, and, on the other, Piedmont, Van Buren, West Plains, Springfield, and St. Louis, MO; between St. Louis, Springfield, on the one hand, and, on the other, points in Meramec, Courtois, Osage and Union Townships, Crawford County, MO, points in Dent, Kaolin Townships, Iron County, MO, points in Concord, Bellevue, Belgrade, Harmony, Breton, and Walton Townships, Washington County, MO, points in Dent County, MO, on and east of MO Hwy 19 and points in Reynolds County, MO on and north of Reynolds County Hwy K; between junction U.S. Hwy 66 and MO Hwy 17 and Fort Leonard A. Wood, MO and points within 4 miles of Fort Leonard A. Wood. *Such commodities* as are dealt in by meatpacking and food processing houses, over specified route, from National Stockyards, IL to Newburg, Mo. *Prepared roofing and roofing material,* from Madison, IL to Richland, MO. *Petroleum products,* in containers, and *empty oil barrels and drums,* between Roxana, IL, on the one hand, and, on the other, Richland and Cabool, MO. *Livestock,* between points in Dent, Texas, Shannon and Reynolds Counties, MO, on the one hand, and, on the other, National Stock Yards, IL. *Household goods* and *emigrant movables,* between points in Dent, Texas, Shannon, and Reynolds Counties, Mo, on the one hand, and, on the other, points in IL. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under 49 U.S.C. 11349.

MC–F–C 78318, filed September 5, 1979. Transferee: RAY CUNNINGHAM d.b.a. ALASKA MOBILE HOME MOVERS, S.R.A. Box 1588C, Anchorage, AK 99507. Transferor: MOBILE HOME MOVERS AND SERVICES, INC., P.O. Box 919, Moorhead, MN 56560. Representative: George Benesch, 213 W. 6th Ave. Suite 1, Anchorage, AK 99501. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificates MC–119558 (Sub-Nos. 1 and 5), issued September 13, 1973 and August 24, 1973, as follows: *Mobile homes,* between ports of entry in AK on the United States-Canada Boundary Line, on the one hand, and, on the other, points in AK (except that area southeast of Yakutat Bay), restricted to traffic originating at or destined to points in Canada; between points in AK (except points in that area southeast of Yakutat Bay), on the one hand, and, on the other, points in CO, ID, IN, KS, MI, MN, MT, NE, OK, SD, WA, and WI; between points in AK; between points in that part of AK west of an imaginary line constituting a southbound extension of the Alaska-Canada (Yukon) Boundary Line, on the one hand, and, on the other, Haines, AK. *Buildings,* in sections mounted on wheeled undercarriages with hitch-ball connector, between points in AK. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–F–C 78319, filed: September 10, 1979. Transferee: ABC TRANSFER, INC., 4500 Hollins Ferry Road, Baltimore, MD 21227. Transferor: SOUTHERN MARYLAND TRANSPORTATION CO., INC., 4112 Dewmar Court, Kensington, MD 20795. Representative: Thomas M. Auchincloss, Jr., 918–16th Street, N.W., Washington, D.C. 20006. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC–96818 (Sub-Nos. 1 and 2) issued February 3, 1969 and June 10, 1971, authorizing general commodities, with exceptions, (1) between Baltimore, MD and Point Lookout, MD serving certain specified intermediate and off-route points from Baltimore over MD Hwy 3 to junction US Hwy 301, thence over US Hwy 301 to Waldorf, MD thence over MD Hwy 5 to Point Lookout, and return over the same route; between Baltimore, MD and Rock Point, MD serving certain specific intermediates and off-route points from Baltimore over MD Hwy 3 to junction US Hwy 301, thence over US Hwy 301 to junction MD Hwy 257, thence over MD Hwy 257 to Rock Point; and return over the same route; between Baltimore, MD and Solomons, MD serving certain specified intermediate and off-route points from Baltimore over MD Hwy 2 to Solomons and return over the same route; and (2) between Baltimore, MD and Riverside, MD, serving all intermediate points from Baltimore over MD Hwy 3 to junction US Hwy 301, thence over US Hwy 301 to junction MD Hwy 373 at or near T.B., MD, thence over MD Hwy 373 to junction MD Hwy 210, thence over MD Hwy 210 to junction MD Hwy 227, thence over MD Hwy 227 to junction MD Hwy 224, thence over MD Hwy 224 to junction MD Hwy 225, thence over MD Hwy 225 to junction MD Hwy 224, thence of MD Hwy 224 to Riverside, and return over the same route; between Riverside, MD and La Plata, MD serving all intermediate points from Riverside over MD Hwy 6 to La Plata and return over the same route; between Baltimore, MD and Newburg, MD serving all intermediate points from Baltimore over MD Hwy 3 to junction US Hwy 301, thence over US Hwy 301 to Newburg and return over same route. Transferee holds no ICC authority. A temporary authority application has been filed.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this **Federal Register** notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Property

MC 11220 (Deviation No. 52), GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., Memphis, TN 38101, filed September 25, 1979. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From New Orleans, LA over Interstate Hwy 59 to Meridian, MS, then over US Hwy 45 to junction Alt. US Hwy 45, then over Alt. US Hwy 45 to junction US Hwy 45, then over US Hwy 45 to Corinth, MS, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New Orleans, LA over US Hwy 51 to Memphis, TN, then over US Hwy 64 to Selmer, TN, then

over US Hwy 45 to Corinth, MS, and return over the same route, restricted against the movement of traffic between Memphis, TN, Corinth, MS, and Athens, AL.

MC 11220 (Deviation No. 53), GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., Memphis, TN 38101, filed September 28, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Birmingham, AL over Interstate Hwy 20 to Tuscaloosa, AL, then over US Hwy 82 to Greenwood, MS, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Birmingham, AL over US Hwy 31 to Decatur, AL, then over Alternate US Hwy 72 to junction US Hwy 72, then over US Hwy 72 to Memphis, TN, then over US Hwy 51 to Grenada, MS, then over Mississippi Hwy 7 to Greenwood, MS and return over the same route.

MC 30605 (Deviation No. 33), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 E. Waterman, P.O. Box 56, Wichita, KS 67201, filed September 25, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, KS, over US Hwy 71 to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction US Hwy 66, then over US Hwy 66 to Joplin, MO, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, KS over US Hwy 50 to junction US Hwy 69, then over US Hwy 69 to junction Kansas Hwy 57, then over Kansas Hwy 57 to the Kansas-Missouri State line, and then over Missouri Hwy 57 to Joplin, MO, and return over the same route.

MC 43421 (Deviation No. 37), DOHRN TRANSFER COMPANY, 4016 9th St., Rock Island, IL 61201, filed September 18, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Waterloo, IA over US Hwy 63 to junction US Hwy 52 at or near Stewartville, MN, then over US Hwy 52 to St. Paul, MN, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Waterloo, IA over US Hwy 218 to Owatonna, MN, then over US Hwy 65 to Minneapolis, MN, and then over city streets to St. Paul, MN and return over the same route.

MC 80430 (Deviation No. 23), GATEWAY TRANSPORTATION CO., INC., La Crosse, WI 54601, filed September 18, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, OH over Interstate Hwy 71 to Louisville, KY, then over Interstate Hwy 65 to Nashville, TN, then over Interstate Hwy 40 to the junction of Tennessee Hwy 22, then over Tennessee Hwy 22 to the junction of US Hwy 64, then over US Hwy 64 to its junction with US Hwy 45, then over US Hwy 45 to Tupelo, MS and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, OH over US Hwy 50 to St. Louis, MO, then across the Mississippi River to East St. Louis, IL, then over Illinois Hwy 3 to Illinois Hwy 146, then over Illinois Hwy 146 to Cape Girardeau, MO, then over US Hwy 61 to US Highway 60, then over US Hwy 60 to Dexter, MO, then over Missouri Hwy 25 to Missouri Hwy 84, then over Missouri Hwy 84 to Missouri County Hwy EE, then over Missouri County Hwy EE to Missouri Hwy 25, then over Missouri Hwy 25, to the Arkansas State line then over Arkansas Hwy 25 to Arkansas Hwy 1, then over Arkansas Hwy 1 to US Hwy 63, then over US Hwy 63 and unnumbered highways to West Memphis, AR, then over US Hwy 70 to Memphis, TN, then over US Hwy 78 to Tupelo, MS, and return over the same route.

MC 108835 (Deviation No. 13), (republication) HYMAN FREIGHTWAYS, INC., 1745 University Ave., St. Paul, MN 55104, filed August 14, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Chicago, IL, over Interstate Hwy 55 to St. Louis, MO, then over Interstate Hwy 70 to Kansas City, MO, and return over the same route for operating covenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Chicago, IL, over Interstate Hwy 55, to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 280, then over Interstate Hwy 280 to junction US Hwy 92, then over US Hwy 92 to junction IA Hwy 163, then over IA Hwy 163 to junction US Hwy 69, then over US Hwy 69 to junction US Hwy 34, then over US Hwy 34 to junction US Hwy 169, then over US Hwy 169 to junction IA Hwy 2, then over IA Hwy 2 to junction IA Hwy 148, then over IA Hwy 148 to junction US Hwy 71, then over US Hwy 71 to junction US Hwy 59, then over US Hwy 59 to junction US Hwy 73, then over US Hwy 73 to Kansas City, MO, and return over the same route.

Note.—The purpose of this republication is to complete a portion of the proposed route which was inadvertently omitted from the prior publication in the **Federal Register** issue of September 11, 1979.

MC 110325 (Deviation No. 36), TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009, filed September 17, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions, over a deviation route as follows: From junction US Hwys 36 and 59 over US Hwy 36 to junction Interstate Hwy 29, then over Interstate Hwy 29 to junction Iowa Hwy 2, then over Iowa Hwy 2 across the MO River to Nebraska City, NE, then over NE Hwy 2 to junction US Hwy 77, then over US Hwy 77 to junction US Hwy 6, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction US Hwys 36 and 59 over US Hwy 59 to junction IA Hwy 2, then over IA Hwy 2 across the MO River to Nebraska City, NE, then over US Hwy 75 to junction US Hwy 6, then over US Hwy 6 to junction US Hwy 77, and return over the same route. Restriction: The authority between the junction of US Hwys 36 and 59 and the junction of US Hwys 75 and 6 is restricted against the transportation of local traffic originating and terminating in the said authority.

MC 11220 (Deviation No. 51) (correction) GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101, filed August 27, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Little Rock, AR, over U.S. Hwy 65 to junction U.S. Hwy 82, then over U.S. Hwy 82 to Greenville, MS, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows:

from Little Rock, AR, over U.S. Hwy 70 to Memphis, TN, then over U.S. Hwy 61 to Leland, MS, then over U.S. Hwy 82 to Greensville, MS, and return over the same route.

Note.—The purpose of this republication is to correctly identify two of the routes previously published in the **Federal Register** issue of September 20, 1979.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket 79-237-MF/0, filed July 24, 1979. Applicant: AAMODT CONSTRUCTION, INC., Box 68—15 Transit St., Barrow, AK 99723. Representative: Michael W. Aamodt, Box 68—15 Transit St., Barrow, AK 99272. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Commodities upon the connecting road system in the Barrow, AK, area, except bulk in dump type equipment, loose household goods, explosives, articles of unusual value and articles requiring special equipment to handle. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Alaska Transportation Commission, 1000 MacKay Building, 338 Denali Street, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

North Carolina Docket T-1536, Sub-4, filed September 26, 1979. Applicant: EZZELL TRUCKING, INC., Post Office Box 67, Harrells, NC. Representative: Vaughan S. Winborne, 1108 Capital Club Bldg., Raleigh, NC 27601. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Irregular Route Common Carrier Authority.* (1) Transportation of general commodities except those requiring special equipment, over irregular routes, between all points and places within the State of North Carolina. Limitation: Truckloads only. (2) Transportation of Group 7, Cotton in Bales, as described in Rule 10 of the Commission's Rules and Regulations for the Administration and Enforcement of the North Carolina Truck Act of 1947, between points and places throughout the State of North Carolina. (3) Transportation, over irregular routes as common carrier, of Group 8, fertilizer and fertilizer materials, Group 9, forest products, Group 10, building materials limited to lumber rough or dressed, flooring, weatherboarding, sheeting, roofing, cut stone, slats, tile, brick, cement and cinder blocks, Group 11, livestock; and the transportation of personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and articles, including objects of art, displays and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods. This authority does not include materials used in the manufacture of furniture and the manufactured products hauled to or from such manufacturing plants: (1) Between points and places in Duplin, Sampson and Pender Counties. (2) From points and places in Duplin, Sampson and Pendar Counties to points and places within the State of North Carolina. (3) From points and places within the State of North Carolina to points and places in Pender, Sampson and Duplin Counties. (4) Group 2, Heavy Commodities, between points and places on and east of U.S. Highway 1, and between points and places on and east of U.S. Highay 1 on the one hand and points and places west of U.S. Highway 1 on the other.

Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to North Carolina Utilities Commission, P.O. Box 991, Raleigh, NC 27602, and should not be directed to the Interstate Commerce Commission.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules. An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 1, 1979. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation. Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number. The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 106644 (Sub-E50) (Correction), filed February 10, 1975, published in the **Federal Register** June 28, 1978, republished September 27, 1978. Applicant: SUPERIOR TRUCKING CO., INC., 2770 Peyton Road, N.W., Atlanta, GA 30318. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Road, N.E., Atlanta, GA 30326. (1)(2)(b) between points in OK (except points east and south of a line beginning at the OK-AR State line extending west along OK Hwy 9 to junction U.S. Hwy 81, then south along U.S. Hwy 81 to the TX-OK State line), on the one hand, and, on the other, points in FL east of the Apalachicola River. Purpose of correction set forth correct territorial description in OK.

MC 107012 (Sub-E689), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist, (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated.* (1) From points in MD, to points in AZ, AR, CA, NV, NM, OK, OR, TX and UT. (2) From points in Anne Arundel, Calvert, Carolina, Charles, Montgomery, Prince Georges, Queen Annes, St. Marys and Talbot Counties, MD, to points in CO; points in ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Allen, Anderson, Bourbon, Butler, Chautaugua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon Montgomery, Neosho, Wilson, Woodson, Cheyenne, Decatur, Ellis,

Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace and Wichita Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Camerson, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in WA; Park, Teton, Yellowstone National Park, Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (3) From points in Baltimore, Baltimore City, Carroll, Cecil, Frederick, Hartford, Howard and Kent Counties, MD, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Muguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS, Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Quachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSota, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon, and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. From points in Allegany, Garrett and Washington Counties, MD, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Whkiakum, Yakima, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Adams, Asotim, Benton, Columbia, Franklin, Garfield, Walla Walla and Whitman Counties, WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (5) From points in Dorchester, Somerset, Wicomico and Worcester Counties, MD, to points in CO; points in ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer and Washington Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada,

Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in WA; Albany, Carbon, Converse, Goshen Laramie, Niobrara, Platte, Park, Teton, Yellowstone National Park, Lincoln, Sublette, Sweetwater, Uinta, Fremont, Hot Springs and Natrona Counties, WY. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E690), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. BOX 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist, (same as above). *Commercial and Institutional Fixture and Store and Office Equipment, Crated.* (1) From points in MD, to points in AZ, AR, CA, NV, NM, OK, TX and UT. (2) From points in Anne Arundel, Calvert, Caroline, Charles, Montgomery, Prince Georges, Queen Annes, St. Marys and Talbot Counties, MD, to points in CO; points in ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace and Wichita Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Laflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in WA; Park, Teton, Yellowstone National Park, Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (3) From points in Baltimore City, Carroll, Cecil, Frederick, Hartford, Howard and Kent Counties, MD, to points in Garfield Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greenley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labetta, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson, Counties, KS; Avoyelles, Catahoula, Condordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (4) From points in Allegany, Garrett and Washington Counties, MD, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamos, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Cama, Canyon, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (4) From points in Allegany, Garrett and Washington Counties, MD, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamos, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Cama, Canyon, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, TN; Clark,

Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Adams, Asotim, Benton, Columbia, Franklin, Garfield, Walla Walla and Whitman Counties, WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (5) From points in Dorchester, Somerset, Wicomico and Worcester Counties, MD, to points in CO; points in ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer and Washington Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acaia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, and Yazoo Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in WA; Albany, Carbon, Converse, Goshen, Laramie, Niobrara, Platte, Park, Teton, Yellowstone National Park, Lincoln, Sublette, Sweetwater, Uinta, Fremont, Hot Springs and Natrona Counties, WY. (Gateway eliminated: Greene County, AR).

MC 107012 (Sub-E691), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Crated:* 1. From points in ME, to points in AZ, AR, CA, LA, MS, NV, NM, OK, OR, TX and UT. 2. From points in Aroostook, Penobscot, Piscataquis and Somerset Counties, ME, to points in CO; points in ID; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; points in KS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren, Washington, Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in WA; Albany, Carbon, Converse, Goshen, Caramie, Niobrara, Platte, Park, Teton, Yellowstone National Park, Lincoln, Sublette, Sweetwater and Uinta Counties, WY. 3. From points in Hancock, Knox, Waldo and Washington Counties, ME, to points in CO; points in ID; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; points in KS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Mongomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren, Washington, Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. 4. From points in Androscoggin, Cumberland, Franklin, Kennebec, Lincoln, Oxford, Sagadahoc and York Counties, ME. to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Fork, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer and Washington Counties, KS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thruston, Wahkiakum, Yakima, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Adams, Asotim, Benton, Columbia, Franklin, Garfield, Walla Walla and Whitman Counties, WA; Lincoln,

Sublette, Sweetwater and Uinta Counties, WV. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E692), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated:* 1. From points in LA, to points in ID, IL, IN, ME, MI, MN, MT, NH, ND, OR, SD, VT, WA and WI. 2. From points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry and Vernon Parishes, LA, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity Counties, CA; Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma Counties, CO; points in CT; points in DC; points in DE; points in IA; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee and Wyandotte Counties, KS; Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble, Warren, Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Woodford, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott, Wolfe, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY; points in MD; points in MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren, Washington, Adair, Audrain, Clarke, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby, Sullivan, Andrew, Atchison, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Chariton, Clay, Clinton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Jackson, Johnson, Lafayette, Livingston, Mercer, Morgan, Nodaway, Pettis, Platte, Ray, Saint Claire, Saline and Worth Counties, MO; Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey and Washoe Counties, NV; points in NJ; points in NY; points in OH; points in PA; points in RI; Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah Wasatch, Weber, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier and Wayne Counties, UT; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King, George, Orange, Prince Williams, Spotsylvania, Stafford and Westmoreland Counties and Independent Cities of: Alexandria, Fairfax, Falls Church and Fredericksburg; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties and Independent Cities of: Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton; Albermarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties and Independent Cities of: Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro; Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenadoah and Warren Counties and Independent Cities of: Harrisonburg and Winchester, VA; points in WV; points in WY. 3. From points in Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette and Vermilion Counties, LA, to points in Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity Counties, CA; points in CT; points in DC; points in DE; points in IA; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee and Wyandotte Counties, KS; points in KY; points in MD; points in MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. 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From points in Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll and Winn Parishes, LA, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne and Yolo Counties, CA; Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams,

Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma Counties, CA; points in CT; points in DC; points in DE; points in IA; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace and Wichita Counties, KS; points in KY; points in MD; points in MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne, Adair, Audrain, Clarke, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby, Sullivan, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren, Washington, Andrew, Atchison, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Chariton, Clay, Clinton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Jackson, Johnson, Lafayette, Livingston, Mercer, Morgan, Nodaway, Pettis, Platte, Ray, Saint Claire, Saline and Worth Counties, MO; Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey and Washoe Counties, NV; points in NJ; points in NY; Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC; points in OH; points in PA; points in RI; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union and Washington Counties, TN; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, Weber, Carbon, Daggett, Duchesme, Emery, Grand, San Juan, Uimtah, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier and Wayne Counties, UT; points in VA; points in WV; points in WY. 5. From points in Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne and Yolo Counties, CA; points in CO; points in IA; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer and Washington Counties, KS; Essex, Middlesex, Norfolk, Suffolk, Barnstable, Bristol, Dukes, Plymouth, Berkshire, Franklin, Hampden and Hampshire Counties, MA; points in MO; points in NV; Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne, Yates, Allegany, Cattaraugus, Chatauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY; Ashland, Ashtabula, Carroll, Columbiana, Cuyahoga, Erie, Geauga, Harrison, Holmes, Huron, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscaraws, Wayne, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton, Washington, Allen, Auglaize, Defiance, Fulton, Hancock, Hardon, Henry, Lucas, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood and Wyandot Counties, OH; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner and Washington Counties, OK; Cameron, Clarion, Crawford, Elk, Eries, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA; Bristol, Newport and Washington Counties, RI; points UT; Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV; points in WY. 6. From points in Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; to points in Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity Counties, CA; to points in CT; to points in DC; to points in DC; to points in DE; Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, Washington, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA; points in KY; points in MD; points in MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. 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MC 107012 (Sub-E693), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Crated:* 1. From points in LA, to points in ID, IL, IN, ME, MI, MN, MT, NH, ND, OR, SD, VT, WA and WI. 2. 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Boston and Staunton; Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties and Independent Cities of: Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro; Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah and Warren Counties and Independent Cities of: Harrisonburg and Winchester, VA; points in WV; points in WY. 3. 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From points in Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll and Winn Parishes, LA, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne and Yolo Counties, CA; Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma Counties, CA; points in CT; points in DC; points in DE; points in IA; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace and Wichita Counties, KS; points in KY; points in MD; points in MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne, Adair, Audrain, Clarke, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby, Sullivan, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren, Washington, Andrew, Atchison, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Chariton, Clay, Clinton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Jackson, Johnson, Lafayette, Livingston, Mercer, Morgan, Nodaway, Pettis, Platte, Ray, Saint Claire, Saline and Worth Counties, MO; Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey and Washoe Counties, NV; points in NJ; points in NY; Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC; points in OH; points in PA; points in RI; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union and Washington Counties, TN; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, Weber, Carbon, Daggett, Duchesme, Emery, Grand, San Juan, Uimtah, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier and Wayne Counties, UT; points in VA; points in WV; points in WY. 5. From points in Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne and Yolo Counties, CA; points in CO; points in IA; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer and Washington Counties, KS; Essex, Middlesex, Norfolk, Suffolk, Barnstable, Bristol, Dukes, Plymouth, Berkshire, Franklin, Hampden and Hampshire Counties, MA; points in MO; points in NV; Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schyuler, Seneca, Tioga, Tompkins, Wayne, Yates, Allegany, Cattaraugus, Chatauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY; Ashland, Ashtabula, Carroll, Columbiana, Cuyahoga, Erie, Geauga, Harrison, Holmes, Huron, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, Wayne, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, ross, Scioto, Vinton, Washington, Allen, Auglaize, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood and Wyandot Counties, OH; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner and Washington Counties, OK; Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA; Bristol, Newport and Washington Counties, RI; points in UT; Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood Brooke, Hancock, Marshall and Ohio Counties, WV; points in WY. 6. From points in Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA, to points in Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity

Counties, CA; to points in CT; to points in DC; to points in DE; Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, Washington, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA; points in KY; points in MD; points in MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne, Adair, Audrain, Clarke, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby, Sullivan, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Lousi City, Warren and Washington Counties, MO; Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey and Washoe Counties, NV; points in NJ; points in NY; points in NC; points in OH; points in PA; points in RI; Clarendon, Dillon, Florence, Georgetown, Horry, Marion and Williamsburg Counties, SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah Wasatch and Weber Counties, UT; points in VA; points in WV; Park, Teton, Yellowstone National Park, Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie and Weston Counties, WY. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E694), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated:* 1. From points in ME, to points in AZ, AR, CA, LA, MS, NV, NM, OK, OR, TX and UT. 2. From points in Aroostook, Penobscot, Piscataquis and Somerset Counties, ME, to points in CO; points in ID; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; points in KS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren, Washington, Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in WA; Albany, Carbon Converse, Goshen, Laramie, Niobrara, Platte, Park, Teton, Yellowstone National Park, Lincoln, Sublette, Sweetwater and Uinta Counties, WY. 3. From points in Hancock, Know, Waldo and Washington Counties, ME, to points in CO; points in ID; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; points in KS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren, Washington, Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; points in WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WY. 4. From points in Androscoggin, Cumberland, Franklin, Kennebec, Lincoln, Oxford, Sagadahoc and York Counties, ME, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Godding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer and Washington Counties, KS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Adams, Asotim, Benton, Columbia,

Franklin, Garfield, Wall Walla and Whitman Counties, WA; Lincoln, Sublette, Sweetwater and Uinta Counties, WV. (Gateway Eliminated: Greene County, AR.)

MC 107012 (Sub-E695), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated:* 1. From points in KY, to points in AZ, AR, CA, ID, NV, NM, OK, OR, TX, UT and WA. 2. From points in Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble and Warren Counties, KY, to points in CO; Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, LA; Clark, Comanche, Edwards, Finney, Ford, Grant, Gary, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer and Washington Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; points in MT; Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie and Williams Counties, ND; points in SD; points in WY. 3. From points in Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne and Woodford Counties, KY, to points in CO; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater, Sweet Grass, Blaine, Cascade, Chouteau, Fergus, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, Sanders, Bighorn, Carbon, Carter, Custer, Fallon, Musselshell, Powder River, Prairie, Rosebud, Treasure, Wibaux and Yellowstone Counties, MT; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh and Ziebach Counties, SD; points in WY. 4. From points in Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott and Wolfe Counties, KY, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater, Sweet Grass, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell and Sanders Counties, MT; Park, Teton, Yellowstone National Park, Lincoln, Sublette, Sweetwater, Uinta, Fremont, Hot Springs and Natrona Counties, WY. 5. From points in Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike and Whitley Counties, KY, to points in CO; points in KS; Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita,

Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon, Webster, Andrew, Atchison, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Charlton, Clay, Clinton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Jackson, Johnson, Lafayette, Livingston, Mercer, Morgan, Nodaway, Pettis, Platte, Ray, Saint Claire, Saline and Worth Counties, MO; points in MT; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach, Campbell, Corson, Dewey, Edmunds, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd and Tripp Counties, SD; points in WY. 6. From points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY, to points in CO; Broward, Collier, Dade, Martin, Monroe, Palm Beach and Saint Lucie Counties, FL; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer and Washington Counties, KS; points in LA; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; points in MT; Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie and Williams Counties, ND; points in SD; points in WY. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E696), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Crated:* 1. From points in KY, to points in AZ, AR, CA, ID, NV, NM, OK, OR, TX, UT and WA. 2. From points in Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Simpson, Spencer, Todd, Trimble and Warren Counties, KY, to points in CO; Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumner and Washington Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; points in MT; Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie and Williams Counties, ND; points in SD; points in WY. 3. From points in Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne and Woodford Counties, KY, to points in CO; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater, Sweet Grass, Blaine, Cascade, Chouteau, Fergus, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, Sanders, Bighorn, Carbon, Carter, Custer, Fallon, Musselshell, Powder River, Prairie, Rosebud, Treasure, Wibaux and Yellowstone Counties, MT; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh and Ziebach Counties, SD; points in WY. 4. From points in Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant,

Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott and Wolfe Counties, KY, to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo counties, CO; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater, Sweet Grass, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell and Sanders Counties, MT; Park, Teton, Yellowshone National Park, Lincoln, Sublette, Sweetwater, Uinta, Fremont, Hot Springs and Natrona Counties, WY. 5. From points in Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike and Whitley Counties, KY, to points in CO; points in KS; Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Boosier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; points in MT; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach, Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd and Tripp Counties, SD; points in WY. 6. From points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY, to points in CO; Broward, Collier, Dade, Martin, Monroe, Palm Beach and Saint Lucie Counties, FL; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumner and Washington Counties, KS; points in LA; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; points in MT; Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Bottineau, Burke, McHenry, McLean, Montrail, Renville, Ward, Divide, McKenzie and Williams Counties, ND; points in SD; points in WY. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E697), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated:* 1. From points in IA to points in FL and MS. 2. From points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth and Wright Counties, IA, to points in AL; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in GA; points in LA; Allendale, Bamberg, Barnwell, Beaufort, Berkely, Charleston, Colleton, Dorchester, Hampton, Jasper and Orangeburg Counties, SC; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby,

Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. 3. From points in Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne and Webster Counties, IA, to points in AL; Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in GA; points in LA; Bladen, Bruswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland and Wayne Counties, NC; points in SC; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Cola, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. 4. From points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, De Kalb, Jackson, Limestone, Madison, Marshall, Morgan, Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington and Wilcox Counties, AL; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, Imperial, Riverside and San Diego Counties, CA; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randloph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty and Screven Counties, GA; point in LA; Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Quay and Roosevelt Counties, NM; Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK; Allendale, Bamberg, Barnwell, Beaufort, Berkely, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Clarendon, Dillon, Florence, Georgetown, Horry, Marion and Williamsburg Counties, SC; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kelberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. 5. From points in Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor and Union Counties, IA, to points in AL; Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in GA; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry,

Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in NC; points in SC; points in TN; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties and the Independent Cities of: Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton; Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex and York Counties and the Independent Cities of: Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach and Williamsbury, VA. 6. From points in Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA, to points in AL; Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in GA; Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble and Warren Counties, KY; points in LA; points in NC; points in SC; points in TN; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties and the Independent Cities of: Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton, VA. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E698), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Crated:* 1. From points in IA to points in FL and MS. 2. From points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth and Wright Counties, IA, to points in AL; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in GA; points in LA; Allendale, Bamberg, Barnwell, Beaufort, Berkely, Charleston, Colleton, Dorchester, Hampton, Jasper and Orangeburg Counties, SC: Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. 3. From points in Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne and Webster Counties, IA, to points in AL; Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in GA; points in LA; Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland and Wayne Counties, NC; points in SC; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. 4. From points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA; points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee,

Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, De Kalb, Jackson, Limestone, Madison, Marhsall, Morgan, Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington and Wilcox Counties, AL; Clark, Hempstead,, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, Imperial, Riverside, and San Diego Counties, CA; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty and Screven Counties, GA; points in LA; Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Quay and Roosevelt Counties, NM; Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK; Allendale, Bamberg, Barnwell, Beaufort, Berkely, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Clarendon, Dillon, Florence, Georgetown, Horry, Marion and Williamsburg Counties, SC; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burent, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. 5. From points in Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, and Union Counties, IA, to points in AL; Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in GA; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in NC; points in SC; points in TN; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties and the Independent Cities of: Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton; Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex and York Counties and the Independent Cities of: Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach and Williamsburg, VA. 6. From points in Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA, to points in AL; Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in GA; Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble and Warren Counties,

KY; points in LA; points in NC; points in SC; points in TN; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties and the Independent Cities of: Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton, VA. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E699), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commerical and Institutional Fixtures and Store and Office Equipment, Uncrated;* 1. From points in KS to points in AL, FL, GA, NC, SC and TN. 2. From points in Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee and Wyandotte Counties, KS, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita and Union Counties, AR; Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike and Whitley Counties, KY; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vemilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Quachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; Aroostook, Penobscot, Piscataquis, Somerset, Hancock, Knox, Waldo and Washington Counties, ME; points in MS; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford and Westmoreland Counties and Independent Cities of: Alexandria, Fairfax, Falls Church and Frederickburg; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Symth, Tazewell, Washington, Wise and Wythe Counties and Independent Cities of: Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton; Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex and York Counties and Independent Cities of: Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach and Williamburg; Albemarle, Amelia, Brunswich, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Price Edward and Prince George Counties and Independent Cites of: Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro, VA; Greenbriar, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers and Wyoming Counties, WV. 3. From points in Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton and Stevens Counties, KS, to points to CT; points in DC; points in DE; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vemillion, Vigo and Warrick Counties, IN; points in KY; points in ME; points in MD; points in MA; Bay, Clinton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, Saint Clair, Sanilac, Shiawassee, Tuscola, Washtenaw and Wayne Counties, MI; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancok, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clariborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NH; points in NJ; points in NY; points in OH; points in PA; points in RI; points in VT; points in VA; points in WV. 4. From points in Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace and Wichita Counties, KS, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in CT; points in DC; points in DE; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; points in KY; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Quachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in ME; Anne Arrundel, Calvert, Caroline, Charles, Montgomery, Prince Georges, Queen Annes, St. Marys, Talbot, Baltimore, Baltimore City, Carroll, Cecil, Frederick, Hartford, Howard, Kent, Dorchester, Somerset, Wicomico and Worcester Counties, MD; points in MA; points in MS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste, Genevieve, Scott, Shannon, Stoddard and Wayne

Counties, MO; points in NH; points in NJ; Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselar, Richmond, Rockland, Sullivan, Ulster, Westchester, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, Washington and Suffolk Counties, NY; Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill, York, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, and Wyoming Counties, PA; points in RI; points in VA; Greenbrier, McDowell, Mercer, Monroe, Pocohontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. 5. From points in Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS, to points in CT; points in DC; points in DE; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo and Warrick Counties, IN; points in KY; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in ME; points in MD; points in MA; points in MS; points in NH; points in NJ; points in NY; Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; points in PA; points in RI; points in VT; points in VA; points in WV. 6. From points in Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumner and Washington Counties, KS, to points in Hartford, New London, Tolland and Windham Counties, CT; Kent and Sussex Counties, DE; points in DC; Allan, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Simpson, Spencer, Todd, Trimble, Warren, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike, Whitley, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Felician Parishes, LA; points in ME; Dorchester, Somerset, Wicomico and Worcester Counties, MD; Essex, Middlesex, Norfolk, Suffolk, Barnstable, Bristol, Dukes, Plymouth and Worcester Counties, MA; points in MS; Coos, Carroll, Grafton, Belknap, Merrimack, Rockingham, and Strafford Counties, NH; points in RI; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King, George, Orange, Prince William, Spotsylvania, Stafford and Westmoreland Counties and Independent Cities of: Alexandria, Fairfax, Falls Church and Frederickburg; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties and Independent Cities of: Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton; Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex and York Counties and Independent Cities of: Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virgina Beach and Williamsburg, VA; Addison, Orange, Washington, Caledonia, Essex and Orleans Counties, VT; Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers and Wyoming Counties, WV. (Gateway eliminated: Greene County, AR.)

MC 107403 (E-letter notices) (correction), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as above).

The following are corrections to typographical errors published in various letter-notices.

Published August 14, 1979:

E750—destination—IN should be ID

E749—destination—IN should be ID

E748—destination—IN should be ID and OK included

Published August 8, 1979:

E745—destination—OK should be OR

E744—destination—OK should be OR

E743—destination—NC should be NV and OK should be OR

E740—destination—OK should be OR

E739—destination—OK should be OR

E737—origin—Salvay should be Solvay and destination OK should be OR

E736—destination—OK should be OR

E735—destination—OK should be OR and NC should be NV

E732—destination—OK should be OR

E730—destination—OK should be OR

E729—destination—NC should be NV

Published August 29, 1979

E765—destination—ID should be IN

E772—destination—10 miles should be 100 miles

MC 118831 (Sub-E62), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., N.W., Washington, DC 20001. *Liquid chemicals* (except petrochemicals), in bulk, from points SC to points in OH on and north of a line beginning at Chesapeake extending along U.S. Hwy 52 to New Boston, then along OH Hwy 335 to junction OH Hwy 124, then along OH Hwy 124 to junction U.S. Hwy 23, then along U.S. Hwy 23 to Chillicothe, then along U.S. Hwy 35 to Frankfort, then along unnumbered hwy to Clarksburg, then along OH Hwy 207 to junction U.S. Hwy 62, then along U.S. Hwy 62 to junction unnumbered hwy, then along unnumbered hwy through Big Plain and Chapel to West Jefferson, then along U.S. Hwy 40 to junction OH Hwy 29, then along OH Hwy 29 to Mechaniesburg, then along OH Hwy 559 to junction OH Hwy 287, then along OH Hwy 287 to junction U.S. Hwy 33, then along U.S. Hwy 33 to junction OH Hwy 347, then along OH Hwy 347 to junction

OH Hwy 292, then along OH Hwy 292 to Kenton, then along U.S. Hwy

MC 118831 (Sub-E62), filed April 19, 1976 O–S to junction OH Hwy 235, then along OH Hwy 235 through Ada to junction OH Hwy 18, then along OH Hwy 18 to junction OH Hwy 108, then along OH Hwy 108 to Napoleon, then along OH Hwy 34 to junction OH Hwy 49, then along OH Hwy 49 to the OH–MI State line; points in MI on, east and north of a line beginning at the MI–OH State line extending along MI Hwy 49 to junction MI Hwy 99, then along MI Hwy 99 to Eaton Rapids, then along MI Hwy 50 to Lake Odessa, then along MI Hwy 37 to junction MI Hwy 11, then along MI Hwy 11 to junction MI Hwy 21, then along MI Hwy 21 to Holland; and points in WI and IL on, north and west of a line beginning at Milwaukee, WI, extending along WI Hwy 24 to junction WI Hwy 15, then along WI Hwy 15 to Beloit, then along IL Hwy 75 to junction IL Hwy 26, then along IL Hwy 26 to junction U.S. Hwy 52, then along U.S. Hwy 52 to Faranna, IL. (Gateway eliminated: Charlotte, NC.)

