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Monday
February 25, 1980

Highlights

12209 **Radiation Policy Council** Executive order

12362 **Health Financing Research and Demonstration Grants** HEW/HCFA issues annual announcements about the availability of funds; various dates (Part III of this issue)

12240 **Grants Administration** HEW/PHS revises regulations; effective 2-25-80

12358 **Small Operator Assistance Program** Interior/SMO gives notice of laboratories qualified to perform work under this program (Part II of this issue)

12211 **National Environmental Policy Act** NCUA issues policy statement; effective 3-26-80

12255 **Vehicle Identification Number** DOT/NHTSA issue regulations to eliminate the required fixed format; effective 9-1-80

12237 **Parole Violators** Justice/PARCOM establishes both procedural and substantive changes in the handling of parolees who are serving sentences of imprisonment for criminal offenses committed while on parole; effective 7-1-80

12253 **Importation of Dogs and Cats into U.S.** HEW/PHS modifies requirements; effective 4-25-80

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Presidential Documents

Title 3—

The President

Executive Order 12194 of February 21, 1980

Radiation Policy Council

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to coordinate the development of Federal radiation protection policy, it is hereby ordered as follows:

1–1. *Establishment.*

1–101. There is established the Radiation Policy Council.

1–102. The Council shall be composed of the heads of the following agencies or their representatives and such others as the President may designate:

(a) The Department of Defense.

(b) The Department of Justice.

(c) The Department of Commerce.

(d) The Department of Labor.

(e) The Department of Health, Education, and Welfare.

(f) The Department of Housing and Urban Development.

(g) The Department of Transportation.

(h) The Department of Energy.

(i) The Veterans Administration.

(j) The Environmental Protection Agency.

(k) The National Science Foundation.

(l) The Federal Emergency Management Agency.

(m) The Nuclear Regulatory Commission is invited to participate.

1–103. The head of each agency represented on the Council may designate an official of the equivalent rank of Assistant Secretary or higher level to serve as the agency's representative.

1–104. The Administrator of the Environmental Protection Agency, or any agency representative designated by him, shall chair the Council.

1–2. *Functions.*

1–201. The Council shall coordinate the formulation and implementation of Federal policy relating to radiation protection. In carrying out this function, the Council shall:

(a) advise on the formulation of broad radiation protection policy;

(b) monitor implementation of Federal radiation protection policies by Federal agencies;

(c) assist in the resolution of conflicts in jurisdiction among Federal agencies and recommend corrective legislation if needed;

(d) ensure effective liaison with the States and the Congress;

(e) serve as a forum for public participation and comment; and

(f) perform such other functions as the President may direct.

1–202. The Council shall keep the Director of the Office of Science and Technology Policy, the Director of the Office of Management and Budget, and the Council on Environmental Quality informed of the activities of the Council.

1–203. The Council shall prepare an annual report of its activities and transmit the report to the President and the heads of the agencies represented on the Council on or before September 30 of each year.

1–3. *General Provisions.*

1–301. The Environmental Protection Agency, to the extent permitted by law, shall furnish administrative support, funds, staff, and other assistance to the Council as necessary to carry out its functions.

1–302. Federal agencies, to the extent permitted by law, shall provide to the Council that information and assistance which it requests in order to carry out its functions.

1–303. The Council shall transmit its final annual report and terminate four years after the date of this Order.

Jimmy Carter

THE WHITE HOUSE,
February 21, 1980.

[FR Doc. 80–5911
Filed 2–21–80; 3:14 pm]
Billing code 3195–01–M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document delegates authority to the Director, Economics, Policy Analysis and Budget to coordinate the Department's public participation activities and to redelegate that authority to the Director of the Office of Budget, Planning and Evaluation.

EFFECTIVE DATE: February 25, 1980.

FOR FURTHER INFORMATION CONTACT: Linley Juers, Office of Budget, Planning and Evaluation, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–6667.

SUPPLEMENTARY INFORMATION: The delegations of authority are amended to provide the Director, Economics, Policy Analysis and Budget and the Director of the Office of Budget, Planning and Evaluation with the authority to coordinate and provide general oversight of USDA's public participation activities. The Secretary of Agriculture has stressed the importance of public participation in USDA decisions in the procedures developed under Executive Order 12044 and directed that methods be developed to ensure this input. Additional emphasis will be placed on the importance of public participation by the actions required under Executive Order 12160. Accordingly, 7 CFR Part 2 is amended as follows:

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, Assistant Secretaries, and the Director of Economics, Policy Analysis and Budget

1. Section 2.27 is amended by adding new paragraphs (a)(11) and (a)(12) as follows:

§ 2.27 Delegations of authority to the Director of Economics, Policy Analysis and Budget.

* * * * *

(a) * * *

(11) Coordinate and direct the design and structure of mechanisms for public participation in the Department's decision-making process.

(12) Monitor agency public participation programs and plans to insure consistency with Department goals and policies.

* * * * *

Subpart K—Delegations of Authority by the Director of Economics, Policy Analysis and Budget

2. Section 2.84 is amended by adding new paragraphs (a)(11) and (a)(12) as follows:

§ 2.84 Director, Office of Budget, Planning and Evaluation.

(a) * * *

(11) Coordinate and direct the design and structure of mechanisms for public participation in the Department's decision-making process.

(12) Monitor agency public participation programs and plans to insure consistency with Department goals and policies.

(5 U.S.C. 301 and Reorganization Plan No. 2. of 1953)

Dated: February 8, 1980.

For Subpart C:

Bob Bergland,

Secretary of Agriculture.

For Subpart K:

Howard Hjort,

Director, Economics, Policy Analysis and Budget.

[FR Doc. 80–5675 Filed 2–22–80; 8:45 am]

BILLING CODE 3410–01–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Chapter VII

Statement of Policy—National Environmental Policy Act

AGENCY: National Credit Union Administration.

ACTION: Statement of policy.

SUMMARY: The National Environmental Policy Act (NEPA), (41 U.S.C. §§ 4321 *et seq.)* requires Federal agencies to include environmental concerns in their decision-making. Under Executive Order 11991. May 24, 1977 (42 F.R. 26967), the Council on Environmental Quality (CEQ) was directed to issue regulations to Federal agencies for the implementation of the procedural provisions of NEPA. The Executive Order also required Federal agencies to comply with CEQ's regulations "except where . . . inconsistent with statutory requirements." On November 29, 1978, CEQ published (43 F.R. 55978) final regulations for implementing the procedural provisions of NEPA. CEQ's regulations (40 C.F.R. Parts 1500–1508) require that ". . . each agency shall as necessary adopt procedures to supplement these regulations" (40 C.F.R. § 1507.3(a)). This policy statement constitutes NCUA's compliance with this requirement.

DATE: March 26, 1980. Comments are invited during this period.

ADDRESS: National Credit Union Administration, 1776 G St., N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Robert S. Monheit, Senior Attorney, Office of General Counsel, at the above address. Telephone: (202) 357–1030.

Statement of Policy—IRPS No. 80–2

Pursuant to 40 C.F.R. § 1507.3(a), the National Credit Union Administration required to adopt, as necessary, procedures to supplement the regulations issued by the Council on Environmental Quality (CEQ) (40 C.F.R. Parts 1500–1508). These regulations were adopted by CEQ to implement the procedural provisions of the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321 *et seq.).*

The National Credit Union Administration's duties and responsibilities as conferred by Congress (such as the chartering and supervision of Federal credit unions, the insuring of member accounts of all Federal and selected State chartered credit unions, and the management of the NCUA Central Liquidity Facility) ordinarily do not, either individually or cumulatively, have a significant effect on the human environment. Therefore, it is not necessary for NCUA to set forth separate procedures to provide early involvement in action planned by private applicants requiring NCUA approval (40 C.F.R. § 1501.2(d)); nor to adopt procedures for introducing a supplemental environmental impact statement into formal administrative records (40 C.F.R. § 1502.9(c)(3)); nor to adopt procedures ensuring that environmental documents are actually considered in agency decision-making (40 C.F.R. § 1505.1); nor to provide procedures where interested persons can get information or status reports on environmental impact statements (40 C.F.R. § 1506.6(e)). In accordance with 40 C.F.R. §§ 1507.3(b)(2) and 1508.4, NCUA believes that none of its actions will normally require the preparation of environmental assessments or environmental impact statements.

However, where it appears that, due to extraordinary circumstances, a particular action may have a significant effect on the human environment, NCUA will determine whether NEPA requires additional consideration of the environmental impact of a particular action. In addition, interested members of the public may raise objections to proposed actions by NCUA based upon environmental considerations. Such consideration will be reviewed by a designated official in the appropriate Central or Regional Office prior to NCUA action.

Interested persons may submit comments and views on the effect of NCUA's actions on the human environment, and may seek information concerning NCUA's compliance with the National Environmental Policy Act, by writing to the Secretary to the National Credit Union Administration Board at the address stated above.

Rosemary Brady,

Secretary, National Credit Union Administration Board.

February 15, 1980.

[FR Doc. 80-5694 Filed 2-22-80; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-WE-35-AD; Amdt. 39-3702]

Airworthiness Directives; McDonnell Douglas DC-10 Airplanes

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 to an existing AD requiring servicing of cabin pressure relief valves on McDonnell Douglas Model DC-10 airplanes, which was previously made effective by telegraphic message number T80WE-1 dated January 4, 1980.

This amendment further amends the existing AD by specifying an additional valve. This AD is necessary to provide servicing instructions for additional cabin pressure relief valves to ensure that the valves will perform their intended function at altitude should a cabin pressure failure occur, resulting in an undetected cabin over-pressurization.

DATES: Effective March 3, 1980, and was effective earlier to all recipients of telegraphic AD T80WE-1 dated January 4, 1980.

Compliance schedule—As prescribed in the body of the AD.

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

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

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

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

SUPPLEMENTARY INFORMATION: An emergency airworthiness directive (AD) was adopted on January 4, 1980 and made effective immediately upon receipt of the telegram (T80WE-1) to all known U.S. operators of McDonnell Douglas Model DC-10 airplanes, amending AD 79-25-01, (Amendment 39-3627). The telegraphic amendment provided relief for those operators adversely affected by paragraph 2 of AD 79-25-01.

Subsequent to the issuance of the telegraphic amendment, T80WE-1, the FAA determined that some DC-10 airplanes equipped with positive pressure relief valves P/N 103624-1 and 103624-2 should be included in the AD to provide for a filter replacement schedule.

Since this amendment either relieves a restriction or evolves from a situation that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 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 amending Amendment 39-3627, AD 79-25-01 to revise paragraph (2) and add a new paragraph (4) as follows:

* * * * *

(2) If paragraph (1)(a) above is accomplished, at intervals not to exceed 8,000 hours' time in service thereafter, change the relief valve filter elements and functionally check per the maintenance manual. For airplanes with relief valve filters installed per paragraph (1)(a) of this AD, with total filter time in service of 8,000 or more hours on January 7, 1980; within the next 1,000 hours' time in service after January 7, 1980, and thereafter, at intervals of not to exceed 8,000 hours' time in service change the relief valve filter elements and functionally check the valve per the maintenance manual.

(3) * * *

(4) If AiResearch P/N 103624-1 or -2 cabin positive pressure relief valves are installed, prior to the accumulation of 8,000 hours' time in service on the relief valve filter elements, and at intervals not to exceed 8,000 hours' time in service thereafter, change the relief valve filter elements and functionally check valve per the maintenance manual.

* * * * *

This amendment becomes effective March 3, 1980, and was effective earlier to all recipients of telegraphic AD T80WE-1 dated January 4, 1980.

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

Issued in Los Angeles, California on February 12, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-5640 Filed 2-22-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-SO-65; Amdt. No. 39-3701]

Airworthiness Directives; Piper Aircraft Corp., Model PA-34 Series

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Piper Aircraft Corporation Models PA-34-200 and PA-34-200T airplanes by allowing an additional 50-hours time in service after the effective date of the original airworthiness directive before requiring accomplishment of a modification terminating repetitive checks and inspections required by the AD. The amendment is necessary because of difficulties experienced by operators in obtaining the parts required to accomplish the modification.

DATES: Effective March 1, 1980.

Compliance as prescribed in body of AD.

ADDRESSES: Piper Service Bulletin No. 633A may be obtained from Piper Aircraft Corporation, Lock Haven Division, Lock Haven, Pennsylvania 17745, telephone (A/C 707) 748-6711.

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

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

SUPPLEMENTARY INFORMATION: This amendment further amends amendment 39-3601, AD 79-23-01, by allowing an additional 50-hours time in service after the original effective date of the airworthiness directive before requiring modification of the latch and locking mechanism of the nose baggage door on certain Models Piper PA-34-200 and PA-34-200T airplanes. This amendment is needed because several operators of affected airplanes have been unable to obtain the required parts within the time limit for the modification. The operators are being required to continue preflight checks of the nose baggage door and to continue 25-hour repetitive inspections of the nose baggage doorlatch and locking mechanism.

Since this amendment relieves a restriction and imposes no additional burden on any person, it is found that notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Amendment 39-3601 (44 FR 62882), AD 79-23-01, as follows:

a. Revise paragraph (d) to read:

Within the next 150-hours time in service after the effective date of this AD, unless already accomplished, accomplish the modification described in Part III of Piper Service Bulletin No. 633A, dated September 20, 1979.

Amendment 39-3601 became effective November 15, 1979. This amendment becomes effective March 1, 1980.

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

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

Issued in East Point, Georgia, on February 11, 1980.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 80-5641 Filed 2-22-80; 8:45 am]

BILLING CODE 4910-13-M

Rockwell NA-265-60 and NA-265-80 Airplanes Modified in Accordance With Raisbeck Group STC SA687NW and STC SA847NW

14 CFR Part 39

[Docket No. 80-NW-2 AD; Amdt. 39-3703]

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: Inspections required by Amendment 39-3680, as well as other inspections, have disclosed installation quality problems of sufficient magnitude to require that each modified airplane be further inspected. The installation quality problems uncovered impact fatigue life and could affect structural strength. On January 17, 1980, a telegraphic Airworthiness Directive T80-NW-2 (AD) was issued and made effective to all known operators of Rockwell NA-265-60 and NA-265-80 airplanes which have been modified in accordance with The Raisbeck Group STC SA687NW or SA847NW. This AD required inspection, before further flight, of all areas modified by Raisbeck in accordance with an FAA approved method. This condition still exists and the AD is hereby published in the **Federal Register** to make it effective to all persons. In addition, the AD is revised to incorporate an approved inspection method specified in Raisbeck Service Bulletin No. 25.

DATES: Effective date 3/4/80. This AD was effective earlier to all recipients of the telegraphic AD T80-NW-2 dated January 17, 1980. Initial compliance: Before further flight.

ADDRESSES: The Raisbeck service bulletin specified in this directive may be obtained upon request to The Raisbeck Group, 7777 Perimeter Road, Seattle, Washington 98108. This document may also be examined at FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: William M. Perrella, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTAL INFORMATION: During inspection of the flap track support structure required by Amendment 39-3680, poor workmanship was found in other parts of several airplanes, some in highly critical areas. Since catastrophic structural failure could occur from the resulting reductions in static and fatigue strength, and since it was likely this condition existed on other airplanes, an emergency telegraphic AD was issued requiring inspections of all Raisbeck modified areas prior to further flight. Subsequent to the telegraphic AD, acceptable methods for inspecting the airplanes were determined and set forth in Raisbeck Service Bulletin No. 25.

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

Adoption of the Amendment

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

Rockwell International: Applies to Rockwell Model NA 265-60 and NA 265-80 airplanes completely or partially modified by The Raisbeck Group in accordance with Raisbeck STC's SA687NW or SA847NW. To prevent

structural failure of the airframe, accomplish a comprehensive inspection of all areas modified by The Raisbeck Group, as follows:

A. Before further flight, inspect for deviations from the supplemental type design in accordance with Paragraphs I through IV, and VI, of FAA approved Raisbeck Service Bulletin No. 25. Inspect for discrepancies such as:

1. Plugged holes
2. Oblong, eggshaped, oversized, or irregular holes
3. Tapered holes
4. Excess holes
5. Inadequate edge distances
6. Gouges
7. Improper fasteners (type and number)
8. Improper clearances
9. Any other irregularities which are not consistent with standard aircraft practice.

B. Before accumulation of 2,000 flight hours time-in-service after modification by STC SA687NW inspect the horizontal stabilizer and elevator in accordance with Paragraphs V(A) and V(B) of FAA approved Raisbeck Service Bulletin No. 25. Repeat this inspection at intervals not exceeding 5,000 flight hours time-in-service thereafter.

C. Before accumulation of 2,000 flight hours time-in-service after modification by STC SA687NW or STC SA847NW, inspect the wing leading edge in accordance with Paragraph V(D) of FAA approved Raisbeck Service Bulletin No. 25. Repeat this inspection at intervals not exceeding 5,000 flight hours time-in-service thereafter.

D. Before accumulation of 10,000 flight hours time-in-service after modification by STC SA687NW or STC SA847NW, inspect the overwing modification in accordance with Paragraph V(C) of FAA approved Raisbeck Service Bulletin No. 25. Repeat this inspection at intervals not exceeding 10,000 flight hours time-in-service thereafter.

E. Inspections are to be conducted at facilities specifically authorized by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

F. Discrepancies discovered as a result of the inspections are to be reported to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repair or modifications required because of these problems are to be FAA approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region or specifically authorized DERs.

G. Airplanes may be ferried, in accordance with FAR 21.199, to a maintenance base, for the purpose of complying with this AD.

H. The inspections noted herein may be accomplished as noted or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region.

I. Areas previously inspected in accordance with Amendment 39-3680 may be excluded from the inspections required by this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to The Raisbeck Group, 7777 Perimeter Road, Seattle, Washington 98108.

This amendment becomes effective upon publication in the **Federal Register** and was effective earlier to all recipients of the telegraphic AD T80-NW-2 dated January 17, 1980.

(Secs. 313(1), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

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

Issued in Seattle, Washington, on February 13, 1980.

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

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80-5638 Filed 2-22-80; 8:45 am]

BILLING CODE 4910-13-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

15 CFR Chapter XX

CFR Chapter Heading and Nomenclature Change

February 19, 1980.

AGENCY: Office of the United States Trade Representative.

ACTION: Final rule.

SUMMARY: This rule changes Chapter XX of Title 15, Code of Federal Regulations, from "Office of the Special Representative for Trade Negotiations" to "Office of the United States Trade Representative." Within the body of the Chapter XX, all references to the "Office of the Special Representative for Trade Negotiations", to the "Special Representative for Trade Negotiations", and to the "Special Representative" or "Deputy Special Representative" are changed to the "Office of the United States Trade Representative", to "the United States Trade Representative", and the "Trade Representative" or "Deputy Trade Representative" respectively. These changes are authorized as part of Reorganization Plan No. 3 of 1979 (44 FR 69273) which was implemented by Executive Order No. 12188 of January 2, 1980 (45 FR 989).

EFFECTIVE DATE: February 25, 1980.

FOR FURTHER INFORMATION CONTACT: Alice Zalik, General Council's Office, Office of the United States Trade Representative, 1800 G Street, NW., Washington, D.C. 20506. (202) 395-3432.

Accordingly, each reference to "the Office of the Special Representative for Trade Negotiations" contained within Chapter XX of Title 15 of the Code of Federal Regulations, including the heading, is changed to "the Office of the United States Trade Representative". Each reference to "the Special Representative for Trade Negotiations" contained within the chapter is changed to "the United States Trade Representative". Each reference to the "Special Representative" and to the "Deputy Special Representative" is changed to the "Trade Representative" and to the "Deputy Trade Representative" respectively.

Robert C. Cassidy,

General Counsel.

[FR Doc. 80-5665 Filed 2-22-80; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 292

[Docket No. RM79-55, Order No. 69]

Small Power Production and Cogeneration Facilities; Regulations Implementing Section 210 of the Public Utility Regulatory Policies Act of 1978

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission hereby adopts regulations that implement section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA). The rules require electric utilities to purchase electric power from and sell electric power to qualifying cogeneration and small power production facilities, and provide for the exemption of qualifying facilities from certain federal and State regulation. Implementation of these rules is reserved to State regulatory authorities and nonregulated electric utilities.

EFFECTIVE DATE: March 20, 1980.

FOR FURTHER INFORMATION CONTACT:

Ross Ain, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202-357-8446.

John O'Sullivan, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202-357-8477.

Adam Wenner, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202-357-8033.

Bernard Chew, Office of Electric Power Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202–376–9264.

SUPPLEMENTARY INFORMATION:

Issued February 19, 1980.

Section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) requires the Federal Energy Regulatory Commission (Commission) to prescribe rules as the Commission determines necessary to encourage cogeneration and small power production, including rules requiring electric utilities to purchase electric power from and sell electric power to cogeneration and small power production facilities. Additionally, section 210 of PURPA authorizes the Commission to exempt qualifying facilities from certain Federal and State law and regulation.

Under section 201 of PURPA, cogeneration facilities and small power production facilities which meet certain standards and which are not owned by persons primarily engaged in the generation or sale of electric power can become qualifying facilities, and thus become eligible for the rates and exemptions set forth under section 210 of PURPA.

Cogeneration facilities simultaneously produce two forms of useful energy, such as electric power and steam. Cogeneration facilities use significantly less fuel to produce electricity and steam (or other forms of energy) than would be needed to produce the two separately. Thus, by using fuels more efficiently, cogeneration facilities can make a significant contribution to the Nation's effort to conserve its energy resources.

Small power production facilities use biomass, waste, or renewable resources, including wind, solar amd water, to produce electric power. Reliance on these sources of energy can reduce the need to consume traditional fossil fuels to generate electric power.

Prior to the enactment of PURPA, a cogenerator or small power producer seeking to establish interconnected operation with a utility faced three major obstacles. First, a utility was not generally required to purchase the electric output, at an appropriate rate. Secondly, some utilities charged discriminatorily high rates for back-up service to cogenerators and small power producers. Thirdly, a cogenerator or small power producer which provided electricity to a utility's grid ran the risk of being considered an electric utility and thus being subjected to State and Federal regulation as an electric utility.

Sections 201 and 210 of PURPA are designed to remove these obstacles. Each electric utility is required under section 210 to offer to purchase available electric energy from cogeneration and small power production facilities which obtain qualifying status under section 201 of PURPA. For such purchases, electric utilities are required to pay rates which are just and reasonable to the ratepayers of the utility, in the public interest, and which do not discriminate against cogenerators or small power producers. Section 210 also requires electric utilities to provide electric service to qualifying facilities at rates which are just and reasonable, in the public interest, and which do not discriminate against cogenerators and small power producers. Section 210(e) of PURPA provides that the Commission can exempt qualifying facilities from State regulation regarding utility rates and financial organization, from Federal regulation under the Federal Power Act (other than licensing under Part I), and from the Public Utility Holding Company Act.

I. Procedural History

On June 26, 1979, in Docket No. RM79–54,[1] the Commission issued proposed rules to determine which cogeneration and small power production facilities may become "qualifying" cogeneration or small power production facilities under section 201 PURPA. Such qualifying facilities are entitled to avail themselves of the rate and exemption provisions under section 210 of PURPA; and qualifying cogeneration facilities are eligible for exemption from incremental pricing under Title II of the Natural Gas Policy Act of 1978.[2] The Commission will soon issue a final rule in Docket No. RM79–54.

As part of the rulemaking process in this docket, the Commission issued a Staff Discussion Paper[3] on June 27, 1979, addressing issues arising under section 210 of PURPA.

Public hearings on RM79–54 and the Staff Discussion Paper (RM79–55) were held in San Francisco on July 23, 1979, Chicago on July 27, 1979, and Washington, D.C. on July 30, 1979. Written comments were also received.

On October 18, 1979, the Commission issued a Notice of Proposed Rulemaking under Section 210 of PURPA in Docket No. RM79–55.[4] On October 19, 1979, the Commission made available its preliminary Environmental Assessment (EA) of the proposed rules in Docket Nos. RM79–54 and RM79–55. In a Request for Further Comments,[5] the Commission requested further public comment on both proposed rules, and on the findings set forth in the preliminary EA. In order to obtain the data, views, and arguments of interested parties, the Commission Staff held public hearings in Seattle on November 19, 1979, in New York on November 28, 1979, in Denver on November 30, 1979, and in Washington, D.C. on December 4 and 5, 1979. The Commission also received written comment.

After consideration of the comments, the Commission Staff made available a final draft rule on January 29, 1980. State public utility commissioners were invited to comment on the draft at a public meeting held on February 5, 1980. Representatives of electric utilities were invited to comment at a public meeting held on February 8, 1980. The Commission Staff also made itself available to any other interested parties who wished to comment. All of the comments were considered in the formulation of this final rule.

In the Staff Discussion Paper and the Request for Further Comments, it was stated that any environmental effects attributable to this program would result from the combined effect of these two rulemaking proceedings. As noted previously, the Commission intends to issue final rules in Docket No. RM79–54 in the near future. At that time, the Commission will also make available its final Environmental Assessment.

II. Summary

These rules provide that electric utilities must purchase electric energy and capacity made available by qualifying cogenerators and small power producers at a rate reflecting the cost that the purchasing utility can avoid as a result of obtaining energy and capacity from these sources, rather than generating an equivalent amount of energy itself or purchasing the energy or capacity from other suppliers. To enable potential cogenerators and small power producers to be able to estimate these avoided costs, the rules require electric utilities to furnish data concerning present and future costs of energy and capacity on their systems.

These rules also provide that electric utilities must furnish electric energy to qualifying facilities on a nondiscriminatory basis, and at a rate that is just and reasonable and in the public interest; and that they must provide certain types of service which may be requested by qualifying facilities to supplement or back up those facilities' own generation.

[1] 44 FR 38873, July 3, 1979.

[2] 44 FR 65744, November 15, 1979.

[3] 44 FR 38863, July 3, 1979.

[4] 44 FR 61190, October 24, 1979.

[5] 44 FR 61977, October 29, 1979.

The rule exempts all qualifying cogeneration facilities and certain qualifying small power production facilities from certain provisions of the Federal Power Act, from all of the provisions of the Public Utility Holding Company Act of 1935 related to electric utilities, and from State laws regulating electric utility rates and financial organization.

The implementation of these rules is reserved to the State regulatory authorities and nonregulated electric utilities. Within one year of the issuance of the Commission's rules, each State regulatory authority or nonregulated utility must implement these rules. That implementation may be accomplished by the issuance of regulations, on a case-by-case basis, or by any other means reasonably designed to give effect to the Commission's rules.

III. Section-by-Section Analysis

Subpart A—General Provisions

§ 292.101 Definitions.

This section contains definitions applicable to this part of the Commission's rules. Paragraph (a) provides that terms defined in PURPA have the same meaning as they have in PURPA, unless further defined in this part of the Commission's regulations. The definitions in PURPA are found in section 3 of that Act.

Subparagraph (1) defines a qualifying facility as a cogeneration or small power production facility which is a qualifying facility under Subpart B of the Commission's regulations. Those regulations implement section 201 of PURPA, and are the subject of Docket No. RM79–54.

Subparagraph (2) defines "purchase" as the purchase of electric energy or capacity or both from a qualifying facility by an electric utility.

Subparagraph (3) defines "sale" as the sale of electric energy or capacity or both by an electric utility to a qualifying facility.

In the proposed rule, subparagraph (4) defined "system emergency" as a condition on a utility's system "which is likely to result in disruption of service to a significant number of customers or is likely to endanger life or property." In response to comments noting the difficulty in determining what constitutes a "significant number" of customers, the Commission has amended the definition to "a condition on an electric utility's system which is likely to result in imminent significant disruption of service to customers, or is imminently likely to endanger life or property." The emphasis is placed on the significance of the disruption of service, rather than on the number of customers affected.

Subparagraph (5) defines "rate" as any price, rate, charge, or classification made, demanded, observed or received with respect to the sale or purchase of electric energy or capacity, or any rule, regulation, or practice respecting any such rate, charge, or classification, and any contract pertaining to the sale or purchase of electric energy or capacity.

In the proposed rule, subparagraph (6) defined "avoided costs" as the costs to an electric utility of energy or capacity or both which, but for the purchase from a qualifying facility, the electric utility would generate or construct itself or purchase from another source. This definition is derived from the concept of "the incremental cost to the electric utility of alternative electric energy" set forth in section 210(d) of PURPA. It includes both the fixed and the running costs on an electric utility system which can be avoided by obtaining energy or capacity from qualifying facilities.

The costs which an electric utility can avoid by making such purchases generally can be classified as "energy" costs or "capacity" costs. Energy costs are the variable costs associated with the production of electric energy (kilowatt-hours). They represent the cost of fuel, and some operating and maintenance expenses. Capacity costs are the costs associated with providing the capability to deliver energy; they consist primarily of the capital costs of facilities.

If, by purchasing electric energy from a qualifying facility, a utility can reduce its energy costs or can avoid purchasing energy from another utility, the rate for a purchase from a qualifying facility is to be based on those energy costs which the utility can thereby avoid. If a qualifying facility offers energy of sufficient reliability and with sufficient legally enforceable guarantees of deliverability to permit the purchasing electric utility to avoid the need to construct a generating unit, to build a smaller, less expensive plant, or to reduce firm power purchases from another utility, then the rates for such a purchase will be based on the avoided capacity and energy costs.

The Commission has added the term "incremental" to modify the costs which an electric utility would avoid as a result of making a purchase from a qualifying facility. Under the principles of economic dispatch, utilities generally turn on last and turn off first their generating units with the highest running cost. At any given time, an economically dispatched utility can avoid operating its highest-cost units as a result of making a purchase from a qualifying facility. The utility's avoided incremental costs (and not average system costs) should be used to calculate avoided costs. With regard to capacity, if a purchase from a qualifying facility permits the utility to avoid the addition of new capacity, then the avoided cost of the new capacity and not the average embedded system cost of capacity should be used.

Many comments noted that the definition of "avoided cost" in the proposed rule failed to link the capacity costs which a utility might avoid as a result of purchasing electric energy or capacity or both from a qualifying facility with the energy costs associated with the new capacity. If the Commission required electric utilities to base their rates for purchases from a qualifying facility on the high capital or capacity cost of a base load unit and, in addition, provided that the rate for the avoided energy should be based on the high energy cost associated with a peaking unit, the electric utilities' purchased power expenses would exceed the incremental cost of alternative electric energy, contrary to the limitation set forth in the last sentence of section 210(b).

One way of determining the avoided cost is to calculate the total (capacity and energy) costs that would be incurred by a utility to meet a specified demand in comparison to the cost that the utility would incur if it purchased energy or capacity or both from a qualifying facility to meet part of its demand, and supplied its remaining needs from its own facilities. The difference between these two figures would represent the utility's net avoided cost. In this case, the avoided costs are the excess of the total capacity and energy cost of the system developed in accordance with the utility's optimal capacity expansion plan,[6] *excluding* the qualifying facility, over the total capacity and energy cost of the system (before payment to the qualifying facility) developed in accordance with the utility's optimal capacity expansion plan *including* the qualifying facility.[7]

Subparagraph (7) defines "interconnection costs" as the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions and

[6] An optimal capacity expansion plan is the schedule for the addition of new generating and transmission facilities which, based on an examination of capital, fuel, operating and maintenance costs, will meet a utility's projected load requirements at the lowest total cost.

[7] Throughout the rule and preamble, the phrase "energy or capacity" is used. This phrase is intended to include the capacity and energy costs associated with the capacity, if the purchase involves both energy or capacity.

administrative costs incurred by the electric utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility, to the extent such costs are in excess of the corresponding costs which the electric utility would have incurred if it had not engaged in interconnected operations, but instead generated an equivalent amount of energy itself or purchased an equivalent amount of electric energy or capacity from other sources. Interconnection costs do not include any costs included in the calculation of avoided costs.

The Commission has clarified this definition to include distribution and administrative costs associated with the interconnected operation, in response to comments indicating that the proposed rule was vague in these respects. This definition is designed to provide the State regulatory authorities and nonregulated electric utilities with the flexibility to ensure that all costs which are shown to be reasonably incurred by the electric utility as a result of interconnection with the qualifying facility will be considered as part of the obligation of the qualifying facility under § 292.306. These costs may include, but are not limited to, operating and maintenance expenses, the costs of installation of equipment elsewhere on the utility's system necessitated by the interconnection, and reasonable insurance expenses. However, the Commission does not expect that litigation expenses incurred by the utility involving this section will be considered a legitimate interconnection cost to be borne by the qualifying facility.

Certain interconnection costs may be incurred as a result of sales from a utility to a qualifying facility. The Commission notes that the Joint Explanatory Statement of the Committee of Conference (Conference Report) prohibits the use of "unreasonable rate structure impediments, such as unreasonable hook up charges or other discriminatory practices . . ." [8] This prohibition is reflected in § 292.306(a) of these rules, which provides that interconnection costs must be assessed on a nondiscriminatory basis with respect to other customers with similar load characteristics.

A qualifying facility which is already interconnected with an electric utility for purposes of sales may seek to establish interconnection for the purpose of utility purchases from the qualifying facility. In this case, the qualifying facility may have compensated the utility for its interconnection costs with respect to sales to the qualifying facility, either as part of the utility's demand or energy charges, or through a separate customer charge. If this is the case, the interconnection costs associated with the purchase include only those additional interconnection expenses incurred by the electric utility as a result of the purchase, and do not include any portion of the interconnection costs for which the qualifying facility has already paid through its retail rates.

One comment recommended that the definition be revised to cover "all identifiable costs, including but not limited to, the costs of interconnection . . . resulting from interconnected operation". The Commission rejects this suggestion in order to maintain consistency with its initial determination to separate the utility's avoided costs with regard to purchases from qualifying facilities, from the costs incurred as a result of interconnection with a qualifying facility. Accordingly, legitimate costs not recovered pursuant to this section can be netted out in the calculation of avoided costs.

This definition also incorporates the concept from the proposed rule, as clarified in an erratum notice,[9] that these costs are limited to the net increased interconnection costs imposed on an electric utility compared to those interconnection costs it would have incurred had it generated the energy itself or purchased an equivalent amount of energy or capacity from another source.

This section of the rule contains definitions of "supplementary power", "back-up power", "interruptible power", and "maintenance power" which did not appear in the proposed rule.

Subparagraph (8) defines "supplementary power" as electric energy or capacity, supplied by an electric utility, regularly used by a qualifying facility in addition to that which the facility generates itself.

Subparagraph (9) defines "back-up power" as electric energy or capacity supplied by an electric utility to replace energy ordinarily generated by a facility's own generation equipment during an unscheduled outage of the facility.

Subparagraph (10) defines "interruptible power" as electric energy or capacity supplied by an electric utility subject to interruption by the electric utility under specified conditions.

Subparagraph (11) defines "maintenance power" as electric energy or capacity supplied by an electric utility during scheduled outages of the qualifying facility.

Subpart C—Arrangements Between Electric Utilities and Qualifying Cogeneration and Small Power Production Facilities Under Section 210 of the Public Utility Regulatory Policies Act of 1978

§ *292.301 Scope.*

Section 292.301(a) describes the scope of Subpart C of Part 292 of the Commission's rules. Subpart C applies to sales and purchases of electric energy or capacity between qualifying cogeneration or small power production facilities and electric utilities, and actions related to such sales and purchases. Section 292.301(b)(1) provides that this subpart does not preclude negotiated agreements between qualifying cogenerators or small power producers and electric utilities which differ from rates, or terms or conditions which would otherwise be required under the subpart. Paragraph (b)(2) states that this subpart does not affect the validity of any contract entered into between a qualifying facility and an electric utility for any purchase.[10]

Paragraph (b)(1) reflects the Commission's view that the rate provisions of section 210 of PURPA apply only if a qualifying cogenerator or small power production facility chooses to avail itself of that section. Agreements between an electric utility and a qualifying cogenerator or small power producer for purchases at rates different than rates required by these rules, or under terms or conditions different from those set forth in these rules, do not violate the Commission's rules under section 210 of PURPA. The Commission recognizes that the ability of a qualifying cogenerator or small power producer to negotiate with an electric utility is buttressed by the existence of the rights and protections of these rules.

Some comments stated that paragraph (b)(2) would unfairly penalize cogenerators and small power producers who, prior to the promulgation of these regulations, entered into binding contracts with electric utilities under less favorable terms than might be obtainable under these rules. The Commission interprets its mandate under section 210(a) to prescribe "such rules as it determines necessary to encourage cogeneration and small

[8] Conference Report on H.R. 4018, Public Utility Regulatory Policies Act of 1978, H. Rep. No. 1750, 98, 95th Cong., 2d Sess. (1978).

[9] 44 FR 63114, November 2, 1979.

[10] The term "purchase" is defined in § 292.101(b).

power production * * *" to mean that the total costs to the utility and the rates to its other customers should not be greater than they would have been had the utility not made the purchase from the qualifying facility or qualifying facilities. That a cogeneration or small power production facility entered into a binding contractual arrangement with an electric utility indicates that it is likely that sufficient incentive existed, and that the further encouragement provided by these rules was not necessary. As a result, the Commission has not revised this provision.

§ 292.302 Availability of electric utility system cost data.

As the Commission observed in the Notice of Proposed Rulemaking, in order to be able to evaluate the financial feasibility of a cogeneration or small power production facility, an investor needs to be able to estimate, with reasonable certainty, the expected return on a potential investment before construction of a facility. This return will be determined in part by the price at which the qualifying facility can sell its electric output. Under § 292.304 of these rules, the rate at which a utility must purchase that output is based on the utility's avoided costs, taking into account the factors set forth in paragraph (e) of that section. Section 292.302 of these rules is intended by the Commission to assist those needing data from which avoided costs can be derived. It requires electric utilities to make available to cogenerators and small power producers data concerning the present and anticipated future costs of energy and capacity on the utility's system.

In the preamble to the proposed rule, the Commission stated that most electric utilities will have prepared data containing some of this information in compliance with the Commission's rules implementing section 133 of PURPA. Several commenters observed that the marginal cost data required to be provided pursuant to section 133 cannot be directly translated into a rate for purchases. The Commission has clarified paragraph (b) to emphasize that these data are not intended to represent a rate for purchases from qualifying facilities. Rather, these data are to be considered the first step in the determination of such a rate.

The Commission has also revised this section so that the rates for purchases can be more readily calculated from the data produced. The Commission has changed paragraph (b)(3) to provide that a utility shall submit the associated energy cost of each planned unit expressed in kilowatt-hours (kWh) along with the estimated capacity cost of planned capacity additions. This change is intended to ensure that the calculation of avoided costs includes the lower energy costs that might be associated with the new capacity. The Commission points out that the determination of a rate for purchases from a qualifying facility which enables a utility to defer or avoid the addition of a new unit must also reflect the hours of expected use of the deferred or avoided capacity addition.

The coverage under paragraph (a) of this section is the same as that provided pursuant to section 133 of PURPA and the Commission's rules implementing that section.[11] As noted in the Notice of Proposed Rulemaking, section 133 of PURPA applies to each electric utility whose total sales of electric energy for purposes other than resale exceeded 500 million kWh during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year.

Paragraph (b) provides that each regulated electric utility meeting the requirements of paragraph (a) must furnish to its State regulatory authority, and maintain for public inspection, data related to the costs of energy and capacity on the electric utility's system. Each nonregulated electric utility also must maintain such data for public inspection.

In response to comments received, the Commission has extended the date by which these data must be first provided to November 1, 1980, and changed the second date to May 31, 1982, to conform to the dates required by the Commission's regulations implementing section 133 of PURPA. The Commission has added paragraph (d) to allow a State regulatory authority or nonregulated utility to use a different approach than that provided in paragraph (b). As part of that substitute program, a State regulatory authority or nonregulated electric utility could provide that cost data be updated more frequently than every two years.

Subparagraph (1) of paragraph (b) requires each electric utility to provide the estimated avoided cost of energy on its system for various levels of purchases from qualifying facilities. The levels of purchases are to be stated in blocks of not more than 100 megawatts for systems with peak demand of 1000 megawatts or more, and in blocks equivalent to not more than ten percent of system peak demand for systems less than 1000 megawatts. This information is to be stated on a cents per kilowatt-hour basis, for daily and seasonal peak and off-peak periods, for the current calendar year and for each of the next five years.

Subparagraph (2) of paragraph (b) requires each electric utility to provide its schedule for the addition of capacity, planned purchases of firm energy and capacity, and planned capacity retirements for each of the next ten years.

Subparagraph (3) of paragraph (b) has been revised, as discussed previously, so that the costs of planned capacity additions include the associated energy costs.

The Commission received comment noting that some States have implemented or are planning to implement alternative methods by which electric utilities' system cost data would be made available. In order to prevent the preparation of duplicative data where the alternative method substantially deviates from the Commission approach, the Commission has added paragraph (d). This paragraph provides that any State regulatory authority or nonregulated electric utility may, after providing public notice in the area served by the utility and after opportunity for public comment, require data different than that which are otherwise required by this section if it determines that avoided costs can be derived from such data. Any State regulatory authority or nonregulated utility shall notify the Commission within 30 days of any determination to sustitute data requirements.

If a qualifying facility finds that the alternative requirements do not provide sufficient data from which avoided costs may be derived, the qualifying facility may seek court review of the matter as it can with regard to any other aspect of the State's implementation of this program.

A qualifying facility may wish to sell energy or capacity to an electric utility which is not subject to the reporting requirements of paragraph (b). In that event, paragraph (c) provides that, upon request of a qualifying facility, an electric utility not otherwise covered by paragraph (b) must provide data sufficient to enable the cogenerator or small power producer to estimate the utility's avoided costs. If such utility does not supply the requested data, the qualifying facility may apply to the State regulatory authority which has ratemaking authority over the utility or to this Commission for an order requiring that the information be supplied. The consideration of such applications should take into account the burden imposed on the small utilities.

[11] 44 FR 58687, October 11, 1979.

An electric utility which is legally obligated to obtain all of its requirements for electric energy and capacity from another utility may provide the data provided by its supplying utility and the rates at which it currently purchases such energy and capacity for any period during which this obligation will continue. The wholesale rates may require adjustment in order to reflect properly the avoided costs. This is discussed later in this preamble under § 292.303. In the case of small, non-generating utilities, the requirements of this section will be considered to have been satisfied if these cost data are readily available from the supplying utility.

Numerous comments mentioned that the proposed rule did not address the issue of validation of the data to be provided pursuant to this section. As a result, the Commission has added paragraph (e) which provides that any data submitted by an electric utility under this section shall be subject to review by its State regulatory authority. Paragraph (e)(2) places the burden of providing support for the data on the utility supplying the data.

§ 292.303 Electric utility obligations under this subpart.

Section 210(a) of PURPA provides that the Commission prescribe rules requiring electric utilities to offer to purchase electric energy from qualifying facilities. The Commission interprets this provision to impose on electric utilities an obligation to purchase all electric energy and capacity made available from qualifying facilities with which the electric utility is directly or indirectly interconnected, except during periods described in § 292.304(f) or during system emergencies.

A qualifying facility may seek to have a utility purchase more energy or capacity than the utility requires to meet its total system load. In such a case, while the utility is legally obligated to purchase any energy or capacity provided by a qualifying facility, the purchase rate should only include payment for energy or capacity which the utility can use to meet its total system load. These rules impose no requirement on the purchasing utility to deliver unusable energy or capacity to another utility for subsequent sale.

§ 292.303(a) Obligation to purchase from qualifying facilities.

§ 292.303(d) Transmission to other electric utilities. All-Requirement Contracts.

Several commenters noted that the obligation to purchase from qualifying facilities under this section might conflict with contractual commitments into which they had entered requiring them to purchase all of their requirements from a wholesale supplier. One commenter noted that, with regard to all-requirements rural electric cooperatives, any impairment of the obligation to obtain all of a cooperative's requirements from a generation and transmission cooperative might affect the financing ability of the generation and transmission cooperative. The Commission observes that, in general, if it permitted such contractual provisions to override the obligation to purchase from qualifying facilities, these contractual devices might be used to hinder the development of cogeneration and small power production. The Commission believes that the mandate of PURPA to encourage cogeneration and small power production requires that obligations to purchase under this provision supersede contractual restrictions on a utility's ability to obtain energy or capacity from a qualifying facility.

The Commission has, however, provided an alternate means by which any electric utility can meet this obligation. Under paragraph (d), if the qualifying facility consents, an all-requirements utility which would otherwise be obligated to purchase energy or capacity from the qualifying facility would be permitted to transmit the energy or capacity to its supplying utility. In most instances, this transaction would actually take the form of the displacement of energy or capacity that would have been provided under the all-requirements obligation. In this case, the supplying utility is deemed to have made the purchase and, as a result the all-requirements obligation is not affected.

In addition, if compliance with the purchase obligation would impose a special hardship on an all-requirements customer, the Commission may consider waiving such purchase obligation pursuant to the procedures set forth in § 292.403.

Transmission to Other Facilities

There are several circumstances in which a qualifying facility might desire that the electric utility with which it is interconnected not be the purchaser of the qualifying facility's energy and capacity, but would prefer instead that an electric utility with which the purchasing utility is interconnected make such a purchase. If, for example, the purchasing utility is a non-generating utility, its avoided costs will be the price of bulk purchased power ordinarily based on the average embedded cost of capacity and average energy cost on its supplying utility's system. As a result, the rate to the qualifying facility would be based on those average costs. If, however, the qualifying facility's output were purchased by the supplying utility, its output ordinarily will replace the highest cost energy on the supplying utility's system at that time, and its capacity might enable the supplying utility to avoid the addition of new capacity. Thus, the avoided costs of the supplying utility may be higher than the avoided cost of the non-generating utility.

This would not appear to be the case if the qualifying facility offers to supply capacity and energy in a situation in which the supplying utility is in an excess capacity situation. Since the supplying utility has excess capacity, its avoided costs would include only energy costs. On the other hand, if the avoided cost were based on the wholesale rate to the all-requirements utility, the avoided cost would include the demand charge included in the wholesale rate, which would usually reflect an allocation of a portion of the fixed charges associated with excess capacity.

Use of the unadjusted wholesale rate fails to take into account the effect of reduced revenue to the supplying utility, as a result of the substitute of the qualifying facility's output for energy previously supplied by the supplying utility. As the level of purchase by the all-requirements utility decreases, the supplying utility's fixed costs will have to be allocated over a smaller number of units of output. In effect, the loss in revenue to the supplying utility will cause the demand charges to the supplying utility's customers (including the all-requirements customers interconnected with the qualifying facility) to increase. Under the definition of "avoided costs" in this section, the purchasing utility must be in the same financial position it would have been had it not purchased the qualifying facility's output. As a result, rather than allocating its loss in revenue among all of its customers, in this situation the supplying utility should assign all of these losses to the all-requirements utility. That utility should, in turn, deduct these losses from its previously calculated avoided costs, and pay the qualifying facility accordingly.

Under these rules, certain small electric utilities are not required to provide system cost data, except upon request of a qualifying facility. If, with the consent of the qualifying facility, a small electric utility chooses to transmit energy from the qualifying facility to a second electric utility, the small utility

can avoid the otherwise applicable requirements that it provide the system cost data for the qualifying facility and that it purchase the energy itself. However, the ability to transmit a purchase to another utility is not limited to these smaller systems; it applies to any utility.

Accordingly, paragraph (d) provides that a utility which receives energy or capacity from a qualifying facility may, with the consent of the qualifying facility, transmit such energy to another electric utility. However, if the first facility does not agree to transmit the purchased energy or capacity, it retains the purchase obligation. In addition, if the qualifying facility does not consent to transmission to another utility, the first utility retains the purchase obligation. Any electric utility to which such energy or capacity is delivered must purchase this energy under the obligations set forth in these rules as if the purchase were made directly from the qualifying facility.

One commenter stated that this provision could result in energy being transmitted to a utility which has little or no information regarding the reliability of the qualifying facility. The Commission believes that, prior to these transactions occurring, it will be in the interest of the qualifying facility to inform any utility to which energy or capacity is delivered, of the nature of those deliveries, so that such energy or capacity can be usefully integrated into that utility's power supply.

Several other commenters believed that this provision went beyond the authority of section 210 of PURPA—namely, that the Commission cannot require the first utility to wheel the power nor the second utility to buy the power. First, the Commission notes that this transmission can only occur with the consent of the utility to which energy or capacity from the qualifying facility is made available. Thus, no utility is forced to wheel. Secondly, section 210 does not limit the obligation to purchase to any particular utility; rather, it is a generally applicable requirement.

Paragraph (d) provides that charges for transmission are not a part of the rate which an electric utility to which energy is transmitted is obligated to pay the qualifying facility. In the case of electric utilities not subject to the jurisdiction of this Commission, these charges should be determined under applicable State law or regulation which may permit agreement between the qualifying facility and any electric utility which transmits energy or capacity with the consent of the qualifying facility. For utilities subject to the Commission's jurisdiction under Part II of the Federal Power Act, these charges will be determined pursuant to Part II.

The electric utility to which the electric energy is transmitted has the obligation to purchase the energy at a rate which reflects the costs that it can avoid as a result of making such a purchase. In cases in which electricity actually travels across the transmitting utility's system, the amount of energy delivered will be less than that transmitted, due to line losses. When this occurs, the rate for purchase can reflect these losses. In other cases, the energy supplied by the qualifying facility will displace energy that would have been supplied by the purchasing utility to the transmitting utility. In those cases, a unit of energy supplied from the qualifying facility may replace a greater amount of energy from the purchasing utility. In that case, the rate for purchase should be increased to reflect the net gain. These provisions are also set forth in paragraph (d).

§ 292.303(b) Obligation to sell to qualifying facilities.

Paragraph (b) sets forth the statutory requirement of section 210(a) of PURPA that each electric utility offer to sell electric energy to qualifying facilities. The Commission observed in the Notice of Proposed Rulemaking that State law ordinarily sets out the obligation of an electric utility to provide service to customers located within its service area. In most instances, therefore, this rule will not impose additional obligations on electric utilities.

It is possible that a qualifying facility located outside the service area of an electric utility might require back-up, maintenance, or other types of power. The Commission believes that the instructions of section 210(a) of PURPA that it issue rules "as it determines necessary to encourage cogeneration and small power production * * *" mandate that it assure that such facilities are able to fulfill their needs for service.

However, the Commission also recognizes that State and local law limits the authority of some electric utilities to construct lines outside of their service area. Accordingly, the Commission requires electric utilities to serve any qualifying facility, and, subject to the restriction contained therein, to interconnect with any such facility as required in paragraph (c). However, an electric utility is only required to construct lines or other facilities to the extent authorized or required by State or local law. As a result, a qualifying facility outside the service area of a utility may be required to build its line into the service area of the utility.

§ 292.303(c) Obligation to interconnect.

In the Notice of Proposed Rulemaking, the Commission used the interpretation set forth in the Staff Discussion Paper, that the obligation to interconnect with a qualifying facility is subsumed within the requirement of section 210(a) that electric utilities offer to sell electric energy to and purchase electric energy from qualifying facilities. The Commission observed that to hold otherwise would mean that Congress intended to require that qualifying facilities go through the complex procedures simply to gain interconnection, contrary to the mandate of section 210 of PURPA to encourage cogeneration and small power production.

During the comment period, this question was further explored, and it was suggested that the Commission has ample authority under the general mandate of section 210(a) of PURPA—namely, that it prescribe rules necessary to encourage cogeneration and small power production—to require interconnection.

While these interpretations received substantial support in the comments submitted, they were at the same time criticized on the theory that section 210(e)(3) of PURPA does not provide that a qualifying facility may be exempted from section 210 of the Federal Power Act (added by section 202 of PURPA and providing certain interconnection authority) and that this interconnection section specifically includes qualifying cogenerators and small power producers in its applicability. These commenters contended that since section 210 of the Federal Power Act deals explicitly with the subject of interconnections between qualifying facilities and electric utilities, no other section of that Act can be interpreted as also granting authority on that subject, as such an interpretation would render the express provision "surplusage".

With regard to these criticisms, the Commission observes that this argument might be tenable in the situation in which the section of the legislation which deals explicitly with the subject does not contain an express provision that it is *not* to be considered the exclusive authority on the subject. The Commission notes that section 212 of the Federal Power Act (as added by section 204 of PURPA) sets forth certain determinations that the Commission must make before it can issue an order under either section 210 or 211 of the Federal Power Act.

Section 212(e) states that no provision of section 210 of the Federal Power Act shall be treated "(1) as requiring any person to utilize the authority of such section 210 or 211 in lieu of any other authority of law, or (2) as limiting, impairing, or otherwise affecting any other authority of the Commission under any other provision of law." Thus, the Federal Power Act, as amended, expressly provides that the existence of authority under section 210 of the Federal Power Act to require interconnection is not to be interpreted as excluding any other interconnection authority available under any other law. The Commission emphasizes that the limitation is not restricted to the Federal Power Act, but rather extends to include other authority of law, such as the authority contained in the Public Utility Regulatory Policies Act of 1978, of which section 210 is a part. Clearly, the existence of this provision refutes the contention that section 210 of the Federal Power Act represents the exclusive method by which interconnection can be obtained. As a result, the comment that the direction contained in section 210(e)(3) of PURPA that no qualifying facility can be exempted from section 210 or 212 of the Federal Power Act is not persuasive.

The Commission finds that to require qualifying facilities to go through the complex procedures set forth in section 210 of the Federal Power Act to gain interconnection would, in most circumstances, significantly frustrate the achievement of the benefits of this program. The Commission does not feel that the legal interpretation set forth in the Staff Discussion Paper and the Notice of Proposed Rulemaking is the exclusive theory by which it may require interconnections under this program without resort to sections 210 and 212 of the Federal Power Act. The interpretation brought out during the comment period—that section 210(a) of PURPA provides a general mandate for the Commission to prescribe rules necessary to encourage cogeneration and small power production—provides, in the Commission's view, sufficient authority to require interconnection. The Commission believes that a basic purpose of section 210 of PURPA is to provide a market for the electricity generated by small power producers and cogenerators. The Commission believes that accomplishment of this purpose would be greatly hindered if it were to require qualifying facilities to utilize section 210 of the Federal Power Act as the exclusive means of obtaining interconnection. It therefore concludes that such a restrictive interpretation of the law is not supportable.

Paragraph (c)(1) thus provides that an electric utility must make any interconnections with a qualifying facility which may be necessary to permit purchases from or sales to the qualifying facility. A State regulatory authority or nonregulated electric utility must enforce this requirement as part of its implementation of the Commission's rules.

In addition, several commenters contended that, if the obligation to interconnect is required under section 210(a) PURPA, the limitation provided in section 212 of the Federal Power Act would not be available. That limitation provides that an electric utility which complies with an interconnection order under section 210 of the Federal Power Act would not be subject to the jurisdiction of the Federal Energy Regulatory Commission for any purposes other than those specified in the interconnection order.

After consideration of this concern, the Commission has added paragraph (c)(2) to provide that no electric utility is required to interconnect with any qualifying facility, if, solely by reason of purchases or sales over the interconnection, the electric utility would become subject to regulation as a public utility under Part II of the Federal Power Act. This exception is provided because the Commission notes that, in balance, the encouragement of cogeneration and small power production would not be furthered if, by virtue of interconnection with a qualifying facility, a previously nonjurisdictional utility were reluctantly to become subject to federal utility regulation.

§ 292.303(e) Parallel operation.

In the Notice of Proposed Rulemaking, the Commission provided that each electric utility must offer to operate in parallel with a qualifying facility, provided that the qualifying facility complies with standards established by the State regulatory authority or nonregulated electric utility with regard to the protection of system reliability pursuant to § 292.308. By operating in parallel, qualifying facilities are enabled to export automatically any electric energy which is not consumed by its own load. The comments submitted have not set forth any convincing reasons for changing the proposed rule. Paragraph (e) thus continues to require each electric utility to offer to operate in parallel with a qualifying facility.

§ 292.304 Rates for purchases.

Section 210(b) of PURPA provides that in requiring any electric utility to purchase electric energy from a qualifying facility, the Commission must ensure that the rates for the purchase be just and reasonable to the electric consumers of the purchasing utility, in the public interest, and nondiscriminatory to qualifying facilities, but that they not exceed the incremental costs of alternative electric energy (the costs of energy to the utility, which, but for the purchase, the utility would generate itself or purchase from another source).

Relation to State Programs

The Commission has become aware that several States have enacted legislation requiring electric utilities in that State to purchase the electrical output of facilities which may be qualifying facilities under the Commission's rules at rates which may differ from the rates required under the Commission's rules implementing section 210 of PURPA.

This Commission has set the rate for purchases at a level which it believes appropriate to encourage cogeneration and small power production, as required by section 210 of PURPA. While the rules prescribed under section 210 of PURPA are subject to the statutory parameters, the States are free, under their own authority, to enact laws or regulations providing for rates which would result in even greater encouragement of these technologies. However, State laws or regulations which would provide rates lower than the federal standards would fail to provide the requisite encouragement of these technologies, and must yield to federal law.

If a State program were to provide that electric utilities must purchase power from certain types of facilities, among which are included "qualifying facilities," at a rate higher than that provided by these rules, a qualifying facility might seek to obtain the benefits of that State program. In such a case, however, the higher rates would be based on State authority to establish such rates, and not on the Commission's rules.

A facility which provides energy or capacity to a utility under State authority may nevertheless seek to obtain exemption from the Federal Power Act, the Public Utility Holding Company Act, and State regulation of electric utilities as available under section 210(e) of PURPA. The Commission notes that the States lack the authority to exempt a facility from

the Federal Power Act or Public Utility Holding Company Act. The Commission finds no inconsistency in a facility's taking advantage of section 210 in order to obtain one of its benefits, while relying on other authority under which to buy from or sell to a utility.

§ 292.304(a) Rates for purchases.

Paragraph (a) sets forth the statutory requirement that rates for purchases be just and reasonable to the electric consumers of the electric utility and in the public interest, and not discriminate against qualifying cogeneration and small power production facilities.

In the proposed rule, the Commission stated that there is a rebuttable presumption that the rate for purchases is acceptable if it reflects the avoided cost resulting from a purchase on the basis of system cost data set forth pursuant to § 292.302 (b) or (c). Many of the comments received stated that this section was ambiguous.[12] The Commission has therefore provided that the rate for purchases meets the statutory requirements if it equals avoided costs, and has eliminated the reference to the "rebuttable presumption".

Some comments recommended that, as a matter of policy, this section be revised to provide that a State regulatory authority or nonregulated utility has discretion to establish the relationship between the avoided cost and the rate for purchases. Other commenters contended that the Commission should specify that the rate for purchase must equal the avoided cost resulting from such a purchase. In addition, several suggested that the Commission adopt a "split-the-savings" approach.

It is possible that developers of technologies which may be included as qualifying facilities may produce and make available power to electric facilities even though their cost of producing this power is greater than the utility's avoided costs. In most instances, however, purchases of energy or capacity from qualifying facilities will only occur when the cost to the qualifying cogenerator or small power producer of producing the energy or capacity is lower than the utility's avoided costs. Only if this is the case will payment by the utility of its avoided costs provide economic benefit for the cogenerator or small power producer.

When one electric utility can provide energy more cheaply than could another electric utility, the two utilities will often exchange power on a "split-the-savings" basis. In that type of transaction, the two utilities split the difference between the incremental costs incurred and the incremental costs that the purchasing utility would have incurred had it generated the power itself. Several commenters argued that rates for purchases from qualifying facilities should be based upon this same general principle. The effect of such a pricing mechanism would be to transfer to the utility's ratepayers a portion of the savings represented by the cost differential between the qualifying facility and the purchasing electric utility. Several utilities contend that by so allocating these savings, the Commission would provide an incentive for the electric utility to enter into purchase transactions with qualifying cogeneration and small power production facilities.

These commenters also noted that they had previously engaged in purchases from facilities which might become qualifying facilities under the Commission's rules, and they had paid prices for these purchases based on a "split-the-savings" methodology. These commenters observed that if the Commission's rules now require the payment of full avoided cost for these types of purchases, the purchased power expenses of the electric utility would increase.

Moreover, several utilities commented that, for the forseeable future, they are inextricably tied to the use of oil to produce electricity. They contend that unless they are permitted to purchase energy and capacity from qualifying facilities at a rate somewhere between the qualifying facilities' costs and their own costs, they and their ratepayers will be subject to the continually increasing world price of oil.

Commenters opposing this allocation of savings to parties other than the qualifying facility noted that this section of PURPA is intended to encourage the development of cogeneration and small power production. They noted that in providing for this encouragement, the Commission may not set rates for purchases at a level which exceeds the incremental cost of alternative energy. Therefore, they observed that, under the full avoided cost standard, the utilities' customers are kept whole, and pay the same rates as they would have paid had the utility not purchased energy and capacity from the qualifying facility.

Although use of the full avoided cost standard will not produce any rate savings to the utility's customers, several commenters stated that these ratepayers and the nation as a whole will benefit from the decreased reliance of scarce fossil fuels, such as oil and gas, and the more efficient use of energy.

The Commission notes that, in most instances, if part of the savings from cogeneration and small power production were allocated among the utilities' ratepayers, any rate reductions will be insignificant for any individual customer. On the other hand, if these savings are allocated to the relatively small class of qualifying cogenerators and small power producers, they may provide a significant incentive for a higher growth rate of these technologies.

Another concern with the use of a split-the-savings rate for purchases is that it would require a determination of the costs of production of the qualifying facility. A major portion of this legislation is intended to exempt qualifying facilities from the cost-of-service regulation by which electric utilities traditionally have been regulated. The Conference Report noted that:

> It is not the intention of the Conferees that cogenerators and small power producers become subject . . . to the type of examination that is traditionally given to electric utility rate applications to determine what is the just and reasonable rate that they should receive for their electric power.[13]

Thus, section 210(e) of PURPA provides that the Commission shall exempt qualifying facilities from the Public Utility Holding Company Act, from the Federal Power Act and from State law and regulation respecting utility rates or financial organization, to the extent that the Commission determines that such exemption is necessary to encourage cogeneration or small power production.

Several commenters have contended that a determination of the qualifying facility's costs can be made without the detail required by cost-of-service regulation. However, the Commission believes that the basis for the determination of rates for purchases should be the utility's avoided costs and should not vary on the basis of the costs of the particular qualifying facility.

Several commenters recommended that rather than using a split-the-savings approach, the Commission should set rates for purchases at a fixed percentage of avoided costs. The Commission notes that, in most situations, a qualifying cogenerator or small power producer will only produce energy if its marginal cost of production is less than the price he receives for its output. If some fixed percentage is used, a qualifying facility

[12] The relationship between the utility system cost data and the rate for purchases is discussed under § 292.302 and § 292.304(b).

[13] Conference Report on H.R. 4018, Public Utility Regulatory Policies Act of 1978, H. Rep. No. 1750, 97 95th Cong., 2d. Sess. (1978).

may cease to produce additional units of energy when its costs exceed the price to be paid by the utility. If this occurs, the utility will be forced to operate generating units which either are less efficient than those which would have been used by the qualifying facility, or which consume fossil fuel rather than the alternative fuel which would have been consumed by the qualifying facility had the price been set at full avoided costs.

§ 292.304(b) Relationship to avoided costs.

"New Capacity"

The proposed rule differentiated between "old" and "new" production in connection with simultaneous purchases and sales. The proposed rule required an electric utility to purchase at its avoided cost the total output of a facility, construction of which was commenced after the date of issuance of these rules, even if the utility simultaneously sells energy to the facility at its retail rate. The effect of this proposed rule was to separate the production aspect of a qualifying facility from its consumption function. Under this approach, the electrical output of a facility is viewed independently of its electrical needs. Thus, if a cogeneration facility produces five megawatts, and consumes three megawatts, it is treated the same as another qualifying facility that produces five megawatts, and that is located next to a factory that uses three megawatts.

The Commission continues to believe that permitting simultaneous purchase and sale is necessary and appropriate to encourage cogeneration and small power production. The limitation contained in the proposed rule was intended to prevent a cogenerator or small power producer, which had found it economical to produce power for its own consumption prior to the issuance of these rules, from receiving the economic rent that might result from the purchase of its entire output at a utility's full avoided cost after that date without new investment on the part of the qualifying facility.

The same reasoning applies to any facility which was in existence prior to the enactment of PURPA, whether or not it seeks to purchase and sell simultaneously. That construction of the facility was commenced prior to that date may indicate that appropriate economic returns were available without the further incentives provided by section 210.

The Commission is aware that in some instances, if a previously existing qualifying facility were not permitted to receive full avoided costs for its entire output, it would no longer have sufficient incentive to continue to produce electric power. The cost of production may have risen so as to render the previous rate insufficient to cover the costs of production, or permit an appropriate return.

Thus, with regard to facilities, construction of which commenced on or after the date of enactment of PURPA (November 9, 1978), the Commission has determined it appropriate to provide that rates for purchases shall equal full avoided costs. For facilities, construction of which commenced before the enactment of PURPA, the Commission will permit the State regulatory authorities and nonregulated electric utilities to establish rates for purchases at full avoided costs, or at a lower rate, if the State regulatory authority or nonregulated electric utility determines that the lower rate will provide sufficient encouragement of cogeneration and small power production. Thus, if a previously existing facility shows that it requires rates for purchases based on full avoided costs to remain viable, or to increase its output, the State regulatory authority or nonregulated electric utility is required to establish such rates. This distinction is intended to reflect the need for further incentives and the reasonable expectations of persons investing in cogeneration or small power production facilities prior to or subsequent to the enactment of this law.

Paragraph (b)(1) defines "new capacity" as any purchase of capacity from a qualifying facility, construction of which was commenced on or after November 9, 1978. Subparagraph (2) provides that for new capacity, utilities must pay a rate which equals their avoided cost.

A utility must therefore purchase all of the output from a qualifying facility. However, as explained above, for any portion of that output which is not "new capacity," the State regulatory authority or nonregulated electric utility, as provided in paragraph (b)(3), may provide for a lower rate, if it determines that the lower rate will provide sufficient incentive for cogeneration.

Paragraph (b)(4) requires electric utilities to pay full avoided costs for purchases from new capacity made available from a qualifying facility, regardless of whether the electric utility is simultaneously making sales to the qualifying facility.

§ 292.304(c) Standard rates for purchases.

The Notice of Proposed Rulemaking required electric utilities on request of a qualifying facility to establish a tariff or other method for establishing rates for purchase from qualifying facilities of 10 kw or less. Upon consideration of the comments received, the Commission has determined that the concept of requiring a standard rate for purchases should be retained. Several comments stated that this requirement could similarly be applied to facilities of up to 100 kw or less.

The Commission is aware that the supply characteristics of a particular facility may vary in value from the average rates set forth in the utility's standard rate required by this paragraph. If the Commission were to require individualized rates, however, the transaction costs associated with administration of the program would likely render the program uneconomic for this size of qualifying facility. As a result, the Commission will require that standardized tariffs be implemented for facilities of 100 kw or less.

In addition, some commenters pointed out that standard tariffs can be used on a technology specific basis, to reflect the supply characteristics of the particular technology. Some commenters also observed that the proposed rule did not require that standard rates for purchases from these small facilities be based on the purchasing utility's avoided cost. This omission might have permitted a utility to pay less than that rate for purchases.

The Commission has accordingly revised paragraph (c) to require each State regulatory authority or nonregulated electric utility to cause to be put into effect standard rates for purchases from qualifying facilities with a design capacity of 100 kilowatts or less. The revised rule requires that standard rates for purchases equal the purchasing utility's avoided cost pursuant to paragraphs (a), (b), and (e).

Several commenters noted that standard rates for purchases can also be usefully applied to larger facilities. The Commission believes that the establishment of standard rates for purchases can significantly encourage cogeneration and small power production, provided that these standard rates accurately reflect the costs that the utility can avoid as a result of such purchases. Accordingly, the Commission has added subparagraph (2) which permits, but does not require, State regulatory authorities and nonregulated electric utilities to put into effect a standard rate for purchases from qualifying facilities with a design capacity greater than 100 kilowatts. These rates must equal avoided cost pursuant to paragraphs (a), (b), and (e).

Many commenters at the Commission's public hearings and in written comments recommended that the Commission should require the establishment of "net energy billing" for small qualifying facilities. Under this billing method, the output from a qualifying facility reverses the electric meter used to measure sales from the electric utility to the qualifying facility. The Commission believes that this billing method may be an appropriate way of approximating avoided cost in some circumstances, but does not believe that this is the only practical or appropriate method to establish rates for small qualifying facilities. The Commission observes that net energy billing is likely to be appropriate when the retail rates are marginal cost-based, time-of-day rates. Accordingly, the Commission will leave to the State regulatory authorities and the nonregulated electric utilities the determination as to whether to institute net energy billing.

Paragraph (c)(3)(i) provides that standard rates for purchase should take into account the factors set forth in paragraph (e). These factors relate to the quality of power from the qualifying facility, and its ability to fit into the purchasing utility's generating mix.

Paragraph (e)(vi) is of particular significance for facilities of 100 kW or less. This paragraph provides that rates for purchase shall take into account "the individual and aggregate value of energy and capacity from qualifying facilities on the electric utility's system . . .". Several commenters presented persuasive evidence showing that an effective amount of capacity may be provided by dispersed small systems, even in the case where delivery of energy from any particular facility is stochastic. Similarly, qualifying facilities may be able to enter into operating agreements with each other by which they are able to increase the assured availability of capacity to the utility by coordinating scheduled maintenance and providing mutual back-up service. To the extent that this aggregate capacity value can be reasonably estimated, it must be reflected in standard rates for purchases.

Several commenters observed that the patterns of availability of particular energy sources can and should be reflected in standard rates. An example of this phenomenon is the availability of wind and photovoltaic energy on a summer peaking system. If it can be shown that system peak occurs when there is bright sun and no wind, rates for purchase could provide a higher capacity payment for photovoltaic cells than for wind energy conversion systems. For systems peaking on dark windy days, the reverse might be true. Subparagraph (3)(ii) thus provides that standard rates for purchases may differentiate among qualifying facilities on the basis of the supply characteristics of the particular technology.

§§ 292.304 (b)(5) and (d) Legally enforceable obligations.

Paragraphs (b)(5) and (d) are intended to reconcile the requirement that the rates for purchases equal the utilities' avoided cost with the need for qualifying facilities to be able to enter into contractual commitments based, by necessity, on estimates of future avoided costs. Some of the comments received regarding this section stated that, if the avoided cost of energy at the time it is supplied is less than the price provided in the contract or obligation, the purchasing utility would be required to pay a rate for purchases that would subsidize the qualifying facility at the expense of the utility's other ratepayers. The Commission recognizes this possibility, but is cognizant that in other cases, the required rate will turn out to be lower than the avoided cost at the time of purchase. The Commission does not believe that the reference in the statute to the incremental cost of alternative energy was intended to require a minute-by-minute evaluation of costs which would be checked against rates established in long term contracts between qualifying facilities and electric utilities.

Many commenters have stressed the need for certainty with regard to return on investment in new technologies. The Commission agrees with these latter arguments, and believes that, in the long run, "overestimations" and "underestimations" of avoided costs will balance out.

Paragraph (b)(5) addresses the situation in which a qualifying facility has entered into a contract with an electric utility, or where the qualifying facility has agreed to obligate itself to deliver at a future date energy and capacity to the electric utility. The import of this section is to ensure that a qualifying facility which has obtained the certainty of an arrangement is not deprived of the benefits of its commitment as a result of changed circumstances. This provision can also work to preserve the bargain entered into by the electric utility; should the actual avoided cost be higher than those contracted for, the electric utility is nevertheless entitled to retain the benefit of its contracted for, or otherwise legally enforceable, lower price for purchases from the qualifying facility. This subparagraph will thus ensure the certainty of rates for purchases from a qualifying facility which enters into a commitment to deliver energy or capacity to a utility.

Paragraph (d)(1) provides that a qualifying facility may provide energy or capacity on an "as available" basis, i.e., without legal obligation. The proposed rule provided that rates for such purchases should be based on "actual" avoided costs. Many comments noted that basing rates for purchases in such cases on the utility's "actual avoided costs" is misleading and could require retroactive ratemaking. In light of these comments, the Commission has revised the rule to provide that the rates for purchases are to be based on the purchasing utility's avoided costs estimated at the time of delivery.[14]

Paragraph (d)(2) permits a qualifying facility to enter into a contract or other legally enforceable obligation to provide energy or capacity over a specified term. Use of the term "legally enforceable obligation" is intended to prevent a utility from circumventing the requirement that provides capacity credit for an eligible qualifying facility merely by refusing to enter into a contract with the qualifying facility.

Many commenters noted the same problems for establishing rates for purchases under subparagraph (2) as in subparagraph (1). The Commission intends that rates for purchases be based, at the option of the qualifying facility, on either the avoided costs at the time of delivery or the avoided costs calculated at the time the obligation is incurred. This change enables a qualifying facility to establish a fixed contract price for its energy and capacity at the outset of its obligation or to receive the avoided costs determined at the time of delivery.

A facility which enters into a long term contract to provide energy or capacity to a utility may wish to receive a greater percentage of the total purchase price during the beginning of the obligation. For example, a level payment schedule from the utility to the qualifying facility may be used to match more closely the schedule of debt service of the facility. So long as the total payment over the duration of the contract term does not exceed the estimated avoided costs, nothing in these rules would prohibit a State regulatory authority or non-regulated electric utility from approving such an arrangement.

[14] In addition to the avoided costs of energy, these costs must include the prorated share of the aggregate capacity value of such facilities.

§ 292.304(c) Factors affecting rates for purchases.

Capacity Value

An issue basic to this paragraph is the question of recognition of the capacity value of qualifying facilities.

In the proposed rule, the Commission adopted the argument set forth in the Staff Discussion Paper that the proper interpretation of section 210(b) of PURPA requires that the rates for purchases include recognition of the capacity value provided by qualifying cogeneration and small power production facilities. The Commission noted that language used in section 210 of PURPA and the Conference Report as well as in the Federal Power Act supports this proposition.

In the proposed rule, the Commission cited the final paragraph of the Conference Report with regard to section 210 of PURPA:

> The conferees expect that the Commission, in judging whether the electric power supplied by the cogenerator or small power producer will replace future power which the utility would otherwise have to generate itself either through existing capacity or additions to capacity or purchase from other sources, will take into account the reliability of the power supplied by the cogenerator or small power producer by reason of any legally enforceable obligation of such cogenerator or small power producer to supply firm power to the utility.[15]

In addition to that citation, the Commission notes that the Conference Report states that:

> In interpreting the term "incremental costs of alternative energy", the conferees expect that the Commission and the States may look beyond the costs of alternative sources which are instantaneously available to the utility.[16]

Several commenters contended that, since section 210(a)(2) of PURPA provides that electric utilities must "purchase electric energy" from qualifying facilities, the rate for such purchases should not include payments for capacity. The Commission observes that the statutory language used in the Federal Power Act uses the term "electric energy" to describe the rates for sales for resale in interstate commerce. Demand or capacity payments are a traditional part of such rates. The term "electric energy" is used throughout the Act to refer both to electric energy and capacity. The Commission does not find any evidence that the term "electric energy" in section 210 of PURPA was intended to refer only to fuel and operating and maintenance expenses, instead of all of the costs associated with the provision of electric service.

In addition, the Commission notes that to interpret this phrase to include only energy would lead to the conclusion that the rates for sales *to* qualifying facilities could only include the energy component of the rate since section 210 also refers to "electric energy" with regard to such sales. It is the Commission's belief that this was not the intended result. This provides an additional reason to interpret the phrase "electric energy" to include both energy and capacity.

In implementing this statutory standard, it is helpful to review industry practice respecting sales between utilities. Sales of electric power are ordinarily classified as either firm sales, where the seller provides power at the customer's request, or non-firm power sales, where the seller and not the buyer makes the decision whether or not power is to be available. Rates for firm power purchases include payments for the cost of fuel and operating expenses, and also for the fixed costs associated with the construction of generating units needed to provide power at the purchaser's discretion. The degree of certainty of deliverability required to constitute "firm power" can ordinarily be obtained only if a utility has several generating units and adequate reserve capacity. The capacity payment, or demand charge, will reflect the cost of the utility's generating units.

In contrast, the ability to provide electric power at the selling utility's discretion imposes no requirement that the seller construct or reserve capacity. In order to provide power to customers at the seller's discretion, the selling utility need only charge for the cost of operating its generating units and administration. These costs, called "energy" costs, ordinarily are the ones associated with non-firm sales of power.

Purchases of power from qualifying facilities will fall somewhere on the continuum between these two types of electric service. Thus, for example, wind machines that furnish power only when wind velocity exceeds twelve miles per hour may be so uncertain in availability of output that they would only permit a utility to avoid generating an equivalent amount of energy. In that situation, the utility must continue to provide capacity that is available to meet the needs of its customers. Since there are no avoided capacity costs, rates for such sporadic purchases should thus be based on the utility system's avoided incremental cost of energy. On the other hand, testimony at the Commission's public hearings indicated that effective amounts of firm capacity exist for dispersed wind systems, even though each machine, considered separately, could not provide capacity value. The aggregate capacity value of such facilities must be considered in the calculation of rates for purchases, and the payment distributed to the class providing the capacity.

Some technologies, such as photovoltaic cells, although subject to some uncertainty in power output, have the general advantage of providing their maximum power coincident with the system peak when used on a summer peaking system. The value of such power is greater to the utility than power delivered during off-peak periods. Since the need for capacity is based, in part, on system peaks, the qualifying facility's coincidence with the system peak should be reflected in the allowance of some capacity value and an energy component that reflects the avoided energy costs at the time of the peak.

A facility burning municipal waste or biomass may be able to operate more predictably and reliably than solar or wind systems. It can schedule its outages during times when demand on the utility's system is low. If such a unit demonstrates a degree of reliability that would permit the utility to defer or avoid construction of a generating unit or the purchase of firm power from another utility, then the rate for such a purchase should be based on the avoidance of both energy and capacity costs.

In order to defer or cancel the construction of new generating units, a utility must obtain a commitment from a qualifying facility that provides contractual or other legally enforceable assurances that capacity from alternative sources will be available sufficiently ahead of the date on which the utility would otherwise have to commit itself to the construction or purchase of new capacity. If a qualifying facility provides such assurances, it is entitled to receive rates based on the capacity costs that the utility can avoid as a result of its obtaining capacity from the qualifying facility.

Other comments with regard to the requirement to include capacity payments in avoided costs generally track those set forth in the Staff Discussion Paper and the proposed rule. The thrust of these comments is that, in order to receive credit for capacity and to comply with the requirement that rates for purchases not exceed the incremental cost of alternative energy, capacity payments can only be required when the availability of capacity from a qualifying facility or facilities actually permits the purchasing utility to reduce

[15] Conference Report on H.R. 4018, Public Utility Regulatory Policies Act of 1978, H. Rep. No. 1750, 99, 95th Cong., 2d. Sess. (1978).

[16] *Id.*, pp. 98–9.

its need to provide capacity by deferring the construction of new plant or commitments to firm power purchase contracts. In the proposed rule, the Commission stated that if a qualifying facility offers energy of sufficient reliability and with sufficient legally enforceable guarantees of deliverability to permit the purchasing electric utility to avoid the need to construct a generating plant, to enable it to build a smaller, less expensive plant, or to purchase less firm power from another utility than it would otherwise have purchased, then the rates for purchases from the qualifying facility must include the avoided capacity and energy costs. As indicated by the preceding discussion, the Commission continues to believe that these principles are valid and appropriate, and that they properly fulfill the mandate of the statute.

The Commission also continues to believe, as stated in the proposed rule, that this rulemaking represents an effort to evolve concepts in a newly developing area within certain statutory constraints. The Commission recognizes that the translation of the principle of avoided capacity costs from theory into practice is an extremely difficult exercise, and is one which, by definition, is based on estimation and forecasting of future occurrences. Accordingly, the Commission supports the recommendation made in the Staff Discussion Paper that it should leave to the States and nonregulated utilities "flexibility for experimentation and accommodation of special circumstances" with regard to implementation of rates for purchases. Therefore, to the extent that a method of calculating the value of capacity from qualifying facilities reasonably accounts for the utility's avoided costs, and does not fail to provide the required encouragement of cogeneration and small power production, it will be considered as satisfactorily implementing the Commission's rules.

§ *292.304(e) Factors affecting rates for purchases.*

As noted previously, several commenters observed that the utility system cost data required under § 292.302 cannot be directly applied to rates for purchase. The Commission acknowledges this point and, as discussed previously, has provided that these data are to be used as a starting point for the calculation of an appropriate rate for purchases equal to the utility's avoided cost. Accordingly, the Commission has removed the reference to the utility system cost data from the definition of rates for purchases, and has inserted the reference to these data in paragraph (e), as one factor to be considered in calculating rates for purchases. Subparagraph (1) states that these data shall, to the extent practicable, be taken into account in the calculation of a rate for purchases.

Subparagraph (2) deals with the availability of capacity from a qualifying facility during system daily and seasonal peak periods. If a qualifying facility can provide energy to a utility during peak periods when the electric utility is running its most expensive generating units, this energy has a higher value to the utility than energy supplied during off-peak periods, during which only units with lower running costs are operating.

The preamble to the proposed rule provided that, to the extent that metering equipment is available, the State regulatory authority or nonregulated electric utility should take into account the time or season in which the purchase from the qualifying facility occurs. Several commenters interpreted this statement as implying that, by refusing to install metering equipment, an electric utility could avoid the obligation to consider the time at which purchases occur. This is not the intent of this provision. Clearly, the more precisely the time of purchase is recorded the more exact the calculation of the avoided costs, and thus the rate for purchases, can be. Rather than specifying that exact time-of-day or seasonal rates for purchases are required, however, the Commission believes that the selection of a methodology is best left to the State regulatory authorities and nonregulated electric utilities charged with the implementation of these provisions.

Clauses (i) through (v) concern various aspects of the reliability of a qualifying facility. When an electric utility provides power from its own generating units or from those of another electric utility, it normally controls the production of such power from a central location. The ability to so control power production enhances a utility's ability to respond to changes in demand, and thereby enhances the value of that power to the utility. A qualifying facility may be able to enter into an arrangement with the utility which gives the utility the advantage of dispatching the facility. By so doing, it increases its value to the utility. Conversely, if a utility cannot dispatch a qualifying facility, that facility may be of less value to the utility.

Clause (ii) refers to the expected or demonstrated reliability of a qualifying facility. A utility cannot avoid the construction or purchase of capacity if it is likely that the qualifying facility which would claim to replace such capacity may go out of service during the period when the utility needs its power to meet system demand. Based on the estimated or demonstrated reliability of a qualifying facility, the rate for purchases from a qualifying facility should be adjusted to reflect its value to the utility.

Clause (iii) refers to the length of time during which the qualifying facility has contractually or otherwise guaranteed that it will supply energy or capacity to the electric utility. A utility-owned generating unit normally will supply power for the life of the plant, or until it is replaced by more efficient capacity. In contrast, a cogeneration or small power production unit might cease to produce power as a result of changes in the industry or in the industrial processes utilized. Accordingly, the value of the service from the qualifying facility to the electric utility may be affected by the degree to which the qualifying facility ensures by contract or other legally enforceable obligation that it will continue to provide power. Included in this determination, among other factors, are the term of the commitment, the requirement for notice prior to termination of the commitment, and any penalty provisions for breach of the obligation.

In order to provide capacity value to an electric utility a qualifying facility need not necessarily agree to provide power for the life of the plant. A utility's generation expansion plans often include purchases of firm power from other utilities in years immediately preceding the addition of a major generation unit. If a qualifying facility contracts to deliver power, for example, for a one year period, it may enable the purchasing utility to avoid entering into a bulk power purchase arrangement with another utility. The rate for such a purchase should thus be based on the price at which such power is purchased, or can be expected to be purchased, based upon bona fide offers from another utility.

Clause (iv) addresses periods during which a qualifying facility is unable to provide power. Electric utilities schedule maintenance outages for their own generating units during periods when demand is low. If a qualifying facility can similarly schedule its maintenance outages during periods of low demand, or during periods in which a utility's own capacity will be adequate to handle existing demand, it will enable the utility to avoid the expenses associated with providing an equivalent amount of

capacity. These savings should be reflected in the rate for purchases.

Clause (v) refers to a qualifying facility's ability and willingness to provide capacity and energy during system emergencies. Section 292.307 of these regulations concerns the provision of electric service during system emergencies. It provides that, to the extent that a qualifying facility is willing to forego its own use of energy during system emergencies and provide power to a utility's system, the rate for purchases from the qualifying facility should reflect the value of that service. Small power production and cogeneration facilities could provide significant back-up capability to electric systems during emergencies. One benefit of the encouragement of interconnected cogeneration and small power production may be to increase overall system reliability during such emergency conditions. Any such benefit should be reflected in the rate for purchases from such qualifying facilities.

Another related factor which affects the capacity value of a qualifying facility is its ability to separate its load from its generation during system emergencies. During such emergencies an electric utility may institute load shedding procedures which may, among other things, require that industrial customers or other large loads stop receiving power. As a result, to provide optimal benefit to a utility in an emergency situation, a qualifying facility might be required to continue operation as a generating plant, while simultaneously ceasing operation as a load on the utility's system. To the extent that a facility is unable to separate its load from its generation, its value to the purchasing utility decreases during system emergencies. To reflect such a possibility, clause (v) provides that the purchasing utility may consider the qualifying facility's ability to separate its load from its generation during system emergencies in determining the value of the qualifying facility to the electric utility.

Clause (vi) refers to the aggregate capability of capacity from qualifying facilities to displace planned utility capacity. In some instances, the small amounts of capacity provided from qualifying facilities taken individually might not enable a purchasing utility to defer or avoid scheduled capacity additions. The aggregate capability of such purchases may, however, be sufficient to permit the deferral or avoidance of a capacity addition. Moreover, while an individual qualifying facility may not provide the equivalent of firm power to the electric utility, the diversity of these facilities may collectively comprise the equivalent of capacity.

Clause (vii) refers to the fact that the lead time associated with the addition of capacity from qualifying facilities may be less than the lead time that would have been required if the purchasing utility had constructed its own generating unit. Such reduced lead time might produce savings in the utility's total power production costs, by permitting utilities to avoid the "lumpiness," and temporary excess capacity associated therewith, which normally occur when utilities bring on line large generating units. In addition, reduced lead time provides the utility with greater flexibility with which it can accommodate changes in forecasts of peak demand.

Subparagraph (3) concerns the relationship of energy or capacity from a qualifying facility to the purchasing electric utility's need for such energy or capacity. If an electric utility has sufficient capacity to meet its demand, and is not planning to add any new capacity to its system, then the availability of capacity from qualifying facilities will not immediately enable the utility to avoid any capacity costs. However, an electric utility system with excess capacity may nevertheless plan to add new, more efficient capacity to its system. If purchases from qualifying facilities enable a utility to defer or avoid these new planned capacity additions, the rate for such purchases should reflect the avoided costs of these additions. However, as noted by several commenters, the deferral or avoidance of such a unit will also prevent the substitution of the lower energy costs that would have accompanied the new capacity. As a result, the price for the purchase of energy and capacity should reflect these lower avoided energy costs that the utility would have incurred had the new capacity been added.

This is not to say that electric utilities which have excess capacity need not make purchases from qualifying facilities; qualifying facilities may obtain payment based on the avoided energy costs on a purchasing utility's system. Many utility systems with excess capacity have intermediate or peaking units which use high-cost fossil fuel. As a result, during peak hours, the energy costs on the systems are high, and thus the rate to a qualifying utility from which the electric utility purchases energy should similarly be high.

Subparagraph (4) addresses the costs or savings resulting from line losses. An appropriate rate for purchases from a qualifying facility should reflect the cost savings actually accruing to the electric utility. If energy produced from a qualifying facility undergoes line losses such that the delivered power is not equivalent to the power that would have been delivered from the source of power it replaces, then the qualifying facility should not be reimbursed for the difference in losses. If the load served by the qualifying facility is closer to the qualifying facility than it is to the utility, it is possible that there may be net savings resulting from reduced line losses. In such cases, the rates should be adjusted upwards.

§ 292.303(f) Periods during which purchase are not required.

The proposed rule provided that an electric utility will not be required to purchase energy and capacity from qualifying facilities during periods in which such purchases will result in net increased operating costs to the electric utility. This section was intended to deal with a certain condition which can occur during light loading periods. If a utility operating only base load units during these periods were forced to cut back output from the units in order to accommodate purchases from qualifying facilities, these base load units might not be able to increase their output level rapidly when the system demand later increased. As a result, the utility would be required to utilize less efficient, higher cost units with faster start-up to meet the demand that would have been supplied by the less expensive base load unit had it been permitted to operate at a constant output.

The result of such a transaction would be that rather than avoiding costs as a result of the purchase from a qualifying facility, the purchasing electric utility would incur greater costs than it would have had it not purchased energy or capacity from the qualifying facility. A strict application of the avoided cost principle set forth in this section would assess these additional costs as negative avoided costs which must be reimbursed by the qualifying facility. In order to avoid the anomalous result of forcing a qualifying utility to pay an electric utility for purchasing its output, the Commission proposed that an electric utility be required to identify periods during which this situation would occur, so that the qualifying facility could cease delivery of electricity during those periods.

Many of the comments received reflected a suspicion that electric utilities would abuse this paragraph to circumvent their obligation to purchase from qualifying facilities. In order to minimize that possibility, the Commission has revised this paragraph

to provide that any electric utility which seeks to cease purchasing from qualifying facilities must notify each affected qualifying facility prior to the occurrence of such a period, in time for the qualifying facility to cease delivery of energy or capacity to the electric utility. This notification can be accomplished in any reasonable manner determined by the State regulatory authority. Any claim by an electric utility that such a light loading period will occur or has occurred is subject to such verification by its State regulatory authority as the State authority determines necessary or appropriate either before or after its occurrence. Moreover, any electric utility which fails to provide adequate notice or which incorrectly identifies such a period will be required to reimburse the qualifying facility for energy or capacity supplied as if such a light loading period had not occurred.

The section has also been modified to clarify that such periods must be due to operational circumstances.

The Commission does not intend that this paragraph override contractual or other legally enforceable obligations incurred by the electric utility to purchase from a qualifying facility. In such arrangements, the established rate is based on the recognition that the value of the purchase will vary with the changes in the utility's operating costs. These variations ordinarily are taken into account, and the resulting rate represents the average value of the purchase over the duration of the obligation. The occurrence of such periods may similarly be taken into account in determining rates for purchases.

Tax Issues

The Conference Report states that:

* * * the examination of the level of rates which should apply to the purchase by the utility of the cogenerator's or the small power producer's power should not be burdened by the same examination as are utility rate applications to determine what is the just and reasonable rate that they should receive for their electric power.[17]

The Commission notes that section 301(b)(2) of the Energy Tax Act of 1978 [18] makes certain energy property eligible for increased business investment tax credit. Some of this property is commonly used in cogeneration and small power production. However, section 301(b)(2)(B) excludes from such eligibility property "which is public utility property (within the meaning of section 46(f)(5) of the Internal Revenue Code of 1954)." [19] As a result, if the property of a qualifying facility which was otherwise eligible for the credit were to be classified as public utility property under section 46(f)(5) of the Internal Revenue Code, it would not be eligible for the increased investment tax credit.

The Commission notes that the Treasury Department's regulations provide that the definition of "public utility property" does not include property used in the business of the furnishing or sale of electric energy if the rates are not subject to regulation that fixes a rate of return on investment.[20] On this basis, the Commission believes that property of a qualifying facility that would otherwise be eligible for the energy tax credit would not be excluded from that eligibility under the public utility property exclusion.

First, this Commission is exempting property of qualifying facilities from regulation under Part II of the Federal Power Act, and from similar State and local laws and regulatory programs. Secondly, the Commission observes that the rates a qualifying facility will receive for sales of power to utilities are *not* based on a regulatory scheme which fixes a rate of return on investment of the qualifying facility.

As a result, the Commission believes that energy property of qualifying facilities should not be barred from eligibility for the tax credit by reason of the public utility property exclusion. The Commission wishes to express its opinion on this matter in an effort to further encourage cogeneration and small power production by means of this rulemaking process.

§ *292.305 Rates for sales.*

Section 210(c) of PURPA provides that the rules requiring utilities to sell electric energy to qualifying facilities shall ensure that the rates for such sales are just and reasonable, in the public interest, and nondiscriminatory with respect to qualifying cogenerators or small power producers. This section contemplates formulation of rates on the basis of traditional ratemaking (*i.e.*, cost-of-service) concepts.

Paragraph (a) expresses the statutory requirement that such rates be just and reasonable and in the public interest. Paragraph (a) also provides that rates for sales from electric utilities to qualifying facilities not be discriminatory against such facilities in comparison to rates to other customers served by the electric utility.

A qualifying facility is entitled to purchase back-up or standby power at a nondiscriminatory rate which reflects the probability that the qualifying facility will or will not contribute to the need for and the use of utility capacity. Thus, where the utility must reserve capacity to provide service to a qualifying facility, the costs associated with that reservation are properly recoverable from the qualifying facility, if the utility would similarly assess these costs to non-generating customers.

In the proposed rule, paragraph (b) required electric utilities to provide energy and capacity and other services to any qualifying facility at a rate at least as favorable as would be provided to a customer who does not have his own generation. The comments received concerning this paragraph noted that this provision might be interpreted as requiring an electric utility to provide service to a qualifying facility at its most favorable rate, even if the qualifying facility would not be eligible for such a rate if it did not have its own generation. It is not the Commission's intention that, for example, an industrial cogenerator receive service at a rate applicable to residential customers; rather, such a customer should be charged at a rate applicable to a non-generating industrial customer unless the electric utility shows that a different rate is justified on the basis of sufficient load or other cost-related data. Accordingly, this section now provides that for qualifying facilities which do not simultaneously sell and purchase from the electric utility, the rate for sales shall be the rate that would be charged to the class to which the qualifying facility would be assigned if it did not have its own generation.

Subparagraph (2) provides that if, on the basis of accurate data and consistent system-wide costing principles, the utility demonstrates that the rate that would be charged to a comparable customer without its own generation is not appropriate, the utility may base its rates for sales upon those data and principles. The utility may only charge such rates on a nondiscriminatory basis, however, so that a cogenerator will not be singled out to lose any interclass or intraclass subsidies to which it might have been entitled had it not generated part of its electric energy needs itself.

In situations where a qualifying facility simultaneously sells its output to an electric utility and purchases its requirements from that electric utility, as a bookkeeping matter, the facility's

[17] Conference Report on H.R. 4018, Public Utility Regulatory Policies Act of 1978, H. Rep. No. 1750, 98, 95th Cong., 2d Sess. (1978).

[18] Pub. L. No. 95-618, 26 U.S.C. §§ 46, 48, November 9, 1978.

[19] 26 U.S.C. § 48(e)(3)(b).

[20] Treasury Reg. § 146-3(g)(2), T.D. 7602 (March 23, 1979).

electrical output will not serve its own load, but rather will be supplied to the grid. As a result, the facility's electric load is likely to have the same characteristics as the load of other non-generating customers of the utility. If the utility does not provide data showing otherwise, the appropriate rate for sales to such a facility is the rate that would be charged to a comparable customer without its own generation.

Paragraph (b)(2) of the rule sets forth certain types of service which electric utilities are required to provide qualifying facilities upon request of the facility. These types of service are supplementary power, back-up power, interruptible power and maintenance power. In response to comments, these terms are defined in the text of the rules, as well as in this preamble.

Back-up or maintenance service provided by an electric utility replaces energy or capacity which a qualifying facility ordinarily supplies to itself. These rules authorize certain facilities to purchase and sell simultaneously. The amount of energy or capacity provided by an electric utility to meet the load of a facility which simultaneously purchases and sells will vary only in accordance with changes in the facility's load; interruptions in the facility's generation will be manifested as variations in purchases from the facility. In such a case, sales to the qualifying facility will not be back-up or maintenance service, but will be similar to the full-requirements service that would be provided if the facility were a non-generating customer.

Supplementary power is electric energy or capacity used by a facility in addition to that which it ordinarily generates on its own. Thus, a cogeneration facility with a capacity of ten megawatts might require five more megawatts from a utility on a continuing basis to meet its electric load of fifteen megawatts. The five megawatts supplied by the electric utility would normally be provided as supplementary power.

Back-up power is electric energy or capacity available to replace energy generated by a facility's own generation equipment during an unscheduled outage. In the example provided above, a cogeneration facility might contract with an electric utility for the utility to have available ten megawatts, should the cogenerator's units experience an outage.

Maintenance power is electric energy or capacity supplied during scheduled outages of the qualifying facility. By pre-arrangement, a utility can agree to provide such energy during periods when the utility's other load is low, thereby avoiding the imposition of large demands on the utility during peak periods.

Interruptible power is electric energy or capacity supplied to a qualifying facility subject to interruption by the electric utility under specified conditions. Many utilities have utilized interruptible service to avoid expensive investment in new capacity that would otherwise be necessary to assure adequate reserves at time of peak demand. Under this approach utilities assure the adequacy of reserves by arranging to reduce peak demand, rather than by adding capacity. Interruptible service is therefore normally provided at a lower rate than non-interruptible service.

During the Commission's public hearings on this rulemaking, one commenter stated that utilities which have excess capacity do not save any costs by providing interruptible service. The commenter contended that the Commission should not require a utility with excess capacity to offer interruptible service. If a utility is not adding capacity (whether by construction or purchase) to meet anticipated increases in peak demand, the rates charged for interruptible service might appropriately be the same as for non-interruptible services.

The Commission believes that these matters involving the provision of interruptible rates are best handled through the pricing mechanism. However, if as discussed above, interruptible customers provide no savings to the electric utility, the rate for interruptible service need not be lower than the rate for firm service. In such a case, the Commission would consider granting a waiver from this paragraph, under the provisions of § 292.403.

Some comments noted that certain electric utilities do not have any generating capacity, and to require the services listed in subparagraph (1) might place an undue burden on the electric utility. In light of these comments, the State regulatory authorities or the Commission, as the case may be, will allow a waiver of these requirements upon a finding after a showing by the utility to the State regulatory authority or Commission, as the case may be, that provision of these services will impair the utility's ability to render adequate service to its customers or place an undue burden on the electric utility. Notice must be given in the area served by the electric utility, opportunity for public comment must be provided, and an application must be submitted to the State regulatory authority with respect to any electric utility over which it has ratemaking authority or the Commission with respect to any nonregulated electric utility.

Paragraph (c)(1) provides that rates for sales of back-up or maintenance power shall not be based, without factual data, on the assumption that forced outages or other reductions in output by each qualifying facility on an electric utility's system will occur either simultaneously or during the system peak. Like other customers, qualifying facilities may well have intraclass diversity. In addition, because of the variations in size and load requirements among various types of qualifying facilities, such facilities may well have interclass diversity.

The effect of such diversity is that an electric utility supplying back-up or maintenance power to qualifying facilities will not have to plan for reserve capacity to serve such facilities on the assumption that every facility will use power at the same moment. The Commission believes that probabilistic analyses of the demand of qualifying facilities will show that a utility will probably not need to reserve capacity on a one-to-one basis to meet back-up requirements. Paragraph (c)(1) prohibits utilities from basing rates on the assumption that qualifying facilities will impose demands simultaneously and at system peak unless supported by factual data.

The rule provides that utilities may refute these assumptions on the basis of factual data. These data need not be in the form of empirical load data. It might be the case that within certain geographic areas, weather data and performance data would constitute a sufficient basis to refute the assumption relating to the coincidence of the demands imposed, for example, by windmills or photovoltaics, with respect to their need for back-up power.

Paragraph (c)(2) provides that rates for sales shall take into account the extent to which a qualifying facility can usefully coordinate periods of scheduled maintenance with an electric utility. If a qualifying facility stays on line when the utility will need its capacity, and schedules maintenance when the utility's other units are operative, the qualifying facility is more valuable to the utility, as it can reduce its capacity requirements.

§ *292.306 Interconnection costs.*

Paragraph (a) states that each qualifying facility must reimburse any electric utility which purchases capacity or energy from the qualifying facility for any interconnection costs, on a nondiscriminatory basis with respect to other customers with similar load characteristics. The Commission finds

merit in those comments which suggested that the basis of comparison for nondiscriminatory practices in the proposed rule to "any other customer" was too broad, and that the correct reference for nondiscrimination is the practice of the utility in relation to customers in the same class who do not generate electricity. As noted previously, the interconnection costs of a facility which is already interconnected with the utility for purposes of sales are limited to any additional expenses incurred by the utility to permit purchases.

Several commenters expressed their concern that some protection should be provided to qualifying facilities from potential harassment by utilities in the form of requiring unnecessary safety equipment. As discussed above, the State regulatory authorities (with respect to electric utilities over which they have ratemaking authority) and nonregulated electric utilities have the responsibility and authority to ensure that the interconnection requirements are reasonable, and that associated costs are legitimately incurred.

For qualifying facilities with a design capacity of 100 kW or less, the Commission noted that interconnection costs could be assessed on a class basis, and the standard rates for purchases established for classes of facilities of this size pursuant to § 292.304(c)(1) might incorporate these costs. State regulatory authorities (with respect to electric utilities over which they have ratemaking authority) or nonregulated electric utilities may also determine interconnection costs for qualifying facilities with a design capacity of more than 100 kW on either a class average or individual basis.

Numerous comments raised the point that the proposed rule did not address the manner in which electric utilities would be reimbursed. Potential owners and developers of qualifying facilities recommended that the costs be amortized on a reasonable basis, because paying a large lump sum payment would be a considerable obstacle to the program. Electric utilities generally preferred payment up front, although several commenters indicated that amortization might be acceptable for credit-worthy facilities. The Commission believes that the manner of reimbursements (which may include amortization over a reasonable period of time) is best left to the State regulatory authorities and nonregulated utilities. In the determination of any standard rates for purchases established pursuant to § 292.304(c)(i), if the State approves some manner of amortization, it might consider assignment of uncollected interconnection costs to the class for which the rate is established.

§ 292.307 System emergencies.

Paragraph (a) provides that, except as provided under section 202(c) of the Federal Power Act, no qualifying facility shall be compelled to provide energy or capacity to the electric utility during an emergency beyond the extent provided by agreement between the qualifying facility and the utility.

The Commission finds that a qualifying facility should not be required to make available all of its generation to the utility during a system emergency. Such a requirement might interrupt industrial processes with resulting damage to equipment and manufactured goods. Many industries install their own generating equipment in order to ensure that even during a system emergency, their supply of power is not interrupted. To put in jeopardy the availability of power to a qualifying facility during a system emergency because of the facility's ability to provide power to the system during non-emergency periods would result in the discouragement of interconnected operation and a resultant discouragement of cogeneration and small power production. The Commission therefore provides that the qualifying facility's obligation to provide energy and capacity in emergencies be established through contract.

In order to receive full credit for capacity, a qualifying facility must offer energy and capacity during system emergencies to the same extent that it has agreed to provide energy and capacity during non-emergency situations. For example, a 30 megawatt cogenerator may require 20 megawatts for its own industrial purposes, and thus may contract to provide 10 megawatts of capacity to the purchasing utility. During an emergency, the cogenerator must provide the 10 megawatts contracted for to the utility; it need not disrupt its industrial processes by supplying its full capability of 30 megawatts. Of course, if it should so desire, a cogenerator could contractually agree to supply the full 30 megawatts during system emergencies. The availability of such additional backup capacity should increase utility system reliability, and should be accounted for in the utility's rates for purchases from the cogenerator.

Paragraph (b) provides that an electric utility may discontinue purchases from a qualifying facility during a system emergency if such purchases would contribute to the emergency. In addition, during system emergencies, a qualifying facility must be treated on a nondiscriminatory basis in any load shedding program—*i.e.*, on the same basis that other customers of a similar class with similar load characteristics are treated with regard to interruption of service.

Credit for capacity (as noted in § 292.304(e)(2)(v)) will also take into account the ability of the qualifying facility to separate its load and generation during system emergencies. However, the qualifying facility may well be eligible for some capacity credit even if it cannot separate its load and generation.

§ 292.308 Standards for operating reliability.

Section 210(a) of PURPA states that the rules requiring electric utilities to buy from and sell to qualifying facilities shall include provisions respecting minimum reliability of qualifying facilities (including reliability of such facilities during emergencies) and rules respecting reliability of electric utilities during emergencies. The Commission believes that the reliability of qualifying facilities can be accounted for through price; namely, the less reliable a qualifying facility might be, the less it should be entitled to receive for purchases from it by the utility.

As a result, the Commission has not included specific standards relating to the reliability in the sense of the ability of qualifying facilities to provide energy or capacity.

The Commission has determined that safety equipment exists which can ensure that qualifying facilities do not energize utility lines during utility outages. This section accordingly provides that each State regulatory authority or nonregulated electric utility may establish standards for interconnected operation between electric utilities and qualifying facilities. These standards may be recommended by any utility, any qualifying facility, or any other person. These standards must be accompanied by a statement showing the need for the standard on the basis of system safety and operating requirements.

Subpart D—Implementation

Summary of this Subpart

Rules in this subpart are intended to carry out the responsibility of the Commission to encourage cogeneration and small power production by clarifying the nature of the obligation to implement the Commission's rules under section 210.

These rules afford the State regulatory authorities and nonregulated electric utilities great latitude in determining the manner of implementation of the

Commission's rules, provided that the manner chosen is reasonably designed to implement the requirements of Subpart C. The Commission recognizes that many States and individual nonregulated electric utilities have ongoing programs to encourage small power production and cogeneration. The Commission also recognizes that economic and regulatory circumstances vary from State to State and utility to utility. It is within this context—in recognition of the work already begun and of the variety of local conditions—that the Commission promulgates its regulations requiring implementation of rules issued under section 210.

Because of the Commission's desire not to create unnecessary burdens at the State level, these rules provide a procedure whereby a State regulatory authority or nonregulated electric utility may apply to the Commission for a waiver if it can demonstrate that compliance with certain requirements of Subpart C is not necessary to encourage cogeneration or small power production and is not otherwise required under section 210.

Several commenters expressed their concern that State regulatory authorities would not be able adequately to implement the Commission's rules, and therefore, recommended that the Commission issue specific rules which the State regulatory authorities would adopt without change. The Commission does not find this proposal to be appropriate at this time, and believes that providing an opportunity for experimentation by the States is more conducive to development of these difficult rate principles.

Implementation

Section 210(f) of PURPA requires that within one year after the date that this Commission prescribes its rules under subsection (a), and within one year of the date any of these rules is revised, each State regulatory authority and each nonregulated electric utility, after notice and opportunity for hearing, must implement the rules or revisions thereof, as the case may be.

The obligation to implement section 210 rules is a continuing obligation which begins within one year after promulgation of such rules. The requirement to implement may be fulfilled either (1) through the enactment of laws or regulations at the State level, (2) by application on a case-by-case basis by the State regulatory authority, or nonregulated utility, of the rules adopted by the Commission, or (3) by any other action reasonably designed to implement the Commission's rules.

Review and Enforcement

Section 210(g) of PURPA provides one of the means of obtaining judicial review of a proceeding conducted by a State regulatory authority or nonregulated utility for purposes of implementing the Commission's rules under section 210. Under subsection (g), review may be obtained pursuant to procedures set forth in section 123 of PURPA. Section 123(c)(1) contains provisions concerning judicial review and enforcement of determinations made by State regulatory authorities and nonregulated utilities under Subtitle A, B, or C of Title I in the appropriate State court. These provisions also apply to review of any action taken to implement the rules under section 210. This means that persons can bring an action in State court to require the State regulatory authorities or nonregulated utilities to implement these regulations.

Section 123(c)(2) of PURPA provides that persons seeking review of any determination made by a Federal agency may bring an action in the appropriate Federal court. This distinction between Federal agencies and non-Federal agencies also applies to review of enforcement of the implementation of the rules under section 210.

Finally, the Commission believes that review and enforcement of implementation under section 210 of PURPA can consist not only of review and enforcement as to whether the State regulatory authority or nonregulated electric utility has conducted the initial implementation properly—namely, put into effect regulations implementing section 210 rules or procedures for that implementation, after notice and an opportunity for a hearing. It can also consist of review and enforcement of the application by a State regulatory authority or nonregulated electric utility, on a case-by-case basis, of its regulations or of any other provision it may have adopted to implement the Commission's rules under section 210.

Section 210(h)(2)(A) of PURPA states that the Commission may enforce the implementation of regulations under section 210(f). The Congress has provided not only for private causes of action in State courts to obtain judicial review and enforcement of the implementation of the Commission's rules under section 210, but also provided that the Commission may serve as a forum for review and enforcement of the implementation of this program.

§ 292.401 Implementation by state regulatory authorities and nonregulated electric utilities

Paragraph (a) of § 292.401 sets forth the obligation of each State regulatory authority to commence implementation of Subpart C within one year of the date these rules take effect. In complying with this paragraph the State regulatory authorities are required to provide for notice of and opportunity for public hearing. As described in the summary of this subpart, such implementation may consist of the adoption of the Commission's rules, an undertaking to resolve disputes between qualifying facilities and electric utilities arising under Subpart C, or any other action reasonably designed to implement Subpart C.

This section does not cover one provision of Subpart C which is not required to be implemented by the State regulatory authority or nonregulated electric utility. This provision is § 292.302 (Availability of electric utility system cost data), the implementation of which is subject to § 292.402, discussed below.

Subsection (b) sets forth the obligaton of each nonregulated electric utility to commence, after notice and opportunity for public hearing, implementation of Subpart C. The nonregulated electric utilities, being both the regulator and the utility subject to the regulation, may satisfy the obligation to commence implementation of Subpart C through issuance of regulations, an undertaking to comply with Subpart C, or any other action reasonably designed to implement that subpart.

Paragraph (c) sets forth a reporting requirement under which each State regulatory authority and nonregulated electric utility is to file with the Commission, not later than one year after these rules take effect, a report describing the manner in which it is proceeding to implement Subpart C.

Comments received regarding this section indicated a concern that the obligation of a State regulatory authority or nonregulated utility "to commence implementation * * * within one year * * *" did not provide any guidance as to when the process must be completed. The Commission notes that the intention of this section is that the State regulatory authorities and nonregulated utilities have one year in which to establish procedures and that at the end of that year each State must be prepared to entertain applications. The phrase "commence implementation" is intended by the Commission to connote that implementation of these rules is a

continuing process and that oversight will be ongoing.

§ 292.402 Implementation of reporting objectives.

The obligation to comply with § 292.302 is imposed directly on electric utilities. This is different from the rest of Subpart C where the obligation to act is imposed on the State regulatory authority or the nonregulated electric utility in its role as regulator. The Commission is exercising its authority under section 133 of PURPA and other laws within the Commission's authority to require this reporting.

Any electric utility which fails to comply with the requirements of § 292.302(b) is subject to the same penalties as it might receive as a result of a failure to comply with the requirements of the Commission's regulations issued under section 133 of PURPA. As stated earlier in this preamble, the data required by § 292.302 will form the basis from which the rates for purchases will be derived; § 292.302 is thus a critical element in this program. The Commission believes that, with regard to utilities subject to section 133 of PURPA, the Commission may exercise its authority under section 133 to require the data required by § 292.302(b) on the basis that the Commission finds such information necessary to allow determination of the costs associated with providing electric services. With regard to utilities not subject to section 133, if they fail to provide the data called for in § 292.302(c), the Commission may compel its production under the Federal Power Act and other statutes which provide the Commission with authority to require reporting of such data.

§ 292.403 Waivers.

Paragraph (a) provides for a procedure by which any State regulatory authority or nonregulated electric utility may apply for a waiver from the application of any of the requirements of Subpart C other than § 292.302. (Section 292.302(d) has been revised to permit a State regulatory authority or nonregulated utility to adopt a substitute method for the provision of system cost data without prior Commission approval.)

Paragraph (b) provides that the Commission will grant such a waiver only if the applicant can show that compliance with any of the requirements is not necessary to encourage cogeneration or small power production and is not otherwise required under section 210 of PURPA.

This section is included in recognition of the need for the Commission to afford flexibility to the States and nonregulated utilities to implement the Commission's rules under section 210.

Several comments suggested that the Commission set forth procedures for considering applications for waivers which would allow formal participation by qualifying facilities in a public hearing. The Commission notes that interested parties would be given an opportunity to be heard in any proceeding it conducts to determine whether or not a waiver should be granted.

Subpart F—Exemption of Qualifying Small Power Production and Cogeneration Facilities From Certain Federal and State Laws and Regulations

§ 292.601 Exemption of qualifying facilities from the Federal Power Act.

Section 210(e) of PURPA states that the Commission shall prescribe rules under which qualifying facilities are exempt, in part, from the Federal Power Act, from the Public Utility Holding Company Act of 1935, from the State laws and regulations respecting the rates, or respecting the financial or organization regulation, of electric utilities, or from any combination of the foregoing, if the Commission determines such exemption is necessary to encourage cogeneration and small power production. As noted in the Staff Discussion Paper, the Congress intended the Commission to make liberal use of its exemption authority in order to remove the disincentive of utility-type regulation. The Commission believes that broad exemption is appropriate.

Section 210(e)(2) of PURPA provides that the Commission is not authorized to exempt small power production facilities of 30 to 80 megawatt capacity from these laws. An exception is made for small power production facilities using biomass as a primary energy source. Such facilities between 30 and 80 megawatts may be exempted from the Public Utility Holding Company Act of 1935 and from State laws and regulations but may not be exempted from the Federal Power Act. The Commission will establish procedures for the determination of rates for these facilities in a separate proceeding.

Paragraph (a) sets forth those facilities which are eligible for exemption. Paragraph (b) provides that facilities described in paragraph (a) shall be exempted from all but certain specified sections of the Federal Power Act.

Section 210(e)(3)(C) of PURPA provides that no qualifying facility may be exempted from any license or permit requirement under Part I of the Federal Power Act. Accordingly, no qualifying facilities will be exempt from Part I of the Federal Power Act. The Commission recently issued simplified procedures for obtaining water power licenses for hydroelectric projects of 1.5 megawatts or less, and has issued proposed regulations to expedite licensing of existing facilities.[21]

The Commission believes cogeneration and small power production facilities could be the subject of an order under section 202(c) of the Federal Power Act requiring them to provide energy if the Economic Regulatory Administration determines that an emergency situation exists. Because application of this section is limited to emergency situations and is not affected by the fact that a facility attains qualifying status or engages in interchanges with an electric utility, the Commission notes that qualifying facilities will not be exempted from section 202(c) of the Act.

Furthermore, in response to comment, the Commission has revised this paragraph to provide that qualifying facilities are not exempt from sections 210, 211, and 212 of the Federal Power Act, as required by section 210(e)(3)(B) of PURPA.

Sections 203, 204, 205, 206, 208, 301, 302, and 304 of the Federal Power Act reflect traditional rate regulation or regulation of securities of public utilities. The Commission has determined that qualifying facilities shall be exempted from these sections of the Federal Power Act.

Section 305(c) of the Act imposes certain reporting requirements on interlocking directorates. The Commission believes that any person who otherwise is required to file a report regarding interlocking positions should not be exempted from such requirement because he or she is also a director or officer of a qualifying facility.

Finally, the enforcement provisions of Part III of the Federal Power Act will continue to apply with respect to the sections of the Federal Power Act from which qualifying facilities are not exempt.

§ 292.602 Exemption of qualifying facilities from the Public Utility Holding Company Act and certain State law and regulation.

Under section 210(e) of PURPA the Commission can exempt qualifying facilities from regulation under the

[21] *See* Order No. 11, Simplified Procedures for Certain Water Power Licenses, Docket No. RM79-9, issued September 5, 1978, and Application for License for Major Projects—Existing Dam, Docket No. RM79-36, 44 FR 24095 (April 21, 1979).

Public Utility Holding Company Act of 1935 and State laws and regulations concerning rates or financial organization. Only cogeneration facilities and small power production facilities of 30 megawatts or less may be exempted from both of these laws, with the exception that any qualifying small power production facility (*i.e.*, up to 80 megawatts) using biomass as a primary energy source can be exempted from these laws.

The Commission has determined that where a qualifying facility is subjected to more stringent regulation than other companies solely by reason of the fact that it is engaged in the production of electric energy, these more stringent requirements should be eased through exemption of qualifying facilities. By excluding any qualifying facility from the definition of an "electric utility company" under section 2(a)(3) of the Public Utility Holding Company Act of 1935, such facilities would be removed from Public Utility Holding Company Act regulation which is applied exclusively to electric utility companies. Moreover, by excluding qualifying facilities from this definition, parent companies of qualifying facilities would not be subject to additional regulation as a result of electric production by their subsidiaries. The Commission therefore believes that in order to encourage cogeneration and small power production it is necessary to exempt cogenerators and small power producers from all of the provisions of the Public Utility Holding Company Act of 1935 related to electric utilities.

Accordingly, paragraph (b) states that no qualifying facility shall be considered to be an "electric utility company", as defined in section 2(a)(3) of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79b(a)(3).

Section 210(e) of PURPA states that qualifying facilities which may be exempted from the Public Utility Holding Company Act may also be exempted from State laws and regulations respecting the rates or financial organization of electric utilities.

The Commission has decided to provide a broad exemption from State laws and regulations which would conflict with the State's implementation of the Commission's rules under section 210.

The Commission believes that such broad exemption is necessary to encourage cogeneration or small power production. Accordingly, subparagraph (c)(1) provides that any qualifying facility shall be exempt from State laws and regulations respecting rates of electric utilities, and from financial and organizational regulation of electric utilities. Several commenters noted that this section might be interpreted as exempting qualifying facilities from state laws or regulations implementing the Commission's rules, under section 210(f) of PURPA. In order to clarify that qualifying facilities are not to be exempt from these rules, the Commission has added subparagraph (c)(2) prohibiting any exemptions from State laws and regulations promulgated pursuant to Subpart C of these rules.

Some commenters indicated that § 292.301(b)(1) might be interpreted as prohibiting a State from reviewing contracts for purchases. These commenters stated that, as a part of a State's regulation of electric utilities, a State regulatory authority needs to be able to review contracts entered into by electric utilities it regulates.

These rules, and the exemptions being provided by these rules, are not intended to divest a State regulatory agency of its authority under State law to review contracts for purchases as part of its regulation of electric utilities. Such authority may continue to be exercised if consistent with the terms, policies and practices under sections 210 and 201 of PURPA and this Commission's implementing regulations. If the authority or its exercise is in conflict with these sections of PURPA or the Commission's regulations thereunder, the State must yield to the Federal requirements. The Commission does not believe it possible or advisable to attempt to establish more precise guidelines than these. Accordingly, States which have questions in this regard should seek an interpretive ruling from the Commission's General Counsel.

Subparagraph (c)(3) provides that, upon request of a State regulatory authority or nonregulated electric utility, the Commission may limit the applicability of the broad exemption from the State laws. This provision is intended to add flexibility to the exemption.

The Commission perceives that there may be instances in which a qualifying facility would wish to have an interpretation of whether or not it is subject to a particular State law in order to remove any uncertainty. Under subparagraph (c)(4), the Commission may determine whether a qualifying facility is exempt from a particular State law or regulation.

(Public Utility Regulatory Policies Act of 1978, 16 U.S.C. § 2601, *et seq.*, Energy Supply and Environmental Coordination Act, 15 U.S.C. § 791 *et seq.*, Federal Power Act, as amended, 16 U.S.C. § 792 *et seq.*, Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, E.O. 12009, 42 Fed. Reg. 46267)

IV. Effective Date

The regulations promulgated in this order are effective March 20, 1980.

In consideration of the foregoing, the Commission amends Part 292 of Chapter I, Title 18, Code of Federal Regulations, as set forth below, effective March 20, 1980. By the Commission.

Kenneth F. Plumb,

Secretary.

(1) Subchapter K is amended in the table of contents and in the text of the regulation by deleting the title for Part 292 and substituting the following in lieu thereof:

Part 292—Regulations Under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 With Regard to Small Power Production and Cogeneration.

(2) Subchapter K is further amended in the table of contents to Part 292 and in the text of the regulations by reserving Subpart B and by adding new Subparts A, C, D, and F to read as follows:

PART 292—REGULATIONS UNDER SECTIONS 201 AND 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 WITH REGARD TO SMALL POWER PRODUCTION AND COGENERATION.

Subpart A—General Provisions

Sec.

292.101 Definitions.

Subpart B—[Reserved]

Subpart C—Arrangements Between Electric Utilities and Qualifying Cogeneration and Small Power Production Facilities Under Section 210 of the Public Utility Regulatory Policies Act of 1978

292.301 Scope.
292.302 Availability of Electric Utility System Cost Data.
292.303 Electric Utility Obligations Under This Subpart.
292.304 Rates for Purchases.
292.305 Rates for Sales.
292.306 Interconnection Costs.
292.307 System Emergencies.
292.308 Standards for Operating Reliability.

Subpart D—Implementation

292.401 Implementation by State Regulatory Authorities and Nonregulated Utilities.
292.402 Implementation of Certain Reporting Requirements.
292.403 Waivers.

* * * * *

Subpart F—Exemption of Qualifying Small Power Production Facilities and Cogeneration Facilities From Certain Federal and State Laws and Regulations

292.601 Exemption of Qualifying Facilities from the Federal Power Act.
292.602 Exemption of Qualifying Facilities From the Public Utility Holding Company

Act and Certain State Law and Regulation.

Authority: This part issued under the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. § 2601 *et seq.*, Energy Supply and Environmental Coordination Act, 15 U.S.C. § 791 *et seq.*, Federal Power Act, 16 U.S.C. § 792 *et seq.*, Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, E.O. 12009, 42 FR 46267.

Subpart A—General Provisions

§ 292.101 Definitions.

(a) *General rule.* Terms defined in the Public Utility Regulatory Policies Act of 1978 (PURPA) shall have the same meaning for purposes of this part as they have under PURPA, unless further defined in this part.

(b) *Definitions.* The following definitions apply for purposes of this part.

(1) "Qualifying facility" means a cogeneration facility or a small power production facility which is a qualifying facility under Subpart B of this part of the Commission's regulations.

(2) "Purchase" means the purchase of electric energy or capacity or both from a qualifying facility by an electric utility.

(3) "Sale" means the sale of electric energy or capacity or both by an electric utility to a qualifying facility.

(4) "System emergency" means a condition on a utility's system which is likely to result in imminent significant disruption of service to customers or is imminently likely to endanger life or property.

(5) "Rate" means any price, rate, charge, or classification made, demanded, observed or received with respect to the sale or purchase of electric energy or capacity, or any rule, regulation, or practice respecting any such rate, charge, or classification, and any contract pertaining to the sale or purchase of electric energy or capacity.

(6) "Avoided costs" means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, such utility would generate itself or purchase from another source.

(7) "Interconnection costs" means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions and administrative costs incurred by the electric utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility, to the extent such costs are in excess of the corresponding costs which the electric utility would have incurred if it had not engaged in interconnected operations, but instead generated an equivalent amount of electric energy itself or purchased an equivalent amount of electric energy or capacity from other sources. Interconnection costs do not include any costs included in the calculation of avoided costs.

(8) "Supplementary power" means electric energy or capacity supplied by an electric utility, regularly used by a qualifying facility in addition to that which the facility generates itself.

(9) "Back-up power" means electric energy or capacity supplied by an electric utility to replace energy ordinarily generated by a facility's own generation equipment during an unscheduled outage of the facility.

(10) "Interruptible power" means electric energy or capacity supplied by an electric utility subject to interruption by the electric utility under specified conditions.

(11) "Maintenance power" means electric energy or capacity supplied by an electric utility during scheduled outages of the qualifying facility.

Subpart B—[Reserved]

Subpart C—Arrangements Between Electric Utilities and Qualifying Cogeneration and Small Power Production Facilities Under Section 210 of the Public Utility Regulatory Policies Act of 1978

§ 292.301 Scope.

(a) *Applicability.* This subpart applies to the regulation of sales and purchases between qualifying facilities and electric utilities.

(b) *Negotiated rates or terms.* Nothing in this subpart:

(1) Limits the authority of any electric utility or any qualifying facility to agree to a rate for any purchase, or terms or conditions relating to any purchase, which differ from the rate or terms or conditions which would otherwise be required by this subpart; or

(2) Affects the validity of any contract entered into between a qualifying facility and an electric utility for any purchase.

§ 292.302 Availability of electric utility system cost data.

(a) *Applicability.* (1) Except as provided in paragraph (a)(2) of this section, paragraph (b) applies to each electric utility, in any calendar year, if the total sales of electric energy by such utility for purposes other than resale exceeded 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year.

(2) Each utility having total sales of electric energy for purposes other than resale of less than one billion kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding year, shall not be subject to the provisions of this section until May 31, 1982.

(b) *General rule.* To make available data from which avoided costs may be derived, not later than November 1, 1980, May 31, 1982, and not less often than every two years thereafter, each regulated electric utility described in paragraph (a) of this section shall provide to its State regulatory authority, and shall maintain for public inspection, and each nonregulated electric utility described in paragraph (a) of this section shall maintain for public inspection, the following data:

(1) The estimated avoided cost on the electric utility's system, solely with respect to the energy component, for various levels of purchases from qualifying facilities. Such levels of purchases shall be stated in blocks of not more than 100 megawatts for systems with peak demand of 1000 megawatts or more, and in blocks equivalent to not more than 10 percent of the system peak demand for systems of less than 1000 megawatts. The avoided costs shall be stated on a cents per kilowatt-hour basis, during daily and seasonal peak and off-peak periods, by year, for the current calendar year and each of the next 5 years;

(2) The electric utility's plan for the addition of capacity by amount and type, for purchases of firm energy and capacity, and for capacity retirements for each year during the succeeding 10 years; and

(3) The estimated capacity costs at completion of the planned capacity additions and planned capacity firm purchases, on the basis of dollars per kilowatt, and the associated energy costs of each unit, expressed in cents per kilowatt hour. These costs shall be expressed in terms of individual generating units and of individual planned firm purchases.

(c) *Special rule for small electric utilities.*

(1) Each electric utility (other than any electric utility to which paragraph (b) of this section applies) shall, upon request:

(i) Provide comparable data to that required under paragraph (b) of this section to enable qualifying facilities to estimate the electric utility's avoided costs for periods described in paragraph (b) of this section; or

(ii) With regard to an electric utility which is legally obligated to obtain all its requirements for electric energy and capacity from another electric utility, provide the data of its supplying utility

and the rates at which it currently purchases such energy and capacity.

(2) If any such electric utility fails to provide such information on request, the qualifying facility may apply to the State regulatory authority (which has ratemaking authority over the electric utility) or the Commission for an order requiring that the information be provided.

(d) *Substitution of alternative method.* (1) After public notice in the area served by the electric utility, and after opportunity for public comment, any State regulatory authority may require (with respect to any electric utility over which it has ratemaking authority), or any non-regulated electric utility may provide, data different than those which are otherwise required by this section if it determines that avoided costs can be derived from such data.

(2) Any State regulatory authority (with respect to any electric utility over which it has ratemaking authority) or nonregulated utility which requires such different data shall notify the Commission within 30 days of making such determination.

(e) *State Review.* (1) Any data submitted by an electric utility under this section shall be subject to review by the State regulatory authority which has ratemaking authority over such electric utility.

(2) In any such review, the electric utility has the burden of coming forward with justification for its data.

§ 292.303 Electric utility obligations under this subpart.

(a) *Obligation to purchase from qualifying facilities.* Each electric utility shall purchase, in accordance with § 292.304, any energy and capacity which is made available from a qualifying facility:

(1) Directly to the electric utility; or

(2) Indirectly to the electric utility in accordance with paragraph (d) of this section.

(b) *Obligation to sell to qualifying facilities.* Each electric utility shall sell to any qualifying facility, in accordance with § 292.305, any energy and capacity requested by the qualifying facility.

(c) *Obligation to interconnect.* (1) Subject to paragraph (c)(2) of this section, any electric utility shall make such interconnections with any qualifying facility as may be necessary to accomplish purchases or sales under this subpart. The obligation to pay for any interconnection costs shall be determined in accordance with § 292.306.

(2) No electric utility is required to interconnect with any qualifying facility if, solely by reason of purchases or sales over the interconnection, the electric utility would become subject to regulation as a public utility under Part II of the Federal Power Act.

(d) *Transmission to other electric utilities.* If a qualifying facility agrees, an electric utility which would otherwise be obligated to purchase energy or capacity from such qualifying facility may transmit the energy or capacity to any other electric utility. Any electric utility to which such energy or capacity is transmitted shall purchase such energy or capacity under this subpart as if the qualifying facility were supplying energy or capacity directly to such electric utility. The rate for purchase by the electric utility to which such energy is transmitted shall be adjusted up or down to reflect line losses pursuant to § 292.304(e)(4) and shall not include any charges for transmission

(e) *Parallel operation.* Each electric utility shall offer to operate in parallel with a qualifying facility, provided that the qualifying facility complies with any applicable standards established in accordance with § 292.308.

§ 292.304 Rates for purchases.

(a) *Rates for purchases.* (1) Rates for purchases shall:

(i) Be just and reasonable to the electric consumer of the electric utility and in the public interest; and

(ii) Not discriminate against qualifying cogeneration and small power production facilities.

(2) Nothing in this subpart requires any electric utility to pay more than the avoided costs for purchases.

(b) *Relationship to avoided costs.* (1) For purposes of this paragraph, "new capacity" means any purchase from capacity of a qualifying facility, construction of which was commenced on or after November 9, 1978.

(2) Subject to paragraph (b)(3) of this section, a rate for purchases satisfies the requirements of paragraph (a) of this section if the rate equals the avoided costs determined after consideration of the factors set forth in paragraph (e) of this section

(3) A rate for purchases (other than from new capacity) may be less than the avoided cost if the State regulatory authority (with respect to any electric utility over which it has ratemaking authority) or the nonregulated electric utility determines that a lower rate is consistent with paragraph (a) of this section, and is sufficient to encourage cogeneration and small power production.

(4) Rates for purchases from new capacity shall be in accordance with paragraph (b)(2) of this section, regardless of whether the electric utility making such purchases is simultaneously making sales to the qualifying facility.

(5) In the case in which the rates for purchases are based upon estimates of avoided costs over the specific term of the contract or other legally enforceable obligation, the rates for such purchases do not violate this subpart if the rates for such purchases differ from avoided costs at the time of delivery.

(c) *Standard rates for purchases.* (1) There shall be put into effect (with respect to each electric utility) standard rates for purchases from qualifying facilities with a design capacity of 100 kilowatts or less.

(2) There may be put into effect standard rates for purchases from qualifying facilities with a design capacity of more than 100 kilowatts.

(3) The standard rates for purchases under this paragraph:

(i) Shall be consistent with paragraphs (a) and (e) of this section; and

(ii) May differentiate among qualifying facilities using various technologies on the basis of the supply characteristics of the different technologies.

(d) *Purchases "as available" or pursuant to a legally enforceable obligation.* Each qualifying facility shall have the option either:

(1) To provide energy as the qualifying facility determines such energy to be available for such purchases, in which case the rates for such purchases shall be based on the purchasing utility's avoided costs calculated at the time of delivery; or

(2) To provide energy or capacity pursuant to a legally enforceable obligation for the delivery of energy or capacity over a specified term, in which case the rates for such purchases shall, at the option of the qualifying facility exercised prior to the beginning of the specified term, be based on either:

(i) The avoided costs calculated at the time of delivery; or

(ii) The avoided costs calculated at the time the obligation is incurred.

(e) *Factors affecting rates for purchases.* In determining avoided costs, the following factors shall, to the extent practicable, be taken into account:

(1) The data provided pursuant to § 292.302(b), (c), or (d), including State review of any such data;

(2) The availability of capacity or energy from a qualifying facility during the system daily and seasonal peak periods, including:

(i) The ability of the utility to dispatch the qualifying facility;

(ii) The expected or demonstrated reliability of the qualifying facility;

(iii) The terms of any contract or other legally enforceable obligation, including the duration of the obligation, termination notice requirement and sanctions for non-compliance;

(iv) The extent to which scheduled outages of the qualifying facility can be usefully coordinated with scheduled outages of the utility's facilities;

(v) The usefulness of energy and capacity supplied from a qualifying facility during system emergencies, including its ability to separate its load from its generation;

(vi) The individual and aggregate value of energy and capacity from qualifying facilities on the electric utility's system; and

(vii) The smaller capacity increments and the shorter lead times available with additions of capacity from qualifying facilities; and

(3) The relationship of the availability of energy or capacity from the qualifying facility as derived in paragraph (e)(2) of this section, to the ability of the electric utility to avoid costs, including the deferral of capacity additions and the reduction of fossil fuel use; and

(4) The costs or savings resulting from variations in line losses from those that would have existed in the absence of purchases from a qualifying facility, if the purchasing electric utility generated an equivalent amount of energy itself or purchased an equivalent amount of electric energy or capacity.

(f) *Periods during which purchases not required.*

(1) Any electric utility which gives notice pursuant to paragraph (f)(2) of this section will not be required to purchase electric energy or capacity during any period during which, due to operational circumstances, purchases from qualifying facilities will result in costs greater than those which the utility would incur if it did not make such purchases, but instead generated an equivalent amount of energy itself.

(2) Any electric utility seeking to invoke paragraph (f)(1) of this section must notify, in accordance with applicable State law or regulation, each affected qualifying facility in time for the qualifying facility to cease the delivery of energy or capacity to the electric utility.

(3) Any electric utility which fails to comply with the provisions of paragraph (f)(2) of this section will be required to pay the same rate for such purchase of energy or capacity as would be required had the period described in paragraph (f)(1) of this section not occurred.

(4) A claim by an electric utility that such a period has occurred or will occur is subject to such verification by its State regulatory authority as the State regulatory authority determines necessary or appropriate, either before or after the occurrence.

§ 292.305 Rates for sales.

(a) *General rules.* (1) Rates for sales:

(i) Shall be just and reasonable and in the public interest; and

(ii) Shall not discriminate against any qualifying facility in comparison to rates for sales to other customers served by the electric utility.

(2) Rates for sales which are based on accurate data and consistent systemwide costing principles shall not be considered to discriminate against any qualifying facility to the extent that such rates apply to the utility's other customers with similar load or other cost-related characteristics.

(b) *Additional Services to be Provided to Qualifying Facilities.* (1) Upon request of a qualifying facility, each electric utility shall provide:

(i) Supplementary power;

(ii) Back-up power;

(iii) Maintenance power; and

(iv) Interruptible power.

(2) The State regulatory authority (with respect to any electric utility over which it has ratemaking authority) and the Commission (with respect to any nonregulated electric utility) may waive any requirement of paragraph (b)(1) of this section if, after notice in the area served by the electric utility and after opportunity for public comment, the electric utility demonstrates and the State regulatory authority or the Commission, as the case may be, finds that compliance with such requirement will:

(i) Impair the electric utility's ability to render adequate service to its customers; or

(ii) Place an undue burden on the electric utility.

(c) *Rates for sales of back-up and maintenance power.* The rate for sales of back-up power or maintenance power:

(1) shall not be based upon an assumption (unless supported by factual data) that forced outages or other reductions in electric output by all qualifying facilities on an electric utility's system will occur simultaneously, or during the system peak, or both; and

(2) shall take into account the extent to which scheduled outages of the qualifying facilities can be usefully coordinated with scheduled outages of the utility's facilities.

§ 292.306 Interconnection costs.

(a) *Obligation to pay.* Each qualifying facility shall be obligated to pay any interconnection costs which the State regulatory authority (with respect to any electric utility over which it has ratemaking authority) or nonregulated electric utility may assess against the qualifying facility on a nondiscriminatory basis with respect to other customers with similar load characteristics.

(b) *Reimbursement of interconnection costs.* Each State regulatory authority (with respect to any electric utility over which it has ratemaking authority) and nonregulated utility shall determine the manner for payments of interconnection costs, which may include reimbursement over a reasonable period of time.

§ 292.307 System emergencies.

(a) *Qualifying facility obligation to provide power during system emergencies.* A qualifying facility shall be required to provide energy or capacity to an electric utility during a system emergency only to the extent:

(1) Provided by agreement between such qualifying facility and electric utility; or

(2) Ordered under section 202(c) of the Federal Power Act.

(b) *Discontinuance of purchases and sales during system emergencies.* During any system emergency, an electric utility may discontinue:

(1) Purchases from a qualifying facility if such purchases would contribute to such emergency; and

(2) Sales to a qualifying facility, provided that such discontinuance is on a nondiscriminatory basis.

§ 292.308 Standards for operating reliability.