MC 118831 (Sub-E63), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., N.W., Washington DC 20001. *Liquid Chemicals* (except petrochemicals), in bulk, in tank vehicles, from points in SC on and east of a line beginning at the GA-SC State line extending along U.S. Hwy 29 to junction SC Hwy 14, then along SC Hwy 14 to the NC-SC State line, to points in OH on, north and east of a line beginning at Chesapeake extending along OH Hwy 7 to junction OH Hwy 243, then along OH Hyw 243 to junction OH Hwy 378, then along OH Hwy 378 to junction OH Hwy 141, then along OH Hwy 141 to junction OH Hwy 233, then along OH Hwy 233 to junction OH Hwy 93, then along OH Hwy 93 to Jackson, then along U.S. Hwy 35 through Chillicothe to Washington Court House, then along OH Hwy 41 to Springfield, then along U.S. Hwy 68 to Bellefontaine, then along U.S. Hwy 33 to the IN–OH State line; points in IN on and north of a line beginning at the IN–OH State line extending along U.S. Hwy 33 to Fort Wayne, then along U.S. Hwy 30 to Valparaiso, then along IN Hwy 2 to the IN–IL State line; to points in IL on and north of a line beginning at the IN-IL State line extending along IL Hwy 17 to Kankakee, then along U.S. Hwy 45 to Champaign, then along U.S. Hwy 150 to junction IL Hwy 10, then along IL Hwy 10 to junction U.S. Hwy 136, then along U.S. Hwy 136 to Havana, then along IL Hwy 78 to Virginia, IL, then along IL Hwy 125 to Beardstown, then along U.S. Hwy 67 to junction IL Hwy 104, then along IL Hwy 104 to Merdosia, then allong IL Hwy 99 to junction U.S. Hwy 136, then along U.S. Hwy 136 to the IL-IA State line; points in MO on, north and west of a line beginning at the Mississippi River extending along U.S. Hwy 136 to Memphis, then along MO Hwy 15 to Edina, then along MO Hwy 6 to junction MO Hwy 11, than along MO Hwy 11 to junction MO Hwy 3, then along MO Hwy 3 to junction U.S. Hwy 36, then along U.S. Hwy 36 to junction MO Hwy 5, then along MO Hwy 5 to Keytesville, then along U.S. Hwy 24 to junction MO Hwy 41, then along MO Hwy 41 to Marshall, then along U.S. (BR) Hwy 65 through Sedalia to junction MO Hwy 83 then along MO Hwy 83 to Bolivar, then along MO Hwy 32 to junction MO Hwy 39, then along MO Hwy 39 to junction U.S. Hwy 160, then along U.S. Hwy 160 to junction MO Hwy 126, then along MO Hwy 126 to the KS-MO State line; and points in MI and WI. (Gateway eliminated: Charlotte, NC)

MC 118831 (Sub-E64), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., N.W., Washington DC 20001. *Liquid Chemicals* (except petrochemicals), in bulk, in tank vehicles, from points in SC on, south and east of a line beginning at the NC-SC State line extending along U.S. Hwy 21 to junction SC Hwy 34, then along SC Hwy 34 to junction U.S. Hwy 601, then along U.S. Hwy 601 to junction SC Hwy 267, then along SC Hwy 267 to junction U.S. Hwy 15, then along U.S. Hwy 15 to junction U.S. Hwy 176, then along U.S. Hwy 176 to junction SC Hwy 27 to junction U.S. Hwy 78, then along U.S. Hwy 78 to junction unnumbered hwy for a distance of one mile to Summerville, then along U.S. Alt. Hwy 17 to junction U.S. Hwy 78, then along U.S. Hwy 78 to junction I Hwy 26, then along I Hwy 26 to Charleston, to points in IL (except the East St. Louis, IL, commercial zone); IN; KY; MI; MO (except the St. Louis, MO, commercial zone); OH; WI; and points in TN and, west and north of a line beginning at the AL-TN State line extending along U.S. Hwy 231 through Fayetteville to Murfreesboro, then along U.S. Hwy 70S to McMinnville, then along TN, Hwy 30 to Athens, then along TN Hwy 39 to junction U.S. Hwy 411, then along U.S. Hwy 441 to junction TN Hwy 107, then along TN Hwy 107 to junction TN Hwy 81, then along TN Hwy 81 to Erwin, then along U.S. Hwy 23 to the NC-TN State line. (Gateway eliminated: Charlotte, NC)

MC 118831 (Sub. E65), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, Uwharrie Road, High Point, NC 27263. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., N.W., Washington, DC 20001. *Liquid Chemicals* (except petrochemicals), in bulk, in tank vehicles, from points in SC on, south and east and south of a line beginning at the NC-SC State line extending along SC Hwy 72–121 to junction U.S. Hwy 321, then along U.S. Hwy 321 to junction U.S. Hwy 21, then along U.S. Hwy 21 to junction U.S. Hwy 178, then along U.S. Hwy 178 to junction U.S. Hwy 15, then along U.S. Hwy 15 to junction U.S. Hwy 78, then along U.S. Hwy 78 to junction unnumbered hwy to Summerville, then along Alt. U.S. Hwy 17 to junction U.S. Hwy 78, then along U.S. Hwy 78 to junction I Hwy 26, then along I Hwy 26 to Charleston to points in IL (except points in the St. Louis, IL commercial zone); IN; KY; MI; MO (except points in the St. Louis, MO commerical zone); OH; WI; and points in TN on, west and north of a line beginning at the TN-AL State line extending along TN Hwy 13 to junction Natchez Trace Hwy, then along Natchez Trace Hwy to junction TN Hwy 99, then along TN Hwy 99 to Hampshire, then along unnumbered hwy to Kettle Mills, then along unnumbered highway to Williamsport, then along unnumbered hwy to Theta, then along unnumbered hwy to Burwood, then along unnumbered hwy to Franklin, then along TN Hwy 96 to junction U.S. Hwy 70S, then along U.S. Hwy 70S to junction TN Hwy 30, then along TN Hwy 30 to junction TN Hwy 58, then along TN Hwy 58 to junction U.S. Hwy 411, then along U.S. Hwy 411 to junction TN Hwy 68, then along TN Hwy 68 to junction TN Hwy 107, then along an imaginary road from Salem north to Mohawk Crossroads, then northeast to Cedarline, then south to Mount Carmel, then northeastward along TN Hwy 107 to the TN-NC State line. (Gateway eliminated: Charlotte, NC)

MC 11977 (Sub. E250) (Correction) filed June 19, 1979, published in the Federal Register August 6, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, KY 42431. Representative: James P. Barnett (same as above). The destination points of AR should be AZ.

MC 119777 (Sub. E253) (correction), filed June 19, 1979, published in the Federal Register August 6, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L,

Madisonville, KY 4231. Representative: James P. Barnett (same as above).

(A)(4)—AR–MI State line should be AR-MO State line

(A)(6)—all reference to MI should be MO

(A)(7)—AR–MS State line should be AR-MO State line

(A)(8)—insert after AR Hwy 51, then along AR Hwy 51

(A)(17)—destination States should read AZ, CA, CO, ID, NV, NM, OK, OR, UT, WA and WY

By the Commission.

James H. Bayne,

Acting Secretary.

[FR Doc. 79-32478 Filed 10-19-79; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register**, publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertenence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. 176

MC 107912 (Sub-28TA), filed August 21, 1979. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Drive, Memphis, TN 38118. Representative: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. *(1) Agricultural chemicals and (2) products used in the manufacture, distribution and sales therof, except in bulk,* between Helena and West Helena, AR, on the one hand, and on the other, Tunica, Grenada, Belzoni, Cleveland, Inianola, Yazoo City, Clarksdale and Vicksburg, MS. Supporting shipper(s): Helena Chemical Company, 5100 Poplar Avenue Suite 3200, Memphis, TN 38137. Send protests to: Floyd A. Johnson, 100 North Main Street-Suite 2006, Memphis, TN 38103.

MC 108633 (Sub-19TA), filed August 8, 1979. Applicant: BARNES FREIGHT LINE, INC., P.O. Box 800, Carrollton, GA 30117. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326. *Common carrier:* regular route: General commodities, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require special equipment, over regular routes, (1) Between Memphis, TN, and Florence, AL, serving no intermediate points, for operating convenience only, from Memphis over US Hwy. 72 to junction US Hwy. 43 at or near Tuscumbia, AL, then over Alternate US Hwy. 72 to Florence, AL, and return over the same route; (2) Between Memphis, TN, and Huntsville, AL, serving no intermediate points, for operating convenience only, from Memphis over US Hwy. 72 to junction Alternate US Hwy. 72, then over US Hwy. 43, US Hwy. 72, and Alternate US Hwy. 72, to Huntsville, AL, and return over the same route; (3) Between Tupelo, MS, and Florence, AL, serving no intermediate points, for operating convenience only, from Tupelo over US Hwy. 78 to junction US Hwy. 43 at or near Hamilton, AL, then over US Hwy. 43 to Florence, and return over the same route; (4) Between Tupelo, MS, and Huntsville, AL, serving no intermediate points, for operating convenience only, from Tupelo over US Hwy. 78 to junction US Hwy. 43 at or near Hamilton, AL, then over US Hwy. 43 to junction US Hwy. 72 and Alternate US Hwy. 72 at or near Tuscumbia, AL, then over US Hwy. 72 and Alternate US Hwy. 72 to Hunstville, and return over the same route; and (5) Applicant also seek authority to tack the authority sought with its present authority under Docket No. MC-108633 and sub numbers thereunder and to interline with other carriers at Florence and Huntsville, AL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 23 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Sara K. Davis, TA, ICC, 1252 W. Peachtree St. NW., Atlanta, GA 30309.

Note.—Applicant presently holds authority to provide all of the proposed service under authority presently held in Docket No. MC-108633 (Sub Nos. 12TA and 13TA), *Barnes Freight Line, Inc.* The authority sought by this application is for the purpose of operating convenience only via shorter routes for operating economics and conservation of fuel.

MC 112223 (Sub-124TA), filed August 30, 1979. Applicant: QUICKIE TRANSPORT COMPANY, 1700 Northeast New Brighton Boulevard, Minneapolis, MN 55413. Representative: Earl Hacking (same address as applicant). *Liquified petroleum gas, in bulk,* from Mankato and Vernon Center, MN to points in NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Land O'Lakes, 2827 8th Avenue South, Ft. Dodge, IA 50501. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building, Minneapolis, MN 55401.

MC 113843 (Sub-271TA), filed August 29, 1979. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Representative: Lawrence T. Sheils (same address as applicant). *Printed matter* from Canton, OH to points in NY, NJ, MA, CT, RI, PA, MD, VA. Restricted to traffic originating at the facilities of Danner Press Corporation. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Danner Press Corporation, 1250 Canden Avenue SW., Canton, OH 44711. Send protests to: John B. Thomas, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 114632 (Sub-258TA), filed August 27, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Wrought iron pipe* from the facilities of Unarco Leavitt, Division of Unarco, Ind. Inc., located at Chicago, IL and Chicago Commercial zone to points in AR, KY, LA, MI, MO, OK, TN and TX. Supporting shipper(s): Unarco Leavitt Division of Unarco Industries, Inc., 1717 W. 115th St., Chicago, IL 60643. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 114632 (Sub-259TA), filed August 28, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042.

Representative: David E. Peterson (same address as applicant). *Steel* from Granite City and Sterling, IL to Richardton, ND. Supporting shipper(s): Richardton Manufacturing Co., P.O. Box 290, Richardton, ND 58652. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 114632 (Sub-260TA), filed August 13, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Foodstuffs* (1) from the facilities of Vlasic Foods, Inc. located at Bridgeport, Memphis, and Imlay City, MI to points in CO, IL, IN, IA, MN, NE, ND, NY, OH, PA, SD and WI; (2) Between the facilities of Vlasic Foods, Inc. located at Imlay City, Memphis and Bridgeport, MI; Millsboro, DE and Greenville, MS; (3) from the facilities of Vlasic Foods, Inc. located at Greenville, MS to points in AR, CO, GA, IA, IL, KS, MN, MO, ND, NE, OK, SD, TN, TX and WI; (4) from the facilities of Vlasic Foods, Inc. located at Millsboro, DE to points in CT, GA, MA, NY, NJ, OH, PA, VA and WV. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vlasic Food, Inc., 33200 West 14 Mile Road, West Bloomfield, MI 48033. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 135082 (Sub-90TA), filed August 14, 1979. Applicant: ROADRUNNER TRUCKING, INC., 4100 Edith Blvd. NE, P.O. Box 26748, Albuquerque, NM 87125. Representative: Randall R. Sain (same address as applicant). *Scrap car bodies:* from CO and NM to Eagle Pass, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Milford S. Pepper Enterprises, P.O. Box 6552, Denver, CO 80206. Send protests to: DS/ICC, 1106 Federal Office Building, 517 Gold Avenue SW, Albuquerque, NM 87101.

MC 135082 (Sub-93TA), filed August 31, 1979. Applicant: ROADRUNNER TRUCKING, INC., 4100 Edith Blvd. NE, P.O. Box 26748, Albuquerque, NM 87125. Representative: J. B. Martin (same address as applicant). *Construction materials,* from the facilities of Reservco at Ft. Morgan, CO and Denver, CO to the facilities of Cordero Mine in Gilette, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Reservco, Inc., 1414 22nd Street NW, Suite 206, Washington, DC 20037. Send protests to: DS/ICC, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque NM 87101.

MC 136512 (Sub-18TA), filed August 20, 1979. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, MN 55101. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *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 because of size or weight)* between the facilities of the Minnesota Mining & Manufacturing Company at Webster City, IA, on the one hand, and, on the other, the facilities of Minnesota Mining & Manufacturing Company at Cordova Siding (near Cordova), IL, Ames and Knoxville, IA, Alexandria, Chemolite, Fairmont, Hutchinson, Lindstrom, Mankato, New Ulm, Minneapolis and Pine City, MN, Cumberland and Prairie du Chien, WI, Nevada, Springfield and Columbia, MO, Weatherford, OK, Brownwood, TX, Wahpeton, ND, Brookings, Mitchell and Aberdeen, SD and Norfolk, NE, for 180 days. Supporting shipper(s): Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, MN 55101. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 138322 (Sub-13TA), filed August 27, 1979. Applicant: BHY TRUCKING, INC., 9231 Whitmore Street, El Monte, California 91733. Representative: Robert Fuller, 13215 E. Penn Street, Suite 310, Whittier, California 90602. *Plastic pipe and fittings for plastic pipe,* from Lindsay, Santa Ana and Stockton, CA and Phoenix, AZ to points in NM, NV and UT, for 180 days, and underlyng ETA seeks up to 90 days operating authority. Supporting shipper(s): Apache Plastics, Inc., Vice-President, Sales, 2050 E. Fremont Street, Stockton, California 95205. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, California 90053.

MC 142672 (Sub-79TA), filed August 20, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses* (except frozen and in bulk), (1) from facilities of Clorox Company, at or near Houston, TX, to points in AR, LA, NM and OK; and (2) from facilities of Clorox Company, at or near Forest Park, GA to points in KY, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): The Clorox Company, 1221 Broadway St., Oakland, CA 94612. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 143812 (Sub-16TA), filed August 16, 1979. Applicant: Martin E. Van Diest, d.b.a. M. VAN DIEST COMPANY, 8087 Victoria Avenue, Riverside, California 92504. Representative: William J. Monheim, P.O. Box 1756, Whittier, California 90609. *Alcohol, in bulk,* from Bellingham, WA to points in CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): State of California Department of General Services, Chief—Fleet Administration Division, State Garage, 2nd Floor, 1416 Tenth Street, Sacramento, California 95814. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, California 90053.

MC 143853 (Sub-9TA), filed August 22, 1979. Applicant: S.M.E. EXPRESS, INC., 101 E. Washington St., Upland, IN 46989. Representative: Alki E. Scopelitis, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Contract Carrier. Irregular routes: *Such commodities as are sold, used or distributed by the Amway Corporation,* Between Dayton, NJ, on the one hand, and, on the other, Portland, ME, Cambridge and Hudson, MA, Penacook, NH, Perry and Syracuse, NY, and Butler and Fayette City, PA for 180 days, under a contract or continuing contracts with the Amway Corporation. Supporting shipper: The Amway Corporation, Box 900, Monmouth Junction Road, Dayton, NJ 08810. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 144162 (Sub-12TA), filed August 17, 1979. Applicant: TIME CONTRACT CARRIER, INC., 17734 Sierra Hwy, Canyon Country, California 91351. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, California 90010. *Printing ink and printing ink materials* (except in bulk), from the facilities of J. M. Huber Corporation, located at Edison, NJ, to the facilities of J. M. Huber Corporation located at Compton, CA, under a continuing contract with J. M. Huber Corporation of Edison, NJ. An underlying ETA seeks authority for 90 days. Supporting shipper(s): J. M. Huber Corporation, Domestic Transportation Manager, Thornall Street, Edison, New Jersey 08817. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, California 90053.

MC 144572 (Sub-25TA), filed August 31, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. *Malt Beverages (except in bulk) and related advertising materials,* from facilities utilized by Van Munching and Co. located at Secaucus, NJ to points in

CO, IL, IA and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Van Munching & Co., Inc., 51 W. 51st Street, New York, NY 10019. Send protests to: District Supervisor R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver CO 80202.

MC 144612 (Sub-3TA), filed August 14, 1979. Applicant: THOMAS GARY WEBB, d.b.a. T. G. WEBB CO., P.O. Box 414, Wingate, NC 28174. Representative: W. G. Reese, III, P.O. Box 3004, Charlotte, NC 28203. *Contract* Carrier-Irregular routes; *Soybean meal in dump trailers* from the facilities of Producers Cooperative Feed Mill, Inc., located at Cameron, SC to Producers Cooperative Feed Mill, Inc., Monroe, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Producers Cooperative Feed Mill, Inc., Rt. 5, Box 505A, Monroe, NC 28110. Send Protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd—Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 144622 (Sub-92TA), filed August 22, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Animal feed and feed ingredients, additives, supplements, materials and supplies* used in the manufacture and promotion of animal feed (except in bulk), from Vernon, CA to AZ, MA, NM, OH, OR, TX and WA, and from Columbus, OH to AL, CA, GA, IL, MD, NJ, NY, PA, TN and TX, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Kal-Kan, Inc., 3386 E 44 St., Vernon, CA 90058. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 144622 (Sub-93TA), filed August 22, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. *General Commodities* (except commodities in bulk, class A & B explosives, commodities of unusual value, household goods, foodstuffs, and articles because of size and weight require special equipment), from Berlin, CT to LaMirada, Oakland, Fresno and San Diego, CA; Denver, CO; Dallas, Houston, and San Antonio, TX; Salt Lake City, UT; Phoenix, AZ; Reno, NV; Portland, OR and Seattle, WA, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): The Charter Oak Shippers Coop Assn., 1 Parkland Dr., Darien, CT 06820. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 144672 (Sub-17TA), filed August 23, 1979. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Ave., Trotwood, OH 45426. Representative: Richard Schaefer, P.O. Box 26189, Trotwood, OH 45426. *Lampblack, plastic materials and synthetic resins,* from Dayton, OH; Deer Park, TX; and Xenia, OH. to pts in states of AL, AR, CT, CO, DE, CA, FL, GA, IL, IN, IA, KS, KY, LA, MA, MD, MI, MN, MO, MS, NC, NH, NJ, NY, OH, OK, PA, RI, TN, TX and WI, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): U.S. Industrial chemicals Co., 99 Park Ave., New York, NY 10016. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 145072 (Sub-22TA), filed August 15, 1979. Applicant: M.S. CARRIERS, INC., 7372 Eastern Avenue, Germantown, TN 38138. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *(1) Paper and textile bags* from Memphis, TN and its commercial zone to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MS, NM, NC, OH, OK, SC, TX and VA; *(2) Materials, equipment, and supplies (except in bulk) used in the manufacture, processing or distribution of the above named commodities* from AL, AR, FL, GA, LA, MS, SC, TX and VA to Flintstone, GA; Sumter, SC; and Memphis, TN. Restricted in (1) and (2) above to shipments originating at or destined to the facilities utilized by McDowell Industries, Inc. Underlying 30+2 ETA granted. Supporting shipper(s): McDowell Industries, Inc., 241 East Industrial, Memphis, TN. Send protests to: Floyd A. Johnson, 100 North Main, Suite 2006, Memphis, TN 38103.

MC 145072 (Sub-23TA), filed August 29, 1979. Applicant: M.S. CARRIERS, INC., 7372 Eastern Avenue, Germantown, TN 38138. Representative: A. Doyle Cloud Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38138. *Salt,* except in bulk, from points in Ft. Bend and Harris Counties, TX to points in AR, LA, MS and TN. An underlying ETA seeks 90 days authority. Supporting shipper(s): United Salt Corporation, 2000 West Loop South, Houston, TX 77027. Send protests to: Floyd A. Johnson, 100 North Main, Suite 2006, Memphis, TN 38103.

MC 145492 (Sub-2TA), filed August 21, 1979. Applicant: RICCIONI CORPORATION, 130 Cedar Grove Road, Somerville, NJ 08876. Representative: Martin M. Geffon, 155 Canterbury Road, Mt. Laurel, NJ 08054. *Contract carrier,* irregular routes for 180 days. *(1) Pharmaceuticals and chemicals, (2) Laminated plastic sheets, (3) Animal feed, (4) materials, equipment and supplies for (1)–(3) above* (except commodities in bulk) In (1) from Pearl River, NY to Cincinnati, OH; in (2) from Cincinnati, OH to Piscataway, NJ; in (3) from Pearl River, NY to Cincinnati, OH; in (4) between Cincinnati, OH and Piscataway, NJ and between Pearl River, NY and Cincinnati, OH. Service is to be performed under a continuing contract with American Cyanamid Company and Formica Corporation, a subsidiary of American Cyanamid Company. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Cyanamid Company, Wayne, NJ 07470. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 146293 (Sub-31TA), filed August 13, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Industrial Park Circle, Lawrenceville, GA 30245. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. *Foodstuffs, except in bulk,* from the facilities of American Home Foods Division of American Home Products Corporation at or near Milton, Northumberland County, PA to points in AL, FL, GA, MS, NC, SC, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Home Foods Division, 685 3rd Ave., New York, NY 10017. Send protests to: Sara K. Davis, TA, ICC, 1252 W. Peachtree St., N.W., Atlanta, GA 30309.

MC 146402 (Sub-6TA), filed August 8, 1979. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske, (same as above). Copper and copper products (except commodities in bulk in tank or hopper vehicles from the facilities of Cerro Copper Co. at Sauget, IL to points in DE, MD, NJ, NY, OH, PA, and WV, for 180 days. An underlying 30+2 ETA seeks 90 Day Authority. Supporting shipper(s): Cerro Copper Products Co., P.O. Box 681, East St. Louis, IL 62202. Send protest to: Floyd A. Johnson, 100 North Main, Suite 2006, Memphis, TN 38103.

MC 147622 (Sub-1TA), filed August 24, 1979. Applicant: Louis J. Barbaglia d.b.a. L J B FREIGHT TRANSPORT, 1535 Industrial Ave., San Jose, CA 95112. Representative: L. J. Barbaglia, (same address as above). Contract carrier; irregular routes: Freight all kinds in containers with or without chassis or highway trailers, having a prior or subsequent movement by ocean carriers between CA, WA, & OR for 180 days. An underlying ETA seeks 90 days

authority. Supporting shipper(s): American President Lines, Ltd., 1950 Franklin St., Oakland, CA 94612. Send protest to: D/S Neil C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 147632 (Sub-2TA), filed August 20, 1979. Applicant: M & M FARM LINES, INC., Route 1, Bertrand, MO 63823. Representative: Thomas F. Kilroy, Suite 406, 6901 Old Keen Mill Rd., Springfield, VA 22150. *Flurorescent lighting fixtures* and *parts* and *accessories* therefor, from points in Bucks and Philadelphia Counties, PA to all points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Keystone Lighting Corporation, U.S. Route 13 and Beaver St., Bristol, PA 19007. Send protest to: P. E. Binder, TS, ICC. Rm. 1465, 210 N. 12th, St. Louis, MO 63101.

MC 147712 (Sub-1TA), filed August 14, 1979. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Avenue, Santa Fe Springs, CA 90670. Representative: Joseph Fazio, 10506 South Shoemaker Avenue, Santa Fe Springs, CA 90670. *Alcoholic beverages*, from Chicago, IL and Lawrenceburg, KY to Los Angeles, Orange and San Diego Counties, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Bohemian Distributing Co., Inc., 11428 Sherman Way, North Hollywood, CA 91605. Send protest to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 147802 (Sub-1TA), filed August 7, 1979. Applicant: DON OWENS & DARLENE OWENS d.b.a. DIAMOND 'O' RANCH, Rural Route, Howe, ID 83244. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Beet pulp and beet pulp pellets*, from Twin Falls, Rupert and Nampa, ID and the commercial zones thereof, to San Bernardino County, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pleasant Feed Co., 7000 Merrill Ave., Chino, CA 91710. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 147832 (Sub-1TA), filed August 15, 1979. Applicant: JIM EDDLEMAN d.b.a., J & J CATTLE COMPANY, 3395 Wright St., Wheat Ridge, CO 80033. Representative: Jim Eddleman, Same address as applicant. *Meat, meat products, and meat by-products, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in Descriptions of Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk, in tank vehicles*, from Denver, CO to points in AZ, CA, OR, UT, TX and WA for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): 5 supporting shippers. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 147962 (Sub-2TA), filed August 23, 1979. Applicant: DONDO TRUCKING, INC., 9020 S. Ridgeland, Oak Lawn, IL 60453. Representative: Joseph Winter, 29 S. LaSalle St., Chicago, IL 60603. *Canned goods*, from the facilities of Campbell Soup Co. at Chicago, IL to Davenport, IA and points in IN and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Campbell Soup Company, 2550 W. 35th St., Chicago, IL. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm 1386, Chicago, IL 60604.

MC 147972 (Sub-1TA), filed August 14, 1979. Applicant: DAVE BARSTOW TRUCKING, Route 1, St. Croix Falls, WI 54024. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Boulevard, Minneapolis, MN 55416. *Sand, gravel, rock, stone, and aggregate*, from Dresser, WI, to points in the Minneapolis-St. Paul, MN commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bryan Dresser Trap Rock, Inc., Director of Sales and Marketing, 856–66th Avenue North, Minneapolis, MN 55430. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 147982 (Sub-1TA), filed August 15, 1979. Applicant: BEAVER TRUCKING, INC., Box 86, 1181 Hwy. 175, Richfield, WI 53076. Representative: James A. Spiegel, 6425 Odana Rd., Madison, WI 53719. Contract carrier; irregular routes; *Crushed stone and limestone, rough stone, stone products, and gravel* from points in Milwaukee, Ozaukee, Racine, Washington and Waukesha Counties, WI, to points in Cook, Lake, and McHenry Counties, IL. Restricted to transportation to be performed under a continuing contract(s) with Lannon Stone Products, Inc. and R. & T. Quality Stone, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): R. & T. Quality Stone, Inc., 19567 W. Good Hope Rd., Lannon, WI 53046. Lannon Stone Products, Inc., 19567 W. Good Hope Rd., Lannon, WI 53046. Send protests to: John E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 147992 (Sub-1TA), filed August 30, 1979. Applicant: MAGGERT & FUGUA, Partnership—Lloyd Maggert and Robert Fugua, Rural Route 3, Paris, IL 61944. Representative: Edward McNamara, 907 S. 4th St., Springfield, IL 62703. *Rock and gravel*, from Clinton, IN to Edgar, County, IL for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Robertson Gravel Co., P.O. Box 176, Clinton, IL 47842. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 148023 (Sub-1TA), filed August 23, 1979. Applicant: Ray Hacke, d.b.a. HACKE TRUCKING, 3742 Wadsworth Rd., Waukegan, IL 60085. Representative: Joel Steiner, 39 S. LaSalle St., Chicago, IL 60603. (1) *Radioactive waste moving in shipper-owned containers, transported in shipper-owned trailers*, from Zion, Morris and Cordova, IL, Palo, IA, and Bridgeman, MI to Branwell, SC; and (2) *Empty radioactive waste shipping containers*, from Barnwell, SC to Zion, Morris, and Cordova, IL, Palo, IA, and Bridgeman, MI for 180 days, under a contract or contracts with Hittman Nuclear and Development Corp. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Hittman Nuclear and Development Corp., 2700 Keslinger Rd., Geneva, IL 60134. Send protests to: Cheryl Livington, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 148152 (Sub-1TA), filed August 17, 1979. Applicant: K & H TRUCKING, INC., 3301 South Lamar, Dallas, TX 75215. Representative: Joe Hester, (same address as above). *(1) Ground gypsum and (2) Iron oxide pigment* from (1) Southard, OK, and (2) East St. Louis, IL to the facilities of Cron Chemical Co., Dallas, TX (except in bulk, in tank vehicles) for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Cron Chemical Corp., 2400 Vinson St., Dallas, TX 75212. Send protests to: Opal M. Jones, TCS, ICC, 815 Taylor St., 9A27 Federal Bldg., Ft. Worth, TX 76102.

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MC 21866 (Sub-133TA), filed August 30, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Television tubes, and parts and materials* used in the manufacture and distribution of television tubes (except commodities in bulk), (1) from Circleville and Columbus, OH, to Scranton, PA; (2) from Marion, IN, to Santa Ana, CA, and Lebanon and Nashville, TN, for 180 days. Restriction: The service authorized herein is restricted to traffic originating at or destined to the facilities owned or utilized by RCA Corporation. Supporting shipper(s): RCA Corp., Route 38, Cherry

Hill, NJ 08802. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 26377 (Sub-27TA), filed September 19, 1979. Applicant: LEONARDO TRUCK LINES, INC., 511 South 1st Street, Selah, WA 98942. Representative: Lawrence V. Smart, Jr., Atty., 419 N.W. 23rd Avenue, Portland, OR 97210. *Insulating materials* from the facilities of Johns-Manville Sales Corp. at or near Willows, CA to points in OR, WA and ID, for 180 days. A corresponding ETA has been filed and a permanent will be filed within 30 days. Supporting shipper(s): Johns-Mansville Sales Corp., 2600 Campus Drive, San Mateo, CA 94403. Send protests to: R. V. Dubay, 114 Pioneer Courthouse, Portland, OR 97204.

MC 26396 (Sub-299TA), filed September 20, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82026, Lincoln, NE 68501. *Canned and preserved foodstuffs* from the facilities of Heinz, U.S.A. at Iowa City and Muscatine, IA to the facilities of Heinz, U.S.A at Grand Prairie, TX, for 180 days. An underlying ETA seeks 30 days authority. Supporting shipper(s): Heinz U.S.A., a Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 35807 (Sub-103TA), filed August 29, 1979. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher, P.O. Box 4313, Atlanta, GA 30302. *Contract carrier:* irregular routes: *coin and currency* between New York, NY and points in Fairfield and New Haven Counties, CT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Federal Reserve Bank of New York, 33 Liberty St., New York, NY 10045. Send protests to: Sara K. Davis, TA, ICC, 1252 W. Peachtree St., N.W., Atlanta, GA 30309.

MC 41116 (Sub-62TA), filed August 30, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman (same address as applicant). Contact, irregular routes, *(1) Paper and paper products (except in bulk); (2) materials and supplies used in the manufacture and distribution of the above commodities (except in bulk)* between the plantsite of Westvaco at or near New Orleans, LA on the one hand, and on the other, points in TX, AR, MS, OK, KS, MO, AL, TN, KY, IL, IN, IA, NE, and MI, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Westvaco, 1400 Annunciation St., New Orleans, LA 70160. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 41116 (Sub-63TA), filed September 10, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman (same address as applicant). Applicant is seeking authority to operate as a *contract carrier* over irregular routes transporting *(1) paper and paper products (except in bulk) and (2) materials and supplies used in the manufacture and distribution of the commodities named in (1) above (except in bulk)* between the facilities of Temple-Eastex, Inc., located at or near Evadale, TX on the one hand, and on the other, points in the U.S. (except AK and HI), for 180 days. This will be under a continuing contract or contracts with Temple-Eastex, Inc. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Temple-Eastex, Inc., Eastex Division, P.O. Box 816, Silsbee, TX 77656. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 55896 (Sub-123 TA), filed September 7, 1979. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Michigan 48180. Representative: George E. Batty, 20225 Goddard Road, Taylor, Michigan 48180. *Aluminum scrap for remelt purpose only,* from Wheeling, WV to Cleveland, Gnadenhutten, Sandusky and Holgate, OH, IL, IN, KY and MI for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): Monarch Metals, 4349 Talmadge, Toledo, OH. Send protests to: Annie Booker, TA, Room 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 59957 (Sub-63TA), filed September 7, 1979. Applicant: MOTOR FREIGHT EXPRESS, Arsenal Road and Toronita St. York, PA 17402. Representative: William A. Chestnutt, 1333 New Hampshire Ave. NW., Suite 960, Wasington, DC 20036. *Common; regular: General commodities, except Class A & B explosives, household goods as defined by the Commission, articles of unusual value, those requiring the use of special equipment, commodities in bulk* to all points in CT, as off-route points in connection with existing regular route operations for 180 days. Applicant intends to tack authority sought herein with authority held under docket number MC 59957 and subs thereto. Applicant intends to interline at all terminal points listed. Supporting shipper(s): Applicant's statement of facts. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila. PA 19106.

MC 67646 (Sub-88TA), filed September 4, 1979. Applicant: HALL's MOTOR TRANSIT CO., 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. *Paper and paper products of natural and/or synthetic fiber* from Dover, DE to Chicago, IL; Detroit, MI; Cincinnati, Cleveland, Columbus, Dayton and Toledo, OH; serving the commercial zones of all of the named points for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Scott Paper Co., Scott Plaza, Philadelphia, PA 19113. Send protests to: I.C.C., Fed. Res, Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 75406 (Sub-47TA), filed September 3, 1979. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 S. 4th St., St. Louis, MO 63118. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. *General commodities,* usual exceptions, between Newport, AR and Newark, AR. From Newport, AR over AR Hwy. 69, or AR Hwy. 14, to their intersection with AR Hwy. 122, then over AR Hwy. 122 to Newark, AR and return over the same route, serving all intermediate points and the off-route facility of Arkansas Power and Light Company's Independence Steam Electric Station, in connection with carrier's presently authorized regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 28 supporting shippers. Send protests to: P. E. Binder, TS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 75406 (Sub-48TA), filed September 12, 1979. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 S. 4th St., St. Louis, MO 63118. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1330, St. Louis, MO 63102. General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those commodities requiring special equipment) (1) between jct. U.S. Hwys 67/167 and U.S. Hwy. 64 on the one hand, and, on the other, Conway, AR and points in its commercial zone, over U.S. Hwy. 64 serving no intermediate points; and (2) between N. Little Rock, AR and Conway, AR, and its commercial zone, over U.S. Hwy. 65 and Interstate Hwy. 40, serving all intermediate points, for 180 days. Supporting shipper(s): There are 20

supporting shippers. Send protests to: P. E. Binder, TS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 78786 (Sub-81TA), filed September 13, 1979. Applicant: PACIFIC MOTOR TRUCKING COMPANY, 1766 El Camino Real, Burlingame, CA 94010. Representative: L. M. Roach, 7600 So. Central Expressway, P.O. Box 226187, Dallas, TX 75266. Common carrier; regular routes: *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 Portland, OR, and Seattle, WA, serving the intermediate points of Olympia and Tacoma, WA, and points in their respective commercial zones: From Portland over Interstate Hwy 5, to Seattle and return over the same route, for 180 days. Applicant proposed to tack authority here applied for to MC 78786: Applicant proposes to interline at Seattle, WA to points not served. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 34 statements in support attached to this application which may be examined at the I.C.C. in Washington, D.C., or copies of which may be examined in the field office named below. Send protests to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 95876 (Sub-307TA), filed September 20, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: William L. Libby (same as Applicant). *Iron and steel articles,* from Van Wert, OH, to points in IA, MN, NE, ND, SD, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Republic Building Corporation, President, 1202 Industrial Drive, Van Wert, OH 45891. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 96607 (Sub-18TA), filed July 11, 1979. Applicant: RUCKER BROTHERS TRUCKING, INC., 1820 Stewart E., Tacoma, WA 98421. Representative: Michael D. Duppenthaler, 211 South Washington Street, Seattle, WA 98104. *Crushed cars and scrap metal for recycling,* from points in MT and ID to Tacoma, WA and McMinnville, OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): A.A. Auto Salvage, S. 3500 Inland Empire Way, Spokane, WA. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 100666 (Sub-492TA), filed August 29, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). *Glass and glass products* from the facilities of Libbey-Owens-Ford Co., at or near Toledo, OH to points in AL, AR, GA, KS, MS, OK, and TN, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Libbey-Owens-Ford Co., 811 Madison Ave., Toledo, OH 43695. Send protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 102567 (Sub-241TA), filed August 30, 1979. Applicant: MCNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy., Suite 130, Houston, TX 77040. *Chemicals, in bulk, in tank vehicles,* from Marshall, TX to all points in the U.S. (except AK and HI), for 180 days. Applicant has filed an underlying ETA seeking 30 days. Supporting shipper(s): ICI Americas, Inc., P.O. Box 751, Wilmington, DL 19897. Send protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 147906 (Sub-1TA), filed August 23, 1979. Applicant: KOHN BEVERAGES, INC., d.b.a. KOHN TRANSPORT, 4850 Southway, SW., Canton, OH 44706. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Malt beverage and alcoholic beverage containers* (except commodities in bulk) between points in OH, on the one hand, and, on the other, points in IL, MI, NY, PA, WI, for 180 days. Supporting shipper(s): Goodman Beverage Co., d.b.a. Tri-City Distributing Co., 1930 W. 19th St., Lorain, OH 40052; Paramount Distillers, Inc., 3116 Berea Rd., Cleveland, OH 44111; Kohn Beverage Co., 1065 Jenkins Blvd., Akaron, OH 44308; Stark Distributing Co., 1911 Quimby SW, Canton, OH 44706; Peoples Beverage, 1077 Central Ave., Zanesville, OH 43701. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 108676 (Sub-146TA), filed August 31, 1979. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., Knoxville, TN 37917. Representative: Mark S. Roach (same address as applicant). *Air conditioners, crated and uncrated, with or without skids, and parts and accessories used in the installation of air conditioners,* from the facilities of General Electric Company at Ft. Smith, AR to points in the U.S. (except AK and HI), for 180 days. Supporting shipper(s): General Electric Company, 4811 South Zero St., Ft. Smith, AR 72903. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 108676 (Sub-147TA), filed August 15, 1979. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: Mark S. Roach (same address as applicant). *Component parts used in conjunction with ecological and environmental control systems, sewage disposal units, water treatment units, tertiary filters, flow splitter boxes, and accessories and parts therefor,* from Nashville and Tullahoma, TN to points in the United States, for 180 days. Supporting shipper(s): Pollution Control, Inc., 10360 Wayne Avenue, Cincinnati, OH 45215. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 108937 (Sub-57TA), filed September 5, 1979. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640. *Common carrier:* regular routes: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* serving the facilities of the Toro Company at or near Tomah, WI as an off-route point in conjunction with applicant's regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Toro Company, 8111 Lyndale Avenue South, Minneapolis, MN 55420. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 109376 (Sub-17TA), filed September 14, 1979. Applicant: SKINNER TRANSFER CORP., P.O. Box 284, Reedsburg, WI 53959. Representative: Nancy Johnson, P.O. Box 218, 103 E. Washington St., Crandon, WI 54520. (1) *Waferboard* from The Township of Hayward, Sawyer County, WI to points in MI, IN, IL, MN, IA, NE, KS, KY, MO, OH, & PA; and (2) *Materials, equipment and supplies used in the manufacture and/or distribution of waferboard* from points in MI, IN, IL, MN, IA, NE, KS, KY, MO, OH, & PA to the Township of Hayward, Sawyer County, WI, restricted to both Items (1) and (2) above to traffic originating at or destined to facilities of Louisiana-Pacific Corp., Seaway Div., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Louisiana-Pacific Corp., Seaway Div.,

P.O. Box 756, Escanaba, MI 49829.Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 111397 (Sub-132TA), filed September 10, 1979. Applicant: DAVIS TRANSPORT, INC., 1345 South 4th Street, Paducah, KY 42001.Representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, KY 42001. *Natural uranium oxide,* from the facilities of Allied Chemical Corp. at Metropolis, IL to facilities of Babcock and Wilcox Company at Parks Township, Leechburg, PA, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Babcock & Wilcox Company, 20 S. Van Buren Ave., Barberton, OH 44203. Send protests to: Floyd A. Johnson, Suite 2006—100 N. Main St., Memphis, TN 38103.