Any State regulatory authority (with respect to any electric utility over which it has ratemaking authority) or nonregulated electric utility may establish reasonable standards to ensure system safety and reliability of interconnected operations. Such standards may be recommended by any electric utility, any qualifying facility, or any other person. If any State regulatory authority (with respect to any electric utility over which it has ratemaking authority) or nonregulated electric utility establishes such standards, it shall specify the need for such standards on the basis of system safety and reliability.

Subpart D—Implementation

§ 292.401 Implementation by State regulatory authorities and nonregulated electric utilities.

(a) *State regulatory authorities.* Not later than one year after these rules take effect, each State regulatory authority shall, after notice and an opportunity for public hearing, commence

implementation of Subpart C (other than § 292.302 thereof). Such implementation may consist of the issuance of regulations, an undertaking to resolve disputes between qualifying facilities and electric utilities arising under Subpart C, or any other action reasonably designed to implement such subpart (other than § 292.302 thereof).

(b) *Nonregulated electric utilities.* Not later than one year after these rules take effect, each nonregulated electric utility shall, after notice and an opportunity for public hearing, commence implementation of Subpart C (other than § 292.302 thereof). Such implementation may consist of the issuance of regulations, an undertaking to comply with Subpart C, or any other action reasonably designed to implement such subpart (other than § 292.302 thereof).

(c) *Reporting requirement.* Not later than one year after these rules take effect, each State regulatory authority and nonreguated electric utility shall file with the Commission a report describing the manner in which it will implement Subpart C (other than § 292.302 thereof).

§ 292.402 Implementation of certain reporting requirements.

Any electric utility which fails to comply with the requirements of § 292.302(b) shall be subject to the same penalties to which it may be subjected for failure to comply with the requirements of the Commission's regulations issued under section 133 of PURPA.

§ 292.403 Waivers.

(a) *State regulatory authority and nonregulated electric utility waivers.* Any State regulatory authority (with respect to any electric utility over which it has ratemaking authority) or nonregulated electric utility may, after public notice in the area served by the electric utility, apply for a waiver from the application of any of the requirements of Subpart C (other than § 292.302 thereof).

(b) *Commission action.* The Commission will grant such a wavier only if an applicant under paragraph (a) of this section demonstrates that compliance with any of the requirements of Subpart C is not necessary to encourage cogeneration and small power production and is not otherwise required under section 210 of PURPA.

Subpart F—Exemption of Qualifying Small Power Production Facilities and Cogeneration Facilities from Certain Federal and State Laws and Regulations

§ 292.601 Exemption to qualifying facilities from the Federal Power Act.

(a) *Applicability.* This section applies to:

(1) qualifying cogeneration facilities; and

(2) qualifying small power production facilities which have a power production capacity which does not exceed 30 megawatts.

(b) *General rule.* Any qualifying facility described in paragraph (a) shall be exempt from all sections of the Federal Power Act, except:

(1) Sections 1–30;

(2) Sections 202(c), 210, 211, and 212;

(3) Sections 305(c); and

(4) Any necessary enforcement provision of Part III with regard to the sections listed in paragraphs (b) (1), (2) and (3) of this section.

§ 292.602 Exemption to qualifying facilities from the Public Utility Holding Company Act and certain State law and regulation.

(a) *Applicability.* This section applies to any qualifying facility described in § 292.601(a), and to any qualifying small power production facility with a power production capacity over 30 megawatts if such facility produces electric energy solely by the use of biomass as a primary energy source.

(b) *Exemption from the Public Utility Holding Company Act of 1935.* A qualifying facility described in paragraph (a) shall not be considered to be an "electric utility company" as defined in section 2(a)(3) of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79b(a)(3).

(c) *Exemption from certain State law and regulation.*

(1) Any qualifying facility shall be exempted (except as provided in paragraph (c)(2)) of this section from State law or regulation respecting:

(i) The rates of electric utilities; and

(ii) The financial and organizational regulation of electric utilities.

(2) A qualifying facility may not be exempted from State law and regulation implementing Subpart C.

(3) Upon request of a State regulatory authority or nonregulated electric utility, the Commission may consider a limitation on the exemptions specified in subparagraph (1).

(4) Upon request of any person, the Commission may determine whether a qualifying facility is exempt from a particular State law or regulation.

[FR Doc. 80-5720 Filed 2-22-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Parole, Release, Supervision and Recommitment of Prisoners, Youth Offenders, and Juvenile Delinquents

AGENCY: U.S. Parole Commission.

ACTION: Final rule.

SUMMARY: The Parole Commission has adopted a rule that contains both procedural and substantive changes in the handling of parolees who are serving sentences of imprisonment for new criminal offenses committed while on parole. Procedurally, parole violators incarcerated in state or local facilities will be afforded revocation hearings after completion of 18 months of confinement on the new sentence, or on the docket following their arrival at a federal institution, whichever comes first. For parole violators serving new sentences in federal facilities, the revocation hearing will be held within 120 days after the Commission has been notified of the new incarceration, or as soon thereafter as practicable. The rule also establishes a substantive change from past Commission policy by providing for a customary policy of partially concurrent service of the parole violator term and the new sentence starting either upon release from confinement on the new sentence, or after 18 months of confinement on the new sentence, whichever comes first. A departure from this customary policy would require the concurring votes of two Commissioners. The purpose of this rule is to reduce the period of uncertainty for incarcerated parolees as to the Federal disposition of his/her case.

EFFECTIVE DATE: July 1, 1980, following the procedure described below.

FOR FURTHER INFORMATION CONTACT: Barbara Meierhoefer, Research Unit, U.S. Parole Commission, 320 First Street, NW., Washington, D.C. 20537; telephone (202) 724–3153.

The Proposal and Its Purpose

On June 5, 1979, the U.S. Parole Commission published in the **Federal Register** (44 FR 32253) a proposed rule which dealt with the time of revocation hearings for parole violators serving new sentences.

The Commission's policy, as required by 18 U.S.C. § 4214(b) has been to conduct a dispositional record review of an unexecuted warrant within six months after the Commission has been notified that the warrant has been lodged as a detainer against a parolee serving a new sentence. The purpose of this review is to determine whether to withdraw the warrant or to let the warrant stand. In the usual case in which the warrant remains as a detainer, the policy has been not to schedule the revocation hearing until after release from confinement on the new offense. It was not until this revocation hearing that the Commission decided questions involving (1) whether to revoke parole; (2) whether the parole violator term (which is the unexpired term of sentence that remained when the parolee was first released) should run concurrently or consecutively to the new sentence; and (3) how much time should be served in prison before release.

A sentence to incarceration for new criminal conduct committed while on parole normally calls for a decision to revoke parole, and in such cases, the Commission is precluded from crediting time on supervision towards the parole violator term (except in Youth Correction Act or Narcotic Addict Rehabilitation Act cases where the sentence runs uninterruptedly). Thus, the determination as to when the parole violator term begins to run (concurrently or consecutively to the new sentence) effects the establishment of the new maximum expiration date of the parolee's sentence. Past Commission policy has been normally to require the parole violator term to begin to run only after completion of the custody portion of the new sentence. However, as to the question of how much prison time actually will be served before reparole, time served in custody on any new sentence has been counted in computing the reparole guidelines at 28 CFR § 2.21.

In recent years, the Commission has modified its policies in an attempt to promote increased certainty in the paroling process. In keeping with this thrust, the proposed rule would have provided for the holding of the revocation hearing for alleged parole violators serving new sentences either after release from confinement on the new sentence or after one year served on the new sentence, whichever came first. The rule also provided that the six-month dispositional review would continue to be held in all cases. Past policy as to consecutive service of the violator term, absent special circumstances, was not proposed to be changed.

After review of the proposal and comment received, the Commission became aware of some serious practical difficulties with the proposed rule. When the proposal was first considered in August 1979, the Commission postponed action pending further review. At its December 1979 meeting, the Commission adopted a revised version of the proposal.

Public Comment

Comment was received from the Chief U.S. Probation Officer from South Dakota, a federal prisoner and a federal public defender, all of whom generally approved the rule. Favorable statements were made relative to the proposal to increase certainty, and the clarification of how time served in custody on the new sentence should be counted toward service of the reparole guidelines. However, questions were raised concerning the one year delay in the holding of the revocation hearing and the issue of when the violator term should begin to run.

Changes From the Proposal

The original proposal's provision of a revocation hearing no later than after one year of time served on the new sentence provoked two concerns. First, since the dispositional review is held within six months of notification concerning the new incarceration and lodging of the detainer, the one year hearing rule would have the Commission making two considerations on one case within a 12 month time span. This seemed duplicative and wasteful of Commission resources. Second, as the Commission's purpose was to extend its provision of early notification of parole decisions to as many prisoners as possible, it was questioned why the Commission simply didn't hear all of these incarcerated parolees within the six month time period.

Procedural Changes

After considering these comments, the Commission concluded that for those parole violators serving new sentences in federal institutions, the Commission would normally have the resources necessary to conduct a revocation hearing within 120 days after notification of the parolee's incarceration, thereby dispensing with the need for a dispositional review on the record. For these federal cases, the rule has been worded to conform to the timing of initial parole hearings in order to facilitate the holding of the initial hearing on the new sentence and the revocation hearing on the violator term at or about the same time in most cases. This will both conserve Commission resources and provide the incarcerated parolee with consolidated information concerning the disposition of his or her case. The holding of the revocation hearing at this time, however, does not mean that the warrant will necessarily be executed at this time (see below).

The Commission also determined that it is not feasible to allocate the personnel to travel to a state or local institution to accomplish revocation hearings within 180 days, as the Commission does not regularly conduct hearing dockets at these institutions. Therefore, for those parole violators serving new sentences in state or local facilities, the dispositional review of the warrant/detainer will continue to be conducted on the record within six months of notification of the placing of the detainer. A revocation hearing will be scheduled after 18 months of confinement on the new sentence if release to federal custody has not yet occurred. The Commission has requested probation staff to conduct these hearings in state and local institutions pursuant to the authority of 18 U.S.C. § 4203(c)(3), and has received a favorable response to this proposal from the Committee on Probation of the Judicial Conference of the United States.

The Execution of the Warrant

The proposed rule contained a presumption against allowing the parole violator term of the original sentence to run concurrently with the new sentence, until the parolee had been released from confinement on that new sentence. However, the customary policy set by the final rule calls for the execution of the parole violator warrant upon completion of 18 months of service on the new sentence, or release from confinement on the new sentence, whichever comes first. Thus, the final rule establishes a presumption of limited concurrency regarding the running of the violator term and the new sentence. Departure from this policy (i.e., executing the warrant at an earlier or later date) would require specific reasons and the concurring votes of two Commissioners under the procedures of 28 C.F.R. § 2.24(a). [It should be noted that early revocation hearings pursuant to this rule will be held prior to execution of the warrant. The decision to execute the warrant is a separate determination which will be made following the revocation hearing. Moreover, if the revocation hearing is held after the 18th month, execution of the warrant may be ordered *nunc pro tunc* as of an appropriate date.

Therefore, administrative delays in scheduling such hearing will not deprive the violator of the benefits of this provision.]

Implementation

1. Early revocation hearings

(a) The early hearing provisions of this rule will apply to parolees concerning whom a notice is received in the regional office on or after July 1, 1980, that a parole violator warrant has been placed as a detainer at a federal, state or local institution wherein the parolee is serving a new criminal sentence.

(b) For parolees serving new sentences in a federal institution who have not had their dispositional record review as of July 1, 1980, a revocation hearing will be scheduled to substitute for the record review wherever feasible. If hearing notification requirements would exceed the 180 day maximum for action on a detainer, the dispositional record review will be held, and the case treated under the provisions of [1(c)] below.

(c) For all other cases, the revocation hearing will be scheduled upon release from the new term or after completion of 18 months on the new sentence, whichever comes first. The Commission will also begin scheduling early revocation hearings on an "as feasible" basis for those who have already been in custody 18 months or more on the new sentence, beginning with those parolees who have served the longest time over 18 months.

2. Partial Concurrent Service of the Violator Term

(a) The Commission's new policy as to partial concurrent service of the violator term after 18 months will apply for all revocation hearings conducted on or after July 1, 1980. As under the present rule, earlier release from the new sentence will cause the Commission's warrant to be executed and thus, the violator term to start running. It should be noted that the holding of a revocation hearing under this rule (i.e., before release from the new sentence) will not cause execution of the warrant; execution of the warrant will normally be ordered for the 18 month point of the new sentence.

(b) For cases in which the revocation hearing is held after 18 months of confinement on a new sentence, the parole violator warrant will normally be executed *nunc pro tunc* (retroactively) so that concurrent service of the violator term will commence as of the 18th month of the new sentence.

(c) For cases in which the revocation hearing will have been held prior to July 1, 1980, none of the provisions of this rule (either procedural or substantive) will apply or be made retroactive upon subsequent review. The Commission has determined that full retroactivity of this rule would not be warranted since retroactivity might only, but would not necessarily, affect the maximum expiration date for parolees who have already had revocation hearings. Actual release on reparole will continue to be decided pursuant to the Commission's guidelines at 28 CFR § 2.21 for every decision made under the new rule, in the same manner as under the present rule.

Accordingly, pursuant to the provisions of 18 U.S.C. §§ 4203(a)(1) and 4204(a)(6), 28 CFR Part 2 is amended as set forth below:

In 28 CFR § 2.47 is revised to read as follows:

§ 2.47 Warrant placed as a detainer and dispositional review.

(a) When a parolee is serving a new sentence in an institution, a parole violation warrant may be placed against him as a detainer.

(1) If such prisoner is serving a new sentence in a federal institution, a revocation hearing shall be scheduled within 120 days of notification of placement of the detainer, or as soon thereafter as practicable.

(2) If the prisoner is serving a new sentence in a state or local institution, the violation warrant shall be reviewed by the Regional Commissioner not later than 180 days following notification to the Commission of such placement. The parolee shall receive notice of the pending review, and shall be permitted to submit a written application containing information relative to the disposition of the warrant. He shall also be notified of his right to request counsel under the provisions of § 2.48(b) to assist him in completing this written application. Following a dispositional review, the Regional Commissioner may:

(i) Pursuant to the general policy of the Commission, let the warrant stand as a detainer and order that a revocation hearing be scheduled upon return to a federal institution or upon completion of eighteen months in confinement on the new term, whichever comes first.

(ii) Withdraw the warrant, thus (A) ordering reinstatement of the parolee to supervision upon release from confinement or (B) closing the case if the expiration date has passed.

(b) Revocation hearings pursuant to this section shall be conducted in accordance with the provisions governing institutional revocation hearings, except that a hearing conducted at a state or local facility may be conducted by a hearing examiner, hearing examiner panel, or other official designated by the Regional Commissioner. Following a revocation hearing conducted pursuant to this section, the Commission may take any action specified in § 2.52

(c)(1) A parole violator whose parole is revoked shall be given credit for all time in federal, state, or local confinement on a new offense for purposes of satisfaction of the reparole guidelines at §§ 2.20 and 2.21.

(2) However, it shall be the general policy of the Commission that the revoked parolee's original sentence (which, due to the new conviction, stopped running upon his last release from federal confinement on parole) again start to run only upon release from the confinement portion of the new sentence or upon completion of 18 months of the new sentence, whichever comes first. Exceptions to the policy set forth in this subparagraph may, for specific reasons, be taken by the Commission under the procedures of §2.24(a). This subsection does not apply to cases originally sentenced under the YCA or NARA statutes, since the running of these sentences is not interrupted by a new conviction.

(d) If a Regional Commissioner determines that additional information is required in order to make a decision pursuant to paragraph (a)(2) of this section, he may schedule a dispositional hearing at the state or local institution where the parolee is confined to obtain such information. Such hearing may be conducted by a hearing examiner, hearing examiner panel, or other official designated by the Regional Commissioner. The parolee shall have notice of such hearing, be allowed to testify in his behalf, and have opportunity for counsel as provided in § 2.48(b).

Dated: February 15, 1980.

Cecil C. McCall,

Chairman, United States Parole Commission.

[FR Doc. 80-5527 Filed 2-22-80; 8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

42 CFR Parts 52, 52a, 52b, 52c, 52d, 52e, 59a

Conformance of Existing Grant Regulations to 45 CFR Part 74; Technical Amendments

AGENCY: National Institutes of Health (NIH), Public Health Service.

ACTION: Technical Amendments.

SUMMARY: The National Institutes of Health is revising all its grant regulations in order to bring them into conformance with 45 CFR Part 74—"Administration of Grants." With these technical amendments, language which does not conform to, repeats, or is contrary to the language in 45 CFR Part 74, is deleted. Also, duplicative administrative requirements have been removed as a part of the Department's "Operation Common Sense" effort.

EFFECTIVE DATE: February 25, 1980.

FOR FURTHER INFORMATION CONTACT: Lowell D. Peart, NIH Regulations Officer, Division of Management Policy, National Institutes of Health, Bethesda, Md. 20205, 301–496–4606.

Dated: January 11, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: February 15, 1980.

Patricia Roberts Harris,

Secretary.

The following parts of Title 42 of the Code of Federal Regulations are hereby amended to read as follows:

PART 52—GRANTS FOR RESEARCH PROJECTS

Sec.

52.1 To which programs do these regulations apply?
52.2 Definitions.
52.3 Who is eligible to apply for a grant?
52.4 How to apply for a grant.
52.5 Evaluation and disposition of applications.
52.6 Grant awards.
52.7 Use of funds; changes.
52.8 Other HEW regulations that apply.
52.9 Other conditions.
52.30 Allocation of costs.
52.31 Direct costs in general.
52.32 Indirect costs.
52.33 Particular direct costs.

Authority: Sec. 215, 58 Stat. 690, as amended, 63 Stat. 835 (42 U.S.C. 216); sec. 301, 58 Stat. 691, as amended, 60 Stat. 423, 62 Stat. 467, 601, 1017, 70 Stat. 490, 74 Stat. 1053, 85 Stat. 785, 86 Stat. 687, 88 Stat. 346, 360 (42 U.S.C. 241); sec. 303, 70 Stat 929, as amended, 84 Stat. 1241, 88 Stat. 132, 346 (42 U.S.C. 242a); sec. 356, 82 Stat. 1174 (42 U.S.C. 263d); sec. 394, 79 Stat. 1062, as amended, 84 Stat. 63, 64, 66, 67, 87 Stat. 92, 88 Stat. 372 (42 U.S.C. 280b–5); sec. 1004, 89 Stat. 306, 352, as amended, 91 Stat. 389 (42 U.S.C. 300a–2); sec. 1006, 89 Stat. 308 (42 U.S.C. 300a–4); sec. 501, 90 Stat. 1038 (42 U.S.C. 4585); sec. 1205, 87 Stat. 597 (42 U.S.C. 300d–4); sec. 410, 68 Stat. 84, as amended, 90 Stat. 247, 90 Stat. 1040 (21 U.S.C. 1177).

§ 52.1 To which programs do these regulations apply?

(a) The regulations of this part apply to grants for the support of health-related research projects in programs relating to:

(1) The cause, diagnosis, treatment, control, or prevention of the physical or mental diseases, injuries, or impairments to human life, as authorized by sections 301, 303, and related provisions of the Act (42 U.S.C. 241, 242a);

(2) Electronic product radiation control programs designed to protect the public, and safety from electronic product radiation, as authorized by section 356 of the Act (42 U.S.C. 263d);

(3) Medical library science and related activities, and for the development or dissemination of new knowledge, techniques, systems, and equipment for processing, storing, retrieving, and distributing information pertaining to health sciences, as authorized by section 394 of the Act (42 U.S.C. 280b–5);

(4) Emergency medical techniques, methods, devices, and delivery, as authorized by section 1205 of the Act (42 U.S.C. 300d–4);

(5) The behavioral and biomedical etiology, treatment, mental and physical health consequences, and social and economic consequences, of alcohol abuse and alcoholism, as authorized by section 501 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4585);

(6) The improvement of drug maintenance techniques or programs, as authorized by section 410 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1177); and

(7) Research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population, as authorized under section 1004 of the Act.

(b) These regulations do not apply to general research grants, grants for the construction of research facilities (see Part 57 of this chapter), for the construction of hospital or other medical facilities (see Part 53 of this chapter), or the award of fellowships (see Part 61 of this chapter), traineeships (see Part 63 of this chapter), training grants (see Part 64 of this chapter), or to the support of research training under the National Research Service Awards program (see Part 66 of this chapter).

§ 52.2 Definitions.

As used in this part:

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

(b) "Principal investigator" means a single individual designated by the grantee in the grant application and approved by the Secretary, who is responsible for the scientific and technical direction of the project.

(c) "Act" means the Public Health Service Act (42 U.S.C. 201 et seq.).

(d) "Department" means the Department of Health, Education, and Welfare.

(e) "Grantee" means the institution, organization, individual or other person designated in the grant award document as the responsible legal entity to whom a grant is awarded under this part.

(f) "Research project grant" means the award by the Secretary of funds to a grantee to assist in meeting the costs of conducting for the benefit of the public health an identified project which is intended and designed to establish, discover, develop, elucidate or confirm information or the underlying mechanisms relating to a program set forth in § 52.1.

(g) "Project" means the particular activity within the scope of one or more of the programs set forth in § 52.1 which is supported by a grant award under this part.

§ 52.3 Who is eligible to apply for a grant?

(a) *Persons eligible.* Except where otherwise prohibited by law, any individual, corporation, public or private institution or agency, or other legal entity shall be eligible for a grant award except:

(1) Federal agencies or institutions not specifically authorized by law to receive such a grant;

(2) Any corporation, institution, agency or other such person, other than an individual, that is organized or operated for profit; and

(3) Any individual, corporation, institution, agency or other entity that, having previously received a grant award, has failed willfully and materially in the judgment of the Secretary to comply with accounting or other requirements applicable to that prior award. Ineligibility for a grant

award under this paragraph continues until terminated in the public interest by the Secretary.

(b) *Permissible activities within projects.* Any project found by the Secretary to be a research project within the meaning of § 52.1 shall be eligible for a grant award. Eligible projects may consist of laboratory, clinical, population, field, statistical, basic, applied or other types of investigations, studies or experiments, or combinations thereof, and may either be limited to one, or a particular aspect of a problem or subject, or may consist of two or more related problems or subjects for concurrent or consecutive investigation and involving multiple disciplines, facilities and resources.

§ 52.4 How to apply for a grant.

(a) A grant application must include the following information:

(1) Nature, project period, purpose and plan of the project;

(2) Name and qualifications of the principal investigator and any key personnel;

(3) Qualifications of the principal staff members to be responsible for the project;

(d) The total facilities and resources that will be available;

(e) Justification of the amount of grant funds requested; and

(f) Other pertinent information the Secretary may require to evaluate the proposed project.

§ 52.5 Evaluation and disposition of applications.

(a) *Evaluation.* All applications filed in accordance with § 52.4 shall be evaluated by the Secretary through such officers and employees and such experts or consultants engaged for this purpose as he determines are specially qualified in the areas of research involved in the project, including review by an appropriate National Advisory Council or other body as may be required by law. The Secretary's evaluation shall take into account among other pertinent factors the scientific merit and significance of the project, the competency of the proposed staff in relation to the type of research involved, the feasibility of the project, the likelihood of its producing meaningful results, the proposed project period, and the adequacy of the applicant's resources available for the project and the amount of grant funds necessary for completion, and in the case of applications for support of research in emergency medical services, special consideration shall be given to applications for grants for research relating to the delivery of emergency medical services in rural areas.

(b) *Disposition.* On the basis of the Secretary's evaluation of an application in accordance with paragraph (a) of this section and subject to approvals, recommendations or consultations by the appropriate National Advisory Council or other body as may be required by law, the Secretary will (1) approve, (2) defer because of either lack of funds or a need for further evaluation, or (3) disapprove support of the proposed project in whole or in part. With respect to approved projects, the Secretary will determine the project period (subject to extension as provided in § 52.7(c)) during which the project may be supported. Any deferral and disapproval of an application will not preclude its reconsideration or a reapplication.

§ 52.6 Grant awards.

(a) *General.* Within the limits of funds available for such purpose, the Secretary shall award a grant to those applicants whose approved projects will in his judgment best promote the purposes of § 52.1. The date specified by the Secretary as the beginning of the project period shall be no later than 9 months following the date of any initial or new award statement unless the Secretary finds that because of the nature of a project or the grantee's particular circumstances earlier assurance of grant support is required to initiate the project. Any funds granted under this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

(b) *Notice of Grant Award.* (1) The notice of grant award specifies how long HEW intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for 1–5 years.

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

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

(c) *Multiple, concurrent, initial awards.* Whenever a reseach project involves a number of different but related problems, activities or disciplines so as to require evaluation by different groups, or whenever support for a project could be more effectively administered by separate handling of separate aspects of the project, the Secretary may evaluate and approve two or more concurrent applications each dealing with one or more specified aspects of the project, and he may make two or more concurrent grant awards with respect to such a project.

(d) *Unobligated balances.* The Secretary may permit unobligated grant funds remaining in the grant account at the close of a budget period to be carried forward for obligation during a subsequent budget period, provided a continuation award is made for that period and the Secretary's written approval is obtained.

(e) *Award for continuation of project under new grantee.* The Secretary, upon application in accordance with the provisions of § 52.4 and without further action by a Council or other body, may make a grant to any institution or other person eligible under § 52.3 for continuation of a currently supported project for which a grant was previously made to another institution or person, provided the Secretary finds that the change in the conduct of the project is consonant with the previous evaluation and approval of the project under § 52.5.

§ 52.7 Use of funds; changes.

(a) *Delegation of fiscal responsibility.* The grantee may not in whole or in part delegate or transfer to another person responsibility for the use or expenditure of grant funds.

(b) *Changes in project.* The permissible changes by the principal investigator in the approved project shall be limited to changes in methodology approach or other aspects of the project to expedite achievement of the project's research objectives, including changes that grow out of the approved project and serve the best scientific strategy. If the grantee and the principal investigator are uncertain whether a change complies with this provision, the question must be referred

to the Secretary for a final determination.

(c) *Changes in project period.* The project period determined pursuant to § 52.5(b) may be extended by the Secretary, with or without additional grant support, for such an additional period as the Secretary determines may be required to complete, or fulfill the purposes of, the approved project.

§ 52.8 Other HEW regulations that apply.

Several other HEW regulations apply to grants under this Part. These include but are not limited to:

42 CFR Part 50, Subpart D	PHS grant appeals procedure.
45 CFR Parts 6 and 8	Inventions and patents.
45 CFR Part 16	Department grants appeals process.
45 CFR Part 46	Protection of human subjects.
45 CFR Part 74	Administration of grants (including grants to individuals).
45 CFR Part 75	Informal grant appeals procedures (indirect costs rates and other cost allocations).
45 CFR Part 80	Nondiscrimination under programs receiving Federal assistance through the Department—Effectuation of Title VI of the Civil Rights Act of 1964.
45 CFR Part 81	Practice and procedure for hearings under Part 80.
45 CFR Part 84	Nondiscrimination on the basis of handicap in federally assisted programs.
45 CFR Part 86	Nondiscrimination on the basis of sex in federally assisted education programs and activities.
43 FR 60108	Guidelines for Research involving Recombinant DNA Molecules, published by the National Institutes of Health.

§ 52.9 Other conditions.

The Secretary may with respect to any grant award or class of awards impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of the public health, or the conservation of grant funds.

PART 52a—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE GRANTS FOR NATIONAL RESEARCH AND DEMONSTRATION CENTERS

Sec.

52a.1 Applicability.
52a.2 Definitions.
52a.3 Eligibility.
52a.4 Application.
52a.5 Program requirements.
52a.6 Grant awards.
52a.7 Expenditure of grant funds.
52a.8 Other HEW regulations that apply.
52a.9 Additional conditions.

Authority: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 415(b), 86 Stat. 683 (42 U.S.C. 287d(b)).

§ 52a.1 Applicability.

The regulations in this part apply to grants (other than for construction) to plan, establish, strengthen, and support the basic operation of National research and demonstration centers for basic or clinical research into, training in and demonstration of the management of blood resources and advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, and blood diseases, as authorized by section 415(b) of the Public Health Service Act (42 U.S.C. 287d(b)).

§ 52a.2 Definitions.

(a) "Act" means the Public Health Service Act, as amended.

(b) "Director, NHLBI," means the Director of the National Heart, Lung, and Blood Institute and any other officer or employee of said Institute to whom the authority involved has been delegated.

(c) "Nonprofit" as applied to any agency or institution means an agency or institution which is a corporation or an association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Council" means the National Heart, Lung, and Blood Advisory Council established by section 417(a) of the Act (42 U.S.C. 287f(a)).

(e) "National Program" means the National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources program referred to in section 413 of the Act (42 U.S.C. 287b).[1]

§ 52a.3 Eligibility.

To be eligible for a grant under this part, an applicant must be:

(a) A public or nonprofit private hospital or school of medicine, or other public or nonprofit private agency or institution; and

(b) Located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 52a.4 Application.

(a) Application for a grant under this subpart shall be made on an authorized form.[2]

Applicants shall submit completed forms on or before the dates the Director, NHLBI, may prescribe.

(b) In accordance with section 1–00–30 of the Department of Health, Education, and Welfare Grants, each private institution which does not already have on file with the National Institutes of Health evidence of nonprofit status, must submit with its application acceptable proof of such status.

(c) In addition to any other pertinent information that the Director, NHLBI, may require, each application shall set forth in detail:

(1) The personnel, facilities, and other resources currently available to the applicant with which to initiate and maintain the proposed center program;

(2) Any basic or clinical research, training, or demonstration activities in which the applicant is currently engaged relating to the management of blood resources or advanced diagnostic prevention, or treatment methods for heart, blood vessel, lung, or blood diseases; the sources of funding for such activities; and the relevance of these activities to the National Program;

(3) The major area or areas (i.e., heart disease, blood vessel disease, lung disease, blood disease, or management of blood resources) on which the applicant would concentrate if awarded a grant under this part;

(4) The names and qualifications of the center director and key staff members who would be responsible for conducting proposed activities of the center;

(5) The proposed center program, including proposed research and demonstration projects and information and education activities, and the relevance of each to the National Program;

(6) The opportunities that would be available for training of professional personnel, including allied health professions personnel;

(7) The availability of community resources necessary to carry out the proposed activities;

(8) The organizational structure of the applicant;

(9) The proposed support project period (not to exceed five years); a detailed budget for the first budget period including a list of other anticipated sources of support and anticipated total needs for each of the succeeding budget periods of the requested project period; and a justification for the amount of grant funds (not exceeding $5,000,000 in the aggregate for costs other than indirect costs in any year, plus any added amounts attributable to increases in such year in appropriate costs as

[1] Single copies of the National Program are available upon request from the Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

[2] Applications and instructions are available from the Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

reflected in the Consumer Price Index published by the Bureau of Labor Statistics);

(10) Proposed methods for monitoring and evaluating individual activities and the overall program; and

(11) Proposed methods for coordination of center activities with the National Heart, Lung, and Blood Institute and the National Program.

§ 52a.5 Program requirements.

An approvable application must include information indicating that:

(a) The proposed program will include all of the following components: basic and clinical research relating to the major areas on which the applicant would concentrate; plans for demonstrating the applicability of clinical research findings in such areas; information and education activities pertaining to such areas; and opportunities for training, including training of allied health professions personnel;

(b) The center will be an identifiable organizational unit of the applicant headed by a center director responsible for the center program; and

(c) The applicant will have staff, facilities, and other resources available with which to initiate the proposed program.

§ 52a.6 Grant awards.

(a) Within the limits of funds available, after consultation with the Council, the Director, NHLBI, may award grants to applicants with proposed programs which in his judgment best promote the purposes of section 415(b) of the Act, taking into consideration among other pertinent factors:

(1) The scientific and technical merit of the overall proposed program and its individual components;

(2) The significance of said program in relation to the goals of the National Program;

(3) The qualifications and experience of the center director and other key personnel;

(4) The extent to which the center activities would be coordinated with the National Heart, Lung, and Blood Institute and the National Program;

(5) The extent to which the various components of the proposed program would be coordinated into one multidisciplinary effort within the center;

(6) The administrative and managerial capability of the applicant;

(7) The reasonableness of the proposed budget in relation to the proposed program;

(8) The adequacy of the methods for monitoring and evaluating the overall program and its components; and

(9) The degree to which the application adequately provides for the requirements set forth in § 52a.5.

(b) The notice of grant award specifies how long HEW intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for 1–5 years.

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

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

(e) An initial project period may be extended by the Director, NHLBI, for additional periods not in excess of five years each, after review of the operations of the grantee by an appropriate scientific review group established by the Director, NHLBI, and consultation with the Council, except that if an additional period of support involves only the expenditure of funds previously awarded, consultation with the Council is not required.

§ 52a.7 Expenditure of grant funds.

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

(b) The Director, NHLBI, may permit unobligated grant funds remaining in the grant account at the close of a budget period to be carried forward for obligation during a subsequent budget period, provided a continuation award is made for that period and the NHLBI Director's written approval is obtained. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account.

§ 52a.8 Other HEW regulations that apply.

Several other regulations apply to grants under this subpart. These include, but are not limited to:

45 CFR Part 16 Department grant appeal process.
45 CFR Part 46 Protection of human subjects.
42 CFR Part 50 PHS grant appeals process.
45 CFR Part 74 Administration of grants.
45 CFR Part 75 Informal grant appeals procedures (indirect cost rates, and other cost allocations).
45 CFR Part 80 Nondiscrimination under program receiving Federal assistance through the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964.
45 CFR Part 81 Practice and procedure for hearings under Part 80.
45 CFR Part 83 Regulation for the Administration and Enforcement of Section 704 and 855 of the PHS Act.
45 CFR Part 84 Nondiscrimination on the basis of handicap in federally assisted programs.
45 CFR Part 86 Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from federal financial assistance.
43 FR 60108 Guidelines for Research Involving Recombinant DNA Molecules, published by the National Institutes of Health.

§ 52a.9 Additional conditions.

The Director, NHLBI, may with respect to any grant award impose additional conditions prior to or at the time of any award when in the Director's judgment those conditions are necessary to assure or protect advancement of the approved program, the interests of the public health, or the conservation of grant funds.

PART 52b—NATIONAL CANCER INSTITUTE CONSTRUCTION GRANTS

Sec.
52b.1 Applicability.
52b.2 Definitions.
52b.3 Eligibility.
52b.4 Application.
52b.5 Evaluation.
52b.6 Other HEW regulations that apply.
52b.7 Rate of Federal financial participation.
52b.8 Terms and conditions.
52b.9 Acquisition of facilities.
52b.10 Additional conditions.
52b.11 Minimum standards of construction and equipment.

Authority: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 406(b), 92 Stat. 3428 (42 U.S.C. 286a); sec. 404(b)(9), 92 Stat. 3427 (42 U.S.C. 285).

§ 52b.1 Applicability.

The provisions of this part apply to award of grants under section 406(b) of

the Public Health Service Act for the construction of centers for clinical research, training and demonstration of advanced diagnostic and treatment methods relating to cancer, and to the award of grants under section 404(b)(9) for construction of basic research laboratory facilities.

§ 52b.2 Definitions.

(a) "Act" means the Public Health Service Act, as amended.

(b) "Director" means the Director of the National Cancer Institute and any officer or employee of the National Cancer Institute to whom the authority involved may be delegated.

(c) "Construction grant" means a grant of funds for construction pursuant to sections 406(b) and 404(b)(9) of the Act, and in accordance with these regulations.

(d) "Construction" includes the construction of new buildings; acquisition of land or existing buildings provided such acquisition occurs after the filing of the application; the expansion, remodeling, and alteration of existing buildings provided the cost of such expansion, remodeling, and alteration is not less than $75,000; and the initial equipment of any such buildings; but excludes the cost of off-site improvements.

§ 52b.3 Eligibility.

In order to be eligible for a construction grant under section 406(b) or section 404(b)(9) of the Act, the applicant must be:

(a) A public or private nonprofit agency or institution; and

(b) Located in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, American Samoa, the Trust Territory of the Pacific Islands, or Guam.

§ 52b.4 Application.

(a) *Submittal.* Applications for construction grants under section 406(b) or section 404(b)(9) of the Act, including both detailed narrative descriptions and detailed estimates of the cost of the respective projects, shall be made on an authorized form.

(b) *Environmental impact.* Each applicant shall furnish its analysis of the environmental impact of the proposed construction taking into account the consideration set forth in the National Environmental Policy Act, Pub. L. 91-190 ((42 U.S.C. 4321 et seq.), 83 Stat. 852).

(c) *Flood hazards.* Each applicant shall furnish its assessment of the project site in light of the considerations set forth in Executive Order 11296, 31 FR 10663 (August 10, 1966) concerning the evaluation of flood hazards in locating Federally supported facilities.

(d) *Review by State and local comprehensive health planning agency.* In the case of a project for the construction of a facility intended, at least in part, for the provision of health services, the applicant shall provide an opportunity for comment and approval with respect to such project to (1) the State agency administering or supervising the administration of the State plan approved under section 314(a) of the Act, and (2) the public or nonprofit private agency or organization responsible for the plan or plans referred to in section 314(b) of the Act and covering the area in which such project is to be located or if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Director, similar functions.

(e) *Clearinghouse review.* As required by OMB Circular A-95 the applicant must provide timely notice to the planning and development clearinghouse of the State and the region, if there is one, or of the metropolitan area in which the project is to be located, of its intent to apply for a grant under this part, and of the nature of the project for which assistance has been sought, including a summary description of such project. Any comments received by the applicant from the clearinghouse pursuant to such notification shall be considered by the applicant and shall be included in or attached to the application.

§ 52b.5 Evaluation.

In approving applications for construction grants under this part, the Director shall take into account, among other factors, the following: (a) The relevance of the program for which construction is proposed to the objectives and priorities of the National Cancer Program (42 U.S.C. 286a), (b) the scientific merits of the program for which construction is proposed, (c) the scientific or professional standing or reputation of the agency or institution and of its existing or proposed officers and research staff, (d) the availability, by affiliation or other association, of other scientific or health personnel and facilities to the extent necessary to carry out effectively the contemplated program, including the adequacy of an acceptable biohazard control and containment program where warranted, (e) the need to accomplish appropriate geographical distribution of facilities, and (f) the financial need of the applicant.

§ 52b.6 Other HEW regulations that apply.

Several other regulations apply to grants under this subpart. These include, but are not limited to:

42 CFR Part 50 PHS grants appeals process.
45 CFR Part 16 Department grants appeal process.
45 CFR Part 74 Administration of grants.
45 CFR Part 75 Informal grant appeals procedures (indirect cost rates, and other cost allocations).
45 CFR Part 80 Nondiscrimination under programs receiving federal assistance through the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964.
45 CFR Part 81 Practice and procedure for hearings under Part 80.
45 CFR Part 84 Nondiscrimination on the basis of handicap in federally assisted programs.

§ 52b.7 Rate of Federal financial participation.

(a) The amount of a construction grant may not exceed 75 percent of the necessary allowable cost of construction as determined by the Director, except that in situations where the Director finds good cause for waiving requirements, for example, in order to achieve sufficient geographical distribution of facilities, the amount of the construction grant may exceed 75 percent of the necessary allowable cost of construction.

(b) Subject to paragraph (a) of this section, the Director shall set the actual rate of Federal financial participation in the necessary allowable cost of construction taking into consideration the most effective use of available Federal funds to further the purposes of section 406(b) or section 404(b)(9).

§ 52b.8 Terms and conditions.

In addition to any other requirement imposed by law or determined by the Director to be reasonably necessary with respect to any particular grant to fulfill the purposes thereof, each construction grant shall be subject to the condition that the applicant provide certain evidences, supported by such documentation as the Director may reasonably require. The Director may for good cause shown approve exceptions to these conditions and evidences where he finds that such exceptions are not inconsistent with the Act and the purposes of the program:

(a) *Title.* That the applicant has a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way sufficient to assure for the estimated useful life of the facility, as determined by the Director, undisturbed use and possession for the purpose of the construction and operation of the facility.

(b) *Plans and specifications.* That approval by the Director of the final working drawings and specifications will be obtained before the project is advertised or placed on the market for bidding and that such approval shall include a determination by the Director that the final plans and specifications conform to the minimum standards of construction and equipment as set forth in § 52b.11 of this part.

(c) *Relocation assistance.* That in the case of a public applicant with an approved project which involves the displacement of persons or businesses on or after January 4, 1971, the applicant will comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ((42 U.S.C. 4601 et seq.), 84 Stat. 1984) and the applicable regulations issued thereunder (45 CFR Part 15).

(d) *Approval of changes in estimated cost.* That the applicant will not enter into any construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Director.

(e) *Completion responsibility.* That the applicant will construct the project, or cause it to be constructed, to final completion in accordance with the grant application and approved plans and specifications.

(f) *Construction inspection.* That the applicant will provide and maintain competent and adequate architectural or engineering inspection at the construction site to insure that the completed work conforms with the approved plans and specifications.

(g) *Non-Federal share.* That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility.

(h) *Funds for operation.* That sufficient funds will be available when construction is completed for effective use of the facility for the purposes for which it is being constructed.

(i) *Inspection.* That the Director and his representatives shall have access at all reasonable times to work whereever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(j) *Accessibility to handicapped.* That, the facility shall be designed to comply with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped", American National Standards Institute, Inc. (ANSI) No. A117.1 1961, as modified by other standards prescribed by the Director or the Administrator of General Services. The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

(k) *Minimum standards of construction and equipment.* That the plans and specifications for the project will conform to the minimum standards of construction and equipment as set forth in § 52b.11 of this part.

§ 52b.9 Acquisition of facilities.

In addition to the other requirements of this part, the following provisions are applicable to the acquisition of existing facilities.

(a) *Minimum standards of construction and equipment.* A determination by the Director that the facility conforms (or upon completion of any necessary construction will conform) to the minimum standards of construction and equipment as set forth in § 52b.11 of this part, shall be obtained before entering into a final or unconditional contract for such acquisition. Where the Director finds that exceptions to or modification of any such minimum standards of construction and equipment would be consistent with the purposes of section 406(b) or section 404(b)(9) of the Act, he may authorize such exceptions or modifications;

(b) *Estimated cost of acquisition and remodeling: Suitability of facility.* Each application for a project involving the acquisition of existing facilities shall include in the detailed estimates of the cost of the project, the cost of acquiring such facilities, and any cost of remodeling, renovating or altering such facilities to serve the purposes for which they are acquired. Such application shall demonstrate to the satisfaction of the Director that the architectural, structural and other pertinent features of the facility, as modified by any proposed expansion, remodeling, renovation, or alteration, will be clearly suitable for the purposes of section 406(b) or section 404(b)(9) of the Act, and, to the extent of the costs in which Federal participation is requested, are not in excess of what is necessary for the services proposed to be provided in such facilities;

(c) *Bona fide sale.* Federal participation in the acquisition of existing facilities is on condition that such acquisition constitutes a bona fide sale involving an actual cost to the applicant and will result in additional or improved facilities for purposes of section 406(b) or section 404(b)(9) of the Act; and

(d) *Facility which has previously received Federal grant.* No grant for the acquisition of a facility which has previously received a Federal grant for construction, acquisition, or equipment shall serve either to reduce or restrict the liability of the applicant or any other transferor or transferee from any obligation of accountability imposed by the Federal Government by reason of such prior grant.

§ 52b.10 Additional conditions.

The Director may with respect to any grant award impose additional conditions consistent with these regulations prior to or at the time of any award when in the Director's judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of the National Cancer Program, or the conservation of grant funds.

§ 52b.11 Minimum standards of construction and equipment.

The standards set forth in this section have been determined by the Director to constitute minimum requirements for construction and equipment, including remodeling, renovation, or alteration of existing buildings, and shall apply to all projects for which Federal assistance is requested under section 406(b) or section 404(b)(9) of the Act. In accordance with 5 U.S.C. 552(a)(1), the publications to which reference is made in this section, unless otherwise indicated, are hereby incorporated by reference and made a part hereof. These documents are available for inspection at the Department and Regional Offices' Information Centers listed in 45 CFR 5.31 and copies of such documents may be purchased as specified. The Director may for good cause shown approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that each project will have to meet the requirements of State and/or local codes and ordinances relating to construction.

(a) *"General".* The structural design, construction, and fire safety provisions of all project facilities shall comply with the standards of the Uniform Building Code (available from International Conference of Building Officials, 5360 South Workman Road, Whittier, California 90601) or with applicable State or local codes and ordinances, whichever is more restrictive.

(b) *"Mechanical".* All installations of fuel burning equipment, steam, heating, air conditioning and ventilation, plumbing and other piping systems, incinerators, and boilers shall comply with the following standards:

(1) Handbook of Fundamentals: American Society of Heating,

Refrigerating and Air Conditioning Engineers (ASHRAE), United Engineer Center, 345 East 47th Street, New York, New York 10017.

(2) National Standard Plumbing Code: National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.

(3) Standard for Non-Flammable Medical Gas Systems, 1973, NFPA Bulletin No. 56F, National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110.

(4) Standard for Medical-Surgical Vacuum Systems in Hospitals, Pamphlet P–2.1: Compressed Gas Association (CGA), 500 Fifth Avenue, New York, New York 10036.

(c) *"Fire and safety"*. The fire-resistant design criteria for the facility will be governed by the criteria necessary for that portion of the facility which is subject to the most severe usage. Remodeled structures shall be upgraded, in total, unless it is feasible to isolate the improved portion of the building with fire walls and fire doors. Fire-resistant design shall be in accordance with the standards of Life Safety Code, NFPA No. 101, 1973, National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110.

(d) *"Emergency electrical service"*. Fire alarm systems and other electrical service shall conform to the standards as specified in Life Safety Code, NFPA No. 101, 1973, National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110.

(e) *"Electrical"*. All electrical installations and equipment shall be in accordance with State and local codes and applicable sections of National Electric Code, NFPA Bulletin No. 70, 1971, National Fire Protection Association, 470 Atlantic Avenue Boston, Massachusetts 02110.

(f) *"Radiation protection"*. All areas in which X-ray, gamma-ray, beta-ray producing and similar equipment is located shall be protected from radiation in accordance with the standards which are in the Handbook Reports No. 33 and 34: National Council on Radiation Protection (NCRP), P.O. Box 30175, Washington, D.C. 20008.

(g) *"Earthquake"*. All facilities shall be designed and constructed in accordance with the standards specified in the Uniform Building Code, 1973, International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, unless more restrictive State and local codes govern.

(h) *"Zoning"*. State and local codes shall apply.

PART 52c—MINORITY BIOMEDICAL SUPPORT PROGRAM

Sec.

52c.1 Applicability.
52c.2 Definitions.
52c.3 Eligibility.
52c.4 Application.
52c.5 Grant awards.
52c.6 Expenditure of grant funds.
52c.7 Other HEW regulations that apply.
52c.8 Additional conditions.

Authority: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 301(c), 74 Stat. 1053 (42 U.S.C. 241(c)).

§ 52c.1 Applicability.

The regulations in this part apply to grants (under the Minority Biomedical Support Program) awarded pursuant to section 301(c) of the Public Health Service Act (42 U.S.C. 241(c)) to increase the numbers of ethnic minority faculty, students, and investigators engaged in biomedical research and to broaden the opportunities for participation in biomedical research of ethnic minority faculty, students, and investigators, by providing general support for biomedical research programs at eligible institutions.

§ 52c.2 Definitions.

(a) "Act" means the Public Health Service Act, as amended.

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

(c) "Nonprofit" as applied to any institution means an institution which is a corporation or association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Ethnic minorities" includes but is not limited to such groups as blacks, Spanish-speaking Americans, and American Indians.

(e) "Program director" means a single individual, designated in the grant application, who is scientifically trained and has research experience and who is responsible for the overall execution of the program supported under this part at the grantee institution.

§ 52c.3 Eligibility.

To be eligible for a grant under this Program, an applicant must be:

(a) One of the following:

(1) A public or private nonprofit university, four year college, or other institution offering undergraduate, graduate, or health professional degrees, with a traditionally high (more than 50 percent) minority student enrollment;

(2) A public or private nonprofit two year college with a traditionally high (more than 50 percent) minority student enrollment;

(3) A public or private nonprofit university, four year college, or other institution offering undergraduate, graduate, or health professional degrees, with a student enrollment a significant proportion (but not necessarily more than 50 percent) of which is derived from ethnic minorities, provided the Secretary determines that said institution has a demonstrated commitment to the special encouragement of and assistance to ethnic minority faculty, students, and investigators; or

(4) An Indian tribe which has a recognized governing body and which performs substantial governmental functions, or an Alaska Regional Corporation as defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*), and

(b) Located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 52c.4 Application.

(a) Application for a grant under this subpart shall be made on an authorized form. Applicants shall submit completed forms on or before the dates the Secretary may prescribe.

(b) Each private institution, which does not already have on file with the National Institutes of Health evidence of nonprofit status, must submit with its application acceptable proof of such status.

(c) Each application shall contain a narrative description of the institution's present biomedical research program; the nature and purpose of the proposed biomedical research program; the manner in which the institution intends to conduct said program in conformity with this part; and the value of the program to the overall mission and objectives of the institution. The application shall also set forth the proposed project period (not to exceed five years), a detailed budget for the first budget period and anticipated total needs for each of the succeeding budget periods of the requested project period, a justification for the amount of grant funds requested, the names and qualifications of the program director and the directors of individual projects within the program, the total facilities and resources that will be available (including where necessary collaborative arrangements with other institutions), and such other pertinent information as the Secretary may require.

(d) An institution seeking continued support under this part at the end of a project period must submit a new application in accordance with this section.

§ 52c.5 Grant awards.

(a) Within the limits of funds available, and upon such recommendation as may be required by law, the Secretary shall award grants to those applications with proposed biomedical research programs which will, in his judgment, best promote the purposes of this part, taking into consideration among other pertinent factors:

(1) The benefits that can be expected to accrue to the national effort in biomedical research;

(2) The institution's capability, from a scientific and technical standpoint, to engage in biomedical research;

(3) The benefits that can be expected to accrue to the institution and its students;

(4) The administrative and managerial capability and competence of the applicant;

(5) The availability of the facilities and resources (including where necessary collaborative arrangements with other institutions) to engage in biomedical research;

(6) The applicant's relative need for funding; and

(7) The overall significance of the proposal in terms of numbers of ethnic minority persons benefited thereby.

(b) The notice of grant award specifies how long HEW intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for 1–5 years.

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

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

§ 52c.6 Expenditure of grant funds.

(a) Any funds granted pursuant to this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74, provided that only direct costs of biomedical research may be charged to a grant under this part.

(b) The Secretary may permit unobligated grant funds remaining in the grant account at the close of a budget period to be carried forward for obligation during a subsequent budget period, provided a continuation award is made for that period and the Secretary's written approval is obtained. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account.

§ 52c.7 Other HEW regulations that apply.

Several other regulations apply to grants under this subpart. These include, but are not limited to:

45 CFR Part 16 Department grant appeal process.
45 CFR Part 46 Protection of human subjects.
42 CFR Part 50 PHS grant appeals process.
45 CFR Part 74 Administration of grants.
45 CFR Part 75 Informal grant appeals procedures (indirect cost rates, and other cost allocations.)
45 CFR Part 80 Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964.
45 CFR Part 81 Practice and procedure for hearings under Part 80.
45 CFR Part 83 Regulation for the Administration and Enforcement of Section 704 and 855 of the PHS Act.
45 CFR Part 84 Nondiscrimination on the basis of handicap in federally assisted programs.
45 CFR Part 86 Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance.
43 FR 60108 Guidelines for Research Involving Recombinant DNA Molecules published by the National Institutes of Health.

§ 52c.8 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in the Secretary's judgment those conditions are necessary to assure or protect advancement of the approved program, the interests of the public health, or the conservation of grant funds.

PART 52d—NATIONAL CANCER INSTITUTE CLINICAL CANCER EDUCATION PROGRAM

Sec.
52d.1 Applicability.
52d.2 Definitions.
52d.3 Eligibility.
52d.4 Application.
52d.5 Program requirements.
52d.6 Grant awards.
52d.7 Expenditure of grant funds.
52d.8 Other HEW regulations that apply.
52d.9 Additional conditions.

Authority: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 404(a)(4), 92 Stat. 3426 (42 USC 285).

§ 52d.1 Applicability.

The regulations in this part apply to grants under the Clinical Cancer Education Program authorized by section 404(a)(4) of the Public Health Service Act, to encourage planning and development of multidisciplinary educational programs aimed at achieving optimal care of cancer patients and to enable students in the health professions to acquire basic knowledge of neoplastic disease and the preventive measures and diagnostic and therapeutic skills necessary to the provision of such care.

§ 52d.2 Definitions.

(a) "Act" means the Public Health Service Act, as amended.

(b) "Director, NCI," means the Director of the National Cancer Institute and any other officer or employee of said Institute to whom the authority involved has been delegated.

(c) "Nonprofit" as applied to any institution means an institution which is a corporation or an association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Board" means the National Cancer Advisory Board established by section 407 of the Act (42 U.S.C. 286b).

(e) "Affiliated teaching hospital" means a hospital which, although not owned by such school, has a written agreement with a school of medicine, osteopathy, dentistry, or public health eligible for assistance under this part, providing for effective control by the school of the teaching in the hospital.

(f) "Specialized cancer institute" means an institution which has as its primary mission the diagnosis, prevention, or treatment or cancer.

§ 52d.3 Eligibility.

To be eligible for a grant under this part an applicant must be:

(a) A public or private, nonprofit school of medicine, osteopathy, dentistry, or public health, affiliated

teaching hospital, or specialized cancer institute; and

(b) Located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 52d.4 Application.

(a) Application for a grant under this subpart shall be made on an authorized form.[1] Applicants shall submit completed forms, on or before the dates the Director, NCI, may prescribe.

(b) Each private institution which does not already have on file with the National Institutes of Health evidence of nonprofit status, must submit with its application acceptable proof of such status.

(c) In addition to any other pertinent information that the Director, NCI, may require, each application shall set forth in detail:

(1) A program plan defining the objectives of the proposed program and the means by which these objectives would be achieved, including descriptions of:

(i) The general educational level (e.g., pre-doctoral, post-doctoral) of the students to be involved in the program;

(ii) The proposed course of study and its relation to the diagnosis, prevention, control, and treatment of cancer;

(iii) The clinical experiences to be provided to the students;

(iv) Multidisciplinary aspects of the program;

(v) The particular schools or branches within the institution which would have responsibility for individual aspects of the program; and

(vi) The teaching mechanisms to be employed, including specific discussion of those techniques which would be innovative.

(2) The availability of personnel, facilities, and resources needed to carry out the program;

(3) The names, qualifications, and proposed duties of the program director and any staff members who would be responsible for the program, including a description of those duties which would actually be carried out by the program director and those which would be shared with or assigned to others;

(4) The names and qualifications of proposed members of a cancer education committee which would be established by the applicant to advise it on the planning, organization, operation and evaluation of the program and the specific duties which would be assigned to said committee;

(5) Insofar as necessary, cooperative arrangements with other schools, hospitals, and institutions which would participate in the program;

(6) The proposed project period, a detailed budget for the first budget period including a list of other anticipated sources of support and anticipated total needs for each of the succeeding budget periods of the requested project period, and a justification for the amount of grant funds requested;

(7) Proposed methods for monitoring and evaluating the program; and

(8) A description of how the education and training effort will be sustained upon expiration of the award.

§ 52d.5 Program requirements.

(a) If the program is to be offered at the graduate level, it must be multidisciplinary in scope involving at least two or more clinical or preclinical sciences relating to cancer;

(b) The cancer education committee provided for in the approved application must meet at least four times per year, and must be chaired by the program director.

§ 52d.6 Grant awards.

(a) Within the limits of funds available, after consultation with the Board, the Director, NCI, may award grants to applicants with proposed programs which in the NCI Director's judgment best promote the purposes of this part, taking into consideration among other pertinent factors:

(1) The relevance of the proposed program to the objectives of this part;

(2) The extent to which the program would involve innovative teaching techniques;

(3) The availability of adequate staff, facilities, and resources (including where necessary cooperative arrangements with other institutions or hospitals) to carry out the program;

(4) The qualifications and experience of the program director;

(5) The authority of the program director to ensure that the program is planned with multidisciplinary input and that multidisciplinary aspects of the program are carried out;

(6) The extent to which the cancer education committee is broadly representative of the disciplines concerned with cancer care and teaching and is allowed to participate in the planning, organization, operation, and evaluation of the program;

(7) If the program is to be offered at the pre-doctoral level, the extent to which its objectives are designed to aid students:

(i) To acquire a basic understanding of fundamental principles of cancer biology, epidemiology, detection, diagnosis, prevention, treatment and control;

(ii) To interest students in learning more about cancer; and

(iii) To develop an appreciation of the need for a comprehensive multidisciplinary approach to the care of cancer patients;

(8) The administrative and managerial capability of the applicant;

(9) The reasonableness of the proposed budget in relation to the proposed program;

(10) The adequacy of the methods for monitoring and evaluating the program on a continuing basis; and

(11) The degree to which the application adequately provides for the requirements set forth in § 52d.5.

(b) The notice of grant award specifies how long HEW intends to support the program without requiring the program to recompete for funds. This period, called the project period, will usually be for 1–5 years.

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

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

§ 52d.7 Expenditure of grant funds.

(a) Any funds granted pursuant to this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the awards, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74, except that grant funds may not be used for costs incurred in connection with activities which, prior to the grant, were part of the grantee's standard curriculum.

[1] Applications and instructions are available from the Division of Cancer Research Resources and Centers, Education Branch, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20205.

(b) The Director, NCI, may permit unobligated grant funds remaining in the grant account at the close of a budget period to be carried forward for obligation during a subsequent budget period, provided a continuation award is made for that period and the NCI Director's written approval is obtained. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account.

§ 52d.8 Other HEW regulations that apply.

Several other regulations apply to grants under this subpart. These include, but are not limited to:

45 CFR Part 16 Department grant appeal process.
42 CFR Part 50 PHS grant appeals process.
45 CFR Part 74 Administration of grants.
45 CFR Part 75 Informal grant appeals procedure (indirect cost rates, and other cost allocations).
45 CFR Part 80 Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964.
45 CFR Part 81 Practice and procedure for hearings under Part 80.
45 CFR Part 83 Regulation for the Administration and Enforcement of Sections 704 and 855 of the PHS Act.
45 CFR Part 84 Nondiscrimination on the basis of handicap in federally assisted programs.
45 CFR Part 86 Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from federal financial assistance.

§ 52d.9 Additional conditions.

The Director, NCI, may with respect to any grant award impose additional conditions prior to or at the time of any award when in the NCI Director's judgment those conditions are necessary to assure or protect advancement of the approved program, the interests of the public health, or the conservation of grant funds.

PART 52e—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE GRANTS FOR PREVENTION AND CONTROL PROJECTS

Sec.
52e.1 Applicability.
52e.2 Definitions.
52e.3 Eligibility.
52e.4 Application.
52e.5 Project requirements.
52e.6 Grant awards.
52e.7 Expenditure of grant funds.
52e.8 Other HEW regulations that apply.
52e.9 Additional conditions.

Authority: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 414, 86 Stat. 682 (42 U.S.C. 287c)

§ 52e.1 Applicability.

(a) The regulations in this part apply to grants under section 414 of the Public Health Service Act (42 U.S.C. 287c) for projects: (1) To demonstrate and evaluate the effectiveness of new techniques or procedures for the prevention, diagnosis, or treatement of heart, blood vessel, lung, and blood diseases, (2) to develop and evaluate methods of educating health practitioners concerning the prevention and control of these diseases, and (3) to develop and evaluate methods of educating the public concerning the prevention and control of these diseases.

(b) For purposes of this part, treatment may include emergency medical services.

§ 52e.2 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Director, NHLBI," means the Director of the National Heart, Lung, and Blood Institute and any other officer or employee of said Institute to whom the authority involved has been delegated.

(c) "Nonprofit" as applied to any agency or institution means an agency or institution which is a corporation or an association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Council" means the National Heart, Lung, and Blood Advisory Council, established by section 417(a) of the Act (42 U.S.C. 287f(a)).

(e) "National Program" means the National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program referred to in section 413 of the Act (42 U.S.C. 287b).[3]

(f) "Emergency medical services" means the services utilized in responding to the perceived individual need for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

52e.3 Eligibility.

To be eligible for a grant under this part, an applicant must be a public or nonprofit private agency or institution.

52e.4 Application.

(a) Application for a grant under this subpart shall be made on an authorized form.[4] Applicants shall submit completed forms on or before the dates the Director, NHLBI, may prescribe.

(b) Each private institution which does not already have on file with the National Institutes of Health evidence of nonprofit status, must submit with its application acceptable proof of such status.

(c) In addition to any other pertinent information that the Director, NHLBI, may require each application shall set forth in detail:

(1) The nature and purpose of the proposed project and the methods to be employed in carrying it out;

(2) The relevance of the proposed project to the National Program;

(3) The defined population to participate in the proposed project and the rationale for its selection;

(4) With respect to applications relating to projects covered by § 52e.1(a)(1), prior research findings on which the proposed project is based;

(5) The personnel, facilities, and other resources, including community resources, available to carry out the proposed project;

(6) Current activities of the applicant involving prevention or control of heart, blood vessel, lung, and blood diseases, the sources of funding for such activities, and the anticipated relationship of these activities to the proposed project;

(7) The names and qualifications of the project director and key staff members who would be responsible for conducting the proposed project;

(8) Proposed methods for monitoring and evaluating the project; and

(9) The proposed project period; a detailed budget for the first budget period, including a list of other anticipated sources of support and anticipated total needs for each of the succeeding budget periods of the requested project period; and a justification for the amount of grant funds requested.

§ 52e.5 Project requirements.

(a) An approvable application must demonstrate to the satisfaction of the Director, NHLBI, that:

(1) With respect to applications relating to projects covered by § 52e.1(a)(1), the techniques or procedures to be demonstrated and evaluated have been found safe and effective in the research setting and, based upon research findings, appear to have the potential for general

[3] Single copies of the National Program are available upon request from the Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

[4] Applications and instructions are available from the Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

applicability to the prevention, diagnosis, or treatment of heart, blood vessel, lung, or blood diseases;

(2) With respect to applications relating to projects covered by § 52e.1(a)(2) and § 52e.1(a)(3), the project will include development and evaluation of one or more methods for educating health practitioners or the public concerning advances in the prevention, diagnosis, or treatment of such diseases; and

(3) The nature of the project is such that its completion may be anticipated within the project period, or such other period as may be specified in the application.

(b) The project must, in the judgment of the Director, NHLBI, be necessary for cooperation by the National Heart, Lung, and Blood Institute with one or more other Federal Health agencies, State, local or regional public health agencies, or nonprofit private health agencies in the diagnosis, prevention, or treatment of heart, blood vessel, lung or blood diseases.

§ 52e.6 Grant awards.

(a) Within the limits of funds available, after consultation with the Council, the Director, NHLBI, may award grants to applicants with proposed projects which in the NHLBI Director's judgment best promote the purposes of section 414 of the Act, taking into consideration among other pertinent factors:

(1) The scientific and technical merit of the proposed project;

(2) The significance of the project in relation to the goals of the National Program;

(3) Whether the project appropriately emphasizes the prevention, diagnosis, or treatment of heart, blood vessel, lung, or blood diseases of children;

(4) The qualifications and experience of the project director and other key personnel;

(5) The administrative and managerial capability and fiscal responsibility of the applicant;

(6) The reasonableness of the proposed budget in relation to the proposed project;

(7) The adequacy of the methods proposed for monitoring and evaluating the proposed project; and

(8) The degree to which the application adequately provides for the requirements set forth in §§ 52e.5(a) and 52e.5(b).

(b) The notice of grant award specifies how long HEW intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for 1–5 years.

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

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

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

§ 52e.7 Expenditure of grant funds.

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

(b) The Director, NHLBI, may permit unobligated grant funds remaining in the grant account at the close of a budget period to be carried forward for obligation during a subsequent budget period, provided a continuation award is made for that period and the NHLBI Director's written approval is obtained. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account.

§ 52e.8 Other HEW regulations that apply.

Several other regulations apply to grants under this subpart. These include, but are not limited to:

45 CFR Part 16 Department grant appeal process.
45 CFR Part 46 Protection of human subjects.
45 CFR Part 50 PHS grant appeals process.
45 CFR Part 74 Administration of grants.
45 CFR Part 75 Informal grant appeals procedures (indirect cost rates, and other cost allocations).
45 CFR Part 80 Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964.
45 CFR Part 81 Practice and procedure for hearings under Part 80.
45 CFR Part 83 Regulation for the Administration and Enforcement of Sections 704 and 855 of the PHS Act.
45 CFR Part 84 Nondiscrimination on the basis of handicap in federally assisted programs.
45 CFR Part 86 Nondiscrimination on the basis of sex in education programs or activities receiving or benefiting from federal financial assistance.

§ 52e.9 Additional conditions.

The Director, NHLBI, may with respect to any grant award impose additional conditions prior to or at the time of any award when in the NHLBI Director's judgment those conditions are necessary to assure or protect advancement of the approved project, the interests of the public health, or the conservation of grant funds.

PART 59a—NATIONAL LIBRARY OF MEDICINE GRANTS

Subpart A—Grants for Establishing, Expanding, and Improving Basic Resources

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59a.12 Definitions.
59a.13 Application.
59a.14 Evaluation of applications.
59a.15 Grant awards.
59a.16 [Reserved]
59a.17 Use of funds or materials.
59a.18 Inventions or discoveries.
59a.19 Other HEW regulations that apply.

Subpart B—Grants for Establishment of Regional Medical Libraries

59a.31 Applicability.
59a.32 Definitions.
59a.33 Eligibility.
59a.34 Application.
59a.35 Award.
59a.36 Other HEW regulations that apply.
59a.37 Terms, conditions, and assurances.
59a.38 [Reserved]
59a.39 Publications.

Subpart A—Grants for Establishing, Expanding, and Improving Basic Resources

Authority: Sec. 392, 79 Stat. 1060, as amended, 84 Stat. 66, 67, 88 Stat. 372 (42 U.S.C. 280b–2); sec. 395, 79 Stat. 1063, as amended, 84 Stat. 63–67, 87 Stat. 92, 88 Stat. 372, 373 (42 U.S.C. 280b–7).

§ 59a.11 Applicability.

The provisions of this subpart apply to grants for establishing, expanding, and improving basic resources as authorized by section 395 of the Public Health Service Act.

§ 59a.12 Definitions.

(a) All terms not defined herein shall have the same meaning given them in the Act.

(b) "Act" means the Public Health Service Act, as amended (42 U.S.C. 201 et seq.).

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

(d) "Related instrumentality" means a public or private nonprofit institution, organization, or agency other than a library whose primary function is the acquisition, preservation, dissemination, and/or processing of information relating to the health sciences.

§ 59a.13 Application.

Any public or private nonprofit institution, organization, or agency authorized or qualified to carry on the functions of a medical library or related instrumentality may file an application for a grant of money or materials, or both. Application for grant under this subpart shall be made on an authorized form.

§ 59a.14 Evaluation of applications.

All applications filed in accordance with § 59a.13 shall be evaluated by the Secretary through such officers and employees of the Service and such experts, consultants, or groups as the Secretary may engage for this purpose. In addition to such other factors as may be required by the Act or the regulations of this subpart, the Secretary's evaluation shall take into account the scope of library or related services in relation to the population and purposes served by the library or related instrumentality as may be pertinent, including evidence of the efficiency of the applicant in providing services, the amount of available equipment and other resources on hand to satisfy the needs of the area served by the facility, coordination with other library and related facilities, and potentiality for testing or demonstration of new or improved techniques in health sciences informational services.

§ 59a.15 Grant awards.

(a) *General.* Within the limits provided by law and to the extent of funds available, the Secretary shall award grants to those applicants whose proposals for establishment, expansion, or improvement will in the Secretary's judgment best promote the purposes of section 395 of the Act.