MC 111856 (Sub-10TA), filed September 17, 1979. Applicant: CHOCTAW TRANSPORT, INC., 800 Bay Bridge Road, Prichard, AL 36610. Representative: George M. Boles, 727 Frank Nelson Building, Birmingham, AL 35203. *General Commodities* (except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 MCC 467, commodities in bulk, and those requiring special equipment.) Between Ft. Walton Beach, FL, and Prichard, AL (a) from Ft. Walton Beach over U.S. Hwy. 98 to intersection of U.S. Hwys. 98 & 90 at or near Pensacola, FL, then over U.S. Hwy. 90 to intersection of U.S. Hwys. 90 & 43, at or near Mobile, AL, then over U.S. Hwy. 43 to Prichard, AL, and return over the same route, serving Mobile, AL and all intermediate points in FL, (b) from Ft. Walton Beach over U.S. Hwy. 98 to intersection of U.S. Hwys. 98 & 29, then over U.S. Hwy. 29 to intersection of U.S. Hwys. 29 and Interstate 10, then over Interstate 10 to intersection thereof with U.S. Hwy. 43 at or near Mobile, AL, then over U.S. Hwy. 43 to Prichard, AL, and return over the same route, serving Mobile, AL and all intermediate points in FL, Serving Century and Cantonment, FL as off-route points in conjunction with routes (a) and (b) above. *Applicant intends to tack the authority sought here with its existing regular route authority at Mobile, Al, and intends to interline with other carriers, for 180 days. Supporting shipper(s): There are 45 Supporting Shippers all of which may be examined in the Washington, DC Office or Birmingham, Alabama Field Office.Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 111967 (Sub-7TA), filed September 7, 1979. Applicant: CADDELL TRANSIT CORPORATION, P.O. Box 146, Lawton, OK 73501. Representative: Wilburn L. Williamson, Suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Residual fuel oil* from Arkansas City, Coffeyville and El Dorado, KS to Port of Catoosa, OK for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mid-Region Petroleum, Inc., P.O. Box 35385, Tulsa, OK. Send protests to: Martha Powell, TCS, Rm. 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 112617 (Sub-452TA), filed August 22, 1979. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as above). *Sand,* in bulk, from Elizabeth, IN, to Carrollton and Louisville, KY and Cincinnati, OH. Supporting shipper(s): Glen Allen, M.E.G., Inc., P.O. Box 76, New Albany, IN 47150. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 112617 (Sub-453TA), filed September 10, 1979. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as above). Synthetic Fuel Oils (Coal-Oil Dispersion), in bulk, in tank vehicles, from the plantsite of CoaLiquid at Shelbyville, KY, to points in AL, DE, GA, IL, IN, KS, MI, MO, NC, OH, PA, SC, TN, VA, WI, and WV. Supporting shipper(s): G. T. Hawkins, Exec. VP, CoaLiquid, 1215 Citizens Plaza, Louisville, KY 40202. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 115357 (Sub-13TA), filed September 6, 1979. Applicant: TAT, Inc., 800 Wyoming Street, P.O. Box 4013, Kansas City, MO 64101. Representative: Peter Gearin & Marvin Handler, Attorney, 3900 N.W. Yeon Ave., Portland, OR 97510. *Automobiles and trucks (weighing less than 15,000 pounds),* in secondary movements, in truckaway service, between Kansas City, MO and points in the State of MO including St. Louis, MO commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Volvo of America Corporation, 1955 190th Street, Torrance, CA. Send protests to: Vernon V. Coble, DS, I.C.C. 600 Fed. Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 115716 (Sub-27TA), filed September 20, 1979. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, 3650 Chestnut Place, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 80203. *Electrical appliances, fixtures and goods,* from Denver, CO to points in CO. Restriction: For the account of General Electric Company and further restricted to shipments having prior rail or intermodal movements to Denver, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Electric Co., Denver, CO 80239. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 115826 (Sub-540TA), filed September 4, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore, (same address as above). *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sec. A and C of APP. I to the report in Descriptions in MCC, 61 M.C.C. 209 and 766 (except commodities in bulk) from the facilities of Farmland Foods, Inc., Denison, Iowa Falls, Carroll, Des Moines, Fort Dodge and Sioux City, IA and Crete, Lincoln, and Omaha, NE to points in AL, DC, DE, FL, GA, KY, MD, MS, NC, SC, TN, VA and WV, for 180 days. Supporting shipper(s): Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 115826 (Sub-541TA), filed September 4, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore, (same address as above). *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sec. A and C of App. I to the report in Descriptions in MCC, 61 M.C.C. 209 and 766 (except commodities in bulk) from facilities of Farmland Foods, Inc. at Denison, Iowa Falls, Carroll, Des Moines, Fort Dodge and Sioux City, IA and Crete, Lincoln and Omaha, NE to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY, for 180 days. Supporting shipper(s): Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 115826 (Sub-542TA), filed September 7, 1979. Applicant: W.J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO. Representative: Howard Gore, (same address as above). *Drugs, chemicals, medicine and toilet preparations* (except commodities in bulk), (A) between Elkhart, IN and New Haven CT, (B) from Elkhart, IN to points in CA, CO, CT, GA, MO, OR, PA, TN and TX, for 180 days. Supporting

shipper(s): Miles Laboratories, Inc., 1127 Myrtle St., Elkhart, IN 46515. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 115826 (Sub-543TA), filed September 17, 1979. Applicant: W.J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore, (same address as above). (1) *Such commodities as are dealt in by drug, variety and food stores,* (2) *Materials, supplies and equipment* (except commodities in bulk) used by manufacturer of commodities in (1) between Los Angeles, CA and La Grange Park, Il and their respective commercial zones, for 180 days. Supporting shipper(s): The Gillettee Company, Prudential Tower Building, Boston, MA 02199. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 116947 (Sub-76TA), filed August 8, 1979. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby St., S.W., Atlanta, GA 30310. Representative: William Addams, Ste 212, 5299 Roswell Rd., N.E., Atlanta, GA 30342. *Contract carrier:* irregular routes: *Bread-making ingredients, cooking oil, and flour, in containers* between the facilities of Anderson Sales Co., Inc., at or near Atlanta, GA on the one hand and, on the other, points in AL, AR, AZ, CA, IL, IN, LA, MD, MA, MI, MN, MS, NE, NM, NY, OK, PA, WA, WV, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anderson Sales Co., Inc., 3515 Zip Industrial Blvd., S.W., Atlanta, GA 30354. Send protests to: Sara K. Davis, TA, ICC, 1252 W. Peachtree St., N.W., Atlanta, GA 30309.

MC 116947 (Sub-77TA), filed August 16, 1979. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby St., S.W., Atlanta, GA 30310. Representative: William Addams, P.O. Box 720434, Atlanta, GA 30328. *Contract carrier:* irregular routes: (1) *Salad dressings, peanut butter, preserves and jellies, and* (2) *materials and supplies (except commodities in bulk)* used in the manufacture and distribution of the commodities named in (1); from the facilities of Atlantic Preserving Company, Inc., at Atlanta, GA to all points in AR, IN, NC, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Atlantic Preserving Company, Inc., 929 Lee St., Atlanta, GA 30310. Sent protests to: Sara K. Davis, TA, ICC, 1252 W. Peachtree St., N.W., Atlanta, GA 30309.

MC 119726 (Sub-168TA), filed August 21, 1979. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. *Malt beverages in containers, related advertising materials and supplies used in the sale and distribution of malt beverages,* from the facilities of Anheuser-Busch, Inc. at Jacksonville, FL to LaGrange, GA and Lanett, AL for 180 days. Supporting Shipper: Royal Beverage Company, 711 North Lanier Avenue, Lanett, AL 36863. Send protest to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 119726 (Sub-169TA), filed August 10, 1979. Applicant: N.A.B. TRUCKING, INC., 1644 W. Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beattey, Suite 1000, 130 E. Washington St., Indianapolis, IN 46204. (1) *Containers, container closures, glassware, paper, packaging products, container components, scrap materials and absorbents,* and (2) *such commodities as are dealt in or used by manufacturers and distributors of the commodities named in (1),* (except commodities in bulk in tank vehicles and those which because of size or weight require the use of special equipment), between points in the United States (except AK and HI), for 180 days. Supporting shippers: There are fourteen (14) supporting shippers to the application. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 119726 (Sub-165TA), filed July 18, 1979. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beattey, Suite 1000, 130 E. Washington St., Indianapolis, IN 46204. *Glass containers with or without lids,* (1) from Gas City, IN to Lake Wales, FL, and (2) from Palestine, TX to Little Rock, AR, for 180 days. Supporting Shipper: Glass Container Corporation, 1301 S. Keystone Ave., Indianapolis, IN 46227. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 119726 (Sub-166TA), filed July 18, 1979. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Ave., Indianapolis, IN 46217. Representative: James L. Beattey, Suite 1000, 130 E. Washington St., Indianapolis, IN 46204. *Glass containers and materials, equipment and supplies* used in the manufacture and distribution thereof, from Knox, Parker, Marienville and Clarion, PA to Rock Hill, Chester and Cel River, SC, Atlanta, GA, Jacksonville and Greenville, MS and Hendersonville, NC, for 180 days. Supporting Shipper: Glass Containers Corporation, 1301 South Keystone Avenue, Indianapolis, IN 46203. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 119726 (Sub-167TA), filed July 13, 1979. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Ave., Indianapolis, IN 46217. Representative: James L. Beattey, Suite 1000, 130 E. Washington St., Indianapolis, IN 46204. *Malt beverages, related advertising materials, materials, equipment and supplies used in the manufacture of malt beverages* (except commodities in bulk in tank vehicles, between Albany, GA, on the one hand, and, on the other, points in the United States (except AK & HI), for 180 days. Supporting shipper: Miller Brewing Company, 3939 West Highland Boulevard, Milwaukee, WI 53208. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 119767 (Sub-365TA), filed September 14, 1979. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004. *Frozen bakery goods* from facilities of Lloyd J. Harriss Pie Co. at or near Holland and Saugatuck, MI to points in IL, IN, MN, MO, OH & WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lloyd J. Harriss Pie Co., 350 Culver St. Saugatuck, MI 49453. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 121787 (Sub-1TA), filed July 25, 1979. Applicant: SIDNEY R. CAMPBELL d.b.a. DRILLING MUD HAULERS, Star Route A, Box 1349, Anchorage, AK 99502. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Common carrier:* irregular routes: *Drilling mud products and compounds and well logging units,* between Seattle, WA, on the one hand, and, on the other, points in AK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Imco Services, Division of Halliburton Co., 4684 Business Park Road, Anchorage, AK 99503. Dresser Magcobar, Div of Dresser Industries, 721 W. 1st Ave., Anchorage, AK 99501. N. L. Baroid/N. L. Industries, Inc, P.O. Box 2492, Anchorage, AK 99510. Send protests to: Roy S. Ehrhart II, D/S, ICC, 701 C Street, Box 7, Anchorage, AK 99513.

MC 123056 (Sub-9TA), filed September 7, 1979. Applicant: FREDONIA TRUCK LINE, INC., Hwy 96 & Jackson, Fredonia, KS 66736. Representative: Laurel D. McClellan, 401 No. 6th, P.O. Box 478,

Fredonia, KS 66736. *CONTRACT, Irregular, Wheat middlings* from facilities of Conagra, Inc., Parsons, Kansas to Beebe, Ft. Smith, Little Rock, Russelville, Springdale, Van Buren, Fayetteville, Mena and Siloam Springs, AR; Springfield, Rolla, Webb City, Crane, Aurora, Carthage, Lebanon, Mt. Grove, Ozark, Thayer, West Plains, Hollister, Neosho and Joplin, MO; Afton, Muskogee, Stillwater, Westville, Keota, Pawnee, Vinita and El Reno, OK; Parison, Sherman, Amarillo, Mt. Pleasant, Dallas, Ft. Worth, Minneola, Pittsburgh and Sulphur Springs, TX; for 180 days. Supporting shipper: Conagra, Inc., 3801 Harney, Omaha, NE 68131; Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 123476 (Sub-47TA), filed September 13, 1979. Applicant: CURTIS TRANSPORT, Inc., 23 Grandview Ind. Ct. Arnold, MO 63010. Representative: David G. Dimit (same as above). Plastic and expanded plastic products, except in bulk in tank vehicles, from Stevens Point, WI to all points in the U.S. on and east of U.S. Hwy. 85, with return of refused or rejected materials to Stevens Point, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Praco Services, P.O. Box 555, Stevens Point, WI 54481. Send protests to: P. E. Binder, TS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 123517 (Sub-45TA), filed September 21, 1979. Applicant: CTI, P.O. Box 397, Rillito, AZ 85246. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Coal*, from the Peabody Black Mesa Coal Mine located approximately 30 to 40 miles south of Kayenta, AZ to the facilities of Hazen Laboratories near Golden, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Mono Power Company, P.O. Box 800, Rosemead, CA. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper(s): Mono Power Company, P.O. Box 800, Rosemead, CA. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 124306 (Sub-71TA), filed September 11, 1979. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: W. David Fesperman, P.O. Box 2729, Chapel Hill, NC 27514. *Polyester chips, in bulk, in tank vehicles*, from facilities of Rohm and Haas Company near Fayetteville, NC to Hopewell, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rohm and Haas Company/Caroldel Plant, P.O. Box 630, Fayetteville, NC 28302. Send protests to: Sheila Reece, TA, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 128527 (Sub-136TA), filed September 13, 1979. Applicant: MAY TRUCKING COMPANY, P.O. Box 400, Payette, ID 83661. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Iron or steel, iron or steel articles, tanks, hoppers, mining equipment and pre-fabricated steel articles*, from Portland, OR and points in Ada and Canyon Counties, ID to points in the United States in and west of WI, IL, MO, AR, and LA, except AK, HI and ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): B & K Fabrications, Inc., 2269 S. Liberty, P.O. Box 9472, Boise, ID 83705. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreham Dr., Boise, ID 83702.

MC 129026 (Sub-9TA), filed September 13, 1979. Applicant: J.C.D. TRANSPORTATION CORP., P.O. Box 487, 5950 Fisher Rd., East Syracuse, NY 13057. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Contract carrier-irregular routes. *Foodstuffs, except commodities in bulk, in vehicles equipped with temperature control devices*, between the facilities of The Nestle' Company, Inc. located in Gloucester County, NJ, on the one hand, and, on the other, points in DE, MD, PA, VA and DC, under continuing contract(s) with The Nestle' Company, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Nestle' Company, Inc., 100 Bloomingdale Rd., White Plains, NY 10605. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron Street, Buffalo, NY 14202.

MC 134286 (Sub-128TA), filed August 27, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant). *(1) Chemicals (except in bulk) in vehicles equipped with mechanical refrigeration* from the facilities of Franklin Chemical Industries, Inc. at or near Columbus, OH to Springfield, MA; North Bergen, NJ; Atlanta, GA; Memphis, TN; Fort Smith, AR; Denver, CO; Salt Lake City, UT; Anaheim and Hayward, CA; Portland, OR; Seattle, WA; Kansas City, KS; and St. Louis, MO and all points in their commercial zones; and *(2) Limestone (except in bulk)* from Hunt Valley, MD to the facilities of Franklin Chemical Industries, Inc. at or near Columbus, OH for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at the named origins and destined to the named destinations. Supporting shipper(s): Franklin Chemical Industries, Inc., 2020 Bruck Street, P.O. Box 07802, Columbus, OH 43207. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 134467 (Sub-51TA), filed August 28, 1979. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St. Denver, CO 80203. *Foodstuffs*, except in bulk, in temperature controlled vehicles, from facilities of J. H. Filbert, Inc. at or near Baltimore, MD and Anne Arundel, Baltimore, Howard, and Prince Georges Counties, MD, to points in PA, OH, WV, GA, IN, and MI, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): J. H. Filbert, Inc., 3701 Southwestern Blvd., Baltimore, MD 21229. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock AR 72201.

MC 134477 (Sub-364TA), filed September 18, 1979. Applicant SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. *(1) Toilet preparations and soap products and (2) materials, equipment, and supplies used in the manufacture and distribution of toilet preparations and soap products (except commodities in bulk)*, between the facilities of Minnetonka, Inc., at or near Chaska, MN, on the one hand, and, on the other, points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Minnetonka, Inc., Traffic Manager, Jonathan Industrial Center, Chaska, MN 55318. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 135797 (Sub-257TA), filed August 23, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130 Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). *Foodstuffs* (except in bulk), from Oconto, WI; Denver, CO and Lewisville, TX, to points in AZ, AR, CA, CO, KS, LA, NM, OK and TX, restricted to traffic originating at or destined to the facilities of American Nut Corp. or Choice Products, Inc., for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Choice Products, Inc., P.O. Box 485, Lewisville, TX 75067. American Nut Corporation, P.O. Box 398, Lewisville, TX 75067. Send protests to:

William H. Land, DS, 3108 Federal Bldg. Little Rock, AR 72201.

MC 135797 (Sub-257TA), filed September 11, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). *Animal feed ingredients* from Moscow, Rupert and Shelley, ID to the facilities of Ralston Purina Company at or near Clinton, IA; Oklahoma City, OK and Union City, GA, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: William H. Land, DS, 3108 Federal Bldg. Little Rock, AR 72201.

MC 135797 (Sub-259), filed September 14, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). *Soil and feed additives* from Florence, CO to points in AR, KS and OK for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Colar Compounds, Inc., P.O. Box 490, Lowell, AR 72745. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 138157 (Sub-184TA), filed September 7, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). (1) *Foodstuffs, pet foods, and animal feeds, and (2) Such commodities that are used in the processing, milling, packaging, manufacturing or sale of foodstuffs, pet foods and animal feeds (except commodities in bulk, and in vehicles),* between points in the United States in and east of ND, SD, NE, CO, OK, and TX, for 180 days. Restrictions: Restricted to traffic originating at or destined to the facilities of Carnation Company. Supporting shipper(s): Carnation Company, 5045 Wilshire Blvd., Los Angeles, CA 90036. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 138157 (Sub-185TA), filed September 7, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). *Foodstuffs and animal feeds,* from Ft. Wayne, IN; St. Joseph, MO, Elwood, KS, Rochelle, IL; Jefferson, WI, Okonomowoc, WI; Milwaukee, WI; Jacksonvill, IL; Ft. Dodge, IA; Waverly, IA; Kokomo, IN; Chattanooga, TN; Jacksonville, FL; Mechanicsburg, PA, and Garland, TX, to points in and east of ND, SD, NE, CO, OK & TX, for 180 days. Supporting shipper(s): Carnation Company, 5045 Wilshire Blvd., Los Angeles, CA 90036. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 138157 (Sub-186TA), filed August 31, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). *General Commodities, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment),* from Los Angeles, CA on the one hand, and on the other points in AL, MS, FL, GA, TN, KY, NC, SC, LA, & VA, for 180 days. Restrictions: Restricted to traffic originating at or destined to the facilities of Streamline Shippers Association. Supporting shipper(s): Streamline Shippers Association, Inc., 365 South Santa Fe Ave., Los Angeles, CA 90013. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 139207 (Sub-12TA), filed August 30, 1979. Applicant: McNABB-WADSWORTH TRUCKING CO., INC., 305 S. Wilcox Dr., Kingsport, TN 37665. Representative: Henry E. Seaton, 929 Pennsylvania Bldg, 13th Street, N.W. Washington, D.C. 20004. *Petroleum products, lubricating oil and such automative accessories and other articles used in or consumed in service station operations (except in bulk),* from the facilities of Exxon Company U.S.A. at or near Baton Rouge, LA to points in TN, for 180 days. Supporting shipper(s): Exxon Company, U.S.A., P.O. Box 2180, Houston, TX 77001. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 139587 (Sub-21TA), filed September 7, 1979. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, Fort Scott, KS 66701. Representative: Wilburn L. Williamson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Malt beverages* (except commodities in bulk) from St. Louis, MO to Ft. Scott, KS: for 90 days, common, irregular; Supporting shipper: Fort Scott Beverages, 16 So. Hill, Ft. Scott, KS 66701; Send protests to: M.E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 139966 (Sub-2TA), filed August 29, 1979. Applicant: FAIRPORT TRUCKING CO., P.O. Box 217, Williams St., Grand River, OH 44045. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Cement, in bulk,* from Bessemer, PA to Cleveland, Newberry, Brunswick, Mentor, Grand River and Warrensville Heights, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Osborne, Inc., Route 306 & 20, Mentor, OH 44060. Send protests to: I.C.C., Fed. Res. Bank Bldg, 101 N. 7th St, Rm. 620, Phila, PA 19106.

MC 140016 (Sub-7TA), filed September 18, 1979. Applicant: TRANSPORTATION SERVICE, INC., 1320 E. Glendale Ave. Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. *Malt beverages and related advertising materials,* in vehicles equipped with mechanical refrigeration, from the plant sites of Anheuser-Busch, Inc. at Van Nuys, CA, Miller Brewing Co. at Azusa, CA and Pabst Brewing Co. at Los Angeles, CA to points in that part of NV on and north of U.S. Hwy. 6, with no transportation for compensation on retrun except as otherwise authorized, for 180 days. Supporting shipper(s); Capitol Beverage, 2333 Fairview, Carson City, NV 89701 L.W. Peraldo Co., P.O. Box 272, Winnemucca, NV 89445 Morrey Distributors, 1250 Terminal Way, Reno, NV 89502 Blach Distributors, P.O. Box 269, Elko, NV 89801. Send protests to: DS W.J. Huetig, ICC 705 N. Plaza, Carson City, NV 89701.

MC 140176 (Sub-20TA), filed September 13, 1979. Applicant: POWELL TRUCKING COMPANY, INC., Rt. 3, Box 13, Sumrall, MS 39482. Representative: John A. Crawford, P.O. Box 22567, Jackson, MS 39205. *Contract carrier;* irregular route; *lumber from the facilities* of Masonite Corp. at or near Quitman, MS and Melvin, AL to points in AL, IL, IN, LA, MI, MO, MS, OH, TN, TX and WI, for the account of Masonite Corp., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Masonite Corp., Southern Lumber Div., P.O. Box 4875, Jackson, MS 39216. Send protests to: Alan Tarrant, D/S, ICC, Suite 1441, 100 West Capitol St., Jackson, MS 39201.

MC 141597 (Sub-10TA), filed August 14, 1979. Applicant: RIVERSIDE TRUCK LINE, INC., 919—4th Avenue South, Denison, IA 51442. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Contract carrier; irregular routes: *(1) Meat, 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 from the facilities of Farmland Foods, Inc. located at Denison, Iowa Falls, Carroll, Fort Dodge, Cherokee, and Des Moines, IA; and Crete, Lincoln and Omaha, NE to points in AL, FL, GA, LA, MS, NC, SC AND TN; (2) *Returned shipments and materials, equipment and supplies utilized in the manufacture, sale and distribution of the commodities specified in (1) above* from points in the territory indicated in (1) above to the facilities of Farmland Foods, Inc. located at or near Denison, Iowa Falls and Carroll, IA and Crete, NE for 180 days. Restriction: Restricted in Parts (1) and (2) above against the transportation of hides, commodities in bulk, and commodities the transportation of which require the use of special equipment, under continuing contract(s) with Farmland Foods, Inc. Supporting shipper(s): Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 141597 (Sub-11TA), filed August 15, 1979. Applicant: RIVERSIDE TRUCK LINE, INC., 919—4th Avenue South, Denison, IA 51442. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Contract carrier; irregular routes: *(1) Meat, 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* from the facilities of Farmland Foods, Inc. located at Denison, Iowa Falls, Carroll, Fort Dodge, Cherokee, and Des Moines, IA; and Crete, Lincoln and Omaha, NE to points in AR, IA, IL, KS, MN, MO, ND, NE, MN, OK, SD, TX, WI and WY; (2) *Returned shipments and materials, equipment and supplies utilized in the manufacture, sale and distribution of the commodities specified in (1) above* from points in the territory indicated in (1) to the facilities of Farmland Foods, Inc. located at or near Denison, Iowa Falls and Carroll, IA and Crete, NE for 180 days. Restriction: Restricted in Parts (1) and (2) above against the transportation of hides, commodities in bulk, and commodities the transportation of which require the use of special equipment, under continuing contract(s) with Farmland Foods, Inc. Supporting shipper(s): Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142106 (Sub-2TA), filed August 23, 1979. Applicant: VIP COMMUTER CORP., 14810 Danville Rd., Dale City, VA 22193. Representative: Sylvanus G. Bent (same address as applicant). *Passengers and their baggage, in the same vehicle with passengers, in round-trip special operations,* from Manassas, Manassas Park, Centreville, and Camp Washington, to pts. in Washington, DC, from Dale City, Lake Ridge, Occoquan, and Woodbridge, VA to pts. in Washington, DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Applicant statement of fact. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 142686 (Sub-25TA), filed September 14, 1979. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Avenue, Santa Fe Springs, California 90670. Representative: Joseph Fazio (same address as above). *Contract;* Irregular; *mixing machines and cement pumps; parts and supplies used in the manufacture, installation and maintenance thereof,* from Industry, California to Seattle, WA, Spokane, WA, Baltimore, MD, Portland, OR, Calhound, GA, Missoula, MO, Denver, CO, Tulsa, OK, Houston, TX, International Boundary points of the United States and Canada located within the State of Washington, (2) Between Industry, California, on the one hand, and, on the other, Bryan, Ohio, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Challenge-Cook Bros., Inc., Vice Pres. Construction Machinery, 15421 East Gale Avenue, Industry, California 91745. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, California 90053.

MC 143127 (Sub-53TA), filed September 14, 1979. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Linda A. Calvo, Traffic Mgr. (same address as above). *Adhesives,* from Paxton, IL to Tucker, GA; Dedham, MA; Columbus, OH; and Philadelphia, PA, for 180 days. Supporting shipper(s): Krause Milling Company, 611 East Wisconsin Avenue, Milwaukee, WI 53201. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron Street, Buffalo, NY 14202.

MC 143276 (Sub-21TA), filed August 9, 1979. Applicant: WEAVER TRANSPORTATION COMPANY, 5452 Oakdale Rd., Smyrna, GA 30080. Representative: James L. Brazee, Jr., 3355 Lenox Rd. Suite 795, Atlanta, GA 30326. *Limestone and limestone products* from Luttrell, Union County, Tennessee to all points in the States of AL, NC, SC, GA, FL, and MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Luttrell Mining Co., P.O. Box 11705, Knoxville, TN 37919. Send protests to: Sara K. Davis, TA, ICC, 1252 W. Peachtree St., N.W., Atlanta, GA 30309.

MC 143436 (Sub-34TA), filed August 10, 1979. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 9049 Stonegate Road, Indianapolis, IN 46227. Representative: Stephen M. Gentry, 1500 Main Street, Speedway, IN 46224. *Nuts, edible,* from the facilities of Flavor House Corporation, a division of Borden Food Company, at or near Des Plaines, IL to Indianapolis, IN for 180 days. Supporting shipper: Flavor House Corporation, 1665 E. Birchwood Drive, Des Plaines, IL 60618. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429 Indianapolis, IN 46204.

MC 143607 (Sub-14TA), filed August 27, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Route 6, Waco, TX 76706. Representative: David C. Venable, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. *Contract carrier,* irregular routes: *Plastic articles* (except in bulk) from the facilities of Rubbermaid Commerical Products, Inc., at or near Cleburne, TX, to points in CA, NV, UT, AZ, NM, OK, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rubbermaid Commercial Products, Inc., 3124 Valley Ave., Winchester, VA 22601. Send protests to: Opal M. Jones, TCS, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 143607 (Sub-15TA), filed August 27, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Route 6, Waco,TX 76706. Representative: David C. Venable, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. *Contract carrier,* irregular routes: *Plastic articles* (except in bulk) between the facilities of Rubbermaid Commercial Products, Inc. (1) at or near Cleburne, TX, and (2) at Winchester, VA, for 180 days. an underlying ETA seeks 90 days authority. Supporting shipper(s): Rubbermaid Commerical Products, Inc., 3124 Valley Ave., Winchester, VA 22601. Send protests to: Opal M. Jones, TCS, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 143926 (Sub-1TA), filed September 17, 1979. Applicant: CONSOLIDATED CARRIERS CORPORATION, Box 5624, Charlotte, NC 28212. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th St., NW, Washington, 20004. *Contract carrier*—irregular routes; *Synthetic fiber, textile waste,*

plastic pellets, plastic waste, wool, wool waste, and materials used in the manufacture thereof between points in the US (except AK and HI) pursuant to continuing contract(s) with Wellman, Inc., For 180 days. An underlying ETA seeks 90 days, authority. Supporting shipper(s): Wellman, Inc., 75 Federal St., Boston, MA 02110. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 144496 (Sub-2TA), filed August 28, 1979. Applicant: ECKS TRUCKING, INC., 659 Pleasant Street, Norwood, MA 02062. Representative: James F. Martin, Jr., 8 W. Morse Road, Bellingham, MA 02019. *Contract carrier;* irregular route; *(1) Plastic articles (except in bulk) cushioned envelopes, and packaging machinery,* from Hyannis, MA to points in the United States (except AK, HI, and MA) and *(2) equipment, materials and supplies used in the manufacture and distribution of plastic articles, cushioned enveloped and packaging machinery (except in bulk)* from the destinations named in (1) above to Hyannis, MA under continuing contracts with Sentinel Foam Products Inc. and Packaging Industries, Inc., Airport Road, Hyannis, MA 02601, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sentinel Foam Products, Inc., Packaging Industries, Inc., Both at Airport Road, Hyannis, MA 02601. Send protests to: John B. Thomas, 150 Causeway Street, Boston, MA 02114.

MC 144747 (Sub-4TA), filed September 5, 1979. Applicant: INTERSTATE EQUIPMENT CO., INC., 22821 N. 81st Ave., Peoria, AZ 85345. Representative: Phil B. Hammond, Evans, Hammond & Milliken, Suite 1705, 3003 N. Central Ave., Phoenix, AZ 85012. Contract, *Meat, meat products and meat by-products,* from Minden, NE, to points in CT, NJ, NY and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Minden Beef Co., Box 70, Minden, NE 68959. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 144827 (Sub-34TA), filed August 20, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, 100 North Main Street, Memphis, TN 38103. *Bakery goods,* from Pulaski, TN to points in TX. Supporting shipper(s): Lester Brokerage Co., Inc., 11106 Morrison Lane, Dallas, TX 75229. Send protests to: Floyd A. Johnson, 100 North Main Street, Suite 2006, Memphis, TN 38103.

MC 144927 (Sub-23TA), filed August 24, 1979. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Warren C. Moberly, 320 N. Meridian St., Indianapolis, IN 46204. *Paper and printed matter,* (1) between points in CA and MN, IA, MO, AR, and LA, and all states east thereof; (2) and between points within the states of MN, IA, MO, AR and LA and states east thereof; and (3) from the destination states mentioned in (1) above to points in CA, for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Five. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 144956 (Sub-6TA), filed September 14, 1979. Applicant: TRANS-MUTUAL TRUCK LINES, LTD., 7034—30th Southeast, Calgary, AB, Canada T2C 1N9. Representative: Grant J. Merritt, 4444 IDS Center, 80 South 8th Street, Minneapolis, MN 55402. *Bentonite, drilling mud and additives (except commodities in bulk)* from Missoula, MT to the port of entry on the U.S.-Canada International Boundary line located at Sweetgrass, MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wyo-Ben, Inc., 1242 No. 28th Street, Billings, MT 59101. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 145026 (Sub-8TA), filed August 23, 1979. Applicant: NORTHEAST CORRIDOR EXPRESS, INC., Railroad Ave., Federalsburg, MD 21632. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. *Foodstuffs* (except in bulk, in vehicles with mechanical refrigeration), from the facilities of J. H. Filbert, Inc. at or near Baltimore, MD; Anne Arundel, Baltimore, Howard and Prince Georges Counties, MD to points in CT, MA, RI, NH, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. H. Filbert, Inc., 3701 Southwestern Blvd., Baltimore, MD 21229. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 145577 (Sub-16TA), filed August 1, 1979. Applicant: GULLETT-GOULD, LTD., P.O. Box 406, Union City, IN 47390. Representative: Jerry B. Sellman, Muldoon, Pemberton and Ferris, 50 West Broad St., Columbus, OH 43215. *Pet vitamins,* from Bowling Green, OH to points in CA, for 180 days. Supporting shipper: Flea-tab, Inc., 1011 South Main Street, Bowling Green, OH 43402. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 145577 (Sub-17TA), filed September 4, 1979. Applicant: GULLETT-GOULD, INC., P.O. Box 406, Union City, IN 47390. Representative: Jerry B. Sellman, Muldoon, Pemberton & Ferris, 50 W. Broad St., Columbus, OH 43215. *Grape juice and concentrate,* from Lodi, CA to points in the United States in and east of WI, IL, KY, TN and MS for 180 days. Supporting shipper: M&R Company, 505 S. Main St., Lodi, CA 95240. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 145636 (Sub-11TA), filed September 27, 1979. Applicant: BOB BRINK, INC., 165 Steuben Street, Winona, MN 55987. Representative: Edward H. Instenes, P.O. Box 676, Winona, MN 55987. *Candy or confectionery requiring protection from heat* from Winona, MN to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Schuler Chocolates, Inc., 1000 West Fifth Street, Winona, MN 55987. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 145726 (Sub-8TA), filed August 17, 1979. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 South Lawrence Street, Montgomery, AL 36104. *Meats, meat products, meat byproducts, and articles distributed by meat packing houses* as described in Sections A & C of Appendix 1 to the report in descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the facilities utilized by John Morrell & Co. at or near Memphis, TN, to points in AL and FL, restricted to the transportation of traffic originating at the facilities of John Morrell & Co., for 180 days. Supporting shipper(s): John Morrell & Co. Hollywood Station, P.O. Box 8157, Memphis, TN 38108. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 146006 (Sub-3TA), filed September 10, 1979. Applicant: RODCO LEASING, INC., 380 Union Street, P.O. Box 285, West Springfield, Massachusetts 01089. Representative: James M. Burns, 1383 Main Street—Suite 413, Springfield, MA 01103. Contract carrier: irregular routes: *Engine brakes and related parts* from West Hartford, CT, on the one hand, and, on the other, Seattle, WA; Portland, OR, Hayward and Los Angeles, CA; Salt Lake City, UT, Denver, CO; and Phoenix, AZ, for 180 days. An underlying ETA seeks 90 days authority.

Supporting shipper(s): The Jacobs Manufacturing Company, West Hartford, CT 06110. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA, 01103.