(b) *Determination of award amount.* The amount of any award, not to exceed $200,000, shall be determined by the Secretary:

(1) On the basis of the scope of medical library or related services provided by the applicant in relation to the population and purposes served by it, taking into account the following factors:

(i) The number of graduate and undergraduate students, and physicians and other practitioners in the sciences related to health making use of the applicant's library resources;

(ii) The type of supportive staffs, if any, available to the applicant's library;

(iii) The type, size, and qualifications of the faculty of any school with which the applicant is affiliated;

(iv) The staff of any hospitals or clinics with which the applicant's library is affiliated;

(v) The geographic area served by such applicant and the availability, within such area, of medical library or related services provided by other libraries or related instrumentalities; and

(2) Shall be in such amount as in the Secretary's judgment will assure adequate continuing financial support of the applicant's proposed activity from other sources during and after the period of award. In making such determination, the Secretary shall take into consideration the level of non-Federal support for the proposed activity for periods prior to the fiscal year in which a grant is made and shall require assurance from the applicant that such support will not be diminished as a result of such award and that adequate support for such activity will be continued during and after the period of Federal Assistance: *Provided,* That subject to such exceptions as the Secretary may determine to be necessary for the orderly administration of the grant program hereunder, no grant shall be made for less than $1,000.

(c) *Project period.* (1) The notice of grant award specifies how long HEW intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for 1–5 years.

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

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

§ 59a.16 [Reserved]

§ 59a.17 Use of funds or materials.

Any funds or materials provided by a grant pursuant to this subpart shall be expended or utilized by the grantee solely for the purposes for which the funds or materials were granted, in accordance with the approved application and budget, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74. The grantee may not in whole or in part delegate or transfer this responsibility to any other person.

§ 59a.18 Inventions or discoveries.

Any grant award hereunder is subject to the regulations of the Department of Health, Education, and Welfare relating to inventions and patents (45 CFR Parts 6 and 8, as amended). Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligation.

§ 59a.19 Other HEW regulations that apply.

Several other regulations apply to grants under this subpart. These include but are not limited to:

42 CFR Part 50 PHS grant appeals procedure.
45 CFR Part 16 Department grant appeals process.
45 CFR Part 74 Administration of grants.
45 CFR Part 75 Informal grant appeals procedures (indirect cost rates, and other cost allocations).
45 CFR Part 80 Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964.
45 CFR Part 81 Practice and procedure for hearings under Part 80.
45 CFR Part 84 Nondiscrimination on the basis of handicap in federally assisted programs.

45 CFR Part 86 Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from federal financial assistance.

Subpart B—Grants for Establishment of Regional Medical Libraries

Authority: Sec. 392, 79 Stat. 1060, as amended, 84 Stat. 66, 67, 88 Stat. 372 (42 U.S.C. 280b–2); sec. 396, 79 Stat. 1065, as amended, 84 Stat. 63, 65, 67, 87 Stat. 92, 88 Stat. 372, 373 (42 U.S.C. 280b–8).

Source: 31 FR 9502, July 13, 1966, unless otherwise noted.

§ 59a.31 Applicability.

The provisions of this subpart apply to grants to public or private nonprofit institutions authorized and qualified to carry on the functions of a medical library to establish and maintain regional medical libraries for the geographic areas in which they are located as authorized by section 396 of the Public Health Service Act.

§ 59a.32 Definitions.

(a) All terms not defined herein shall have the same meaning given them in the Act;

(b) "Act" means the Public Health Service Act, as amended (42 U.S.C. 201 et seq.);

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

(d) "Geographic area" means an area composed of any part or parts of any one or more states that forms an academically and professionally integrated region, taking into consideration such factors as location and extent of communication facilities and systems, presence and distribution of educational and medical and health facilities and programs, and other activities which, in the opinion of the Secretary, justify the establishment and operation of a regional medical library;

(e) "Annual operating expenses" means, with respect to a library which has been in operation for less than 3 years an amount equal to the average annual operating expense of the years, if any, of operation, as modified by, or when there has been no operation determined by reference to, such expense of libraries of institutions of similar size and function, as determined by the Secretary;

(f) "Modify and increase" means the use of Federal funds or materials to supplement rather than supplant non-Federal funds available for library resources and services.

§ 59a.33 Eligibility.

In order to be eligible for a grant, the applicant must:

(a) Meet the criteria specified in section 396 of the Act, and

(b) Be located in a State.

§ 59a.34 Application.

(a) Application for a grant under this subpart shall be made on an authorized form;

(b) In addition to any other pertinent information which the Secretary may require, the applicant shall submit a description of a program to provide health sciences informational services for the geographic area in which it is located in sufficient detail clearly to identify the need for such services, the adequacy of the applicant's existing or proposed facilities and resources to undertake to provide them, the size and nature of the population to be served, the region to be served, cooperative arrangements in effect, or proposed, with other qualified institutions, organizations or agencies, and the justification for the amount of funds requested.

§ 59a.35 Award.

(a) *General.* The Secretary, with the counsel and advice of the Board in each case, shall award a grant to those applicants whose arrangements and proposed services will in the Secretary's judgment best promote the purpose of section 396 of the Act.

(b) *Project period.* (1) The notice of grant award specifies how long HEW intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for 1–5 years.

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

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

§ 59a.36 Other HEW regulations that apply.

Several other regulations apply to grants under this subpart. These include, but are not limited to:

42 CFR Part 50 PHS grant appeals procedure.
45 CFR Part 16 Department grant appeals process.
45 CFR Part 74 Administration of grants.
45 CFR Part 75 Informal grant appeals procedure (indirect cost rates and other cost allocations).
45 CFR Part 80 Nondiscrimination under program receiving Federal assistance through the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964.
45 CFR Part 81 Practice and procedure for hearings under Part 80.
45 CFR Part 84 Nondiscrimination on the basis of handicap in federally assisted programs.
45 CFR Part 86 Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from federal financial assistance.

§ 59a.37 Terms, conditions, and assurances.

In addition to any other terms, conditions, and assurances required by law or imposed by the Secretary, each grant shall be subject to the following terms, conditions, and assurances to be furnished by the applicant. The Secretary may at any time approve exceptions where he finds that such exceptions are not inconsistent with the Act and the purposes of the program.

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

(b) *Service undertakings.* (1) The grantee will agree to modify and increase its library resources so as to be able to provide supportive services to other health sciences informational activities.

(2) Qualified persons and organizations shall be entitled to free loan services, and to the extent grant funds are used to provide photo duplicated or facsimile copies of biomedical materials, the copies shall be made available without charge to such persons or organizations. The qualification of persons and organizations for the services provided hereunder shall be determined in accordance with the policies or principles of operation of the grantee, subject to such review and approval as the Secretary may require.

(c) *Inventions or discoveries.* Any grant award hereunder is subject to the regulations of the Department of Health, Education, and Welfare relating to inventions and patents (45 CFR Parts 6 and 8, as amended). Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the program as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments, or other arrangements, inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligation.

§ 59a.38 Termination [Reserved]

§ 59a.39 Publications.

Grantees may publish materials relating to their regional medical library without prior review, providing such publications carry a footnote acknowledging assistance from the Public Health Service and indicating that findings and conclusions do not necessarily represent the views of the Service.

[FR Doc. 80-5629 Filed 2-22-80; 8:45 am]
BILLING CODE 4110-08-M

Public Health Service

42 CFR Part 71

Foreign Quarantine: Importation of Certain Things; Dogs and Cats

AGENCY: Center for Disease Control, Public Health Service, HEW.

ACTION: Final rule.

SUMMARY: This rule modifies requirements for importation of dogs and cats into the United States by (1) eliminating the inspection requirements for wild dogs and wild cats, and vaccination requirements for wild dogs; (2) prescribing currently available vaccines; and (3) allowing domestic dogs requiring rabies vaccination to be vaccinated at their destination rather than at the port of entry. In addition, the geographic coverage of this rule is amended to exclude those areas where we do not have direct control or supervision over quarantine activities.

The procedural changes are made because wild dogs and wild cats have not been recognized as a source of rabies or other communicable disease; therefore, inspection and vaccination are not necessary. Also, vaccines listed in the existing regulation are no longer available. The current procedure requiring dogs to be vaccinated at the port of entry is changed to eliminate undue hardship to the owners, inspectional staff, and carrier representatives, and to reduce the expense to the owners of having domestic dogs vaccinated at the port of entry.

The final rule allows wild dogs and wild cats to be admitted without restrictions, prescribes currently available rabies vaccines, and facilitates the admission of dogs requiring vaccination.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph F. Giordano, Director, Quarantine Division, Bureau of Epidemiology, Center for Disease Control, PHS, HEW, Atlanta, GA. 30333, Phone: (404) 329-3674 or FTS: 236-3674.

SUPPLEMENTARY INFORMATION: On July 23, 1979, a Notice of Proposed Rulemaking was published in the **Federal Register** (44 FR 43005) to amend Section 71.154 of Subpart J entitled "Importation of Certain Things." It proposed revised procedures and new criteria for the Importation of Dogs and Cats.

This regulation is intended to prevent the introduction of communicable disease, especially rabies, with the importation of domestic dogs or cats. Importation of wild dogs or wild cats is not known to constitute a significant communicable disease hazard. No rabies vaccines are available for immunization of wild dogs or wild cats. Rabies vaccines available for immunization of domestic dogs have changed since the present regulation was implemented. These factors require revision of the regulations.

The existing regulation requires, in some instances, that an imported dog be detained and confined at the port of entry pending the arrival of a veterinarian to vaccinate the animal. This final rule allows the dog, under similar circumstances, to proceed to destination in confinement without delay and for vaccination to be performed at destination. This will expedite disposition of imported dogs, effect a monetary savings for the owner, and reduce inspectional staff time.

Comments: A period of 45 days was given for the public to comment on the proposed revisions. Comments, questions, and suggestions were received from several interested parties including five State health departments. The comments have been carefully reviewed and are discussed below.

Several objected to allowing domestic dogs requiring rabies vaccination to be vaccinated at their destination rather than at the port of entry. The major objections to this change are that it might increase the risk of introducing rabies and it imposes the burden of followup on the local health department. Under the existing regulations, however, through followup procedures, local health departments are checking on dogs that were vaccinated at the port of entry to assure that they are kept in confinement at the point of destination for 30 days. There should be no increased risk of rabies introduction since unvaccinated dogs will be placed in confinement in transit and remain in confinement 30 days after vaccination, as is currently done.

The proposed new regulation was reviewed and accepted in its present form by the Executive Committee of the National Association of State Public Health Veterinarians.

Another suggestion was that to assure compliance, a refundable security bond be posted at the port of entry by the owner of a dog requiring vaccination at the point of destination. Implementation of that suggestion would be costly and complex and would not be justified by the probable benefits.

Another question concerned the possibility that domestic stray dogs might be considered as wild dogs and therefore not subject to these regulations. The answer is that all domestic dogs, including strays, are subject to the regulations.

One State health department stated that its minimum vaccination age for dogs was 4 months. Our existing and revised regulations both require immunization at 3 months. Our position is that 3 months is the appropriate minimum age for vaccination.

Others concurred in the revised regulation and agreed that wild dogs and wild cats should be excluded.

After careful consideration, the proposed amendment of Section 71.154 of Part 71, Title 42, Code of Federal Regulations, is adopted with minor changes as set forth below.

Dated: January 10, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: February 15, 1980.

Patricia Roberts Harris,

Secretary.

Section 71.154 is revised to read as follows:

§ 71.154 Importation requirements for dogs and cats.

(a) *Definitions.* As used in this section and section 71.155, which deals with disposition of excluded dogs and cats, the term:

"Cat" means a domestic cat.

"Confinement" means restriction of a dog or cat to a building or other enclosure at the port of entry, en route to destination, and at destination, in isolation from other animals and from persons except for contact necessary for its care or, if the dog or cat is allowed out of the enclosure, muzzling and keeping it on a leash.

"Director" means the Director, Center for Disease Control, Public Health Service, U.S. Department of Health, Education, and Welfare, or the person to whom the authority involved has been delegated.

"Dog" means a domestic dog.

"Owner" means owner or agent.

"United States" means the States, the District of Columbia, Puerto Rico, and the Virgin Islands.

"Valid rabies vaccination certificate" means a certificate which was issued for a dog not less than 3 months of age at the time of vaccination and which—

(i) Identifies a dog on the basis of breed, sex, age, color, markings, or other information.

(ii) Specifies a date of rabies vaccination at least 30 days before the date of arrival of the dog.

(iii) Specifies a date of expiration which is after the date of arrival of the dog. If no date of expiration is specified, the date of vaccination may be no more than 12 months before the date of arrival.

(iv) Bears the signature of a licensed veterinarian.

(b) *General requirements for admission of dogs and cats.*

Dogs and cats may not be brought into the United States except as provided in this section.

(1) *Inspection by quarantine officer.* Dogs and cats which arrive in the United States from a foreign area shall be subject to inspection by a quarantine officer at a port of entry. The quarantine officer shall admit only those dogs and cats which show no signs of communicable disease as defined in § 71.1(b).

(2) *Examination by veterinarian and confinement of dogs and cats.* When a dog or cat does not appear to be in good health on arrival (that is, it has symptoms such as emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea), the officer in charge may require prompt confinement and give the owner an opportunity to arrange for a licensed veterinarian to examine the animal and give or arrange for any tests or treatment indicated. The officer in charge will consider the findings of the examination and tests in determining whether or not the dog or cat may have a communicable disease. The owner shall bear the expense of the examination, tests, and treatment required by the officer in charge. When it is necessary to detain a dog or cat pending determination of its admissibility, the owner shall provide confinement facilities which in the judgment of the officer in charge will afford protection against introduction of any communicable disease.

The owner shall bear the expense of confinement. Release shall be subject to conditions specified by the officer in charge to protect the public health.

(3) *Record of sickness or death of dogs and cats and requirements for exposed animals.*

(i) The person responsible for the care of dogs and cats shall maintain a record of sickness or death of animals en route to the United States and shall submit the record to the quarantine officer at the port of entry. Dogs or cats which have become sick while en route or are dead on arrival shall be separated from other animals as soon as the sickness or death is discovered. They shall be held in confinement pending any necessary examination (and treatment of any sick dog or cat) as determined to be necessary by the officer in charge.

(ii) Regardless of the provisions of subparagraph (1) of this paragraph, when a dog or cat appears healthy but, during shipment, has been exposed to a sick or dead animal suspected of having a communicable disease, the exposed dog or cat shall be admitted only if examination or tests made on arrival reveal no evidence that the animal may be infected with a communicable disease. The provisions of subparagraph (2) of this paragraph relating to examination, tests, confinement, treatment, payment, and release shall apply to these dogs and cats.

(4) *Sanitation.* When the quarantine officer finds that the cages or other containers of dogs or cats arriving in the United States are in an unsanitary or other condition that may constitute a communicable disease hazard:

(i) The dogs or cats shall not be admitted in such containers unless the owner has the containers cleaned and disinfected; and

(ii) The quarantine officer shall report the matter to the U.S. Customs Service Officer for investigation pursuant to U.S. Customs regulations (19 CFR 12.26(k)) regarding importation of animals under inhumane or unhealthful conditions.

(c) *Rabies vaccination requirements for dogs.*

(1) The quarantine officer shall require submittal of a valid rabies vaccination certificate at the port of entry for admission of a dog into the United States unless the owner submits evidence satisfactory to the quarantine officer that:

(i) If a dog is less than 6 months of age, it has been only in a country determined by the Director to be rabies-free; [1] or

(ii) If a dog is 6 months of age or older, for the 6 months before arrival, it has been only in a country or countries determined by the Director to be rabies-free; [1] or

(iii) The dog is to be taken to a research facility to be used for research purposes and vaccination would interfere with its use for such purposes.

(2) Regardless of the provisions of paragraph (c)(1), the quarantine officer may authorize admission as follows:

(i) If the date of vaccination shown on the vaccination certificate is less than 30 days before the date of arrival, the dog may be admitted, but it must be kept in confinement until at least 30 days have elasped since the date of vaccination.

(ii) If the dog is less than 3 months of age, it may be admitted, but it must be kept in confinement until it is vaccinated against rabies at 3 months of age. Also, it must be kept in confinement for at least 30 days after the date of vaccination.

(iii) If the dog is 3 months of age or older, it may be admitted, but it must be kept in confinement until it is vaccinated against rabies. The dog must be vaccinated within 4 days after arrival at destination but no more than 10 days after arrival at port of entry. Also, it must be kept in confinement for at least 30 days after the date of vaccination.

(3) When a dog is admitted under subparagraph (2) of this paragraph, the quarantine officer shall notify the health department or other appropriate agency having jurisdiction at the point of destination and shall provide the health department with the address of the specified place of confinement and other pertinent information to facilitate surveillance and other appropriate action.

(d) *Certification requirements.* The owner shall submit certifications regarding prior residence, destination, confinement, and vaccination prescribed under this section as may be required by the Director.

(e) *Additional requirements for the importation of dogs and cats.* Dogs and cats coming from areas having a high rate or other special danger of rabies shall be subject to additional requirements or exclusion as may be determined by the Director to be necessary to protect the public health.

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[1] A current list of rabies-free countries may be obtained from the Director, Quarantine Division, Bureau of Epidemiology, Center for Disease Control, Atlanta, Georgia 30333.

(f) *Requirements for dogs and cats in transit.* The provisions of this section shall apply to dogs and cats transported through the United States from one foreign country to another, except as provided below:

(1) Dogs and cats that appear healthy, but have been exposed to a sick or dead animal suspected of having a communicable disease, need not undergo examination or tests as provided in paragraph (b)(3) of this section if the quarantine officer determines that the conditions under which they are being transported will afford adequate protection against introduction of communicable disease.

(2) Rabies vaccination is not required for dogs that are transported by aircraft or vessel and retained in custody of the carrier under conditions preventing introduction of rabies.

(Section 215, 58 Stat. 690, as amended, 63 Stat. 35 (42 U.S.C. 216); Sec. 361, 58 Stat. 703 (12 U.S.C. 264))

[FR Doc. 80-5616 Filed 2-22-80; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Orders 5696 and 5700

Certain Lands in Alaska; Public Land Order Withdrawals

Correction

In FR 80-4707, appearing at page 9562, in the issue of Tuesday, February 12, 1980, make the following corrections:

(1) On page 9565, the 1st column, the first line is corrected by filling in the Public Land Order "5696".

(2) On page 9604, in the second column, the first line is corrected by filling in the Public Land Order "5700".

BILLING CODE 1505-01

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 1-22; Notice 10]

Federal Motor Vehicle Safety Standards; Vehicle Identification Number

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

ACTION: Response to petitions for reconsideration and rulemaking.

SUMMARY: This notice responds to a petition for reconsideration of the March 22, 1979, notice amending Federal Motor Vehicle Safety Standard No. 115, Vehicle identification number and to several petitions for rulemaking to amend the standard. The requests in the reconsideration petition to eliminate the fixed format required of vehicle identification numbers (VINs) for certain vehicle types and to place the check digit after the 3rd character of the VIN are denied. A rulemaking petition request to extend the date by which unique manufacturer identifiers must be reported to the agency is granted. Rulemaking petitions to postpone the standard's effective date for vehicles whose model year changeover date is subsequent to September 1, 1980, are granted in part. Requests for an interpretation permitting slight variations between actual engine horsepower and that encoded in the VIN are also answered. The effect of these amendments is to facilitate in various minor ways the manufacturer's implementation of the revised VIN.

DATES: The effective date of the Standard is revised as follows: September 1, 1980, for manufacturers whose 1981 model year changeover date falls prior to September 2, 1980, or subsequent to January 1, 1981.

The manufacturer's 1981 model year changeover date for manufacturers whose changeover date for that year occurs between September 1, 1980, and January 2, 1981.

FOR FURTHER INFORMATION CONTACT: Frederic Schwartz, Jr., Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1834.

SUPPLEMENTARY INFORMATION: On March 22, 1979, the National Highway Traffic Safety Administration published a notice amending Federal Motor Vehicle Safety Standard No. 115, Vehicle identification number (44 FR 17489). One petition for reconsideration of the amended rule and several petitions for rulemaking to amend the rule further were received.

The vehicle identification number (VIN) is a series of 16 letters and numbers which serves as the unique identifier for motor vehicles manufactured in or imported into the United States. Along with its ability to uniquely identify a vehicle, the VIN can be decoded to provide substantial information about the vehicle such as its manufacturer, model, and gross vehicle weight rating. The VIN is assigned in conjunction with a check digit, which follows its 8th character. The check digit is the result of a mathematical process utilizing the characters of the VIN, and is used to detect errors in the transcription of the VIN from a vehicle to a written record or from record to record.

The many uses and users of the VIN have been described in detail in previous notices. In summary, the VIN is used as the key vehicle identifier by the NHTSA, manufacturers, insurance companies, and agencies of State governments. It is the keystone of vehicle recall campaigns, and is of great importance in safety research. It also has many other uses such as vehicle titling and recovery of stolen vehicles.

VIN Fixed Format

Sections 4.5.2 and 4.5.3 of Standard No. 115 specify the alphabetic or numeric nature of the characters occupying six positions in the VIN affixed to passenger cars and to multipurpose passenger vehicles and trucks with a GVWR of 10,000 pounds or less. The 4th and 5th characters are required to be alphabetic and the 6th, 7th, 11th and 12th characters are required to be numeric. The process of specifying the alphabetic or numeric nature of certain characters is called fixing the format, and is utilized to facilitate the recognition by clerks and others of errors in transcribed VINs at the earliest possible moment. For example, the appearance of an alphabetic character in the 7th position of a VIN with a fixed format would be a clear indication of a transcription error.

Volkswagen of America (Volkswagen) submitted a petition for reconsideration requesting the agency to delete the fixed format requirements for the VIN. In support of its position, Volkswagen points out, as it has in response to previous notices, that a fixed format is only useful when the error in transcription involves the substitution of the wrong type of character, i.e., alphabetic for numeric or vice versa. Substitution of erroneous characters of the same type, e.g., a "7" for a "9", would not be discovered. Likewise, Volkswagen points out that fixing the format for only lightweight trucks and lightweight multipurpose passenger vehicles results in confusion unless the weight of the vehicle is known. Volkswagen believes this occurs because some trucks and multipurpose passenger vehicles will have a fixed format (10,000 pounds GVWR or less) and others will not have a fixed format (more than 10,000 pounds GVWR). Thus, a "4" in the 4th position of a truck of 8,000 pounds GVWR would indicate an error, but the same number in the same position for a truck of 18,000 pounds

GVWR might not represent an error. Finally, Volkswagen states that placing the check digit following the 8th character rather than the 3rd character as proposed in Notice 7 (43 FR 52268) limits the use of the 2nd and 3rd sections of the VIN as one informational unit, further restricting its utility. Volkswagen requested, therefore, that the check digit be placed after the 3rd character.

As the NHTSA explained in Notice 7 (43 FR 52258) and Notice 8 (44 FR 17489), the use of the check digit process identifies almost all VIN transcription errors. Nonetheless, the use of the check digit also requires a mechanical processor of some kind; the mathematical steps cannot be carried out in an individual's head. An important segment of VIN users, particularly motor vehicle administrators and the insurance industry, believe it important that some process exist which will allow clerks and others at the time of entry of the VIN into the data processing system to check with the individual providing the VIN if an error has been made in transcription. Without this ability, a State agency receiving an erroneous VIN would be faced with having to take the time and trouble to locate and contact the individual who provided the VIN instead of being able to consult with the individual on the spot and correct the error. The Agency adopted the fixed format to meet this need, although it acknowledges that few errors will be discovered which could not be discovered at a later stage by utilizing the check digit procedure. Volkswagen has presented no information which would alter the agency's determination in this regard.

The Agency has concluded that the usefulness of the fixed format system will not be compromised by mandating its use only for those trucks and multipurpose passenger vehicles whose GVWR is 10,000 pounds GVWR or less. The number of erroneous transcriptions for trucks and multipurpose passenger vehicles of more than 10,000 pounds GVWR should be small, as these vehicles do not make up a substantial portion of the vehicle population. Should any confusion arise, either the supplementary information submitted on the form along with the VIN or a direct question to the still-available transcriber would resolve the matter.

The NHTSA has also denied Volkswagen's petition concerning check digit location. While placing the check digit after the 8th character does separate the second and third sections of the VIN, it is clear that the third section changes with each vehicle since this section contains the vehicle's sequential number. The first and second sections, however, remain constant among large numbers of vehicles since they reflect general characteristics. Consequently, the agency reaffirms its conclusions that the check digit should follow the 8th character to maintain the integrity of the first and second sections of the VIN and to allow for the prestamping of those sections when appropriate.

Effective Date

The Recreational Vehicle Industry Association (RVIA) submitted a petition for rulemaking on August 16, 1979, requesting a 3-month extension of the date by which manufacturers must submit unique identifiers to the agency. The date established by the March 22, 1979, notice for submission of the identifiers was September 1, 1979. RVIA based its petition on the reported confusion of some of its members concerning the unique identifiers and on its then recent learning that NHTSA had awarded a contract to the Society of Automotive Engineers to act as the agency's agent in acknowledging and/or assigning unique identifiers to manufacturers.

To ensure widespread public knowledge and understanding of the SAE contract and the SAE's role in the assigning of manufacturer identifiers, the agency published a notice announcing the contract in the **Federal Register** (44 FR 52783; September 10, 1979). In particular, the notice stated that:

> The SAE is the assigner of World Manufacturer Identifiers on behalf of the International Standards Organization. As such, it has assigned more than 700 three character identifiers to motor vehicle manufacturers. These identifiers have been submitted to the NHTSA pursuant to S4.5.1 and S6.1. In assigning these identifiers, the SAE has gained considerable experience in the process of manufacturer identification. For this reason, the agency has determined that it would be more efficient and effective to contract with the SAE to act as its agent in acknowledging and/or assigning manufacturer identifiers to the remaining vehicle manufacturers.
>
> All requests for the manufacturer identifiers should be forwarded directly to: Society of Automotive Engineers, 400 Commonwealth Avenue, Warrendale, Pennsylvania 15096, Attention: Leo Ziegler.
>
> Manufacturer identifiers will be supplied at no charge. Manufacturers need not request a particular identifier. Requests for the assignment of specific identifiers can be forwarded to the SAE, however, and these identifiers will be assigned by SAE if they do not conflict with an identifier already assigned or a block of identifiers already reserved. Identifiers supplied directly to the agency by manufacturers have been forwarded to the SAE.
>
> Manufacturer identifiers assigned by the SAE need not be submitted to the NHTSA. The NHTSA, of course, retains final authority over the assignment process, and any questions should be referred to the agency.

The agency has decided to change the deadline for submission of the manufacturer identifiers from September 1, 1979, to February 24, 1980, to ensure that all manufacturers have sufficient time to work with the SAE in the selection and submission of their identifiers. In making this change, a major consideration of the agency is that the change has no effect on the implementation of the revised VIN for the 1981 model year. Since this change relieves a restriction and does not adversely affect parties which will utilize the revised VIN, the agency has determined that notice and comment are not necessary.

Fruehauf Corporation (Fruehauf) and Rolls-Royce Motors International (Rolls-Royce) have submitted petitions for rulemaking to amend Standard No. 115 by extending the effective date. Rolls-Royce has requested that it not be require to affix the VIN mandated by the standard until its model year changeover date which will occur prior to January 1, 1981, and subsequent to the current effective date of September 1, 1980. Fruehauf has requested that the effective date be made January 1, 1981, as that is its model year changeover date.

Both manufacturers present a number of financial and technical arguments in support of their petition. Fruehauf faces a particular problem in this regard, as the firm is currently installing a new computer system. Since orders for heavy trucks are now being accepted for delivery after September 1, 1980, the company will be obligated to assign to each of these vehicles the current 9 character VIN and the 16 character plus check digit VIN required by Standard No. 115. This will also require either programming the new computer to manipulate both a 9 and 17 character VIN, or maintaining the old computer system in parallel with the new system for three additional months. Regardless of the technical method chosen to solve this problem, Fruehauf will also incur the cost of training its personnel to deal with the dual system. Fruehauf estimates its cost associated with this problem to be $231,000.

Fruehauf also argues that use of two VIN systems during the same model year gives rise to a number of physical and logistical problems. If two systems are to be used, it must determine if a vehicle when ordered is to be produced

prior to September 1, 1980 (in which case it would be assigned a 9 character VIN), between September 1, 1980 and January 1, 1981 (in which case it would be assigned both a 9 character VIN and a 17 character VIN), or after January 1, 1981 (in which case it would be assigned a 17 character VIN). Delays or alterations in the manufacturing sequence could cause substantial complications. Since the VIN is used for a number of purposes during the manufacturing process, intracompany forms would also have to be redesigned to indicate both VINs. Further, customer invoices and manufacturing documentations would have to utilize the 17 character VIN, but internal cost, accounting and recordkeeping would have to utilize the 9 character VIN.

The petition of Rolls-Royce articulated similar problems. Of particular concern to Rolls-Royce were problems involving recordkeeping, service reporting, production and general confusion arising from the need to alert personnel to the changes and use of the two different VIN systems for the same model year.

The agency has concluded that these petitions should be granted, to the extent decribed below. The initial effective date of September 1, 1980, for Standard No. 115 was chosen by the agency because this is the model year changeover date for most vehicles manufactured in the United States. The agency considers it extremely important that this date not be delayed to avoid the problems inherent in effecting a new VIN system in the midst of a model year.

For this very reason, however, the agency is concerned that the use of two entirely different VIN systems by some manufacturers for the same model year will result not only in the problems suggested in the Fruehauf and Rolls-Royce petitions, but also will give rise to confusion in recall campaigns and other areas. Likewise, the agency is concerned about the added costs necessitated by VIN users having to maintain two separate VIN systems, and the means to decode these systems, for the same model year. Further, additional costs to implement the standard will result from the inability of these manufacturers and others similarly situated to coordinate the changes required by the standard with other changes normally made to their vehicles on the model year changeover date.

The agency has also concluded that any adverse effect on safety of a modified effective date for manufacturers whose model year changeover date falls between September 1, 1980, and January 1, 1981, will be negligible, and outweighed by the safety benefits. The number of vehicles which will be affected is small, and the VIN currently used by the manufacturers will be continued in place for the several months involved in the amendment. For these reasons, the agency has concluded that the effective date for Standard No. 115 for manufacturers whose model year changeover date falls between September 1, 1980 and January 2, 1981, should be that model year changeover date. The effective date for all other manufacturers remains September 1, 1980.

Engine Horsepower Rating

American Honda Motor Co., Inc. (Honda) and Volkswagen have asked the agency to interpret the requirement that engine net horsepower be decipherable from the VIN to allow for a slight variation in the actual horsepower from that reported to the agency.

Table 1 of S4.5.2 of Standard No. 115 sets forth the information for each type of vehicle which must be decipherable from the VIN. Except for trailers, the VIN for all types of vehicles must encode "engine type". "Engine type" is defined in S3 of the standard as "a power source with defined characteristics such as fuel utilized, number of cylinders, displacement, and net brake horsepower." In addition, the VIN for motorcycles must reflect net brake horsepower.

Honda and Volkswagen have pointed out to the agency that a particular engine's horsepower may vary slightly from others of the same manufacturer and model depending upon its method of installation. The agency has also been informed in comments to the docket that engines which are essentially the same, particularly in trucks, may have slightly differing horsepower ratings depending on the requirements of the ultimate purchaser of the vehicle. Further, in the case of Honda, the difference may be as great as 20 percent because of engine modifications to meet necessary requirements of the State of California. To encode in the VIN slight differences in horsepower ratings would be an inefficient use of its information carrying capacity, the manufacturers argue.

The NHTSA concurs in this evaluation. The purpose of the horsepower rating requirement is to obtain information for accident and fuel economy research, and it is not necessary to have precise horsepower ratings for these purposes. Consequently, the agency is amending the standard to provide that the value for engine net brake horsepower encoded in the VIN may differ, with one exception, by 10 percent from the actual net brake horsepower. Motorcycles whose horsepower rating is 2 brake horsepower or less may not be indicated as being above that rating and motorcycles whose horsepower rating is above 2 brake horsepower must so indicate. The purpose of this exception is to preserve the distinction in the VIN between motorcycles and mopeds. It should also be noted that the permissible deviation margin cited above is only authorized for Standard No. 115, and does not apply to other standards.

The agency has considered the economic impact of this final rule and determined that is is not significant within the meaning of Executive Order 12044 and the Department of Transportation's policies and procedures for implementing that order. The agency has determined further that the impact is so minor as not to require preparation of a written evaluation of it. This is because the amendments impose no new costs upon manufacturers and seeks to lessen the difficulties of compliance with the Standard.

The principal authors of this notice are Frederic Schwartz, Jr. of the Office of Chief Counsel and Nelson Erickson of the Office of Vehicle Safety Standards.

In consideration of the foregoing, Standard No. 115, 49 CFR 571.115, is amended as follows:

1. Table I in S4.5.2 is amended to read as follows:

Table I—Type of Vehicle and Information Decipherable

Passenger car: Line, series, body type, engine type,[1] and restraint system type.
Multipurpose passenger vehicle: Line, series, body type, engine type,[1] and gross vehicle weight rating.
Truck: Model or line, series, chassis, cab type, engine type,[1] brake system and gross vehicle weight rating.
Bus: Model or line, series body type, engine type,[1] and brake system.
Trailer: Type of trailer, series, body type, length, and axle configuration.
Motorcycle: Type of motorcycle, line, engine type,[1] and net brake horsepower.[1]
Incomplete vehicle: Model or line, series, cab type, engine type,[1] and brake system.

[1] Engine net brake horsepower encoded in the vehicle identification number shall differ by not more than 10 percent from the actual net brake horsepower; shall, in the case of a motorcycle with an actual net brake horsepower of 2 or less, not be more than 2; and shall, in the case of a motorcycle with an actual brake horsepower greater than 2, be greater than 2.

2. S6.1 is revised to read as follows:
S6.1 Manufacturers of motor vehicles subject to this standard shall submit, either directly or through an agent, the unique identifier for each make and type of vehicle it manufactures by February 24, 1980.

(Sec. 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 February 19, 1980.

Joan Claybrook

Administrator.

[FR Doc. 80–5625 Filed 2–20–80; 9:05 am]

BILLING CODE 4910–59–M

Proposed Rules

Federal Register
Vol. 45, No. 38
Monday, February 25, 1980

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

Handling of Filberts Grown in Oregon and Washington; Administrative Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would change the marketing policy year and make conforming changes in reporting requirements. The action should give handlers more flexibility in obtaining "resticted" credit under filbert marketing order volume regulations.

DATES: Written comments to this proposal must be received by March 13, 1980.

ADDRESS: Written comments should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, (202) 447-5053.

SUPPLEMENTARY INFORMATION: Notice is given to amend Subpart—Administrative Rules and Regulations (7 CFR 982.432-982.471) by adding § 982.417 and revising §§ 982.466 and 982.468. This subpart is issued under the marketing agreement, as amended, and Order No. 982, as amended (7 CFR 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are collectively referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based on recommendations of the Filbert Control Board and the Department.

Currently, § 982.17(b) defines "Marketing policy year" to mean the 12 months from August 1 to the following July 31, both inclusive, or such other period of time as may be recommended by the Board and established by the Secretary. Pursuant to this authority, the Board has recommended that the marketing policy year be changed to begin May 1 and end April 30. The purpose of this proposal is to encourage more shelling or exporting of filberts by handlers during May, June or July.

In most years, the quantity of filberts produced in Oregon and Washington exceeds the domestic trade demand for inshell filberts. The order authorizes the establishment of volume regulations to tailor the quantity of inshell filberts which may be shipped during the marketing policy year to meet this demand. Thus, whenever volume regulation is in effect for a marketing policy year, a handler shipping inshell filberts to the domestic market incurs an obligation to withhold from handling a requisite quantity of inshell filberts. Withheld inshell filberts may be shelled or exported.

Handlers disposing of filberts in restricted outlets (i.e., shelling or exporting) in excess of their obligations obtain excess credits. Excess credits may be transferred to other handlers but cannot be carried forward into the succeeding year. Thus, there is no incentive for these handlers to shell or export their inventory during the remainder of the marketing policy year because they would only be producing excess credits. In that situation, handlers tend to hold their inventories until the beginning of the next marketing policy year (currently beginning August 1) so they could obtain credit for exporting or shelling filberts in the new year.

By changing the beginning date of the marketing policy year to May 1, handlers would be able to amass credits for any filberts exported or shelled during May, June, and July and apply these to any restrictive obligations incurred later in that season.

As a conforming change, the proposal also is to revise § 982.468. Currently, that section provides in part, that each handler report to the Board on FCB Form 6 the handler's inventory of filberts as of January 1 and August 1, respectively. Under the proposal, a handler would also be required to report inventory as of May 1.

The Department proposes that § 982.466 be revised to have handlers report the quantity of shelled filberts withheld by them. Currently, that section requires handlers to make periodic reports of inshell filberts handled and withheld. The marketing order has been amended since this rule was established to authorize handlers to withhold shelled filberts in lieu of merchantable filberts for the purpose of meeting the restricted obligation under the volume regulations. While handlers are supplying the Board with information on the quantity of shelled filberts withheld, § 982.466 should be revised, as proposed, to bring it into conformity with current order requirements and industry practice.

These have been reviewed under USDA criteria for implementing Executive Order 12044. It is being published with less than a 60-day comment period because the final regulation would become effective by May 1, 1980, and handlers would need to know of any change in the marketing year as soon as possible. A determination has been made that this action should not be classified "significant". A Draft Impact Analysis is available from J. S. Miller, (202) 447-5053.

The proposal is to amend Subpart—Administrative Rules and Regulations (7 CFR 982.432-982.471) as follows:

1. Section 982.417 is added to read as follows:

§ 982.417 Marketing policy year.

"Marketing policy year" means the 12 months from May 1 to the following April 30, inclusive.

2. Section 982.466 is revised to read as follows:

§ 982.466 Reports of filberts handled, shelled and withheld.

Each handler shall report to the Board on FCB Form 1 the quantities of inshell filberts handled or withheld for exporting or shelling, and certified shelled filberts withheld since the last report. With respect to any such filberts handled and withheld during October, November, and through the Wednesday subsequent to December 15, such reports shall be submitted each Thursday for weekly shipments through the preceding Wednesday. All other reports shall be submitted at the end of each month. The quantities of inshell filberts handled shall be reported by size and the

respective quantities of merchantable and ungraded filberts withheld shall be reported separately, and with respect to filberts certified for shelling, or certified kernels withheld, the kernel weight and inshell equivalent weight shall be reported separately.

3. Section 982.468 is revised to read as follows:

§ 982.468 Report of filbert receipts, disposition, and inventory.

(a) On or before January 15 and August 5, each handler shall report to the Board on FCB Form 7, the handler's receipts and disposition of inshell filberts and production of filbert kernels during the respective preceeding periods of August 1 to December 31, and August 1 to July 31.

(b) On or before January 15, May 10 and August 5, each handler shall report to the Board on FCB Form 6 the handler's inventory of inshell and shelled filberts as of January 1, May 1, and August 1, respectively. For inshell filberts, the handler shall show the quantities separately, in terms of certified merchantable, graded uncertified merchantable, restricted ungraded and substandard. The certified merchantable filberts shall be reported on the basis of whether located within or outside the production area and whether or not the restricted obligation has been met.

Dated: February 20, 1980.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 80-5662 Filed 2-22-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Ch. I, 23 CFR Ch. I and II, 33 CFR Ch. I and IV, 41 CFR Ch. 12, 46 CFR Ch. I and III, 49 CFR Ch. I-VI

[OST Docket No. 59; Notice No. 80-2]

Department Regulations Agenda and Review List; Semi-Annual Summary

AGENCY: Department of Transportation.

ACTION: Notice of delay in the publication of the department regulations agenda and review list.

SUMMARY: The Department of Transportation publishes its Regulations Agenda and Review List (the Agenda), which contains a complete list of all pending and proposed rulemaking activity, twice a year in the **Federal Register**. On October 1, 1979, it was announced in the **Federal Register** that the Department's next Agenda would be published today, February 25, 1980. The Secretary of Transportation issued the Agenda February 15, 1980, and it was transmitted to the **Federal Register** the same day. However, the Government Printing Office (GPO) was unable to print the Agenda in time for publication today. Instead, the Agenda will appear in the **Federal Register** this Thursday, February 28, 1980. Persons wishing to inspect a copy of the Agenda before its publication may do so at the address listed below from 9 a.m. to 5:30 p.m. Persons desiring to have a copy of the Agenda mailed directly to them should contact Neil Eisner at the address or telephone number listed below.

FOR FURTHER INFORMATION CONTACT: Neil Eisner, Assistant General Counsel, Office of Regulation and Enforcement, Department of Transportation, 400 7th Street SW., Room 10421, Washington, D.C. 20590, (202) 426-4723.

Mark G. Aron,

Deputy General Counsel.

[FR Doc. 80-5857 Filed 2-22-80; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 79-RM-25]

Alteration of Control Zone and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice of Proposed Rulemaking (NPRM) proposes to alter the control zone and 1,200' transition area at Dickinson, North Dakota to provide additional controlled airspace for aircraft executing the new RNAV runway 14/32 standard instrument approach procedure (SIAP) developed for the Dickinson Municipal Airport, Dickinson, North Dakota.

DATES: Comments must be received on or before March 31, 1980.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division Attn: ARM-500, Federal Aviation Administration 10455 East 25th Avenue, Aurora, Colorado 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT: Pruett b. Helm, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM-530), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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, DC 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 NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The Federal Aviation Administration is considering an amendment to subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone and 1,200' transition area at Dickinson, North Dakota. This proposal is necessary as the present control zone and 1,200' transition area is inadequate in size to contain the new RNAV runway 14/32 standard instrument approach procedure developed for the Dickinson Municipal Airport, Dickinson, North Dakota. Accordingly, the Federal Aviation Administration proposes to amend Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending subpart F, § 71.171 so as to alter the following control zone to read:

Dickinson, North Dakota

Within a 5.5–mile radius of Dickinson Municipal Airport (latitude 46°47'45" N., longitude 102°48'00" W.) and within 3 miles each side of the Dickinson VORTAC (latitude 46°51'36" N., longitude 102°46'23" W.) 013° radial extending from 5.5-mile radius area to 8 miles north of the VORTAC.

By amending subpart G, § 71.181 so as to alter the following transition area to read:

Dickinson, North Dakota

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

Drafting Information

The principal authors of this document are Pruett B. Helm, Air Traffic Division, and Daniel J. Peterson, office of the Regional Counsel, Rocky Mountain Region.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation, and a comment period of less than 45 days is appropriate.

Issued in Aurora, Colorado on February 12, 1980.

I. H. Hoover,

Acting Director, Rocky Mountain Region.

[FR Doc. 80–5639 Filed 2–22–80; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 792 3053]

Commercial Lighting Products, Inc.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require an Englewood, N.J. seller of light bulbs and other products to cease shipping or billing for unordered merchandise; soliciting orders from unauthorized persons; shipping goods that vary in quantity or price from that ordered; offering discounts or sending collection letters to induce payment for unordered merchandise; and transferring alleged delinquent accounts to debt collection agencies after being informed that the merchandise had not been ordered. The firm would be further prohibited from shippping merchandise pursuant to any unsigned purchase order. Should such a form be received, the company would be required to mail to the "Lighting Buyer" of the business an acknowledgment card containing prescribed information and a toll-free number to call should problems arise. Additionally, the order would require that the firm develop the provide relevant personnel with an approved statement of operating principles and practices, and maintain a surveillance program designed to detect those who fail to conform.

DATE: Comments must be received on or before April 25, 1980.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Ave., N.W., Washington, D.C. 20580.

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

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

United States of America Before Federal Trade Commission

[File No. 792 3053]

In the matter of Commercial Lighting Products, Inc., a corporation; Agreement containing consent order to cease and desist.

The agreement herein, by and between Commercial Lighting Products, Inc., a corporation, by its duly authorized officer, proposed Respondent (hereinafter "Respondent") in a proceeding the Federal Trade Commission (hereinafter "Commission") intends to initiate, and its attorneys, and counsel for the Commission, is entered into in accordance with the Commission's rules governing consent order procedures. The accordance therewith the parties hereby agree that:

1. This agreement is for settlement purposes only and does not constitute an admission by Respondent that the facts as alleged in the proposed Complaint attached hereto are true or that any law has been violated.

2. Respondent is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its principal place of business located at 50 East Palisade Avenue, in the City of Englewood, State of New Jersey.

3. Respondent has received notice of the Commission's determination to issue its Complaint charging it with violation of the Federal Trade Commission Act, and, if necessary and appropriate, to seek relief under section 19 of the Federal Trade Commission Act, as amended, and has reviewed a copy of the Complaint the Commission intends to issue, together with a form of order the Commission believes warranted in the circumstances.

4. Compliance with this Order satisfies fully any and all claims for consumer redress which the Commission now has under sections 5(b) and 19 of the Federal Trade Commission Act, as amended, arising out of the acts and practices alleged in the Complaint. By its final acceptance of this agreement with such modifications, if any, which the parties may make prior to said final acceptance, the Commission waives its right to commence a civil action under section 19 of the Federal Trade Commission Act, as amended, with respect to past acts and practices alleged in the Commission's Complaint.

5. Respondent admits all the jurisdictional facts set forth in the said copy of the Complaint the Commission intends to issue.

6. Respondent waives:

(a) any further procedural steps;

(b) the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) all rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this agreement.

7. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of the Complaint contemplated thereby, will be placed on the public record for a period of

sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if, within thirty (30) days after the sixty (60) day period, comments or views submitted to the Commission disclose facts or considerations which indicate that the Order contained in the agreement is inappropriate, improper or inadequate.

8. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of section 2.34 of the Commission's Rules, the Commission may, without further notice to Respondent, (1) issue its Complaint corresponding in form and substance with the draft of the Complaint here attached and its decision containing the following Order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the Order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Mailing of the Complaint and decision containing the agreed-to Order to Respondent's address as stated in this agreement shall constitute service. Respondent waives any right it may have to any other manner of service. The Complaint may be used in construing the terms of the Order.

9. Respondent has read the proposed Complaint and Order contemplated hereby, and understands that once the Order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with this agreement and the Order, and that it may be liable for a civil penalty in the amount provided for by the Federal Trade Commission Act, as amended, for each violation of the Order after it becomes final pursuant to the requirements of 15 U.S.C. § 45 (*l*). No other agreement, understanding or representation not contained in the Complaint, the Order, or this agreement may be used to vary or to contradict the terms of the Order.

Order

As used in this Order, a requirement to cease and desist from representing or misrepresenting shall include representing or misrepresenting directly or indirectly and by any manner or means.

The provisions of this Order are applicable to the acts and practices of Respondent, Commercial Lighting Products, Inc., a corporation, thorough its agents, representatives and employees and its successors and assigns which are in the lighting business, or through any successor corporation, assign, subsidiary, division, franchisee or other device in connection with the advertising, offering for sale, sale or distribution of light bulbs or other Products in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, as amended.

For purposes of this Order the following definitions shall be applicable:

"Person" shall mean a recipient of Products from the respondent or the recipient of any telephonic, written or other type of communication from Respondent in connection with the advertising, offering for sale or sale of Products, as defined. Provided, however, that Person shall not mean a natural person, business establishment or institution which does not purchase said Products for consumption (*i.e.*, independent jobbers or wholesalers).

"Respondent" shall mean Commercial Lighting Products, Inc. through its agents, representatives, employees and its successors and assigns, which are in the lighting business, or through any successor corporation, subsidiary, division, franchisee or other device. It shall not include Respondent's Canadian subsidiary or any other foreign subsidiary, division or franchisee, if they do not sell substantial amounts of Products to Persons in the United States. In addition, Respondent shall not mean any unrelated wholesalers, jobbers or persons not affiliated with Respondent, nor shall any part of this Order be construed to include the acts or practices of such persons. Provided further, that Respondent shall not mean a successor to, or assign of, Commercial Lighting Product, Inc. into which Commercial Lighting Product, Inc. is liquidated pursuant to section 332 of the Internal Revenue Code: where such successor or assign in good faith receives distributions in complete liquidation of Commercial Lighting Products, Inc. and such successor or assign no longer carries on the business of Commercial Lighting Products, Inc. in any way.

"Products" shall mean light bulbs, fluorescent tubes or any lighting equipment or any other merchandise currently sold by Commercial Lighting Products, Inc. or sold by Commercial Lighting Products, Inc. in the future.

"Shipping" shall mean sending, or causing to be sent, any Products by mail or by any carrier or by any means.

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It is ordered that respondent cease and desist from:

1. Shipping Products or causing Products to be shipped, without the expressed request or consent of a Person.

2. Mailing, or causing to be mailed, a bill to a Person for Products which have been shipped without the prior expressed request or consent of the Person.

3. Soliciting an order for Products from any Person without first making a good faith effort to determine whether such Person is authorized to order said Products in the dollar amount of said order.

4. Shipping Products to a Person in larger quantities than ordered or at prices greater than prices quoted at the time of the order.

5. Offering discounts to induce Persons who allege that they received unordered Products from Respondent to accept, retain, or pay for said Products until after a bona fide effort has been made to ascertain whether or not the Products were unordered.

6. Shipping, or causing to be shipped, a collection letter to a Person to whom Products have been shipped without the prior expressed request or consent of such Person.

7. Transferring, or causing to be transferred, to a debt collection company, credit bureau or any credit reporting agency, the alleged delinquent account of a Person who has informed Respondent that the Products involved were not ordered, until after a bona fide effort has been made to ascertain whether or not the Products were unordered.

Provided however, that Respondent may act in accordance with the exceptions set forth in the Postal Reorganization Act, 39 U.S.C. § 3009, as amended or modified.

Provided further, however, that for purposes of this Order, no Products shall be deemed to have been shipped without the prior expressed request or consent of a Person if the procedures outlined below in Parts III and IV of this Order have been complied with and the acts enjoined in Part II of this Order have not been committed in connection with the shipping of such Products.

It is further ordered that Respondent cease and desist from representing that:

1. The individual contacting a Person being solicited is a friend or acquaintance or has been referred by another individual in the business or institution of the Person solicited or that Respondent has supplied light bulbs or other Products to such Person or such Person's business establishment or institution in the past unless such is the fact.

2. Any Person from whom an order for Products is solicited is being contacted for the purpose of offering him a free gift unless such is the fact.

3. The quantity or price of Products that will be shipped by Respondent in connection with soliciting any Person's consent to receive said Products is less than the quantity or the price of the Products that will be shipped. However, Respondent shall not be deemed to have violated this subsection if it shows that such quantity or price variance was the result of a clerical error.

4. Respondent will send or has sent a notice of an alleged delinquent account to a debt collection company, credit bureau, credit reporting agency, attorney or other individual or entity unless such is the fact.

III

It is further ordered that:

1. Respondent shall not mail or otherwise ship Products pursuant to any order which does not include on the order form, in addition to any other information, the following information in legible form: (a) the name of the individual who ordered the Products; (b) the job title of the individual who ordered the Products; (c) the quantity of each item ordered; (d) the unit price of each item and the total price of the order; (e) the date said individual order the Products; (f) whether the order was taken on the telephone or in person; (g) whether the individual placing the order signed the order; (h) whether the individual placing the order has received a copy of the order; (i) the name of the salesman or other individual who wrote the order; and (j) whether the individual who ordered the Products states that he has ordered any such Products from Respondent in the past.

2. Respondent will utilize an "Acknowledgment" form which will be addressed to the attention of "Lighting

Buyer" of the Person in question, which will contain the information required by items (a) through (j) of Part III, paragraph 1 above, and a notice that if there is any problem with the order, the Person may call Respondent on a free "800" telephone number listed conspicuously on the Acknowledgment. The Acknowledgment will be sent by first class mail to the Person. Respondent will not ship Products to the Person within ten days after mailing of the Acknowledgment. (A representative copy of the Acknowledgment form is attached hereto as Appendix A.)

3. Respondent shall not ship Products to any Person who informs Respondent, before said Products are shipped, that the merchandise allegedly ordered was not ordered.

Provided, however, that the provisions of paragraphs 1–3 above shall not apply where Respondent has received a signed order from a Person on the Person's purchase order or similar form.

4. Respondent shall retain for a period of two (2) years each written communication of the type referred to in Part III, paragraph 2 of this Order and each letter sent by Respondent in response to any communication of the type referred to in Part III, paragraph 3 of this Order, as well as all other written complaints alleging receipt of unordered merchandise, and shall make said communications and letters available to the Commission's staff for inspection and copying upon request.

IV

It is further ordered that:

1. Respondent adopt a Statement of Operating Principles and Practices ("Statement") as set forth in Appendix B, and deliver a copy of this Statement to each of its employees, salesmen, agents, solicitors, problem solvers, collectors, customer service personnel and all other individuals who communicate with Persons in connection with the offering to sell or the terms of sale of Respondent's Products to Persons, the requesting of payment, or the handling of complaints that Products shipped were allegedly unordered.

2. Respondent provide each individual described in Part IV, paragraph 1 of this Order with a form to be signed and returned to Respondent, clearly stating his intention to be bound by and to conform his business practices thereto during the period said individual is so engaged and for a period of two (2) years thereafter, and make said forms available to the Commission's staff for inspection and copying upon request.

3. Respondent will not use or engage or will terminate the use or engagement of any such individual described in Part IV, paragraph 1 of this Order who does not sign said Statement.

4. Respondent discontinue dealing with or terminate the use or engagement of any individual described in Part IV, paragraph 1 of this Order who continues on his own any act or practice prohibited by this Order.

5. Respondent shall forthwith distribute a copy of this Order to each of its divisions or subsidiary corporations that is involved in the offering for sale, sale or distribution of Products to Persons.

6. Respondent institute a program of continuing surveillance satisfactory to the Commission designed to reveal whether the individuals described in Part IV, paragraph 1 of this Order are conforming to the requirements of this Order as incorporated in the Statement.

V

It is further ordered that:

1. Respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the Respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of which may affect compliance obligations arising from this Order.

2. Respondent shall within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Appendix A

[letterhead with return address]

Acknowledgement of Order

To: Lighting Buyer

Items ordered	Quantity	Unit price	Total
Total price of order			

Order placed by _____

Title of individual who placed order _____

Date of order _____

Order was placed (circle one): In Person By Telephone

Did individual placing the order sign it? Yes No

Did individual placing the order receive a copy of it? Yes No

Name of salesperson or other person who wrote the order _____

Did the individual who placed the order state that she/he had ever ordered any such products from Commercial Lighting Products, Inc., AAA Lighting or Pennstar in the past?

Important: If there is any problem with this order, you may call us toll free at 800–xxx–xxxx.

Appendix B

Commercial Lighting Products, Inc., statement of Operating Principles and Practices

As an employee of Commercial Lighting Products, Inc. ("CLP") you should know the Principles and Practices upon which CLP operates and expects its emloyees to operate.

The success of CLP is based on customer good will and belief in CLP's products. Unfair and unethical sales practices undercut this success, and will not be tolerated by CLP.

Specifically, the following acts or practices are both unethical and unlawful, and will not be tolerated by CLP:

1. The sending of products without the expressed request or consent of the customer.

2. Sending a bill to a customer for products that have been shipped without the prior expressed request or consent of the customer.

3. Soliciting an order for products from any potential customer without first making a good faith effort to determine whether such person is authorized to order products in the dollar amount of the order.

4. Sending products to a customer in larger quantities than ordered or at prices greater than prices quoted at the time of the order.

5. Offering discounts to induce customers who say they received unordered products from CLP to accept, retain, or pay for the products, until after a bona fide effort to ascertain whether or not the products were unordered.

6. Sending a collection letter to a customer for products which have been shipped without the prior expressed request or consent of the customer.

7. Transferring in any way to a debt collection company, credit bureau or any credit reporting agency, a delinquent account of a customer who has informed CLP that the products involved were not ordered until after a bona fide effort to ascertain whether or not the products were unordered.

8. Telling a potential customer that the individual contacting the customer is a friend or acquaintance or has been referred by another individual in the business or institution of that potential customer, or stating that CLP has supplied light bulbs or other products to the potential customer or the potential customer's business establishment or institution in the past unless such is the fact.

9. Telling a potential customer that he or she is being contacted for the purpose of offering him or her a free gift unless such is the fact.

10. Telling any potential customer the quantity or price of products that will be shipped by CLP is less than the quantity or the price of the products that will be shipped.

11. Telling any customer that CLP will send or has sent a notice of an alleged delinquent account to a debt collection company, credit bureau, credit reporting agency, attorney or other person or entity unless such is the fact.

In addition, CLP requires that an order shall not be mailed or shipped unless the order is legibly written on a properly completed CLP order form, or CLP receives a signed order on the customer's purchase order or similar form.

Furthermore, those CLP procedures which make it obligatory that CLP not ship products to a customer until 10 days after the mailing of the CLP "Acknowledgment" form, must be strictly adhered to. It is CLP's policy to keep these Acknowledgment forms.

Finally, it is also CLP's policy to keep all correspondence between CLP and persons who say they received unordered merchandise from CLP. If you engage in any such correspondence or have custody of any such correspondence, you must not destroy it unless CLP gives you authority to do so in writing.

These procedures and practices are required by CLP and are mandatory. You will be discharged if you do not adhere to them.

I will be bound by this Statement of Operating Principles and Practices and will act accordingly.

Date:

_____

Analysis of Proposed Consent Order to Aid Public Comment

[File No. 792 3053]

Commercial Lighting Products, Inc.

The Federal Trade Commission has provisionally accepted an agreement to a proposed order from Commercial Lighting Products, Inc. (hereinafter referred to as CLP). CLP is a Delaware corporation. Its former principal place of business was at 1500 Suckle Highway, in the city of Pennsuaken, New Jersey. Its present principal place of business is at 50 East Palisade Avenue, in the City of Englewood, New Jersey.

The proposed consent order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during that period will become part of the public record. After sixty (60) days the Commission will again review the agreement and the comments received and will decide whether it should withdraw the agreement or make final the agreement's proposed order.

The Commission's complaint against CLP alleges that CLP (which also operated under the trade names of AAA Lighting and Pennstar) committed unfair and deceptive acts and practices in violation of Section 5 of the Federal Trade Commission Act through a pattern and practice of making certain misrepresentations in soliciting orders in connection with, among other things, shipping substantial amounts of unordered industrial lighting equipment and other products by common carrier or by mail (average shipment billed at about $200.00) to persons, business establishments and institutions in various states. The complaint also alleges that CLP, in addition to violating Section 5 of the FTC Act, also violated Section 3009 of the Postal Reorganization Act—which also constitutes a violation of the FTC Act—by using the mail to ship light bulbs and other products without the expressed request or consent of the recipients and, also, by mailing bills and collection letters in connection with unordered merchandise. Among other things, the complaint alleges that CLP did the following things:

(1) Illegally shipped unordered merchandise; (2) Illegally collected substantial sums of money for such unordered merchandise; (3) Misrepresented, to persons solicited, that they were being contacted for the purpose of offering them "free" gifts; (4) Misrepresented to persons being solicited that CLP had provided lighting equipment to those persons' companies in the past; (5) Misrepresented the amount or cost of the merchandise that would be shipped; (6) Solicited orders from janitors and other personnel that CLP knew or should have known were not authorized to place orders that, in many cases, exceeded hundreds of dollars in cost; (7) Telephoned persons to allegedly verify orders without revealing quantities of merchandise allegedly ordered or prices thereof and, in a significant number of cases, merely asked for confirmation of a mailing address without informing the persons called that merchandise would be subsequently shipped pursuant to orders allegedly submitted; (8) Falsely claimed that alleged delinquent accounts would be referred or had been referred to an attorney, credit bureau or debt collection company; and (9) Misrepresented that CLP's salesmen are independent contractors and that CLP is not responsible for their actions.

Under Part I of the order, CLP is prohibited from doing the following things:

CLP cannot ship merchandise to anyone, *by mail or by any other means,* without that person's expressed request or consent;

CLP cannot send a bill or collection letter to anyone to whom CLP has sent unordered merchandise (in an effort to try to collect for that merchandise);

A CLP representative cannot solicit an order from anyone unless he first makes a good faith effort to determine whether that person is authorized to order the merchandise in the dollar amount of the order being considered;

When a person advises CLP that the merchandise he received from CLP was unordered, CLP cannot transfer an alleged delinquent account on that merchandise to a credit bureau or collection agency unless CLP has made a bona fide effort to find out whether the merchandise was, in fact, ordered;

CLP cannot ship merchndise to anyone in larger quantities than ordered or at prices higher than quoted;

When a person says he received unordered merchandise from CLP, CLP cannot offer a discount to enourage the person to pay for the merchandise until after CLP has made a bona fide effort to find out whether the merchandise was actually ordered.

Under Part II of the Order, CLP is prohibited from doing the following things:

A CLP representative cannot *falsely* tell a person solicited for an order that CLP has supplied merchandise to that person or his firm in the past or falsely claim to be acquainted with the person solicited or falsely claim that he (the CLP representative) has been referred by someone in the firm of the person being solicited;

When a CLP representative contacts a person for the purpose of soliciting an order, the CLP representative cannot falsely claim he is making the contact for the purpose of offering a free gift;

CLP cannot misrepresent the quantity or price of merchandise that will be shipped;

CLP cannot falsely claim that it will refer or has referred an alleged delinquent account to a credit bureau, attorney, or to any other person or place.

Under Part III of the order, when CLP has *not* received a signed order on a person's purchase order or similar form, CLP cannot ship merchandise to that person unless the alleged order (such as an alleged telephone order) contains certain information. The information required consists of, among other things, the date of the order, the name and job title of the person placing the order, the name of the CLP representative who took the order, and the quantity and unit price of each item ordered. Moreover, whenever CLP has not received a signed order on a person's purchase order or similar form, CLP must mail an acknowledgment form addressed to the "Lighting Buyer" of the business or institution. The acknowledgment form must contain a free "800" telephone number and must provide certain price and other information about the alleged order. CLP cannot ship any of the merchandise allegedly ordered until ten (10) days after mailing the acknowledgment form. If the person who receives the acknowledgment from notifies CLP that the merchandise was not ordered before CLP ships the merchandise, CLP may not ship the merchandise.

Under Part IV of the order, CLP must develop a written statement of operating principles acceptable to the Commission. A copy of CLP's proposed statement is shown as Appendix A of the order. The operating principles must include a statement that shipping unordered merchandise is unlawful and that procedures and practices outlined in Part III of the order are mandatory. CLP must deliver a copy of the operating principles to salesmen and other persons who communicate with customers. CLP may not hire or retain anyone who fails to sign the statement of operating principles and must terminate or discontinue dealing with anyone who on his own continues any act or practice prohibited by the consent order. Moreover, CLP must use a program of continuing surveillance, satisfactory to the Commission, designed to reveal whether salesmen or

certain other persons are following the requirements of the order.

Part V of the order requires CLP to file a written report of compliance with the Commission, within sixty (60) days after service upon it of this order. Also, CLP must notify the Commission at least thirty (30) days prior to any proposed change in its status which may affect its compliance obligations under the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify their terms in any way.

Carol M. Thomas,

Secretary.

[FR Doc. 80-5688 Filed 2-22-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Chapter I

[Docket No. R-80-770]

Implementation of Title VIII, Civil Rights Act of 1968

AGENCY: Department of Housing and Urban Development/Office of the Assistant Secretary for Fair Housing and Equal Opportunity.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Secretary is considering the adoption of rules to implement Title VIII of the Civil Rights Act of 1968 prohibiting discrimination on the basis of race, color, religion, sex or national origin when selling, renting or financing housing or when providing brokerage services. These rules would supplement 24 CFR Part 105, the Fair Housing Regulation, which established the procedures for the implementation of Title VIII.

This notice invites public comments on possible alternatives to rulemaking and on specific issues which a rulemaking proceeding should consider.

DATE: The Secretary will accept all relevant comments received on or before March 25, 1980.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410. Please refer to the docket number shown in the heading of this notice.

FOR FURTHER INFORMATION CONTACT: Marianne Freeman, Special Assistant, Assistant Secretary for Fair Housing and Equal Opportunity, room 5108, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone: 202-755-6113. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On August 1, 1979 the Secretary published HUD's semiannual agenda of significant regulations, (44 CFR 45344) giving notice that significant regulations are being considered with respect to: discrimination in the financing of housing, discrimination in real estate practices, conduct which constitutes steering, residential redlining, discrimination in appraisal practices, discrimination in property insurance practices, zoning and land use practices, and affirmative administration of programs relating to HUD. This notice invites early public comment with respect to rulemaking in these matters. In view of the need to issue these rules as soon as possible, the comment period for this notice is being limited to 30 days.

The matters for which respective rules are being considered are the following:

1. Discrimination in Financing of Housing. this rule would indicate the Department's view of conduct considered unlawful under Section 805 of the Civil Rights Act of 1968 and would require the collection of data by financial institutions on the race, national origin, and sex of applicants for loans or other assistance related to dwellings.

2. Discrimination in Real Estate Practices. This rule would inform persons engaged in the marketing of real estate for sale or rental of their responsibilities with respect to fair housing in solicitation, sales advertising, marketing and the provision of services. It would also provide advice regarding access or membership in multiple listing services and real estate brokers' organizations.

3. Conduct Which Constitutes Steering. This rule would describe real estate practices which constitute steering on the basis of race, color, religion, sex or national origin and which may be in violation of Title VIII.

4. Unlawful Zoning and Land Use Practices. This rule would describe the applicability of Title VIII of the Civil Rights Act of 1968 to zoning and land use practices and would indicate the tests to be used by HUD in determining whether a violation has occurred.

5. Prohibited Appraisal Practices. This rule would provide guidance to persons regarding HUD's interpretation under Title VIII of proper standards and policies concerning the appraisal of dwellings and would advise appraisers and the public of HUD's position concerning practices, procedures, and methods of appraisal which can constitute a violation of Title VIII.

6. Residential Redlining. This rule would indicate HUD's interpretation of Section 804(a) of the 1968 Civil Rights Act with respect to redlining and would set forth the tests to be applied by the Department in investigating allegations of redlining based on race, color, religion, sex or national origin.

7. Discrimination in Property Insurance Practices. This rule would describe the coverage of Title VIII of the Civil Rights Act of 1968 with respect to the availability of property insurance and would advise the public as to the tests which HUD will apply in complaint investigations to determine whether violations of Title VIII have occurred.

8. Affirmative Administration of Federal Programs Relating to Housing and Urban Development. This rule would set forth HUD's interpretation of the Title VIII mandate to administer programs relating to housing and urban development in a manner that affirmatively furthers the purposes of fair housing. It would also identify the nature and types of action HUD will take in the administration of its programs to enhance their impact on the provision of fair housing.

HUD has already received unsolicited comments and advice on the issuance of proposed rules from public interest and civil rights groups, industry representatives, and other government agencies. This information, which is being included in the formal docket file for public information, will be considered together with information gained from experience in administering Title VIII.

Interested persons are invited to comment on the need for rulemaking and whether there may be practical alternatives to regulation. HUD invites comments regarding the types of practices which should be subject to the regulations (such as practices which would constitute steering or redlining) and actions persons and businesses can take in the areas involved in the regulations. Comments addressing methods to minimize costs associated with compliance, comments on the existence of data already available with regard to equal housing opportunity, and comments on the relationship of any new requirements under these rules to existing requirements under other authorities are also solicited. Comments should specify, to the extent possible, the general area of rulemaking, as described above, to which they are

addressed. All comments received will be carefully reviewed, although the Secretary reserves the right to address those issues of the greatest practical impact and relevance.

If the decision upon close of the comment period is not to proceed with a certain rule or all of the rules under consideration, termination of this proceeding will not prejudice or foreclose any future rulemaking which the Secretary may initiate with respect to these matters.

It is not expected that a rule being considered in this proceeding would have major consequences for the general economy or for individual industries, geographic regions or levels of government. Nor would this rulemaking require an Environmental Impact Statement in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality.

(Sec. 7(d) of the Department of Housing and Community Development Act of 1965, 42 U.S.C. 3535(d) and Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 et seq.)

Issued at Washington, D.C., February 15, 1980.

Sterling Tucker,

Assistant Secretary, Fair Housing & Equal Opportunity.

[FR Doc. 80-5721 Filed 2-22-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD 79-118]

Establishment of Special Anchorage Area, Manatee River, Bradenton, Fla.

Correction

In FR Doc. 80-5174, appearing in the issue of Tuesday, February 19, 1980, on page 10813, in the middle column under the undesignated center head **"Discussion of Proposed Regulation,"** the fifth paragraph down, the fourth line down, correct "§ 110.74" to read "§ 110.74a".

BILLING CODE 1505-01-M

33 CFR Part 110

[CGD 79-171]

Establishment of Special Anchorage Area Muskegon Lake East, Muskegon, Mich.

Correction

In FR Doc. 80-5177, appearing in the issue of Tuesday, February 19, 1980, on page 10815, the last column, the first full paragraph, designated as (b), the second line, correct the word "aide" to read "side".

BILLING CODE 1505-01-M

33 CFR Part 110

[CGD 79-098]

Enlargement of Special Anchorage Area, Niagara River, Youngstown, N.Y.

Correction

In FR Doc. 80-5171, on page 10810, in the issue of Tuesday, February 19, 1980, at page 10811, the middle column, under **§ 110.85 Niagara River, Youngstown,** N.Y., paragraph (a), the ninth line down, correct "79°03'09"W.; to read "79°03'14"W.;" and on the same page, the same column also under § 110.85, the tenth line correct "southerly" to read "southeasterly".

BILLING CODE 1505-01-M

33 CFR Part 110

[CGD 79-170]

Establishment of Special Anchorage Aren, Duluth—Superior Harbor, Duluth, Minn.

Correction

In FR Doc. 80-5175, on page 10813, appearing in the issue of Tuesday, February 19, 1980, at page 10814, in the first column under **§ 110.77a Duluth—Superior Harbor, Duluth, Minn.,** the seventh line, correct "46°44'2" N.," to read "46°44'21.2" N.,".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1419-1]

Revision to the New York State Implementation Plan; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: General notice of extension of comment period.

SUMMARY: This notice extends the period for comments on the notice, published January 17, 1980 (45 FR 3331) concerning a revision to the New York State Implementation Plan (SIP). This SIP revision will have the effect of allowing the Consolidated Edison Company of New York, Inc. to use fuel oil with a sulfur content of 1.5 percent, by weight, in units 2 and 3 of the Arthur Kill generating facility on Staten Island, New York and unit 3 of the Ravenswood generating station in Queens, New York. The comment period is extended from February 19, 1980 to March 5, 1980, comments received on or before March 5, 1980 will be considered in the final rulemaking.

DATES: This action becomes effective upon publication of this notice.

ADDRESSES: All comments should be addressed to: Charles S. Warren, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007, 212-264-2517.

Dated: February 15, 1980.

(Sections 110 and 301 of the Clean Air Act, amended (42 U.S.C. 7410 and 7601))

Charles L. Warren,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 80-5701 Filed 2-22-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1418-1]

Approval and Promulgation of Implementation Plans: Ohio Sulfur Dioxide Control Strategy

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this Notice is to announce the receipt of a State Implementation Plan (SIP) revision for Ohio, to discuss the results of the United States Environmental Protection Agency (USEPA) review of this revision, and to invite public comment.

On September 12, 1979, the State of Ohio submitted to USEPA a proposed revision of the existing Federally promulgated SIP for the control of sulfur dioxide (SO_2) in Ohio. The review and analysis of the SIP for Ohio for SO_2 has been a complex and demanding task because of the existence of a Federally promulgated SIP, the county by county and source by source nature of the regulations, and the dynamic nature of several of the underlying policy issues involved in the review. One of the major policy issues involved is the acceptability of the 30-day averaging period to determine compliance with emission limits. This notice summarizes

the results of USEPA's detailed review and outlines those actions which are required of the State if the plan is to be fully approvable. The USEPA proposes to approve those portions of the Ohio submittal for which there is an enforceable control strategy that assures the attainment and maintenance of the National Ambient Air Quality Standards for sulfur dioxide. The USEPA proposes to approve some other portions of the submittal only if the State of Ohio provides specified technical information during the comment period. The USEPA also proposes to disapprove those portions of the submittal for which there are deficiencies in the methodology or inadequate technical justification.

The USEPA solicits comments on both the proposed SIP revision and the proposed USEPA action on these revisions from all interested persons.

DATE: Comments on these proposed USEPA actions are due on or before April 25, 1980.

ADDRESSES: Copies of the SIP revision are available at the following addresses for inspection:

United States Environmental Protection Agency, Region V. Air and Hazardous Materials Division, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

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

Ohio Environmental Protection Agency, Office of Air Pollution Control, Division of Authorization and Compliance, 361 E. Broad Street (6th Floor), Columbus, Ohio 43215. (614/466–6040).

Copies of the Docket #5A–80–3 are on file for copying and inspection during normal business hours at USEPA, Region V and at:

United States Environmental Protection Agency, Central Docket Section, Room 2903B, 401 M Street, S.W., Washington, D.C. 20460.

Written Comments Should be Sent to:

Mr. Gary Gulezian, Acting Chief, Regulatory Analysis Section, Air Programs Branch, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

For Further Information Contact:

Ms. Susanne Karacki, Assistant to the Branch Chief, Air Programs Branch, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, 312–886–6030.

SUPPLEMENTARY INFORMATION:

I. Introduction

On September 12, 1979, the Governor of Ohio submitted a *Sulfur Dioxide* (SO_2) Control Plan for the State of Ohio to the U.S. Environmental Protection Agency (USEPA) for inclusion in the State Implementation Plan (SIP) for Ohio. Supplemental Technical Support materials were submitted by the Director of the Ohio Environmental Protection Agency (Ohio EPA) on October 23, 1979, January 10, 1980, and January 28, 1980. On February 12, 1980, the Director of the Ohio EPA submitted the OAC rules 3745–18–01 to 3745–18–94, in final form, as adopted by the Order of November 14, 1979, effective in Ohio December 28, 1979. These regulations are the subject of this Notice of Proposed Rulemaking and supersede the regulations submitted by the Governor on September 12, 1979, that were adopted by the State on August 30, 1979, and were effective August 31, 1979. The Ohio EPA requested that the *Sulfur Dioxide* (SO_2) Control Plan be substituted for the existing Federal regulations and control strategy for sulfur dioxide. The proposed SO_2 SIP is submitted pursuant to the requirements specified in § 110 of the Clean Air Act and 40 CFR Part 51.

The USEPA has extensively reviewed the Ohio Submittal and, by this Notice, the Agency proposes to approve the *Sulfur Dioxide* (SO_2) Control Plan for the State of Ohio as submitted by the Governor on September 12, 1979, except for those portions cited below. Regulations for five counties are still undergoing review. The results of these analyses will be announced in a supplementary proposal when the studies are completed.

USEPA proposes to approve the following Ohio Rules: 3745–18–01 Definitions, 3745–18–02 Ambient Air Quality Standards—Sulfur Dioxide, 3745–18–05 Ambient and Meteorological Monitoring Requirements, 3745–18–06 General Emission Limit Provisions.

The USEPA proposes to disapprove the following Ohio Rules: 3745–18–03(A) Attainment Dates and 3745–18–03(C)(3) Compliance Time Schedules, in part. The USEPA proposes to approve the remaining provisions of 3745–18–03.

The USEPA proposes to disapprove the following Ohio Rules relating to Measurement Methods and Procedures: 3745–18–04(D)(2), 3745–18–04(D)(3), 3745–18–04(E)(2), 3745–18–04(E)(3), and 3745–18–04(E)(4). The USEPA proposes to approve the remaining provisions of 3745–18–04.

USEPA proposes to approve the sulfur dioxide emission limits for the following counties: Adams County (in part), Allen County, Ashland County, Ashtabula County, Athens County, Auglaize County, Belmont County, Brown County, Carroll County, Champaign County, Clark County, Clermont County (in part), Clinton County, Columbiana County, Coshocton County (in part), Crawford County, Darke County, Defiance County, Delaware County, Erie County, Fairfield County, Fayette County, Fulton County, Gallia County (in part), Geauga County, Guernsey County, Hamilton County (in part), Hancock County, Hardin County, Harrison County, Henry County, Highland County, Hocking County, Holmes County, Huron County, Jackson County, Jefferson County, Knox County, Lake County (in part), Lawrence County, Licking County, Logan County, Lorain County (in part), Lucas County (in part), Madison County, Marion County, Medina County, Meigs County, Mercer County, Miami County, Monroe County, Morgan County (in part), Morrow County, Muskingum County, Noble County, Ottawa County, Paulding County, Perry County, Pickaway County, Pike County, Portage County, Preble County, Putnam County, Richland County, Ross County (in part), Scioto County, Seneca County, Shelby County, Tuscarawas County, Union County, Van Wert County, Warren County, Washington County (in part), Wayne County, Williams County, Wood County, and Wyandot County.

USEPA proposes to approve the sulfur dioxide emission limits for the following counties only if the State of Ohio provides certain specified technical information during the comment period and only if the USEPA's review indicates the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide are attained and maintained: Adams County (in part), Butler County, Clermont County (in part), Coshocton County (in part), Cuyahoga County, Franklin County, Gallia County (in part), Greene County, Hamilton County (in part), Lake County (in part), Lorain County (in part), Lucas County (in part), Mahoning County, Montgomery County, Morgan County (in part), Ross County (in part), Sandusky County, Stark County, Trumbull County, Vinton County, and Washington County (in part).

USEPA proposes to disapprove the sulfur dioxide emission limits for Summit County.

A table listing the counties with technical deficiencies is set forth below. A detailed discussion of these deficiencies is set forth later in this Notice.

Summary of Counties With Technically Deficient Emission Limations

County	Deficiency	Whole or part of county	Affected sources	Needed corrective Action
Adams	a. Discare model, monitoring based regs	Part	DP&L, Stuart	Justification.
Butler	a. Incomplete documentation	Whole	All	Justification.
	b. Reserved emission limit	Part	City of Hamilton Power Plant	Justification or regs.
Clermont	a. Discard model, regs based on monitoring	Part	CG&E, Beckjord	Justification.
Coshocton	a. Reserved emission limit	Part	C&SOE, Conesville	Justification or regs.
Cuyahoga	a. Receptor resolution	Whole	All	(Under review by USEPA).
	b. Incomplete documentation	Whole	All	Justification.
Franklin	a. Receptor resolution	Whole	All	(Under review by USEPA).
	b. Incomplete documentation	Whole	All	Justification.
Gallia	a. Secondary standard	Part	OVEC, Kyger Creek OP, Gavin	Justification.
Greene	a. Background	Whole	All	Justification.
Hamilton	a. Incomplete documentation	Part (South western portion of the county).	CG&E, Miami Fort, Montsanto, Gulf Oil, Chevron Asphalt, Dupont.	Justification.
Lake	a. Receptor resolution	Part (eastern rural half)	All but CEI, Eastlake and Ohio Rubber	(Under review by USEPA).
	b. Incomplete documentation	Part (eastern rural half)	All but CEI, Eastlake and Ohio Rubber	Justification.
	c. Typo	Part	Painesville Muny #2, 3, and 4	Justification or correction.
	d. Reserved emission limit	Part	Painesville Muny #5	Justification or regs.
	e. CEI, Eastlake emission limit	Part	CEI, Eastlake	Justification.
Lorain	a. Reserved emission limit	Part	Oe, Edgewater	Justification or regs.
	b. CEI, Avon Lake emission limit	Part	CEI, Avon Lake	Justification.
Lucas	a. No technical support	Part	Phillips Chemical	Justification.
	b. Reserved emission limit	Part	Coulton Chemical	Justification or regs.
Mahoning	a. Reserved emission limits	Whole	All	Justification or regs.
Montgomery	a. Receptor resolution	Whole	All	(Under review by USEPA).
	b. Incomplete documentation	Whole	All	Justification.
Morgan	a. Inadequate documentation	Part	OP, Muskingum River	Justification.
Ross	a. No documentation	Part	Mead Corporation	Justification.
Sandusky	a. Background	Whole	All	Justification.
Stark	a. Receptor resolution	Whole	All	(Under review by USEPA).
	b. Incomplete documentation	Whole	All	Justification.
Summit	a. Receptor resolution	Whole	All	Adequate control strategy.
Trumbull	a. Background	Whole	All	Justification.
Vinton	a. Incomplete documentation	Whole	All	Justification.
Washington	a. No documentation	Part	Shell Chemical	Justification.
	b. Inadequate documentation	Part	OP, Muskingum River	Justification.

The measures proposed for promulgation today will be in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations for any source will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations; or if it chooses, challenging the new regulations. In some instances, the present emission control regulations contained in the Federally approved SIP are different from the regulations currently being enforced by the State. In these situations, the present Federally approved SIP will remain applicable and enforceable until there is compliance with the newly promulgated and Federally approved regulations. Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

This Notice discusses USEPA's review of the proposed Ohio SO_2 SIP in four parts: Introduction, Background, Control Strategy Demonstration, and General Comments.

The Agency solicits comments on both the proposed SIP revision and the proposed USEPA action on these revisions from all interested parties. USEPA also encourages residents and industries in adjoining States to comment on any interstate air quality impacts of the proposed revision.

II. Background

On January 30, 1972, the Governor of Ohio submitted the "Implementation Plan for the Control of Suspended Particulate, Sulfur Dioxide, Carbon Monoxide, Hydrocarbons, Nitrogen Dioxide, and Photochemical Oxidants in the State of Ohio" to the Administrator of the Environmental Protection Agency. This plan was submitted pursuant to section 110 of the Clean Air Act, as amended, which requires States to adopt implementation plans to achieve and maintain the National Ambient Air Quality Standards (40 CFR Part 51). On May 31, 1972 (37 FR 10842), the Administrator approved the Ohio plan with specific exceptions. Subsequently, amendments were submitted which permitted full approval of the plan on September 22, 1972 (37 FR 19806).

On June 28, 1973, the United States Court of Appeals for the Sixth Circuit decided the case of Buckeye Power Company, et al. v. EPA, 481 F.2d 162. The court vacated the Administrator's approval of the Ohio plan and remanded the case to the Agency for compliance with section 553 of the Administrative Procedure Act, as articulated in the court's opinion, viz., to take comments, data or other evidence from interested parties, and to express the basis for ensuing administrative actions.

On August 27, 1973, the Governor of Ohio withdrew from the proposed Ohio plan the control strategy and regulations for control of sulfur dioxide. The remainder of the plan was proposed on November 15, 1973, (38 FR 31543) and was approved on April 15, 1974 (39 FR 13530), with specific exceptions. Because the Governor of Ohio withdrew the originally submitted control strategy and regulations for control of sulfur dioxide, the plan was disapproved in that respect.

On May 30, 1974, the Governor of Ohio submitted a proposed sulfur dioxide strategy and regulations to the Administrator to cure the defects in the Ohio Implementation Plan noted in the April 15, 1974, **Federal Register**, cited above. However, on September 13, 1974, the Ohio Environmental Board of Review overturned a portion of these regulations, thereby rendering them unenforceable. Since the plan for control of sulfur dioxide could no longer be effectuated as designed by the State, the

Administrator deemed it an ineffective submission and no further rulemaking action was taken. The Governor of Ohio formally withdrew the proposed regulations on July 16, 1975.

On November 10, 1975, the Administrator proposed an alternate plan for the control of emissions of sulfur dioxide in the State of Ohio (40 FR 52410 *et seq*).

On August 27, 1976, USEPA promulgated regulations for the control of sulfur dioxide in Ohio (41 FR 36323). The regulations were amended on November 30, 1976 (41 FR 52455), May 31, 1977 (42 FR 27588), August 15, 1979 (44 FR 47769), and December 5, 1979 (44 FR 69928).

On November 12, 1976, the Sixth Circuit Court of Appeals stayed the enforcement of the Federally promulgated regulations in response to challenges that were filed by industrial and utility petitioners. The Court directed USEPA to collect and evaluate additional data and to make the appropriate changes in the regulations. On May 31, 1977, USEPA promulgated the necessary corrections in the regulations as they applied to the petitioners.

On February 13, 1978, and June 29, 1978, the Sixth Circuit Court upheld the USEPA use of the RAM model and other modeling techniques in the development of the Ohio SO_2 Plan. In October 1978, and January 1979, the U.S. Supreme Court declined to review the Sixth Circuit decision.

Ohio has submitted the proposed SO_2 revisions to replace the Federal regulations.

III. Control Strategy Demonstration

The Ohio EPA has submitted, in general, a comprehensive control strategy and regulations to ensure the attainment and maintenance of the primary and secondary standards for sulfur dioxide in the State of Ohio. The Ohio Plan provides for regulations in all 88 counties in Ohio. Individual emission limitations are specified for the majority of the sulfur dioxide sources in the State on a county by county basis, although some sources, generally those of a smaller size, are required to comply with a process compliance equation or a general fuel burning regulation applicable for a particular county.

The control strategy developed by Ohio EPA utilizes one unique concept. As an integral portion of the control strategy to attain and maintain the standards in a number of counties, a mandatory reduced operating level is specified for many sources on a calendar quarter basis. The emission limitation, however, for these sources remains the same throughout the year except for two sources, the Republic Steel Corporation, Union Drawn Division in Stark County and The General Tire and Rubber Company in Summit County.

Ohio EPA utilized the same models, in general, utilized by USEPA in the Federally developed control strategy for SO_2 in Ohio, although the application of the models differed at times. The Ohio EPA utilized 1964 meteorological data and a 1974 emissions inventory.

Many of the USEPA comments concerning deficiencies in the proposed Ohio SO_2 regulations pertain to Ohio EPA's demonstration of the attainment and maintenane of the National Ambient Air Quality Standards (NAAQS) for SO_2. These comments are set forth below.

30-day Averaging Period.—Ohio Rule 3745–18–04 Measurement Methods and Procedures, sections D (2) and (3) and sections E (2) and (3) specify the test methods and procedures used for determining compliance with the allowable emission limit for fuel burning equipment utilizing continuous emission monitoring systems or fuel analyses. The provisions state that "compliance with the applicable sulfur dioxide emission limit shall be based on the daily calculations using an arithmetic average of the preceding thirty consecutive twenty-four hour sample analyses." Additionally, section E(4) states that compliance for non-utilities may be determined by "certified fuel analysis reports from each fuel supplier. Such certifications must be reported for each fuel delivery * * * as delivered to the facility." In this provision no averaging time is specified. These provisions are applicable to all fuel burning sources in all 88 counties in Ohio with the exception of the Ohio Power Cardinal Plant in Jefferson County where Rule 3745–18–04(D)(4) specifies that compliance for this plant will be based on a calendar day period with two allowed exceedances in any consecutive thirty-day running period.

Ohio EPA has not provided adequate justification for the selection of the 30-day averaging time period for these analyses. The provisions specifying a 30-day averaging period in fuel analyses or an undefined averaging period in fuel analyses, as well as a 30-day averaging period in continuous emission monitoring to determine compliance with the applicable emission limitation for fuel burning sources are deficient because no justification has been provided to show that such a time period or undefined time periods are adequate to assure the attainment and maintenance of the 24-hour primary health related National Ambient Air Quality Standards (NAAQS) or the 3-hour secondary welfare related National Ambient Air Quality Standard.

It is the Agency's judgment that the proposed Ohio EPA sulfur dioxide SIP compliance test methods of fuel analyses and continuous emission monitoring do not assure the attainment and maintenance of the sulfur dioxide national Ambient Air Quality Standards and, therefore, cannot be approved (with the exception of that portion pertaining to the Ohio Power Cardinal Power Plant) as a revision to the SIP in its present form. USEPA, therefore, proposes to disapprove Ohio Rule 3745–18–04(D)(2), 3745–18–04(D)(3), 3745–18–04(E)(2), 3745–18–04(E)(3), and 3745–18–04(E)(4), unless during the public comment period announced in this Notice, the State either rescinds the 30 day sulfur in fuel average, or clearly demonstrates to USEPA that the regulations as written can assure attainment and maintenance of all applicable SO_2 National Ambient Air Quality Standards. If the State of Ohio wishes to retain the 30-day emission limits to protect the annual SO_2 National Ambient Air Quality Standards and would also adopt short-term emission limitations (e.g., 24 hour averaging period) and demonstrate their adequacy to protect the short-term National Ambient Air Quality Standards, USEPA could approve such a combination of emission limitations. Such a procedure has been followed by Florida (43 FR 16350), Pennsylvania (44 FR 46465), and Massachusetts (44 FR 27991).

The USEPA proposes to approve Ohio Rules 3745–18–04(D)(1) and (E)(1) which specify stack gas sampling using methods in 40 CFR 60.46 as a test method for determining compliance with the applicable emission limit for fuel burning equipment. Although the stack gas sampling method remains the only approvable method for determining compliance with emission limits and fuel burning sources and while Ohio's proposed 30-day averaging period must be disapproved, there remains a question as to the appropriate method for considering sulfur variability in attainment demonstrations. USEPA has initiated a review of its policies and procedures for regulating coal-fired power plants and plans to address the question of sulfur variability in that context.

As part of this review EPA has announced its intention to propose policy and regulatory changes which would permit attainment demonstrations to analyze the air

quality impact of variable sulfur emissions. Conditions under which such demonstrations will be accepted include tightened modeling assumptions, including use of 5 years of meteorological data in the analysis, the use of in-stack monitoring as the compliance method and regulations requiring use of coal cleaning for high sulfur coal in order to minimize sulfur emissions and reduce emission variability. The method to be proposed for evaluation using variable sulfur emissions will provide a technique that can accommodate several averaging times, among them the 30-day period apparently preferred by Ohio. However, the State of Ohio would have to meet the conditions proposed for use of the statistical method and demonstrate that the specific emission limits it promulgates will attain the air quality standards and are enforceable. This may require promulgation of both a 30-day and a higher 24-hour emission limit. EPA is prepared to provide assistance to the State of Ohio should it decide to undertake more comprehensive analysis required to consider sulfur variability. Since changes to rules and policies are required for the new evaluation technique, a final determinaiton on the acceptability of a revised Ohio plan can only be made after public comments on the policies are reviewed and final decisions are published. In the interim, while the sulfur variability issue is under review, the USEPA will proceed under the interim enforcement policy published previously in the Federal Register (45 FR 9101).

Receptor Resolution in the Critical Day RAM Analyses. The modeling methodology employed by the Ohio EPA utilized, in most cases, a one kilometer grid of receptors in the critical day RAM analyses to locate the highest, second high sulfur dioxide impact points on which to base the emission limitation in urban and multiple source areas. The USEPA utilized the RAM model signifícnt point receptor option which locates receptors at the estimated points of maximum impact from specified significant point sources according to the resultant meteorology for the day in question. These receptors were utilized by USEPA in developing the emission limits in these areas. The counties affected by this difference in receptor coverage are Cuyahoga, Franklin, Lake (rural eastern half), Montgomery, Stark, and Summit. In Lake County all sources except the Cleveland Electric Illuminating Company (CEI) Eastlake Power Plant and the Ohio Rubber Company are affected by this difference.

To evaluate the adequacy of the Ohio EPA receptor grid, the USEPA has hired a consultant to examine the resolution provided the Ohio EPA and USEPA receptor networks in Cuyahoga, Franklin, Lake (rural eastern half), Montgomery, Stark and Summit Counties. Calculations will be made of the ground-level concentrations for Ohio EPA's emission inventory (Ohio's source operating parameters at their reduced load control strategy option) at the USEPA's points of maximum impact as determined from USEPA's design load inventory (i.e., "hot-spots"). If the analysis demonstrates that the Ohio EPA control strategy, or portions thereof, does not lead to any violations of the NAAQS for SO_2 at the previously modeled critical receptors, the USEPA will propose approval of the acceptable counties, or portions thereof, on an individual basis in a supplemental Notice of Proposed Rulemaking. It should be noted that each of the counties presently being analyzed have other deficiencies that are cited elsewhere in this Notice.

To date, only the analysis for Summit County has been completed. The results of the modeling indicated that Ohio EPA's control strategy is inadequate to attain and maintain the NAAQS. Numerous violations of the NAAQS were predicted to occur at some of USEPA's critical receptors. Thus, because the Ohio EPA control strategy does not protect the ambient standards, the USEPA proposes to disapprove the control strategy and regulations for Summit County.

Secondary Standard. Ohio rule 3745–18–33(B) and (D) prescribes emission limitations for the Ohio Valley Electric Corporation, Kyger Creek Station and Ohio Power Company/Ohio Electric Company, Gavin plant in Gallia County, respectively. The regulations for these plants are identical to those contained in § 52.1881(b)(28) of the existing Federal SIP for Gallia County. Although the Ohio EPA has adopted the control strategy and emission limitations for these two plants that were developed by the USEPA for the existing Federal plan, it should be noted that the regulations adopted by Ohio EPA may be deficient with respect to attainment and maintenance of the secondary standard for this portion of the county because the Federal plan for this area did not address the attainment and maintenance of the secondary standard for SO_2.

The USEPA, therefore, proposes to approve the control strategy and regulations for Ohio Rule 3745–18–33(B) and (D) in Gallia County only if during the public comment period announced in this Notice, the State of Ohio clearly demonstrates to USEPA that the regulations as written can protect the secondary as well as the primary National Ambient Air Quality Standards for SO_2. In the absence of State action on this issue, the USEPA will move to correct the deficiency in its own regulation.

Technical Support and Documentation. The Ohio EPA submittal does not contain technical support and documentation for the items summarized below. Without the noted information, the Agency cannot properly review the proposed Ohio submission to determine if it insures the attainment and maintenance of the NAAQS. USEPA, therefore, proposes to approve the regulations for the counties cited below only if during the public comment period announced in this Notice, the State provides the necessary documentation. Upon receipt of the documentation, the Agency will complete its review of the adequacy of the control strategy for the subject areas and the public will be provided an opportunity to comment on the newly submitted data.

1. In parts of rural Adams (Dayton Power and Light Stuart Station) and Clermont (Cincinnati Gas & Electric Beckjord Station) Counties the Ohio EPA plan discards modeling predictions in favor of monitored observations for the purpose of setting emission limits. Status quo regulations were set because there were no monitored violations. Ohio EPA states that due to model overestimates, modeling would be unacceptable for regulation development. However, the basis for concluding that the model overpredicts is not given or referenced in the support material. Additionally, Ohio EPA has not provided the monitoring data, location of the monitoring sites and the rationale used in setting the emission limitations. The USEPA is concerned that discarding the modeling results in favor of monitoring without adequate justification will not provide the assurance of attainment and maintenance of the NAAQS. This concern is especially relevant in Clermont County where the USEPA CRSTER modeling of the Cincinnati Gas and Electric Beckjord Plant required an emission limitation of 2.02 lbs SO_2/MMBTU, and the Ohio EPA analysis requires 6.0 lbs SO_2/MMBTU.

USEPA conducted a detailed monitor/modeling comparison study in 1975 of three Ohio power plants (the Ohio Power Muskingum River Station, Morgan/Washington County; Dayton

Power and Light Stuart Station, Adams County; and Ohio Power Philo Station, Muskingum County) to evaluate the CRSTER model's performance. Results of the study indicated good correlation between model estimates and measurements with the exception of monitoring at elevations at or above the height of stacks at the Philo Power Plant. This study was used by EPA as support for the modeling of rural power plants with the CRSTER model. Ohio EPA has given no justification why the power plants in Adams and Clermont Counties should be modeled differently from other rural power plants.

Additional justification is needed for the regulations for the Dayton Power and Light Stuart Station in Adams County and for the Cincinnati Gas and Electric Beckjord Station in Clermont County.

2. Ohio EPA has not provided any technical documentation that a background concentration was applied or if it was applied, how it was estimated, in the following counties: Franklin, Greene, Sandusky, and Trumbull. While it may be acceptable to model area sources in lieu of a constant background level, Ohio EPA has not indicated in its technical support document that area source data were applied in these counties. The inclusion of area source data or a constant background concentration is necessary to assess the total air quality levels.

3. No technical support (no modeling data, monitoring data, etc.) has been provided to justify the emission limitations for Phillips Chemical in Lucas County and Shell Chemical in Washington County. Ohio EPA states that the emission limitations for Lucas County are the same as those in the existing Federal SIP; however, the regulation for Phillips differs from that in the existing SIP and no support has been provided for the change. Similarly, no justification has been provided that demonstrates that the proposed limit for Shell Chemical is adequate to protect the NAAQS.

4. Ohio EPA has provided incomplete technical support documentation for a number of counties. Additional modeling results and documentation are necessary to support the attainment demonstrations in the following counties. In Cuyahoga, Franklin, Stark, Lake (eastern portion), and Montgomery Counties, the results of all critical day analyses using the proposed control strategy must be provided. In Stark, Franklin, and Cuyahoga Counties, documentation must be submitted that demonstrates that no highest, second high concentration exceeds the NAAQS. Finally, an area source inventory is needed for Butler, Cuyahoga, Hamilton, Lake (eastern half), Montgomery, and Stark Counties to justify the background utilized.

A summary of the modeling results of the Vinton County modeling must also be submitted.

5. Ohio EPA has submitted several source-specific analyses prepared by individual sources as technical support for the source's emission limitations. However, the technical support and modeling provided by Ohio EPA to support the emission limitation for the Mead Corporation in Ross County is incomplete and needs to be provided prior to final rulemaking.

6. *Cleveland Electric Illuminating Company Avon Lake and Eastlake Power Plants.* The emission limitations contained in the Ohio EPA submittal for the Avon Lake and Eastlake Power Plants are the same as those proposed by the USEPA on June 12, 1979 in the **Federal Register** (44 FR 33711). The USEPA proposal was cited as the justification for the emission limitations. Since USEPA has not finalized action on these emission limitations, it is premature for Ohio EPA to adopt these proposed numbers as final emission limitations.

7. *Ohio Power Muskingum River Power Plant.* The emission limitation in the Ohio EPA submittal for the Muskingum River Power Plant in Morgan and Washington Counties is based on an alternative control strategy prepared by Ohio Power and submitted to the Ohio EPA. Ohio EPA has submitted to USEPA the technical support prepared by Ohio Power as justification for its adopted emission limits for this facility.

The USEPA has reviewed the data submitted by Ohio EPA as well as other data independently submitted by Ohio Power to the USEPA and has concluded that the technical support is inadequate to support the proposed Ohio EPA emission limitation. A further discussion of the inadequacies of this technical support can be found in the docket.

Miscellaneous Control Strategy Comments (not approvability issues): A number of surces have petitioned USEPA for revisions to the existing Federal regulations for SO_2 in Ohio. Not all of these submittals and changes have been addressed by the Ohio EPA plan. The USEPA suggests that the Ohio EPA consider these changes because many of them represent the company's latest preferred operating configurations and have been found to be approvable by USEPA.

Although only one year of meteorological data was used in the development of the Ohio EPA Plan, all future air quality analyses should be performed with five years of data. It should be noted that only one year of data was available when the Ohio EPA began their modeling, but five years are now available for the National Weather Service stations of interest here. Thus, the USEPA modeling guidelines' current recommendation for the application of five years of meteorological data is appropriate for future studies.

To help clarify the submittal, the reasoning utilized in establishing the emission limits should be provided for the 33 rural counties where no emission limits were needed in the Federal plan.

IV. General Comments

Attainment Date: Ohio Rule 3745-18-03(A) states that the attainment of established ambient air quality standards for sulfur dioxide shall be accomplished as expeditiously as practicable, but no later than December 31, 1982. The attainment date for the existing Federal regulations is August 29, 1979 (41 FR 35324) for all sources in Ohio except those sources where enforcement of the August 27, 1976, regulations was stayed by the U.S. Court of Appeals for the Sixth Circuit. For those sources affected by the Sixth Circuit Court decision, the attainment date is June 17, 1980 (42 FR 27588), except for Ashland Oil Company where the attainment date is September 14, 1982 (44 FR 47770), and for Summit County where the attainment date is January 4, 1983 (44 FR 69928). Some sources in Butler County do not have an attainment date under the existing Federal regulations, because there are no SO_2 regulations currently in effect.

Section 110(a)(2)(A)(i) of the Clean Air Act, as amended, requires that a plan implementing a national primary ambient air quality standard provide the attainment of such primary standard as expeditiously as practicable, but in no case later than three years from the date of approval of such plan. The USEPA cannot justify extending the attainment date beyond those attainment dates specified in the existing SIP for control of SO_2 in Ohio for the following reasons: (1) The State of Ohio has submitted its plan as a substitute for the existing Federal plan for SO_2 in Ohio pursuant to § 110, (2) the emission limitations in the Ohio EPA Plan are less restrictive for most sources than those in the existing Federal plan, (3) the Ohio submittal is not meant to correct control strategy deficiencies in the existing Federal plan, causing nonattainment of the NAAQS and, therefore, is not submitted pursuant to Part D of the Clean Air Act, (4) the attainment date has passed for many sources subject to the Ohio plan, and (5)

the majority of sources in Ohio are in final compliance or on a schedule to reach final compliance by the existing Federal plan's attainment date. It is the Agency's judgment that the attainment date specified in the proposed Ohio revision does not meet the requirements of § 110(a)(2)(A)(i) and cannot be approved as a revision to the SIP in its present form. USEPA, therefore, proposes to disapprove Ohio Rule 3745–18–03(A), unless during the public comment period announced in this Notice, the State modifies the attainment date to be consistent with that in the existing Federal plan.

Compliance Time Schedules: Ohio Rule 3745–18–03(C)(3) specifies the Compliance Time Schedules for a number of Ohio industrial and utility sources. (Generally, these are the sources that challenged the August 27, 1976, Federally promulgated SO_2 plan.) The existing Federal SIP specifies three dates by which these sources must be in final compliance with the appropriate emission limitations: (1) for fuel burning sources utilizing complying fuels—October 19, 1979, (2) for fuel burning sources utilizing flue gas desulfurization—June 17, 1980, and (3) for process sources—May 30, 1980. The Ohio Rule 3745–18–03(C)(3) allows all of the sources named in the section until June 17, 1980, to meet final compliance with the emission limitations. Since many of the sources subject to the more restrictive existing Federal final compliance dates are presently in final compliance, and since the proposed Ohio EPA emission limitations are, in many cases, less restrictive than the existing Federal emission limitations for a particular source, the USEPA finds no basis for approving a final compliance date extension from October 19, 1979, to June 17, 1980, for fuel burning sources utilizing complying fuels to meet the appropriate emission limitations.

The USEPA, therefore, proposes to disapprove Ohio Rule 3745–18–03(C)(3) for all fuel burning sources electing to comply with the regulations by utilizing complying fuels. The USEPA proposes to approve Ohio Rule 3745–18–03(C)(3) as it applies to process sources or fuel burning sources electing flue gas desulfurization to comply with the emission limitations since the final compliance date is either the same as or essentially the same as that contained in the existing Federal SIP.

If, however, a regulation for a particular fuel burning source in the proposed Ohio plan is more restrictive than that specified in the existing Federal SO_2 plan for Ohio and if the USEPA has proposed approval of that portion of the proposed Ohio EPA regulations specifying emission limitations for that source elsewhere in this Notice, then the Administrator may extend the final compliance date for that particular source from October 19, 1979, up to but no later than June 17, 1980. Any final compliance date extensions will be considered as SIP revisions and subject to proposal, public comment, and final promulgation.

Reserved Emission Limitations: The following counties contain provisions in which no emission limitation is specified for certain or all sources, although the sources themselves are named in the provisions: Butler, Coshocton, Lake, Lorain, Lucas and Mahoning. For these counties, emission limitations must be established and demonstrated to be sufficient to attain and maintain the NAAQS.

The USEPA proposes to approve the proposed Ohio EPA SO_2 plan for the following facilities only if during the comment period announced in this Notice, the State of Ohio either demonstrates that regulations for these sources are not necessary to attain and maintain the NAAQS or establishes adequate limits for the following sources: City of Hamilton, Boiler B009 (Butler County); Columbus and Southern Ohio Electric Conesville Station, B001–B004 (Coshocton County); Painesville Municipal Electric Plant, B005 (Lake County); all sources in Mahoning County; Coulton Chemical, P001, 2 (Lucas County); and Ohio Edison Edgewater Power Plant, B001–B005 (Lorain County). Ohio EPA has reserved the emission limitations for these sources and has not provided a demonstration that the NAAQS will be protected without their regulation.

Ohio Power Cardinal Power Plant: Ohio Rule 3745–18–47(D) specifies the emission limitation for the Cardinal Power Plant in Jefferson County. This emission limitation and supporting control strategy documentation were developed by Ohio Power and submitted to both the Ohio EPA as a proposed control strategy and to the USEPA as an alternative strategy to the existing Federal regulations in § 52.1881(b)(34)(viii). Prior to the September 12, 1979, submittal of the proposed Ohio EPA SO_2 SIP, the USEPA analyzed Ohio Power's proposed alternative strategy for Cardinal and found it to be approvable.

In lieu of proposing a revision to the existing Federal plan for Cardinal, the USEPA proposes to approve the emission limitation and control strategy demonstration, Ohio Rule 3745–18–47(D) and the Compliance Determination Procedure, Ohio Rule 3745–18–04(D)(4) for the Ohio Power Cardinal Power Plant in Jefferson County, Ohio. Ohio Rule 3745–18–04(D)(1) specifying stack gas sampling using methods as specified in 40 CFR 60.46 also remains approvable for the Cardinal Plant as well as the other utility sources.

Typographical Errors: There are several typographical errors in the Ohio plan submittal which are confusing and must be corrected:

(1) Cuyahoga County—the number of boilers at the Fisher Body Plant is inconsistent between Appendix C and Appendix E.

(2) Hancock County—calendar quarter operating rates are specified in Appendix E but not in Appendix C for Northern Ohio Sugar.

(3) Lake County—the emission limitation in Appendix C is not consistent with that in Appendix E for the Painesville Municipal Plant.

These typographical errors or inconsistencies must be corrected before USEPA final rulemaking on the Ohio EPA SO_2 revision.

Interested persons are invited to comment on the proposed Ohio EPA SO_2 SIP and on USEPA's proposed actions. Comments should be submitted to the address listed in the front of this Notice. Public comments received within sixty days of publication will be considered in USEPA's final rulemaking on the SIP. All comments received will be available for inspection at Region V Office Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels proposed regulations, "specialized." The USEPA has reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979, by the Administrator, and has determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This Notice of Proposed Rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: February 15, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-5542 Filed 2-22-80; 8:45 am]

BILLING CODE 6560-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. MC-137]

No Suspend Zone—Motor Common Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Corrections To Notice of Proposed Rulemaking and Change in Comment Due Date.

SUMMARY: In the Notice of Proposed Rulemaking published in the **Federal Register** of January 31, 1980 (45 FR 6974), there were a number of inadvertent errors and omissions. By this notice, they are being corrected and that Notice stands complete, as amended here. No substantive changes are being made.

DATES: The comment period is extended to April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Richard Felder, (202) 275–7693.

SUPPLEMENTARY INFORMATION: The corrections to be made to the notice are as follows. Page numbers refer to the **Federal Register** page of the original notice.

(1) Page 6974, first column, the "DATES" section should have read "Comments are due 60 days from publication in the **Federal Register.**" Due to the defects in the January 31, 1980 notice, we are extending the comment period to 60 days from publication of these corrections.

(2) Page 6974, second column, lines 52 and 53, should read "changes could be made effective without notice and would not be subject to suspension or"

(3) Page 6974, third column, last paragraph, line 9, the citation should read "372 U.S. 658 (1963)."

(4) Page 6975, Question 5(a), "indicies" should read "indices", Question 5(b), "collection" should read "collective", "carriers" should read "carries", Question 6, line 3, "There" should read "These".

(5) Page 6976, third column, add the following paragraphs before the decision date as follows:

"This proceeding does not appear to affect significantly either the quality of the human environment or conservation of energy resources. However, comments regarding environmental and energy issues, if any, should be included in statements filed with the Commission.

(6) Page 6974, second column, line 5 of the "Supplementary Information" section, "to" should read "of."

(7) Page 6976, line one of Question 16, "close" should read "choose."

This notice is issued under authority of 49 U.S.C. § 10321 and 5 U.S.C. § 553."

Decided: February 8, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, and Commissioners Stafford, Clapp, Trantum and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-5687 Filed 2-22-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 123

Bilingual Education Program

AGENCY: Office of Education, HEW.

ACTION: Notice of Availability of Draft Final Regulations.

SUMMARY: Notice is given that a draft of the final regulations to implement the program changes required by the Education Amendments of 1978, is now available to the public. The draft final regulations now available have not been adopted as official views of either the U.S. Office of Education or the Department of Health, Education, and Welfare, and have no legal effect. The purpose of this announcement is to provide notice of the availability of the draft regulations to all interested parties. It is not to solicit additional public comment on the regulations.

ADDRESS: Copies of these draft final regulations may be obtained by writing to: Ms. Regina Robbins, U.S. Office of Education, 400 Maryland Avenue, S.W. (Room 421 Reporters' Building), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Ms. Regina Robbins. Telephone (202) 245–2600.

Dated: February 21, 1980.

(Catalog of Federal Domestic Assistance No. 13.403, Bilingual Education)

William L. Smith,

U.S. Commissioner of Education.

[FR Doc. 80-5910 Filed 2-22-80; 10:20 am]

BILLING CODE 4110-02-M

Notices

Federal Register
Vol. 45, No. 38
Monday, February 25, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Hells Canyon National Recreation Area Land and Resource Management Plan; Extention of Review Period

The notice of availability for the Hells Canyon National Recreation Area Land and Resource Plan Draft Environmental Impact Statement on the Wallowa-Whitman, Nez Perce, and Payette National Forests, Oregon and Idaho, that appeared in the **Federal Register**, Volume 44, Friday, December 7, 1979, is corrected to extent the review period to March 5, 1980.

Dated: February 21, 1980.

Philip L. Thornton,

Deputy Chief.

[FR Doc. 80-5815 Filed 2-22-80; 8:45 am]

BILLING CODE 3410-11-M

Science and Education Administration

National Arboretum Advisory Council; Meeting

In accordance with the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

Name: National Arboretum Advisory Council.
Time: April 15, 1980, 9:00 a.m., April 16, 1980, 9:00 a.m.
Place: April 15, Information Center, National Arboretum, Washington, D.C.; April 16 Information Center (a.m.), National Arboretum, Washington, D.C.; Auditorium (p.m.), National Arboretum, Washington, D.C.
Type of meeting: Open to the public. Persons may participate as time and space permit.
Comments: Written statements may be filed with the Council before or after the meeting with the contact person listed below. Names of Council members may be obtained from contact person.
Purpose: To review progress of National Arboretum relating to Congressional mandate of research and education concerning trees and plant life. The Council submits its recommendations to the Secretary of Agriculture.
Contact person for agenda and other information: Robert E. Coleman, Acting Executive Secretary, National Program Staff, Agricultural Research, Science and Education Administration, U.S. Department of Agriculture, Room 305, Building 005, Beltsville Agricultural Research Center-West, Beltsville, Maryland, 20705, telephone 301-344-2176.

Done at Washigton, D.C., this 20th day of February 1980.

Anson R. Bertrand,

Director, Science and Education.

[FR Doc. 80-5700 Filed 2-22-80; 8:45 am]

BILLING CODE 3410-03-M

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee; Meeting

Notice is hereby given in accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I (the Act) and paragraph 8.b. of Office of Management and Budget Circular No. A-63 (Revised March 27, 1974) (the OMB Circular), that a meeting of the General Advisory Committee (GAC) is scheduled to be held on March 13, 1980 from 10 a.m. to 6 p.m. and on March 14, 1980 from 8:30 a.m. to 2 p.m. at 2201 C Street, NW. Washington, DC, in Room 7219.

The purpose of the meeting is for the GAC to receive briefings and hold discussions concerning arms control and related issues which will involve national security matters classified in accordance with Executive Order 12065 dated June 28, 1978.

The meeting will be closed to the public in accordance with the determination of February 19, 1980 made by the Director of the U.S. Arms Control and Disarmament Agency pursuant to Section 10(d) of the Act and paragraph 8.d. (2) of the OMB Circular that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(1).

This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11686 dated October 7, 1972 and continued by Executive Order 11769 dated February 21, 1974.

Dated: February 19, 1980.

Walter L. Baumann,

Assistant General Counsel.

[FR Doc. 80-5684 Filed 2-22-80; 8:45 am]

BILLING CODE 6820-32-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Filed Under Subpart Q of the Board's Procedural Regulations

Notice is hereby given that, during the week ended February 15, 1980 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR Part 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No.	Description
Feb. 11, 1980	37640	Skocdopole Brothers Aviation Ltd., box 517, Olds, Alberta TOM IPO. Application of Skocdopole Brothers Aviation Ltd., pursuant to Section 402 of the Act and Subpart Q requests a Foreign Air Carrier Permit authorizing small aircraft charter operations between Canada and the United States pursuant to the non-scheduled agreement. Answers due March 10, 1980.
Feb. 11, 1980	37643	Piedmont Aviation, Inc., P.O. Box 2720, Winston-Salem, North Carolina 27102. Application of Piedmont Aviation, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Rules of Practice for amendment of its Certificate of Public Convenience and Necessity for Route 87 so as to eliminate conditions (4) and (5). Answers to Conforming application are due February 21, 1980.
Feb. 11, 1980	37644	Condor Flugdienst GmbH, c/o Morris R. Garfinkle, Galland, Karasch, Calkins & Short, 1054 Thirty-first Street NW., Washington, D.C. 20007. Application of Condor Flugdienst GmbH pursuant to Section 402 of the Act and Subpart Q of the Board's Regulations requests Amendment and reissuance of its Foreign Air Carrier Permit and Elimination of the Conditions contained in numbered paragraph 3 of Order 77-1-71. Answers may be filed March 10, 1980.
Feb. 13, 1980	37658	Texas International Airlines, Inc., P.O. Box 12788, Houston, Texas 77017. Application of Texas International Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Rules of Practice requests amendment to its Certificate of Public Convenience and Necessity for Route 82 so as to add a new nonstop segment: "Between the terminal point New York, New York, and the terminal point New Orleans, Louisiana." Answers may be filed by March 6, 1980.
Feb. 14, 1980	37668	Republic Airlines, Inc., Hartsfield-Atlanta Int'l Airport, Atlanta, Georgia 30320. Application of Republic Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q requests that its certificate of public convenience and necessity for Route 86 be amended by deleting the following city-pair from the list of restricted markets: Madison-Minneapolis/St. Paul. Answers may be filed by February 28, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-5688 Filed 2-22-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 36537; Order 80-2-86]

Granting Petition in Part and Inviting Interested Carriers To File Applications for Authority at Long Island MacArthur Airport

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80-2-86 granting petition in part and inviting interested carriers to file applications for authority at Long Island MacArthur Airport (Docket 36537).

SUMMARY: The Board is soliciting applications for domestic or overseas authority at Long Island MacArthur Airport. Applicants should submit an illustrative schedule of service in the requested markets which shows all points that they might choose to serve, the type and capacity of the equipment they would likely use and the elapsed trip time of flights in block hours over the segments. For the markets requested, they should also provide an environmental evaluation as required by Part 312 of our Regulations, and an estimate of the gallons of fuel to be consumed in the first year of operations in the markets if they instituted the proposed service, as well as a statement on the availability of the required fuel.

The complete text of this order is available as noted below.

DATES: All air carriers requesting domestic or overseas authority at Long Island MacArthur shall file, and serve upon all persons listed below, no later than April 7, 1980, applications for the desired authority. Answers to applications shall be filed, and served upon all persons listed below, no later than April 17, 1980.

ADDRESSES: Applications for Long Island MacArthur authority, and answers to the applications, should be filed in Docket 36537. They should be addressed to the Docket Section, Civil Aeronautics Board, Wasington, D.C. 20428.

In addition, copies of such filings should be served on the Nassau County Executive, Suffolk County Executive, the Supervisors of the Town of Babylon, East Hampton, Islip, North Hempstead, Oyster Bay, Shelter Island and Southampton, the Long Island Association, the Oakdale Chamber of Commerce, the Grumman Corporation, the Airport Manager of Long Island MacArthur Airport and the Commissioner of the New York State Department of Transportation.

FOR FURTHER INFORMATION CONTACT: Philip J. Reinke, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5105.

SUPPLEMENTARY INFORMATION: The complete text of Order 80-2-86 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-2-86 to that address.

By the Civil Aeronautics Board, February 15, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-5697 Filed 2-22-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 2837; Order 80-2-92]

Laker Air Travel Ltd.; Indirect Foreign Air Carrier Permit

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause; Order 80-2-92.

SUMMARY: The Board proposed to approve the following application:

Applicant: Laker Air Travel Limited.

Application Date: October 8, 1975, October 30, 1978; Docket 28379.

Authority Sought: Indirect foreign air carrier permit; foreign air transportation of persons from point(s) in the U.S. to any point(s) outside the U.S. and return.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than March 13, 1980, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Great Britain and Northern Ireland. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to the disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

ADDRESSES FOR OBJECTIONS: Applicant: Laker Air Travel, Ltd., c/o Robert M. Beckman, 1001 Connecticut Avenue, NW., Washington, D.C. 20236; Docket 28379, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

To get a copy of the complete order, request it from the CAB Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION: Contact Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, (202) 673-5880.

By the Civil Aeronautics Board: February 15, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-5696 Filed 2-22-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Stanley Woolen Company, 140 Mendon Street, Uxbridge, Massachusetts 01569, producer of fabrics (accepted January 28, 1980); (2) Rosewin Coats, Inc., 514 West 26th Street, Kansas City, Missouri 64108, producer of women's coats (accepted January 29, 1980); (3) Braetan Juniors, Inc., 512 Seventh Avenue, New York, New York 10018, producer of women's coats (accepted January 29, 1980); (4) National Coated Fabrics, 7575 N.W. 74th Avenue, Miami, Florida 33166, producer of coated fabrics (accepted January 29, 1980); (5) American Nu-Color, Inc., 1501 Kennedy Boulevard, Manville, New Jersey 08835, producer of pigment dispersions (accepted February 4, 1980); (6) Yor-Best Food Distributors, Inc., Hunts Point Co-op Market, Building A-14, Bronx, New York 10474 processor of meat (accepted February 4, 1980); (7) Fairfield Optical Company, Inc., 114 Forbes Boulevard, Mansfield, Massachusetts 02048, producer of eyeglass frames (accepted February 5, 1980); (8) Talma Fastener Corporation, R. R. 5, Rochester, Indiana 46975, producer of industrial fasteners (screws) (accepted February 6, 1980); (9) Successful Creations, Inc., 273 Livingston Street, Northvale, New Jersey 07647, producer of knit fabrics, women's sweaters, scarves and shawls (accepted February 6, 1980); (10) Newburgh Dyeing Corporation, 40 S. Wisner Avenue, Newburgh, New York 12550, producer of dyed cloth (accepted February 8, 1980); (11) Superex Electronics Corporation, 151 Ludlow Street, Yonkers, New York 10705, producer of headpones and microphones (accepted February 11, 1980); (12) Snocraft Corporation, Box 487, Scarboro, Maine 04074, producer of snowshoes, tobogaans, furniture, skis and bins (accepted February 11, 1980); (13) North Cross Cedar, Inc., P.O. Box 1338, Lyman, Washington 98263, producer of cedar shakes (accepted February 11, 1980); (14) Arnold Print Works, Inc., Adams, Massachusetts 01220, producer of printed fabrics (accepted February 11, 1980); (15) Scalise Stitching, Inc., 735 Lorimer Street, Brooklyn, New York 11211, producer of women's footwear (accepted February 11, 1980); (16) The Saratoga Springs Company, Inc., R. D. #4, Geyser Road, Saratoga Springs, New York 12866, bottler of mineral water (accepted February 11, 1980); (17) Musical Instrument Corporation of America, 170 Eileen Way, Syosset, New York 11791, producer of amplifiers, speaker systems and microphones (accepted February 12, 1980); (18) Jo-Jo Manufacturing, Inc., 78 Front Street, Port Jervis, New York 12771, producer of children's creepers, playwear and dresses.

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 80-5685 Filed 2-22-80; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

Antidumping Hearing

A "Withholding of Appraisement Notice" in connection with the antidumping investigation of certain fresh winter vegetables from Mexico was published in the **Federal Register** on November 5, 1979, (44 FR 63588). Pursuant to section 102(b)(2) of the Trade Agreements Act of 1979, (19 U.S.C. 1671; 92 Stat 189) a preliminary determination made prior to January 1, 1980, is deemed to have been made on January 1, 1980, under section 733 of the Tariff Act of 1930, as amended, (19 U.S.C. 1673 b; 93 Stat. 163). This notice provided an opportunity to interested parties, pursuant to section 153.40, of the Customs Regulations to present written views or arguments, or to request in writing an opportunity to present oral views. Pursuant to this notice, interested parties have requested opportunities to present their views orally.

Therefore, a public hearing in the matter of certain fresh winter vegetables from Mexico will be held at the U.S. Department of Commerce, Room 3708, 14th & Constitution Avenue, NW, Washington, DC 20230, beginning at 10:00 a.m. Tuesday, March 4, 1980. Interested persons other than those who have requested an opportunity to present their views may appear at the hearing provided that a written request is filed with the Office of the Assistant Secretary for Trade Administration, Room 3850 U.S. Department of Commerce, Washington, DC 20230. These requests shall contain: (1) The name, address and telephone number of the requester; (2) the number of participants and reason for attending. All requests are subject to the approval of the Assistant Secretary, and must be received by 5:00 p.m. Friday, February 29, 1980.

Stanley Marcuss,

Acting Assistant Secretary for Trade Administration.

February 19, 1980.

[FR Doc. 80-5699 Filed 2-22-80; 8:45 am]

BILLING CODE 3510-22-M

Certain Fasteners From India; Initiation of Countervailing Duty Investigation

AGENCY: United States Department of Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and as a result an investigation is being started for the purpose of determining whether or not benefits are granted by the Government of India to manufacturers, producers, or exporters of certain industrial fasteners which constitute a bounty or grant within the meaning of the countervailing duty law. Unless the time period is extended, a preliminary determination

will be made not later than April 24, 1980, and a final determination not later than July 8, 1980.

EFFECTIVE DATE: February 25, 1980.

FOR FURTHER INFORMATION CONTACT: Leon McNeil, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202) 566–5492.

SUPPLEMENTARY INFORMATION: A petition was received in satisfactory form on January 30, 1980, from counsel on behalf of the Industrial Fasteners Institute, Cleveland, Ohio, alleging that payments or bestowals, conferred by the Government of India, upon the production and exportation of certain industrial fasteners from India constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended by the Trade Agreements Act of 1979, 93 Stat. 190, (19 U.S.C. 1303) (hereinafter referred to as the Tariff Act). It should be noted that India is not a "country under the Agreement" within the meaning of section 701(b) of the Tariff Act as amended (19 U.S.C. 1671(b)). Therefore, section 303 of the Tariff Act as amended by section 103 of the Trade Agreements Act of 1979, (hereinafter referred to as the Trade Act), continues to apply to this investigation. In accordance with section 303 of the Tariff Act, as amended (19 U.S.C. 1303), I hereby determine that an investigation should be initiated to determine whether the Government of India pays or bestows any bounty or grant upon the manufacture, production or exportation of certain industrial fasteners.

The industrial fasteners covered by this investigation entered the United States under the following item numbers of the Tariff Schedules of the United States Annotated (TSUSA): 646.49, 646.54, 646.56, 646.58, 646.60 and 646.63.

The bounties or grants alleged in the petition are as follows:

1. Cash grants provided to exporters of industrial fasteners upon exportation equal to 20 percent of the f.o.b. value.

2. Automatic grants of negotiable import licenses for raw materials and component parts to registered exporters by the Government of India.

3. Preferential export financing in the form of loans and guarantees through the Industrial Development Bank of India.

4. Special incentives granted to manufacturers located within the Kandla Free Trade Zone including a 10 year income tax holiday on 20 percent of the profits made in the zone, term financing at concessional rates, a cash subsidy on fixed assets provided by the government of Gujarat state, and subsidized inland transportation.

Underwriting of a variety of export marketing costs by the Government of India for export promotion through its Market Development Fund and Trade Development Authority to approved institutions, associations or organizations involved in exports.

6. Tax concessions including excess tax deductions for export marketing development expenses, special tax deductions for capital investment reserves for selected industries, and tax holidays for selected, new industrial undertakings.

Pursuant to section 303 of the Tariff Act of 1930, as amended by section 103(b) of the Trade Act, and section 355.28 of the International Trade Administration Regulations, 19 CFR 355.28, the International Trade Administration is required to issue a preliminary determination as to whether or not there is a reasonable basis to believe or suspect that a bounty or grant is being paid or bestowed within the meaning of the statute within 85 days after the filing, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. If the time period for making this decision is extended pursuant to section 303 of the Tariff Act of 1930 as amended above, and section 355.28 of the International Trade Administration Regulations, 19 CFR 355.28, the preliminary determination may be postponed until not later than the 150th day after filing. Pursuant to section 303 of the Tariff Act of 1930, as amended above, and section 355.33 of the International Trade Administration Regulations, 19 CFR 355.33, a final decision is required within 75 days after the preliminary determination. Therefore, a preliminary determination on this petition will be made no later than April 24, 1980, as to whether or not alleged payments or bestowals conferred by the Government of India upon the manufacture, production, or exportation of the above described merchandise constitute a bounty or grant within the meaning of section 303 of the Act. A final determination will be issued no later than July 8, 1980. If the time periods for making these decisions are extended, a preliminary determination will be made not later than June 28, 1980, and a final determination not later than September 11, 1980. This notice is published pursuant to section 303 of the Tariff Act of 1930, as amended above, and section 355.27(b) of the International Trade Administration Regulations, 19 CFR 355.27(b).

Stanley Marcuss,

Acting Assistant Secretary for Trade Administration.

February 15, 1980.

[FR Doc. 80–5653 Filed 2–22–80; 8:45 am]

BILLING CODE 3510–22–M

Electronic Instrumentation Technical Advisory Committee; Change in Meeting

The meeting of the Electronic Instrumentation Technical Advisory Committee scheduled for Tuesday, March 4, 1980, has been rescheduled for Tuesday, March 11, 1980, at 9:30 a.m. in Room 3708, Main Commerce Building, 14th Street and Constitution Avenue, NW, Washington, D.C. The agenda and other information relating to the Committee meeting, as published in the **Federal Register** (45 FR 10392) on Friday, February 15, 1980, remain unchanged.

Dated: February 19, 1980.

Kent N. Knowles,

Director, Office of Export Administration, Department of Commerce.

[FR Doc. 80–5717 Filed 2–22–80; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Particle Beam Technology; Advisory Committee Meeting

The Defense Science Board Task Force on Particle Beam Technology will meet in a closed session on 11–12 March 1980 in The Pentagon, Room 2E465, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Defense Science Board Task Force on Particle Beam Technology has been scheduled for 11–12 March 1980 to review all aspects of the Department of Defense particle beam technology program. The Task Force will specifically focus on whether the Department of Defense should pursue development of particle beam technology, and if so, the appropriate program contact and level of effort.

In accordance with 5 U.S.C. App. I § 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that

accordingly this meeting will be closed to the public.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

February 19, 1980.

[FR Doc. 80-5663 Filed 2-22-80; 8:45 am]

BILLING CODE 3810-70-M

Task Force on Evaluation of Audit, Inspection, and Investigative Components of the Department of Defense; Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, as amended, Section 10, 5 U.S.C. app. Section 10 (1976), notice is hereby given that a meeting of the Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense will be held on 7 March 1980 from 1000 to 1200 and 1330 to 1630 in Room 3D973, The Pentagon, Washington, D.C.

The mission of the Task Force is to advise Congress and the Secretary of Defense with respect to the effectiveness of the audit, inspection and investigative components of the Department of Defense.

The meeting will be open to the public.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

February 19, 1980.

[FR Doc. 80-5664 Filed 2-22-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

National Petroleum Council, Task Group of the Committee on Unconventional Gas Sources; Meeting

Notice is hereby given that a task group of the Committee on Unconventional Gas Sources will meet in March 1980. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on unconventional Gas Sources will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The task group scheduling a meeting is the Coordinating Subcommittee Task Group. The time, location and agenda of the meeting follows:

The third meeting of the Coordinating Subcommittee Task Group will be held on Monday, March 3, 1980, starting at 10:00 a.m., in the Conference Room, One Shell Plaza, 900 Louisiana Street, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Review the progress of the work completed by the Task Groups.
3. Discuss schedule for completion of the Unconventional Gas Sources study.
4. Discussion of any other matters pertinent to the overall assignment of the Coordinating Subcommittee Task Group.

The meeting is open to the public. The chairman of the task group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the task group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lucio A. D'Andrea, Office of Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 14, 1980.

R. Dobie Langenkamp,

Deputy Assistant Secretary, Resource Development & Operations, Resource Applications.

February 14, 1980.

[FR Doc. 80-5632 Filed 2-22-80; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Task Group of the Committee on Unconventional Gas Sources; Meeting

Notice is hereby given that a task group of the Committee on Unconventional Gas Sources will meet in March 1980. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Unconventional Gas Sources will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The task group scheduling a meeting is the Tight Gas Reservoirs Task Group. The time, location and agenda of the meeting follows:

The fifteenth meeting of the Tight Gas Reservoirs Task Group will be held on Wednesday, March 5, 1980, starting at 9:00 a.m., and on Thursday, March 6, 1980, starting at 9:00 a.m., in Conference Room 266, Shell Development Company, 3737 Bellaire Boulevard, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of the report outline of the Tight Gas Reservoirs Task Group.
3. Review the preliminary results of the Tight Gas Reservoirs Task Group.
4. Review of the Tight Gas Reservoirs Task Group's assignments.
5. Discussion of any other matters pertinent to the overall assignment of the Tight Gas Reservoirs Task Group.

The meeting is open to the public. The chairman of the task group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the task group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lucio A. D'Andrea, Office of Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 14, 1980.

R. Dobie Langekamp,

Deputy Assistant Secretary, Resource Development & Operations, Resource Applications.

February 14, 1980.

[FR Doc. 80-5633 Filed 2-22-80; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Task Group of the Committee on Unconventional Gas Sources; Meeting

Notice is hereby given that a task group of the Committee on Unconventional Gas Sources will meet in April 1980. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Unconventional Gas Sources will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The task group scheduling a meeting is the Tight Gas Reservoirs Task Group. The time, location and agenda of the meeting follows:

The sixteenth meeting of the Tight Gas Reservoirs Task Group will be held on Wednesday, April 9, 1980, starting at 9:00 a.m., and on Thursday, April 10, starting at 9:00 a.m., in the Conference Room of the Marathon Oil Company, Denver Research Center, 7400 South Broadway, Littleton, Colorado.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of the report outline of the Tight Gas Reservoirs Task Group.
3. Review the preliminary results of the Tight Gas Reservoirs Task Group.
4. Review of the Tight Gas Reservoirs Task Group's assignments.
5. Discussion of any other matters pertinent to the overall assignment of the Tight Gas Reservoirs Task Group.

The meeting is open to the public. The chairman of the task group 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 task group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lucio A. D'Andrea, Office of Resource Applications, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 14, 1980.

R. Dobie Langenkamp,

Deputy Assistant Secretary, Resource Development & Operations, Resource Applications.

February 14, 1980.

[FR Doc. 80-5634 Filed 2-22-80; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Mid-Columbia Area Service, Proposed Transmission Line; Intent To Prepare Draft Environmental Impact Statement

Bonneville Power Administration (BPA) hereby gives public notice of its intent to prepare and circulate a draft environmental impact statement (EIS).

BPA's EIS will address the location, construction, and operation of a 230-kV transmission line and associated facilities to provide support for the existing transmission system in the Columbia Basin region of Washington. Based on forecasted summer loads, outages of certain facilities will create subsequent line overloads and low-voltage conditions as early as 1984. In addition to electrical transmission, the alternatives of conservation and no action, as well as alternatives which are beyond BPA's jurisdiction, will be considered.

Scoping for the EIS on this project will include consultations with: (1) Grant County Public Utility District and Washington Water Power to identify feasible electrical plans of service; (2) involved Federal, State, regional, and local agencies, environmental organizations, and landowners. Scoping meetings are being planned. These meetings will be announced at a later date when times and places have been established.

Tentatively, we plan to file the draft environmental statement with the Environmental Protection Agency (EPA) in January 1981.

Although the completed draft EIS will be subject to extensive public and agency review, BPA is interested in receiving input to the EIS preparation process so that concerns identified now can be fully considered in development of the draft EIS. Any suggestions or questions regarding the EIS should be directed to the Environmental Manager, Bonneville Power Administration, U.S. Department of Energy, P.O. Box 3621–SJ, Portland, Oregon 97208: Phone (503) 234–3361, Extension 5137.

Dated at Portland, Oregon, this 15th day of February, 1980..

Ray Foleen,

Acting Administrator.

[FR Doc. 80-5712 Filed 2-22-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Refiners Crude Oil Allocation Program; Supplemental Notice for Allocation Period of October 1, 1969, Through March 31, 1980, and Notice of Issuance of Emergency Allocations

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). Subsequent to the publication of that notice, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) assigned emergency allocations pursuant to 10 CFR 211.65(c)(2) to a number of small refiners and issued supplemental buy/sell lists on October 17, 1979 (44 FR 60786, October 22, 1979), November 6, 1979 (44 FR 65625, November 14, 1979), December 7, 1979 (44 FR 72625, December 14, 1979), December 28, 1979 (45 FR 1439, January 7, 1980), and January 14, 1980 (45 FR 3951, January 21, 1980). The ERA hereby issues a sixth supplemental buy/sell list for the allocation period of October 1, 1979, through March 31, 1980, which sets forth emergency allocations 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 allocations 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 allocations listed herein.

The ERA also hereby issues a list of new emergency allocations that have been assigned for the month of April 1980. These allocations will be included in the regular Buy/Sell list for the April 1980–September 1980 allocation period, which will be issued soon. ERA is publishing notice of the April emergency allocations at this time to enable both refiner-sellers and refiner-buyers to plan future transactions under the program.

The list of emergency allocations for April 1980 is set forth in the appendix to this notice. The list includes the names of the small refiners granted the allocations and their eligible refineries and the quantity of crude oil each refiner is eligible to purchase for the April 1980–September 1980 allocation period as a result of the April emergency allocations.

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 Section 211.65(j).

Pursuant to 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. 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 Section 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 fuly complied with the provision of 10 CFR 211.65.

Refiner-buyers making requests 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.

Please note change of address. All reports and applications made under this notice shoud be addressed to: Chief, Crude Oil Allocation Branch, 2000 M Street NW., Room 6128, Washington, D.C. 20461.

Section 211.65(c)(2)(ii) states in part that applications for emergency allocations "must be submitted by the fifteenth day of the month prior to the month(s) for which an allocation is sought." This provision is intended to permit ERA to receive applications and issue emergency allocations in a timely fashion. Recently, ERA has had difficulty meeting this goal because of the manner in which some applications for emergency allocations have been filed. Therefore, ERA believes it appropriate to offer the following comments on the emergency crude oil application process in the hope that they will clarify the application process for those applying for emergency allocations.

First, most applications have not been received in the Crude Oil Allocation Branch until the fifteenth of the month. The fifteenth of the month was intended as a deadline. It is desirable for refiners to file their applcations earlier than the fifteenth of the month, which would permit ERA to begin processing applications sooner. Except in unusual circumstances, ERA would expect applications to be filed by the tenth of the month. It should be noted that ERA would generally consider applications filed earlier than the fifth of a month to have been filed too early to present an accurate picture of a refiner's crude oil supply for succeeding months.

Second, applications should be completed by the fifteenth of the month in which they are filed. Applications that are not substantially complete by the fifteenth of the month will be dismissed with prejudice.

Third, ERA requires all applicants for emergency allocations to serve copies of their applications on refiner-sellers. Comments regarding an application will be accepted if received within eight days of receipt of the application. Applicants are required to serve copies of their application (and any amendments thereto) on refiner-sellers simultaneously with the filing of the application with ERA. As noted above, we would expect that applications would be filed sufficiently in advance of the fifteenth of the month so that service on refiner-sellers would be effected by the fifteenth of the month. In any event, we would expect that service on refiner-sellers always would be effected no later than the seventeenth of the month. We request that refiner-sellers notify us when service is made after this date.

As has been stated in previous notices, if an 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.

Finally, ERA emphasizes that an application for an emergency allocation must contain a detailed statement as to why the applicant believes it has

exhausted all supply possibilities. Applications which fail to make this statement will be dismissed with prejudice.

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 NW., Rm. B110, Washington, D.C. 20461, (202) 634–2170.

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 March 26, 1980.

Issued in Washington, D.C. on February 15, 1980.

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 allocations for the months of January, February, March and April 1980. 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 for emergency allocations for January, February, March, and April 1980. Also included in the appendix is a list of amendments to previously awarded emergency allocations.