MC 146326 (Sub-5TA), filed August 29, 1979. Applicant: JOHN ALGER SR., d.b.a., ALGER TRANSPORTATION, 14625 Grover Street, Omaha, NE 68144. Representative: Marshall D. Becker, 7171 Mercy Road, Omaha, NE 68106. *Retail store fixtures and equipment, materials and supplies used in the manufacture thereof* (1) between the facilities of Lozier Corporation located at or near Omaha, NE; Cucamonga, CA; Scottsboro, LA; McClure, PA; and Kansas City, MO and (2) between the facilities of Lozier Corporation located at or near Omaha, NE; Cucamonga, CA; Scottsboro, AL and McClure, PA on the one hand, and on the other, points in the United States (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lozier Corporation, 4401 N. 21st Street, Omaha, NE. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 146386 (Sub-5TA), filed August 22, 1979. Applicant: NATIONAL RETAIL TRANSPORTATION, INC. Bldg. A, 10 E., Oregon Ave., Philadelphia, PA 19148. Representative: Richard Rueda, 133 N. 4th St., Philadelphia, PA 19106. *Paper, other than newsprint, (except in tank vehicles)* from (1) Wisconsin Rapids, Port Edwards, Neekoosa, and Appleton, WI; Chicago, IL, Kingsport, TN; Texarkana and Ashdown, AR; Bastrop, LA; and Chillicothe and West Carrollton, OH and their respective commercial zones to the facilities of Majestic Paper Corp. at New York, NY and Farmingdale, NY and to points in the New York, NY commercial zone; from (2) West Carrollton, OH to Albany, NY and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Majestic Paper Corporation, 161 Hudson St., New York, NY 10013. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 146646 (Sub-26TA), filed September 4, 1979. Applicant: BRISTOW TRUCKING CO., P.O. Box 6355 A, Birmingham, AL 35217. Representative: Henry Bristow, Jr., P.O. Box, same as applicant. *Moulded pulp paper products* from the facilities of the Packaging Corporation of America located at or near Macon, GA to points in AR, IN, KY, MI, MO, NJ, OK, PA and TX, for 180 days. Supporting shipper(s): Packaging Corporation of America, 7670 Airport Drive, Macon, GA 31201. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 146646 (Sub-27TA), filed September 17, 1979. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 63558, Birmingham, AL 35217. Representative: John R. Frawley, Jr., 5506 Crestwood Blvd., Birmingham, AL 35212. *Containers, and the materials and supplies used in the manfacture, sale and distribution of containers* (except commodities in bulk). Between the facilities of National Can Corporation located in or near Pascagoula, MS; Birmingham, AL; Bishopville, SC; Memphis, TN; Winston-Salem, NC; Baltimore, MD; Cambridge, MD; Sparrows Point, MD; on the one hand, and, on the other, all points in LA, MS, AL, FL, GA, NC, SC, TN, KY and VA, for 180 days. Supporting shipper(s): National Can Corporation, Route 287 South Randolphville Rd, Piscataway, NJ 08854. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35023.

MC 147136 (Sub-1TA), filed July 30, 1979. Applicant: TOMORROW TRANSPORTS, INC., 1257 Central Ave., Hamilton, OH 45011. Representative: Jerry B. Sellman, 50 W. Broad St., Columbus, OH 43215. *General commodities* (except those of unusual value, Class A or B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Ohio Valley Shippers Association located at Cincinnati, OH to points in FL and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ohio Valley Shippers Association, 1428 Dalton St., Cincinnati, OH 45214. Send protests to: I.C.C., Fed. Res. Bank Bldg., Room 620, 101 N. 7th St., Philadelphia, PA 19106.

MC 147186 (Sub-TA), filed———— Applicant: TEUFEL BROTHERS, INC., Inman Avenue Avenel, NJ 07001. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier,* by motor vehicle, over irregular routes, transporting: Asphalt and asphalt emulsion in bulk, in tank vehicles from Bayonne, Kearny, Linden, Perth Amboy and Whippany, NJ to points in Connecticut west of the Connecticut River, points in Dutchess, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster and Westchester Counties, NY, and Bradford, Lackawanna, Luzerne, Pike, Susquehanna, Wayne, and Wyoming Counties, PA for 180 days under a continuing contract or contracts with Dorsch-King Emulsions, Inc. Supporting shipper: Dorsch-King Emulsions, Inc., 16 Troy Hill Road, Whippany, NJ 07891. Send protest(s) to Mr. Robert E. Johnston, DS, I.C.C., 9 Clinton St., Newark, NJ 07102.

MC 147297 (Sub-6TA), filed September 5, 1979. Applicant: DA-RON CORPORATION, 3305 North Broadway, Muncie, IN 47303. Representative: David O. Foreman (same address as applicant). *Contract carrier:* irregular routes: *Steel shelving and bins, unassembled pallet racks, storage racks, screw cases, and storage cabinets and accessories for such commodities* from the facilities of Frick-Gallagher Mfg. Co. located at Wellston, OH, to points in AL; Flagstaff, Kingman, Phoenix and Tucson, AZ; Fresno, Los Angeles, Oakland, Sacramento, San Diego, and San Francisco, CA; Denver, Lamar and Pueblo, Co; points in FL; points in LA; Minneapolis and St. Paul, MN; points in MS; Billings, Butte, and Great Falls, MT; Baker, Newport and Portland, OR; Amarillo, Dallas, El Paso, Houston, and San Antonio, TX; Salt Lake City, UT; Seattle, Spokane and Tacoma, WA for 180 days. Supporting shipper: Frick-Gallagher Mfg. Co., 201 South Michigan Ave., Wellston, OH 45692. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio St., Indianapolis, IN 46204.

MC 147297 (Sub-4TA), filed August 6, 1979. Applicant: DA-RON CORPORATION, 3305 North Broadway, Muncie, IN 47303. Representative: David Foreman (same address and applicant). Contract Carrier: Irregular routes: *Carpeting,* from the facilities of Seaway Carpets, Inc. located in Calhoun, Chatsworth, Dalton, Eden, Ellijay, Ringgold and Titusville, GA; Norfolk, VA; and Liberty, IL to Toledo, OH and Muncie, IN. Supporting shipper: Seaway Carpets, Inc., 5040 Enterprise Blvd., Toledo, OH 43612. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 147297 (Sub-5TA), filed August 10, 1979. Applicant: DA-RON CORPORATION, 3305 North Broadway, Muncie, IN 47303. Representative: David O. Foreman, (same address as applicant). Contract carrier. Irregular routes: *pillows,* from the facilities of James Liebhardt Mills, Inc. at Middletown, IN, to Denver, CO, Chicago, IL, Des Moines, IA, Lexington and Louisville, KY, Grand Rapids and Warren, MI, St. Paul, MN, St. Louis, MO, Omaha, NB, Secaucus, NJ, Buffalo, Rochester and Syracuse, NY, Akron, Cincinnati, Cleveland, Columbus, Dayton and Toledo, OH, Tulsa, OK, Philadelphia, Pittsburgh and Windber,

PA, Dallas and Houston, TX, Nitro, WV, Greenfield and Milwaukee, WI, for 180 days. Supporting shipper: James Liebhardt Mills, Inc., SR 236, PO Box 121, Middletown, IN. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 147347 (Sub-2TA), filed September 4, 1979. Applicant: MICHAEL'S CARTAGE, INC., Route #3, Bedford Rd., Cumberland, MD 21502. Representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. (1) *Glass in containers* from Cumberland, MD, and its commercial zone, to Phila, PA, and its commercial zone, and (2) *empty containers* from Phila., PA, and its commercial zone, to Cumberland, MD, and its Commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147697 (Sub-2TA), filed August 27, 1979. Applicant: KEN-G TRANSPORT, INC., 1920 Riverdale Drive, Pfafftown, NC 27040. Representative: George W. Clapp, PO Box 836, Taylors, SC 29687. *Contract carrier*—irregular routes; Food and food products, in containers, not frozen, from Cambridge, MD to Tampa, FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): RJR Foods, Inc., PO Box 3037, Winston-Salem, NC 27102. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 147806 (Sub-1TA), filed July 23, 1979. Applicant: SOUTHERN HEAVY HAUL, INC., 5202 Industry Avenue, Pico Rivera, CA 90660. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Contract:* Irregular: *Steel billets, coil, sheet and strip steel, stainless steel pipe and tubing,* from the facilities of Sharon Steel Corp., and Damascus Tube, a Division of Sharon Steel Corp., located at or near Farrell and Greenville, PA, to Lake Havasu, AZ; points within the Los Angeles, CA Commercial Zone; Verdi, NV; and Beaumont and Houston, TX, under a continuing contract with The Steel Corporation of Texas of City of Commerce, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): The Steel Corp. of Texas, 6440 Fleet, City of Commerce, CA 90040. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 147807 (Sub-4TA), filed September 17, 1979. Applicant: TERESI TRUCKING, INC., 900½ Victor Road, Lodi, CA 95240. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, (415) 986–8696, San Francisco, CA 94108. *Steel Pipe,* from Kaiser, CA to the Pittman Lateral Pipe Project in Clark County (between Las Vegas and Henderson), NV, for 90 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kaiser Steel Corp., P.O. Box 58, Oakland, CA 94604. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500; San Francisco, CA 94105.

MC 147897 (Sub-1TA), filed Sept. 24, 1979. Applicant: J. C. ROSS d.b.a. ROSS TRUCKING CO.,an individual, Route 3, John Hall Road, Knoxville, TN 37920. Representative: John J. Duncan, Jr., Suite 350, City & County Bank, One Regency Square, Knoxville, TN 37915. *Lumber, wood chips, and cross ties,* from the facilities utilized by Tenn-land Wolf, Inc. near Knoxville, TN to points in AL, GA, KY, NC, SC, and VA. *Lumber and wood chips* from the facilities utilized by East Tennessee Stave & Heading Co. at Knoxville, TN to points in AL, GA, KY, NC, SC, and VA. *Lumber* from the facilities utilized by Stewart Lumber Co., Inc., Emmert Vaughn Lumber Co., and Arthur Wright Lumber Co. at or near Knoxville, TN to points in AL, GA, KY, NC, SC, and VA, for 180 days. Supporting shipper(s): "There are (5) shippers, Their statements may be examined at the office listed below and Headquarters." Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 147957 (Sub-1TA), filed August 7, 1979. Applicant: ROGERS MOTOR EXPRESS, 2928 Yosemite, Modesto, CA 95352. Representative: R. Fuller, 13215 E. Penn Street, Suite 310, Whittier, CA 90602. *General Commodities* having prior or subsequent movement by freight forwarder or moving on the bills of lading of freight forwarders (except explosives, household goods as defined by the Commission, commodities in bulk, and those which require special equipment), between Freight Forwarder Assembly and Distribution Terminals in Sacramento and Alameda Counties, CA on the one hand, and, on the other hand, points in Stanislaus, San Joaquin, Napa, Sonoma, Solano, Sacramento, Placer, El Dorado, Nevada, Yuba, Sutter, Butte, Yolo, Colusa, Glenn, Tehama and Shasta Counties, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clipper Express Co., 3871 San Pablo Ave., Emeryville, CA 94608. Westransco Freight Co., P.O. Box 54810, Los Angeles, CA 90054. Send protests to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, GA 94105.

MC 147966 (Sub-1TA), filed August 28, 1979. Applicant: WILLIAM A. KING & DANIEL I. DONOHO d.b.a. GEM TRUCKING (a partnership), P.O. Box 567, Newport, OR 97365. Representative: Daniel I. Donoho, 715 S.W. Bay Street, Newport, OR 97365, 503–265–7642. *Beer and Wine Beverages* from points in California and Seattle, WA to Newport, OR, for 180 days. Supporting shipper(s): Tri-Pac Distributors d.b.a. Pacific Distributors, 626 N.E. 1st, Newport, OR 97365, Wiles Distributing Co., Inc., 119 N.W. 3rd, Box 70, Newport, OR 97365. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland OR 97204.

MC 147977 (Sub-1TA), filed August 29, 1979. Applicant: Riggle Trucking Co. Inc., Box 81, Brooks, KY 40109. Representative: Bruce Zalman, Attorney, 440 So. 7th Street, Louisville, KY 40202. *Contract:* Irregular; *Bricks, Building supplies and ties,* between all points in KY, IN, and IL. (Under continuing contracts with 2 supporting shippers) Supporting shipper(s): American Builders Supply Co., 1044 East Chestnut Street, Louisville, KY 40204. Atlas Plaster & Supply Co., 742 W. Oak Street, Louisville, KY 40203. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Building, Louisville, KY 40202.

MC 148017 (Sub-1), filed August 27, 1979. Applicant: MR. AIR FREIGHT OF ORLANDO, INC., 1009 La Quinta Trail, Orlando, FL 32809. Representative: Kim G. Meyer, 235 Peachtree Street, N.E. Suite 1200, Atlanta, GA 30303. *Merchandise, equipment and supplies sold, used or distributed by a manufacturer of cosmetics and other toilet preparations,* From points in Orange County, FL to Brevard, Citrus, Flagler, Hernando, Indian River, Lake Okeechobee, Osceola, Orange, Polk, Seminole, St. Lucie, Sumter and Volusia Counties, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Avon Products, Inc., 2200 Cotillion Drive, Atlanta, GA 30302. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 148037 (Sub-1TA), filed September 13, 1979. Applicant: NORMAN O. STEWART d.b.a. KING FOREST PRODUCTS, individual, 15010 S.E. McLoughlin Boulevard, No. 20, Milwaukie, OR 97222. Representative: Norman O. Stewart, 206 Harding Boulevard, Oregon City, OR 97045, 503–655–3951. *Contract:* Irregular: *Sheet Rock/Gypsum Board Building Material* from the facilities of Domtar and Flintkote at or near Fremont and Antioch, CA, to the warehouses of Tri City Building Center, Inc. at or near

Clackamas and Hillsboro, OR for 180 days. Supporting shipper(s): Allan Loney, Tri City Building Center, Inc., 15877 S.E. 98th, Clackamas, OR 97015. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 148116 (Sub-1TA), filed September 13, 1979. Applicant: H. DERBY TRANSPORT, Grenfell, SK, Canada S0G 2B0. Representative: Peter W. Glendinning, 2042 Cornwall Street, Regina, SK, Canada S4P 2K5. *Contract carrier:* Irregular routes: *Soy bean meal,* in bulk in tank vehicles, from Mankato, MN to port of entry on the International Boundary between the United States and Canada located at or near Portal, ND, for the account of Federated Cooperatives, Ltd., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Federated Cooperatives, Ltd., Box 1050, Saskatoon, SK, Canada. Send protests to: H. E. Farsdale, DS, ICC, Room 268 Fed. Building, 657 2d Avenue North, Fargo, ND 58102.

MC 148137 (Sub-1TA), filed August 21, 1979. Applicant: STANTON SALES & TRANSPORTATION CO., 11135 S. W. Industrial Way, Tualatin, OR 97602. Representative: Thomas Y. Higashi, 2075 S. W. First Avenue, Suite 2N, Portland, OR 97201, (503) 222–1886. *Furniture and Furniture Parts* (as a *contract carrier* over irregular routes) from the facilities of Stanton Industries Inc. at or near Tualatin, OR to points and places in WA, CA, NV, AZ, CO, NM, TX, OK, and UT, under continuing contracts with *Stanton Industries;* from points and places in CA to the facilities of Stanton Industries at or near Tualatin, OR under continuing contracts with *Stanton Industries;* and from points and places in CA to points and places in OR, NV, and WA and form points and places in TX to points and places in OK, NM, AZ, CO, UT, CA, OR, WA, and NV and from points and places in MS to points and places in OK, TX, NM, AZ, CO, UT, NV, CA, OR, WA, all under continuing contracts with *Grantree Furniture Rental Corporation,* for 180 days. Supporting Shipper(s): Grantree Furniture Rental Corp., 201 S. W., Arthur, Portland, OR 97201. Stanton Industries, Inc., 11135 Industrial Way, Tualatin, OR 97062. Send protests to: A. E. Odoms, District Supervisor, ICC, 114 Pioneer Courthouse, 555 S. W. Yamhill Street, Portland, OR 97204.

MC 148167 (Sub-1TA), filed August 31, 1979. Applicant: ATLANTIC & GULF STEVEDORES, INC., 601 Louisiana Avenue, New Orleans, LA 70115. Representative: Edward N. Malusa (same address as applicant). *Pentonite clay in 1½ ton bags on flatbed trucks,* from Lockport, LA to Galliano, LA, for 180 days. Restricted to traffic having a prior movement in interstate traffic. Applicant has filed an underlying ETA seeking 90 days. Supporting Shipper(s): L. A. Salomon & Bros., P.O. Box 828, Pt. Washington, NY 11050. Send protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Building, 701 Loyola Aenue, New Orleans, LA 70113.

MC 148197 (Sub-1TA), filed September 7, 1979. Applicant: GOLD LABEL FEEDS, Division of Goldberg Feed & Grain Co., Box 427, West Fargo, ND 58078. Representative: Kip B. H. Erickson, 502 First National Bank Building, Fargo, ND 58126. *Contract carrier:* Irregular routes: (1) *Liquid animal feed,* in bulk, in tank vehicles, from Bismarck and Fargo, ND, to points in SD, MN and MT; and (2) *Liquid animal feed ingredients,* in bulk, in tank vehicles, from points in MN and MT to Bismarck and Fargo, ND, for the account of Cargill, Incorporated, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Cargill, Inc., P.O. Box 9300, Minneapolis, MN 55440. Send protests to: H. E. Farsdale, DS, ICC, Room 268, 657 2d Avenue North, Fargo, ND 58102.

MC 148186 (Sub-1TA), filed September 7, 1979. Applicant: K. K. & T., INC., 2464 S. Scenic, Springfield, MO 65807. Representative: Lavern R. Holdeman, Peterson, Bowman & Johanns, 521 S. 14th Street, Suite 500, P.O. Box 81849, Lincoln, NE 68501. *Contract,* irregular, *such commodities as are dealt in by automotive repair shops and wholesale, retail and chain automotive parts, accessories and supplies business houses (except in bulk),* between points in the states of AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MS, MO, NE, OH, OK, PA, TN, TX and WV, under contract with Keltner Enterprises, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Keltner Enterprises, Inc., 2410 South Scenic, Springfield, MO 65807. Send protests to: Vernon V. Coble, DS, ICC, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 148206 (Sub-2TA), filed September 13, 1979. Applicant: BRUGGER & McDOWELL, INC., Highway 25 South, Jackson, MO 63755. Representative: Donald B. Levine, 39 S. LaSalle Street, Chicago, IL 60603. *Used automobiles* in truckaway service (1) between points in AR, IA, IL, IN, KY, MI, MO, NE and TN, and (2) between points in the states listed in (1), on the one hand, and, on the other, points in AZ, CA, CO, KS, NM, OK, TX, MN and WY, for 180 days. Supporting shipper(s): There are 8 supporting shippers. Send protests to: P. E. Binder, TS, ICC, Room 1465, 210 N. 12th Street, St. Louis, MO 63101.

MC 148256 (Sub-TA), filed July 27, 1979. Applicant: BLUE ROCK TRANS, INC., 2910 Bernice Road, Lansing, IL 60438. Representative: Terrance Berwanger, 3224 Ridge Road, Lansing, IL 60438. *Bottled water, bottling supplies,* from Lansing, IL to Columbus, OH, Louisville, KY, Knoxville, TN, Fort Wayne, South Bend, IN, Kenosha, Racine, Milwaukee, Waukesha, WI, Port Huron, Kalamazoo, Jackson, Detroit, Flint, Lansing, MI, Davenport, IA for 180 days. Supporting shipper(s): Blue Rock Water, Inc., 18145 Lorenz, Lansing, IL 60438. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 148257 (Sub-TA), filed July 31, 1979. Applicant: GEORGE J. WEBB, JR. AND GEORGE J. WEBB, III, d.b.a. WEBB TRUCKING, Route No. 2, McLeansboro, IL 62859. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. *Wood pallets, wood skids, wood boxes, wood blocking,* from McLeansboro, IL to points in AR, IN, IA, KY, LA, MO, MI, MN, OH, TN, WI, and from Poplar Bluff, MO to points in AR, IN, IA, IL, KY, LA, MI, MN, OH, TN, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joseph G. Baldwin Co., P.O. Box 276, McLeansboro, IL 62859. Send protests to: David Hunt, TA, Room 1386, 219 S. Dearborn Street, Chicago, IL 60604.

MC 148287 (Sub-TA), filed September 24, 1979. Applicant: ALL-AMERICAN TRANSPORT CORP., 5770 N. Military Trail, West Palm Beach, FL 33407. Representative: John P. Bond, 2766 Douglas Road, Miami, FL 33133. *Frozen citrus concentrate* from points at or near Indiantown, FL to points in CA, AZ, CO, OR, WA, and NV for 180 days. Supporting Shipper(s): Caulkins Indiantown Citrus Co., P.O. Box 458, Indiantown, FL 33456. Send protests to: Donna M. Jones, T/A, ICC–BOp, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 148306 (Sub-1TA), filed September 17, 1979. Applicant: DAROLD R. TABOR, INC., P.O. Box 11354, Pueblo, CO 81001. Representative: John H. Lewis, The 1650 Grant Street Building, Denver, CO 80203. *Sodium sulfate,* from Farmington, NM and Seagraves, TX to points in CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Public Service Co. of Colorado, P.O. Box 840, Room 560, Denver, CO 80201. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 148307 (Sub-1TA), filed September 17, 1979. Applicant: ED H. BURGENER, a sole proprietorship, P.O. Box 386, LaPorte, CO 80535. Representative: Richard S. Mandelson, Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. *Limestone crushed rock*, in bulk, from Larimer County, CO to Albany, Carbon and Goshen Counties, WY for 180 days. Underlying ERA filed seeking 90 days authority. Supporting Shipper(s): Holly Sugar Corp., P.O. Box 1052, Colorado Springs, CO 80901. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 138157 (Sub-171TA), filed July 25, 1979 and previously published in the **Federal Register** and republished as corrected this issue. Applicant's Name: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT. Applicant's Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Acids, chemicals and chemical compounds* in packages and materials, equipment and supplies used in the application of the commodities named above, from Waterloo, NY, to points in the United States (except AK and HI). (2) *Acids, chemicals, plastics and plastic and rubber articles, and materials, equipment and supplies used in the application of the commodities named above*, from Canton, MA and Gardena, CA to points in the United States (except AK and HI). (3) *Materials, equipment and supplies used in the manufacture, production and distribution of the commodities named in (1) and (2) above*, from points in the United States (except AK and HI) to Waterloo, NY; Canton, MA and Gardena, CA. Restrictions: Restricted in (1), (2) and (3) above against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment. Further restricted to traffic originating at or destined to the facilities of W. R. Grace & Co. Supporting Shipper: W. R. Grace & Co., 55 Hayden Avenue, Lexington, MA 02173. Send protests to: Joe J. Tate, Interstate Commerce Commission, 801 Broadway, Suite A–422, Federal Building, Nashville, TN 37203. The purpose of this republication is to indicate the proper territorial scope of the application.

Note.—Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore dual operations may be involved.

MC 146887 (Sub-2TA), filed July 6, 1979 and previously published in the **Federal Register** and corrected in this issue.

MC 146887 (Sub-2TA), filed July 6, 1979. Applicant: RINALDI MOTOR TRANSPORT, INC., P.O. Box 879, 216 W. Harris Court, So. San Francisco, CA 94080. Representative: R. C. Chauvel, 100 Pine Street, Suite 2550, San Francisco, CA 94111. (1) *Electrical appliances, equipment and parts*, as described in Appendix VII of Ex Parte No. MC–45, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, (2) *Air Conditioning units, parts and supplies* and (3) *construction materials*; from Alameda, Santa Clara, San Mateo and San Francisco Counties, CA to points in the Reno Commercial Zone, NV., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 10 statements in support attached to this application which may be examined at the I.C.C. in Washington, D.C. or copies of which may be examined in the field office named below. Send protests to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105. The purpose of this publication is to properly indicate the territorial scope of this application.

MC 115826 (Sub-482TA), filed June 1, 1979 and published in the **Federal Register** issue of July 16, 1979 and republished as corrected in this issue. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Chemicals, NOI, cleaning, defoaming and paint removing compounds, solvents, plastic liquid, ink, plastic sheeting, machinery, machinery parts, paint, lacquer, varnish and paint thinner*, between facilities of Thiokol/Dynachem Corporation, Orange County, CA, on the one hand, and on the other hand, Indianapolis and Terre Haute, IN, Elmhurst, IL, Herndon, VA, Charlotte and Matthews, NC, Moss Point, MS, Kearney, NJ, Farmingdale, NY, Woburn and South Hadley Falls, MA; and from Moss Point, MS to Charlotte and Matthews, NC and South Hadley Falls, MA, for 180 days. Supporting shipper(s): Thiokol/Dynachem Corp., P.O. Box 12047, Santa Ana, CA 92711. Send protests to: Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202. The purpose of this republication is to add a destination point to the second territory described above.

MC 1977 (Sub-37TA), filed July 31, 1979 and previously published in the **Federal Register** and republished as corrected this issue. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Authority sought to operate as a *common carrier*, over regular routes transporting: *general commodities (except those of unusal value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities, which because of size or weight, require special handling or the use of special equipment)*; regular routes: (1) between Pasco, WA and Olympia, WA, serving the intermediate points of Seattle and Tacoma, WA, and points between Pasco and Ellensburg, WA (including the designated termini), together with off-route points within a 50 mile radius of Tacoma and those within 10 miles of the designated highway between Pasco and Ellensburg; from Pasco over WA Highway 14 to Kennewick, WA, then via U.S. Highway 12 and I–82 (as now existing or as hereinafter completed) to the junction of I–90, then over I–90 via Ellensburg to Seattle, then via I–5 to Olympia and return over the same route; (2) between Pasco, WA and Eugene, OR, serving as intermediate points Kennewick, WA, and intermediate points between Portland, OR and Eugene, OR (including the designated termini), and as off-route points Corvallis, OR and those points within a 50 mile radius of Portland; from Pasco over WA Highway 14 to Kennewick, then via Highway 14 and unumbered OR highway to Umatilla, OR, then via U.S. Highway 730 to junction I–80 N, then via I–80 N to a destination in the states of WA and OR. ALTERNATE ROUTES: (for joinder and operating convenience only) (1) between Boise, ID and Albany, OR; from Boise over I–80 N to junction U.S. Highway 20, then via U.S. Highway 20 to Albany and return over the same route; (2) between Boise, ID and Portland, OR; from Boise over I–80 to junction U.S. Highway 26, then via U.S. Highway 26 to Portland and return over the same route; (3) between Spokane, WA and Seattle, WA; from Spokane over I–90 to Seattle and return; (4) between Boise, ID and Kennewick, WA; from Boise over I–80 N to junction U.S. Highway 395, then via U.S. Highway 395 to junction U.S. Highway 730, then over U.S. Highway 730 to Umatilla, OR, then over unnumbered highway to junction WA Highway 14, then via WA highway 14 to Kennewick and return over the same route; (5) between Boise, ID and Portland, OR; from Boise over I–80 N to Portland and return over the same route; (6) between Portland, OR and Olympia, WA; from Portland over I–5 to Olympia and return over the same route for 180 days. Restricted in (1) through (6) inclusive above against any traffic

having both an origin and a destination in the states of WA and OR. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): 800 supporting statements can be examined at the address below, or at Headquarters in Washington, D.C. Send protests to: Roger L. Buchanan, ICC, 492 U.S. Customs House, Denver, CO 80202. The purpose of this republication is to properly indicate the territorial scope of this application.

MC 147897 (Sub-TA), filed July 23, 1979 and published in the Federal Register of September 17, 1979, and republished as corrected in this issue. Applicant: J. C. ROSS, d.b.a. ROSS TRUCKING CO., Route 3, John Hall Road, Knoxville, TN 37920. Representative: John J. Duncan, Jr., Suite 350, City & County Bank, One Regency Square, Knoxville, TN 37915. *(1) Industrial and agricultural lime, limestone, and limestone products* from the facilities utilized by Tennessee Luttrell Lime Company and Luttrell Mining Company at or near Luttrell, TN to points in NC, SC, KY, OH, VA, GA, IN, AL, IL, and WV, and (2) *Industrial and agricultural lime* from the facilities utilized by Williams Lime Mfg Co., Inc. at or near Knoxville, TN to points in NC, SC, KY, OH, VA, GA, IN, AL, IL and WV, for 180 days. Supporting shipper(s): Tennessee Luttrell Lime Co. and Luttrell Mining Co., P.O. Box 11705, Knoxville, TN 37919. Williams Lime Mfg. Co. Inc., P.O. Box 2286, Knoxville, TN 37901. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203. The purpose of this republication is to indicate where protests must be sent.

Notice No. 183

MC 2202 (Sub-606TA), filed August 17, 1979. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment* serving the plantsite of AMP, Inc. at or near Shrewsbury, PA as an off-route point in connection with applicant's present authority for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): AMP, Inc., P.O. Box 3608, Harrisburg, PA 17105. Send protests to: I.C.C., Federal Reserve Bank Building, 101 N. 7th Street, Room 620, Philadelphia, PA 19106.

MC 2202 (Sub-604TA), filed August 7, 1979. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. *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 Amarillo, TX and Holbrook, AZ serving all intermediate points and points in their commercial zones: From Amarillo over US Highway 66 to Holbrook, and return over the same route. 2. Between Amarillo, TX and Las Cruces, NM serving all intermediate points and points in their commercial zones: From Amarillo over US Highway 60 to junction US Highway 70 to Las Cruces, and return over the same route. 3. Between Las Cruces and Albuquerque, NM serving no intermediate points: From Las Cruces over Interstate Highway 25 to Albuquerque, and return over the same route for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 21 supporting shippers. Send protests to: I.C.C., Federal Reserve Bank Building, 101 N. 7th Street, Room 620, Philadelphia, PA 19106.

MC 2202 (Sub-605TA), filed August 16, 1979. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. *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 El Paso, TX and Hobbs, NM, serving the intermediate point of Carlsbad, NM and points in their commercial zones and serving El Paso for joinder only: From El Paso over U.S. Hwy 180 to Hobbs, and return over the same route. 2. Between Carlsbad, NM and Roswell, NM, serving all intermediate points and points in their commercial zones and serving Roswell for joinder only: From Carlsbad over U.S. Hwy 285 to Roswell, and return over the same route. 3. Between Tucumcari, NM and Albuquerque, NM, serving all intermediate points and the off-route points of Espanola and Los Alamos, and points in their commercial zones and serving Tucumcari for joinder only: From Tucumcari over NM Hwy 104 to Las Vegas, then U.S. Hwy 85 to Albuquerque, and return over the same route for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack authority sought herein with authority held under MC 2202 and interline at all points of interchange. Supporting shipper(s): There are 10 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: I.C.C., Federal Reserve Bank Building, 101 N. 7th Street, Room 620, Philadelphia, PA 19106.

MC 2962 (Sub-68TA), filed July 27, 1979. Applicant: A & H TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, IN 47711. Representative: George M. Catlett, Suite 708, McClure Building, Frankfort, KY 40601. *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment,* serving Calvert City, KY and its Commercial Zone as defined by the Commission as an off route point in connection with carriers presently authorized regular-route operations for 180 days. 49 supporting shippers. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Room 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 15242 (Sub-6TA), filed August 21, 1979. Applicant: CAUTHEN GIN & BAG CO., INC., Rt. 4, Box 550, Monroe, NC 28110. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. (a) *Textile products, materials and supplies used in the manufacture thereof (except in bulk),* (1) from Philadelphia, PA and points in its commercial zone; Fairfield, NJ and points in its commercial zone; and Baltimore, MD and points in its commercial zone, to points in TX, MN and in and east of MS, TN, KY, IL, WI and MI; (2) from points in TX, MN and in and east of MS, TN, KY, IL, WI and MI to Philadelphia and York, PA and points in their commercial zones; Jersey City and Elizabeth, NJ and points in their commercial zones; and Baltimore, MD and points in its commercial zone; (b) *vinyl film and sheeting, materials and supplies used in the manufacture thereof (except in bulk),* (1) from Philadelphia, PA and points in its commercial zone, to points in TX and in and east of MS, TN, KY, IL, WI and MI; (2) from points in NC, SC, GA and AL, to Philadelphia, PA and points in its commercial zone; (c) *liquid detergents and abrasives, materials and supplies used in the manufacture thereof (except in bulk),* (1) from Philadelphia, PA and points in its commercial zone, to points in TX, AR, MO and in and east of MS, TN, KY, IL, WI and MI; (2) from points in GA and NY, to Philadelphia, PA and

points in its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 12 supporting shippers in this application. Their statements may be examined at the office listed below or Headquarters. Send protests to: Sheila Reece, TA, 800 Briar Creek Rd.—Rm. CC516, Charlotte, NC 28205.

MC 15242 (Sub-7TA), filed August 9, 1979. Applicant: CAUTHEN GIN & BAG CO., INC., Rt. 4, Box 550, Monroe, NC 28110. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. *Textile products and equipment, materials and supplies used in the manufacture thereof (except in bulk),* (1) from Gaffney and Greenville, SC, and points in their commercial zones; Charlotte, Roanoke Rapids, Salisbury, Pineville, Monroe and Lumberton, NC, and points in their commercial zones, to points in TX, OK, MN and in and east of MS, TN, KY, IL, WI and MI; (2) from points in TX, OK and in and east of MS, TN, KY, IL, WI, and MI, to Charlotte, Monroe and Lumberton, NC, and points in their commercial zones for 180 days. A corresponding ETA seeks 90 days authority. Supporting shipper(s): There are 11 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Terrell Price, 800 Briar Creek Rd.—Rm. CC516, Charlotte, NC 28205.

MC 32122 (Sub-3TA), filed August 2, 1979. Applicant: PAZEN TRANSFER LINES, INC., P.O. Box 243, Waukau, WI 54980. Representative: James Spiegel, 6425 Odana Rd., Madison, WI 53719. *Baked goods and materials, equipment and supplies used in the manufacture, storage or distribution of baked goods,* between Ripon, WI and points in IA, IL, IN, MI, and MN, restricted to transportation originating from or terminating at facilities of Ripon Foods, Inc. and Heritage Wafers, Ltd., Ripon, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ripon Foods, Inc., Oshkosh St., Ripon, WI 54971. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 47583 (Sub-107TA), filed August 21, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. *(1) Plastic articles, and such equipment, materials and supplies used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk and those which because of size or weight require the use of special equipment);* between the facilities of Fort Howard Paper Company, at or near Muskogee, OK, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, IL, KS, LA, MO, MT, NE, NV, NM, OK, OR, TX, UT, WA, and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fort Howard Paper Co., 1919 S. Broadway, Green Bay, WI 54301. Send protests to: Vernon V. Coble, DS, ICC—600 Fed. Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 56082 (Sub-76TA), filed August 23, 1979. Applicant: DAVIS & RANDALL, INC., 52 E. Main Street, Fredonia, NY 14063. Representative: Harold L. Furness (same address as above). *Such merchandise as is dealt in by wholesale, retail and chain grocery and feed houses in containers, being cereals, soft moist pet food and feed animal, except bulk and frozen,* from Dunkirk NY to points in OH, PA, WV, MI and New York and Long Island, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company, 3800 Middle Rd., Dunkirk NY 14048. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron St., Buffalo, NY 14202.