The April emergency allocations listed below have not been included in the refiner-sellers' sales obligations shown in this notice. The sales obligations for the April allocations will be included in a notice to be issued shortly for the regular April 1980 through September 1980 Buy-Sell period. Refiner-sellers are not required to sell the April allocations until the notice for the April 1980 through September 1980 allocations is issued.

Crude Oil Allocation Program Additional Sales Obligations Resulting From New Emergency Allocations; Oct. 1, 1979, to Mar. 31, 1980

Refiner-sellers	Share[1]	Additional sales obligation (barrels)
Amoco Oil Co	0.105	1,643,548
Atlantic Richfield Co	.077	1,206,935
Chevron U.S.A., Inc	.101	1,593,712
Cities Service Co	.025	385,977
Continental Oil Co	.004	62,765
Exxon Co., U.S.A.	.089	1,396,534
Getty Refining & Marketing Co	.021	332,893
Gulf Refining & Marketing Co	.091	1,429,674
Marathon Oil Co	.022	358,627
Mobil Oil Corp	.094	1,476,309
Phillips Petroleum Co	.041	649,231
Shell Oil Co	.113	1,782,825
Sun Co	.055	870,825
Texaco Inc	.114	1,784,284

Crude Oil Allocation Program Additional Sales Obligations Resulting From New Emergency Allocations; Oct. 1, 1979, to Mar. 31, 1980— Continued

Refiner-sellers	Share[1]	Additional sales obligation (barrels)
Union Oil Co. of California	.046	717,253
Total additional sales obligation		15,691,392

[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.

Adjustment To Prior Allocations

On February 5, 1980 ERA issued an Amended Decision and Order to Bruin Refining, Inc., reducing Bruin's allocation for January 1980 from 207,421 barrels to zero (0) barrels, based upon advice from Bruin that it would be processing oil for another firm during January.

On February 8, 1980, ERA issued an Amended Decision and Order to Pacific Resources, Inc., (PRI). Based upon additional purchases of crude oil made outside the Buy/Sell Program, ERA reduced PRI's January 1980 allocation from 853,926 barrels. PRI's February 1980 allocation was reduced from 979,997 barrels to 589,997 barrels.

On February 14, 1980, ERA issued an Amended Decision and Order to Texas City Refining, Inc. To account for unforeseen changes in supply, ERA increased allocations previously awarded to Texas City during September through December 1979 from 6,601,615 barrels to 7,029,598 barrels. As a result of this adjustment, as well as other changes in its supply projections, ERA increased Texas City's January 1980 allocation from 1,558,525 barrels to 2,041,536 barrels; Texas City's February 1980 allocation was decreased from 1,985,021 barrels to 1,925,020 barrels; Texas City's March 1980 allocation was increased from 2,152,516 barrels to 2,242,540 barrels.

New Emergency Allocations for January, February, March, April 1980 Emergency Allocation for January 1980

Refiner	Refinery location	January 1980 allocation (barrels)
A. Johnson	Newington, NH	187,147

Refiner/buyer	Refinery location	February allocation (barrels)	March allocation (barrels)	April allocation (barrels)
A. Johnson	Newington, NH	.....	161,138	.....
Clark Oil & Refining	Blue Island, IL	1,012,129	1,050,931	1,017,030
Commonwealth Oil & Refining	Ponce, PR	1,686,408	1,871,656	1,799,030
CRA—Farmland	Coffeyville, KS	810,347	624,526	693,300
Energy Cooperative	East Chicago, IL	[1] 4,640	1,967,260	2,008,800
Hunt Oil	Tuscaloosa, AL	366,386	224,161	269,190
Macmillan Ring Free Oil	Long Beach, CA	43,442	58,342	50,880
Marlex Oil & Refining	Long Beach, CA	152,685	163,215	157,950
Newhall Refining	Newhall, CA	34,626	59,737	87,930
OKC	Okmulgee, OK	.....	24,955	30,150
Saber Refining	Corpus Christi, TX	387,422	453,003	436,020
Seaview Petroleum	Paulsboro, NJ	350,175	374,325	362,250
Sunland Refining	Bakersfield, CA	238,351	254,789	246,570
Total		5,086,611	7,288,038	7,139,100

[1] Energy Cooperative (ECI) was issued allocations for the months of January and February 1980 by the Office of Hearings and Appeals in a Decision and Order dated January 21, 1980. (Case Nos. BES–0508 and BEL–0508). Pursuant to ordering paragraph (8) of the Decision and Order, ECI's February emergency allocation has been reduced by 53,300 barrels/day or 1,545,700 barrels. Pursuant to ordering paragraph (9) of that Decision and Order, which requires ERA to credit seven refiner-sellers under Section 211.65 for sales made to ECI, the total refiner-sellers' obligation for the October 1979–March 1980 allocation period is increased by the volumes allocated by the Office of Hearings and Appeals to ECI (1,280,300 barrels for January and 1,545,700 barrels for February).

Additional Allocations for the Oct. 1, 1979, to Mar. 31, 1980 Allocation Period

Bruin adjustment	(207,421)
Pacific Resources adjustment	(430,000)
Texas City adjustment	941,017
Energy Cooperative allocation (OHA)	2,826,000
Emergency allocations:	
January	187,147
February	5,086,611
March	7,288,038
Total allocations	15,691,392

[FR Doc. 80–5635 Filed 2–22–80; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

Transcontinental Gas Pipe Line Corp.; Interruption of Deliveries; Informal Conference

February 20, 1980.

Take notice that on March 4, 1980, at 10:00 EST in Room 3000–A, Federal

Building, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C., an informal conference will be held among the Staff of the Commission, Transcontinental Gas Pipe Line Corporation (Transco), and any interested persons regarding the interruption of deliveries of natural gas transported by Transco under interruptible contracts. Transco has been directed to file with the Commission by February 27, 1980, certain data with respect to the operation of its interstate natural gas pipeline system and the interruption of transportation services. These data will be available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C.

There have been filed with the Commission in the proceedings, *Cerro Wire & Cable Co., et al.* v. *Transcontinental Gas Pipe Line Corporation,* Docket No. CP80–153,[1] and *American Bakeries Company, et al.* v. *Transcontinental Gas Pipe Line Corporation,* Docket No. CP80–154,[2] complaints against Transco as the result of the interruption of transportation services. The instant informal conference will not be on those complaints; however, parties to those proceedings and any other persons interested in those complaints may attend and participate in the informal conference. Attendance at and participation in the informal conference will not make persons parties to the complaint proceedings.

No notice need be given as to the intent to attend or participate in the informal conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–5689 Filed 2–22–80; 8:45 am]

BILLING CODE 6450–85–M

Office of the Secretary

Regulatory Reform; Improving Government Regulations

AGENCY: Department of Energy.

ACTION: Notice of proposed recision of DOE 2030.1 and proposed issuance of guidelines for the development and analysis of regulations.

SUMMARY: For more than a year the Department of Energy has operated under DOE 2030.1, a directive which was promulgated in response to Executive Order 12044 and established procedures for the development and analysis of regulations. The Department has reviewed its performance under both the Executive Order and under DOE 2030.1. We have decided that we can further improve the regulatory process by making certain changes in our methods of implementing the Executive Order. Accordingly, the Department is publishing for public notice and comment its proposed Guidelines for the Development and Analysis of Regulations.

DATES: Written comments are due on or before April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Hank Greely, Office of the Secretary, Department of Energy, Room 7B–252, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252–5600; William Funk, Assistant General Counsel, Department of Energy, Room 6A–099, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252–6736.

SUPPLEMENTARY INFORMATION:

I. The Guidelines

The Department of Energy is committed to the objectives of Executive Order 12044. The Department has substantial regulatory responsibilities. We want to carry out those responsibilities in ways that produce the most effective and least burdensome regulations possible. We believe that we have made significant progress in achieving those goals, especially in getting effective public participation in our regulatory process and in improving the readability of our regulations and their preambles.

There are areas where we can improve. The most important is in policy oversight of the development of regulations. The proposed changes will increase the review and direction of the regulatory process by policy making officials in the Department. The Secretary or Deputy Secretary will personally approve the initiation of the regulatory process of each significant regulation and will review and sign selected regulations.

A second important change concerns the regulatory analyses that must be produced during the development of regulations likely to have major impacts on the Nation. The proposed Guidelines redefine the requirements of a regulatory analysis in an effort to yield documents that will be greater assistance to those in the Department who make decisions on regulations.

A third problem has been in the number of Department regulations that were exempted from DOE Order 2030.1 on the grounds of emergency. We hope that improvements in our contingency planning efforts will minimize the need for emergency regulatory procedure. If not, the increased flexibility in the proposed Guidelines should often permit the regulatory process to follow its procedures even when rapid action is important.

These changed procedures have been restyled "Guidelines." The Executive Order states that it is not intended to create delay in the process or provide grounds of judicial review. While DOE Order 2030.1 was never intended to provide grounds for judicial review, the Department has been challenged in court for alleged "violations" of its own order. The Guidelines make clear what is expected of the Department and its components, but they also are clear that they are not enforceable in court.

II. Comments

The Department is very interested in receiving comments on the proposed Guidelines. These comments will be considered before the Order is issued. Comments should be addressed to: Hank Greely, Office of the Secretary of Energy, Department of Energy, Room 7B–252, 1000 Independence Avenue, SW, Washington, DC 20585.

To ensure their consideration, they should be received within sixty days of the publication of this notice in the **Federal Register** and be labelled plainly "Guidelines for Regulations."

Dated: February 19, 1980.

Charles W. Duncan, Jr.,

Secretary of Energy.

Guidelines for the Development and Analysis of Regulations

1. *Purpose.* To implement Executive Order 12044 on "Improving Government Regulations" by providing guidelines on the development and analysis of regulations subject to the Order. They replace Department of Energy Order 2030.1.

2. *Cancellation.* DOE 2030.1, procedures for the development and analysis of regulations, standards, and guidelines, of 12–18–78.

3. *Background.* Executive Order 12044 requires all executive agencies to distinguish between significant and nonsignificant regulations and to determine whether regulations require special analysis because of the major impacts they impose. It also requires agencies to follow specified procedures in developing regulations, to review regulations periodically, and to publish a semiannual regulatory agenda. The guidelines are intended for use by Department of Energy personnel in carrying out the provisions of Executive Order 12044; they do not include all the steps that may be required in preparing

[1] Notice published January 10, 1980, 45 FR 2086.

[2] Notice published January 10, 1980, 45 FR 2087.

a regulation. The guidelines, like the Executive Order itself, are not intended to create or enlarge any procedural or substantive rights of any person; they are not intended to be judicially enforceable.

4. *Reference.* DOE 1900.1A "Federal Register Management" of 5–16–79 which defines responsibility for the administrative management of documents published in the "Federal Register" including approval, promulgation, and certification of all DOE proposed and final rules, regulations, and official documents, except those of the Federal Energy Regulatory Commission.

5. *Definitions—*

a. *Regulation.* Any DOE action that will result in an addition or revision to the "Code of Federal Regulations," unless such action is described in Section 6(b)(1)–(5) of Executive Order 12044 as a regulation not subject to that Order.

b. *Notice of Inquiry.* A document published in the **Federal Register** early in the process of developing a regulation that requests public comments before a proposed regulation is drafted.

c. *Advance Notice of Proposed Rulemaking.* A document published in the **Federal Register** requsting public comment on preliminary decisions by the Department of Energy regarding a future regulatory action.

d. *Lead Office.* The Department of Energy component responsible for managing the development process with respect to a regulation and for administering the completed regulation.

e. *Heads of Department of Energy Components.* The General Counsel; Assistant Secretaries; Administrators of the Economic Regulatory Administration and the Energy Information Administration; Directors of Energy Research, Hearings and Appeals, Administration, Procurement and Contracts Managements, Equal Opportunity, Minority Economic Impact, Consumer Affairs, and Intergovernmental Affairs; the Assistants to the Secretary for Legislative Affairs and Public Affairs, the Inspector General, and the Controller.

6. *Initiation of the regulatory process—*

a. Before the development or drafting of a significant proposed or final regulation or of any public notice concerning possible significant regulations, the lead office shall submit an action memorandum ot the Secretary and Deputy Secretary that will include:

(1) A description of the problem a regulation would be intended to meet;

(2) A discussion of the need to consider developing a regulation now,

(3) A statement of the main interests that would be benefited or harmed by a regulation;

(4) A discussion of the major alternative regulatory and nonregualtory solutions to the probles;

(5) A preliminary assessment of whether a regulatory analysis should be prepared;

(6) the proposed methods for receiving public comments; and

(7) A proposed schedule for completing the regulatory process.

Alternatively, a meeting may be held with the Secretary or the Deputy Secretary in which those items will be discussed. In that event an information memorandum for the record shall be prepared and submitted to the Secretary and Deputy Secretary.

b. The action or information memorandum shall be prepared and submitted to the Executive Secretary. The General Counsel and the Office of Policy and Evaluation shall review the memorandum. If the lead office reports to the Secretary and Deputy Secretary through the Under Secretary or the Chief Financial Officer, the memorandum shall be submitted through that official.

c. If the memorandum is approved by the Secretary or Deputy Secretary, drafting of a regulation or a public notice concerning possible regulations may proceed. The memorandum will note whether the completed regulatory actions shall be brought to the Secretary or the Deputy Secretary for review or signature.

7. General instructions—

a. A regulation shall be considered significant unless it does not raise substantial issues of law or fact and is not likely to have substantial impacts on the Nation's economy or on large numbers of individuals or businesses. A significant regulation is one that may:

(1) Have a substantial impact upon:

(a) The obectives of national energy policy or energy statutes;

(b) Inflation, unemployment, economic growth, or the ability of consumers to have adequate energy supplies at reasonable prices;

(c) Competition;

(d) The quality of the environment or the public health and safety;

(e) State and local government programs; or

(f) Existing regulatory programs of the Department of Energy or other Executive agencies;

(2) Impose substantial new compliance and reporting burdens;

(3) Be a matter of major concern to the President or Congress;

(4) Require substantial Department of Energy resources to develop or enforce; or

(5) Be expected to provoke substantial public comment.

b. Nonsignificant regulations include amendments to regulations for technical, interpretative, or clarifying reasons.

c. Notices of inquiry or advance notices of proposed rulemaking may be used whenever such documents would increase public participation or help the Department develop a regulation.

d. Regulations shall be drafted in clear, concise English.

e. The notice of the regulation published in the **Federal Register** shall include a brief preamble that is understandable to nonexperts and nonlawyers. The preamble shall contain an explanation of the need for the regulation and a summary of the objectives, terms, and anticipated effects of the regulation. The preamble shall also include the name, official address, and telephone number of the person in the lead office primarily responsible for drafting the regulation.

f. All documents shall be transmitted to the Director of Administration for certification and transmittal to the Office of the Federal Register in accordance with DOE Order 1900. 1A, "Federal Register Management" of 5–16–79.

8. *Development of significant regulations—*

a. The lead office shall develop the regulation unless the Secretary or Deputy Secretary directs otherwise.

b. Schedules for the development of significant regulations shall be entered into the Action Coordination and Tracking System (ACTS).

c. If the lead office finds that a signficant regulation is likely to have a major impact, then a draft regulatory analysis should be prepared before publication of the notice of proposed rulemaking.

d. Sixty days or longer shall be provided for public comment after publication of a proposed significant regulation unless the Secretary or Deputy Secretary finds that there is good cause for shorter period. In that the reasons for a shorter comment period shall be explained in the preamble.

e. When the period for public comment is completed, the lead office shall summarize the comments received. It shall then analyze the public comments and revise the regulation and the regulatory analysis where appropriate.

9. *Development of non-significant regulations—*

a. The lead office shall develop the regulation.

b. When a proposed nonsignificant regulation is published in the **Federal Register**, the notice should provide a 30 day public comment period, unless the lead office finds good cause for a shorter period. The notice shall include a statement explaining the need for the regulation, its probable effects, and why the regulation is not considered significant.

c. The proposed or final nonsignificant regulation shall be signed by the head of the lead office.

10. *Development of regulatory analyses for significant regulations likely to have major impacts—*

a. The purpose of the regulatory analysis is to help officials in the Department of Energy decide whether to issue a regulation and what the regulation should require. The regulatory analysis should be fashioned to provide information on the questions that, as a practical matter, are most important in making those decisions. A regulatory analysis of a proposed significant regulation shall be prepared if the Secretary or Deputy Secretary so direct or if the lead office determines that the regulation is likely to have a major impact.

b. A significant regulation is likely to have a major impact if:

(1) The regulation is likely to have a substantial effect on any of the objectives of national energy policy or energy statutes;

(2) The regulation is likely to impose:

(a) Gross economic costs of $100 million per year; or

(b) A major increase in costs or prices for individual industries, levels of government, geographic regions, or demographic groups; or

(3) The regulation is likely to have a substantially adverse effect on competition.

In determining whether a regulation is likely to have a major impact, attention should be directed to the incremental effect of the regulation on the existing regulatory environment, not to the regulation's hypothetical effect on an unregulated environment.

c. The regulatory analysis should consist of a summary and supporting documentation. The summary shall be prepared by the lead office and shall include the following:

(1) A succinct statement of the problem and the mandate for Government action;

(2) A statement of the policy objectives involved in the regulation under development and their relationship to the objectives of national energy policy or energy statutes;

(3) A brief description of the major alternatives, both regulatory and nonregulatory, for dealing with the problem and achieving the objectives involved;

(4) A brief anlaysis of the economic consequences of each of these alternatives; and

(5) A short explanation of the reasons for choosing the preferred alternative.

d. The supporting documentation will be provided by the lead office, the Energy Information Administration, and other Department of Energy components. It should include a more extensive statement of the problem; a description and analysis of the major alternatives, including the preferred alternative; and a detailed explanation for why the preferred alternative was chosen. Examples of the type of information that might be useful in the supporting documentation includes:

(1) The legislative authority for alternative solutions;

(2) Institutional, enforcement, or other barriers to the implementation of alternative solutions;

(3) An analysis, quantified if possible, of the effects of alternative solutions on the objectives of national energy policy and the economic well-being of the Nation as a whole or of particular communities, sectors, or regions of the Nation;

(4) The costs of compliance, enforcement, and reporting for the alternative solutions; and

(5) The distribution of the costs and benefits.

e. When a notice of a significant proposed regulation likely to have a major impact is published in the **Federal Register**, the summary portion of the draft regulatory analysis shall be included, and the public shall be asked to comment on the findings of the analysis. The **Federal Register** notice shall indicate how members of the public can obtain the supporting documentation. Where, for reasons explained in the preamble, a draft regulatory analysis is not completed by the time the notice of a proposed regulation is published, the draft analysis shall be completed later. The lead office shall provide adequate opportunity for public comment on the draft analysis before the final regulation is issued.

f. After the public comment period the draft regulatory analysis shall be reviewed by the lead office in light of the comments received.

g. When a notice of the final regulation is published in the **Federal Register**, the summary portion of the final regulatory analysis shall be included. The notice shall also indicate how members of the public can obtain the supporting documentation.

11. *Public participation—*

a. It is the policy of the Department of Energy to develop significant regulations in an open and accountable manner with an opportunity for extensive public participation early in the process.

b. The lead office shall work with the Assistants to the Secretary for Public Affairs and Legislative Affairs and with the Directors of Intergovernmental Affairs and Consumer Affairs to include members of the public in the consideration of significant regulations. These steps may include, where appropriate:

(1) Notification of interested parties, the Governor of each state, Department of Energy regional representatives, and appropriate Federal advisory committees;

(2) Distribution of appropriate notices or press releases describing the regulation action to trade journals, newspapers, magazines, and newsletters that may be read by interested parties;

(3) Public hearings and conferences with interested groups and individuals; and

(4) Other actions that may be desirable to provide the Department of Energy with a broad range of public opinion.

12. *Concurrence and issuance—*

a. The lead office shall ensure that the Assistant Secretary for Policy and Evaluation, the General Counsel, the Energy Information Administration, the Director of Administration, and all other appropriate Department of Energy components have reviewed the proposed or final significant regulation and the regulatory analysis and have had an opportunity to comment to the Secretary and Deputy Secretary prior to its publication.

b. After review by all appropriate offices, proposed and final regulations that the Secretary of Deputy Secretary have requested be brought to them for review or signature shall be submitted to the Executive Secretary. Department of Energy components that report through the Under Secretary or the Chief Financial Officer shall submit significant regulations through these officials.

c. After review and concurrence by appropriate offices, proposed and final regulations that are not to be signed or reviewed by the Secretary or Deputy Secretary may be signed by the head of the lead office. Components that report through the Under Secretary or the chief Financial Officer shall submit significant regulations to these officials for review before publication.

d. Before any regulation is published, the lead office shall review the preamble and the regulation to ensure that:

(1) The need for the regulation is explained clearly;

(2) The preamble is concise; can be understood by people who are neither experts nor lawyers; and contains a good summary of the regulation, its objectives, and its expected effects;

(3) The regulation is written in clear, concise English;

(4) The name, address, and telephone number of a representative of the lead office responsible for drafting the regulation is included;

(5) The provision for a comment period complies with these guidelines;

(6) The anticipated effects of the regulation are properly described;

(7) Alternative approaches have been considered and the preferred alternative is the least burdensome acceptable alternative;

(8) The determinations of "significance" and "major impact" have been made correctly and adequate explanations has been made of those decisions in the regulation;

(9) The regulatory analysis has been prepared properly;

(10) A satisfactory plan for evaluation of the regulation has been prepared by the lead office;

(11) Any new or changed reporting requirements have been assessed and are not needlessly burdensome; and

(12) An environmental review of the effects of regulation in keeping with the requirements of the relevant statutes and Department of Energy directives has been made and any necessary findings or documents have been prepared.

e. The General Counsel shall assure that the regulation meets any legal requirements, as well as those set by Executive Order 12044 and these guidelines.

f. The Office of Policy and Evaluation shall review all regulatory analyses.

13. *Exception—*

The Secretary or Deputy Secretary may determine that pursuant to Section 6(b)(6) of Executive Order 12044 all or part of the Order does not apply to a particular regulation. These guidelines are meant to apply to the regulatory process only to the extent that the Executive Order applies. When all or part of the Executive Order has been found not to apply to a regulation, the notice published in the **Federal Register** shall include a statement to that effect, the name of the official who made the determination, an explanation of what portions of the Executive Order do not apply to the regulation, and a description of the reasons for the exception.

14. *Republication and review of existing regulations—*

a. The Department of Energy will evaluate periodically the effectiveness of and continued need for its regulations. Unless it is not likely to remain in effect, each significant regulation shall be reviewed within 5 years of its effective date, or, for existing regulations, by September 30, 1983. Regulations may be reviewed with similar regulations in an effort to obtain comments on an overall regulatory program.

b. Review of a regulation shall follow the same steps outlined for development of new regulations so that the Department of Energy can make a fully informed decision whether to modify, continue, or revoke the regulation.

c. When a significant regulation is republished, a 60-day comment period shall be provided for public comments regarding:

(1) Whether the regulation should be continued or terminated;

(2) Any ambiguities or interpretative difficulties in the existing regulation;

(3) The actual effects of the regulation;

(4) Suggested changes in the regulation; and

(5) The effects of revoking the regulation.

d. Based on the public comments received and the Department's experience, the lead office shall determine whether the regulation should be continued, modified, or rescinded. The lead office shall draft a statement advising the public of its determination. An opportunity to comment to the Secretary and Deputy Secretary shall be provided to all the appropriate Department of Energy components. After approval by the Secretary or Deputy Secretary, this statement shall be published in the **Federal Register.**

e. The Department shall publish in the **Federal Register** a schedule for review of its regulations. The timing of the review of any regulation should take into consideration the following factors:

(1) The continued need for the regulation;

(2) The type and number of complaints or suggestions received;

(3) The burden imposed on those affected by the regulation;

(4) The need to simplify or clarify language;

(5) The need to eliminate overlapping regulations;

(6) The availability of less burdensome alternatives;

(7) The length of time since the regulation was evaluated and the degree to which technology, economic conditions, or other factors have changed in ways that might affect the regulation; and

(8) The administrative costs and problems associated with the regulation and its review and republication.

15. *Semi-annual regulatory agenda—*

a. In April and October of each year the Department of Energy will publish a semiannual regulatory agenda in the **Federal Register.** The General Counsel shall draft the agenda. The agenda shall include descriptions of all significant regulations in the development process and all existing significant regulations that are scheduled for review during the following six months. The Secretary or Deputy Secretary, or their designee, shall approve the agenda before it is published.

b. For each significant regulation under development, planned for republication, or otherwise under review, the regulatory agenda shall:

(1) State the need and legal basis for the regulation and the current stage of the development process;

(2) Indicate if a regulatory analysis will be prepared; and

(3) Include the name and telephone number of the person in the lead office responsible for the development or review of the regulation.

c. Each agenda shall also give the status of all regulations listed on previous agendas that have changed status or are not final regulations.

16. *Responsibilities—*

a. The *Secretary* or *Deputy Secretary* will approve the development of any significant regulations and review or sign significant regulations they select.

b. The *Secretary, Deputy Secretary,* and, when appropriate, the *Under Secretary* or *Chief Financial Officer* shall be informed of the development of all significant regulations.

c. The *lead office* shall develop the regulation, review regulations, and prepare any necessary regulatory analyses.

d. The *General Counsel* shall review all action and information memorandums concerning the approval of the Secretary or Deputy Secretary for development of significant regulations. The General Counsel shall assure that all regulations comply with the relevant legal requirements, as well as the requirements of Executive Order 12044 and these guidelines. The General Counsel shall prepare the semi-annual regulatory agenda. The General Counsel or a person designated by the General Counsel shall represent the Department of Energy on matters dealing with regulatory procedures.

e. The *Assistant Secretary for Policy and Evaluation* shall review all action and information memorandums concerning the approval of the Secretary or Deputy Secretary for the development

of new regulations. The Assistant Secretary for Policy and Evaluation shall also review draft and final regulatory analyses.

f. The *Administrator of the Energy Information Administration* shall review the data collection requirements of all proposed regulations to assure that they are compatible with existing Department of Energy data systems, that they have been approved by the Office of Management and Budget, and that they do not impose unnecessary requirements. The Administrator shall also assist the lead office in preparing regulatory analyses.

g. The *Director of Administration* shall certify and transmit all documents to the Office of the Federal Register and ensure that all necessary concurrences shall have been obtained before documents are transmitted.

h. The *Office of the Executive Secretary* shall obtain comments on memorandums and proposed regulations and shall track the development of all significant regulations.

[FR Doc. 80-5631 Filed 2-22-80; 8:45 am]
BILLING CODE 6450-01-M

Office of the Special Counsel for Compliance

Consent Order With the Coastal Corp. and Holborn Oil Co., Ltd.

AGENCY: Department of Energy.

ACTION: Notice of Consent Order with the Coastal Corporation and Holborn Oil, Co., Ltd. and opportunity for comment.

SUMMARY: Pursuant to 10 CFR 199J, the Office of Special Counsel for Compliance for the Department of Energy (DOE) hereby gives Notice of Consent Order which was executed on January 11, 1980, between the Office of Special Counsel for Compliance on behalf of the DOE and the Coastal Corporation (Coastal) and Holborn Oil Company, Ltd. (Holborn). The Order settles various disputes concerning overcharges and penalties which allegedly arose from sales of domestic crude oil by Coastal to Coral Petroleum, Inc. (Coral), Coastal to Sublett Oil Company and Coastal to Ambur Oil Company, and from sales of foreign crude oil by Holborn to those three entities between November 1, 1974 and January 1980.

This Consent Order is an integral part of the disposition of certain criminal and civil disputes in regard to crude oil transactions involving Coastal, Holborn and Coral as set forth in a Statement of Plea Bargain and other documents filed with the United States District Court for the Southern District of Texas. Because of the complex settlement negotiations in this case and the necessity to conclude this matter simultaneously with certain other criminal proceedings associated with this Order, as well as a concern to avoid delay in the payment of the refund and penalty as provided therein, the DOE determined it was in the public interest to make this Order effective immediately upon execution by the DOE, Coastal and Holborn.

I. The Consent Order

This Consent Order pertains to certain specified transactions that took place between November 1, 1974 and January 11, 1980. During that period Coastal was engaged in, *inter alia*, the marketing of crude oil, as that term is defined at 10 CFR 212.31. Coastal was therefore subject to the Mandatory Petroleum Price Regulations at 10 CFR part 212, as well as other applicable provisions of law.

DOE alleges in the Order that during the period November 1, 1974 through January 11, 1980, Coastal sold domestic crude oil to Coral at prices in excess of those permitted under DOE regulations applicable to such crude oil, as provided in 10 CFR Parts 210 and 212. Specifically, Coastal's sales to Coral were invoiced at prices which reflected a $.04 per barrel profit, while amounts in excess of such prices were agreed to be paid by Coral to Coastal through, amongst other means, sales of foreign crude oil by Coastal's subsidiary Holborn during the same period. DOE alleges that Coastal charged Coral $9,000,000 in excess of the amount permitted by DOE regulations to be charged in sales of domestic crude oil.

The government's investigation disclosed evidence of apparent willful violations of certain applicable DOE regulations and other criminal statutes. As a result of the simultaneous negotiation of both civil and criminal resolutions of this matter, the Department of Justice agreed with Coastal and Holborn to the disposition of the criminal charges as provided for in the Statement of Plea Bargain and Coastal and Holborn agreed to enter into a Consent Order with the Department of Energy providing for the refund of overcharges and payment of a civil penalty.[1] Since the simultaneous resolution of the civil and criminal aspects of this matter was significant in achieving a negotiated disposition of the case, the Consent Order was made effective immediately upon execution by the DOE, Coastal and Holborn. That execution came immediately prior to the companies' pleas to the criminal charges. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

The significant terms of the Consent Order include an agreement by Coastal to refund the sum of $9,000,000 in full settlement of any civil liability with respect to actions which could be sought by the DOE arising out of the transactions specified above.

Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Special Counsel for Compliance or his authorized representative on or before February 4, 1980. These funds will be deposited in and remain in a suitable account in order that the monies be distributed in a just and equitable manner in accordance with applicable law and regulations.

Further, the Consent Order provides that on or before February 4, 1980, Holborn will deliver to the Special Counsel or his authorized representative a certified check payable to the United States Department of Energy in the amount of $1,000,000 in civil penalties in complete settlement and satisfaction of any actions which could be sought by the DOE against Holborn arising out of the transactions described above.

II. Submission of Written Comments

The DOE invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

Comments should be sent to Jeffrey R. Whieldon, Deputy Solicitor to the Special Counsel for Compliance, Department of Energy, Rm. 2140, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461. A free copy of this Consent Order may be obtained by writing to the same address or by calling (202) 633–8870.

Please identify all comments on the outside of the envelope and on any documents which are submitted with the designation, "Comments on Coastal/Holborn Consent Order." DOE will consider all comments received by 4:30 p.m., local time, on [30 days after publication]. Please identify any information or data which is believed to be confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

[1] Contemporaneous herewith, a DOE Consent Order was executed and criminal pleas were taken with respect to alleged illegal activities by Coral. A Notice of Consent Order with Coral is also being published in the **Federal Register** setting forth the findings and terms thereof.

Issued in Washington, D.C. on the 14th day of February, 1980.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 80-5636 Filed 2-22-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Consent Order With Standard Oil Co. (Indiana)

AGENCY: Department of Energy (DOE).

ACTION: Notice of proposed consent order and opportunity for public comment.

SUMMARY: The Office of the Special Counsel for Compliance (OSC) hereby gives the notice required by 10 CFR 205.199J that it entered into a consent order with Standard Oil Company (Indiana) on February 14, 1980. The consent order resolves all issues of compliance with the DOE Petroleum Price and Allocation Regulations for the period March 6, 1973, through December 31, 1979. To remedy any overcharges that may have occurred during the period, Standard Oil Company (Indiana) agrees to $690 million in remedies.

As required by the regulation cited above, OSC will receive comments on the consent order for a period of not less than 30 days following publication of this notice. OSC will consider any comments received before determining whether to make the consent order final. Although the consent order has been signed and accepted by the parties, the OSC may, after the expiration of the comment period, withdraw its acceptance of the consent order and attempt to obtain a modification of the consent order or issue the consent order as proposed.

COMMENTS: Comments must be received by 5:00 p.m., March 24, 1980 to be considered. Address comments to: Standard Oil Company (Indiana), Comments Office of Special Counsel, Department of Energy, 1200 Pennsylvania, N.W., Rm. 3109, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Richard B. Wolf, Deputy Solicitor to the Special Counsel for Compliance, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461, 202-633-9165.

Copies of the consent order may be received free of charge by written request to: Standard Oil Company (Indiana), Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Rm. 3109, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room GS-145.

SUPPLEMENTARY INFORMATION: Standard Oil Company (Indiana) [Standard] is one of the 34 major refiners presently subject to audit by the Special Counsel to determine compliance with the DOE Petroleum Price and Allocation Regulations (Regulations). Standard engages in the production, refining and marketing of crude oil and refined petroleum products. The audit included a review of Standard's records relating to compliance with the Regulations through December 31, 1979. During the audit, questions and issues were raised and enforcement documents were issued. This consent order resolves all issues not previously resolved concerning the allocation and sale of covered products during the audit period, whether or not raised in a previous enforcement action.

Conclusion of OSC Audit

The consent order addresses all aspects of Standard's compliance with applicable price and allocation regulations pertaining to the production, refining and marketing of crude oil, motor gasoline, residual fuel oil, No. 2 heating oil, No. 2 diesel fuel, natural gas liquids (NGL), natural gas liquid products (NGLP) and other refined petroleum products. OSC's audit examined all areas of compliance including but not limited to: The sales and certifications of crude oil, including property determinations; the calculation of monthly increased costs of product, including NGLs and NGLPs; non-product costs increases; the determination of, and prices charged to different classes of purchaser; and the crude oil transfer pricing, entitlements and mandatory oil import regulations.

Neither OSC nor Standard has disavowed positions taken previously on the issues addressed by this consent order and each believes that its position on these issues is meritorious. Notwithstanding DOE's position to the contrary, Standard Oil maintains that it has calculated its costs and determined its maximum allowable prices in accordance with applicable statutes and regulations. The parties desire, however, to resolve the issues raised without resort to complex, lengthy and expensive compliance actions. OSC believes that the terms and conditions of this consent order provide a satisfactory resolution of disputed issues and an appropriate conclusion of the Standard audit, and thus the consent order is in the best interests of the United States.

Terms and Conditions of the Consent Order

Standard has agreed to undertake certain actions totalling $690 million. The settlement consists of three major components: A current payment of $100 million; a "bank reduction" of $180 million; and an investment commitment of $410 million for new, expanded or accelerated company projects.

1. The $100 million payment will be implemented as follows: Within 15 days after receipt by Standard of notification from DOE that this Consent Order has been made effective, Standard shall deposit $71,000,000 in an escrow account. Standard will have no responsibility for, or participation in, the withdrawal, distribution or investment of funds from this escrow account. Standard shall make refunds not to exceed in aggregate amount $29,000,000 to purchasers of various middle distillate products in its commercial/consumer direct shipment and direct sales channels who take delivery in tank truck/tank car or larger delivery modes. Standard shall review with DOE its refund procedures and obtain DOE's approval of such procedures to assure that the refunds are paid or credited in a reasonable and equitable manner. To the extent Standard initially refunds less than $29,000,000, the difference may be used to make further direct refunds subject to DOE review and approval, provided that any remaining difference which may still exist on December 31, 1980, will be deposited by Standard in the escrow account.

2. The unrecovered costs (bank) reduction component of the settlement shall be $180 million. Standard shall subtract $170 million from its bank of unrecovered increased motor gasoline costs, and shall subtract $10 million from its bank of unrecovered propane costs. These are costs previously incurred which Standard was entitled to pass through in product prices. The effect of the reduction is to foreclose Standard's opportunity to recover this amount in future price increases.

3. Standard shall make investments of $410 million for new, expanded, or accelerated projects of the following kinds:

(a) Domestic United States oil and gas exploratory drilling, developmental drilling, and enhanced recovery during 1980 and 1981.

(b) Design, engineering, construction, and activation of a cat feed hydrotreating project at its Texas City refinery on a schedule intended to have the new facility in operation by mid-1983.

Standard has provided information to demonstrate its current exploration and production commitments. OSC shall have access to such information as may be required to audit Standard's performance of its investment commitments pursuant to the consent order.

The agreement also provides for a payment of $250,000 by Standard to the U.S. Treasury, in lieu of penalties. The consent order provides details regarding the conclusion of the audit and procedures concerning enforcement of the provisions of the consent order. Upon becoming final after consideration of public comments, the order will be a final order of DOE to which Standard has waived its right to an administrative or judicial appeal. The consent order does not constitute an admission by Standard or a finding by OSC of a violation of any price and allocation statute or regulation.

Submission of Written Comments

Interested persons are invited to submit written comments concerning this consent order to the address noted above. All comments received by 5:00 p.m. on March 24, 1980 will be considered by OSC before determining whether to adopt the consent order as a final order. Modifications of the consent order which, in the opinion of OSC, significantly change the terms or impact of the consent order will be published for comment.

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures of 10 CFR 205.9(f).

Issued in Washington, D.C., February 15, 1980.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 80-5637 Filed 2-22-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1419-5]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A-104) U.S. Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EIS's) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR 1506.9).

PERIOD COVERED: This notice includes EIS's filed during the week of February 11, 1980 to February 15, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from February 22, 1980 and will end on April 7, 1980. The 30-day review period for final EIS's as calculated from February 22, 1980 will end on March 24, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. This notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

FOR HARD COPY REPRODUCTION: Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20037.

FOR HARD COPY REPRODUCTION OR MICROFICHE: Information Resources Press, 2100 M Street, NW, Suite 316, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A-104), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 (202) 245-3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ regulations became effective. Pursuant to section 1506.10(A), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of February 11, 1980 to February 15, 1980 the 30-day review period will be calculated from Februry 22, 1980. The review period will end on March 24, 1980.

Appendix I sets forth a list of EIS'S filed with EPA during the week of February 11, 1980 to February 15, 1980. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and county(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this notice. Commenting entities on draft EIS'S are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and county(ies) of the EIS, the date EPA announced availability of the EIS in the Fderal Register and the newly established date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous notices of availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA'S attention.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

February 20, 1980.

Appendix I—EIS's Filed With EPA During the Week of February 11 Through 15, 1980

Department of Agriculture

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-A Admin. Building, Washington, D.C. 20250, (202) 447-3965.

Soil Conservation Service

Draft

East Carroll Watershed Flood Protection, East Carroll County, La., February 12: Proposed is a watershed protection and flood prevention plan for the East Carroll Watershed in East Carroll Parish, Louisiana. The Planned works of improvement include conservation land treatment, 239 miles of channel work, 6 grade stabilization structures, 2 structures for water control (fixed-crest weirs), creation of a 27 acre mitigation area, retention of 451 acres, and establishment of bottomland hardwoods on 4 acres of openland. The channel work will involve clearing on 20 miles of existing channels, 1 mile of new channel construction, and enlargement of 218 miles of existing channels by excavating. (USDA-SCS-EIS-WS-(ADM)-80-1-(D)-LA) (EIS Order Number 800103.

Attoyac Bayou Watershed Flood Prevention, several counties in Texas, February 11: Proposed is a watershed protection and flood prevention plan for Attoyac Bayou in Nacogdoches, Rusk, Shelby

and San Augustine Counties, Texas. The watershed encompasses an area of 213,440 acres. The plan would provide: 1) accelerated technical assistance for application of land treatment, 2) installation of 21 floodwater retarding structures, and 3) one mutliple-purposes structure with basic facilities for water-based recreation. Four alternatives are considered. (EIS Order Number 800099.)

Forest Service

Draft

Main Bay Hatchery, Chugach NF, Permit, Alaska, February 11: Proposed is the issuance of a special permit for the construction and operation of a chum salmon egg incubation facility on approximately 14 acres near Main Bay in the western Prince William Sound area of the Chugach National Forest in southcentral Alaska. The hatchery will include 12 structures, water pipelines, a combination biological/chemical sewage treatment system, hydroelectric plant, and a holding pond. Also proposed is the designation of the Main Bay Area as wilderness. (EIS Order Number 800100.)

Department of the Army

Contact: Col. Charles E. Sell, Chief of the Environmental Office, Headquarters DAEN–ZCE, Office of the Assistant Chief of Engineers, Department of the Army, Room 1E676, Pentagon, Washington, D.C. 20310, (202) 694–4269.

Draft

Fort Drum, Current Mission, Watertown, Jefferson County, N.Y., February 15: The proposed action is the continuation of the present mission of Fort Drum, located in Watertown, Jefferson County, New York. The present mission includes: 1) Support Annual Training/Multiple Unit Training Assembly of Reserve Component Units, 2) Command of assigned or attached Army unit and personnel, 3) post, camp and station support of tenant units and activities and administrative support of designated activities within the area of responsibility, and 4) training and administrative support to U.S. Army and other DOD units undergoing training at this installation. Four alternatives have been addressed. (EIS Order Number 800113.)

U.S. Army Corps of Engineers

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272–0121.

Draft

Savannah River Basin, Oates Creek Flood Damage, Richmond County, Ga., February 13: Proposed is a flood damage reduction plan for Oates Creek located in Richmond County, Georgia. Five plans are considered which include various combinations of: flood-proofing of buildings, evacuation, modification of bridges and culverts, channel modification, and no action. The recommended plan would involve channel modification and some bridge and culvert modification. (Savannah District.) (EIS Order No. 800106.)

Rockport Generating Station, Permit, Spencer County, Ind., February 13: Proposed is the issuance of a permit for the construction and operation of the Rockport Generating Station in Spencer County, Indiana. The facility would consist of two 1,300 megawatt coal-fired electrical generating units and will require one 1,040-foot stack, two natural draft cooling towers, coal storage area, wastewater treatment system, ash disposal area, barge unloading facilities, and river intake and discharge structures. The project would encompass 3,820 acres and will require two 765 kilovolt transmission lines. (Louisville District.) (EIS Order No. 800107.)

Final

Spinney Mtn Reservoir, Pike, NF, Permits, Park County, Colo., February 15: Proposed is the issuance of permits from both the COE and the DOI/BLM for the construction of the Spinney Mountain Reservoir. The reservoir would be located on the South Platte River within the Pike National Forest, Park County, Colorado. The purpose of the dam would be to store both east slope runoff waters and west slope diversion waters from the Homestake System to meet the water demands for the City of Aurora during droughts, emergency outages of the western slope conveyance system, or in periods which development of new water supplies has not kept pace with demand. (Omaha District.) Comments made by: EPA, DOI, HUD, USDA, DOC, State and local agencies. (EIS Order No. 800111.)

Willacy and Hidalgo Counties Flood Control, Permit, Willacy, Hidalgo, Counties, Tex., February 14: Proposed is the issuance of a construction permit for flood control and major drainage improvements in Willacy and Hidalgo Counties, Texas. The plan involves the construction of an outfall channel which would be part of an extensive overall plan to construct or improve about 194 miles of earthen channels and laterals, and the construction of 17 pumping stations. The alternatives considered are: (1) no action, (2) alternative channel dimensions and configurations, and (3) alternative plans for drainage and flood control. (Galveston District.) Comments made by: EPA, DOC, DOI, HEW, USDA, HUD, AHP, DOT, State and local agencies, groups and businesses. (EIS Order No. 800109.)

Department of Commerce

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary of Environmental Affairs, Department of Commerce, Washington, D.C. 20210, (202) 377–4335.

Final Supplement

Pacific Billfish and Oceanic Sharks, PMP, Pacific Ocean, February 14: This statement supplements a final EIS filed in June 1978 concerning the preliminary fishery management plan (PMP) for the Pacific billfish and oceanic sharks. This statement discusses the following amendments to the PMP: (1) revision of the PMP to apply to the harvest of Wahoo and Mahimahi, (2) establishment of a separate DY for each species in each of five subareas of the fishery conservation zone (FCZ), (3) establishment of a reserve for each species which may be allocated to either domestic or foreign fishing, (4) revision of the PMP to apply to the FCZ seaward of the Northern Mariana Islands, and (5) simplification of reporting and related requirements. Comments made by: DOI, State and local agencies. (EIS Order No. 800110.)

Department of Housing and Urban Development

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755–6300.

Draft

Four Seasons Planned Development, Fort Collins, Larimer County, Colo., February 12: Proposed is the issuance of HUD home mortgage insurance for the Four Season planned unit development in Fort Collins, Larimer County, Florida. The development would encompass 153 acres and could contain a maximum of approximately 1,200 dwelling units consisting of single and multifamily dwellings and apartments. (HUD–208–EIS–80–IIID.) (EIS Order No. 800102.)

Final

West Point Subdivision, Mortgage Insurance, Franklin County, Ohio, February 13: Proposed is the issuance of HUD home mortgage insurance for the development of the West Point Subdivision located in the Prairie Township of Franklin County, Ohio. The development would include both recreational and commercial development on a 657-acre tract of land. West Point will include the construction of about 2,535 dwelling units of which 95 percent are expected to be single-family detached with the remainder being constructed as either twin singles or multiple-family units with 8 to 12 families per structure. Approximately 37 acres are planned for commercial development. (HUD–RO5–EIS–79–07–F.) Comments made by: USDA, COE, EPA, HEW, DOI, DOT and State agencies. (EIS Order No. 800105.)

Section 104(H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

Copley Place Development, Boston (UDAG), Suffolk County, Mass., February 15: The City of Boston proposes an application under Section 104H of the CDBG/UDAG. The application is for the development of the Copley Place in the Back Bay section of Boston, Suffolk County, Massachusetts. Key components of the project include: (1) a 359,000 sq. ft. retail center including a specialty department store, gallery shops, restaurants, theatres, health club and neighborhood shopping; (2) 641,000 sq. ft. of low-use office space of seven levels overlooking the retail center; (3) a 712-room luxury hotel; (4) a 960-room convention hotel

with extensive meeting facilities; (5) 100–150 units of housing (25 percent low/mod income), and (6) enclosed parking for 1,500 cars. (EIS Order No. 800112.)

Tennessee Valley Authority

Contact: Dr. Mohamed T. El-Ashry, Director of Environmental Quality, Tennessee Valley Authority, Forestry Building, Norris, Tennessee 37828 (615) 632–6450.

Final

Melton Hill Reservoir, Sale of Permanent Easement, Anderson County, Tenn., February 12: Proposed is the granting for sale of a 64-acre, permanent industrial easement on Melton Hill Reservoir in Anderson County, Tennessee. The easement would enable the construction and operation of a rail to barge regional coal-loading facility. Operation would involve the movement of coal from local and regional coal fields by rail to the facility where it would be loaded onto barges for further movement. Truck off-loading facilities would be available for emergencies. The recommended action is no sale of the easement. Comments made by: USDA, USA, HUD, DOI, DOT, EPA, State and local agencies, groups, individuals and businesses. (EIS Order No. 800104.)

Department of Transportation

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590 (202) 426–4357.

Federal Highway Administration

Draft

U.S. 19/FL–55, FL–694 to Pinellas/Pasco County Line, Pinellas County, Fla., February 11: Proposed is the improvement of U.S. 19/FL–55 between FL–694 (Gandy/Park Boulevard) and the Pinellas/Pasco County line in Pinellas County, Florida. The improvements would provide for the upgrading of the existing roadway from four lanes divided to six lanes divided with associated intersection improvements, and development of interchanges at six locations. (FHWA–FLA–EIS–80–01–D.) (EIS Order No. 800101.)

EIS's Filed During the Week of February 11 Through 15, 1980

[Statement title index—by State and county]

State	County	Status	Statement title	Accession No.	Date filed	Originating agency No.
Alaska		Draft	Main Bay Hatchery, Chugach NF, Permit	800100	Feb. 11, 1980	USDA
Colorado	Larimer	Draft	Four Seasons Planned Development, Fort Collins	800102	Feb. 12, 1980	HUD
	Park	Final	Spinney Mtn. Reservoir, Pike NF, Permits	800111	Feb. 15, 1980	COE
Florida	Pinellas	Draft	U.S. 19/FL–55, FL–694 to Pinellas/Pasco County Line.	800101	Feb. 11, 1980	DOT
Georgia	Richmond	Draft	Savannah River Basin, Oates Creek Flood Damage	800106	Feb. 13, 1980	COE
Indiana	Spencer	Draft	Rockport Generating Station, Permit	800107	Feb. 13, 1980	COE
Louisiana	East Carroll	Draft	East Carroll Watershed Flood Protection	800103	Feb. 12, 1980	USDA
Massachusetts	Suffolk	Draft	Copley Place Development, Boston (UDAG)	800112	Feb. 15, 1980	HUD
Pacific Ocean		Final supp.	Pacific Billfish and Oceanic Sharks, PMP	800110	Feb. 14, 1980	DOC
New York	Jefferson	Draft	Fort Drum, Current Mission, Watertown	800113	Feb. 15, 1980	USA
Ohio	Franklin	Final	West Point Subdivision, Mortgage Insurance	800105	Feb. 13, 1980	HUD
Tennessee	Anderson	Final	Melton Hill Reservoir, Sale of Permanent Easement	800104	Feb. 12, 1980	TVA
	Hidalgo	Final	Willacy and Hidalgo Counties Flood Control, Permit.	800109	Feb. 14, 1980	COE
	Willacy	Final	Willacy and Hidalgo Counties Flood Control, Permit.	800109	Feb. 14, 1980	COE
Texas	Several	Draft	Attoyac Bayou Watershed Flood Prevention	800099	Feb. 11, 1980	USDA

Appendix II.—*Extension/Waiver of Review Periods on EIS's With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Waiver/ extension	Date review terminates
DEPARTMENT OF COMMERCE					
Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Deparment of Commerce, Washington, D.C. 20230, (202) 377–4335.	Groundfish Fishery of the Pacific Ocean, FMP.	Draft 791172	Nov. 30, 1979	Extension	Feb. 29, 1980.
DEPARTMENT OF THE INTERIOR					
Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Building, Department of the Interior, Washington, D.C. 20240, (202) 343–3891.	OCS Sale No. 46, Western Gulf of Alaska.	Draft 791230	Dec. 14, 1979	Extension	Mar. 14, 1980.

Appendix III.—*EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Date of withdrawal
None.				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/No.	Date notice published in FEDERAL REGISTER	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed With EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
U.S. ARMY CORPS OF ENGINEERS			
Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272-0121.	Beach Erosion Control Project, Virginia Beach, Virginia.	Feb. 13, 1980	800108

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Correction
None.				

[FR Doc. 80-5716 Filed 2-22-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1418-6]

California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption

I. Introduction and Background

By this decision, issued under section 209(b) of the Clean Air Act, as amended (hereinafter the "Act"),[1] I am granting the State of California waiver of Federal preemption to enforce its optional 100,00 mile emission standards and accompanying enforcement procedures applicable to 1980 and subsequent model year passenger cars and 1981 and subsequent model year light-duty trucks and medium-duty vehicles.

Under section 209(b) of the Act, I am required to grant the State of California a waiver of Federal preemption, after opportunity for a public hearing, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards.[2] A waiver cannot be granted if I find that the protectiveness determination of the State of California is arbitrary and capricious, that the State does not need such State standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed not to be consistent with section 202(a) if there is indequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame, or if the Federal and California certification and test procedures are inconsistent. For the reasons given below, I have concluded that I cannot make the findings required for the denial of the waiver under section 209(b) of the Act in the case of these California standards and accompanying enforcement procedures. Accordingly, I hereby grant the waiver.

In light of the fact that California has pending before me several waiver requests covering various aspects of its emission control program, I believe that it is necessary to clarify at the outset the scope of this decision. This decision is concerned with the 1980, 1981 and subsequent model year California exhaust emission standards and accompanying enforcement procedures for which California has requested a waiver and which were considered at the October 24, 1979, Environmental Protection Agency (EPA) public hearings, and contained in the May 22, 1979, amendments to the "California Exhaust Emission Standards and Test Procedures for 1980 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" and the "California Exhaust Emission Standards and Test Procedures for 1981 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium Duty Vehicles".[3] These amendments effectuate the following changes to the existing standards and test procedures:

(1) Clarify the pre-existing 100,000 mile option standards and provide for additional 100,000 mile option standards;[4]

(2) provide a hydrocarbon (HC) exhaust emission allowance for vehicles with very low evaporative emissions;[5]

(3) clarify and describe the amount of in-use maintenance allowed under each set of 100,000 mile option standards; and

(4) clarify and describe the certification test procedures for each set of 100,000 mile option standards. (These changes are more fully described in CARB's Staff Reports which are contained in the record for this decision.) This waiver decision does not include the waiver requests concerning amendments to California's Assembly-Line Testing Procedures and California's

[1] 42 U.S.C. § 7543(b) (1977).

[2] On May 22, 1979, the California Air Resources Board (CARB) filed the standards under consideration in today's decision with California's Secretary of State. These standards, as well as changes to California's assembly-line and new vehicle compliance test procedures, were considered at a public hearing held on October 24, 1979, pursuant to notice published by EPA in the Federal Register. See 44 FR 58540 (October 10, 1979).

[3] Sections 1960 and 1960.1, Title 13, California Administrative Code. The emission standards prescribed in these sections, as amended, are listed in Appendix A to this decision.

[4] The Administrator has previously granted waivers for standards and test procedures applicable to passenger cars, light-duty trucks and medium-duty vehicles. See 43 FR 1829 (January 12, 1978); 43 FR 15490 (April 13, 1978); 43 FR 25729 (June 14, 1978). These standards included 50,000 mile certification standards (i.e., emission standards which California expects any vehicle to meet while accumulating its first 50,000 miles), and optional 100,000 mile certification standards.

[5] The evaporative exhaust emission allowance provides for a "credit" to the HC exhaust standard for the difference between the exhaust emission standard and the evaporative emissions level actually achieved by low evaporative emission vehicles. At worst, the vehicle will emit no more total hydrocarbons over its life than a vehicle certified to the separate exhaust and evaporative standards. See discussion in note *11*, infra. The appendix to this decision also contains California's formula for calculating an eligible vehicle's hydrocarbon exhaust emission allowance.

New Vehicle Compliance Test Procedures adopted by CARB on May 9, 1979, and considered at EPA's October 24, 1979, hearing. These waiver requests will be the subject of a waiver decision to be published in the Federal Register in the near future.

II. Discussion

A. Public Health and Welfare. Under one of the criteria of section 209(b) of the Act, I must grant a waiver unless I find that California's determination that is standards will be, in the aggregate, at least as protective of the public health and welfare as applicable Federal standards is arbitrary and capricious.

With regard to the standards, Ford [6] was unsure and Chrysler [7] did not express an opinion as to the effect of the standards on the public health and welfare. American Motors (AM), while couching its argument in terms of consistency with section 202(a), contended that the evaporative emissions allowance formula may permit diesel-powered vehicles (which have virtually no evaporative emissions) to exceed the Federal hydrocarbon exhaust emission standard,[8] and thus be less protective of the public health and welfare. General Motors (GM) testified, on the other hand, that the proposed standards are generally "as protective of the public health" as California's previously waived 50,000 mile standard,[9] and that the evaporative emission allowance specifically is "in the aggregate, more stringent" than the applicable federal exhaust standard.[10] Finally, the California Air Resources Board (CARB) testified that the allowance is only available for vehicles that meet the allowance criteria, and that one of these vehicles will emit no more "total hydrocarbons" over its life than a vehicle which is meeting the separate exhaust and evaporative standards.[11] CARB arrived at this conclusion by calculating the hydrocarbon emissions of a vehicle as the sum of the evaporative and tailpipe exhaust emissions.[12] Moreover, under the formula for calculating the evaporative HC emission allowance, only 75% of the difference between the evaporative emission level and the evaporative HC standard (2.0 grams per test) on a gram per mile basis is considered. Thus, CARB contended that total vehicle HC emissions are reduced, while at the same time manufacturers are encouraged to develop evaporative emission control technology with extremely low evaporative emissions.[13]

Based on all of the information in the record regarding CARB's determination on the public health and welfare issue, I cannot conclude that CARB made an arbitrary and capricious determination that its emission standards, in the aggregate, including the amended 100,000 mile standards and the evaporative emissions allowance standard and formula, are as protective of public health and welfare than applicable Federal standards. Thus, I find no basis for denying the waiver on this issue.

B. Compelling and Extraordinary Conditions. Under section 209(b)(1)(B) of the Act, I also cannot grant a waiver if I find that California does not need standards to meet compelling and extraordinary conditions. California's need has been established in previous waiver proceedings.[14] The parties opposing the waiver bear the burden of demonstrating the nonexistence of compelling conditions in California, obviating the need for separate standards. The manufacturers submitted no evidence on this issue. Thus, I cannot deny the waiver request on this basis.

C. Consistency. Under section 209(b)(1)(C) of the Act, I also must deny a California waiver request if I find that California's standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.[15] Section 202(a) states that standards promulgated under its authority "shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving consideration to the cost of compliance within such period."

With respect to the optional 100,000 mile certification procedures, Ford has testified that 100,000 mile certification is not a "viable" option, and that extending the warranty to 100,000 miles is a "major stumbling block," and therefore not feasible.[16] GM testified that while it did not have adequate experience to form an opinion as to technical feasibility, it did not oppose granting of the waiver on this basis.[17] The Automobile Importers of America (AIA) took no position on the option.[18] With regard to cost of compliance, Chrysler testified that its resources were insufficient to fund the costs of exploring the 100,000 mile options; thus, Chrysler claimed the 100,000 mile standards were not feasible and that it could not consider the options.[19] AM's testimony offered an objection similar to Chrysler's, in that as a smaller maunfacturer it did not have the financial capability to consider the options.[20] Finally, CARB contended that the 100,000 mile standards and test procedures are technically feasible within the available lead time. Furthermore, this contention is supported by the fact that one manufacturer, Volkswagen, has already certified a vehicle under Option 2 of the 1980 100,000 mile options for which a waiver is sought.[21]

After considering these facts, I cannot find that the 100,000 mile standards and procedures are not technologically feasible, even considering the cost compliance, within the available lead time, and thus cannot deny a waiver on these grounds. Moreover, inasmuch as the 100,000 mile standards and certification procedures are merely optional, and any manufacturer may, if it chooses, comply with the 50,000 mile standards and certification procedures for which waivers have already been granted,[22] I cannot deny this waiver request on the ground that California's emission standards and enforcement procedures for the model years in question as a whole are not technologically feasible within the available lead time, even considering costs.

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[6] Transcript of Public Hearing on California Waiver Request 92 (October 24, 1979) (hereinafter "Tr").

[7] Tr. 156.

[8] Tr. 187, 194.

[9] Tr. 147. See 43 FR 1829 (January 12, 1978), 43 FR 15490 (April 13, 1978), 43 FR 25729 (June 14, 1979).

[10] Tr. 147.

[11] Tr. 23. The allowance criteria are included to ensure that the evaporative allowance does not result in a "de facto" relaxation of the federal exhaust HC standard. The criteria are: 1) the evaporative emission control system had to be especially effective, below 1.0 gram per test, before the allowance became available; 2) the evaporative emission control system must be effective at the above level for at least 50,000 miles; 3) the allowance is only available with 100,000 mile emission, and reduced maintenance, requirements. CARB Staff Report of May 22, 1979, "Changes to the Board's Optional 100,000 Mile Emission Standards and Test Procedures, p. 11).

[12] Letter from K. D. Drachand, Acting Chief, Mobile Source Control Division, CARB, to Charles N. Freed, Director, Manufacturing Operations Division, EPA, November 20, 1979, p. 6-7.

[13] Tr. 23.

[14] See, e.g., 43 FR 998, 1000 (January 5, 1978).

[15] Arguments raised by the Ford Motor Company and the American Motors Corporation concerning this issue have been previously dismissed. See 43 FR 1829 (January 12, 1978).

[16] Tr. 80, 95.

[17] Tr. 149. GM did make an exception for the 1982 and subsequent model year passenger car 1.0 gpm 100,000 mile NO_x standard, and recommended that the Administrator deny a waiver for this particular standard. GM cited difficulties it has encountered in meeting the corresponding 0.4 gpm 50,000 mile NO_x standard. See Tr. 148.

[18] Tr. 204.

[19] Tr. 156.

[20] Tr. 193.

[21] Tr. 23.

[22] 43 FR 1829 (January 12, 1978), 43 FR 15490 (April 13, 1978), 43 FR 25729 (June 14, 1978).

III. Finding and Decision

Having given due consideration to the public hearing of October 24, 1979, all material submitted for the record, and other relevant information, I find that I cannot make the determinations required for a denial of the waiver under section 209(b) of the Act, and therefore I hereby waive application of section 209(a) of the Act to the State of California with respect to the 100,000 mile optional standards and accompanying enforcement procedures contained in: (1) Section 1960, Title 13, California Administrative Code, as set forth in "California Exhaust Emission Standards and Test Procedures for 1980 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended May 22, 1979, and (2) section 1960.1, Title 13, California Administrative Code, as set forth in "California Exhaust Emission Standards and Test Procedures for 1981 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended May 22, 1979.

As stated above, this decision does not cover California's amendments to its assembly line and new vehicle compliance testing procedures also considered at the October 24, 1979, hearing.[23]

My decision will affect not only persons in California but also the manufacturers located outside the State which must comply with California's standards in order to produce motor vehicles for sale in California. For this reason, I hereby determine and find that this decision is of nationwide scope and effect.

A copy of the above standards and procedures, as well as those documents used in arriving at this decision, is available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2404 (EPA Library), 401 M Street, SW., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, California 98512.

Dated: February 19, 1980.

Douglas M. Costle,

Administrator.

[23] Additionally, in *American Motors Corp.* v. *Blum*, 603 F.2d 987 (D.C. Cir. 1979), the United States Court of Appeals for the District of Columbia Circuit ordered that the waiver decision of June 14, 1978, waiver decision (43 FR 25729) was vacated to the extent that it failed to provide AMC passenger cars the two years of additional lead time to meet 1.0 gpm NOx as prescribed by section 202(b)(1)(B) of the Act. I will be issuing a notice in the near future carrying out the court's order.

Appendix A

50,000 Mile Exhaust Emission Standards (gram per vehicle mile)

Model year and vehicle type[1]	Equivalent inertia weight (lbs)[2]	Nonmethane hydrocarbons[3]	Carbon monoxide	Oxides of nitrogen (NO_2)[4, 5]
1980:				
PC	All	0.39 (0.41)	9.0	1.0
LDT	0–3,999	0.39 (0.41)	9.0	1.5
LDT (4WD)	0–3,999	0.39 (0.41)	9.0	2.0
LDT	4,000–5,999	0.50 (0.50)	9.0	2.0
MDV	All	0.9 (0.9)	17	2.3
1981:				
PC	All	(0.41)	3.4	1.0
PC	All, 0.39	(0.41)	7.0	0.7
LDT, MDV	0–3,999, 0.39	(0.41)	9.0	1.0
LDT, MDV	4,000–5,999, 0.50	(0.50)	9.0	1.5
MDV	6,000 and larger, 0.60	(0.60)	9.0	2.0
1982:				
PC	All, 0.39	(0.41)	7.0	0.4
PC[6]	All, 0.39	(0.41)	7.0	0.7
LDT, MDV	0–3,999, 0.39	(0.41)	9.0	1.0
LDT, MDV	4,000–5,999, 0.50	(0.50)	9.0	1.5
MDV	6,000 and larger, 0.60	(0.60)	9.0	2.0
1983 and Subsequent:				
PC	All, 0.39	(0.41)	7.0	0.4
LDT, MDV	0–3,999, 0.39	(0.41)	9.0	0.4
LDT, MDV	4,000–5,999, 0.50	(0.50)	9.0	1.0
MDV	6,000 and larger, 0.60	(0.60)	9.0	1.5

100,000 Mile Exhaust Emission Standards (grams per vehicle mile)

Model year and vehicle type [1]	Equivalent inertia weight (lbs) [2]	Nonmethane hydrocarbons [3,4]	Carbon monoxide	Oxides of nitrogen (NO_x) [4]
1980:				
PC (Option 1)	All	0.39 (0.41)	9.0	1.5
PC (Option 2)	All	0.46	10.6	1.5
1981:				
PC (Option 1)	All	0.39	3.4	1.5
PC (Option 2)	All	0.46	4.0	1.5
LDT, MDV (Option 1)	0-3,999	0.39 (0.41)	9.0	1.5
LDT, MDV (Option 2)	0-3,999	0.46	10.6	1.5
LDT, MDV	4,000-5,999	0.50 (0.50)	9.0	2.0
MDV	6,000 and larger	0.60 (0.60)	9.0	2.3
1982:				
PC (Option 1)	All	(0.41)	7.0	1.0
PC (Option 2)	All	0.46	8.3	1.0
LDT, MDV (Option 1)	0-3,999	0.39 (0.41)	9.0	1.5
LDT, MDV (Option 2)	0-3,999	0.46	10.6	1.5
LDT, MDV	4,000-5,999	0.50 (0.50)	9.0	2.0
MDV	6,000 and larger	0.60 (0.60)	9.0	2.3
1983 and Subsequent:				
PC	All	0.39 (0.41)	7.0	1.0
PC	All	0.46	8.3	1.0
LDT, MDV (Option 1)	0-3,999	0.39 (0.41)	9.0	1.0
LDT, MDV (Option 2)	0-3,999	0.46	10.6	1.0
LDT, MDV	4,000-5,999	0.50 (0.50)	9.0	1.5
MDV	6,000 and larger	0.60 (0.60)	9.0	2.0

[1] "PC" means passenger cars. "LDT" means light-duty trucks. "LDT (4WD)" means light-duty trucks equipped with four wheel drive. "MDV" means medium-duty vehicles.

[2] Equivalent inertia weights are determined under subparagraph 86.129-27(a).

[3] Hydrocarbon standards in parentheses apply to total hydrocarbons, or, for 1980 models only, to emissions corrected by a methane content correction factor.

[4] The second set of passenger car standards is optional. A manufacturer must select either the primary or optional sets of standards for its full product line for the entire two-year period.

[5] The maximum projected emissions of oxides of nitrogen measured on the federal Highway Fuel Economy Test (HWFET; 40 CFR Part 600, Subpart B) shall be no greater than 1.33 times the applicable light-duty truck and medium-duty vehicle standards shown in the table. Both the projected emissions and the HWFET standard shall be rounded to the nearest 0.1 gm/mi before being compared.

[6] For vehicles from evaporative emissions families with projected 50,000 mile evaporative emissions values below 1.0 gm/test, an adjustment to the hydrocarbon exhaust emission standard may be granted by the Executive Officer. The adjusted standard will be calculated using the following formula:

$$HC_{ar} = \frac{Di + 3.3\ HS}{.75\ (.185 - 29.4) + HC_s}$$

Where:

HC_{ar} adjusted exhaust hydrocarbon standard
HC_s unadjusted exhaust hydrocarbon standard
Di diurnal evaporative emissions
Hs hot soak evaporative emissions

[FR Doc. 80-5706 Filed 2-22-80; 8:45 am]

BILLING CODE 6560-01-M

National Drinking Water Advisory Council; Open Meeting

[FRL 1418-7]

Under Section 10(a)(2) of Pub. L. 92-423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*), will be held at 9:00 a.m. on March 18, 1980, and at 8:30 a.m. on March 19, 1980, in the Auditorium, Municipal Environmental Research Laboratory, 26 West St. Clair Street, Cincinnati, Ohio 45268.

The purpose of the meeting will be to observe the operation of the Municipal Environmental Research Laboratory and to receive a status report on the Research Strategy. Other items to be discussed will include lab certification, small systems strategy and the status of compliance with the Safe Drinking Water Act.

Both days of the meeting will be open to the public. The Council encourages the hearing of outside statements and will allocate a portion of its meeting time for public participation. Oral statements are generally limited to 15 minutes followed by a 15 minute discussion period. It is preferred that there be one presenter for each statement. Any outside parties interested in presenting an oral statement should petition the Council in writing. The petition should include the general topic of the proposed statement, the petitioner's telephone number, and should be received by the Council before February 28, 1980.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at the Council meeting and will be part of the permanent meeting record.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement should contract, Ms. Nancy Wentworth, Executive Secretary, National Drinking Water Advisory Council, Office of Drinking Water (WH-550), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

The telephone number is: Area Code 202/426-8877.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 80-5703 Filed 2-22-80; 8:45 am]

BILLING CODE 6560-01-M

[PF-167; FRL 1419-2]

Pesticide Programs; Filing of Pesticide Petition

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA, or the Agency).

ACTION: Notice of filing.

SUPPLEMENTARY INFORMATION: E. I. du Pont de Nemours & Co., Wilmington, DE 19898, has submitted a pesticide petition (PP OF2311) proposing that 40 CFR 180.303 be amended by establishing tolerances for residues of the insecticide oxamyl (methyl *N,'N'*-dimethyl-*N*-

(methylcarbamoyl)oxy-1-thiooxamimidate in or on the raw agricultural commodities beans (succulent or dry) at 3.0 parts per million (ppm) and bean forage at 10.0 ppm. The proposed analytical method for determining residues is gas chromatography with sulfur-sensitive flame photometric detector.

COMMENTS/INQUIRIES: Comments may be submitted, and inquiries directed, to Acting Product Manager (PM–12), Mr. Charles T. Mitchell, Room E–335, Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, DC 20460, telephone number 202/426–2635. Comments submitted should bear a notation indicating the petition number "PP OF2311". Comments may be made at any time while a petition is pending before the Agency. Written comments filed in connection with this notice will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Section 408(d)(1), Federal Food, Drug, and Cosmetic Act)

Dated: February 15, 1980.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 80–5702 Filed 2–22–80; 8:45 am]

BILLING CODE 6560–01–M

[OPTS–53010; FRL 1417–7]

Premanufacture Notices; Status Report for January 1980

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for January 1980.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on a specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202–755–8050.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Smith, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202–426–8816.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purpose became effective on July 1, 1979.

EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

The monthly status report required under section 5(d)(3) will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period has ended during the month; and (d) chemical substances that EPA has added to the Inventory during the month.

Therefore, under TSCA (Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)), EPA is publishing the status of PMN's for January 1980.

PMN No.	Identity/Generic name	FR citation	Expiration date
I. Premanufacture Notices Received During the Month			
5AHQ–0180–0096	Generic name: 3-Alkoxy (C_{16}–C_{14})-2-hydroxypropyl ester of dimer/trimer acids (fatty ester).	45 FR 3967 (1/21/80).	Apr. 1, 1980.
5AHQ–0180–0099	Fatty acid, tall oil, epoxidized mixed C_7–C_9 alkyl ester	45 FR 6999 (1/31/80).	Apr. 8, 1980.
5AHQ–0180–0032A	Neopentyl glycolcyclohexane-dimethanol-trimethylpropane-*O*-phthalate-adipate.	45 FR 6833 (1/30/80).	Apr. 15, 1980.
5AHQ–0180–0051A	Generic name: Dialkyl (C_{12}–C_{14}) substituted polycarboxylate...	do	Do.
5AHQ–0180–0105	Polyester with dipropylene glycol of byproduct from, manufacture of the dimethyl ester of 1,4-benzenedicarboxylic acid.	do	Do.
5AHQ–0180–0111	Polymer of dehydrated castor oil, trimethylolethane, phthalic anhydride, and benzoic acid.	In preparation	Apr. 28, 1980.
5AHQ–0180–0112	Generic name: Substituted-*N*-alkylquinoline	do	Apr. 20, 1980.
5AHQ–0180–0113	Generic name: 1,2-Disubstituted-4,5-dimethoxybenzene	do	Do.
5AHQ–0180–0114	Generic name: Substituted ketone pyran	do	Do.
5AHQ–0180–0115	Generic name: Monosubstituted-4,5-dimethoxy phenyl ethanol.	do	Do.
5AHQ–0180–0116	Generic name: Monosubstituted-4,5-dimethoxy benzyl chloride.	do	Do.
5AHQ–0180–0117	Generic name: Tetrasubstituted quinoline	do	Do.
5AHQ–0180–0118	Generic name: Tetrasubstituted-*N*-alkyl quinoline	do	Do.
5AHQ–0180–0119	Generic name: Trisubstituted acetophene	do	Do.
5AHQ–0180–0128	Stearyl stearamide	do	Apr. 21, 1980.
5AHQ–0180–0131	Anhydro 3,10-bis(2-(4-(3-pyrodinio)-6-(2,5-disulfophenylamino)-1,3,5-triazin-2-ylamino) ethylamino)-6,13-dichloro-4,11-disulfotriphenodioxazine dihydroxide, hexasodium salt.	do	Do.
5AHQ–0180–0133	1-p-Nitrobenzoyl-1-(4' carboxypyridyl) hydrazide	do	Do.
5AHQ–0180–0134	Polymer of fumaric acid, isophthalic acid, adipic acid, neopentyl glycol, diethylene glycol, and propylene glycol.	do	Do.
5AHQ–0180–0034A	Generic name: Polymer of alkyl amino methacrylic acid ester, alkyl acrylate, and alkyl methacrylate.	do	Apr. 27, 1980.
5AHQ–0180–0137	Copolymer of methacrylic acid and diacetone acrylamide	do	Apr. 28, 1980.
II. Premanufacture Notices Received Previously and Still Under Review at the End of the Month			
5AHQ–1179–0007A	Alkyl hydroxymethyl alkanediol polymer with chloromethyl oxirane) alkenoate.	44 FR 70216 (12/6/79).	Feb. 13, 1980.
5AHQ–1179–0010A	2-Ethyl hexyl-2-propenoate polymer with 2-methyl-2-propenoate and alkyl 2-propenoate.	do	Do.
5AHQ–1179–0070	Claimed Confidential	44 FR 76855 (12/28/79).	Feb. 14, 1980.
5AHQ–1179–0073	1,3-Benzenedicarboxylic acid, polymer with E 2-butenedioic acid, 1,2-propanediol, and 1,3-butadiene.	44 FR 70921 (12/10/79).	Feb. 21, 1980.
5AHQ–1179–0074	1,3-Benzenedicarboxylic acid, polymer with E 2-butenedioic acid, 1,2-propanediol, and 1,3-butadiene acrylonitrile.	do	Do.
5AHQ–1279–0039A	Polymer of styrene, 2-ethylhexyl methacrylate, isobutoxymethyl acrylamide, dimethylaminopropyl methacrylamide.	45 FR 1675 (1/8/80).	Mar. 5, 1980.
5AHQ–1279–0076	Generic name: 4-Amino-*N*-substituted benzene sulfonamide..	do	Mar. 9, 1980.
5AHQ–1279–0079	Polymer of phthalic anhydride, ethylene glycol, heptanol, and 2-ethylhexanol.	44 FR 76856 (12/28/79).	Mar. 12, 1980.
5AHQ–1279–0080	Polymer of phthalic anhydride, 1,2-propylene glycol, 1,4-butanediol, 1-octanol, and 1-decanol.	do	Do.
5AHQ–1279–0081	Polymer of phthalic anhydride, ethylene glycol, heptanol, 1-octanol, and 1-decanol.	do	Do.
5AHQ–1279–0082	Polymer of phthalic anhydride, 1,2-propylene glycol, 1,4-butanediol, and 2-ethylhexanol.	do	Do.
5AHQ–1279–0083	Polymer of phthalic anhydride, 1,3-butylene glycol, 1-octanol, and 1-decanol.	44 FR 76856 (12/28/79).	Mar. 12, 1980.

II. Premanufacture Notices Received Previously and Still Under Review at the End of the Month—Continued

PMN No.	Identity/Generic name	FR citation	Expiration date
5AHQ-1279-0084	Polymer of phthalic anhydride, 1,3-butylene glycol, and 2-ethylhexanol.	do	Do.
5AHQ-1279-0077	Magnesium acrylate	45 FR 1674 (1/8/80).	Do.
5AHQ-1279-0057A	Polymer of 5-substituted-1,3-benzenedicarboxylic acid; ethylene glycol; and ϵ-caprolactone.	45 FR 2387 (1/11/80).	Mar. 17, 1980.
5AHQ-1279-0059A	Polymer of 5-substituted-1,3-benzenedicarboxylic acid; 1,4-cyclohexanedimethanol; ethylene glycol; ϵ-caprolactone; tolylene-2,4-diisocyanate; and 2-butenedioic acid.	do	Do.
5AHQ-1279-0060A	Polymer of 1,4-cyclohexane dimethanol and 2-butenedioic acid.	do	Do.
5AHQ-1279-0085	Generic name: Alkenyltrialkoxysilane	do	Do.
5AHQ-1279-0086	1,3-benzenedicarboxylic acid, a polymer with 2,2-dimethyl-1,3-propanediol; 2-ethyl-2-(hydroxymethyl)-1,3-propanediol; nonanoic acid; and 3a,4,7,7a-tetrahydro-1,3-isobenzofurandione.	45 FR 2387 (1/11/80).	Mar. 17, 1980.
5AHQ-1279-0087	Generic name: Polyacrylate	45 FR 6159 (1/25/80).	Mar. 17, 1980.
5AHQ-1279-0089	Generic name: Amido amine	45 FR 2387 (1/11/80).	Mar. 26, 1980.
5AHQ-1279-0088	Generic name: Ring halogenated cyclic dicarboxylic salt	45 FR 3967 (1/21/80).	Apr. 1, 1980.

III. Premanufacture Notices for Which the Notice Review Period Has Ended During the Month

5AHQ-1079-0035	2-*tert*-Butyl-4-*sec* butylphenol	44 FR 59954 (10/17/79).	Jan. 1, 1980.
5AHQ-1079-0037(A)	Dodecenyl succinic acid mono alkylester	44 FR 65673 (11/14/79).	Jan. 27, 1980.

IV. New Chemical Substances That EPA Has Added to the Inventory During the Month

None.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M. St., SW, Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number (OPTS–53010) and the specific PMN number. Nonconfidential portions of the PMN's written comments received, and other documents in public record may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

Dated: February 14, 1980.

Marilyn C. Bracken,

Deputy Assistant Administrator for Program Integration and Information.

[FR Doc. 80-5540 Filed 2-21-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL RESERVE SYSTEM

American Fletcher Corp.; Proposed Acquisition of American Fletcher Mortgage Co., Inc.

American Fletcher Corporation, Indianapolis, Indiana 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 American Fletcher Mortgage Company, Inc., Indianapolis, Indiana.

Applicant states that the proposed subsidiary would engage in the following activities: Originating and placing with institutional investors mortgage loans for commercial and multi-family residential income projects; making first mortgage loans on 1–4 family residences for sale to investors; originating construction loans for commercial and multi-family residential income properties and for single family residences, such loans being generally funded by third-party lenders; servicing mortgage loans of the types heretofore described; and serving as advisor to a Massachusetts business trust which formerly operated as a real estate investment trust. These activities would be performed from offices of Applicant's subsidiary in Indianapolis, Indiana, Columbus, Ohio, Louisville, Kentucky and Chicago, Illinois, and the geographic areas to be served are Marion and contiguous counties, Indiana; Cuyahoga and contiguous counties, Ohio; Jefferson, Shelby, Hardin, Mead, Bullitt, Taylor, Fayette, Franklin and Oldham Counties, Kentucky; Clark, Scott and Floyd Counties, Indiana; Cook, DuPage, McHenry and Will Counties, Illionis; Lake County, Indiana. In addition, institutional investors for whom the loan servicing is performed may be located throughout the United States.

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 March 14, 1980.

Board of Governors of the Federal Reserve system, February 14, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-5668 Filed 2-22-80; 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 late than March 14, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Bankers Trust New York Corporation, New York, New York (trust company activities; Florida) to engage, through a subsidiary known as Bankers Trust Company of Florida, in the following activities; performing or carrying on any one or more of the functions or activities that may be performed or carried on by a trust company (including activities of a fiduciary, investment advisory, agency or custodian nature) in the manner authorized by Federal or State law. Such activities will be conducted at an office in Palm Beach, Florida, serving the State of Florida.

B. *Federal Reserve Bank of Kansas City* (John F. Zoellner, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198.

First Oklahoma Bancorporation, Inc., Oklahoma City, Oklahoma (commercial lending activities: Oklahoma, Texas, Arkansas, Missouri, Tennessee, New York, Kansas, Colorodo, and New Mexico) to engage in the making and acquiring of commercial loans for its own account. These activities will be conducted from an office in Oklahoma City, Oklahoma, serving the states of Oklahoma, Texas, Arkansas, Missouri, Tennessee, New York, Kansas, Colorado, and New Mexico.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 14, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-5669 Filed 2-22-80; 8:45 am]

BILLING CODE 6210-01-M

First Woodstock Corp.; Formation of Bank Holding Company

First Woodstock Corp., Woodstock, 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 100 per cent (less directors' qualifying shares) of the voting shares of First National Bank of Woodstock, Woodstock, 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 March 14, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 14, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-5671 Filed 2-22-80; 8:45 am]

BILLING CODE 6210-01-M

Jennings Bank Shares, Inc.; Formation of Bank Holding Company

Jennings Bank Shares, Inc., Jennings, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 87 percent or more of the voting shares of Jennings Bank, Jennings, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 13, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 15, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-5672 Filed 2-22-80; 8:45 am]

BILLING CODE 6210-01-M

Northwood Financial Services Corp., Formation of Bank Holding Company

Northwood Financial Services Corporation, Northwood, Iowa, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Northwood State Bank, Northwood, Iowa. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 14, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 14, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-5670 Filed 2-22-80; 8:45 am]

BILLING CODE 6210-01-M

Omega City Holding Co.; Formation of Bank Holding Company

Omega City Holding Company, La Moure, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 95.5 per cent or more of the voting shares of The First State Bank of La Moure, La Moure, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 17, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 15, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-5666 Filed 2-22-80; 8:45 am]

BILLING CODE 6210-01-M

South Carolina National Corp.; Proposed Acquisition of Catawba Loan & Finance Co., Inc.

South Carolina National Corporation, Columbia, South Carolina, 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 the assets of Catawba Loan and Finance Company, Inc., Newton, North Carolina.

Applicant states that the proposed subsidiary would engage in the activities of making or acquiring loans and other extensions of credit as would be made by a consumer finance company, acting as agent for credit life, credit accident and health, and property insurance directly related to the extension of credit, and acting as reinsurer for credit life, credit accident and health insurance. These activities would be performed from offices of Applicant's subsidiary in Newton, North Carolina, and the geographic areas to be served are Newton and the surrounding area. 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 Richmond.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank, not later than March 14, 1980.

Board of Governors of the Federal Reserve System, February 15, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-5667 Filed 2-22-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on February 14, 1980 (NRC) and February 15, 1980 (FMC). 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 receipts.

The notice includes the title of each 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 FMC and NRC requests 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 requests, comments (in triplicate) must be received on or before March 17, 1980, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

Nuclear Regulatory Commission

The NRC requests clearance of the application, recordkeeping and reporting requirements contained in new 10 CFR Part 25, Access Authorization for Licensee Personnel. The NRC, in accordance with a recommendation of the National Security Council, has decided to classify certain measures for safeguarding nuclear materials and facilities, including measures for the physical protection of strategic quantities of special nuclear materials, as well as the control and accounting data for such materials. Facilities that will be affected include reactors that use high-enriched uranium as fuel and plants engaged in the use, fabrication or processing of high-enriched uranium or plutonium fuel. 10 CFR Part 25 provides procedures for applying for access authorizations for licensee personnel, licensee contractors or agents, and certain other persons (such as individuals involved in NRC adjudicatory proceedings on licensee applications). Any of these individuals needing access to classified information (National Security Information (NSI) or Restricted Data (RD)) in connection with NRC-regulated or licensee operations must obtain an appropriate access authorization from the NRC. Section 25.11 requires that an application for exemption from any part of 10 CFR Part 25 must be filed by licensees or organizations seeking an exemption. Documentation assembled to support such requests for exemption are to be maintained as records. Section 25.17 requires that an application must be filed for each person requiring an access authorization and that NRC will process each application for access authorization to classified information. Section 25.21(b) requires that licensees and organizations employing individuals with NRC access authorizations file reports on developments which bear upon continued eligibility for access to classified information. Section 25.23 requires that the notification of access authorization granted by NRC to a licensee or organization requesting such an authorization must be maintained to properly control access to classified information. Section 25.25 requires that an application be filed to withdraw or cancel an individual's access authorization and that the application contain sufficient data to allow NRC to identify the individual whose request for processing is being cancelled or who is the subject of an access authorization termination request. Section 25.27(a) requires licensees to file applications to reopen cases cancelled less than 6 months previously. Section 25.27(b) requires licensees to file applications to reopen cases cancelled more than 6 months previously. Section 25.29 specifies that licensees file an application for reinstatement of an access authorization. Sections 25.31 (a) & (b) require that applications be filed for extensions or transfers of access authorizations. Section 25.33(b) and 25.33(c) require that licensees file reports to NRC when access authorizations are no longer required. The NRC estimates that the burden for section 25.11 is 2 hours for each requirement contained therein; section 25.17 (2 requirements) 20 minutes and 6 minutes; section 25.21(b), (2 requirements) 1 hour and 15 minutes; section 25.23, 2 hours; section 25.25, 15 minutes; section 25.27(a), 15 minutes; section 25.27(b), 2 hours; section 25.29 (2 requirements), 15 minutes and 2 hours; section 25.31(a) (2 requirements), 15 minutes and 2 hours; section 25.33(b), 6 minutes; and section 25.33(c), 24 minutes. The NRC estimates that respondents to the application, recordkeeping and reporting requirements of Part 25 will number approximately 20.

The NRC requests clearance of the application, recordkeeping and reporting requirements of new 10 CFR Part 95, Security Approval and Safeguarding of National Security Information and Restricted Data. The NRC, in accordance with a recommendation of the National Security Council, has decided to classify certain measures for safeguarding nuclear materials and facilities, including measures for the physical protection of strategic quantities of special nuclear materials, as well as the control and accounting data for such materials. Facilities that will be affected include certain reactors that use high-enriched uranium as fuel and plants engaged in the use, fabrication or processing of high-enriched uranium or plutonium fuel. 10 CFR Part 95 would provide that licensees who need to possess classified information, received or developed in conjunction with their license, must request NRC approval of the facility where the information will be kept and the procedures that will be used to control and safeguard it. Section 95.11 requires that licensees and other organizations seeking an exemption to any requirement in Part 95 must submit an application for such an exemption and records relating to requests for exemptions must be maintained. Section 95.15 requires that licensed facilities which handle NSI and/or RD must apply to NRC for approval.

Section 95.21 requires that a licensed facility or other organization seeking to have its pending security facility approval cancelled or withdrawn, must so notify the NRC Division of Security. Section 95.25(a)(3) requires that records of physical checks of security containers be maintained for one year. Section 95.25(c)(1) requires that licensees maintain records identifying personnel having knowledge of lock combinations protecting classified information. Section 95.25(d) requires that records of combinations are to be maintained, classified, marked, and safeguarded in a manner appropriate for the highest classification of the matter authorized to be stored in the security container. Section 95.25(g)(2) requires that a record of the date of the last change of the combination of each security container shall be maintained. Section 95.25(g)(3) requires that licensees maintain monitor sheets identifying the locker and checker of a container housing classified matter. Section 95.25(h) requires that a report shall be submitted to NRC in the event that an unattended security container housing classified matter is found unlocked. Records pertaining to such incidents shall be retained for two years after completion of final corrective action. Section 95.25(i) requires that files relating to accountability for keys which unlock secure gates or doors in security area perimeters shall be maintained for 3 years after the key has been turned in. Section 95.33 requires that records reflecting an individual's initial and refresher security orientations and security termination must be maintained. Section 95.37(a) requires that a document whose official classification has not been established, but which may qualify for classification, must be marked and protected as if classified until the official determination is made. Section 95.37(i) requires that a document, whose existing classification or classification markings are being questioned, must be safeguarded in accordance with the procedures required for the highest classification in question. The person receiving such a document must immediately notify the sender of the proper classification. Reports of unauthorized disclosure filed in accordance with section 95.57 shall be maintained for two years after final corrective action. Section 95.41 requires that each security approved facility possessing Secret National Security Information must maintain records reflecting the accountability and disposition of such matter. Section 95.45(a) requires that requests for

downgrading or declassifying any NSI and/or RD (where such action is not covered by existing markings) should be forwarded to the NRC Division of Security in accordance with the application of the Atomic Energy Act of 1954, as amended, and Executive Order 12065. Section 95.47 requires that licensees maintain records of the destruction of non-record classified information. Sections 95.53 (a) and (b) require reports with a certification of nonpossession of classified documents. Section 95.57 requires reports on compromises which may have occurred due to improperly marked or classified documents as well as alleged or suspected violations of the Atomic Energy Act or other Federal Statutes related to RD or NSI. The NRC estimates that burden for the requirements contained in these sections will be as follows: Section 95.11 (2 requirements), 2 hours for each requirement; section 95.15 (one time only burden), w/o ADP 35 hours and w/ADP 250 hours; section 95.21 (one time only burden) one-half hour; section 95.25(a)(3), 4 hours; section 95.25(c)(1) 1 hour; section 95.25(d), 1 hour; section 95.25(g)(2) 4 hours; section 95.25(g)(3), 10 hours; section 95.25(h) (2 requirements), 15 hours and 1 hour; section 95.25(i) 5 hours; section 95.33, 20 hours; section 95.37(a), 12 minutes; section 95.37(i) (3 requirements), 1 hour, 1 hour and 10 minutes; section 95.41, 50 hours; section 95.45(a), 2 hours; section 95.53 (a) and (b), 2½ hours; and section 95.57, 8 hours. The NRC estimates that respondents will number approximately 20.

The NRC requests clearance for Form NRC–1, Personnel Security Questionnaire. Form NRC–1 is utilized in the NRC's security program under the authority of Executive Orders 10450, 10865, and 12065 as well as section 145 of the Atomic Energy Act of 1954, as amended, which require before an individual can be granted access to Restricted Data, an investigation and report on the individual's character, associations and loyalty and a determination that permitting such a person to have access to Restricted Data will not endanger the common defense and security. The NRC estimates applications received annually will number approximately 1,000 and that respondent burden will average 1½ hours per application.

The NRC requests clearance for Form NRC–136, Security Termination Statement. Form NRC–136 is utilized by NRC to document instances where an individual's access authorization (security clearance) is terminated. Such action is in accordance with the provision of Executive Order 12065 which requires agencies to establish procedures to prevent unnecessary access to classified information and ensure that the number of people granted access to classified information is reduced to and maintained at the minimum number that is consistent with operational requirements and needs. The NRC estimates applications received annually will number approximately 100 and that respondent burden will average 6 minutes per application.

The NRC requests clearance of Form NRC–237, Request for Access Authorization. This form is used for requesting NRC access authorizations. The information submitted on the form is official notice to NRC that the licensee has determined that the subject of the request requires access to classified matter as prescribed in 10 CFR Part 25 and that the licensee is sponsoring the employee or contractor for an NRC access authorization. Without such a determination and sponsorship there would be a lack of control over the individuals processed for an NRC access authorization. The NRC estimates that applications received annually will number approximately 1,700 and that respondent burden will average 6 minutes per application.

The NRC requests clearance of Form NRC–277, Request for Visit or Access Approval. Form NRC–277 and its processing assure that only properly authorized individuals who require access to classified matter as a part of their official employment duties will have such access during visits to other facilities and agencies. The restriction of access to classified matter by Federal agencies is required by Executive Order 12065 which states in part that "Agencies which originate or handle classified information shall establish procedures to prevent unnecessary access to classified information . . ." The NRC estimates that the number of applications processed annually will be approximately 800 and that the respondent burden per application should average 10 minutes.

The NRC requests clearance of Form NRC–790, Classification Record. Executive Order 12065, National Security Information, identifies certain responsibilities and authorities of the Director, Information Security Oversight Office (ISOO). One of these authorities includes ". . . to require of each agency (that handles classified information) such reports, information, and other cooperation as necessary to fulfill his responsibilities." NRC Form 790, as cited within 10 CFR Part 95 (section 95.57), is the means by which NRC will collect the information required by the Director, ISOO. Form 790 must be submitted to NRC whenever a document containing National Security Information and/or restricted data is generated or whenever a document's classification is changed. The NRC estimates that respondents will number approximately 20 who will file approximately 24 reports annually and that burden will average 5 minutes for each form.

Federal Maritime Commission

The FMC requests an extension without change clearance of 46 CFR 544—Financial Responsibility for Water Pollution (Outer Continental Shelf) (General Order 41) implementing the provisions of the Outer Continental Shelf Lands Act Amendments of 1978; Form 192, Application for Certificate of Financial Responsibility; and Form 160, Certificate of Financial Responsibility (Outer Continental Shelf). The 1978 Act requires persons who operate vessels carrying oil from offshore facilities above the outer continental shelf to establish and maintain evidence of financial responsibility in the amount of $300 per gross ton, or $250,000, whichever is greater, for damages and removal costs resulting from discharges of oil. Financial responsibility may be established by any one or an acceptable combination of the following methods: insurance, surety bond; qualification as a self-insurer or guaranty. Vessel operators who engage in any segment of the transportation of oil from an offshore facility above the outer continental shelf must carry on board their vessels a Certificate of Financial Responsibility (Outer Continental Shelf), Form 160, which certifies that the necessary level of financial responsibility has been established. To obtain a certificate, an application, Form FMC–192, must be submitted to the FMC, along with acceptable evidence of financial responsibility and fees. Upon receipt, examination, and approval of the application form, evidence of financial responsibility, and fees, a Certificate of Financial Responsibility (OCS) is issued to the applicant for the vessel(s) listed on the application form. Once issued, the certificate is valid for 3 years. Certificants must apply for renewal at least 21 days prior to expiration of the existing certificate. Self-insurers are required to file current annual nonconsolidated balance sheets for their most recent fiscal year and related statements of income, retained earnings and changes in financial position for the year then ended audited by an independent Certified Public

Accountant, within 3 calendar months after the close of their fiscal year. Also, in some cases, self-insurers must file semi-annual affidavits within one calendar month after the close of the applicable six-month period. Self-insurers must also notify the FMC within 5 days after learning that their working capital or net worth have fallen below the required amounts.

If for any reason, including a vessel's demise or transfer to a new operator, a certificant ceases to be the vessel's operator the certificant must, within 30 days, complete the reverse side of that vessel's original certificate and return it to FMC. Lost or destroyed certificates must be reported in writing. When a certificant becomes aware of a change in any of the facts contained in the application or supporting documentation, the certificant must notify the FMC, in writing, within 5 days of becoming aware of the change. Applicants/certificants desiring an extension of time for filing financial statements/affidavits, a waiver of the working capital requirement, a refund or certification fees, or a hearing by the FMC must do so in writing. Designations of agents for service of process must be acknowledged in writing by the designee. The FMC estimates respondents for Form 192 will number approximately 8 and that reporting burden will average 30 minutes; respondents will number approximately 4 for Form 160 and reporting burden will average 15 minutes; respondents for 46 CFR 544 will number approximately 33 and reporting burden will average 30 minutes.

Norman F. Heyl,

Regulatory Reports, Review Officer.

[FR Doc. 80-5656 Filed 2-22-80; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Safety and Occupational Health Study Section; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Center for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Safety and Occupational Health Study Section

Date: March 5-6-7, 1980

Place: Conference Room C, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Time: 9 a.m.

Type of Meeting: Open: 9 a.m. to 10:15 a.m. on March 5, 1980. Closed: Remainder of meeting

Contact Person: Harvey P. Stein, Ph. D., Executive Secretary, 5600 Fishers Lane, Parklawn Building, Room 8-63, Rockville, Maryland 20857, Telephone: 301-443-4493

Purpose: The committee is charged with the initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in program areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs.

Agenda: Agenda items for the open portion of the meeting will include introduction of new members; consideration of minutes of previous meeting; and discussion of the NIOSH research and training grant programs. Beginning at 10:15 a.m., March 5, 1980 through adjournment on March 7, 1980, the Study Section will be performing the initial review of research grant and training grant applications for Federal assistance, and will not be open to the public, in accordance with the provisions set forth in Section 552b(c)(6), Title 5 U.S. Code, and the Determination of the Director, Center for Disease Control, pursuant to Public Law 92-463.

The usual requirement of 15 days advance notice of meeting was not met because firm meeting dates could not be established due to lack of a quorum of members.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: February 20, 1980.

William C. Watson, Jr.,

Acting Director, Center for Disease Control.

[FR Doc. 80-5868 Filed 2-22-80; 8:45 am]

BILLING CODE 4110-87-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. N-80-978]

Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix of the Notice: Lake Ridge residential planned community, Prince William County, Virginia. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Issued at Washington, D.C. February 19, 1980.

Richard H. Broun,

Director, Office of Environmental Quality.

Appendix

EIS on Lake Ridge Residential Planned Community Prince William County, Virginia

The Washigton, D.C. Area Office of the Department of Housing and Urban Development intends to prepare an environmental impact statement for a Residential Planned Community known as Lake Ridge located in Prince William County, Virginia to establish eligibility for individual home mortgage insurance under Section 203(b) of the National Housing Act. The purpose of this notice is to solicit recommendations from all interested persons, Local, State and Federal agencies regarding the issues to be addressed in depth in the environmental impact statement.

Description. The Weaver Brothers Incorporated, Chevy Chase, Maryland is developing a site of 3,000 acres which is located approximately twenty miles south of Washington, D.C. It is also on the Shores of Lake Occoquan in Northern Virginia. The main access routes are Davis Ford Road and Old Bridge Road. The developer proposes a residential housing development which will consist of a total of approximately 8,000 single family homes. Approximately 3600 homes are completed. The remainder will be completed over the next few years. It is anticipated that the development will accomodate a population of approximately 25,000 persons with a density of 10.5 persons per acre.

Need. Due to the size and scope of this project, this office has determined that an environmental impact statement will be prepared pursuant to HUD Environmental Regulation 24 CFR Part 50.

Scoping. This Notice is part of the process for scoping the EIS and response will be used to help (a) determine significant environmental issues; (2) identify data which the EIS should address; and (3) identify cooperating agencies.

Alternatives Perceived. The alternatives available to the Department of Housing and Urban Development which will be given consideration are: (1) accept the project as submitted; (2) accept the project with modification; or (3) reject the project.

Comments. Comments should be sent within 21 days of publication of this notice in the **Federal Register** to Millicent Walcott, Environmental Officer, Washington, D.C. Area Office, Department of Housing and Urban Development, 1875 Connecticut Avenue, N.W., Universal North Building, Washington, D.C. 20009.

[FR Doc. 80-5695 Filed 2-22-80; 8:45 am]

BILLING CODE 4210-01-M

National Park Service

Canaveral National Seashore Land Acquisition Plan: Public Forum

In accordance with guidelines issued by the Director of the National Park Service in the **Federal Register** (Vol. 44, No. 82) on April 26, 1979, the Superintendent of Canaveral National Seashore announces an open house for the purpose of providing a public forum to receive oral and written comment on a draft land acquisition plan for the park.

The draft plan will outline, in general terms, the overall goals and strategy for the park land acquisition program and identify specific land acquisition priorities within existing statutory limitations.

The open house will be held as follows: Thursday, March 20, 1980, 5:00 to 7:00 p.m.—National Park Service North District Maintenance Office, one mile south of Turtle Mound on A1A (approximately 10 miles south of New Smyrna Beach).

Persons desiring further information about the open house can write or call the Superintendent, Canaveral National Seashore, P.O. Box 2583, Titusville, Florida 32780, (305) 867–4675. In addition, copies of the draft plan are available from the Superintendent.

Following the open house, the record will remain open for 30 days to receive additional written comment. A land acquisition plan will then be completed and transmitted to the Regional Director, Southeast Region for approval.

Dated: February 12, 1980.

Joe Brown,

Regional Director, Southeast Region, National Park Service.

[FR Doc. 80-5651 Filed 2-22-80; 8:45 am]

BILLING CODE 4310-70-M

Mammoth Cave National Park Land Acquisition Plan; Public Meeting

In accordance with guidelines issued by the Director of the National Park Service in the **Federal Register** (Vol. 44, No. 82) on April 26, 1979, the Superintendent of Mammoth Cave National Park announces a public meeting for the purpose of providing a public forum to receive oral and written comment on a draft land acquisition plan for the park.

The draft will outline, in general terms, the overall goals and strategy for the park land acquisition program and identify specific land acquisition priorities within existing statutory limitations.

The public meeting will be held as follows: Tuesday, March 25, 1980, 7:00 p.m.—Park Community Building, Mammoth Cave National Park, Mammoth Cave, Kentucky.

Persons desiring further information about the public meeting can write or call the Superintendent, Mammoth Cave National Park, Mammoth Cave, Kentucky 42259, (502) 758–2251. In addition, copies of the draft plan are available from the Superintendent.

Following the public meeting, the record will remain open for 30 days to receive additional written comment. A land acquisition plan will then be completed and transmitted to the Regional Director, Southeast Region for approval.

Dated: February 8, 1980.

Neal G. Guse,

Acting Regional Director, Southeast Region, National Park Service.

[FR Doc. 80-5650 Filed 2-22-80; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

[Int FEIS 80-9]

Availability of the Final Environmental Impact Statement, CO_2 Project, Wasson Field, Denver Unit

AGENCY: Bureau of Land Management.

ACTION: Notice of Availability of the Final Environmental Impact Statement (EIS) on the Shell Oil Company's proposed CO_2 pipeline from Colorado to Texas.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final EIS concerning the Shell Oil Company's proposal to develop a CO_2 well field in southwest Colorado and construct a 478 mile pipeline through New Mexico to the Denver City, Texas area. The EIS analyzes the impacts of the proposal and variations in the routes of the main pipeline, CO_2 gathering lines and transmission lines.

SUPPLEMENTARY INFORMATION: Copies of the final EIS will be available for public inspection at the locations listed below.

Bureau of Land Management

Albuquerque District Office, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.
Farmington Resource Area Office, 900 La Plata Highway, P.O. Box 568, Farmington, New Mexico 87401.
Roswell District Office, 1717 W. Second Street, Featherstone Farms Building, P.O. Box 1397, Roswell, New Mexico 88201.
Montrose District Office, Highway 550 South, Montrose, Colorado 82901.
Denver Service Center Library, BLDG 50, Denver Federal Center, Denver, Colorado 80225.
Colorado State Office, Colorado State Bank, 7th Floor, 1600 Broadway, Denver, Colorado 80202.
Washington Office of Public Affairs, 18th and C Streets, N.W., Washington, D.C. 20240.

Public Libraries

Albuquerque City Library, 501 Copper Avenue N.W., Albuquerque, New Mexico 87107.
Roswell Public Library, 127 West 3rd Street, Roswell, New Mexico 88201.
Farmington City Library, 320 North Orchard Avenue, Farmington, New Mexico 87401.
Cortez City Library, 802 East Montezuma, Cortez, Colorado 81321.
Yoakum County Library, 205 West 4th Street, Denver City, Texas 79323.

A limited number of single copies may be obtained from the New Mexico State Office, Bureau of Land Managment P.O. Box 1449, Santa Fe, New Mexico 87501.

James Rathlesberger,

Special Assistant to Assistant Secretary.

February 20, 1980.

[FR Doc. 80-5630 Filed 2-22-80; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-8402]

Alaska Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The Forest Service filed application, Serial No. AA–8402, on May 14, 1973, for a withdrawal in relation to the following described lands:

Montana Creek

Water Influence Zone and Recreation Area, North Tongass National Forest, Copper River Meridian, Alaska

Beginning at a point S. 66°10′ W., 37.5 chains from corner No. 2 of USS 3820, this point being the true point of beginning, thence N. 66°10′ E., 37.5 chains to corner No. 2; thence N. 10°28′ E., 28.5 chains to corner No. 3; thence N. 3°52′ W., 58.9 chains to corner No. 4; thence S. 85°58′ W., 41.5 chains to corner No. 5; thence N. 3°43′ W., 19.8 chains to corner No. 6; thence S. 86°06′ W., 19.8 chains to corner No. 7; thence N. 3°44′ W.,

59.3 chains to corner No. 8; thence S. 84°56' W., 20.3 chains to corner No. 9; thence N. 3°57' W., 60.1 chains to corner No. 10; thence S. 86°05' W., 39.3 chains to corner No. 11; thence N. 4°12' W., 19.7 chains to corner No. 12; thence S. 85°33' W., 31.0 chains to corner No. 13, thence S. 4°08' E., 30.0 chains to corner No. 14; thence N. 85°10' E., 20.3 chains to corner No. 15; thence S. 4°08' E., 29.8 chains to corner No. 16; thence N. 86°29' E., 10.2 chains to corner No. 17; thence S. 3°32' E., 40.0 chains to corner No. 18; thence N. 85°27' E., 29.5 chains to corner No. 19; thence S. 3°32' E., 39.4 chains to corner No. 20; thence N. 86°55' E., 10.1 chains to corner No. 21; thence S. 3°39' E., 39.6 chains to corner No. 22; thence N. 85°43' E., 40.2 chains to corner No. 23; thence S. 3°25' E., 79.5 chains to corner No. 1, the point of beginning.

Containing approximately 1,100 acres in the North Tongass National Forest, Alaska, 12 miles northwest of Juneau, Alaska.

The applicant desires that the land be reserved for a water influence zone and recreation area.

A notice of the proposed withdrawal was published in the **Federal Register** on October 4, 1973, Vol. No. 38, No. 192, page No. 27536, Document No. 73–21125.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754), notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513 on or before March 19, 1980. Notice of the public hearing will be published in the **Federal Register**, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B.

All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of, or in addition to, attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before March 19, 1980.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation.

In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 701 C Street, Box 13, Anchorage, Alaska 99513.

Valliere A. Cacy,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80–5658 Filed 2–22–80; 8:45 am]

BILLING CODE 4310–84–M

National Outer Continental Shelf Advisory Board; Pacific States Regional Technical Working Group Committee; Meeting

AGENCY: Department of the Interior, Bureau of Land Management, Pacific Outer Continental Shelf Office.

ACTION: National Outer Continental Shelf Advisory Board Pacific States Regional Technical Working Group Committee; notice and agenda for meeting.

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92–463.

The Pacific States Regional Technical Working Group Committee of the Advisory Board will meet during the period 9:00 a.m. to 3:30 p.m. March 27, 1980 and 9:00 a.m. to 3:00 p.m. March 28, 1980 at the Federal Building, Room 224, 1340 West Sixth Street, Los Angeles, California.

The agenda for the meeting will cover the following topics: (a) Transportation Options and Corridor Siting Criteria (California); (b) Proposed Sale 53 Draft Environmental Statement; (c) Proposed Five Year Leasing Schedule; (d) 1981–82 Regional Environmental Studies Plan—Review of Ranking and Plan; and (e) Proposed Sale 68—Tract Selection.

The meeting is open to the public. Interested persons may make oral or written presentations to the Committee. Such requests should be made no later than March 14, 1980: Ellen G. Aronson, Pacific OCS Office, Bureau of Land Management, 1340 W. Sixth St., Room 200, Los Angeles, CA 90017 (213/688–6758). Requests to make oral statements should be accompanied by a summary of the statement to be made.

Minutes of the meeting will be available for public inspection and copying at the following locations: Pacific OCS Office, Bureau of Land Management, 1340 W. Sixth St., Room 200, Los Angeles, CA 90017; and Bureau of Land Management, Department of the Interior, 18th and C Sts., N.W., Washington, D.C. 20240.

Dated: February 15, 1980.

William E. Grant,

Manager, Pacific OCS Office.

[FR Doc. 80–5643 Filed 2–22–80; 8:45 am]

BILLING CODE 4310–84–M

Fish and Wildlife Service

Endangered Species Permit; Amendment Notice of Receipt of Application

Applicant: Louisiana Department of Wildlife & Fisheries, New Orleans, LA 70130

The applicant requests an amendment to his present permit to increase the number of brown pelicans (*Pelecanus occidentalis*) to be transplanted from Florida to Louisiana from 100 to 350 in 1980, the last year during which transplants will be made until the program is evaluated in 1985.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–6286. Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: February 15, 1980.

Fred Bolwahnn,

Acting chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80–5704 Filed 2–22–80; 8:45 am]

BILLING CODE 4310–55–M

Endangered and Threatened Species Permit; Receipt of Application

Applicant: Virginia Institute of Marine Science & School of Marine Science,

College of William and Mary, Gloucester Point, Virginia 23062.

The applicant requests a permit to take Atlantic ridley (*Lepidochelys kempi*), leatherback (*Dermochelys coriacea*), hawksbill (*Eretmochelys imbricata*), loggerhead (*Caretta caretta*) and greem (*Cheloni mydas*) sea turtles as part of a nesting and population survey, and to resuscitate specimens caught incidental to fishing efforts. These activities are for scientific purposes and for enhancement of survival of these species.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–6319. Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: February 15, 1980.

Fred Bolwahnn,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80–5705 Filed 2–22–80; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Delta Region Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 1:30 p.m. CST on March 25, 1980, at the New Orleans City Hall, Room 6E05, 1300 Perdido, New Orleans, Louisiana.

The Delta Region Preservation Commission was established pursuant to Pub. L. 95–265, section 907(a) to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park, in the development and implementation of a general management plan, and in the development and implementation of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

The members of the Delta Region Preservation Commission are:

Mrs. William R. (Linda) Adams, New Orleans, Louisiana
Ms. Celestine S. Cook, New Orleans, Louisiana
Mr. LeRoy E. Demarest, Harahan, Louisiana
Mr. D. David Duplantis, Marrero, Louisiana
Mr. Charles J. Eagen, Jr., New Orleans, Louisiana
Mr. John Eckerle, Westwego, Louisiana
Mr. Frank Ehert, Marrero, Louisiana
Mr. Frank Fernandez, St. Bernard Parish, Louisiana
Mr. Barry Kohl, New Orleans, Louisiana
Mrs. Diane Ribando, Marrero, Louisiana
Mrs. Mercedes Munster, Chalmette, Louisiana
Mr. Sidney Rosenthal, Jr., Jefferson, Louisiana
Mr. Joseph Temento, Westwego, Louisiana
Dr. Frederick W. Wagner, New Orleans, Louisiana

The matters to be discussed at this meeting include:

1. To discuss the General Management Plan.
2. To discuss the results of public meetings held in late February.
3. To discuss recommendations forwarded from the Standing Committees.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park. Persons wishing further information concerning this meeting, or who wish to submit written statements may contact James Isenogle, Superintendent, Jean Lafitte National Historical Park, 400 Royal Street, Room 200, New Orleans, Louisiana, 70130, telephone area code 504 589–3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.

Dated: February 8, 1980.

Lorraine Mintzmyer,

Regional Director, Southwest Region, National Park Service.

[FR Doc. 80–5709 Filed 2–22–80; 8:45 am]

BILLING CODE 4310–70–M

Intent To Propose Policy Revision

AGENCY: National Park Service.

ACTION: Notice of availability of Ad Hoc Fisheries Task Force Report.

SUMMARY: The purpose of this notice is to announce the availability of, and request public and professional comments concerning, the findings and recommendations submitted by an Ad Hoc Fisheries Task Force appointed by the Director of the U.S. Fish and Wildlife Service as instructed by Assistant Secretary of the Interior, Robert Herbst, to review and evaluate the effectiveness of the National Park Service's fisheries policies and practices. The comments will help to determine which, if any, of the recommendations made by the ad hoc study team are to be acted upon and placed into National Park Service policy statements concerning fisheries resources.

DATE: Comments must be received on or before May 27, 1980.

ADDRESS: Written comments should be addressed to the Associate Director, Management and Operations, U.S. Department of the Interior, National Park Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Harry DeLashmutt, National Park Service, 18th and C Streets, N.W., Washington, D.C. 20240, telephone (202) 343–5607.

SUPPLEMENTARY INFORMATION: On April 25, 1978, Assistant Secretary of the Interior, Robert Herbst, instructed the Directors of the Fish and Wildlife Service and the National Park Service to convene an Ad Hoc group of seven fisheries management and research specialists to review and evaluate fisheries policies and operations of the National Park Service.

The purpose of the task force's review and evaluation was to gain an understanding of the National Park Service's fisheries management prerogatives and philosophy while simultaneously providing a fresh, unbiased, and critical analysis of the policies, operations and current status of the fisheries program within the National Park Service.

The results of this evaluation are contained in the report entitled, "Review and Evaluation of National Park Service Fisheries Policies and Practices," dated March 1979, and submitted to the Assistant Secretary of the Interior by Lynn A. Greenwalt, Director, U.S. Fish and Wildlife Service. Included in the report are major findings and recommendations along with proposed policy modifications.

The following are highlights of the findings and recommendations of the task force:

1. The existing National Park Service's fishing policy deals generally with the act of fishing (as authorized by law) and not with the conservation of fish resources.
2. Insufficient fishery information and data were available at many park units visited.
3. Where appropriate and after careful analysis the Director, National Park Service, should be empowered to declare certain introduced species as "naturalized" and managed as natural components of the ecosystem.
4. Notwithstanding its authorization by law, the task force viewed the extraction of fish for commercial purposes as a

nonconforming use of the Park System's resources.

5. Additional fishery expertise is needed by National Park Service at regional offices and by the Denver Service Center's planning teams.

6. National Park Service and State conservation agencies should enter into cooperative agreements which define their respective roles in management of the aquatic resources within National Park Service areas. Both agencies should develop aquatic management programs to meet National Park Service objectives for specific park units.

7. Fish and Wildlife Service should review State management programs proposed for park units to assure that National Park Service goals will be supported. State projects which will not support National Park Service aquatic resources objectives will not be approved under Federal Aid to Fish Restoration or other appropriate conservation acts.

The task force also recommended the implementation of a proposed Aquatic Resources Management Plan for each major aquatic ecosystem located within units of the National Park System. The primary objective of aquatic resources management should be the presevation and restoration of native species and aquatic ecosystems for esthetic, recreational, educational, cultural and scientific value for present and future generations.

Copies of the task force report are available at the following address: Associate Director, Management and Operations, U.S. Department of the Interior, National Park Service, Washington, D.C. 20240.

Copies of the existing National Park Service policies relating to fisheries management are also available at this address.

Dated: February 8, 1980.

Boyd Evison,

Acting Associate Director, Management and Operations.

[FR Doc. 80-5708 Filed 2-22-80; 8:45 am]

BILLING CODE 4310-70-M

Padre Island National Seashore, Texas; Availability of Plan of Operations for Drilling an Exploratory Natural Gas Well

Notice is hereby given that in accordance with Title 36, Chapter 1, Part 9, Minerals Management Comprehensive Regulations, the U.S. Department of the Interior, National Park Service has received from Sun Gas Company a plan of operations for drilling an exploratory gas well in the Tovar Subdivision of Padre Island National Seashore, Texas.

This plan is available for public review and comment for a period of 30 days in the Office of the Superintendent, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, Texas.

Robert Kerr,

Deputy Regional Director, Southwest Region.

[FR Doc. 80-5707 Filed 2-22-80; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware Citizens Advisory Council Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Upper Delaware Citizens Advisory Council will be held at 7:00 p.m., March 28, 1980, at the Arlington Hotel, Narrowsburg, New York. The Advisory Council was established by Pub. L. 95-625, section 704(f) to encourage maximum public involvement in the development and implementation of plans and programs authorized by the Act and section noted above. The Council is to meet and report to the Delaware River Basin Commission, to the Secretary of the Interior and to the Governors of New York and Pennsylvania on the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region.

The matters to be discussed at this meeting include:

1. Implementation of Section 704 of the National Parks and Recreation Act of 1978.
2. Discussion of general guidelines for land and water use control measures.
3. New business.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first served basis. Any member of the public may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact David A. Kimball, Chief Planner, Mid-Atlantic Region, National Park Service, 143 South Third Street, Philadelphia, Pennsylvania 19106, area code 215-597-9655.

Minutes of the meeting will be available for inspection four weeks after the meeting at the Mid-Atlantic Regional Office.

Dated: February 14, 1980.

James W. Coleman, Jr.,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 80-5710 Filed 2-22-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte 241; Rule 19; 78th Revised Exemption 90]

Aberdeen & Rockfish Railroad Co., et al.; Exemption Under Mandatory Car Service Rules

Correction

In FR Doc. 80-2878, appearing at page 6851 in the issue for Wednesday, January 30, 1980, in the document heading, "78th Revised Exemption 241" should be corrected to read "78th Revised Exemption 90" (see corrected heading above).

BILLING CODE 1505-01-M

[Released Rates Application No. MC-1488]

National Motor Freight Association, Inc.

Correction

In FR Doc. 80-4457, published on page 9354, in the issue of Tuesday, February 12, 1980 make the following correction:

On page 9378, first column, second complete paragraph, in the first line published as "MC 126113 (Sub-166F)" should be "MC 126118 (Sub-166F)".

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-2777, appearing at page 6654 in the issue for Tuesday, January 29, 1980, on page 6660, in the second column, directly following the second paragraph, the heading should read "Volume No. 27, instead of "Volume 211"

BILLING CODE 1505-01-M

Long and Short-Haul Applications for Relief (Formerly Fourth Section Applications)

February 20, 1980.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. on or before March 11, 1980.

No. 43797, Consolidated Rail Corporation No. CR-1-80, demand-sensitive rates on various commodities, in carloads, from named stations in Delaware, New Jersey and Pennsylvania to named stations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio and West Virginia in its Freight Tariff ICC CR 3017-A, effective March 22, 1980.

Grounds for relief—Improve car utilization and meet motor competition.

No. 43798, Southwestern Freight Bureau, Agent No. B–51, increased rates on various commodities in TOFC service between stations in Southwestern and Southern Territories in Supplement 263 to Southwestern Freight Bureau, Agent's Tarriff ICC SWFB 7084–H, effective March 15, 1980. Grounds for relief—need for additional revenue to offset increased costs.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–5679 Filed 2–22–80; 8:45 am]

BILLING CODE 7035–01–M

Release Rates Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice, Released Rates Application No. 1937

SUMMARY: Southwestern Freight Bureau, jointly with Traffic Executive Association-Eastern Railroads seek to establish new Plan II ½ trailer-load rates on electronic data processing machines or associated equipment or parts from Albuquerque, NM to Fitchburg and Worcester, MA subject to a released value not exceeding $5.00 per pound.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. C. M. Herzberg, Tariff Publishing Officer Southwestern Freight Bureau, 1015 Locust Street St. Louis, MO 63101 Tel. (314) 421–2795.

FOR FURTHER INFORMATION CONTACT: Mr. Max Pieper, Unit Supervisor, Bureau of Traffic, Interstate Commerce Commission Washington, D.C. 20423 Tel. (202)275–7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730, formerly Section 20(11) of Interstate Commerce Act.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–5680 Filed 2–22–80; 8:45 am]

BILLING CODE 7035–01–M

Office of Proceedings

Motor Carrier Temporary Authority Applications

Important notice: The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. 1

February 11, 1980.

MC 88368 (Sub-44TA), filed January 11, 1980. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: C. Max Stewart (same as applicant). *Appliances,* from Searcy (White County), AR to points in AZ, CA, CO, CT, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SD, TN, TX, UT, VA, WA, WV, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Speed Queen Company, 200 Queens Way, Searcy, AR 72143. Send protests to: Vernon V. Coble, DS, ICC, 600 Fed. Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 107478 (Sub-60TA), filed January 10, 1980. Applicant: OLD DOMINION FREIGHT LINE, INC., P.O. Box 2006, High Point, NC 27261. Representative: C. T. Harris, P.O. Box 999, Wilson, NC 27893. *Iron and steel articles* from the facilities of Raritan River Steel Company located at or near Perth Amboy, NJ to points in OH, PA and VA and also the return of refused or rejected shipments, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Raritan River Steel Company, P.O. Box 309, Perth Amboy, NJ 08862. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 109818 (Sub-80TA), filed November 30, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. (1) *Pet food mix (except in bulk)* from the facilities of Geo. A. Hormel & Co. at Davenport, IA, to points in IL, MN, KS, MO, NE, SD, and WI and (2) *hog and pig skins and trimmings* in the reverse direction, for 180 days. And underlying ETA seeks 90 days authority. Supporting Shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 109818 (Sub-81TA), filed December 3, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. *Frozen foods (except in bulk)* from the facilities of General Foods Corporation at Waseca, MN, to points in CO, KS, NE, FL, MO, IA, IN, IL, OH, KY, and MI, for 180 days, restricted to the transportation of traffic originating at General Foods Corporation, Weseca, MN, and destined to the indicated destinations. An underlying ETA seeks 90 days authority. Supporting Shipper(s): General Foods Corporation, 250 North St., White Plains, NY 10625. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 118959 (Sub-246TA), filed January 2, 1980. Applicant: JERRY LIPPS, INC., 130 S. Frederick Street, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. *Plastic bags and materials used in the processing or manufacture of plastic bags (except commodities in bulk)* between the facilities of Terminal Paper Bag Co., Inc. at/or near Yulee, FL on the one hand, and on the other DE, IL, IN, IA, KS, KY, MI, MO, MN, NJ, NY, OH, PA, and WV for 180 days. Underlying ETA filed. Supporting Shipper(s): Terminal Paper Bag Co., Inc., P.O. Box 47, Yulee, FL 32097. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th Street, Suite 600, Fort Worth, TX 76102.

MC 120098 (Sub-37TA), filed September 6, 1979. Applicant: UINTAH FREIGHTWAYS, 1030 South Redwood Road, Salt Lake City, UT 84104. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. *Common carrier:* Regular routes; *General commodities,* except livestock, commodities of unusual value, commodities in bulk, classes A and B explosives, household goods as defined by the Commission and commodities requiring special equipment, Between Salt Lake City, UT and Albuquerque, NM: From Salt Lake City, over Interstate Highway 15 to junction U.S. Highway 50, then over U.S. Highway 50 to junction U.S. Highway 163, then over U.S. Highway 163 to the junction of U.S. Highway 163 and U.S. Highway 666; then over U.S. Highway 666 to Gallup, NM; then over U.S. Highway 66 (I–40) to Albuquerque, NM and return over the same routes serving the intermediate points of Shiprock, Grants and Gallup, NM and Crescent Junction and Price, UT and the off route point of Farmington, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately 36 statements in support attached to this application which may be examined at the I.C.C. in Washington, DC or copies of which may be examined in the field ofice named below. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 120279 (Sub-12TA), filed December 13, 1979. Applicant: McFARLAND AND HULLINGER, 915 N. Main Street, Tooele, UT 84074. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Salt, in bulk,* from the facilities of Texas Gulf, Inc. at Potash, UT to CO and AZ, for 180 days. Supporting shipper(s): Texas Gulf, Inc., 4509 Creedmoor Road, Raleigh, NC 27612. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 120978 (Sub-28TA), filed December 26, 1979. Applicant: REINHART MAYER, d.b.a. MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, ND 58401. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Moldboard plows, air seeders, chisel plows, cultivators, harrows, drill fills, and attachments, parts and accessories for the above commodities,* from the facilities of Wil-Rich, Inc., at/near Cooperstown and Wahpeton, ND to points in IL, IN, IA, KS, MN, MO, NE, SD, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wil-Rich, Inc., P.O. Box 1013, Wahpeton, ND 58075. Send protests to: Transportation Assistant, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 124679 (Sub-118TA), filed December 13, 1979. Applicant: C.R. ENGLAND & SONS, INC., 975 W. 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same address). *Hides,* from points in UT to points in CA, TX, and ME. Representative points: Hyrum and Logan, UT; Los Angeles and Orange County, CA; and Portland, and Saco, ME, Laredo and Dallas, TX, for 180 days. Supporting shipper(s): American Commodities, 19th E. 300 North, Hyrum, UT 84319. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 126489 (Sub-40TA). Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, KS 67501. Representative: William B. Barker, Attorney, 641 Harrison Street, Topeka, KS 66603. *Premixed mineral feed and feed ingredients* from the facilities of Marshall Minerals, Inc., at or near Marshall, TX to points in AR, GA, IL, IN, IA, KY, LA, MS, MO, NM, NC, SD, and TN for 180 days. Supporting shipper(s): Marshall Minerals, Inc., P.O. Box 506, Bainbridge, GA 31717. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 127019 (Sub-17TA), filed December 13, 1979. Applicant: LARUE LAMB, d.b.a. LARUE LAMB TRUCKING, Box 374, Myton, UT 84052. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. *Gilsonite, in bulk,* from Bonanza, UT to Effingham, IL, for 180 days. Supporting shipper(s): American Gilsonite Company, 1150 Kennecott Bldg., Salt Lake City, UT 84133. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 133708 (Sub-40TA), filed January 18, 1980. Applicant: FIKSE BROS., INC., 12647 East South Street, Cerritos, CA 90701. Representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. *Cement, in bulk, in pneumatic equipment,* from Long Beach, California to points in Arizona, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Kaiser Cement Corporation, Manager, Marketing Services, Southern Region, 600 S. Commonwealth Ave., Los Angeles, CA 90005. Send protests to: Irene Carlos, TA, ICC, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 134599 (Sub-179TA), filed December 10, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 W. 2200 South, Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 S. 14th St., Box 81849, Lincoln, NE 68501. *Such commodities as are used, manufactured and dealt in by producers of Rubber and Rubber Products (except commodities in bulk and those which because of size or weight require special handling or equipment), for the account of the Armstrong Rubber Co.,* (1) from Laurel Hill, NC and Baton Rouge, LA to facilities of Armstrong Rubber Co. at West Haven, CT, Madison, TN, Clinton, TN, Natchez, MS and Hanford, CA; (2) from Baton Rouge, LA to facilities of Armstrong Rubber Co. at Des Moines, IA; (3) from facilities of Armstrong Rubber Co. at Madison, TN, Natchez, MS and West Haven, CT to points in the U.S. in and west of ND, SD, NE, KS, OK and TX (except AK and HI); (4) from facilities of Armstrong Rubber Co. at West Haven, CT to Jacksonville, FL; (5) from facilities of Armstrong Rubber Co. at Knoxville, TN to points in NC, SC, GA, FL and TX; (6) from facilities of Armstrong Rubber Co. at Hanford, CA, Des Moines, IA and Natchez, MS to Memphis, TN; (7) from Borger, TX to facilities of Armstrong Rubber Co. at West Haven, CT, Natchez, MS, Madison, TN and Hanford, CA; and (8) from the facilities of Armstrong Rubber Co. at West Allis, WI to points in IA and TX, for 180 days. There is an underlying 90 day ETA partially granted pending applicant's petition for reconsideration. Supporting shipper(s): The Armstrong Rubber Co., 500 Sargent Drive, New Haven, CT 06507. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 135518 (Sub-28TA), filed January 14, 1980. Applicant: WESTERN CARRIERS, INC., 53 South Dawson, Seattle, WA 98124. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Frozen food and canned goods when moving with frozen foods in vehicles equipped with mechanical refrigeration,* from Walla Walla, WA to points in CA, restricted to traffic moving from the facilities of Rogers Walla Walla, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rogers Walla Walla, Inc., P.O. Box 998, Walla Walla, WA 99362. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 142539 (Sub-7TA), filed January 24, 1980. Applicant: B.W.T. TRANSPORT, INC., 757 River Drive, Passaic, NJ 07055. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904.

Contract, irregular. *Cleaning compounds, chemicals, petroleum and petroleum products (except in bulk and materials and supplies used in the manufacture and sales thereof, except in bulk.* Between the facilities of Witco Chemical Corp. at Paterson, and Perth Amboy, NJ, Chicago, IL on the one hand and on the other, points in the US in and east of ND, SD, NE, KS, OK and TX for 180 days. Supporting shipper(s): Witco Chemical Corp., 277 Park Avenue, New York, NY 11007. Send protests to: Joel Morrows, D/S, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 143738 (Sub-2TA), filed January 11, 1980. Applicant: DONALD D. HAVELICK, d.b.a. PADO COMPANY, 7902 Husky Way S.E., Olympia, WA 98503. Representative: Wallace Aiken, 1215 Norton Building, Seattle, WA 98104. *Contract carrier;* irregular routes; *(1) Malt beverages and return of malt beverage containers,* between Busch-Fairfield, and Los Angeles, CA, Seattle and Vancouver, WA, and Sandpoint, ID, empty malt beverage containers on return; *(2) Wine (other than bulk),* from CA to Seattle, WA and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Frank's Distributors, P.O. Box 1067, Sandpoint, ID 83864; J. W. Brown & Associates, 3841 1st So. (P.O. Box 3937), Seattle, WA 98124. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 144218 (Sub-5TA), filed January 16, 1980. Applicant: FELDSPRAR TRUCKING CO., INC., P.O. Box 858, Spruce Pine, NC 28777. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Contract carrier*—Irregular routes: *(1) ground feldspar, in bags,* from Spruce Pine, NC to points in AZ, CA, NM, OR and WA and those in the US in and east of WI, IL, MO, OK and TX; and *(2) ground feldspar, in bulk,* from Spruce Pine, NC to points in AZ, CA, CT, DE, ME, MD, MA, MI, NH, NM, NY, OR, PA, RI, VT, VA, WA and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Feldspar Corp., P.O. Box 99, Spruce Pine, NC 28777. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm CC516, Charlotte, NC 28205.

MC 144259 (Sub-7TA), filed January 18, 1980. Applicant: JENNARO LINES, INC., 2332 South Peck Road, Whittier, CA 90601. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Contract;* Irregular; *candy in vehicles equipped with mechanical refrigeration,* from the facilities of Andes Candies, Inc., located at or near Delavan, Wisconsin, to Phoenix, Arizona, and Los Angeles and Hayward, California, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Andes Candies, Inc., Vice President, Manufacturing, 1400 E. Wisconsin St., Delavan, Wisconsin 53115. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 144969 (Sub-20TA), filed January 24, 1980. Applicant: WHEATON CARTAGE CO., Wheaton Avenue, Millville, NJ 08332. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW, Washington, DC 20001. *Chemicals, in drums, proprietary anti-freeze preparations in drums or packages.* From the plantsite of Jefferson Chemical Company Inc. at Austin, Youens, Pt. Neches, TX and the commercial zone of Houston, TX to all points in the US (except AK and HI) for 180 days. Supporting shipper(s): Jefferson Chemical Company, Inc., P.O. Box 430, Bellaire, TX 77401. Send protests to: Robert J. Latarewicz, TR&TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 145219 (Sub-11TA), filed January 8, 1980. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 2726, Savannah, GA, 31402. Representative: B. M. Shirley (address same as applicant). *Insulating, building and roofing panels,* from points in Greenville County, SC to points in AL, AR, FL, GA, LA, MD, MS, NC, and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rmax, Inc., 13524 Welch Road, Dallas, TX 75234. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 145829 (Sub-17TA), filed January 15, 1980. Applicant: ETI CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier,* irregular routes for 180 days. *Foodstuffs (except commodities in bulk)* from the facilities used or utilized by Ragu Foods, Inc. at Rochester and Manchester, NY to points in DE, MD, NJ, PA, VA and DC. Under a continuing contract or contracts with Ragu Foods, Inc., Greenwich, CT. Supporting shipper(s): Ragu Foods Inc., 33 Benedict Place, Greenwich, CT 06830. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 146448 (Sub-12TA), filed January 8, 1980. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Chemicals, plastics and plastic materials* (except commodities in bulk) from the commercial zones of Detroit, MI and Hackettstown (including Rockport), NJ to points in CA and TX, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Reichhold Chemicals, Inc., 525 North Broadway, White Plains, NY 10603. Send protests to: William H. Land, DS. 3108 Federal Bldg., Little Rock, AR 72201.

MC 146448 (Sub-13TA), filed January 9, 1980. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. (a) *Household appliances* and (b) *parts and accessories for household appliances* from facilities of General Electric Company at Little Rock, AR to points in LA, MS, NM, OK and TX, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): General Electric Company, 6901 Lindsey Road, Little Rock, AR 72206. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 147078 (Sub-2TA), filed January 18, 1980. Applicant: LOWELL R. CONNELL, INDIVIDUAL, Route 4, Box 74, Arkadelphia, AR 71923. Representative: W. H. Arnold, P.O. Box 480, Arkadelphia, AR 71923. *Chain saws, lawn & garden equipment and parts and accessories* from distribution centers in Alexandria, LA and Marshall, TX to points in AR, LA and TX for 180 days. Restricted to traffic originating at or destined to the facilities of Timberland Saw Company. Supporting shipper(s): Timberland Saw Company, 1603 E. Houston St., Marshall, TX 75760. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 147088 (Sub-7TA), filed January 10, 1980. Applicant: DERBY CITY EXPRESS, INC., P.O. Box 19097, Louisville, KY. 40219. Representative: Wm. P. Whitney, Jr., Attorney. (same as above) *Foodstuffs,* except in bulk, moving in vehicles equipped with mechanical refrigeration, from the facilities of the Louisville Freezer Center at Louisville, KY, to points in AZ, CA, FL, LA, NM, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cliff Juckett, V/P Sales & Distribution, OmniWay, 2000 South 9th Street, Louisville, KY. 40208. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 147189 (Sub-3TA), filed January 16, 1980. Applicant: J & M CARTAGE, INC., 3300 N. Santa Fe, Oklahoma City, OK 73125. Representative: William P. Parker, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Contract* Carrier:

Irregular Route: *General commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from Oklahoma City, OK, to Wichita Falls, TX, restricted to a transportation service to be performed under a continuing contract or contracts with Target Stores, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Target Stores/Div. of Dayton Hudson Corp., 7120 Highway 65 N.E., Fridley, MN 55432. Send protests to: Connie Stanley, ICC, Room 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 147619 (Sub-9TA), filed January 17, 1980. Applicant: PTC, INC. d.b.a. D.D.S. TRANSPORT, INC., P.O. Box 25354, Salt Lake City, UT 84125. Representative: Chester A. Zyblut, 1030 15th St., NW, Suite 366, Washington, D.C. 20005. *Materials, equipment and supplies used in the manufacture and distribution of Pianos and Organs (except commodities in bulk),* from Corinth and Holly Springs, MS to Logan, UT, for 180 days. There is an underlying ETA seeking 90 days authority. Supporting shipper(s): The Wurlitzer Co., Box 747, Logan, UT 84321. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 147658 (Sub-3TA), filed January 15, 1980. Applicant: R & W TRANSPORTATION, INC., Route 1, Repton, AL 36475. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Contract, irregular: Lumber, lumber products and by-products,* (1) from the facilities of T. R. Miller Mill Co., at or near Brewton, AL, to points in the states of IL, IN, MI, OH, IA, MO, WI, TN and KY under continuing contract with T.R. Miller Mill Co., (2) from the facilities of Harrigan Lumber Co. located at or near Monroeville, AL to points in the states of AR, AL, GA, FL, MS, LA, TX, IL, IN, OH, MI, WI, MO, IA, TN and Ky under a continuing contract with Harrigan Lumber Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Harrigan Lumber Co., Monroeville, AL 36460; T. R. Miller Mill Co., Box 708, Brewton, AL 36426. Send protest to: Mabel E. Holston, TA, ICC, Room 1616–2121 Bldg., Birmingham, AL 35203.

MC 148589 (Sub-2TA), filed January 9, 1980. Applicant: STOREY TRUCKING CO., INC., P.O. Box 126, Henegar, AL 35978. Representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, TN 37402. *Contract, Irregular: Boiler cleaning compounds (liquid and dry); plasticizer; coloring, wall paper pulp,* from the facilities of Alco Chemical Corp. at Santa Fe Springs, CA, Chicago, IL, Detroit, MI, Arlington, TX, and Dallas, TX, for 180 days, under continuing contract with Alco Chemical Corp. in Chattanooga, TN. An underlying ETA seeks 90 days authority. Supporting shipper(s): Alco Chemical Corp., 909 Mueller Dr., Chattanooga, TN 37406. Send protests to: Mabel E. Holston, TA, ICC Room 1616–2121 Bldg., Birmingham, AL 35203.

MC 148649 (Sub-1TA), filed January 11, 1980. Applicant: H & W, INC., 2411 Lafayette Parkway, Opelika, AL 36801. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Contract, irregular: Lumber,* from the facilities of Union Camp Corp., at or near Opelika, AL, to points in GA and TN, for 180 days. *Restriction:* Restricted to the transportation of shipments under a continuing contract or contracts with Union Camp Corp. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Camp Corp., 1600 Valley Rd., Wayne, NJ 07470. Send protests to: Mabel E. Holston, TA, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 148858 (Sub-1TA), filed January 14, 1980. Applicant: DARRELL ANDREWS T/A DARRELL ANDREWS TRUCKING, P.O. Box 654, Siler City, NC 27344. Representative: Francis J. Ortman, 7101 Wisconsin Ave. Suite 605, Washington, DC 20014. *Contract* carrier-irregular routes; *(1) Yarn, elastic, packaging and raw materials to manufacture hosiery and (2) hosiery, including panty hose and undergarments* (1) from Siler City, and Eden, NC and Louisville, KY to Twin Falls, ID and (2) from Twin Falls, ID to Siler City, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kellwood Company, Glendale Group, Siler City, NC 27344. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 149128 (Sub-1TA), filed January 16, 1980. Applicant: D. J. Burch d.b.a., BURCH TRUCKING, 3510 Cottontail, Casper, WY 82601. Representative: D. J. Burch (same address as applicant). (1) *Machinery, material, equipment and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by products, and (2) *Machinery, materias, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof. Restricted against the transportation of complete oil drilling rigs, between points in CO, UT, ID, MT, ND, SD, NE, NM and WY, for 180 days. An Underlying ETA seeks 90 days authority. Supporting shipper(s): There are 12 shippers. Their statements may be examined at the office shown below or at Headquarters. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Room 105 Federal Bldg. & Crt. House, 111 South Wolcott, Casper, WY 82601.