MC 61403 (Sub-27TA), filed August 13, 1979. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11W, Kingsport, TN 37662. Representative: James P. Ray (same address as applicant). *White Oil and Sulfonates, in bulk, in tank vehicles,* from plant site of Marathon Morco Co., Dickinson, TX to FL, GA, IL, KS, IA, MD, MS, MO, NE, NJ, NY NC, OH, & TN, for 180 days. Supporting shipper(s): Marathon Morco Company, 4151 Southwest Fwy., Suite 508, Houston, TX 77027. Send protests to: Glenda Kuss, TA, ICC, Suite A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 61592 (Sub-469TA), filed June 25, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: Donald W. Smith, 9000 Keystone Crossing, Indianapolis, IN 46240. *Panel and panel sections* from Louisville, KY to Beverly, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Lisco, Inc., 725 Bean Blossom, Louisville, KY 40213. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 East Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 69052 (Sub-38TA), filed July 2, 1979. Applicant: REED TRUCKING COMPANY, INC., P.O. Box 216, Milton, DE 19968. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Washington, DC 20004. *Dry chemicals,* except in bulk, from Syracuse, Buffalo, Niagara Falls, and Seneca Falls, NY to the facilities of Robinson Chemical Company, Inc. at Cambridge, MD for 90 days. An Underlying ETA seeks 90 days. Supporting shipper(s): George H. Robinson III, President, Robinson Chemical Company, Inc., P.O. Box 264, Cambridge, MD 21613. Send protests to: W.L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 69833 (Sub-148TA), filed August 28, 1979. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue NW, 6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad, 200 Monroe Avenue NW, 6th Floor, Grand Rapids, MI 49503. *Glass Containers and accessories;* from the facilities of Anchor Hocking Glass Company, Gurnee, IL to Memphis, MI. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anchor Hocking Corporation, 109 North Broad Street, Lancaster, OH 43130. Send protests to: C. R. Flemming, D/S I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 75302 (Sub-14TA), filed August 27, 1979. Applicant: DOUDELL TRUCKING COMPANY, 555 E. Capitol Avenue, Milpitas, CA 95305. Representative: R. C. Chauvel, 100 Pine St., Suite 2550, San Francisco, CA 94111. Common carrier; irregular routes: *Ammonium Perchlorate,* in bins from Henderson, NV to Nimbus, CA and return shipments of empty bins from Nimbus CA to Henderson, NV, between the facilities of Aerojet Tactical Systems at Nimbus, CA and Henderson, NV restricted to shipments moving for the amount of Aerojet Tactical Systems, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Aerojet Tactical Systems, P.O. Box 13400, Sacramento, CA 95813. Send protests to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 75302 (Sub-15TA), filed August 27, 1979. Applicant: DOUDELL TRUCKING COMPANY, 555 E. Capitol Avenue, Milpitas, CA 95305. Representative: M. Handler & R. Chauvel, 100 Pine St., San Francisco, CA 94111. Common carrier; irregular routes: *Alcoholic Beverages,* between points in California and the Plantsites of Southern Wine and Spirits of Nevada, Inc., located in Las Vegas and Sparks, Nevada: Restricted to shipments moving for the account of Southern Wine and Spirits of Nevada, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southern Wine and Spirits of Nevada, Inc., 4500 Wynn Rd., Las Vegas, NV 89103. Send protests to: D/S Neil C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 81133 (Sub-5TA), filed August 6, 1979. Applicant: CORKERY FUEL & MATERIALS COMPANY, 1017 Mary Candace Lane, St. Louis, MO 63125. Representative: Michael W. O'Hara, Atty., 300 Reisch Bldg., Springfield, IL 62701. *Coal*, for the account of River Cement Co., from Ava, DuQuoin, West Frankfort and Sparta, IL to Festus, MO, for 180 days. Supporting shipper(s): River Cement Company, P.O. Box 14545, St. Louis, MO 63178. Send protests to: P. E. Binder, TS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 103993 (Sub-991TA), filed July 5, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani and/or James B. Buda (same address as applicant). (1) *Iron and steel articles*, from the plantsite and warehouse facilities of Magnum, Inc., at or near Buffalo, NY to points in the United States in and east of the States of ND, SD, NE, KS, OK and TX. (2) Return shipments of materials, equipment and supplies used in the manufacture, sale and distribution of iron and steel articles, (except commodities in bulk), from points in the United States in and east of the States of ND, SD, NE, KS, OK and TX to the plantsite and facilities of Magnum, Inc., at or near Buffalo, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Magnum, Inc., 20100 Civic Center Drive, Suite 313, Southfield, MI 48076. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 103993 (Sub-992TA), filed July 5, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda and/or Paul D. Borghesani (same address as applicant). *Trailers (except those designed to be drawn by passenger automobiles) in initial movements*, from the plantsite of Swan, Inc., at or near Powhatan, VA, to points in the United States (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Swan, Inc., P.O. Box 29540, Richmond, VA 23229. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 103993 (Sub-993TA), filed July 5, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani and/or James B. Buda (same address as applicant). (1) *Hardwood systems and hardwood flooring*, (2) *materials and supplies used in the installation thereof*, and (3) *wood products, lumber and millwork*, from Iron County, MI to points in the United States in and east of ND, SD, NE, KS, OK and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: AGA, Inc., P.O. Box 25, Amasa, MI 49903. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 103993 (Sub-994TA), filed July 9, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda and/or Paul D. Borghesani (same address as applicant). *Buildings in section mounted on wheeled undercarriages*, from the plantsite of Grizzly Manufacturing at or near Hamilton, MT to points in ID, NV, WY, UT, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Grizzly Manufacturing, P.O. Box 1070, Hamilton, MT 59840. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 103993 (Sub-995TA), filed August 24, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda and/or Paul D. Borghesani (same address as applicant). *Iron and steel articles*, between points in the United States in and east of the States of ND, SD, NE, KS, OK and TX. Restricted to traffic which originates at or is destined to the facilities of Gregory Galvanizing, Inc. at Canton, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Gregory Galvanizing, Inc., 1723 Cleveland Avenue SW, Canton, OH 44706. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Room 429, Idianapolis, IN 46204.

MC 103993 (Sub-996TA), filed July 2, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani and/or James B. Buda (same address as applicant). *Ferrous and non-ferrous metal scrap and battery scrap*, (1) from the facilities of Commercial Metals Company at Dallas, Lubbock, Beaumont, Houston, Ft. Worth, San Antonio, Odessa and Corpus Christi, TX; Atlanta, GA; Jacksonville, FL; and Mobile AL; and, (2) from the facilities of Newell Salvage in San Antonio, TX; and, (3) from the facilities of Glow Metals in Lancaster, TX to all points in the United States (except AK and HI) for 180 days. Supporting Shipper: Commercial Metals Company, 3000 Diamond Park Drive, Dallas, TX 75221. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Room 429, Indianapolis, IN 46204.

MC 105782 (Sub-17TA), filed August 9, 1979. Applicant: HUGHES REFRIGERATED EXPRESS, INC., P.O. Box 2106, Haines City, FL 33844. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801. *Bananas* from Tampa, FL to IL, WI, MI, IN, OH, PA, NC, SC, and NY for 180 days. Supporting Shipper(s): Turbana Banana Corp., 2701 LeJeune Rd., Coral Gables, FL 33134. Send protests to: Donna M. Jones, T/A, ICC—BOp;, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 106523 (Sub-6TA), filed August 1, 1979. Applicant: CARLSON TRANSPORT, INC., P.O. Box 20214, Billings, MT 59104. Representative: Donald L. Sand (same address as applicant). *Salt, in bulk*, from Lake Point, UT to points in MT for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Leslie Salt Co., 866 W. 2600 S., Salt Lake City, Ut 84119. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 106603 (Sub-208TA), filed August 17, 1979. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., P.O. Box 8099, Grand Rapids, MI 49508. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *(1) Metal roofing and roofing materials* from the facilities of Roof Systems, Inc. located at or near Grand Rapids, MI to points in IL, IN, OH, KY, PA, NJ, NY, DE, MD, WV, MO, IA, WI and VA. (2) *Materials, equipment and supplies* used in the manufacturing and distribution of metal roofing and roofing materials from Middletown, OH to the facilities of Roof Systems, Inc. located at or near Grand Rapids, MI. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Roof Systems, Inc., 5380 36th Street SE., Grand Rapids, MI 49508. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 107012 (Sub-426TA), filed July 16, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Furnaces and air conditioning units*, from the facilities of Friedrich Group-Wylain, Inc. located at or near Utica, NY to points in FL and Lawrenceville, GA for 180 days. Supporting shipper(s): Friedrich Group-Wylain, Inc., 2007 Beechgrove Pl., Utica, NY 13501. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E.

Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 107012 (Sub-427TA), filed July 18, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Paper and paper products,* from the facilities of Scott Paper Co. located at or near Dover, DE, Philadelphia, PA and the commercial zone of Philadelphia, PA, Fort Edward and Albany, NY and Winslow, ME, to points in OH, IN, IL, MI, MO, WI, NC, SC, GA, AL, KY and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Scott Paper Company, Scott Plaza, Philadelphia, PA 19113. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 107012 (Sub-428TA), filed July 19, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Carpet tile* from the facilities of Armstrong Cork Company at or near Marietta, PA to points in IL, IN, IA, KS, KY, MI, MO, NE, OH, and WI for 180 days. Supporting shipper(s): Armstrong Cork Company, P.O. Box 3001, Lancaster, PA 17604. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 107012 (Sub-429TA), filed July 19, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Plastic and steel containers, pails, covers, caps and handles,* from the facilities of Bennett Industries located at or near Peotone, IL, to points in IN, MI, OH, KY, WI, MO, IA and MN, for 180 days. Supporting Shipper: Bennett Industries, Division of Growth International Industries Corporation, Peotone, IL 60468. Send Protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 107012 (Sub-430TA), filed July 26, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford (Same address as applicant). *Floral foam and floral supplies,* from the facilities of S. S. Pennock Company at Finderne, NJ to points in NE, KS, CO, TX and OK for 180 days. Supporting Shipper: S. S. Pennock Company, Stokley Street, Philadelphia, PA 19129. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 107012 (Sub-431TA), filed July 30, 1979. Applicant: Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (Same address as applicant). *Artificial Christmas trees,* from the facilities of Marathon Carey-McFall Company, at or near Montgomery, Avis, Jersey Shore and Harrisburg, PA and Longview, TX to points in the United States (except AK and HI) for 180 days. Supporting Shipper: Marathon Carey-McFall Company, P.O. Box 98, Montoursville, PA 17754. Send protests to: Beverly J. Williams, Transportation Assistant, ICC 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 107012 (Sub-432TA), filed August 30, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (Same address as applicant). *Carpet padding,* from Shelbyville, TN to points in AR, KS, MN, ND and OK for 180 days. Supporting Shipper: General Felt Industires, Inc. Park 80 Plaza, West-one, Saddle Brook, NY 07662. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St. Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 107403 (Sub-1261TA), filed June 21, 1979. Applicant: MATLOCK, INC. 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Pulverized talc, in bulk, in tank vehicles,* from Gassetts, VT to Royston, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Johnson & Johnson Baby Products Company, 240 Centennial Ave., Piscataway, NJ 08854. Send protests to: I.C.C., Fed. Res. Bank Bldg. 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1262TA), filed July 18, 1979. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Petroleum and petroleum products,* in bulk, in tank vehicles, from all pts, in Jefferson County, TX to all pts in the US (except AK & HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Texaco Inc., 111 Rusk, Houston, TX 77002. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 110012 (Sub-61TA), filed August 20, 1979. Applicant: ROY WIDENER MOTOR LINES, INC., 707 N. Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr. or Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C. 20004. *Canned goods,* from Moorhead, MS to points in TN, VA, NC, SC, GA and KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allen Canning Co., P.O. Box 250—305 E. Main St., Siloam Springs, AR 72761. Send protests to: Glenda Kuss, TA, ICC, 801 Broadway, U.S. Courthouse, Suite A-422, Nashville, TN 37203.

MC 113362 (Sub-363TA), filed August 6, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. *Candy and confectionery (except commodities in bulk)* from the facilities used by Confectionary Consolidators, Inc. at New York, NY, and its commercial zone and Philadelphia, PA, and its commercial zone to Dallas, Garland, Houston, and San Antonio, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Confectionary Consolidators, Inc., 797 Hillside Rd., Rahway, NJ 07065. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-646TA), filed August 3, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). (See attached appendix A) . . . for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 13 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114562 (Sub-10TA), filed August 1, 1979. Applicant: WENDELL TRANSPORT CORP., 500 Industrial Dr., Wendell, NC 27591. Representative: Same as applicant. *Anhydrous ammonia, in bulk, in tank vehicles,* from Wilmington, NC to points in SC, for 180 days. Supporting shipper(s): W. R. Grace & Co., Agricultural Chemicals Group, P.O. Box 368, Wilmington, NC 28402. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 115162 (Sub-499TA), filed August 24, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (P.O. Box same as applicant). *Paper and paper articles, bags, and wrapping paper* from the facilities of International Paper Company at or near Jackson, TN to points in the United States in and east

of ND, SD, NE, KS, OK, and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Paper Company, 220 East 42nd Street, New York, NY 10017. Send protests to: Mabel E. Holston, T/A ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 115162 (Sub-500TA), filed July 17, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Box 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). *(1) Tractors (except those with vehicle beds, bed frames and fifth wheels, (2) equipment designed for use in conjunction with tractors, (3) agricultural, industrial and construction equipment, and (4) attachments for the commodities in (2) and (3) above;* from the facilities of J. I. Case Company at or near Burlington and Bettendorf, IA to points in the States of AL, AR, FL, GA, LA, MS, TN and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. I. Case Company, 700 State Street, Racine, WI 53404. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 115162 (Sub-501TA), filed August 2, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). *Industrial weights and counterweights, castings, plastic reels and plastic containers* from points in Lee County, AL to points in the United States in and east of ND, SD, NE, KA, OK and TX; and *Materials and supplies used in the manufacture and distribution of industrial weights and counterweights, castings, plastic reels and plastic containers* (except commodities in bulk, in tank vehicles), from points in the United States in and east of ND, SD, NE, KA, OK, and TX to points in Lee County, AL. Supporting shipper(s): Castone Corporation, P.O. Box 747, Opelika, AL 36801; Data Technology Corp., 420 Williamson Avenue, Opelika, AL 36801. Send protests to Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 116913 (Sub-8TA), filed May 7, 1979. Applicant: RAYMOND BUIS, d.b.a. BUIS TRUCKING, 110 Tandy Ave., Somerset KY 42501. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *dry fertilizer,* in bulk, from the plantsite of C. F. Industries, Inc., Terre Haute Nitrogen Complex, near Terre Haute, IN, to points in KY for 180 days. Supporting shipper(s): O. J. Adams, Area Rep.—Ky., Southern States Cooperative, Inc., P.O. Box 13065, Louisville, KY 40213. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, KY 40202.

MC 118202 (Sub-132TA), filed July 16, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: John Rhodes, P.O. Box 5000, Waterloo, IA 50704. *General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment* (1) from facilities of West Coast Shipper's Assoc., Inc. at Philadelphia, PA and Jersey City, NJ to points in IL, MN, MO and WI, and (2) between Chicago, IL and Marinette, WI and Part 2 from the facilities of East West Shipper's Assoc. at Chicago, IL to Philadelphia, PA and Jersey City, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): West Coast Shipper's Assoc., Inc. and East West Shipper's Assoc., 2000 S. 71 St., Philadelphia, PA 19145. Send protests to: Judy Olson, TA, ICC, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, MN 55401.

MC 118202 (Sub-130TA), filed July 3, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. *Plastic containers* from Port Clinton, OH, Prescott, Tucson and Scottsdale, AZ, Oakland, TN, Omaha, NE, and Ft. Lauderdale, FL, to Winona, MN, for 180 days. Supporting shipper(s): Technigraph Corporation, 850 West Third Street, Winona, MN 55987. Send protests to: District Supervisor, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 118263 (Sub-91TA), filed July 17, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. *Frozen foodstuffs, except in bulk, moving in vehicles equipped with mechanical refrigeration,* from the facilities of Freezer Queen Foods, Inc., a Division of Nabisco, Inc. at Buffalo, NY, to points in the United States east of MN, IA, MO, AR and LA, for 180 days. Supporting shipper: Freezer Queen Foods, Inc., Division of Nabisco, Inc., 975 Fuhrman Boulevard, Buffalo, NY 14203. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 118263 (Sub-92TA), filed July 17, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. *Photographic paper and materials requiring refrigeration,* from Baltimore, MD, Charleston, SC, Newark, NJ, New York, NY, Norfolk, VA and Philadelphia, PA to points in IL, IN, KY, MI, MN, MO and OH for 180 days. Supporting shipper: Mitsubishi International Corporation, 2100 John Hancock Center, 875 N. Michigan Ave., Chicago, IL 60611. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 118263 (Sub-93TA), filed July 26, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. *Bakery products, pastry and dough, moving in vehicles equipped with mechanical refrigeration,* from the facilities of the Eckel Baking Company at Clearwater, FL to La Porte, IN; Bristol, VA; Goldsboro, NC; Orangeburg, SC and Baltimore, MD for 180 days. Supporting shipper: Eckel Baking Company, 2141 Logan St., Clearwater, FL 33515. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 118263 (Sub-94TA), filed August 6, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. *Candy,* from the facilities of M&M/MARS at Hackettstown, NJ, Elizabethtown, PA and Elizabeth, NJ to points in OH, MI, IN, IL and KY and from the facilities of M&M/MARS at Chicago, IL to points in MA, for 180 days. Supporting Shipper: M&M/MARS—Division of Mars, Incorporated, High Street, Hackettstown, NJ 07840. Supporting Shipper: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 123872 (Sub-110TA), filed July 12, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. *New furniture and furniture parts* (1) from Rutherford County, NC to points in CA, CO, IL, IA, KS, MN, NE, NM, OK, TX

and WI and (2) from Caldwell County, NC to points in OK, TX and MN, for 180 days. Supporting Shipper(s): G. F. Business Equipment, Inc., Forest City, NC 28645; Broyhill Furniture Industries, Inc., Broyhill Park, Lenoir, NC 28633. Send protests to Terrell Price, 800 Briar Creek Rd—Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 124673 (Sub-40TA), filed August 16, 1979. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Gail Johnson (same address as applicant). *Liquid fertilizer*, from Moore and Hutchinson Counties, TX, to points in CO, KS, NE, and OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Texas Sulphur Products Company, 204 Bryan Street, Borger, TX 79007. Supporting Shipper: Martha A. Powell, TCS, I.C.C., Room 9A27 Federal Building, Fort Worth, TX 76102.

Notice No. 190

W-976 (Sub-4TA). Applicant: LYKES BROS. STEAMSHIP CO., INC., 300 Poydras Street, New Orleans, LA 70130. Applicant's representative: A. F. Babin, Chief of Intermodal Pricing, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, LA. By decision of September 9, 1979, the Motor Carrier Board granted Lykes Bros. Steamship Co., Inc., 180-day temporary authority to transport nuclear reactor components, by self-propelled vessel from the port of New Orleans, LA, to the port of Portland, OR, via the Panama Canal, under contract with the Babcock & Wilcox Co. Any interested person may file a petition for reconsideration with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, within 20 days of the date of this publication. Within 20 days of the filing of such petition, any interested person may file and serve a reply.

W-406 (Sub-14TA), filed September 8, 1979. Applicant: OHIO BARGE LINE, INC., 600 Grant Street, Pittsburgh, PA 15219. Applicant's representative: Henry M. Wick, Jr., Attorney at Law, 2310 Grant Building, Pittsburgh, PA 15219. By decision of September 19, 1979, the Motor Carrier Board granted applicant 150-day temporary authority commencing no sooner than October 1, 1979, to engage in the business of transportation by non-self propelled vessels with the use of separate towing service, in interstate or foreign commerce, in the transportation of iron and steel articles, from the facilities of United States Steel Corporation, at or near South Chicago, IL, and the facility of Central Wharf of Homestead District Works, at or near Munhall, PA, to lock and dam number one (mile 42.6) on the Red River in Louisiana. Any interested person may file a petition for reconsideration with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-32479 Filed 10-19-79; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 28640 (Sub-5)]

Chicago, Milwaukee, St. Paul & Pacific Railroad Co., Reorganization; Trustee's Plan of Reorganization

October 16, 1979.

Richard B. Ogilvie, Trustee of the Property of Chicago, Milwaukee, St. Paul & Pacific Railroad Company, represented by John W. Rowe, of Isham, Lincoln & Beale, One First National Plaza, Chicago, IL 60603, on September 28, 1979, filed with this Commission a plan of reorganization for the Chicago, Milwaukee, St. Paul & Pacific Railroad Company. The United States District Court for the Northern District of Illinois, Eastern Division, by Order No. 210, dated August 10, 1979, directed that the Trustee's plan of reorganization be submitted to the Commission, pursuant to section 77(d) of the Bankruptcy Act, 11 U.S.C. § 205(d). The plan is available for public inspection at the offices of the Interstate Commerce Commission during normal business hours.

Interested persons may participate as parties in the hearing to be held before the Commission required by section 77(d) of the Bankruptcy Act. In order to be considered a party, a written statement should be submitted which shall include the person's position, e.g., party protestant, or party in support, of the reorganization proceeding, and a request for oral hearing, if one is desired. Plans of reorganization may likewise be filed at any time before, or with the consent of the Commission, during the hearings by or on behalf of creditors being not less than 10 per centum in amount of any class of creditors, or by or on behalf of any class of stockholders being not less than 10 per centum in amount of any such class, or with the consent of the Commission, by any party of interest. Such submissions shall indicate the proceeding designation Finance Docket No. 28640 (Sub-No. 5) and an original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before November 21, 1979. Persons submitting written statements to the Commission shall, at the same time serve copies of such statements upon the applicant and upon the Clerk, United States District Court for the Northern District of Illinois, Eastern Division, 209 South Dearborn Street, Chicago, IL 60606.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-32477 Filed 10-19-79; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-7; Sub-86F]

Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—Abandonment—Portions of Pacific Coast Extension in Montana, Idaho, Washington, and Oregon

AGENCY: Interstate Commerce Commission, Office of Policy and Analysis, Energy and Environment Branch.

ACTION: Notice of availability of draft environmental impact statement prepared in above-entitled proceeding.

SUMMARY: On or about October 23, 1979 the Energy and Environment Branch will serve on the public and the Environmental Protection Agency (EPA) a copy of the draft environmental impact statement prepared in the above-entitled proceeding. This notice is intended as a supplement to that which will be published by EPA (approximately one week later), if upon review it finds the subject document to be acceptable for filing. Because of the need to expedite issuance of a decision in this proceeding, the period during which interested persons may file comments on the draft statement will extend only 30 days from the date that this notice is published in the Federal Register, (November 21, 1979).

FOR FURTHER INFORMATION CONTACT: Paul Mushovic or David Rector, Energy and Environment Branch, Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C. 20423, Tel. (202) 275-7916.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-32476 Filed 10-19-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 205
Monday, October 22, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, October 23, 1979.

PLACE: Commission Conference Room 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

MATTERS TO BE CONSIDERED:

1. Proposed Deferral of opening of ten area offices.
2. State and Local Program: Proposed FY-80 Backlog Charge Contract with the St. Louis Civil Rights Enforcement Agency.
3. Federal Instructions for Federal Affirmative Programs.
4. Freedom of Information Act Appeal No. 79-7-FOIA-237, concerning a request by a charging party for the contents of his charge file.
5. Proposed questionnaire requesting information on the impact of Federal employment opportunity programs and activities, to be sent to employers.
6. Proposed section 17 to the EEOC Compliance Manual; request for systemic investigation.
7. Report on Commission Operations by the Executive Director.

Closed

1. Litigation authorization: General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued October 16, 1979.

[FR Doc. S-2049-79 Filed 10-17-79; 4:10 pm]

BILLING CODE 6570-06-M

2

FEDERAL ELECTION COMMISSION.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, October 25, 1979 at 10:00 a.m.

CHANGE IN MEETING: The following items have been added to the agenda:

1. Proposed, Revised Regulations Governing Presidential Primary Matching Fund Eligibility.
2. Final Audit Report on the Federal Campaign Committee of Nevada.
3. Supplemental Outreach Program.
4. Executive Session (Closed to the Public) for the discussion of the Primary Matching Program.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone 202-523-4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S-2054-79 Filed 10-18-79; 3:23 pm]

BILLING CODE 6715-01-M

3

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: 2:30 p.m., October 25, 1979.

PLACE: 1700 G Street, N.W., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Henry Judy (202-789-4734).

MATTERS TO BE CONSIDERED: Privacy Act Publication.

No. 282, October 18, 1979.

J. Finn,
Secretary.

[S-2057-79 Filed 10-18-79; 3:23 pm]

BILLING CODE 6720-02-M

4

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 60001, October 17, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., October 22, 1979.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

2. Activities of Italia di Navigazione, S.p.A.

[S-2056-79 Filed 10-18-79; 3:23 pm]

BILLING CODE 6730-01-M

5

October 17, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10:00 a.m., October 16, 1979.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Closed (pursuant to 5 U.S.C. 552(c)(10)).

MATTER CONSIDERED:

1. *Helen Mining Company,* PITT 79-11-P.
2. *Kentland-Elkhorn Coal Corporation,* PIKE 78-399.

VOTE: Voting to close the meeting: Commissioners Waldie (Chairman), Backley, Jestrab, Lawson, and Nease. It was determined by this vote that Commission business required that this meeting be closed.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-2053-79 Filed 10-18-79; 3:01 pm]

BILLING CODE 6820-12-M

6

October 18, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10:00 a.m., Thursday, October 25, 1979.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Jim Walter Resources, Inc., BARB 77-266-P, and Cowin and Company, BARB 76X465-P.
2. Beckley Coal Mining Company, HOPE 77-92-P, IBMA 77-52.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-2055-79 Filed 10-18-79; 3:23 pm]

BILLING CODE 6820-12-M

7

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 10:00 a.m., Wednesday, October 31, 1979.

PLACE: Sheraton O'Hare Hotel, 6810 North Mannheim Road, Rosemont (Chicago), Illinois.

STATUS: This meeting is open to the public.

MATTERS TO BE CONSIDERED: Discussions of plans to minimize interruptions to rail operations this winter if severe weather conditions occur.

ADDITIONAL INFORMATION: The Informal Public Conference will be jointly held by the Interstate Commerce Commission's Bureau of Operations and the Association of American Railroads (AAR).

Last winter the Bureau of operations, Interstate Commerce Commission, in cooperation with the Association of American Railroads inaugurated a program of gathering and disseminating a daily report covering the new and accumulated snow levels for over one-hundred cities as well as the rail operational delays that were occurring at specific locations because of weather interference. The program has been evaluated and a conclusion reached that it should be continued for the coming winter with an emphasis on rail operational delays and reduced weather information. The Association of American Railroads will have the lead in developing a plan for this winter and will gather and disseminate the rail operational information on a daily basis. The October 31st informal public conference will provide an opportunity for the railroads, shippers and any other interested person to offer comments on what should be included in the plan for the coming winter.

FOR FURTHER INFORMATION CONTACT: William J. Love (202) 275–7614.

[S–2051–79 Filed 10–18–79; 11:42 am]

BILLING CODE 7035–01–M

8

NEIGHBORHOOD REINVESTMENT CORPORATION.

TIME AND DATE: 2:00 p.m., October 24, 1979.

PLACE: Board Room, Sixth Floor, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Donnie L. Bryant, 202–377–6480.

MATTERS TO BE CONSIDERED:

Call to Order and remarks of Chairman.
Approval of minutes:
a. Urban Reinvestment Task Force: November 7, 1978;
b. July 25, 1979, Regular Meeting;
c. September 5, 1979, Special Meeting.
Executive Director's Report.
Executive Committee Appointment.
Election of Officer: Director, Neighborhood Preservation Projects.
Directors' and Officers' Liability Insurance.
Treasurer's Report.
No. 8, October 17, 1979.

Donnie L. Bryant,

Secretary.

[S–2050–79 Filed 10–17–79; 4:10 pm]

BILLING CODE 0000–00–M

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: October 22 (changes), and October 23, 1979.

PLACE: Commissioner's Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Monday, October 22; 9:30 a.m.

1. Continuation of discussion of improving Commission Procedures and Full Access Provision (continued from 10/15, approximately 1½ hours, public meeting). Replaces discussion of fiscal year 1980 Domestic Safeguards Technical Assistance and Research Contractual Projects, which will be held on 10/23.

2. Discussion of Hearing Board Report in Clearance Rule Proceeding (RM 50–7) (approximately 1 hour public meeting) as announced.

Monday, October 22; 1:30 p.m.

1. Discussion of extension of Pat Down Search (if required) (approximately 1 hour public meeting) as announced.

2. Discussion of Personnel Matter (approximately 1½ hours, closed—exemption 6) as announced.

Tuesday, October 23; 9:30 a.m.

1. Briefing on EEO (approximately 1 hour, public meeting).

2. Affirmation Session (approximately 5 minutes, public meeting) items are tentative: a. Export of certain minor quantities of nuclear material.

3. Discussion of proposed agreement between the State of Rhode Island and NRC (approximately 1 hour, public meeting).

Tuesday, October 23; 1:30 p.m.

1. Discussion of fiscal year 1980 Domestic Safeguards Technical Assistance and Research Contractual Projects (approximately 1½ hours, public meeting) rescheduled from 10/22.

2. Discussing of Personnel Matter (approximately 1½ hours, closed—exemption 6).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

[S–2052–79 Filed 10–18–79; 3:01 pm]

BILLING CODE 7590–01–M

10

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 9:30 a.m., Thursday, October 25, 1979. (Meeting No. 1229).

PLACE: Conference Room B–32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

MATTERS FOR ACTION:

Personnel Actions

1. Revised pay plan and salary schedule for management schedule employees.

Consulting and Personal Services Contracts

1. Renewal of consulting contract with Richard H. Stroud, Washington, D.C., for advice and assistance in the field of fish conservation, requested by the Office of Natural Resources.

2. Renewal of consulting contract with Robert H. Park, Brewster, Massachusetts, for services in connection with the improvement of stability of large generators and reliability of bulk power supply at TVA power plants, requested by the Office of Power.

Purchase Awards

1. Req. No. 825385—Thermal reflective metal insulation for piping inside and outside containment for Bellefonte Nuclear Plant, Units 1 and 2.

2. Req. No. 824920—600-volt power cable, insulated conductor, for Hartsville and Phipps Bend Nuclear Plants.

3. Req. No. 163119—Turbine repair parts for Colbert Steam Plant.

4. Rejection of bids received in response in Invitation No. 823678 for station service transformers for Yellow Creek Nuclear Plant.

5. Req. No. 574480—Indifinite quantity term contract for crushed stone for Phipps Bend Nuclear Plant.

6. Req. No. 825510—Water chillers for Yellow Creek Nuclear Plant.

7. Req. No. 160927—Indefinite quantity term contract for genuine Diamond Power soot blower parts for any TVA project or warehouse.

8. Req. No. 585383—Indefinite quantity term contract for contemporary steel office furniture for any TVA project.

9. Amendment to Contract No. 73060–75210 with General Electric Company for nuclear steam supply systems and standard reactor island design for Hartsville Nuclear Plants A and B.

Project Authorizations

1. No. 3480—Field test of load management residential energy use display meters.

2. No. 3481—Replace variable speed induced-draft fan drives at Widows Creek Steam Plant Unit 8.

3. No. 3479—Implementation of a voluntary air-conditioning cycling program for the TVA power system.

Power Items

1. Bill of sale and quitclaim deed conveying to Warren Rural Electric Cooperative Corporation certain substations and transmission lines located in Edmonson, Logan, Simpson, and Warren Counties, Kentucky.

2. Deed conveying to Marshall-DeKalb Electric Cooperative a 2.62-acre substation site owned by TVA in the vicinity of Horton, Alabama.

3. First supplemental agreement to Interconnection Agreement with Louisville Gas and Electric Company to increase the demand charge for short-term power.

4. General agreement between Electric Power Research Insitutue and TVA covering arrangements for research and development with respect to production, transmission, distribution, and utilization of electric energy (Contract No. TV-50942A).

5. Contract No. TV-52301A between Electric Power Research Institute, UOP Inc., and TVA for construction, operation, and evaluation of the Dowa process for SO_2 control.

6. Supplement to Contract TV-36914A with Battelle-Columbus Laboratories, Columbus, Ohio, for technical assistance in nuclear technology and other evaluations.

7. Supplement to Memorandum of Understanding with Department of Energy for Oak Ridge National Laboratory to conduct fluidized bed combustion studies for TVA (Contract No. TV-48296A, Subagreement 5).

8. Interagency agreement with the Department of Energy for the demonstration of the use of electric and hybrid vehicles (Contract No. TV-48296A, Sugagreement 12).

9. Modification of arrangements for proposed nuclear fuel lease.

Real Property Transactions

1. Lease agreement with Roland E. Knapp for operation of a commercial recreation area (Cottonport Marina) affecting 15.8 acres of Chickamauga Reservoir land in Meigs County, Tennesee—Tract XTCR-1671.

2. Grant and conveyance of easements and highway rights of way to Franklin County, Alabama, for relocation of a county road located in Upper Bear Creek Reservoir.

3. Filing of condemnation suits.

Unclassified

1. TVA code on recognition of differing staff opinion on public health and safety.

2. Adoption of supplemental resolution authorizing 1979 Series D Power Bonds.

3. Resolution authorizing the Chairman and other Executive Officers to take further action relating to issuance and sale of 1979 Series D Power Bonds.

4. Watts Bar Nuclear Plant—Rhea County socioeconomic mitigation.

Dated: October 18, 1979.

CONTACT PERSON FOR MORE INFORMATION: Lee C. Sheppeard, Acting Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

[S-2058-79 Filed 10-18-79; 3:44 pm]

BILLING CODE 8120-01-M

federal register

Monday
October 22, 1979

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection

Neighborhood Self-Help Development Program; Requirements; Interim Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection

24 CFR Part 3610

[Docket No. R-79-715]

Neighborhood Self-Help Development Program; Program Requirements

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Interim Rule.

SUMMARY: The Neighborhood Self-Help Development Act of 1978 (42 U.S.C. *8123*) authorizes the Secretary to make grants and provide other forms of assistance to neighborhood organizations to prepare and implement neighborhood revitalization projects in low-and moderate-income neighborhoods. These interim regulations set the procedures for the award of grants and other forms of assistance under the Neighborhood Self-help Development Program. The purpose of this document is (1) to make effective the interim regulations which will govern the Neighborhood Self/Help Development Program until the regulations are finalized (2) solicit advice and comments from interested persons on the interim regulations prior to the issuance of final rules.

DATES: Effective date: November 21, 1979.

Comment due date: Comments received by January 7, 1980, will be considered prior to the publication of final regulations.

ADDRESS: Send comments to: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451–Seventh St., SW., Washington, D.C. 20410. Each person submitting a comment should include his/her name and address, refer to the document by the docket number indicated by the heading, and give reasons for any recommedation. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk, at the address listed above.

FOR FURTHER INFORMATION, CONTACT: Joseph B. McNeely, Office of Neighborhood Development, Room 4232, HUD, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone: 202–755–8227.

SUPPLEMENTARY INFORMATION: The Neighborhood Self-Help Development Act was passed by Congress as Title VII of Pub. L. 95–557 of the Housing and Community Development Amendments of 1978. This Act authorizes the Secretary to make grants and provide other forms of assistance to neighborhood organizations to prepare and implement neighborhood revitalization projects in low- and moderate-income neighborhoods. These neighborhood-based projects include support to housing, economic and community development and other appropriate neighborhood revitalization activities. The Act also specifies that assistance will be provided to these neighborhood organizations to implement such projects in partnership with local government and other public and private entities. The Neighborhood Self-Help Development Act was a component of the President's Urban Policy announced in March 1978 and authorized by Congress in August 1978. Since that time, the Department has received hundreds of letters of interest from neighborhood organizations which are planning to use this program for important neighborhood revitalization projects. Many of these organizations have commitments of matching funding contingent on the availability of Self-Help funds before the end of 1979. Those matching funding commitments may be lost if the organizations are not able to apply for, or receive, funding under this program expeditiously.

Furthermore, the Department has been operating a pilot program which includes funding to neighborhood organizations and technical assistance providers. Funding to both types of organizations lapses between October and December 1979. No other Department funds have been reserved to continue the activities of these organizations because it expected that the Self-Help program would be operational before the end of 1979. Without immediate availability of funds before the end of 1979, these neighborhood organizations and technical assistance providers will be left without any support to carry out their neighborhood revitalization activities.

For the foregoing reasons, the Secretary has determined that these regulations are needed to implement the program as quickly as possible. The Department, therefore, finds it impracticable and unnecessary to provide for public comment in advance of the effective date because there is an urgent need for the Neighborhood Self-Help Development funds to be made available immediately.

Therefore, these regulations are published as interim regulations because of the importance of immediate implementation. However, the Department recognizes the need for public comment, and a 75-day public comment period is being provided. The interim regulations may be changed in the light of comments received.

To ensure maximum involvement of interested persons during the public comment period, the Department will hold regional public meetings on the interim regulations. Final regulations reflecting consideration of the comments received will be adopted after the comment period closes.

The remainder of the Supplementary Information section describes what is included in the interim regulations and for what purpose. This information is to provide a clear understanding of what the Department is attempting to achieve through the Neighborhood Self-Help Development program.

Section 3610.101 states the purpose of the Neighborhood Self-Help Development Program. The intent to encourage and support neighborhood-initiated projects stems from the experience that programs conceived in Washington, D.C., are not always the most responsive methods of extending resources for neighborhood-based activities. Capacity-building is an important element in the Neighborhood Self-Help Development Program. Capacity-building either through grants, other forms of assistance or a combination of both, has been identified by neighborhood organizations as necessary to ensure their successful role in revitalization projects. In accordance with the intent of the Act, the interim regulations have defined capacity-building to mean grants which support preparation of projects; partial support for implementation costs; and other forms of assistance such as training, consultant services, brokering resources and information exchange. Capacity-building, under the interim regulations, also includes assistance for an encouragement of partnerships between neighborhood organizations and the local public and private sectors.

Section 3610.102 defines three terms: "Act", "neighborhood", and "low- and moderate-income".

HUD has determined that it is difficult to have a universally applicable definition of "neighborhood". Therefore, the term is defined in the interim regulations rather flexibly and several characteristics of a neighborhood are given in the regulation. This flexibility enables applicant organizations to

define their own neighborhoods. This flexibility is particularly supportive of neighborhoods as defined in small cities and rural areas.

The use of the term "low- and moderate-income" is HUD's newly revised standard definition for its Housing and Community Development programs.

Section 3610.103 describes the eligibility criteria for neighborhood organizations applying under this program. The first phrase of each criteria in the interim regulations quotes the criterion from the Act *verbatim*. Each criterion must be met by all organizations. The interim regulations state that HUD will select a mix of organizations. Groups including neighborhood non-profit rehabilitation sponsors, non-profit community development corporations, multi-service neighborhood centers and neighborhood economic development organizations will be eligible if they meet all of the criteria stated in the proposed regulations.

(a) The Act requires that the neighborhood organizations be broadly representative of the neighborhood where the project is located. The intent of the Act is to insure that the organization provides for the involvement of all income, racial, ethnic and age groups present within the neighborhood. The interim regulations require the organization to document that the general membership and the membership on each of its official boards and decision making bodies is comparable to the racial, ethnic, economic, age and sex distribution in the population of the neighborhood served.

(b) The Act requires that each applicant neighborhood organization be accountable to neighborhood residents with respect to the project being proposed. The interim regulations state that each applicant organization must have some structure for accountability since HUD has observed many different but successful decision-making processes involving neighborhood residents in planning and implementing projects. The interim regulations call for a structural requirement which ensures the broad representation of residents in the neighborhood where the project is being proposed. This interim regulation will enable city-wide neighborhood coalitions or multi-county organizations in rural areas to propose specific neighborhood projects if a board is organized primarily with residents of the proposed neighborhood project area.

The Act requires that applicant organizations have either a proven record or a demonstrable capacity to implement effectively neighborhood revitalization projects. The proposed regulations interpret a difference between "proven record" and "demonstrable capacity". "Proven record" means that the organization has a history of implementing projects of the same type and scale as those being proposed under the program. "Demonstrable capacity" enables organizations to propose projects in an acitivity area in which the organization has no history if the organization has been successful in preparing and/or implementing other types of revitalization or neighborhood-related projects, or a similar project on a smaller scale than that proposed. For each applicant, the organization's capacity will be reviewed according to the information provided.

The Act does not specify, but the interim regulations add other criteria for eligible applicants including existence of a Board of Directors and auditable records. Organizations must be non-profit, i.e., an organization which prohibits any of its net earnings from being distributed to its members, shareholders or other individuals. The requirement of the Board of Directors independent from the staff is to provide an "internal management check" for the purpose of accountability. Organizations are required to be incorporated as non-profit under applicable state law. These requirements also place the organization in a better position to receive other resources, particularly from the private sector.

Section 3610.104 describes eligible projects and defines eligible activities.

Little limitation has been placed on the types of *projects* which are eligible, so as to encourage a high level of local creativity by neighborhood organizations to meet their specific housing, community and economic development and neighborhood revitalization needs. The interim regulations also state that HUD will select a balance of different types of projects. Consistent with the intent of the Act, the interim regulations have no specific project categories and consider all housing, community and economic development projects to be eligible which are not excluded under § 3610.105. The examples cited in the interim regulations are those stated in the legislation. However, all projects which are consistent with HUD's overall objectives will be considered under this program. All proposed projects must directly benefit the residents of the low- or moderate-income neighborhood where the proposed project will be located (see § 3610.106(c) below).

The second part of § 3610.104 describes what *activities* are considered eligible under this program. The interim regulations clarify that the preparation of specific neighborhood projects must be directly tied to the project's implementation. A distinction between "project planning" and "project preparation" is suggested. The interim regulation does not allow support for the early stages of planning for a project (e.g., preliminary needs analysis to determine whether any new retail facility is needed in a neighborhood). Project preparation begins at the stage where the organization has idnetified the specific project, has completed the early stages of planning and has clear project structures, a financial projection and estimated timetable for the implementation of the project. In applying, the organization is expected to document the planning already accomplished.

The interim regulations also state that the program will not pay the full costs of implementation. Since the entire budget for the national program is rather small, it is essential that other public and private resources also support the implementation of projects.

Section 3610.105 describes activities which are ineligible under the program. The interim regulations state verbatim what is in the legislation. The Secretary has the discretion to determine other ineligible activities if they are inconsistent with the purposes of the Neighborhood Self-Help Development Program.

Section 3610.106 describes the criteria which must be met for each project being proposed for selection. The interim regulations state each of the criteria cited in the legislation and provide guidelines as to how an applicant organization may demonstrate how these project criteria are addressed. Each project must meet all seven criteria to some extent. The degree of accomplishment of each criterion will be the basis of project selection. Projects will not, however, be evaluated against one another, but rather on their own merit. This method of review and selection will be conducted through a "factors for award" process after the applications are submitted.

Section 3610.107 describes eligibility for the "other forms of assistance" stated in the Act. The interim regulations interpret this section to mean that assistance in preparing specific projects will be available to those organizations which apply to the program, whether they were successful or unsuccessful in receiving a grant. The assistance offered to these organizations will be either through HUD directly, or

through contracts and cooperative agreements. The interim regulations also define other forms of assistance to include assistance provided to neighborhood organizations to increase their capacity to engage in local partnerships with local public officials and private sector representatives.

Section 3610.108 states that each organization must submit, as a part of its application, certification from the chief elected official of the unit of general local government. The interim regulation directly reflects language in the Act.

Section 3610.109 states the requirements for the A–95 clearinghouse and review process which is required by most HUD programs which award grants.

Section 3610.110 describes the application procedures under this program.

Section 3610.111 describes the administration of the program. The Secretary has delegated the authority to develop and administer the program to the Office of Neighborhoods, Voluntary Associations and Consumer Protection (NVACP). The interim regulations state how grants will be available.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of the Finding of Inapplicability is available for public inspection in the Office of the Rules Docket Clerk at the above address.

Accordingly, 24 CFR is amended by adding a new Part 3610 to read as follows:

PART 3610—NEIGHBORHOOD SELF-HELP DEVELOPMENT PROGRAM

Sec.

3610.101 Purpose.
3610.102 Definitions.
3610.103 Eligible applicants.
3610.104 Eligible projects and activities.
3610.105 Ineligible activities.
3610.106 Project selection criteria.
3610.107 Eligibility for other forms of assistance.
3610.108 Local Government certification.
3610.109 A–95 Clearinghouse review and comment.
3610.110 Application requirements.
3610.111 Program administration
3610.112 Other program requirements.

Authority: Title VII of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8123)

§ 3610.101 Purpose.

The purpose of this program is to assist neighborhood organizations, through grants and other forms of assistance, to increase their capacity to effectively plan, finance, package and manage various housing, community and economic development projects which result in the revitalization of low- and moderate-income neighborhoods and which directly benefit the residents of those neighborhoods. The intent of the program is to encourage and support such projects as identified and developed by neighborhood organizations which are in the best position to determine the most appropriate ways to satisfy their neighborhoods' revitalization needs. The program will also provide assistance to neighborhood organizations to work in partnership with the public and private sectors to prepare and implement projects. Certification by the unit of general local government is required for each project being proposed by neighborhood organizations.

§ 3610.102 Definitions.

(a) "Act" means the Neighborhood Self-Help Development Act of 1978, Title VII of the Housing and Community Development Amendment of 1978.

(b) "Neighborhood" means, for the purpose of this program, a distinct geographical area which has a readily identifiable residential population. Ordinarily in urban and suburban areas, in cities with over 10,000 in population, a neighborhood is an area smaller than a city. Some of the factors which could be demonstrated in defining a neighborhood include:

(1) A sense of belonging or identity that ties residents to a given area;

(2) Social, cultural, political, or economic activities around which people organize themselves;

(3) The existence of cohesive organizations formed by residents;

(4) A history of acting or being treated as a distinct or cohesive unit.

Examples of this definition include: An area which is geographically separated from the rest of the city by a river and two highways and is known as the "South End" neighborhood; an area of several blocks of multi-family buildings where tenants have worked on several projects and which is identified by name; one, two or more adjacent public housing projects which have become identified as the "Joseph" project or area or community; a commercial area with residential areas adjacent to the main retail street which is known by both residents and business owners as the "Loeste" neighborhood.

In rural areas and in small cities with under 10,000 in population, there are active, community-based organizations which share all of the characteristics and carry out the functions of neighborhood development organizations in more populous areas. However, the target areas served are small cities or regions within a rural area.

Projects proposed by such organizations will be considered neighborhood projects if they meet the other requirements of this Act (§§ 3610.103 and 3610.104). Wherever the word "neighborhood" appears in the following regulations, it should be read as applying also to the target area, or areas, designated by an organization in a small city or rural area.

(c) "Low- and moderate-income" for the purpose of this program, means the following: Moderate-income is defined as persons whose income does not exceed 80 percent of the median income of all residents in the county; low-income is defined as persons whose income does not exceed 50 percent of the median income of all residents in the county.

§ 3610.103 Eligible applicants.

To be eligible, the applicant must be a voluntary, non-profit organization which meets each of the following criteria. The applicant must provide evidence which documents how each criterion has been met.

(a) The organization must be broadly representative of the neighborhood in which the project will be located. This may include representation from local businesses, financial, governmental and non-governmental entities. The applicant organization must provide evidence that its membership, its board of directors or the structure governing the project being proposed (see § 3610.103 (b) below) has an economic, racial, ethnic, age and sexual composition appropriate to the neighborhood where the proposed project will be located;

(b) The organization must be accountable to neighborhood residents with respect to the project being proposed. The applicant organization must provide and must describe a structure through which it is accountable to neighborhood residents for the proposed project. That structure may be the permanent corporate structure of the applicant organization or may be a structure of the applicant created specifically for the project being proposed.

(c) The organization must have as one of its objectives the preservation and revitalization of such neighborhoods. The applicant organization may submit its charter, by-laws, articles of incorporation, mission statements, minutes from board meetings, or other organizational documents which state this objective or may describe its past activities which demonstrate that it embraces this objective;

(d) The organization must be found by the Secretary to have a proven record or demonstrable capacity for developing resources for, and effectively implementing, neighborhood conservation and revitalization projects. In order for the Secretary to make such a determination, the applicant organization must provide evidence of:

(1) Successful past or present neighborhood revitalization activities or activities comparable to the neighborhood revitalization project being proposed; and

(2) Existing management expertise for development and administration of the neighborhood projects proposed.

The applicant organization will be responsible for documenting either its proven record or demonstrable capacity.

Both in the program area and in management ability applicant organizations may either have a *proven record* in the same type project as that which they propose, or they may have *demonstrated a capacity* for the project they propose by their success in a different type of project but one which required comparable program development and management skill.

Some examples of groups with a sufficient "proven record" are: A non-profit housing sponsor which has purchased and successfully managed several multi-family buildings now proposes to purchase, rehabilitate and manage several new properties; a neighborhood development organization which has done several improvement projects on a commercial strip now proposes to develop a vacant piece of property on the strip for a new supermarket. Some examples of groups with a "demonstrable capacity" for the programs they propose are: A tenants' organization with experience in housing management which now proposes to purchase the building for conversion to a cooperative; a multi-service neighborhood center with experience in running programs (i.e., food stamps, youth employment, social services) now proposes to design, finance and build a neighborhood retail project which results in job creation. The track record or capability of the applicant will be evaluated with respect to the scale and type of project being proposed;

All applicants must demonstrate their management capacity for the project they propose by documenting the skills and experience of their staff; the fiscal, personnel and program monitoring systems they are using; and their ability to retain and control the type of consultants needed for the project.

(e) The organization must be incorporated as a non-profit organization. The applicant organization must submit a copy of its Articles of Incorporation.

(f) The organization must have a Board of Directors, composed chiefly of elected persons who are other than paid staff of the organization, though a small number of paid corporate officers may be part of the Board. The applicant organization must submit a list of the names, occupations and addresses of the Board of Directors.

(g) The organization must have financial records in an auditable form, or must have had an audit of its financial records within the year prior to application.

HUD will endeavor to select a variety of applicant organizations by size, type and term of existence. Special attention will be given to applicants in non-metropolitan areas and in cities under 10,000 in population so that they receive a reasonable amount of funding available under this Act.

§ 3610.104 Eligible projects and activities.

Any housing, community and economic development projects which are not excluded under § 3610.105 and which contribute to the revitalization of low- and moderate-income neighborhoods and directly benefit the residents of those neighborhoods, will be eligible under this program. Examples include:

(a) Neighborhood-initiated housing rehabilitation;

(b) Creative reuse of existing buildings;

(c) Neighborhood commercial revitalization;

(d) Neighborhood economic development;

(e) Energy conservation and weatherization projects.

HUD will select projects to create a balance between the variety of types and sizes of eligible projects.

Grants and other forms of assistance under this program may support any activities necessary to prepare and implement specific neighborhood housing, economic and community development projects.

Preparation activities eligible under this program include, but are not limited to: Architectural services including services for making buildings and facilities accessible to and usable by the physically handicapped; rehabilitation specifications; financial planning and packaging; and land acquisition.

While implementation costs are eligible, the intent of the program is to fund only a small portion of the full costs of implementation. Especially where part of the capital or construction costs is requested, the program will require maximum use of other public and private financing. Examples of acceptable implementation costs are: A portion of the equity infusion in a local development corporation commercial project; or construction management costs of a housing or economic development project whose capital cost is funded by other sources.

§ 3610.105 Ineligible activities.

The following activities will not be eligible for assistance under this program:

(a) Planning functions which are not directly combined with project implementation;

(b) Public works such as street repairs which are not associated with the specific project being funded;

(c) Operating social services which are not associated with the specific project to be funded;

(d) Economic development which will not primarily benefit the residents of the neighborhood in which it will be located; and

(e) Operating costs of a community group which are not associated with the specific projects being funded;

§ 3610.106 Project selection criteria.

Any project being proposed by applicant organizations must meet each of the following criteria to some extent and provide evidence which documents the extent to which each of these criteria will be met:

(a) Projects must be related to and supportive of a conservation or revitalization strategy for the neighborhood in which the project is located. The applicant organization will be expected to document the needs and opportunities of the neighborhood; how the organization has planned to address those needs and opportunities over time; and how the proposed project fits into that strategy. The revitalization needs statement may include such factors as: Level of disinvestment, abandoned properties and other unused facilities; unemployment and income data; housing deterioration; lack of business providing essential goods and services; special levels of need of low- and moderate-income residents in portions of the neighborhood; the existence of architectural barriers to the physically handicapped.

(b) Projects must, to the extent feasible, include a self-help component which may involve a contribution of time or resources by neighborhood residents. The self-help component may include resources involved in project planning, preparation, implementation and/or evaluation. The level of self-help will be evaluated in comparison to the

type of project being proposed by the applicant;

(c) Projects must directly benefit the residents of a low- or moderate-income neighborhood. The applicant will be expected to address this requirement in the proposal. Examples of projects which directly benefit low- and moderate-income residents may include:

(1) A project where eligibility is based on income criteria limiting the benefits to low- or moderate-income persons;

(2) Rehabilitation of multi-family buildings, or other facilities, for low- or moderate-income residents which results in their management or ownership of the building;

(3) Non-profit organization sponsorship of single family housing acquisition and rehabilitation to preserve neighborhood housing resources for low income residents;

(4) Establishment of neighborhood-based housing trusts or cooperatives to own and manage multi-family properties for low- and moderate-income residents;

(5) Acquisition by a neighborhood development organization representing low- and moderate-income people of a capital asset essential to accomplishment of the organization's strategy for revitalization of the community;

(6) Neighborhood non-profit sponsorship of congregate housing programs including health, homemaker and other essential services to prevent displacement of senior citizens in revitalizing neighborhoods;

(7) Neighborhood stabilization projects which are directed toward preventing or minimizing the displacement of current residents.

In evaluating how the proposed project directly benefits low- and moderate-income residents, HUD will consider the extent to which the proposed project eliminates or reduces the magnitude of the special problems of low- and moderate-income persons and minorities (e.g., the relative levels of unemployment and underemployment, discrimination in housing and employment, locational impaction, and lack of sufficient supportive services and facilities).

(d) Projects must, to the extent feasible, involve leveraging of resources available from the private sector. The level of private support will be evaluated relative to the level of risk in the project and the likelihood of the private sector to support the specific type of project. Private sector resources may include other than direct financial support of projects; for example, technical assistance and voluntary involvement of representatives from the private sector;

(e) Projects must, to the extent feasible, involve the coordination of resources available from the local, state or Federal Government. Applicant organizations will be expected to indicate those public programs which will be supportive of the implementation of proposed projects including: The Community Development Block Grant (CDBG), Urban Development Action Grants (UDAG), Section 8, Section 202 and/or programs from other agencies.

(f) The applicant organization must demonstrate that the residents of the neighborhood where the project will be located, and particularly residents who will be directly affected by the project, have been and will continue to be actively involved in, and supportive of, the selection of the project, and will continue to be involved in project development, implementation, and evaluation through an effective and continuing participation mechanism. The applicant organization must describe its method of resident participation in each stage of project development including those stages of project completed prior to submitting an application; and

(g) The applicant organization must provide evidence that funding sources identified in accordance with criteria (d) and (e) above support the project and can make funds available contingent on the progress of the project. For organizations which propose implementation projects, written documentation must be provided, to demonstrate the interest, commitment and level of involvement of other funding sources for the project. Funding sources may include public, private and self-help organizations.

§ 3610.107 Eligibility for other forms of assistance.

(a) Under this program, neighborhood organizations may apply for grants and/or other forms of assistance for the development of specific neighborhood revitalization projects. Assistance to applicant organizations will include training, on-site consultants and other forms of information exchange directed at organizational and financial management, project coordination, development of comprehensive neighborhood revitalization strategies, and techniques in proposal writing and project packaging. Assistance in preparing specific projects will be offered, as long as the proposal contains the local government certification (§ 3610.108).

(b) Assistance directly through HUD or through contracts and cooperative agreements will be provided to neighborhood organizations which request capacity-building technical assistance to enable them to engage in local partnerships with government and the private sector. This assistance will always include support to neighborhood organizations to plan, prepare and implement specific revitalization projects.

§ 3610.108 Local Government certification.

An applicant organization must submit, as a part of its proposal, a letter from the chief elected official of the most immediate jurisdiction of general local government. The letter must state that he or she has reviewed the proposal prepared by the neighborhood organization and that the proposed project(s) is(are) consistent with, and supportive of the specific objectives of that unit of local government including housing and community development, economic development, and neighborhood conservation or revitalization activities being carried out by that unit of general local government.

§ 3610.109 A-95 Clearinghouse review and comment.

Applicants must comply with the procedures set forth in Part I of OMB Circular No. A-95. In addition to rules governing applications, these procedures also require that program amendments submitted to HUD shall be submitted to appropriate clearinghouses for a 30-day review and comment period.

(a) *Clearinghouse review of application.* (1) Unless the requirement is waived by the clearinghouse, the applicant shall provide the clearinghouse a period of 30 calendar days to review the completed application and to transmit to the applicant any comments or recommendations.

(2) Clearinghouses will be of assistance to both the applicant and HUD if their reviews address the application approval criteria contained in Section 109(5) as well as the "subject matter of comments and recommendations" in Part I, Attachment A of OMB Circular No. A-95, item 5. Emphasis should be placed on consistency among state, area-wide and local plans, compliance with environmental laws, and the provision of equal opportunity.

(b) *Applicant actions after clearinghouse review.* The applicant shall transmit all comments with the application to HUD. In instances where no comments are received, the applicant shall include a statement indicating that the state and area-wide clearinghouses were notified and no comments were received. If the A-95 review comments

contain any findings of inconsistency with state, area-wide or local plans or noncompliance with environmental laws or failure to provide equal opportunity, the applicant must state how it proposes to resolve the finding or state its justification for proposing to proceed with the project despite the findings developed through the A–95 review process.

(c) *Application modification during clearinghouse or HUD review.* An applicant which revises its application while it is under review by a clearinghouse or by HUD shall inform the clearinghouse of the revisions and, if the application has been submitted to HUD, the number of days remaining within the review period for HUD to complete its review of the application.

§ 3610.110 Application requirements.

Neighborhood organizations which intend to apply to this program must satisfactorily meet all the application requirements. The requirements must include all documentation stated in previous sections of the regulations. In addition to this documentation, applications will also be required to contain other materials including:

(a) A brief letter of transmittal containing the signature of the Executive Director of the applicant organization and President or Chairperson of the Board of Directors who will be primarily responsible for execution of the project;

(b) A one page abstract of the project summarizing the proposal;

(c) A proposed budget clearly showing the proposed expenditure of HUD funds, as well as other resources necessary to complete the project;

(c) A project narrative statement describing the nature of the problem, the proposed solution, the goals and objectives of the project, the resources to be used, the management plan, the tasks to be carried out, the plan for evaluation and such other elements as are necessary to describe applicant responsibilities for the project;

(e) A summary of the operating costs, and the finanical resources supporting them of the applicant organization;

(f) Affirmative action statements from the organization if the staff intends to hire staff through the grant, or work with other persons or firms on a sub-contract basis.

(g) Letters of support or other attachments which may strengthen the overall proposal.

Complete information on all the application requirements will be included in the periodic "Notices of Availability of Grants" (refer to § 3610.111). Application kits will be available from the HUD office upon request at the time of the notices.

§ 3610.111 Program administration.

(a) The Neighborhood Self-Help Development Program shall be adiminstered by the Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

(b) Grants and other forms of assistance under this program will be announced through "Notices of Availability of Grants" periodically published in the **Federal Register**. The factors for award which HUD will use in selecting projects will be a part of the program announcement.

(c) All organizations which receive support under this program must conform to reporting and record maintenance requirements determined appropriate by the administering office. Standards for monitoring the grants will be established by the Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection. These standards will include terms by which HUD may recapture funds if the organizations receiving the grants do not conform to these requirements.

(d) An organization may request support for more than one project but will be required to submit a proposal clarifying each project with a separate local government certification, and budgets for each project.

(e) HUD will reserve the right to decline to fund any proposals received under each program announcement if they do not satisfactorily meet the criteria for eligibility based on the factors for award. Applicant organizations which do not meet these requirements will receive such notification from HUD after selections are made. These organizations will, at that time, be notified of the availability of other forms of assistance. These organizations will also be eligible to submit proposals in response to future program announcements.

§ 3610.112 Other Program requirements.

The requirements of Title VI of the Civil Rights Act. 42 U.S.C. 2000 & *et. sec.* Second, the regulations issued pursuant thereto, 24 CFR Part I that no person in the United States shall on the ground of race, color, or national origin, be excluded from participation and be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal Financial Assistance are applicable to grants and assistance provided and contracts entered into under the Act.

Participation in this program requires compliance with Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 *et seq.*, Executive order 11063, and Section 3 of the Housing and Urban Development Act of 1968 12 U.S.C. 1701u, and all rules, regulations, and requirements issued pursuant thereto.

Issued at Washington, D.C. October 17, 1979.

Geno C. Baroni,

Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

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federal register

Monday
October 22, 1979

Part III

Department of the Interior

Heritage Conservation and Recreation Service

Bureau of Indian Affairs

Land and Water Conservation Fund Program; Availability of Task Force Report and Schedule of Workshops

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

Bureau of Indian Affairs

Land and Water Conservation Fund Program; Availability of Task Force Report and Schedule of Workshops

The Heritage Conservation and Recreation Service (HCRS) is considering taking action to increase Indian tribal accessibility to the Land and Water Conservation Fund (L&WCF) program. The Bureau of Indian Affairs (BIA) and the Heritage Conservation and Recreation Service are cooperating in this effort. In May 1978 a joint HCRS–BIA task force was appointed to identify problems which inhibit participation by Indian tribes in the L&WCF and to develop options to overcome these problems.

The report of this task force, entitled "Increasing Participation by Indian Tribes in the Land and Water Conservation Fund," is now available for public review and comment. A copy of the task force report has previously been mailed directly to all tribal governing bodies (including Alaska regional corporations and Native organizations) and to State officials who administer the L&WCF program. Any person wishing to obtain a copy of the report may write or call HCRS or BIA at the address given below:

U.S. Department of the Interior, Heritage Conservation and Recreation Service, Division of State Programs, 440 G Street N.W., Washington, D.C. 20243, (202) 343–7801.

U.S. Department of the Interior, Office of Bureau of Indian Affairs, Office of Trust Responsibility—Room 4525, 18th and C Streets, N.W., Washington, D.C. 20240, (202) 343–5473.

Because some of the issues which the task force identified are rather complex, the task force recommended that an educational program for tribal, State and Federal officials should be a first step to any long term resolution of the problems. As a first phase in such an educational program, HCRS together with BIA, has scheduled two regional workshops for tribal, State, and Federal officials. The primary purposes of these workshops are to assist tribal and State officials in reviewing the task force report and to receive preliminary responses to the Task Force Report. Tribal and State officials have previously been given direct notice of the locations and dates of these workshops. These locations and dates are as follows:

Minneapolis, Minnesota, November 1–2, 9:00 a.m. Workshop location: Downtown Holiday Inn, 1313 Nicolet Avenue, Minneapolis, MN.

Albuquerque, New Mexico, November 5–6, 9:00 a.m. Workshop locations: Holiday Inn, 2020 Menaul Street, N.E., Albuquerque, NM.

For further information contact:

Randolph J. Clement, Heritage Conservation and Recreation Service, Division of State Programs, 440 G Street N.W., Washington, D.C. 20243, (202) 343–7801.

Dean Suagee, Bureau of Indian Affairs, Office of Trust Responsibility, Room 4525, 18th and C Streets, N.W., Washington, D.C. 20240, (202) 343–5473.

Paul C. Pritchard,

Acting Director, Heritage Conservation and Recreation Service.

Sidney L. Mills,

Acting Deputy Commissioner of Indian Affairs.

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Part IV

Department of Transportation

Office of the Secretary

Nondiscrimination on the Basis of Age in Programs and Activities Receiving or Benefitting From Federal Financial Assistance

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 29

[OST Docket No. 65; Notice No. 79-21]

Nondiscrimination on the Basis of Age in Programs and Activities Receiving or Benefitting From Federal Financial Assistance

AGENCY: Department of Transportation.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Department of Transportation (DOT) proposes specific regulations to carry out its responsibilities under the Age Discrimination Act of 1975, as amended ("the Act"). The Act prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. The Act applies to persons of all ages, and permits some age distinctions meeting certain specific criteria in federally-assisted programs. The Act does not apply to the employment practices of any employer. These proposed regulations apply to programs and activities which receive federal financial assistance from this Department. An Appendix to the regulation lists all programs and activities of DOT in which age distinctions are used.

DATE: COMMENT CLOSING DATE: January 21, 1980.

ADDRESS: Written comments should be addressed to: Docket Clerk, Docket No. 65, Office of General Counsel (C-50), U.S. Department of Transportation, Washingon, D.C. 20590

FOR FURTHER INFORMATION CONTACT: Leslie Baldwin, Office of Environment and Safety (P-20), U.S. Department of Transportation, Washington, D.C. 20590. Telephone: (202) 426-4388.

SUPPLEMENTARY INFORMATION:

Background

In November 1975, Congress enacted the Age Discrimination Act (42 U.S.C. 6101, *et seq.*) as part of the Amendments to the Older Americans Act (P.L. 94-135). At that time, the express purpose of the Act was to prohibit unreasonable discrimination based on age in programs and activities receiving federal financial assistance, including the State and Local Fiscal Assistance Act of 1972. The Act also permitted federally assisted programs and activities, and recipients of federal funds, to continue to use: (1) some age distinctions, and (2) "reasonable factors other than age". The Act applied to persons of all ages.

Prior to the enactment of any regulations, the Act required the Commission on Civil Rights to conduct a study of age discrimination in federally funded programs and activities. The Commission transmitted its study to the President and the Congress on January 10, 1978. The Commission published the second part of its study in January 1979. The Act also required each affected federal agency to respond to the Commission's findings and recommendations.

After the receipt of the report of the Commission of Civil Rights and the federal agency responses to that report, the Congress considered amendments to the Age Discrimination Act of 1975. In October 1978, Congress amended the Act (P.L. 95-478). Congress struck the word "unreasonable" from the statement of purpose clause, so that the purpose of the Act is to prohibit discrimination based on age in programs and activities receiving federal financial assistance. However, the Congress retained the exceptions to the prohibition against age discrimination. Thus, the Act still permits the use of: (1) some age distinctions, and (2) "reasonable factors other than age." The Act continues to apply to persons of all ages.

According to the language of the Act, the prohibition against age discrimination will become effective when regulations are issued to enforce the Act. The Act required the Secretary of HEW to publish proposed and then final general regulations. HEW issued proposed general regulations on December 1, 1978, and final regulations on June 12, 1979. The HEW regulations set standards for other federal agencies to follow in the development of agency specific regulations. The Act also requires each agency which provides federal financial assistance to issue proposed and then final specific regulations. These specific regulations must conform to the HEW general regulations, and must be submitted for approval to the Secretary of HEW.

Rulemaking History

As the first step in the development of agency regulations to implement the Act, HEW published in the **Federal Register** (43 FR 8756) a Notice of Intent (NOI) to issue age discrimination regulations on March 2, 1978. Following publication of the NOI, HEW created an Interagency Task Force on Age Discrimiantion to coordinate development of HEW's government-wide regulations, and to assist other agencies in developing specific implementing regulations. DOT has participated in all meetings of the Task Force since its inception.

On December 1, 1978, HEW published in the **Federal Register** (43 FR 56428) its proposed government-wide regulations on age discrimination. Hearings on the NPRM were held in January and February of 1979. The final HEW regulations, reflecting comments received from the general public and other agencies, were published in the **Federal Register** on June 12, 1979 (44 FR 33768). The HEW rule requires each agency that provides federal financial assistance to issue its own proposed rules within 90 days of publication of the HEW final rule (by September 12, 1979). HEW also requires that each agency submit its proposed final rule to HEW within 120 days of publication of the agency's specific proposed rules.

The HEW regulations provide for each agency which publishes age discrimination regulations to conduct its own assessment of the effectiveness of its age discrimination regulations after they have been in effect for 30 months, and to publish the report in the **Federal Register** for comment. HEW will also examine implementation of the government-wide age discrimination guidance after 30 months time, and will amend the guidelines as necessary.

Overview of the Regulations

The following paragraphs summarize the text of the proposed regulations. The last section of the preamble contains a discussion of the major issues which were raised in the development of HEW's government-wide regulations and their resolution, and the relationship of the issues to the programs and activities of the Department of Transportation.

Subpart A—General.—Subpart A of the proposed regulations explains the purpose of the Age Discrimination Act, the purpose of these age discrimination regulations, the programs and activities covered by the Act, and the meaning of important terms.

Subpart A specifies that the Act applies to programs and activities receiving federal financial assistance. The Act and these regulations do not apply to employment practices, except for programs funded under the public service employment titles of the Comprehensive Employment and Training Act (CETA). The Age Discrimination in Employment Act (ADEA), which is administered by the Equal Employment Opportunity Commission (EEOC), continues to be the federal statute that prohibits employment discrimination for persons between the ages of 40 and 70. Individuals in this age range who

experience employment discrimination, other than in CETA public service employment programs, must write to the EEOC and look to the ADEA for relief, and not to the Age Discrimination Act or these regulations.

HEW indicated during the development of its government-wide regulations that recipients should not be burdened with additional paperwork requirements as a result of the Act, and therefore has not required in its regulations that recipients submit assurances of compliance with the Act. These DOT regulations, therefore, do not include a requirement for assurances in their grant agreements. However, even without an assurance of compliance, the legal obligation of a recipient to comply with these regulations remains unchanged.

Subpart B—Standards for Determining Discriminatory Practices.—Subpart B of these regulations sets out the rules against age discrimination and the conditions under which the statutory exceptions apply.

The rules generally provide that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving DOT financial assistance.

The Act contains several exceptions which limit the general prohibition against age discrimination. Section 304(b)(1) of the Act permits the use of age distinctions which are necessary to the normal operation of a program or to the achievement of a statutory objective. It also permits actions which are based on reasonable factors other than age. HEW's government-wide regulations define "normal operation" and "statutory objective." These definitions have been included in these regulations in § 29.17(a).

HEW's regulations also establish a four-part test, all parts of which must be met for an explicit age distinction to satisfy one of the statutory exceptions and to continue in use in a federally assisted program. DOT will use this four-part test, set forth in § 29.17(b), to scrutinize age distinctions which are imposed in the administration of its federally assisted programs, but which are not explicitly authorized by a federal, state or local state or ordinance adopted by an elected, general purpose legislative body.

The Act also permits recipients of federal funds to take actions which may have the indirect effect of discriminating on the basis of age, if the action is based on "reasonable factors other than age." The action may be taken even though it has a disproportionate effect on persons of different ages. However, HEW specifies in its guidelines that the factor other than age must bear a "direct and substantial" relationship to the program's normal operation or to the achievement of a statutory objective. This provision is contained in § 29.17(c) of these regulations.

DOT does not have the authority to change the definitions, standards, and basic procedures which were set forth in HEW's government-wide regulations. Therefore DOT asks reviewers not comment on these definitions, standards, and procedures but to direct comments to other substantive issues and to questions specific to the programs and activities of this Department.

These regulations include, in § 29.19, HEW's provision that the burden of proof of compliance with the Act rest with the recipient of federal financial assistance.

Subpart C—Specific Responsibilities of this Department.—The HEW guidelines require all agencies to take certain actions to ensure compliance with the Act. Subpart C sets forth the five steps specified by HEW.

Section 29.31 requires the Department to review its existing age distinctions and to publish the results of this review in the **Federal Register** within 12 months after publication of the final DOT regulations. The report must indicate which age distinctions meet the requirements of the Act and will be continued and which will be eliminated. New age distinctions may not be imposed by the Department after the effective date of these regulations, unless they are adopted by regulation under the Administrative Procedure Act. One year after the effective date of these regulations, the Department may not continue an existing age distinction unless it has already been adopted by regulation or it is thereafter adopted by regulation.

Section 29.33 requires the Department to cooperate with other agencies which grant financial assistance to a DOT recipient, in assuring compliance with the Act. To avoid or minimize conflicting actions by different federal agencies which deal with the same recipient, the HEW guidelines permit the Secretary of HEW to designate one of the agencies to coordinate all compliance and enforcement activities for that recipient or class of recipients. Interagency cooperation may extend to all compliance and enforcement activities except for the actual termination of funds and the notification to Congress of that termination.

The Act requires each agency to report annually to Congress, through HEW, on its progress in complying with the Act. Section 29.35 provides that the Department will submit such reports to HEW by December 31 of each year, as required by the HEW guidelines, containing the information specified by HEW.

The HEW regulations are intended to permit a targeted approach to data collection and analysis, to measure and analyze actual progress in complying with the Act while minimizing the burden on recipients. The Department will use data on complaints and will collect other data directly relevant to particular patterns or practices of discrimination revealed by complaints, compliance reviews or other compliance activities. The HEW guidelines permit each agency to tailor its own data collection to the characteristics of its programs, rather than establishing specific reporting requirements for each of its federally assisted programs.

Section 29.37 specifies actions that the Department must take, in accordance with the HEW regulations, in order to provide information to recipients to assist them in understanding their obligations under the Act.

Section 29.39 requires that the Department invite public comment, after 30 months time, on the success of its regulation in implementing the Age Discrimination Act, and publish the results of that review in the **Federal Register**. HEW will also invite comment on the effectiveness of its government-wide regulations after 30 months, and publish the results in the **Federal Register**. HEW may revise its regulations as a result of that review, which would require comparable revisions to these regulations.

Subpart D—Responsibilities of DOT Recipients.—This subpart sets out actions required of recipients of DOT financial assistance to ensure compliance with the Act.

Section 29.53 states that recipients have primary responsibility to ensure that their programs and activities are in compliance with the Act and these regulations. Section 29.55 requires recipients to give notice to any subrecipients of their responsibilties under the Act.

The major obligation of recipients under these regulations is set forth in § 29.57. Each recipient having the equivalent of 15 or more full-time employees must complete a written self-evaluation within 18 months of the effective date of these regulations, identifying and justifying each age distinction it imposes in its federally-assisted programs and activities. Following self-evaluation, recipients must take action to ensure that any

violations identified in the self-evaluation are corrected. HEW intends the self-evaluation to be a one-time requirement.

HEW does not require in its general regulations that the self-evaluation be conducted with the participation of the interested public; for example, users of the recipient's programs or activities, or members of age-related groups. The Department has therefore not required public participation in the preparation of its recipients's self-evaluations. We welcome comments, however, on whether public participation should be an element of this requirement.

The general HEW regulations require that each recipient's self-evaluation be made available to the agency and the public for three years following its completion, but do not require that recipients submit the self-evaluation to the grantor agency for review. Accordingly, this Department proposes not to require recipients to submit the self-evaluation for its review. The Department intends, however, to review the self-evaluation of any recipient alleged to have violated these regulations within the three-year period.

Section 29.59 sets forth the requirement that recipients generally make available information the Department might request in order to determine the recipient's compliance with the Act.

Subpart E—Investigation, Conciliation and Enforcement Procedures.—Subpart E of the proposed regulations established the procedures the Department will use in its investigation, conciliation, and enforcement activities.

Section 29.71 states that the Department may make use of other agencies or organizations in order to ensure compliance with the Act. The Department shall make every effort to ensure compliance with the Act when a compliance review indicates a violation.

Section 29.73 authorizes the Department to conduct compliance reviews of recipients, even in the absence of complaints.

Section 29.75 sets forth the specific procedures to be followed in the handling of complaints which allege age discrimination in a program or activity receiving DOT financial assistance. Complaints may be filed with DOT by an individual or a class or by a third party, within 180 days from the date the alleged violation occurred, unless an extension is granted. Section 29.75(b)(1) describes the information that must be included in the complaint.

Paragraph (c) of this section requires the Department to return to the complainant any complaint that falls outside the scope of these regulations. Although the HEW regulations do not specify a time period in which this must occur, this Department proposes a requirement that such complaints be returned within 14 days, in order that the complainant may seek other recourse in the shortest time possible. Because HEW has established a maximum time period of 60 days for the mediation process, and because the Department anticipates that most complaints received will be from elderly persons, we believe that all efforts should be made to return complaints outside our jurisdiction to the complainants quickly. Comments on the reasonableness and desirability of such a time limit would be helpful.

Procedures for the resolution of complaints are set forth in § 29.77, which describes the proposed mediation process. (A detailed discussion of HEW's decision to require formal mediation to resolve age discrimination complaints is contained in the next section, "Critical Issues.") Section 29.77 requires that complaints which fall under jurisdiction of these regulations and which contain sufficient information be forwarded to the mediation agency (which HEW has designated as the Federal Conciliation and Mediation Service). The Department proposes the same 14-day deadline for forwarding such complaints as set forth in § 29.75, although HEW did not specify such a time limit. We believe that the time period for processing of complaints should be consistent, whether complaints are forwarded to FMCS or returned to the complainant.

The mediation process shall be used for a period of up to 60 days, during which time the parties reach a settlement, or the mediator determines, after at least one meeting with the parties, that a settlement is not possible. The mediator will send a copy of any settlement agreement to the Department, or will notify the Department that mediation has not been successful.

When mediation ends without an agreement between the parites, the Department will begin its own informal investigation, as described in § 29.79(a). Whenever possible, informal fact finding will be used to determine whether a violation has occurred. In the event informal investigation does not lead to resolution of a complaint, the Department may conduct a formal investigation, as provided in § 29.79(b). Section 29.79(b) provides that in such investigations and other proceedings, complainants may request that their identity be kept confidential, unless such confidentiality is likely to hinder the investigation.

Section 29.81 prohibits recipients from taking any retaliatory measures against persons who have attempted to assert a right protected by these regulations or cooperated in the investigation of complaints.

Section 29.83 describes the procedures the Department may take against recipients found to be in violation of these regulations. Enforcement measures may include termination of the Department's financial assistance of a program or activity; referral to the Department of Justice; and referral to another federal, state or local agency which may obtain compliance. These enforcement procedures are closely modeled on those incorporated in the HEW regulations, which were in turn taken from the procedural provisions for enforcing Title VI of the Civil Rights Act of 1954.

Section 29.85, regarding procedures for hearings on proposed terminations of federal financial assistance, is also modeled on the Title VI hearing procedures. The procedures in these regulations are modified slightly from the Title VI procedures, and reflect changes that the Department made in developing hearing procedures for enforcement of its regulations implement section 504 of the Rehabilitation Act of 1973.

Section 29.87 describes procedures for reaching final determinations by the Secretary, which are also similar to those contained in this Department's section 504 regulations. The major change from the Title VI procedures which were adopted by the HEW regulation is that the "responsible Departmental official" oversees the entire investigation and enforcement effort, while final authority to determine noncompliance and imposed administrative sanctions is reserved to the Secretary. These procedures also provide that an administrative law judge make a recommended decision, upon which the responsible Departmental official and applicant or recipient may comment, before the Secretary makes the final decision. The Department believes it is likely that any matters that are unable to be settled informally will be sufficiently important and controversial to merit direct decision by the Secretary.

Section 29.89 requires that recipients take any actions necessary to overcome the effects of proven discrimination. This language is required by the HEW regulations.

Section 29.91 gives the Department the discretion to transfer funds designated for a particular recipient to another

recipient in the event a finding of violation results in a termination or withholding of funds. The alternate recipient would have to demonstrate that it is able to comply with these regulations and that it can achieve the goals of the program for which the funds were originally intended.

Section 29.93 permits a complainant to file a civil action if his or her complaint has not been acted upon within 180 days of submission to the agency, or if the Department issues a finding in favor of the recipient. This section requires that the Department, in such cases, notify the complainant that he or she may bring a civil suit in a district court in which the recipient is located or transacts business; that the complainant may demand attorney's fees; and that the complainant must notify the Secretary, the Attorney General, and the recipient of the proposed action. The Department must notify the complainant that a civil suit may not be filed if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

Appendix

The appendix to these regulations contains a list of the age distinctions used in DOT-assisted programs and activities.

The HEW regulations require each agency to provide such an appendix as part of its final regulations, but do not require the appendix to be included in each agency's draft regulations. The Department believes that the public should have the opportunity to review and comment on these distinctions, and therefore has included the appendix in these draft regulations.

Critical Issues

Exceptions to the Prohibition Against Age Discrimination.—In enacting the Age Discrimination Act, Congress expressed concern that some programs and activities receiving federal financial assistance may be discriminating against persons on the basis of age. There were indications, confirmed by the findings of the Civil Rights Commission Study, that some age distinctions which denied persons over or under a certain age access to federally-assisted programs and activities were based on stereotypes and misconceptions about the abilities and needs of persons of different ages.

Congress recognized, however, that many age distinctions are rational and necessary in many activities; for example, compulsory school attendance requirements, and special benefits such as reduced fares and fees for elderly persons and children. Congress thus provided in the Act that age distinctions established under the authority of "any law", and which are necessary to a program's normal operation or statutory objectives, were not to be prohibited. The Act also permits actions which are based on "reasonable factors other than age" which have the effect of limiting participation of different age groups, if those factors are directly related to the normal operation or statutory objective of a program. Other than these statutory exceptions, however, the Act and its legislative history provide little guidance on congressional intent regarding which age distinctions are permissible.

There was extensive comment during development of the HEW regulations on how "any law" should be interpreted. HEW had proposed a number of options: that the definition include only federal statutes; federal and state statutes; federal, state and local statutes; and federal, state, and local statutes and regulations. Many commentors had recommended that "any law" be interpreted to mean federal statute only, for the reason that any other interpretation would seriously weaken the Act, and that state and local legislative bodies would exempt many age distinctions from coverage of the Act. Many other commentors had argued that states should be permitted to exercise their traditional authority in areas such as establishing minimum/maximum ages for school attendance, but that extending the exemption to local statutes would result in the establishment of numerous age distinctions in the administration of federally-assisted programs.

HEW concluded, however, that there is no clear basis for limiting the definition of "any law" to federal statutes. Congress rejected an amendment to the Act in 1978 that would have defined "any law" to mean federal statute. HEW also determined that there would be no basis for permitting state statutes to contain age distinctions if local statutes were excluded from the definition. HEW concluded that no case has been made that age discrimination occurs as a result of age distinctions in state and local statutes, and that beneficial age distinctions are enacted by state and local legislative bodies.

There was little support for including regulations in the definition of "any law" during the development of the HEW guidance. The inclusion of regulations would have permitted administrators of federally funded programs to impose age distinctions which are not authorized by a legislative body.

HEW's regulations therefore define "any law" as any federal, state or local statute or ordinance enacted by an elected, general purpose legislative body. The HEW regulations also define the other conditions under which age distinctions not established under authority of law *are* permissible. The DOT regulations adopt these exceptions.

Applicability of the Act to DOT Programs.—A major concern of this Department during the development of the HEW general regulations was the possible effect of the HEW rule on programs of the Department which permit recipients to set special fares for different age groups. In developing its regulations, HEW determined that special benefits, such as reduced fares for children and elderly persons on public transportation, should be continued. This provision is set forth in § 90.49(c) of the HEW regulations, and § 29.17(d) of these regulations. Under that section, recipients may provide special benefits to various age groups, provided that they do not result in the exclusion of other eligible persons from the recipient's general program.

The special benefits provision resulted from HEW's belief that Congress did not intend to disturb the practices of recipients which provide special benefits to children or the elderly in programs that are also available to a wider age range of the population. The HEW regulations leave to the recipient the definition of "children" or "elderly" for the purpose of receiving a special benefit. However, HEW has stated that it does not intend this provision to be used to justify a general program which provides services *only* to children or to the elderly.

The programs of this Department that provide such special benefits are, for the most part, based in federal statute. Section 5(m) of the Urban Mass Transportation Act of 1964, as amended (the "UMT Act") requires that recipients of UMTA financial assistance charge elderly and handicapped persons riding at non-peak hours no more than half the fare generally charged other persons during peak hours. The statute uses the "term" elderly rather than a specific age. UMTA guidelines set 65 as the age over which benefits must be conferred, but allow recipients to set a lower age. (Some operators have established lower ages for the half-fare benefit, or permit the elderly and handicapped to ride at half fare at all hours.) Because the provision for this benefit has a statutory basis, UMTA's action would appear to be exempt from coverage of the Act, and therefore is not prohibited by these

regulations. HEW has also explicitly stated in its general regulations that recipients may continue to allow school children to travel on public transit at reduced fares, a benefit provided in many cities.

Section 16(a) of the UMT Act requires special efforts on behalf of "elderly and handicapped persons." Again, the term elderly is not defined. Many transit authorities operate special transportation services for elderly and handicapped persons, sometimes in the form of vans that provide door-to-door transportation service for these individuals in lieu of fixed-route bus or rail service. The Department believes that this statutorily-based benefit is not prohibited by the Act.

Section 16(b)(2) of the UMT Act permits UMTA to provide grants and loans to private non-profit organizations for the specific purpose of assisting them in providing transportation services for elderly and handicapped persons. These organizations may use UMTA funds to purchase vehicles such as vans which provide transportation for these individuals. The Department believes that such recipients may continue to set age requirements for participation in the program since this serves the statutory objective of the program. Because the 16(b)(2) program does *not* also serve the general public, the Department believes that the exclusion of persons of other ages from the special service does not constitute a violation of these regulations.

The other major area in which the Department uses age distinctions are in the grant programs of the National Highway Traffic Safety Administration (NHTSA). Under section 402 of the Highway Safety Act of 1966, as amended, NHTSA provides funds to each of the fifty states for the purpose of improving highway safety. States funnel these funds to cities, counties, and state agencies, including motor vehicle departments which administer driver licensing programs, and education agencies which authorize driver training programs in public schools. States generally establish, by statute, minimum age requirements for driver licensing, and certain re-testing requirements for persons of certain ages. Because the Act does not cover age distinctions authorized by state statute, such requirements are not prohibited by these regulations.

NHTSA also supports various training and education programs not based specifically in statute, but which support the statutory goals of the Highway Safety Act. Many of these programs are targeted for various age groups based on accident statistics. The Department believes that targeting accident-prevention activities to such groups (such as elementary school children) bears a necessary relationship to the statutory objective of the Department's highway safety program, and therefore should not be prohibited.

There is one other grant program of the Department in which age distinctions are used. Amtrak, which receives federal financial assistance from the Federal Railroad Administration (FRA), imposes several age distinctions in the area of fares and ridership requirements in the operation of passenger rail service. Several distinctions provide fare discounts for families, children, or senior citizens, and are therefore not prohibited by these regulations. Two of the distinctions, however, do not provide benefits: Amtrak requires children under the age of 8 to be accompanied by a person over the age of 12; and permits passengers between the ages of 8 and 12 to travel alone only at the discretion of Amtrak. The Department would be interested in comments on whether these distinctions would meet the four-part test, set forth in § 29.17(b) of these regulations, required of age distinctions that are not authorized by statute.

Mediation

These regulations, in accordance with the HEW general regulations, require that complaints of age discrimination be subject to mediation after initial screening by the Department. Participation in mediation is mandatory for both the complainant and the recipient. HEW has decided to centralize the mediation process in one government agency, the Federal Mediation and Conciliation Service (FMCS).

There was considerable controversy on the issue of mediation during development of the HEW general regulations. Some commentors thought it was inappropriate to introduce bargaining into the civil rights enforcement process and to impose this new and different step in the complaint resolution process. There was concern that the requirement would be confusing to complainants and recipients.

HEW and this Department believe that the mediation process is an important innovation in resolution of age discrimination complaints. Mediation is an effort to provide faster and more creative resolution of complaints through informal methods of dispute resolution. Attempts to reach a mediated settlement must be completed in the first 60 days after the complaint is received. While mediation does represent a new step in the complaint resolution process, the experience in resolving complaints under other civil rights statutes has been that the 60 days set aside for mediation will not significantly delay the enforcement process.

HEW provided that all complaints be mediated, based on experience that even the most intransigent parties can arrive at a mutually satisfactory resolution of their dispute. Mediation does not necessarily mean that the two parties must meet face to face; each may meet separately with the mediator. Since the mediated settlement must be satisfactory to both parties, neither the complainant nor the recipient is compelled to settle the complaint. Since the cost of the mediator will be paid by the federal government, the financial burden on complainants and recipients will be minimal.

The HEW regulations provide that the management of the mediation process be centralized in the FMCS. Although there were comments critical of HEW's decisions, HEW and this Department believe that the benefits to be realized by centralizing the management of the mediation process are substantial and that the FMCS is the appropriate agency for the job. The use of a single agency to manage the mediation process assures that uniform standards will be used in the recruitment and training of mediators, that consistent procedures will be followed during mediation, and there can be a comprehensive and coherent evaluation of the process as part of the 30-month review of the effectiveness of both HEW's and this Department's regulations.

Regulatory Evaluation

It has been determined that the following proposed regulations are not "significant" under the Department's regulatory procedures and policies. A draft Regulatory Evaluation has been prepared which describes the anticipated costs and benefits of the proposed rule. A copy of the draft Regulatory Evaluation has been placed in the docket for this rulemaking, and is available for public inspection.

Issued at Washington, D.C. October 16, 1979.

Neil E. Goldschmidt,

Secretary of Transportation.

The Department of Transportation proposes to add Part 29 of Title 49 of the Code of Federal Regulations, as set forth below:

PART 29—NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—General

Sec.
29.1 Purpose.
29.3 Applicability.
29.5 Definitions.

Subpart B—Standards for Determining Discriminatory Practices

29.11 Purpose of this subpart.
29.13 Rules against age discrimination.
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Subpart C—Specific Responsibilities of This Department

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Subpart D—Responsibilities of DOT Recipients

29.51 General responsibilities.
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29.71 General.
29.73 Compliance reviews.
29.75 Complaints.
29.77 Mediation.
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29.81 Prohibition against intimidation or retaliation.
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29.89 Remedial action by recipients.
29.91 Alternate funds disbursal procedure.
29.93 Exhaustion of administrative remedies.
Appendix—Age Distinctions in Programs and Activities Receiving DOT Financial Assistance.

Authority: Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et seq.*); 45 CFR Part 90.

Subpart A—General

§ 29.1 Purpose.

The purpose of these regulations is to set forth DOT's policies and procedures under the Age Discrimination Act of 1975, as amended, and general regulations promulgated by the Department of Health, Education, and Welfare (45 CFR 90) The Act and Part 90 prohibit discrimination on the basis of age in programs and activities receiving federal financial assistance. The Act and Part 90 also permit federally-assisted programs and activities, and recipients of federal funds, to continue to use certain age distinctions and factors other than age which meet the requirements of the Act and Part 90.

§ 29.3 Applicability.

These regulations apply to each recipient of federal financial assistance from the Department of Transportation, and to each program or activity operated by the recipient that receives or benefits from such assistance.

§ 29.5 Definitions.

As used in these regulations:

"Act" means the Age Discrimination Act of 1975, as amended (Title III of Pub. L. 94–135).

"Action" means any act, activity, policy, rule, standard, or method of administration, or the use of any policy, rule, standard or method of administration.

"Age" means how old a person is, or the number of elapsed years from the date of a person's birth.

"Age distinction" means any action using age or an age-related term.

"Age-related term" means a word or words which necessarily implies a particular age or range of age (for example, "children," "adult," "elderly," but not "student").

"Agency" means a federal department or agency that is empowered to extend federal financial assistance.

"Applicant" means one who submits an application, request, or plan to be approved by the Department or by a primary recipient as a condition to eligibility for federal financial assistance.

"Department" means the Department of Transportation.

"Discrimination" means the denial, on the basis of a person's age, of the opportunity to participate in or benefit from any program or activity receiving federal financial assistance.

"Federal financial assistance" means any grant, entitlement, loan, cooperative agreement, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the agency provides or otherwise makes available assistance in the form of:

(a) Funds;

(b) Services of federal personnel; or

(c) Real or personal property or any interest in or use of property, including:

(1) Transfers or leases of property for less than fair market value or for reduced consideration; and

(2) Proceeds from a subsequent transfer or lease of property if the federal share of its fair market value is not returned to the federal government.

"HEW" means the Department of Health, Education, and Welfare.

"HEW guidelines" means the government-wide regulations on age discrimination, published on June 12, 1979.

"Recipient" means any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which federal financial assistance is extended, directly or through another recipient. Recipient includes any successor, assignee, or transferee, but excludes the ultimate beneficiary of the assistance.

"Secretary" means the Secretary of Transportation.

"Sub-recipient" means any of the entities in the definition of "recipient" to which a recipient extends or passes on federal financial assistance. A sub-recipient is generally regarded as a recipient of federal financial assistance and has all the duties of a recipient in these regulations.

"United States" means the fifty states, District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, the Trust Territory of the Pacific Islands, the Northern Marianas, and the territories and possessions of the United States.

Subpart B—Standards for Determining Discriminatory Practices

§ 29.11 Purpose of this subpart.

The purpose of this subpart is to set forth the prohibitions against age discrimination and the exceptions to those prohibitions.

§ 29.13 Rules against age discrimination.

The rule stated in this section are limited by the exceptions contained in §§ 29.15 and 29.17 of these regulations.

(a) *General rule.* No person in the United States shall, on the basis of age, be excluded from participation in, be denied, the beneifits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

(b) *Specific rules.* A recipient may not, in any program or activity receiving financial assistance from this Department, directly or through contractual, licensing, or other arrangements, use age distinctions or take any other actions which have the effect, on the basis of age, of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving federal financial assistance from the Department; or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving federal financial assistance from this Department; or

(3) Otherwise limiting persons in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other receiving an aid, benefit, or service.

(c) The specific forms of age discrimination listed in paragraph (b) of this section do not necessarily constitute a complete list.

§ 29.15 Coverage of the Act.

(a) The Act applies to any program or activity receiving federal financial assistance.

(b) The Act and these regulations do not apply to:

(1) An age distinction contained in that part of a federal, state, or local statute or ordinance adopted by an elected, general purpose legislative body which:

(i) Provides any benefits or assistance to persons on the basis of age; or

(ii) Establishes criteria for participation in age-related terms; or

(iii) Describes intended beneficiaries or target groups in age-related terms.

(2) Any employment practic of any employer, employment agency, labor organization, or any labor-management joint apprenticeship training program, except for any program or activity receiving federal financial assistance for public service employment under the Comprehenisve Employment and Training act of 1974 (CDTA). The Age Discrimination in Employment Act, adminstered by the Equal Employment Opportunity Commission, protects persons between the ages of 40 and 70 from discrimination in most phases of employment.

§ 29.17 Exceptions to the rules against age discrimination.

(a) A recipient is permitted to use age distinctions or take actions otherwise prohibited by § 29.13 which have the indirect effect, on the basis of age, of excluding individuals from benefits or denying or limiting their opportunity to participate in any program or activity, if the distinction or other action is necessary to the normal operation or the achievement of any statutory objective of the program or activity.

(1) "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objective.

(2) "Statutory objective" means any purpose of a program or activity expressly stated in any federal, state, or local statute or ordinance adopted by an elected, general purpose legislative body.

(b) An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of a statutory objective, if:

(1) Age is used as a measure or approximation of one or more other characteristics; and

(2) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; and

(3) The other characteristic(s) can be reasonably measured or approximated by the use of age; and

(4) The other characteristic(s) are impractical to measure directly on an individual basis.

(c) A recipient is permitted to take an action otherwise prohibited by § 29.13 which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation or the program or activity, or to the achievement of its statutory objective.

(d) A recipient may provide special benefits to the elderly or to children as part of a program serving persons of others ages, provided it does not have the effect of excluding otherwise eligible persons from participation in the overall program.

§ 29.19 Burden of proof.

The burden of proving that an age distinction or other action falls with the exceptions outlined in § 29.17 is on the recipient of federal financial assistance.

Subpart C—Specific Responsibilities of This Department

§ 29.31 Review of policies and administrative practices.

(a) The Department shall conduct a review of age distinctions it imposes on its recipients by regulations, policies, and administrative practices. The purpose of this review is to identify how age distinctions are used by the Department and whether those age distinctons are permissible under the Act and the HEW guidelines.

(b) No later than 12 months from the date of publication of the Department's final regulations, the Department shall publish, for publish comment, a report in the **Federal Register** containing:

(1) The results of the review conducted under paragraph (a) of this section;

(2) A list of the age distinctions contained in regulations that are to be continued;

(3) The justification under the requirements of the Act and the HEW guidelines for each age distinction to be continued;

(4) A list of the age distinctions not contained in regulations but which will be adopted by regulation under the Administrative Procedure Act using the notice and comment procedures specified in 5 U.S.C. 553; and

(5) A list of the age distinctions to be eliminated.

(c) Beginning with the effective date of this Department's final regulations, the Department may not impose a new age distinction unless the age distinction is adopted by regulation under the Administrative Procedure Act using the notice and comment procedures specified in 5 U.S.C. 553.

(d) Beginning 12 months after the publication of this Department's final regulations, the Department may not continue to use an existing age distinction, unless the age distinction has already been adopted by regulation or is thereafter adopted by regulation under the Administrative Procedure Act using the notice and comment procedures specified in 5 U.S.C. 553.

§ 29.33 Interagency cooperation.

The Department shall cooperate with other federal agencies which provide federal financial assistance to the same recipient or class of recipients. The Secretary of HEW may designate one of the agencies as the sole agency for all compliance and enforcement purposes with respect to those recipients, except for the ordering of termination of funds and the notification of the appropriate committees of Congress.

§ 29.35 Reports.

The Department shall submit to the Secretary of HEW not later than December 31 of each year, beginning in 1979, a report which:

(a) Describes in detail the steps taken during the preceding fiscal year to carry out the Act; and

(b) Contains data on the frequency, type and resolution of complaints and on any compliance reviews, sufficient to permit analysis of the agency's progress in reducing age discrimination in programs receiving federal financial assistance from the agency; and

(c) Contains data directly relevant to the extent of any pattern or practice of age discrimination which the agency has identified in any programs receiving federal financial assistance from the agency; and to progress towards eliminating it; and

(d) Contains evaluative or interpretive information which the Department determines is useful in analyzing the Department's progress in reducing age discrimination in programs receiving DOT financial assistance; and

(e) Contains other data as requested by the Secretary of HEW.

§ 29.37 Written notice, technical assistance, and educational materials.

The Department shall:

(a) Provide written notice to each recipient of its obligations under the Act. The notice shall include a requirement that where a recipient initially receiving funds makes the funds available to a sub-recipient, the recipient must notify the sub-recipient of its obligations under the Act.

(b) Provide technical assistance, where necessry, to recipients to aid them in complying with the Act.

(c) Make available educational materials setting forth the rights and obligations of beneficiaries and recipients under the Act.

§ 29.39 Review of regulations.

(a) Within 30 months after the effective date of these regulations, the Department shall publish in the **Federal Register** a notice inviting public comment on the effectiveness of these regulations.

(b) The Department shall assess the comments and publish the results of the review in the **Federal Register.**

Subpart D—Responsibilities of DOT recipients

§ 29.51 General responsibilities.

Recipients of DOT financial assistance have primary responsibility to ensure that their programs and activities are in compliance with the Act and these regulations.

§ 29.53 Notice to subrecipients.

Where a recipient passes on federal financial assistance from DOT to sub-recipient the recipient shall provide the sub-recipients written notice of their obligations under these regulations.

§ 29.55 Self-evaluation.

(a) Each recipient (including sub-recipients) employing the equivalent of 15 or more full time employees shall complete a written self-evaluation of its compliance under the Act and these regulations within 18 months of the effective date of these regulations.

(b) Each recipient (including sub-recipients) in its self-evaluation shall identify and justify each age distinction it imposes in its programs or activities receiving federal finanacial assistance from the Department.

(c) Each recipient (including sub-recipients) shall take corrective action whenever a self-evaluation indicates a violation of these regulations.

(d) Each recipient (including sub-recipients) shall make the self-evaluation available on request to the Department and to the public for a period of 3 years following its completion.

§ 29.57 Information requirements.

Each recipient shall:

(a) Make available upon request to the Department information necessary to determine whether the recipient is complying with these regulations.

(b) Permit reasonable access by the Department to the books, records, accounts, and other recipient facilities and source of information to the extent necessary to determine whether a recipient is in compliance with these regulations.

Subpart E—Investigation, Conciliation, and Enforcement Procedures

§ 29.71 General.

The Department has responsibility to attempt to secure recipient compliance with the Act by voluntary means. This may include the use of the services of appropriate federal, state, local or private organizations. The Department also has the responsibility to enforce the Act when a recipient fails to eliminate violations of the Act.

§ 29.73 Compliance reviews.

(a) The Department may conduct compliance reviews and pre-award reviews of recipients that will permit it to investigate and correct violations of these regulations. The Department may conduct these reviews even in the absence of a complaint against a recipient. The review may be as comprehensive as necessary to determine whether a violation of these regulations has occurred.

(b) If a compliance review or pre-award review indicates a violation of these regulations, the Department will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, the Department will arrange for enforcement as described in § 29.83.

§ 29.75 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with the Department, alleging discrimination prohibited by these regulations. A complainant shall file a complaint within 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or his/her designee.

(b) The Department will attempt to facilitate the filing of complaints wherever possible, in particular by, but not limited to, taking the following measures:

(1) Accepting as a sufficient complaint, any written statement which identifies the parties involved, describes generally the action or practice complained of, and is signed by the complainant.

(2) Freely permitting a complainant to add information to the complaint to meet the requirements of a sufficient complaint.

(3) Widely disseminating information regarding the obligations of recipients under the Act and these regulations, including a complaint form that a person may use to allege violations of these regulations.

(c) Within 14 days of receiving a complaint, the Department will return to the complainant any complaint outside the jurisdiction of these regulations, and will state the reasons(s) why it is outside the jurisdiction of these regulations.

§ 29.77 Mediation.

(a) Within 14 days of receipt of a complaint by the responsible Departmental official, the Department will refer to a mediation agency designated by HEW, all complaints that:

(1) Fall within the jurisdiction of these regulations; and

(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or make an informed judgment that an agreement is not possible. The Department will not accept a judgment that an agreement is not possible unless the judgment is made after at least one meeting with the mediator.

(c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to the Department. The Department shall take no further action on the complaint unless the complainant or the recipient fails to comply with the agreement.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of

the mediation process without prior approval of the head of the mediation agency.

(e) The Department will use the mediation process for a maximum of 60 days after receiving a complaint. Mediation ends if:

(1) 60 days elapses from the time the Department receives the complaint; *or*

(2) Prior to the end of that 60 day period, an agreement is reached; *or*

(3) Prior to the end of that 60 day period, the mediator determines that an agreement cannot be reached.

§ 29.79 Investigation.

(a) *Informal investigation.* The Department will investigate complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement. The investigation may include, where appropriate, a review of the pertinent practices and policies of a recipient or applicant, and the circumstances under which the possible noncompliance with these regulations occurred. The Department will use informal fact finding methods, including joint or separate discussions with the complainant and recipient or applicant to establish the facts, and, if possible, settle the complaint on terms that are mutually agreeable. The Department will put any agreement in writing and have it signed by the parties and an authorized official of the Department. The settlement shall not affect the operation of any other enforcement efforts of the Department including compliance reviews and other individual complaints which may involve the recipient. The settlement is not necessarily a finding of discrimination against the recipient.

(b) *Formal investigation.* If the Department cannot resolve the complaint through informal investigation, it will begin to develop formal findings through further investigation of the complaint. If the investigation indicates a violation of these regulations, the Department will attempt to obtain voluntary compliance. If the Department cannot obtain voluntary compliance, it will begin enforcement as described in § 29.83.

(c) *Confidentiality.* The Department shall keep the identity of complainants confidential, at their election, during the conduct of any investigation, hearing or proceeding under these regulations. However, when such confidentiality is likely to hinder the investigation, the complainant will be advised for the purpose of waiving the privelege.

§ 29.81 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by these regulations; or

(b) Cooperates in any mediation, investigation, hearing, or other part of the Department's investigation, conciliation, and enforcement procedures.

§ 29.83 Compliance procedure.

(a) The Department may enforce these regulations through:

(1) Termination of a recipient's federal financial assistance from the Department under the program or activity involved where the recipient has violated these regulations. The determination of a recipient's violation may be made only after a hearing on the record before an administrative law judge. Therefore, cases which are settled in the mediation process, or prior to a hearing, will not involve termination of a recipient's federal financial assistance from the Department.

(2) Any other means authorized by law including but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations under these regulations.

(ii) Use of any requirement of or referral to any federal, state, or local government agency which will have the effect of correcting a violation of the Act or these regulations.

(b) The Department will limit any termination under § 29.83(a)(1) to the particular recipient and particular program found to be in violation of these regulations. The Department will not base any part of a termination on a finding with respect to any program or activity of the recipient which does not receive federal financial assistance from the Department.

(c) The Department will take no action suspend, terminate, or refuse to grant or continue federal financial assistance until:

(1) The responsible Departmental official has determined that voluntary compliance cannot be obtained.

(2) The responsible Departmental official has notified the recipient or applicant of its failure to comply with these regulations, and of the proposed action.

(3) Thirty days have elapsed after the responsible Departmental official has sent a written report of the circumstances and grounds of the action to the committees of the Congress having legislative jurisdiction over the federal program or activity involved. The Secretary shall file a report whenever any action is taken under paragraph (a) of this section.

(d) The responsible Departmental official may defer granting new federal financial assistance from the Department to a recipient when termination proceedings under § 29.83(a)(1) are initiated.

(1) New federal financial assistance from the Department includes all assistance for which the Department requires an application or approval, including renewal or continuation of existing activities, or authorization of new activities, during the deferral period. New federal financial assistance from the Department does not include assistance approved prior to the beginning of termination proceedings or increases in funding as a result of changed computation of formula awards.

(2) A deferral may not begin until the recipient has received a notice of opportunity for a hearing under § 29.83(a)(1). A deferral may not continue for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and the responsible Departmental official. A deferral may not continue for more than 30 days after the close of the hearing unless the hearing results in a finding against the recipient or applicant.

§ 29.85 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 29.83(a)(1), reasonable notice is given by the responsible Departmental official by registered or certified mail, return receipt requests, to the affected applicant or recipient. This notice advises the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action is to be taken, and the matters of fact or law asserted as the basis for this action, and either:

(1) Fixes a date not less than 20 days after the date of such notice within which the applicant or recipient may request a hearing; or

(2) Advises the applicant or recipient that the matter in question has been set for hearing at a stated place and time. The time and place shall be reasonable and subject to change for cause. The complainant, if any, also is advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing constitutes a waiver of the right to a hearing under the Act and

§ 29.83(a)(1), and consent to the making of a decision on the basis of such information as may be part of the record.

(b) If the applicant or recipient waives its opportunity for a hearing, the responsible Departmental official shall notify the applicant or recipient that it has the opportunity to submit written information and argument for the record. The responsible Departmental official may also place written information and argument into the record.

(c) *Time and place of hearing.* Hearings are held at the office of the Department in Washington, D.C., at a time fixed by the responsible Departmental official unless he/she determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings are held before an administrative law judge designated in accordance with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act).

(d) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the responsible Departmental official have the right to be represented by counsel.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with these regulations with respect to two or more programs to which these regulations apply, or noncompliance with these regulations and the regulations of one or more other federal departments or agencies issued under the Act, the responsible Departmental official may, in agreement with such other departments or agencies, where applicable, provide for consolidated or joint hearings. Final decisions in such cases, insofar as these regulations are concerned, are made in accordance with § 29.87.

§ 29.87 Decisions and notices.

(a) *Decisions by administrative law judge.* After the hearing, the administrative law judge certifies the entire record including his/her recommended findings and proposed decisions to the Secretary for a final decision. A copy of the certification is mailed to the applicant or recipient and to the complainant, if any. The responsible Departmental official and the applicant or recipient may submit written arguments to the Secretary concerning the Administrative law judge's recommended findings and proposed decision.

(b) *Final decision by the Secretary.* When the record is certified to the Secretary by the administrative law judge, the Secretary reviews the record and accepts, rejects, or modifies the administrative law judge's recommended findings and proposed decision, stating the reasons therefor.

(c) *Decision if hearing is waived.* Whenever a hearing pursuant to § 29.83(a)(1) is waived, the Secretary makes his/her final decision on the record, stating the reasons therefor.

(d) *Rulings required.* Each decision of the administrative law judge or the Secretary contains a ruling on each finding or conclusion presented and specifies any failures to comply with these regulations.

(e) *Content of orders.* The final decision may provide for suspension or termination, or refusal to grant or continue federal financial assistance, in whole or in part, under the program involved. The decision may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and these regulations including provisions designed to assure that no federal financial assistance will thereafter be extended unless and until the recipient corrects its noncompliance and satisfies the Secretary that it will fully comply with these regulations.

(f) *Subsequent proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (e) of this section is restored to full eligibility to receive federal financial assistance if it satisfies the terms and conditions of that order or if it brings itself into compliance with these regulations and provides reasonable assurance that it will fully comply with these regulations.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (e) of this section may, at any time, request the responsible Departmental official to restore its eligibility, to receive federal financial assistance. Any request must be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the responsible Departmental official determines that those requirements have been satisfied he/she may restore such eligibility, subject to the approval of the Secretary.

(3) If the responsible Departmental official denies any such request, the applicant or recipient may submit a request in writing, for a hearing specifying why it believes the responsible Departmental official should restore it to full eligibility. It is thereupon given a prompt hearing, with a decision on the record. The applicant or recipient is restored to eligibility if it demonstrates to the satisfaction of the Secretary at the hearing that it satisfies the requirements of paragraph (f)(1) of this section.

(4) The hearing procedures of § 29.85 (b) and (c) and paragraphs (a)–(d) of this section apply to hearings held under subparagraph (3) of this paragraph.

(5) While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (e) of this section shall remain in effect.

§ 29. 89 Remedial action by recipients.

Where the responsible Departmental official finds a recipient has discriminated on the basis of age, the recipient shall take any remedial action that the Secretary may require to overcome the effects of discrimination. If another recipient exercises control over the recipient that has discriminated, the responsible Departmental official may require both recipients to take remedial action.

§ 29.91 Alternate funds disbursal procedure.

(a) When the Department withholds funds from a recipient under these regulations, the responsible Departmental official may disburse the withheld funds directly to an alternate recipient. That alternate recipient may be any public or non-profit organization or agency, or state or political subdivision of the state.

(b) The responsible Departmental official will require any alternate recipient to demonstrate:

(1) The ability to comply with these regulations; and

(2) The ability to achieve the goals of the federal statute authorizing the program or activity.

§ 29.93 Exhaustion of administrative remedies.

(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act. Administrative remedies are exhausted if:

(1) 180 days have elapsed since the complainant filed the complaint, and the Department has made no finding with regard to the complaint; *or*

(2) The Department issues any finding in favor of the recipient.

(b) If the Department fails to make a finding within 180 days as described in paragraph (a)(1) of this section, or issues a finding in favor of the recipient as described in paragraph (a)(2) of this section, the Department will:

(1) Promptly advise the complainant of this fact;

(2) Advise the complainant of his or her right to bring a civil action for injunctive relief that will effect the purposes of these regulations; and

(3) Inform the complainant:

(i) That the complainant may bring a civil action only in a United States district court for the district in which the recipient is located or transacts business;

(iii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant shall give 30 days notice by registered mail to the Secretary, the Attorney General of the United States, and the recipient;

(iv) That the notice must state: the alleged violation of the Act; the relief requested; the court in which the complainant is bringing the action; and, whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

Appendix.—*Age Distinctions in Programs and Activities Receiving DOT Financial Assistance*

Common name of program	Statutory basis	Other basis	Age distinction
Urban mass transit programs	Section 19 of the Urban Mass Tranportation Act of 1964, as amended (49 U.S.C. 1601, *et seq.*) (UMT Act).		General prohibition against discrimination on the basis of age in UMTA-assisted programs.
"Half-fare program"	Section 5(m) of the UMT Act		Recipients may not charge elderly persons during non-peak hours more than half the fare generally charged other persons at peak hours.
Special efforts	Section 16(a) of the UMT Act		Recipients must take special efforts in the planning, design and operation of mass transit facilities and services so that they are usable by the elderly (and handicapped). Transit operators may operate specialized services exclusively for the elderly to comply with this requirement.
16(b)(2) program	Section 16(b)(2) of the UMT Act		Provides capital assistance to private, non-profit organizations to provide transportation for the elderly (and handicapped). Some recipients of funds under this program serve only an elderly clientele.
State and Community Highway Safety Program.	Section 402 of the Highway Safety Act of 1966, as amended (P.L. 89-564); state statutes.		States and localities establish age limits for participation in driver training and safety education programs, and for obtaining driver's licenses.
Federal-aid highway program	Section 165(b) of the Federal-Aid Highway Act of 1973, as amended (P.L. 93-87; 23 U.S.C. 103).		Certain categories of federally-funded highway facilities must be planned, constructed and operated so as to be usable by the elderly (e.g., inclusion of curb cuts).
Rail passenger service (Amtrak)	None for age distinction	Administratively imposed	Children under the age of 8 must be accompanied by a person over the age of 12; persons between the ages of 8 and 12 travel alone only at the discretion of Amtrak.

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Part V

Office of Management and Budget

Circular A-102; Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments

OFFICE OF MANAGEMENT AND BUDGET

Circular A-102, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments"

AGENCY: Office of Management and Budget.

ACTION: Final Policy.

SUMMARY: This notice revises OMB Circular A-102 by replacing paragraph 2h, Attachment G, with a new Attachment P entitled, "Audit Requirements." The revision originated from a Presidential initiative to streamline Federal aid, and is another part of OMB's system of guidance for federally assisted programs.

One area the President highlighted as having a substantial need for improvement was audit of federally assisted programs. He directed Federal departments and agencies to improve audit coordination, and to increase their reliance on audits made by State or local governments. This revision sets forth the audit requirements for State and local governments and Indian tribal governments receiving Federal assistance. It provides for independent audits of financial operations including compliance with certain provisions of Federal law and regulation. The requirements are established to insure that audits are made on an organization-wide basis rather than a grant-by-grant basis.

EFFECTIVE DATE: This revision becomes effective October 22, 1979.

FOR FURTHER INFORMATION CONTACT: John J. Lordan, Chief, Financial Management Branch, Office of Management of Budget, Washington, D.C. 20503, (202) 395-6823.

SUPPLEMENTARY INFORMATION: On July 11, 1979, a notice was published in the **Federal Register** (44 FR 40624-25) to amend Circular A-102. Interested persons were invited to submit written comments by September 11, 1979. About fifty comments were received from Federal agencies, State and local governments, professional associations, and others. The comments were considered in developing these final regulations. Although almost all commenters agreed with the concept of a single audit, some raised questions or made suggestions for clarifying changes. The more significant comments received, and OMB's responses to them are discussed below.

Changes in Final Regulation

Set forth below are changes that have been adopted in the final regulations. The paragraphs are keyed to the propsed regulations published on July 11, 1979.

1. Paragraph 1 has been amended to make the Attachment applicable to Indian tribal governments. This paragraph was also changed to make it clear that one of the objectives of the audit was to determine if financial reports to the Federal Government contain accurate and reliable data.

2. Paragraph 2. The definition of "cognizant agency" was added to this paragraph, and is now used uniformly throughout the Attachment.

3. Paragraph 3 was amended to provide that contracts awarded by recipients for audit services shall include a reference to this Attachment. Also, the paragraph was further divided into two separate paragraphs for clarity.

4. Paragraph 5. A clause was added to make it clear that the auditor should make a determination that the financial statements are presented fairly and in accordance with generally accepted accounting principles.

5. Paragraph 7. The phrase "at scheduled intervals" was deleted for clarity.

6. Paragraph 8 was changed to make it clear that, in the event irregularities are found, management officials above the level of involvement should be notified.

7. Paragraph 9 was restructured and reworded to clarify its intent. Also, a change was made to make it clear that auditors need express a positive assurance only with respect to items tested.

8. Paragraph 10 was amended to require cognizant agencies to notify auditors in writing when the three-year retention period for workpapers needs to be extended.

9. Paragraph 13. A sentence was added to make it clear that auditors are responsible for distributing audit reports to their program officials.

10. Paragraph 14. Changes were made to make it clear that this paragraph covered only State and local governments and Indian tribal governments. Also, the recipient's responsibilities with respect to subrecipient audits are more clearly delineated.

Suggested Changes Not Considered Necessary

Comment. Several commenters felt that there were conflicts between Attachment P and audit guidelines issued by the General Accounting Office.

Response. The GAO guidelines are currently being reviewed to assure consistence of policy.

Comment. Several commenters were concerned with the provisions of the Attachment requiring comments on the accuracy of financial reports. This requirement, they said, would require the examination of every transaction processed by a governmental entity.

Response. It was never intended that a hundred per cent examination would be routinely required. We believe this is clear from other provisions of the Attachment.

Comment. One commenter said it was not clear whether an auditor should automatically expand the scope of audit and secure additional data to support the disclosure of irregularities in the audit report.

Response. The Attachment does not provide for automatically expanding the scope of audit work. This is a matter that would have to be worked out between the auditor, the cognizant agency, and the recipient.

Comment. Several commenters recommended that the Attachment contain a definition of the term "independent."

Response. The Attachment incorporates by reference the *Standards for Audit of Governmental Organizations, Programs, Acitivities, and Functions* published by the General Accounting Office. Chapter 3 of these standards discusses the standard of independence in some detail.

Comment. Several commenters said that additional audit costs would be incurred to achieve full compliance with the Circular. They suggested that the mechanism for funding these audits be addressed in the Attachment.

Response. Circular 74-4, "Cost principles for grants to State and local governments," establishes rules for determining allowable costs. This Circular provides that the cost of audits is allowable.

Comment. One commenter suggested that each grant application should contain a certification that arrangements will be made for the audits prescribed by the Circular. Failure to furnish an acceptable audit as determined by the cognizant agency could be a basis for denial of Federal funds.

Response. The grant application forms prescribed by Circular A-102 now contain an assurance that the applicant will comply with all the provisions of the Circular. We do not believe it is necessary to single out the audit requirements for a separate certification.

Comment. One commenter said the Attachment requires an audit every two years, and asked whether that meant

that only every other year's transactions should be audited.

Response. It is the intent of the Circular that audits cover the period since the previous audit. If this is a two-year period, the audit should cover both years.

James T. McIntyre, Jr.,

Director.

Circular A–102

Attachment P—Audit Requirements

1. This Attachment establishes audit requirements for State and local governments, and Indian tribal governments that receive Federal assistance. It provides for independent audits of financial operations, including compliance with certain provisions of Federal law and regulation. The requirements are established to insue that audits are made on an organization-wide basis, rather than on a grant-by-grant basis. Such audits are to determine whether (a) financial operations are conducted properly, (b) the financial statements are presented fairly, (c) the organization has complied with laws and regulations affecting the expenditure of Federal funds, (d) internal procedures have been established to meet the objectives of federally assisted programs, and (e) financial reports to the Federal Government contain accurate and reliable information. Except where specifically required by law, no additional requirements for audit will be imposed unless approved by the Office of Management and Budget.

2. Definitions: "Cognizant agency" means the Federal agency that is assigned audit responsibility for a particular recipient organization by the Office of Management and Budget.

"Recipient organization" means a State department, a local government, an Indian tribal government, or a subdivision of such entities, that receives Federal assistance. It does not include State and local institutions of higher education or hospitals, which are covered by Circular A–110.

3. State and local governments and Indian tribal governments shall use their own procedures to arrange for independent audits, and to prescribe the scope of audits, provided that the audits comply with the requirements set forth below. Where contracts are awarded for audit services, the contracts shall include a reference to this Attachment.

4. The provisions of this Attachment do not limit the authority of Federal agencies to make audits of recipient organizations. However, if independent audits arranged for by recipients meet the requirements prescribed below, all Federal agencies shall rely on them, and any additional audit work shall build upon the work already done.

5. Audits shall be made in accordance with the General Accounting Office *Standards for Audit of Governmental Organizations, Programs, Activities & Functions,* the *Guidelines for Financial and Compliance Audits of Federally Assisted Programs,* any compliance supplements approved by OMB, and generally accepted auditing standards established by the American Institute of Certified Public Accountants.

6. Audits will include, at a minimum, an examination of the systems of internal control, systems established to ensure compliance with laws and regulations affecting the expenditure of Federal funds, financial transactions and accounts, and financial statements and reports of recipient organizations.

These examinations are to determine whether:

a. There is effective control over and proper accounting for revenues, expenditures, assets, and liabilities.

b. The financial statements are presented fairly in accordance with generally accepted accounting principles.

c. The Federal financial reports (including Financial Status Reports, Cash Reports, and claims for advances and reimbursements) contain accurate and reliable financial data; and are presented in accordance with the terms of applicable agreements, and in accordance with Attachment H of this Circular.

d. Federal funds are being expended in accordance with the terms of applicable agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements or on the awards tested.

7. In order to accomplish the purposes set forth above, a representative number of charges to Federal awards shall be tested. The test shall be representative of (1) the universe of Federal awards received, and (2) all cost categories that materially affect the award. The test is to determine whether the charges:

a. Are necessary and reasonable for the proper administration of the program.

b. Conform to any limitations or exclusions in the award.

c. Were given consistent accounting treatment and applied uniformly to both federally assisted and other activities of the recipient.

d. Were net of applicable credits.

e. Did not include costs properly chargeable to other federally assisted programs.

f. Were properly recorded (i.e., correct amount, date) and supported by source documentation.

g. Were approved in advance, if subject to prior approval in accordance with Circular 74–4.

h. Were incurred in accordance with competitive purchasing procedures, if covered by Attachment O of this Circular.

i. Were allocated equitably to benefiting activities, including non-Federal activities.

8. Audits usually will be made annually, but not less frequently than every two years.

9. If the auditor becomes aware of irregularities in the recipient organization, the auditor shall promptly notify the cognizant agency and recipient management officials above the level of involvement. Irregularities include such matters as conflicts of interest, falsification of records or reports, and misappropriation of funds or other assets.

10. The audit report shall include:

a. Financial statements, including footnotes, of the recipient organization.

b. The auditors' comments on the financial statements which should:

(1) Identify the statements examined, and the period covered.

(2) Identify the various programs under which the organization received Federal funds, and the amount of the awards received.

(3) State that the audit was done in accordance with the standards in paragraph 5.

(4) Express an opinion as to whether the financial statements are fairly presented in accordance with generally accepted accounting principles. If an unqualified opinion cannot be expressed, state the nature of the qualification.

c. The auditors' comments on compliance and internal control which should:

(1) Include comments on weaknesses in and noncompliance with the systems of internal control, separately identifying material weaknesses.

(2) Identify the nature and impact of any noted instances of noncompliance with the terms of agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements and reports.

(3) Contain an expression of positive assurance with respect to compliance with requirements for tested items, and negative assurance for untested items.

d. Comments on the accuracy and completeness of financial reports and claims for advances or reimbursement to Federal agencies.

e. Comments on corrective action taken or planned by the recipient.

11. Work papers and reports shall be retained for a minimum of three years from the date of the audit report unless the auditor is notified in writing by the cognizant agency of the need to extend the retention period. The audit workpapers shall be made available upon request to the cognizant agency or its designees and the General Accounting Office or its designees.

12. The Office of Management and Budget will work with Federal agencies and State and local governments to assure that recipient audits are made in accordance with the standards set forth in paragraph 5.

13. The Office of Management and Budget will designate cognizant agencies for major recipient organizations.

14. The cognizant agency shall have the following responsibilities:

a. Obtain or make quality assessment reviews of the work of non-Federal audit organizations, and provide the results to other interested audit agencies. (If a non-Federal audit organization is responsible for audits of recipients that have different cognizant audit agencies, a single quality assessment review should be arranged.)

b. Assure that all audit reports of rec'pients that affect federally assisted programs are received, reviewed, and distributed to appropriate Federal audit officials. These officials will be responsible for distributing audit reports to their program officials.

c. Whenever significant inadequacies in an audit are disclosed, the recipient organization will be advised and the auditor will be called upon to take corrective action. If corrective action is not taken, the cognizant agency shall notify the recipient organization and Federal awarding agencies of the facts and its recommendation. Major inadequacies or repetitive substandard performance of independent auditors shall be referred to appropriate professional bodies.

d. Assure that satisfactory audit coverage is provided in a timely manner and in accordance with the provisions of this attachment.

e. Provide technical advice and act as a liaison between Federal agencies, independent auditors, and recipient organizations.

f. Maintain a followup system on audit findings and investigative matters to assure that audit findings are resolved.

g. Inform other affected audit agencies of irregularities uncovered. The audit agencies, in turn, shall inform all appropriate officials in their agencies. State or local government law enforcement and prosecuting authorities shall also be informed of irregularities within their jurisdiction.

15. Recipients shall require subrecipients that are State and local governments or Indian tribal governments to adopt the requirements in paragraph 1. through 11. above. The recipient shall ensure that the subrecipient audit reports are received as required, and shall submit the reports to the cognizant agency. The cognizant agency will have the responsibility for these reports described in paragraph 14.

[FR Doc. 79-32579 Filed 10-19-79; 8:45 am]
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federal register

Monday
October 22, 1979

Part VI

Department of the Interior

Fish and Wildlife Service

Establishment of Manatee Protection Areas

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Rulemaking Providing for the Establishment of Manatee Protection Areas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final Rulemaking.

SUMMARY: The Fish and Wildlife Service issues a final rule providing for the establishment of manatee protection areas.

The West Indian Manatee, *Trichechus manatus*, is a protected marine mammal which has also been listed as an Endangered species. The only sizeable manatee population in the United States inhabits inland and coastal waters of the State of Florida, although in warmer months some of the animals move into the waters of neighboring States. Research indicates that the manatee population is undergoing a serious decline, and that a major factor in this decline is mortality caused by human activity, particularly the operation of motor boats. The regulation provides a procedure for the Director to establish manatee protection areas. Within these areas, certain activities would be prohibited or restricted.

EFFECTIVE DATE: November 21, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Marshall L. Stinnett, Special Agent in Charge, Branch of Regulations and Penalties, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C., telephone: 202–343–9242.

SUPPLEMENTARY INFORMATION: On January 23, 1979, the Service published a proposed rulemaking at 44 FR 4745. The proposal provided a procedure for the Director to establish manatee protection areas. Within these areas, certain activities would be prohibited or restricted. The proposal invited public comment, and on March 23, 1979, the comment period was extended until April 24, 1979 (44 FR 17762).

The Service has received a total of 37 comments. Of these, ten were submitted by Federal agencies, one was submitted by a State agency, one was submitted by a commercial interest, nine were submitted by wildlife and conservation groups, and sixteen were submitted by individuals with no apparent affiliations. The Service wishes to express its appreciation to all who submitted comments. Some of the comments contained specific recommendations for changes in the rule, and where appropriate, those recommendations have been adopted.

The Marine Mammal Commission, a governmental body created by the Marine Mammal Protection Act of 1972, suggested that the terms "act" and "harass" be defined in the rulemaking. The term "acts", meaning the Endangered Species Act of 1973 and the Marine Mammal Protection Act of 1972, is now defined in § 17.102. The term "harass" is already defined in § 17.3 of Part 17. Because several comments questioned the meaning of the word "take", § 17.102 has been clarified to indicate that the definitions found in the acts, in Part 10 of Title 50, and in § 17.3 of Part 17 are applicable to the new subpart.

The Commission also suggested that the rule make clear that the term "States" includes Puerto Rico and the Virgin Islands, both of which are areas where manatees might be found. Because the Endangered Species Act includes both of these jurisdictions within the definition of "State" (16 U.S.C. 1532 (17)), further definition of the term here is unnecessary.

The Commission was concerned that § 17.104(c), which makes it unlawful to violate State laws which protect manatees, would be inappropriate if the State laws had not been found consistent with the provisions of the Marine Mammal Protection Act of 1972. The service agrees that State laws which may be otherwise pre-empted by Federal law should not be adopted by these regulations. Section 17.104(c) has been changed to make it unlawful to violate State laws only if those laws have been approved as consistent with the Marine Mammal Protection Act of 1972 (16 U.S.C. 1379) or are determined to be in accordance with the State cooperation provisions of the Endangered Species Act of 1973 (16 U.S.C. 1535(c)).

The Commission suggested that the Service maintain a library of State laws affecting manatees, and provide copies of these laws to the public. While it would be convenient to have all State laws affecting manatees available from a central source, the Service is concerned that because of changes in State laws the information the Service would be providing would not be current. This would create problems if the State tried to prosecute for the violation of its laws and the defendant claimed he acted on information provided by the Service. For this reason, the Service believes that the best sources of State laws are the States themselves.

Finally, the Commission suggested that permit and exemption provisions be discussed in the same section, and that the permit provisions specify the types of permits that can be issued. Section 17.105 now incorporates these suggestions.

The United States Coast Guard suggested that the rule include procedures to aid in the enforcement of the regulations. Section 17.107 of the proposal has been renumbered § 17.108, and a new § 17.107 adopting the Coast Guard's recommendations has been included. The section requires persons operating water vehicles in sanctuaries and refuges to cooperate with officers enforcing the regulations, and to allow boarding and inspection of their vehicles.

The Department of the Navy, in written comment and in discussions with the Service, expressed its concern that naval operations might be hampered by the designation of a protection area. Several naval operating stations are located near manatee habitats. Patrick Air Force base in Florida expressed similar concerns.

The Service is fully cognizant of the hardship the designation of a protection area could place on military operations. On the other hand, the Service believes that the purpose of the Endangered Species Act is not to be taken lightly. The final regulations provide for an exception for activities necessary for reasons of national security, but only if the Secretary of Defense makes a finding that the activities are necessary for that reason, as provided in the 1978 amendments to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536(j)). Other Federal agencies, including the National Aeronautics and Space Administration, expressed concern that the designation of manatee protection areas would interfere with their operations. The Service will take the needs of these agencies into account, but in the end under its statutory obligations must put the welfare of manatees first. If a Federal agency proposes an activity which may affect the manatee or its critical habitat, either in the designated areas or otherwise, section 7 of the Endangered Species Act would be applicable.

The U.S. Army Corps of Engineers submitted an extensive comment to the proposal. The Crops first questioned the meaning of the term "substantial evidence" in sections 17.103 and 17.106. It considered the term vague and ambiguous, and suggested that more specific criteria be provided. The Service believes the term is an appropriate one. It is found in both the Endangered Species Act (16 U.S.C. 1540)

and the Administrative Procedure Act (5 U.S.C. 556(d)) and has been the subject of judicial interpretation "fleshing out" its meaning. It would be impossible to draft completely objective criteria that would be appropriate for every situation requiring the establishment of a protection area. The requirement of, "substantial evidence that the establishment of a protection area is necessary to prevent a taking", is a strong enough requirement to prevent the Service from acting arbitrarily and capriciously.

The Corps suggests that a hearing be held prior to the establishment of a protection area. The Service did not include this as a provision of the regulations for two reasons. First, there may be instances where a hearing would be inappropriate, such as the designation of an area not normally subject to waterborne activity. Second, § 17.103 provides that the Director shall act in accordance with 43 CFR Part 14. That Part requires the Director to provide for adequate public participation, including the holding of hearings if considered appropriate.

The Corps commented that § 17.105 was unclear as to the basis for issuing permits. As discussed above, § 17.105 has been rewritten to indicate for what purposes permits may be issued.

The comment questioned the provision allowing for the emergency establishment of protection areas as permitting the arbitrary exercise of government power. Again, the requirement that substantial evidence be found, and for emergency establishment, that the feared taking be imminent, will prevent the abuse of governmental authority. Further, § 17.106 has been amended to require the Director to begin regular designation procedures within 10 days after the emergency establishment of a protection area.

The Corps of Engineers considers this regulation premature. It believes the Service should wait for State experience in the field. The Service agrees that State experience would be helpful. These regulations, however, are not establishing any protection areas. They are procedural regulations with no effect until areas are designated. Thus, State experience is being gained, but in the meanwhile Federal regulations will be ready to implement if necessary. Additionally, considering the decline in the manatee population, no protective regulation could be premature.

Finally, the Corps challenged the Service's determination that the proposal did not require the preparation of an environmental impact statement and that it is not a significant rulemaking. As discussed above, until an area is designated, these regulations will have no effect. It would be impossible to predict the environmental impact of a designated area until the location and size of a proposed area is determined. Likewise, because no areas have been proposed, at this time there would not be any effects on the criteria set forth in 43 CFR 14.3. As areas are proposed, the Service will determine whether environmental impact statements are required for each of them and the Department will determine whether each proposal is a significant rulemaking.

The Southeast Regional Office of the National Park Service submitted comments from several of the National Parks in its region. All of the comments supported the proposal. One comment questioned whether the language "water under the jurisdiction of the United States" in § 17.100 meant only waters controlled by the Federal government or all waters within the physical boundaries of the United States. The Office of the Solicitor in the Department of the Interior has rendered an opinion construing the latter definition as correct. The Service is thus adding language to § 17.100 specifying that "waters under the jurisdiction of the United States" includes coastal and inland waters.

The Florida Game and Fresh Water Fish Commission submitted a comment in which it stated its opposition to the proposal. The Commission believes that Federal action in this area is unnecessary, and that the proposal will result in an anti-regulatory backlash, doing harm to manatees rather than protecting them. The Commission believes the statutory protection Florida allows manatees is sufficient, and requests the Service to continue to act through its cooperative agreement with the State.

The Service disagrees with the Commission's opinion. The existence of a Federal mechanism for protecting manatees will not duplicate the State provisions. The Federal regulation will be made effective only if it appears that the State regulations are not doing enough to protect the manatees. The existence of Federal regulations will put more enforcement tools at the disposal of Federally deputized State Fish and Game Agents. Federal regulations will allow the invocation of the criminal and civil sanctions of both the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. The sactions of these Acts can be more severe than the penalty under the Florida manatee protection law, which provides for a maximum 1-year prison term and/or $100.00 fine (Fla. Stat. §§ 370.12(2)(b), 775.082, 775.083). The Service must also point out that although manatees primarily occur in Florida, it would be possible that manatee protection areas might be necessary in other States, Puerto Rico, or the Virgin Islands. Federal regulations might be the only protective regulations in these areas.

Among wildlife and conservation groups, Defenders of Wildlife submitted the lengthiest comment. The comment suggested that there be only one type of protection area—sanctuaries. Defenders believes that all areas where manatees are found should be completely closed to people. The Service feels that there will be areas where restriction of activities, as opposed to complete closure, will be sufficient to protect the manatees. The Service believes that allowing the Director some discretion in issuing the restrictions placed in manatee refuges will provide more enforceable rules than will closing all waters which have manatees. Similar suggestions were made by the Florida Wildlife Rescue Team and the Committee for Humane Legislation.

Defenders suggested that standards were necessary to establish what kind of activities would be allowed, and that the types of activities to be allowed by permit should be spelled out. Again, the Service believes that the use of the term "substantial evidence that it is necessary to prevent the taking of one or more manatees" (§ 17.103) provides a sufficient standard by which the Director may determine what kind of activities will be allowed in manatee refuges. Section 17.105 now provides that permits may be issued only for scientific purposes or for the enhancement of survival or propagation.

Finally, Defenders suggests that after the Director makes an emergency establishment of a protection area, the establishment should continue for more than 120 days if regular establishment procedures are commenced. The Endangered Species Act of 1973 states that emergency regulations shall expire after 120 days, unless regular rulemaking procedures are complied with. The Service interprets this to mean that the final rulemaking would have to be issued before the close of the 120-day period for the rulemaking to be effective beyond that time (16 U.S.C. 1533(f)(2)(B)(ii)). Thus, there is no statutory authority for Defenders' suggestion. A requirement that the Director begin regular designation

proceedings within 10 days after an emergency designation has been added to § 17.106, however.

The Environmental Defense Fund, in its comment, recommended that the rule require the Director to establish areas, rather than allow the Director to do so. The Service believes, as stated above, that the retention of some discretion on the part of the Director will result in the most enforceable regulations.

The Miami Marine Institute, Incorporated, questioned some of the definitions used in the rule, including that of the word "take." The question of definitions has been resolved as discussed above.

Aware Incorporated and the Florida Audubon Society went on record in favor of the proposal, as did the Miami Seaquarium.

Sixteen individuals submitted comments on the proposal. Fifteen of them support it, and several of them made suggestions as to where areas should be established. One of the sixteen opposed the proposal.

The Service has determined that this rulemaking is not a major Federal action affecting the quality of the human environment, and does not require the preparation of an environmental impact statement. The Department of Interior has determined that this document is not a significant rule under Executive Order 12044 and 43 CFR Part 14 and does not require the preparation of a regulatory analysis.

The primary author of this final rulemaking is Kenneth J. Hirsh, Legal Specialist, Division of Law Enforcement, U.S. Fish and Wildlife Service, telephone: 202–343–9242.

Regulation Promulgation

Accordingly, Title 50, Chapter I, Subchapter B, Part 17, is amended in the following manner:

1. The table of sections for Part 17 is amended by adding the following, after Subpart I.

* * * * *

Subpart J—Manatee Protection Areas

17.100 Purpose.
17.101 Scope.
17.102 Definitions.
17.103 Establishment of protection areas.
17.104 Prohibitions.
17.105 Permits and exceptions.
17.106 Emergency establishment of protection areas.
17.107 Facilitating enforcement.
17.108 List of designated manatee protection areas [Reserved].

Authority: Marine Mammal Protection Act of 1972, 86 Stat. 1027, as amended, §§ 101(a), 102(a)(2), 104, 105, 112(a) [16 U.S.C. §§ 1371(a), 1372(a)(2), 1374, 1375, and 1382(a)]; Endangered Species Act of 1973, 87 Stat. 884, as amended, §§ 4 (d) and (f), 9(a)(1)(G), and 11(a)(1) [16 U.S.C. §§ 1533 (d) and (f), 1538(a)(1)(G), and 1540(a)(1)].

2. Part 17 is amended by adding the following new subpart immediately after § 17.95:

* * * * *

Subpart J—Manatee Protection Areas

§ 17.100 Purpose.

This subpart provides a means for establishing manatee protection areas without waters under the jurisdiction of the United States, including coastal waters adjacent to and inland waters within the several States, within which certain waterborne activities will be restricted or prohibited for the purpose of preventing the taking of manatees.

§ 17.101 Scope.

This subpart applies to the West Indian manatee (*Trichechus manatus*), also known as the Florida manatee and as the sea cow. The provisions of this subpart are in addition to, and not in lieu of, other regulations contained in this Chapter I which may require a permit or prescribe additional restrictions on the importation, exportation, transportation, or taking of wildlife, and the regulations contained in Title 33, Code of Federal Regulations, which regulate the use of navigable waters.

§ 17.102 Definitions.

In addition to definitions contained in the Acts, Part 10 of this subchapter, and § 17.3 of this part, and unless the context otherwise requires, in this subpart:

"Acts" means the Endangered Species Act of 1973, as amended (87 Stat. 884, 16 U.S.C. 1531–1543) and the Marine Mammal Protection Act of 1972, as amended (86 Stat. 1027, 16 U.S.C. 1361–1407);

"Authorized officer" means any commissioned, warrant, or petty officer of the United States Coast Guard, or any officer or agent designated by the Director of the U.S. Fish and Wildlife Service, the Secretary of the Interior, the Secretary of Commerce, or the Secretary of the Treasury, or any officer designated by the head of a Federal or State agency which has entered into an agreement with the Secretary of the Interior, Secretary of Commerce, Secretary of the Treasury, or Secretary of Transportation to enforce the Acts, or any Coast Guard personnel accompanying and acting under the direction of a person included above in this definition;

"Manatee protection area" means a manatee refuge or a manatee sanctuary;

"Manatee refuge" means an area in which the Director has determined that certain waterborne activity would result in the taking of one or more manatees, or that certain waterborne activity must be restricted to prevent the taking of one or more manatees, including but not limited to a taking by harassment;

"Manatee sanctuary" means an area in which the Director has determined that any waterborne activity would result in a taking of one or more manatees, including but not limited to a taking by harassment;

"Waterborne activity" includes, but is not limited to, swimming, diving (including skin and scuba diving), snorkeling, water skiing, surfing, fishing, the use of water vehicles, and dredging and filling operations;

"Water vehicle" includes, but is not limited to, boats (whether powered by engine, wind, or other means), ships (whether powered by engine, wind, or other means), barges, surfboards, water skis, or any other device or mechanism the primary or an incidental purpose of which is locomotion on, across, or underneath the surface of the water.

§ 17.103 Establishment of protection areas.

The Director may, by regulation issued in accordance with 5 U.S.C. 553 and 43 CFR Part 14, establish manatee protection areas whenever there is substantial evidence showing such establishment is necessary to prevent the taking of one or more manatees. Any regulation establishing a manatee protection area shall state the following information:

(a) Whether the area is to be a manatee sanctuary or refuge.

(1) If the area is to be a manatee sanctuary, the regulation shall state that all waterborne activities are prohibited.

(2) If the area is to be a manatee refuge, the regulation shall state which, is any, waterborne activities are prohibited, and it shall state the applicable restrictions, if any, on permitted waterborne activities.

(b) A description of the area sufficient enough so that its location and dimensions can be readily ascertained without resort to means other than published maps, natural or man-made physical reference points, and posted signs.

(c) Whether the designation is to remain in effect year-round, and if not, the time of year it is to remain in effect.

§ 17.104 Prohibitions.

Except as provided in § 17.105,

(a) *Manatee sanctuary.* It is unlawful for any person to engage in any

waterborne activity within a manatee sanctuary.

(b) *Manatee refuge.* it is unlawful for any person within a particular manatee refuge to engage in any waterborne activity which has been specifically prohibited within that refuge, or to engage in any waterborne activity in a manner contrary to that permitted by regulation within that area.

(c) *State law.* It is unlawful for any person to engage in any waterborne activity prohibited by, or to engage in any waterborne activity in a manner contrary to that permitted by, any State law or regulation the primary purpose of which is the protection of manatees: *Provided:* that such State law or regulation has been issued as part of a program which is determined to be in accordance with the Endangered Species Act of 1973, pursuant to section 6(c) of that Act (16 U.S.C. 1535(c)) or has been approved as consistent with the Marine Mammal Protection Act of 1972 in accordance with section 109 of that Act (16 U.S.C. 1379) and 50 CFR 18.53.

§ 17.105 Permits and exceptions.

(a) The Director may issue permits allowing the permittee to engage in any activity otherwise prohibited by this subpart. Such permits shall be issued in accordance with the provisions of § 17.22 of this part. Such permits shall be issued only for scientific purposes or for the enhancement of propagation or survival. All of the provisions of section 17.22 shall apply to the issuance of such permits, including those provisions which incorporate other sections by reference. Compliance with this paragraph does not by itself constitute compliance with any applicable requirements of Part 18.

(b) Any authorized officer may engage in any activity otherwise prohibited by this subpart if:

(1) The officer is acting in the performance of his or her official duties; and

(2) The activity is being conducted to directly protect any manatees, to enhance the propagation or survival of manatees, or is reasonably required to enforce the other provisions of this subpart.

(c) Any person may engage in any activity otherwise prohibited by this subpart if such activity is reasonably necessary to prevent the loss of life or property due to weather conditions or other reasonably unforeseen circumstances, or to render necessary assistance to persons or property.

(d) Any waterborne activity which would otherwise be prohibited by this subpart may be engaged in if it is conducted by or under a contract with a Federal agency and if the Secretary of Defense, in accordance with section 7(j) of the Endangered Species Act of 1973 (16 U.S.C. 1536(j)) makes a finding that such activity is necessary for reasons of national security. Such a finding must be made prior to the beginning of the activity or the designation of the protection area, whichever occurs later; except that in the case of an emergency establishment of a protection area under § 17.106, the finding must be made within 10 days after the beginning of the activity or the designation of the protection area, whichever occurs later.

§ 17.106 Emergency establishment of protection areas.

(a) The Director may establish a manatee protection area under the provisions of subsections (b) and (c) below at any time he determines there is substantial evidence that there is imminent danger of a taking of one or more manatees, and that such establishment is necessary to prevent such a taking.

(b) The establishment of a manatee protection area under this section shall become effective immediately upon completion of the following requirements:

(1) Publication of a notice containing the information required by § 17.103 above in a newspaper of general circulation in each county, if any, in which the protection area lies; and

(2) Posting of the protection area with signs clearly marking its boundaries.

(c) Simultaneously with the publication required by paragraph (b) of this section, the Director shall publish the same notice in the **Federal Register.** If simultaneous publication is impractical, because of the time involved or the nature of a particular emergency situation, failure to publish notice in the **Federal Register** simultaneously shall not delay the effective date of the emergency establishment. In such a case, notice shall be published in the **Federal Register** as soon as possible.

(d) No emergency establishment of a protection area shall be effective for more than 120 days. Termination of an emergency establishment of a protection area shall be accomplished by publishing notice of the termination in the **Federal Register** and in a newspaper of general circulation in each county, if any, in which the protection area lies.

(e) Within 10 days after establishing a protection area in accordance with this section, the Director shall commence proceedings to establish the area in accordance with § 17.103.

§ 17.107 Facilitating enforcement.

Water vehicles operating in manatee sanctuary or refuge waters are subject to boarding and inspection for the purpose of enforcing the Acts and these regulations.

(a) The operator of a water vehicle shall immediately comply with instructions issued by authorized officers to facilitate boarding and inspection of the water vehicle.

(b) Upon being approached by an authorized officer, the operator of a water vehicle shall be alert for signals conveying enforcement instructions.

(c) A water vehicle signaled for boarding shall:

(1) Guard channel 16, VHF–FM, if equipped with a VHF–FM radio;

(2) Stop immediately and lay to or maneuver in such a manner as to facilitate boarding by the authorized officer and his or her party;

(3) When necessary to facilitate the boarding, provide a safe ladder, manrope, safety line and illumination of the ladder; and

(4) Take such other actions as may be necessary to ensure the safety of the authorized officer and his or her party and to facilitate the boarding and inspection.

(d) It is unlawful for any person to assault, resist, oppose, impede, intimidate, or interfere with any authorized officer or member of his or her party.

§ 17.108 List of designated manatee protection areas [Reserved].

Dated: October 11, 1979.

Lynn A. Greenwalt,

Director.

[FR Doc. 79-32586 Filed 10-19-79; 8:45 am]

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federal register

Monday
October 22, 1979

Part VII

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Proposed State Programs, Extension of Time for Initial Submission

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 731

Coal Mining and Reclamation Operations; State Programs

AGENCY: Office of Surface Mining, Reclamation and Enforcement (OSM), Department of the Interior.

ACTION: Final rules.

SUMMARY: Section 731.12 of OSM's permanent rules is amended to provide an extension of time until March 3, 1980, for the initial submission of a proposed State program for implementing the permanent regulatory program under the Surface Mining Control and Reclamation Act. This action is being taken to implement orders of the U.S. District Court for the District of Columbia.

EFFECTIVE DATE: October 22, 1979.

FOR FURTHER INFORMATION CONTACT: Carl Close, Assistant Director, State and Federal Programs, Office of Surface Mining, Room 224, South Interior Building, 1951 Constitution Avenue, Washington, D.C. 20240, (202) 343–4221.

SUPPLEMENTARY INFORMATION: On March 13, 1979, the Secretary of the Interior promulgated the final rules for the permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act). The rules repeat the requirement of Section 503(a) of the Act that, for a State to assume primary jurisdiction under the Act for the regulation of coal mining and reclamation operations on non-Federal lands within its borders, it must submit its proposed permanent program to OSM by August 3, 1979. Section 504(a) of the Act further provides that if no State submission is made by that date, a Federal program, will be implemented for surface coal mining and reclamation operations within the State. The rules also require a final decision on program submission by the Secretary no later than June 3, 1980. OSM's rules relating to State program submission are found in 30 CFR Parts 730–736, 44 FR 15323 *et seq.* (March 13, 1979).

On July 25, 1979 the U.S. District Court for the District of Columbia, in response to a suit filed by the State of Illinois, enjoined the Department of the Interior from requiring the submission of State programs under section 503(a) of the Act until March 3, 1980. On August 21, 1979, the court ordered that its injunction would remain in effect. The court's orders do not alter the requirement of section 504(a) of the Act that a final decision by the Secretary on a State program must be made by June 3, 1980. As a result the time period between the court ordered deadline for program submission and the required date for final decision by the Secretary is just 3 months, which may preclude adherence to the review schedule contained in 30 CFR 732.11, 732.12 and 732.13 of the permanent program regulations.

Prior to the Court ordered extension to the date for program submission, the Secretary requested that Congress enact a seven-month extension of the statutory dates. On June 25, 1979, a bill (S. 1403) was introduced in the Senate to extend both the August 3, 1979, and the June 3, 1980, dates by seven months. 125 Cong. Rec. S. 8411, June 25, 1979. On September 11, 1979, the Senate passed a bill including provisions extending the dates twelve months. To this date the House has not passed the extension of the August 3, 1979, or June 3, 1980, dates.

The amendment being promulgated today to implement the July 25, 1979, and August 21, 1979, U.S. District Court orders amends § 731.12(a) to provide for the State to submit a State program no later than March 3, 1980, and adds new § 731.12(e) specifying that the review schedule of §§ 732.11, 731.12 and 732.13 will not apply to programs submitted after August 3, 1979. Programs submitted by the States for formal review prior to August 3, 1979, will be processed under the schedule set forth in the regulations. Only Texas and Mississippi submitted programs prior to August 3, 1979. There will be insufficient time to utilize this schedule for programs submitted later. Accordingly, adjusted review schedules will be established by the Regional Director on a case-by-case basis for programs submitted after August 3, 1979.

In regard to public notice and comment on this rulemaking, the Department finds that ordinary procedures as provided in 5 USC 553(b)(B) are impracticable, unnecessary and contrary to the public interest. There are several reasons for this expedited procedure. First, the former August 3 deadline has been changed by the court, making the notice and comment period both impracticable and useless. Second, this change in the regulations is necessary to implement a Court-ordered change in the required date of a State program submission.

Third, the public interest in assisting the States to develop a regulatory program which achieves the purposes of the Act, declared by Congress in Section 102(g), far outweighs any individual's interest in having an opportunity to be heard before this extension takes effect. The Department is therefore acting in the best interest of the public by providing this extension.

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, 43 FR 58292, *et seq.* (December 12, 1978).

The Department of the Interior has determined that this action will not have a significant effect on the human environment and an environmental impact statement will therefore not be prepared. These amendments are effective immediately.

Primary author of this document is James Fulton, State Programs Division, Office of Surface Mining.

Text of Amendment

30 CFR § 731.12(a) is amended by changing the date, August 3, 1979, to March 3, 1980, and new 30 CFR § 731.12(e) is added to read as set forth below. The language of revised § 731.12(a) and new § 731.12(e) is as follows:

§ 731.12 Submission of State programs.

(a) Not later than March 3, 1980, each State that wishes to regulate coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands within its boundaries shall submit 3 copies of a proposed program to the Regional director for the region in which that State is located.

* * * * *

(e) If a State does not submit a State program on or before August 3, 1979, the review schedule of Sections 732.11, 732.12 and 732.13 will not apply to the submission. Appropriate adjustments in the timing of the review by the Regional Director, notice and public hearings and decision by the Secretary will be established by the Regional Director for any State program submitted after August 3, 1979, and will apply in lieu of the time schedule of Sections 732.11, 732.12 and 732.13.

(Sections 102, 201(c), 501(b) and 503(a) of Pub. L. 95–87.)

Dated: October 16, 1979.

Joan M. Davenport,

Assistant Secretary, Energy and Minerals.

[FR Doc. 79–32587 Filed 10–19–79; 8:45 am]

BILLING CODE 4310–05–M

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Federal Register

Vol. 44, No. 205

Monday, October 22, 1979

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

The items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing October 17, 1979

Rules Going Into Effect Today

ENVIRONMENTAL PROTECTION AGENCY

54707 9–21–79 / Approval and promlgation of implementation plans, South Carolina plan revision: emission offset

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

54478 9–20–79 / List of attorneys-in-fact

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54478 9–20–79 / Processing requests for declassification and release of classified material

Office of the Assistant Secretary for Housing—Federal Housing Commissioner—

54659 9–20–79 / Administrator qualifications and procedures for HUD building products certification programs

INTERSTATE COMMERCE COMMISSION

36389 6–22–79 / Transfer of motor carrier operating rights; list of forms

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WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: Nov. 2, 16,* and 30; Dec. 14; at 9 a.m. (identical sessions)

WHERE: Office of the Federal Register, Room 9409, 1100 L Street N.W., Washington, D.C.

RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235 or Gwendolyn Henderson, Assistant Coordinator, 202–523–5234.

*Note: The November 16 briefing will feature an interpreter for hearing impaired persons. The TTY number at the Office of the Federal Register is 202–523–5239.

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