MC 149178 (Sub-1TA), filed January 14, 1980. Applicant: C & N EVANS TRUCKING CO., INC., Route 2, Box 39–E, Stoneville, NC 27048. Representative: Clarence B. Evans (same as above). *Contract* carrier-Irregular routes; *Metal containers and packing material on return* from facilities of National Can Corporation at Winston-Salem, NC to VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Can Corporation, Rt. 287 St. Randolphville Rd., Piscataway, NJ 08854. Send protests to: Sheila Reece, T/A 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 149179 (Sub-1TA), filed January 7, 1980. Applicant: MAYLAND ENTERPRISES, INC., Withrow Road P.O. Box 907, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *(a) Bus bars and bus bar systems, (b) aluminum sheets and aluminum bars and (c) vertical axis wind trubines* (a) from Spindale, NC to Mount Holly, SC and Saint Marys, PA and (b) from North Lima and East Palestine, OH to Spindale, NC and (c) from Spindale, NC to points in the US, for 180 days. Restricted to the transportation of traffic originating at, or destined to, the facilities of Bus Bar Systems Corp. at Spindale, NC. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bus Bar Systems Corp., 111 Oakland Rd., Spindale, NC 28160. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

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MC 26088 (Sub-25TA), filed January 25, 1980. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., P.O. Box 457, Augusta, GA 30903. Representative: William Addams, Suite 212, 5299 Roswell Rd., N.E., Atlanta, GA 30342. *Concrete prefabricated building panels and mortar-mix and cement in bags,* from Richmond County, GA to points in AL, FL, LA, MS, MO, NC, and TN, for 180 days. An underlying ETA

seeks 90 days authority. Supporting Shipper(s): Poly-Agg Panel Co., 1611 Nixon Rd., Augusta, GA 30906. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Room 300, Atlanta, GA 30309.

MC 52579 (Sub-204TA), filed January 25, 1980. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, NJ 07094. Representative: Julius Saltzman, One Gilbert Drive, Secaucus, NJ 07094. Wearing apparel and piece goods supplies, accessories, and other materials used in the manufacture of wearing apparel from Secaucus, NJ to Lepanto, AR for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Abe Schrader Corp, 125 Hartz Way, Secaucus, NJ 07094. Send protest to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 99439 (Sub-14TA), filed January 22, 1980. Applicant: SUWANNEE TRANSFER, INC., P.O. Box 40764, Jacksonville, FL 32206. Representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, FL 32207. *Package water and waste water treatment equipment, and materials, accessories, materials, and supplies used in the installation thereof* from the facilities of American Enviro-Port, Inc., at or near Jacksonville, FL, to all points in AL, AR, FL, GA, IA, IL, IN, KS, KY, LA, MD, MS, MO, NB, NY, NC, OK, PA, SC, TN, TX, VA, and WV for 180 days. Supporting shipper(s): American Enviro-Port, Inc., 5050 Stepp Avenue, Jacksonville, FL 32216. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 99899 (Sub-5TA), filed January 22, 1980. Applicant: CERTIFIED FREIGHT LINES, INC., 201 West Branch, P.O. Box 455, Arroyo Grande, CA 93420. Representative: Wyman C. Knapp, Knapp, Grossman & Marsh, Suite 1800, 707 Wilshire Boulevard, Los Angeles, CA 90017. *Electrical copper and aluminum cable,* between Santa, Maria, California, and Richland, Washington, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): The Okonite Company, Plant Manager, 2900 South Blosser Street, Santa Maria, CA 93454. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 106398 (Sub-1057TA), filed January 21, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). *Hydro cooler and brick packaging machinery,* from the facilities of Clarksville Machine Works at Clarksville, AR, to points in GA, TX, NY, CA, FL, and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Clarksville Machine Works, P.O. Box 160, Clarksville, AR 72830. Send protests to: Connie Stanley, ICC, Rm. 240, 215 NW 3rd, Oklahoma City, OK 73102.

MC 107839 (Sub-187TA), filed January 17, 1980. Applicant: DENVER ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, P.O. Box 16106, Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Denver, CO 80264. *Foodstuffs* (except in bulk in tank vehicles) from facilities of Skyland Foods Corporation in or near Delta, CO to points in NE, NM, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Skyland Food Corporation, P.O. Box 250, 9th & Dodge, Delta, CO 81416. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 109689 (Sub-371TA), filed November 27, 1979. Applicant: W. S. HATCH CO., 643 S. 800 West, Woods Cross, UT 84087. Representative: Mark K. Boyle, Attorney, 10 W. Broadway Bldg., Suite 400, Salt Lake City, UT 84101. *Fuel Oils,* between Salt Lake City, UT and points within 10 miles thereof, and Rock Springs, Green River, and Little America, WY, and points within 10 miles thereof, for 180 days. There is an identical ETA requesting up to 90 days authorized. Supporting shipper: Delgado Oil Co., Box 66, Pinedale, WY 82941. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT 84138.

MC 109689 (Sub-372TA), filed November 28, 1979. Applicant: W. S. HATCH CO., 643 S. 800 West, Woods Cross, UT 84087. Representative: Mark K. Boyle, Attorney, 10 W. Broadway, Suite 400, Salt Lake City, UT 84101. *(1) Spent Cupric Chloride and Etchants, in bulk; and (2) Cupric Chloride, Etchants, Mixtures, in bulk,* (1) from points in the U.S. (except AK & HI) to Casa Grande, AZ and (2) from Casa Grande, AZ to points in the U.S. (except AK & HI)—1 and 2 restricted to transportation in lined vehicles—, for 180 days. There is an indentical ETA for 90 days authority. Supporting shipper: IMR Corporation, P.O. Box 573, Casa Grande, AZ 85222. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT 84138.

MC 113528 (Sub-53TA), filed September 7, 1979. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, AL 36601. Representative: Joy Stephenson, (same as applicant). *Mineral fibre products and insulating materials, and materials, supplies and equipment used in connection with the installation thereof,* from facilities of the Owens-Corning Fiberglas Corp. at or near Waxahachie, TX to points in LA on or south of a line beginning at the TX-LA state line, then over State Hwy 12 to U.S. Hwy 190, then over U.S. Hwy 190, then over U.S. Hwy 90, to the LA–MS state line; and points in MS on or east of Interstate Hwy 55, and on or south of Interstate 20, for 180 days. Supporting shipper: Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, OH 43659. Send protests to: Mabel E. Holston T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 113658 (Sub-28TA), filed January 4, 1980. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport, Commerce City, CO 80216. Representative: Richard J. Loose (same address as applicant). *Acid NOI; Acid Dry; Animal Feed Supplements; Chemicals; Pharmaceutical Drugs and Medicine; Beet Sugar; Cane Sugar; Toilet Preparations; Related Printed Matter—except for commodities transported in bulk and tank vehicles,* from Nutley, Belvidere and Branchburg, NJ to Chicago, IL; Dallas, TX; Atlanta, GA; San Leandro, Bell and Fresno, CA, for 180 days. Supporting shipper: Hoffmann-La Roche, Inc., 340 Kingland Street, Nutley, NJ 07110. Send protests to: District Supervisor R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 113658 (Sub-29TA), filed January 4, 1980. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport, Commerce City, CO 80022. Representative: Richard J. Loose (same address as applicant). *Meats, meat by-products and materials distributed by Packing Houses* except Hides and commodities transported in bulk, from Dodge City, KS to the United States (except AK & HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Hyplains Dressed Beef, Inc., P.O. Box 539, Ft. Dodge Road, Dodge City, KS 67801. Send protests to: District Supervisor R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 113658 (Sub-30TA), filed January 4, 1980. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport Street, Commerce City, CO 80022. Representative: Richard J. Loose (same address as applicant). *Meats, meat-byproducts, and materials distributed by Packing Houses, except hides and commodities transported in bulk,* from the plantsite and storage facilities of Minden Beef Co. in Minden, NE and its commercial zone to NY, NJ, CT and PA, for 180 days. Supporting

shipper: Minden Beef Company, P.O. Box 70, Minden, NE 68951. Send protests to: District Supervisor R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 113658 (Sub-31TA), filed January 4, 1980. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport, Commerce City, CO 80216. Representative: Richard J. Loose (same address as applicant). *Meats, meat-byproducts, and materials distributed by Packing Houses, except Hides and commodities transported in bulk,* from the plantsite and storage facilities of Farmland Foods, Inc. in Garden City, KS and its commercial zone to IL, IN, MI, OH, KY, FL, TN, MS, AL, GA, SC NC, VA, WV, DE, RI, MD, NJ, NY, PA, CT, and MA, for 180 days. Supporting shipper: Farmland Foods, Inc., P.O. Box 957, Garden City, KS 67846. Send protests to: District Supervisor R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 113908 (Sub-497TA), filed January 16, 1980. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 10068 G.S. Springfield, MO 65804. Representative: B. B. Whitehead, Traffic Manager, P.O. Box 10068 G.S. Springfield, MO 65804. *High proof alcohol and wine, in bulk* from Grandview and Woodinville, WA, and their respective commercial zones to Altus, AR, and its commercial zone, for 180 days. Underlying ETA filed. Supporting shipper: Weiderkehr Wine Cellars, Inc., Altus, AR 72821. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 118159 (Sub-370TA), filed January 21, 1980. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Rubber and rubber products,* between Muscatine, IA, on the one hand, and, on the other, Ft. Lauderdale, FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Roundtree Tire Sales, Inc., 3540 SW 46th Ave., Ft. Lauderdale, FL 33314. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 119789 (Sub-666TA), filed December 19, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 266188, Dallas, TX 75266. *Fertilizer and seed distributors* from Vermilion, OH to CA, CO, FL, GA, MO, NE, OR, TX, and WA for 180 days. Underlying ETA filed. Supporting shipper: O. M. Scott & Sons Co., Marysville, OH 43040. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 119789 (Sub-667TA), filed December 17, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. *Plastic articles,* from Atlanta, GA to Dayville, and East Hartfold, CT and Mt. Vernon, OH, for 180 days. Supporting shipper: Kyowa America Corp., 500 Wharton Circle, P.O. Box 43205, Atlanta, GA 30336. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 119988 (Sub-237TA), filed January 3, 1980. Applicant: GREAT WESTERN TRUCKING CO. INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. *Power equipment and parts thereof* from the facilities of McCulloch Corp. at Lake Havasu City, AZ to points in and east of TX, OK, KS, NE, SD, and ND for 180 days. Underlying ETA filed. Supporting shipper: McCulloch Corp., 900 Lake Havasu Ave., Lake Havasu City, AZ 86403. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 121568 (Sub-25TA), filed January 3, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Avenue, Nashville, TN 37211. Representative: James G. Caldwell (same address as applicant). *(1) Bags and or bagging and (2) equipment, materials, and supplies used or useful in the manufacture and distribution of commodities in (1) above (except in bulk)* between the facilities utilized by Werthan Industries, Inc., located at or near Nashville, TN, on the one hand, and, on the other, points in AR, LA, MS, OK and TX, for 180 days. Note: Applicant proposes to tack the authority herein applied for to another authority held by it and to interline with other carriers at Memphis and Nashville, TN and any other authorized points. An underlying ETA seeks 90 days authority. Supporting shipper: Werthan Industries, Inc., 1400 8th Avenue, North, Nashville, TN. Send protests to: Glenda Kuss, TA, ICC, A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 121658 (Sub-29TA), filed December 4, 1979. Applicant: STEVE D. THOMPSON TRUCKING, INC., 1205 Percy Street, P.O. Drawer 149, Winnsboro, LA 71295. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. *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): (1) Between Shreveport, LA and Lake Charles, LA: From Shreveport, LA over U.S. Hwy 171 to DeRidder, LA; then over Louisiana Hwy 27 to its junction with U.S. Hwy 90 at or near Sulphur, LA; then over U.S. Hwy 90 to Lake Charles, LA and return over the same route, serving all intermediate points; (2) Between Lake Charles, LA and Lafayette, LA: From Lake Charles, LA over U.S. Hwy 90 to Lafayette, LA and return over the same route, serving all intermediate points; (3) Between Shreveport, LA and Alexandria, LA: From Shreveport, LA over U.S. Hwy 71 to Alexandria, LA and return over the same route, serving all intermediate points; (4) Between Alexandria, LA and Lafayette, LA: From Alexandria, LA over U.S. Hwy 167 to Lafayette, LA and return over the same route, serving all intermediate points; (5) Between DeQuincy, LA and Opelousas, LA: From DeQuincy, LA over Louisiana Hwy 12 to Ragley, LA; then over U.S. Hwy 190 to Opelousas, LA and return over the same routes, serving all intermediate points; (6) Between Alexandria, LA and Iowa, LA: From Alexandria, LA over U.S. Hwy 165 to its junction with U.S. Hwy 90 at or near Iowa, LA and return over the same route, serving all intermediate points; (7) Between Pickering, LA and Ville Platte, LA: From Pickering, LA over Louisiana Hwy 10 to Ville Platte, LA and return over the same route, serving all intermediate points; (8) Between Turkey Creek, LA and Eunice, LA: From Turkey Creek, LA over Louisiana Hwy 13 to Eunice, LA and return over the same route, serving all intermediate points; (9) Between the junction of U.S. Hwys 167 and 71 at or near Meeker, LA and Opelousas, LA: From the junction of U.S. Hwys 167 and 71 at or near Meeker, LA over U.S. Hwy 71 to its junction with Louisiana Hwy 10 at or near Labeau, LA; then over Louisiana Hwy 10 to its junction with U.S. Hwy 167 at or near Opelousas, LA; then over U.S. Hwy 167 to Opelousas, LA and return over the same routes, serving all intermediate points; (10) Between Tullos, LA and Alexandria, LA: From Tullos, LA over U.S. Hwy 165 to Alexandria, LA and return over the same route, serving all intermediate points; (11) Between Alexandria, LA and Simmesport, LA: From Alexandria, LA over Louisiana Hwy 1 to Simmesport, LA and return over the same route, serving all intermediate points; (12) Between

Mansura, LA and Morrow, LA: From Mansura, LA over Louisiana Hwy 107 to Morrow, LA and return over the same route, serving all intermediate points; (13) Between Leesville, LA and Alexandria, LA: From Leesville, LA over Louisiana Hwy 28 to Alexandria, LA and return over the same route, serving all intermediate points; (14) Between Many, LA and Clarence, LA: From Many, LA over Louisiana Hwy 6 to Clarence, LA and return over the same route, serving all intermediate points; (15) Between Eunice, LA and Crowley, LA: From Eunice, LA over Louisiana Hwy 13 to Crowley, LA and return over the same route, serving all intermediate points; (16) Serving Church Point, Fort Polk, St. Martinville and the facilities of International Paper Company located near Carmel, LA, as off-route points, in connection with the above regular routes, for 180 days. Applicant proposes to tack the authority sought herein with present authority in MC–121658 at all common points of joinder. Applicant intends to interline with other carriers at selected points common to applicant and connecting carriers, including Little Rock, AR; Monroe and Shreveport, LA; Jackson, MS and Memphis, TN. Applicant proposes to serve the commercial zones of all cities and towns lying on the above described routes. Supporting shippers: There are approximately 53 statements of support which may be examined at the Interstate Commerce Commission in Washington, DC, or copies which may be examined at the field office named below. Send protests to William H. Land, Jr., District Supervisor, Interstate Commerce Commission, 3108 Federal Bldg., Little Rock, AR 72201.

MC 121818 (Sub-1TA), filed December 27, 1979. Applicant: REGIONAL STORAGE & TRANSPORT, INC., P.O. Box 817, Greenville, NC 27834. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. *General commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, commodities requiring special equipment, and household goods as defined by the Commission), restricted to traffic having a prior or subsequent movement by rail between Rocky Mount, NC, on the one hand, and, on the other, points in NC on and east of Interstate Highway 95, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are 8 supporting shippers. Their statements may be examined at the office listed below or Headquarters. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd—Rm CC516, Charlotte, NC 28205.

MC 129908 (Sub-27TA), filed January 22, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 Southwest 15th Street, Oklahoma City, OK 73107. Representative: T. J. Blaylock (same address as applicant). *Piece goods and textile products and those items used in the manufacture of garments,* from AL, GA, NC, SC, & VA, to the facilities of Levi Strauss & Co. in AR, CA, NM, or TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Levi Strauss & Co., 2 Embarcadero Ctr., San Francisco, CA 94106. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 138469 (Sub-210TA), filed January 21, 1980. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. *Foodstuffs,* (except in bulk), from the facilities of American Home Foods, Division, of American Home Products Corp., located at or near Milton, PA, to Oakland, Los Angeles, and Vacaville, CA, restricted to the transportation of traffic originating at the named origins, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): American Home Foods Division of American Home Products Corp., 685 Third Avenue, New York, NY 10017. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 142668 (Sub-23TA), filed January 22, 1980. Applicant: AERO DISTRIBUTING CO., INC., 4814 Fulton Industrial Boulevard, Atlanta, GA 30336. Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. *Contract* carrier, irregular routes, *scrap and waste paper,* between points in the States of FL, AL, LA, MS, NC, SC and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Atlanta Intercel, Div. of International Cellulose, Inc., 1240 Stewart Ave., Atlanta, GA 30310. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW., Rm. 300, Atlanta, GA 30309.

MC 145108 (Sub-18TA), filed January 7, 1980. Applicant: BULLET EXPRESS, INC., 5600 First Avenue, Brooklyn, NY 11220. Representative: George A. Olsen, POB 357, Gladstone, NJ 07934. *Contract* carrier, irregular routes: *Drugs, medicines, and toilet preparations,* from Jefferson City, MO, to Los Angeles, CA; under a continuing contract(s) with Chesebrough-Pond's Inc., Clinton, CT; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chesebrough-Pond's Inc., John St., Clinton, CT 06413. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 145429 (Sub-1TA), filed January 21, 1980. Applicant: MEL'S EXPRESS LTD., 90 Dissette St., P.O. Box 479, Bradford, Ontario LOG 1CO. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Juices, beverages and citrus products,* from Bartow, Howey-in-the-Hills, Plymouth, Umatilla, LaBelle, Orlando, and Winter Haven, FL, to the ports of entry on the International Boundary line between the United States and Canada in NY and MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Citrisun Imort Agencies, Inc., Ste. 504, 55 Bloor Street West, Toronto, Ontario M4W 1A6. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 145829 (Sub-16TA), filed January 25, 1980. Applicant: ETI CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Contract carrier, irregular routes for 180 days. *Paper, paper products, and materials, equipment and supplies used in the manufacture and distribution of paper and paper products (except commodities in bulk)* between the facilities of the Scott Paper Company on the one hand, and, on the other, points in the states of MD, NJ, NY and PA. Under a continuing contract or contracts with the Scott Paper Company, Philadelphia, PA. Supporting shipper(s): Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 146518 (Sub-10TA), filed January 11, 1980. Applicant: OWEN MOTOR FREIGHT LINE, INC., P.O. Box 7516, Alexandria, LA 71306. Representative: Bruce E. Mitchell, Suite 520, Lenox Towers South, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. *Hides and pelts* from Memphis, TN to points in WI, IL, NH, MA, ME, CT, NY, PA, NJ, WV, KY, TX, MS, IN, NC, and GA, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Philadelphia Hide Brokerage Corp., 249 South 24th St., Philadelphia, PA 19103. Send protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 146518 (Sub-11TA), filed January 11, 1980. Applicant: OWEN MOTOR FREIGHT LINE, INC., P.O. Box 7516, Alexandria, LA 71306. Representative: Bruce E. Mitchell, Suite 520, Lenox Towers South; 3390 Peachtree Rd. NE., Atlanta, GA 30326. *(1) Patching*

compounds and preservatives, chemicals, and wood fillers, except commodities in bulk, in tank vehicles from Pineville, LA; Plaquemine, LA; New York, NY and points in NJ, DE, TN, CT, OH, MI, PA, AR, and IN to points in LA, MS, AL, GA, FL, SC, NC, TN, KY, and TX and *(2) Materials, equipment, and supplies used in the production and distribution of plywood,* on return, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Willamette Company, P.O. Box 1183, Pineville, LA 71360. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 146709 (Sub-2TA), filed January 23, 1980. Applicant: BILLY M. EDMONDSON, d.b.a. EDMONDSON SWIFT MEAT TRANSPORT, Rt. 2, Georgetown, GA 31754. Representative: Timothy C. Miller, Suite 301, 1307 Dolly Madison Blvd., McLean, VA 22101. *(1) electrical lighting fixtures and equipment and (2) parts and accessories for the commodities in (1) above* from the facilities of Gibson-Metalux Corporation at or near Americus, GA, to points in and west of MN, IA, MO, AR, and LA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gibson-Metalux Corporation, P.O. Box 1207, Americus, GA 31709. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 147019 (Sub-3TA), filed December 3, 1979. Applicant: WENGERT TRANSPORTATION, d.b.a. CITY DELIVERY, 651 58th Ave. SW., Cedar Rapids, IA 52404. Representative: James M. Hodge, 1980 Financial Ctr., Des Moines, IA 50309. *General commodities (except those of unusual value, class A and B explosives, household goods, commodities in bulk, and those requiring the use of special equipment)* between West Union and Washington, IA, on the one hand, and, on the other, O'Hare Field in Chicago, IL, for 180 days, restricted to the transportation of traffic having a prior or subsequent movement by air. An underlying ETA seeks 90 days authority. Supporting shipper(s): Washington Mfg., 800 East 7th, Washington, IA 52353. Atwood Vacuum Machine Co., Highway 150, South, West Union, IA 52175. Burlington Northern Air Freight, 651 58th Ave. SW., Cedar Rapids, IA 52404. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 147668 (Sub-3TA), filed September 13, 1979. Applicant: NATIONAL PRESTO INDUSTRIES, INC., 3925 North Hastings Way, Eau Claire, WI 54701. Representative: Harold D. Miller, Jr., P.O.Box 22567, 17th Floor, Deposit Guaranty Plaza, Jackson, MS 39205. *Alcoholic beverages, and such commodities as are dealt in by wholesale or retail department, variety, hardware or drug stores (except commodities in bulk and those requiring special equipment),* from the facilities of Drumtop Atlanta Shippers Association, Inc., Smyrna, GA, to Jackson, MS, and points within its commercial zone for 180 days. Supporting shipper(s): Drumtop Atlanta Shippers Association, Inc., President, 4830 Martin Court Southeast, Smyrna, GA 30080. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 148208 (Sub-4TA), filed September 7, 1979. Applicant: FUR BREEDERS AGRICULTURAL COOPERATIVE, P.O. Box 295, 8400 South 600 West, Midvale, UT 84047. Representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Cheese and cheese products, natural and synthetic* from the facilities of Mountain Farms, Inc., at or near Hyde Park, UT to CA, OR, WA, AZ, and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Mountain Farms Incorporated, P.O. Box 376, Hyde Park, UT 84318. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 148428 (Sub-2TA), filed September 28, 1979. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. *Such commodities* as are dealt in by general mail order houses, between St. Cloud, MN and Atlanta, GA, Charlotte, NC, Chicago, IL, Cleveland, OH, Dallas, TX, Denver, CO, Des Moines, IA, Detroit, MI, Houston, TX, Jacksonville, FL, Kansas City, MO, Lexington, KY, Little Rock, AR, Los Angeles, CA, Milwaukee, WI, Nashville, TN, New Orleans, LA, Philadelphia, PA, Pittsburgh, PA, St. Louis, MO, San Francisco, CA, Seattle, WA, Shreveport, LA, Syracuse, NY, Worcester, MA, and Memphis, TN, for 180 days. Restricted to traffic originating at or destined to the facilities of Finger Hut Corporation. Supporting shipper(s): Fingerhut Corporation, 11 McLelland Road, St. Cloud, MN 56301. Send protests to: J. L. Olson, 414 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

MC 149028 (Sub-1TA), filed December 17, 1979. Applicant: T & M CARRIERS, LTD., R. D. 4, Berwick, PA 18603. Representative: Michael Morrone, Esq., 1150 17th St. NW., Suite 1000, Washington, DC 20036. Contract carrier-irregular route, *such merchandise as is dealt in by retail, wholesale, chain grocery and food business houses, and food stuff ingredients (except commodities in bulk and frozen foods) and packing materials, display racks, machinery, advertising materials, displays, dispensing equipment, premiums, and office equipment and supplies,* between the facilities of Wise Foods, Division of Borden Foods, Borden, Inc., located in Berwick, PA on the one hand and points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, RI and VT on the other, and between the facilities of Old London Foods, Division of Borden Foods, Borden, Inc., located in New York, NY on the one hand points in CT, DE, ME, MD, MA, NH, NJ, PA, OH, RI and VT on the other, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wise Foods and Old London Foods, Borden, Inc., 228 Raseley St., Berwick, PA 18603. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106.

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MC 409 (Sub-78TA), filed December 21, 1979. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, NE 68979. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Propane, in bulk, in tank vehicles* from McPherson and Clay counties, KS; Fillmore county, NE; and Clay county, MO to points in IA, MN, NE, ND and SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Land O'Lakes Agricultural Services, Ronald J. Webb, Truck Operations Manager, 2827 Eighth Avenue South, Fort Dodge, IA 50501. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 22988 (Sub-14TA), filed January 16, 1980. Applicant K. G. MOORE, INC., 9 Park Ave., Hudson, NH 03051. Representative: Robert G. Parks, 20 Walnut St. Suite 101, Wellesley Hills, MA 02181. (1) *Such commodities as are dealt by retail department stores, and (2) materials, equipment and supplies used in the distribution of the commodities named in (1), above,* between the facilities of Child World, Inc, at Avon, MA Obertz. OH, and Kansas City, MO, and the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper(s): Child World, 25 Littlefield St., Avon, MA 02332. Send protest to: Rose J. Seymour, DS, ICC', Rm. 3 6 Loudon Rd., Concord, NH 03301.

MC 42828 (Sub-19TA), filed January 8, 1980. Applicant: THEODORE ROSSI TRUCKING CO., INC., 9 South Vine Street, Barre, VT 05641. Representative: William L. Rossi (same address as applicant). Carbon plate, between Massena, NY and Barre, VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pamas & Company, Incorporated, P.O. Box 77, Kimberton, PA 19442. Send protests to: Carol A. Perry, TA, ICC, P.O. 548, Montpelier, VT 05602.

MC 57239 (Sub-49TA), filed January 5, 1980. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, IN 46225. Representative: John R. Bagileo, 918 16th Street NW., Washington, D.C. 20006. *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 the use of special equipment,* serving Toledo, OH, and its commercial zone, as an off-route point in connection with carrier's authorized regular-route operations for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 40 supporting shippers. There application can be reviewed at the address given below or at headquarters. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 107839 (Sub-188TA), filed December 26, 1979. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, CO 80216. Representative: David E. Driggers of Jones, Meiklejohn, Kehl & Lyons, Suite 1600 Lincoln Center, 1660 Lincoln Center, Denver, CO 80264. *Steel Office Furniture and Fixtures,* from Dickson, TN to Denver, for 180 days. There is an underlying ETA seeking up to 90 days authority. Supporting shipper(s): The Gramercy Corporation, 6750 E. 46th Avenue, Denver, CO 80126. Send protests to: District Supervisor H. C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 109449 (Sub-46TA), filed January 7, 1980. Applicant: KUJAK TRANSPORT, INCORPORATED, 6366 West 6th Street, Winona, MN 55987. Representative: Gary Huntbatch (same address as applicant). *Potatoe Products,* from Minneapolis, MN to Dubuque and Cedar Rapids, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Happy's Potato Chip Company, 3900 Chandler Drive, Minneapolis, MN 55421. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 110288 (Sub-15TA), filed December 17, 1979. Applicant: HARRY HENERY, INC., 3517 West Washington Street, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248. *Plastic pipe and accessories, materials and supplies used in the manufacturing and distribution of plastic pipe,* from Fairfield, IA to points in TX, OK, NM, AZ, CO, UT and LA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Plexco, 3240 North Mannheim Road, Franklin Park, IL 60131. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 112989 (Sub-119TA), filed January 18, 1980. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr., 85647 Highway 99 South, Eugene, OR 97405. (1) Building and Construction Materials (except in bulk), and (2) Materials and Supplies used in the manufacture and distribution of construction materials (except in bulk) between the facilities of the Celotex Corporation at or near Tracy, CA, on the one hand, and on the other, those points in the United States in and west on MN, IA, MO, AR, and LA. Supporting shipper(s): Jim Walter Corporation, 1500 North Dale Mabry Highway, Tampa, Florida 33607. Send protests to: A. E. Odoms, DS, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 112989 (Sub-120TA), filed January 18, 1980. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr., 85647 Highway 99 South, Eugene, OR 97405. CANS AND CAN ENDS from the facilities of Crown Cork & Seal Company, Inc. at Richmond, CA to Lewiston, ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Crown Cork & Seal Company, Inc., 601 Parr Blvd., Richmond, CA 94804. Send protests to: A. E. ODOMS, DS, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 113509 (Sub-11TA), filed December 18, 1979. Applicant: DANTE GENTILINI TRUCKING, INC., 819 Industrial Drive, P.O. Box 387, West Chicago, IL 60185. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract carrier:* irregular routes: *Containers; Paper and Plastic Products and combinations thereof; Materials, Supplies, and Equipment used in the manufacture, sale, and distribution of Paper and Plastic Products,* between the facilities of Container Corporation of America located at or near Chicago, IL; Piqua, OH; St. Louis, MO; and St. Paul, MN; on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH, and WI for 180 days. Supporting Shipper(s): Container Corporation of America, 500 E. North Avenue, Carol Stream, IL 60187. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 113678 (Sub-862TA), filed January 22, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as above). *Petroleum products and lubricants* (except in bulk) from Woodriver, IL, to points in CO (representative points: Denver, Sterling, and Pueblo, CO), for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Service Oil, Inc., 105 South Cherokee Street, Denver, CO 80223. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 113908 (Sub-496TA), filed January 3, 1980. Applicant: ERICKSON TRANSPORT CORP., 2255 N. Packer Road, Springfield, MO 65804. Representative: B. B. Whitehead (same as applicant). *Fruit juice and fruit juice concentrates, in bulk* (1) from points in NY on and west of NY State Hwy 14; (2) from points in PA on and west of U.S. Hwy 62 to Orrville, OH and Memphis, TN, and their commercial zones thereof, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): J. M. Smucker Co., P.O. Box 280, Orrville, OH 44667. Send protests to: Vernon V. Coble, DS, ICC, Room 600, 911 Walnut St., Kansas City, MO. 64106.

MC 115669 (Sub-195TA), filed December 5, 1979. Applicant: DAHLSTEN TRUCK LINES, INC., 101 West Edgar Street, P.O. Box 95, Clay Center, NE 68933. Representative: Wilbur G. Hoyt (same address as applicant). *Fertilizer compounds* from Fairbury, NE to points in CO, IL (except East St. Louis and its commercial zone), IA, KS, MN, and MO (except St. Louis and its commercial zone) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Eagle-Picher Industries, Inc., W. Rand Gilmore, Vice President—Traffic & Administration, Chemicals and Fibers Division, Box 1328 Joplin, MO 53801. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 119399 (Sub-125TA), filed January 7, 1980. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Blvd., Joplin, MO 64801. Representative: Thomas P. O'Hara (same as applicant). *Popcorn, shelled (unpopped) packaged*

in oil, from Wall Lake, IA to points in FL, GA, NC and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Oats Company, Inc., 1515 H. Avenue NE, Cedar Rapids, IA 52402. Send protests to: Vernon V. Coble, DS, ICC, Room 600, 911 Walnut St., Kansas City, MO 64106.

MC 120419 (Sub-13TA), filed January 11, 1980. Applicant: SERVICE TRANSFER, INC., 1501 West Main Street, Henryetta, OK 74437. Representative: Clifford Neal (same address as applicant). *Corrugated shipping containers,* except in bulk, from Grand Prairie, TX, to points in the State of OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Champion International Corporation, 2302 West Marshall Drive, Grand Prairie, TX 75051. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 125708 (Sub-193TA), filed December 17, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. *Railway track material, as defined in Descriptions, 61 M.C.C. 209, 766, and scrap metal,* from Nitro, WV, to PA, OH, VA, KY, MD, Buffalo, NY, Granite City, IL, and Houston, TX, restricted to traffic originating at the facilities of Midwest Steel Division, Midwest Corp. at or near Nitro, WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midwest Steel Div., Midwest Corp., P.O. Box 271, Union Bldg., Charleston, WV 25321. Send protests to: Transportation Assistant, ICC, 219 South Dearborn, Room 1386, Chicago, IL 60604.

MC 126139 (Sub-10TA), filed January 3, 1980. Applicant: AARON SMITH TRUCKING COMPANY, INC., U.S. No. 117 South, Dudley, NC 28333. Representative: John N. Fountain, 1010 Insurance Bldg., Fayetteville Street Mall, Raleigh, NC 27602. *Lumber and lumber products* from the facilities and for the account of Union Camp Corporation in NC to points and Places in SC, VA, MD and TN, for 180 days. Supporting shipper(s): Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 133478 (Sub-23TA), filed January 18, 1980. Applicant: D. G. TRANSPORT, INC., 11655 S.W. Pacific Highway, P.O. Box 25448, Portland, OR 97223. Representative: Nick Goyak & Peter Glade, O'Connell, Goyak, Hagen, Elliott & Krage, P.C., 555 Benjamin Franklin Plaza, 1 S.W. Columbia, Portland, Oregon 97258. Contract Irregular Metal Ingots, metal shot and foundry supplies from all points in the United States (except AK and HI) to points in OR and WA and from points in OR and WA to points in CA. Supporting shipper(s): Western Industrial Supply Company, Inc., P.O. Box 23115, Portland, Oregon 97223. Send protests to: D. Merine Galbraith, TA, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 135078 (Sub-66TA), filed December 21, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, P.O. Box 19251, 2100 TenMain Center, Kansas City, Mo 64141. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the ICC, commodities in bulk and those requiring special equipment)* from New York, NY and its commercial zone to Chicago, IL and Denver, CO and their commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cooperative Shippers Association, Inc., Albert L. DiVito, Eastern Operations Manager, 3200 So. 20th St., Philadelphia, PA 19145. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 136228 (Sub-40TA), filed January 18, 1980. Applicant: LUISI TRUCK LINES, INC., P.O. Box H, Milton-Freewater, OR 97862. Representative: Philip G. Skofstad, 1525 N.E. Weidler Street, Portland, Oregon 97232. 1. Wine from Madera, San Jose, Menlo Park and Rialto, CA, to Clarkston, WA. 2. Malt beverages from Fairfield, CA, and Portland, OR, to Walla Walla and Clarkston, WA. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thompson District Inc., 904 North 4th, Walla Walla, WA 99362. Send protests to: D. Merine Galbraith, TA, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 136318 (Sub-65TA), filed December 13, 1979. Applicant: COYOTE TRUCK LINE, INC., 501 Sam Ralston Road, Lebanon, IN 46052 Representative: Steven K. Kuhlmann, 717—17th Street, Suite 2600, Denver, CO 80202. *Contract carrier:* irregular routes: *New furniture,* from Bedford Park, IL to Atlanta, GA: Boston, MA; Buffalo, NY; Charlotte, NC; Philadelphia, PA; Chattanooga and Memphis, TN; and Washington, D.C. for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Douglas Furniture Corporation, 5555 West 65th Street, Chicago, IL 60638. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 136818 (Sub-108TA), filed January 4, 1980. Applicant: SWIFT TRANSPORTATION CO. INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Flat glass,* from the facilities of Guardian Industries, at or near Kingsburg, CA to points in CO, UT and NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Guardian Industries, 11535 E. Mountainview, Kingsburg, CA 93631. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 142449 (Sub-7TA), filed December 17, 1979. Applicant: SPEEDWAY HAULERS, INC., P.O. Box 1463, South Bend, IN 46624. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. *Cloth, not woven-synthetic; Filters N.O.I., air-filtering pads; vehicle body padding or seats; plastic or rubber padding, cellular, expanded; and materials and supplies thereto,* between Michigan City, IN, on the one hand, and, points and places in the States of IL, MI, WI, MO, and OH, on the other for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Fiber Bond, Meneke Road, Michigan City, IN 46360. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 144168 (Sub-4TA), filed November 21, 1979. Applicant: R. E. GARRISON TRUCKING, INC,. P.O. Box 186, Cullman, AL 35055. Representative: Michael M. Knight (same address as the address of the applicant). *Central heating and air conditioning units and component parts,* from Nashville, TN, to points in CA, WA, FL, IL, NV and GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Heil Quaker Corp., 1714 Heil Quaker Blvd., LaVergne, TN 37086. Send protests to: Mabel E. Holston, TA, ICC, Room 1616–2121 Bldg, Birmingham, AL 35203.

MC 144259 (Sub-8TA), filed January 4, 1980. Applicant: JENNARO LINES, INC., 2332 S. Peck Rd., Whittier, CA 90601. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Contract:* Irregular: *Foundry Compounds, foundry fluxes, foundry supplies and equipment, refractories and chemicals (except in bulk),* from Cleveland and Columbus, OH, Milwaukee, WI, and Muse, PA, to the facilities of Industrial & Foundry Supply Co., located at Oakland, CA, for 180

days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Industrial & Foundry Supply Co., 2401 Poplar St., Oakland, CA 94607. Send protests to: Irene Carlos, T/A, ICC, 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 145108 (Sub-17TA), filed January 16, 1980. Applicant: BULLET EXPRESS, INC., 5600 First Avenue, Brooklyn, NY 11220. Representative: George A. Olsen, POB 357, Gladstone, NJ 07934. *Contract* carrier, irregular routes: (1) *Drugs, medicines and toilet preparations,* from Rensselaer, NY, to Atlanta, GA and Dallas, TX; (2) *Drugs, medicines and toilet preparations,* from Monticello, IL, to New York, NY, and points in NJ; (3) *Impregnated cloths,* from Trenton, NJ, to Dallas, TX, Seattle, WA, and points in CA; (4) *Wall paper pulp,* from Newark, NJ, to Cincinnati, OH and Greenville, SC; (5) *Drugs, medicines and toilet preparations,* from Gulfport, MS, to Secaucus, NJ and Des Plaines, IL; (6) *Paints, stains and varnishes,* from Cincinnati, OH, to points in CA, NJ, NY, OR, TX and WA; (7) *Cloth,* from Greenville, SC, to Trenton, NJ, in equipment with heater protection; under a continuing contract(s) with Sterling Drug, Inc., of New York, NY; for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Sterling Drug Inc., 90 Park Avenue, New York, NY 10016. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 145939 (Sub-4TA), filed December 7, 1979. Applicant: ATLANTIC CARRIERS, INC., P. O. Box 284, Atlantic, IA 50022. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. *Sunflower meal and linseed meal* from points in the Minneapolis-St. Paul commercial zone and Red Wing, MN to points in IA and NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Commodity Traders, Inc., Edward S. Hahn, President, 800 Grain Exchange Bldg., 1905 Harney St., Omaha, NE 68102. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 146518 (Sub-9TA), filed January 4, 1980. Applicant: OWEN MOTOR FREIGHT LINE, INC., P.O. Box 7516, Alexandria, LA 71306. Representative: Bruce E. Mitchell, Suite 520, Lenox Gowers South, 3390 Peachtree Rd., N. E., Atlanta, GA 30326. *Bags and containers* from Memphis, TN to points in AR, MS, LA, AL, and GA, for 180 days. Applicant has filed an ETA seeking 90 days. Supporting shipper(s): Mente Bag Company, P.O. Box 8171, New Orleans, LA 70182. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 147338 (Sub-1TA), filed January 8, 1980. Applicant: POWER PACKAGING TRANSPORTATION CORP., 1150 Powis Road, West Chicago, IL 60185. Representative: Abraham A. Diamond, 29 South LaSalle Street, Chicago, IL 60603. *(a) Foodstuffs, (b) Materials, equipment and supplies used or useful in the manufacture, sale and distribution of the commodities in (a) above. Restricted against shipments in bulk,* between the facilities of Power Packing Transportation Corp. at or near Chicago, IL, Grand Prairie, TX and Placentia, CA, and their commercial zones on the one hand, and, on the other, points in the United States, other than AK and HI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Foods Corporation, 250 North St., White Plains, NY 10625; RJR Foods, Inc., P.O. Box 3037 Winston-Salem, NC 27102. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 147839 (Sub-9TA), filed January 2, 1980. Applicant: BIB ENTERPRISES, INC., 401 W. 900 South, Salt Lake City, UT 84111. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Fertilizer and Pesticides and materials and supplies used in the manufacture and distribution thereof,* from ID and NV to points in Salt Lake County, UT, for 180 days. There is an underlying 90-day ETA authorized. Supporting shipper: Morgro Chemical, Inc., 145 W. Central Avenue, Salt Lake City, UT 84107. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 148408 (Sub-1TA), filed October 25, 1979. Applicant: SPEED MOTOR EXPRESS OF WESTERN NEW YORK, INC., 11 Botsford Place, Buffalo, NY 14216. Representative: Carl Savarino (same address as above). *General commodities, except those of unusual value, classes A&B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment,* between points in Erie, Niagara, Orleans, Genesee and Monroe counties within NY State, for 180 days. An Underlying ETA seeks days authority. Supporting shipper(s): P. T. Chemicals, Lew-Port Industrial Park, Balmer Rd., Youngstown, NY 14174. Vanguard-Abrasive Div. Federal Mogul Corp., Lent Avenue, Leroy, NY 14482. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC 149018 (Sub-1TA), filed December 17, 1979. Applicant: MAP TRUCKING AND BROKERAGE, INC., 5357 Ruth Dr., Charlotte, NC 28215. Representative: David B. Sentelle, 1750 Southern National Center, Charlotte, NC 28202. *Components of wood burning stoves and finished wood burning stoves* between points in NC, WV, VA, MD, PA, TN, SC, GA, KY, NJ, FL, OH, DC, NY, CO, AL, MS, LA, AR, TX, OK, IN, IL, DE, CT, MA, VT and NH and MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: National Steel Crafters, 1016 I-85 N., Charlotte, NC 28208. Send protests to: Sheila Reece, T-A, 800 Briar Creek Rd/Rm CC516, Charlotte, NC 28205.

MC 149039 (Sub-1TA), filed December 21, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: Baldo J. Lutich, 1441 E. Thomas Rd., Phoenix, AZ 85014. Contract, *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and equipment, materials and supplies used in the conduct of such business (except commodities in bulk),* between Cincinnati and Columbus, OH, on the one hand, and, on the other, points in GA, FL, IN, CA, AZ, IL, MI, MO, AR, TX, TN, KY, PA, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER: The Kroger Co., 1014 Vine St., Cincinnati, OH 45201. SEND PROTESTS TO: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper: The Kroger Co., 1014 Vine St., Cincinnati, OH 45201. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

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MC 5618 (Sub-3TA), filed January 4, 1980. Applicant: GEM CITY TRANSFER LINE, INC., 1811 North 30th Street, Quincy, IL 62301. Representative: Douglas G. Brown, The INB Center, Suite 555, Springfield, IL 62701. *Air cleaners and air cleaner elements,* from Quincy, IL, Kirksville, MO and Cresco, IA to Fayetteville, NC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Donaldson Company, Inc., P.O. Box 1299, Minneapolis, MN 55440. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 26739 (Sub-108TA), filed January 8, 1980. Applicant: ALFARM TRUCKLINES, 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: R. G. Lougee, P.O. Box 10061, Palo Alto, CA

94303. *Such commodities as are dealt in, or used by, agricultural equipment, industrial equipment and lawn and leisure products manufacturers* and *dealers,* except commodities in bulk; between the facilities of, or used by, International Harvester Company of Canton, IL, on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi and Tennessee; for 180 days only. An underlying ETA seeks 90 days authority. Supporting shipper: International Harvester, 401 N. Michigan, Chicago, IL 60611. Send protests to: D/S Neil Foster, 211 Main St., Suite 500, San Francisco, CA 94105.

MC 56679 (Sub-160TA), filed December 20, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave., S.W., Atlanta, GA 30310. Representative: David L. Capps (same as applicant). *Common* carrier: *Regular* routes: *General commodities, with usual exceptions,* between Birmingham, AL and Florence, AL serving Cullman, Athens, and Decatur, AL, points within 10 miles of Birmingham, Cullman, Athens, Decatur and Florence as intermediate points. Also, serving points in Colbert, Lauderdale, Limestone, Lawrence and Morgan Counties, AL as off-route points. From Birmingham over Interstate Hwy 65 to junction US Hwy 72, then over US Hwy 72 to Florence. Between Florence, AL and Decatur, AL. From Florence over US Hwy 72 to junction US Hwy Alternate 72, then over US Hwy Alternate 72 to Decatur. Carrier requests authority to tack the authority sought with its existing operating authority. Applicant requests to interline with other carriers at Birmingham and Decatur, AL and Memphis, TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are (16) shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 106398 (Sub-1058TA), filed January 16, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin Tulsa, OK 74120 Representative: Gayle Gibson (same address as applicant). *Steel pipe, steel roofing,* from New Orleans, LA, to points in the states of MI, IN, OH, IL, KY, GA, SC, NC, FL, AL, and MO, restricted to shipments for the account of North Pacific Lumber Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: North Pacific Lumber Company, 1505 S. E. Gideon, P.O. Box 3915, Portland, OR 97208. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 110988 (Sub-412TA), filed November 30, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Neil A Dujardin, P.O. Box 2298, Green Bay, WI 54306. *Materials and supplies used in the manufacture and distribution of rolling processing fluid,* from points in MN to the facilities of the Ironsides Company at Columbus, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Ironsides Company, 270 W. Mound St., Columbus, OH 43216. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 114848 (Sub-64TA), filed January 2, 1980. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Ave., Memphis, TN 38113. Representative: James Wharton, 1498 Channel Ave., Memphis, TN 38113. *Animal feed, in bulk,* from Kansas City, KS to Tupelo, MS, El Dorado, AR, and Springdale, AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Oil-Dri Corporation of America, 520 N. Michigan Ave., Chicago, IL 60611. Send protests to: Diana J. Porter, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 118838 (Sub-67TA), filed December 4, 1979. Applicant: GABOR TRUCKING INC., R.R. 4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. *Railway car parts,* from Sharon, PA, to points in the states of CA, NE, MT, and Aberdeen, SD for 180 days. Supporting shipper: National Castings Division, Midland-Ross Corporation, 700 South Dock Street, Sharon, PA 16146. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 120618 (Sub-26TA), filed November 29, 1979. Applicant: SCHALLER TRUCKING CORP., 5700 West Minnesota St., Indianapolis, IN 46241. Representative: John R. Bagileo, 918 16th Street, NW., Washington, DC 20006. *Cash letters and data processing materials* between Terre Haute, IN and points in Clark, Crawford, Cumberland, Edgar, Effingham, and Jasper Counties, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Terre Haute First National Bank, 4500 Dixie Bee Road, Terre Haute, IN 47802. Send protests to: ICC, 219 South Dearborn Street, Chicago, IL 60604.

MC 124078 (Sub-1013TA), filed September 13, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette (same address as applicant). *Asphalt* from Dubuque, IA to Dousman and Waukesha, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Wolf Construction Co., Inc., 612 N. Sawyer Rd., Oconomowoc, WI 53066. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-1014TA), filed December 13, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard Prevette, 611 South 28th Street, Milwaukee, WI 53215. *Fertilizer solutions,* from Buffalo, IA to all points in IL for 180 days. Supporting shipper: N–REN Corporation, P.O. Box D, East Dubuque, IL 61025. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, Il 60604.

MC 129908 (Sub-28TA), filed January 14, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 Southwest 15th Street, P.O. Box 75410, Oklahoma City, OK 73107. Representative: T. J. Blayock (same address as applicant). *Canned goods and such commodities as are distributed by wholesale and retail grocers,* from points in Los Angeles, San Joaquin, Santa Clara, Stanislaus and Sutter Counties, CA, to points in IL, IN, IA, KS, MI, MN, & OH, for 180 days. Supporting shipper: Nuggett Distributors, Inc., P.O. Box 8309, Stockton, CA 95204. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 133689 (Sub-328TA), filed December 18, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, S.W., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Glass and glass products, equipment, materials and supplies used or useful in the manufacture and distribution of glass and glass products (except commodities in bulk),* between the facilities of Viracon Inc. located at or near Owatonna, MN and Chicago and Bensonville, IL on the one hand, and, on the other points in the United States in and East of ND, SD, NE, KS, OK and TX for 180 days. Supporting shipper: Viracon Inc., 800 Park Drive, Owatonna, MN 55060. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 138469 (Sub-211TA), filed January 16, 1980. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy, Park Ridge, IL 60068. *Lecithin* (except in bulk, in tank vehicles), from Stuttgart, AR, to

points in AZ, CA, CO, IL, OR, TX, UT, WA, ND, and SD, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Basic Foods Company, 1211 East Olympic, Los Angeles, CA 90021. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 142059 (Sub-119TA), filed December 12,, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same address as applicant). *Pallets,* from Denver, CO to points in and west of MI, OH, KY, AR, and LA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Platte Manufacturing, Inc., 3433 Walnut Street, Denver, CO 80205. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 142508 (Sub-133TA), filed December 7, 1979. Applicant: NATIONAL TRANSPORTATION INC., 10810 South 144th Street, Omaha, NE 68137. Representative: L. N. Fauss, Box 37096, Omaha, NE 68137. *Cleaning compounds, lubricants, anti-static fabric softeners, coffee filters, chemical dispensing systems and spray and agitation cleaners* from the facilities of Economics Laboratory, Inc. at or near Garland, TX to Little Rock, AR; Kansas City, MO and Memphis, TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Economics Laboratory, Inc., William H. McCollum, Transportation Manager, Osborn Bldg., St. Paul, MN 55102. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-134TA), filed December 20, 1979. Applicant: NATIONAL TRANSPORTATION INC., 10810 South 144th Street, Omaha, NE 68137. Representative: L. N. Fauss, Box 37096, Omaha, NE 68137. *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses (except frozen commodities and commodities in bulk)* from the facilities of The Clorox Company located at Houston, TX to points in AR, LA, OK and NM for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Clorox Company, G. William Junginger, Regional Traffic Manager, 1221 Broadway, Oakland, CA 94612. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-135TA), filed December 26, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, Omaha, NE 68137. Representative: L. N. Fauss, Box 37096, Omana, NE 68137. *Meat, meat products, meat by-products and articles distributed by meat packinghouses (except hides, meat scraps and dried blood)* from facilities of Spencer Foods, Inc. in Schuyler, NE and Oakland, IA to points in CT, DE, FL, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV and D.C. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Spencer Foods, Inc., Don Brink, Corporate Traffic Manager, P.O. Box 544, Schuyler, NE 68661. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 142508 (Sub-136TA), filed December 28, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, Omaha, NE 68137. Representative: L. N. Fauss, Box 37096, Omaha, NE 68137. *Meat, meat products, meat by-products and articles distributed by meat packinghouses (except hides and commodities in bulk)* from the facilities of Armour and Company at Madison, NE and St. Joseph, MO to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV and D.C. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour & Company, Paul Adrian, Supervisor-Transportation, Greyhound Tower, Phoenix, AZ 85077. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-137TA), filed January 2, 1980. Applicant: NATIONAL TRANSPORTATION INC., 10810 South 144th Street, Omaha, NE 68137. Representative: L. N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Fruit and berry products* from the facilities of Diamond Sunsweet in California to points in NY and MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Diamond Sunsweet, C. C. Parris, Traffic Manager, P.O. Box 1727, Stockton, CA 95201. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 144119 (Sub-5TA), filed January 8, 1980. Applicant: HANSEN CONSOLIDATORS, INC., 16121 Canary Street, La Mirada, CA 90638. Representative: Miles L. Kavaller, Mandel & Kavaller, 315, So. Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Such commodities as are dealt in by health food distributors, except in bulk,* (1) from points in CA to the facilities of Hansen Consolidators, Inc. in La Mirada, CA and (2) from the facilities of Hansen Consolidators, Inc. in La Mirada, CA to the facilities of Corn Country, in Champaign, IL; Akin Distributors in Jacksonville, FL and Tulsa, OK; Erewhon in Boston, MA; Yogurt maker in Rosedale, MN and The Federation of Ohio River Co-op in Columbus, OH, for 180 days. Supporting shipper(s): Corn Country General Manager, 132 S. Market St., Champaign, IL 61820; Akin Distributors/Akin Southwest Dist., Director of Transportation, P.O. Box 2786, Jacksonville, FL/P.O. Box 2747 Tulsa, OK; Acts One Eight, Inc. d.b.a. Yogurt Maker, U.P., 120 Rosedale, Rosedale, MN 55113; The Federation Of Ohio River Co-op, Purchasing Agent, 320 Outerbelt St., Suite 6, Columbus, OH 43213; Erewhon Distributors, Purchasing Agent 33 Farnsworth, Boston, MA 02210. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 145409 (Sub-4TA), filed January 4, 1980. Applicant: STA–GREEN TRANSPORTATION CO., INC., P.O. Box 540, Sylacauga, AL 35150. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. *Marble, limestone and products thereof,* from Talladega Co., AL, to points in the states of AL, AR, FL, GA, IL, IN, KY, LA, NC, OK, SC, TN, TX, VA and MS, for 180 days. Supporting shipper(s): Moretti-Harrah Marble Co., P.O. Box 330, Sylacauga, AL 35150. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616–2121 Bldg., Birmingham, AL 35203.

MC 146448 (Sub-14TA), filed January 2, 1980. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Theordore Polydoroff, Suite 301, 1307 Dolly Madison Blvd., McLean, VA 22101. *General commodities* (except commodities in bulk, household goods as defined by the Commission, articles of unusual value, Classes A and B explosives and commodities which because of size or weight require the use of special equipment), between the facilities of Laerco Transportation and Warehouse in Santa Fe Springs, CA on the one hand, and on the other, points in NJ, PA, DE and MD, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Laerco Transportation & Warehouse, 15305 Valley View Ave., Santa Fe Springs, CA. Send protests to: William H. Land, DS, 3108 Federal Building, Little Rock, AR 72201.

MC 146448 (Sub-15TA), filed January 3, 1980. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Theordore Polydoroff, Suite 301, 1307 Dolly Madison Blvd., McLean, VA 22101. *Tile and materials*

used in the sale and installation and manufacturing thereof, from the facilities of American Olean Tile Co., in Lansdale, PA, to points in OR, WA, ID, UT, NV, AZ and CA, for 180 days. Supporting shipper(s): American Olean Tile Co., 1000 Cannon Ave., Lansdale, PA 19446. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 146729 (Sub-7TA), filed December 18, 1979. Applicant: JAMES S. HELWIG & ALLEN L. GRIMLAND, d.b.a H & G LEASING, 2509 Inwood Road, Dallas, TX 75235. Representative: D. Paul Stafford, Winkle, Wells & Stafford, P.O. Box 45538, Suite 1125 Exchange Park, Dallas, TX 75245. *Synthetic resin granules* from the facilities of Ren Plastics at or near Grand Prairie, TX, to points in MI, OH, WI, and IL, for 180 days. Underlying ETA filed. Supporting shipper(s): Ren Plastics, 1205 Ave. H East, Grant Prairie, TX 75050. Send protests to: Marianne Minnish, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 146729 (Sub-8TA), filed December 18, 1979. Applicant: JAMES S. HELWIG & ALLEN L. GRIMLAND, d.b.a. H & G LEASING, a partnership, 2509 Inwood Road, Dallas, TX 75235. Representative: D. Paul Stafford, Winkle, Wells & Stafford, P.O. Box 45538 Suite 1125 Exchange Park, Dallas, TX 75245. *Motor truck or trailer coupler parts* (1) between the facilities of Holland Hitch of Texas, Inc. at or near Wylie, TX, Denmark, SC; Whitehouse Station, NJ, Holland, MI and Milpitas, CA (2) From Houston, TX, to Dallas, TX, restricted to traffic having a prior movement by water, for 180 days. Underlying ETA filed. Supporting shipper(s): Holland Hitch Company, P.O. Box 977, Wylie, TX 75098. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 147738 (Sub-1TA), filed January 10, 1980. Applicant: FALCON EXPRESS FORWARDERS, INC., 8 Lawrence Street, Belleville, NJ 07722. Representative: Thomas F. X. Foley, Esq., State Highway 34, Colts Neck, NJ 07722. *Contract carrier,* irregular routes for 180 days. *Copper tubing and fittings and materials and supplies used in the manufacture of copper tubing and fittings* from Reading, PA to New Haven and Waterbury, CT; Boston, MA; points in NJ; Albany and New York, NY and points in Nassau and Suffolk Counties, NY; and from Hackensack, NJ to points in Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster and Westchester Counties, NY; and Philadelphia, PA under a continuing contract or contracts with Reading Industries, Inc. of Reading, PA. An underlying ETA seeks 90 days authority. Supporting shipper(s): Reading Industries, Inc., P.O. Box 126, Reading, PA 19603. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 148218 (Sub-1TA), filed September 12, 1979. Applicant: DONALD FANETTI & JAMES KEZMAN d.b.a. STRUCTURAL TRANSPORT, 7904 S. 27 St., P.O. Box 66, Oak Creek, WI 53154. Representative: Wm. C. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Contact carrier;* irregular routes; (1) *Structrual steel* from Milwaukee, WI to Phoenix, AZ; Little Rock, AR; Carol Stream, Decatur, Mossville, and Peoria, IL; Anderson, IN; Davenport and Waterloo, IA; Kansas City, KS; Calumet, Detroit, and Romulus, MI; Rochester, NY and Stillwater and Wagoner, OK; and (2) *Steel* from Chicago, Sterling and Wheeling, IL; East Chicago, Elkhart, Gary, Hammond and South Bend, IN; Youngstown, OH and Bethelehem, Harrisburg, Pittsburg and Sharon, PA to Milwaukee, WI, under continuing contract(s) with Wisconsin Bridge & Iron Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Wisconsin Bridge & Iron Co., 5023 N. 35 St., Milwaukee, WI 53209. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 148508 (Sub-1TA), filed November 13, 1979. Applicant: BEN O. STOLTZFUS, Box 217D R. D. 2, Honey Brook, PA 19344. Representative: James K. Weaver, Esquire, 118 E. Main Street, New Holland, PA—17557. *Paper and paper products,* from Reading, Pa. to Phoenix, AZ., Little Rock, AR; Los Angeles and San Francisco, CA; Bloomfield, CT; Miami, FL; Atlanta, GA; Chicago, IL; Wichita, KS; Baltimore, MD; Boston and Springfield, MA; Kansas City, MO; Charlotte and Wilson, NC; Cincinnati and Columbia, OH; Okahoma City, OK; Portland, OR; Columbus, SC; Kingston, TN; Dallas, TX; Salt Lake City, UT; Lynchburg, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia-Pacific Corporation, Hopper Cover & Text Papers, 450 Riverfront Drive, P.O. Box 1536, Reading, PA—19603. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 148589 (Sub-3TA), filed January 8, 1980. Applicant: STOREY TRUCKING CO., INC., P.O. Box 126, Henegar, AL 35978. Representative: Blaine Buchanan, Attorney, 1024 James Bldg., Chattanooga, TN 37402. *Contract, irregular; Textile Goods,* from Hanover, PA and Columbus, Fort Valley, Forsyth, Macon, Newnan, Percale, Porterdale, Potterville, and Toccoa, GA to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): The Bibb Co., P.O. Box 4207, Macon, GA 31208. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616– 2121 Bldg., Birmingham, AL 35203.

MC 148798 (Sub-1TA), filed December 6, 1979. Applicant: JOSEPH JAMES STEWARD, d.b.a., THRIFTY DELIVERY SERVICE, 1409 Cass Street, Fort Wayne, IN 46808. Representative: James P. Kirkhope, P.O. Box 15296, Fort Wayne, IN 46885. *Castings, tubing, belting, gears, bearings and related production machinery parts and equipment, providing an expedited service with pick-ups and deliveries to be made within 24 hours,* between Auburn, IN and its commercial zone, on the one hand; and, on the other, Chicago and Kankakee, IL; Bangor, Detroit, Dowagiac and Lansing, MI; and Ashtabula, Cincinnati, Cleveland, Columbus, Mansfield and Youngstown, OH, and their commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Dana Corporation, Spicer Axle Division, 2100 West State Street, Fort Wayne, IN 46801. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 148849 (Sub-4TA), filed January 10, 1980. Applicant: EQUITABLE BAG CO., INC., 45–50 Van Dam Street, Long Island City, NY 11101. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract* carrier, irregular routes: *Such commodities as are sold or dealt in by department stores, paper and paper products (except commodities in bulk),* from North Bergen, NJ, to Indianapolis, IN, and Cincinnati, OH; under a continuing contract(s) with Associated Dry Goods Corporation, New York, NY; for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Associated Dry Goods Corporation, 417 Fifth Avenue, New York, N.Y. 10016. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 149019 (Sub-1TA), filed January 4, 1980. Applicant: KITTLESON TRUCKING, INC., 406 Montana Building, Great Falls, MT 59401. Representative: William E. O'Leary, Suite 4G, Arcade Building, 111 N. Last Chance Gulch, Helena, MT 59601. *General Commodities,* except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in

bulk, or commodities requiring special equipment, between Great Falls, MT and Browning, MT via I–15 and U.S. Hwy 89, serving all intermediate points and the off-route point of Valier, MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Kelly Husky Service, Choteau, MT 59422; Choteau Auto Parts, P.O. Box 362, Choteau, MT 59422; Greenfield Farmers Oil Co., P.O. Box 337, Fairfield, MT 59436; Abbott Implement Co., P.O. Box 548, Choteau, MT 59422; H & H Implement, 22–3rd St. NE, Choteau, MT 59422. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 149138 (Sub-1TA), filed January 2, 1980. Applicant: COLORADO, KANSAS, MISSOURI EXPRESS CO. d.b.a. CKM EXPRESS CO., P.O. Box 1183 (I–70, exit 243), Idaho Springs, CO 80452. Representative: Dan R. Sheehy, Attorney, 201 Court Square Building, 1301 Spruce Street, Boulder, CO 80302. (1) *Malt beverages and related advertising materials,* from St. Louis, MO to Idaho Springs, Longmont, Greeley, Colorado Springs, and Fort Collins, CO; (2) *materials, empty containers and can lids used in the production and transportation of malt beverages,* from Colorado Springs, Glenwood Springs, Grand Junction, Steamboat Springs, Montrose and Idaho Springs, CO to St. Louis, MO and its commercial zone, for 180 days. An underlying ETA seeking 90 days authority granted. Supporting shipper(s): Pikes Peak Distributing Co., Colorado Springs, CO; Nor-Colo. Distributing Co., Greeley, CO; Anheuser-Busch, Inc., St. Louis, MO; Clear Creek Distributing Co., Idaho Springs, CO. Send protests to: District Supervisor R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 149148 (Sub-2TA), filed January 7, 1980. Applicant: SOUND WAYS FREIGHT SYSTEMS, INC., 115 Jacobus Avenue, South Kearny, NJ 07032. Representative: Thomas F. X. Foley, Esq., State Highway 34, Colts Neck, NJ 07722. *Such commodities as are used, manufactured or dealt in by manufacturers and distributors of sound recordings (except in bulk)* between Branford, CT, Danbury, CT, West Haven, CT, Worcester, MA, New York, NY and Pitman, NJ, on the one hand, and, on the other, Terre Haute, IN. Restricted to traffic consigned to or from CBS, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): CBS Records, a Division of CBS, Inc., 51 West 52nd Street, New York, NY 10019. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 149148 (Sub-3TA), filed January 7, 1980. Applicant: SOUND WAYS FREIGHT SYSTEMS, 115 Jacobus Avenue, South Kearny, NJ 07032. Representative: Thomas F. X. Foley, Esq., P.O. Box F, Colts Neck, NJ 07722. *Insulation and materials and supplies used in the manufacture of insulation* between the facilities of Insul-Coustic Corporation at or near Sayreville, NJ and Greenfield, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Insul-Coustic Corporation, Jernee Mill Road, Sayreville, NJ 08872. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 149278, TA, filed December 18, 1979. Applicant: SUNDE ENTERPRISES, INC., 1444 E. Hill Street, Long Beach, CA 90806. Representative: William Davidson, 2455 E. 27th Street, Vernon, CA 90058. *Aircraft refueling vehicle and trailers transported on float trailer,* California, Oregon, Washington, Arizona, Nevada, Utah, Idaho, New Mexico, Wyoming, Montana and Colorado, for 180 days. Supporting shipper(s): A & T Mobile Main't Co. Inc., President, 2100 E. Willow St., Signal Hill, CA 90206; Weld-It Company, President, 4477 Sheila St., Los Angeles, CA 90023; Lockheed Air Terminal, Inc., Purchasing Agent, P.O. Box 7229, Burbank, CA 91510. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

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MC 8535 (Sub-115TA), filed December 7, 1979. Applicant: GEORGE TRANSFER AND RIGGING CO., INC., P.O. Box 500, Parkton, MD 21120. Representative: Henry J. Bouchat (same address as applicant). *Plastic pipe and pipe fittings,* from Vestal, NY to points and places in MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Robintech, Inc., P.O. Box #714, Binghamton, NY 13902. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 9914 (Sub-9TA), filed December 17, 1979. Applicant: WARREN TRUCKING COMPANY, INC., P.O. Box 5224, Martinsville, VA 24112. Representative: Richard L. Hollow, P.O. Box 550, Knowville, TN 37901. (1) *New furniture, (2) materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts,* (1) from Martinsville, VA and Smyth Co., VA to points in NY, and points in that part of OH west of a line beginning at the OH–KY state line at Portsmouth, OH and extending north along US Hwy. 23 to junction OH Hwy. 4 near Marion, OH, thence northerly along OH Hwy. 4 to the OH state line at Sandusky, OH, and (2) *materials, equipment, supplies and parts used in the manufacture, sale and distribution of new furniture* from the destination described in (1) above to the origin described in (1) above, for 180 days. Supporting Shipper(s): Chatmoss Furniture Corp., P.O. Box 4983, Martinsville, VA 24112. Hooker Furniture Corp., P.O. Box 4708, Martinsville, VA 24112. American Furniture Company, Martinsville, VA 24112. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106.

MC 13134 (Sub-86TA), filed December 12, 1979. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Kynite Ore,* in bulk, from the facilities of Kynite Mining Corp., located in Prince Edward and Buckingham Counties, VA to points in Cuyahoga County, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Kynite Mining Corporation, Dillwyn, VA 23936. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 14314 (Sub-40TA), filed December 28, 1979. Applicant: DUFF TRUCK LINE, INC., P.O. Box 359, Lima, OH 45802. Representative: Paul F. Beery, 275 E. Broad St., Columbus, OH 43215. Common carrier, regular routes: *Wood pulp, not powdered, in packages,* from Hawesville, KY to Dayton or Urbana, OH, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack this authority with authority it presently holds in MC–14314 Sub-No. 20. Supporting Shipper(s): Howard Paper Mills, Inc., P.O. Box 151, Urbana, OH 43078. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 56244 (Sub-99TA), filed December 11, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. No. 2, Gardners, PA 17324. Representative: J. Bruce Walter, P.O. Box 1146, 410 North 3rd St., Harrisburg, PA 17108. *Materials, equipment and supplies (except in bulk) used in the manufacturing and packaging of food products,* from Philadelphia, PA to the facilities of Heinz USA at or near Holland, MI and in each case restricted to traffic originating at the named point and destined to the named facility, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Heinz

U.S.A., Div. of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106.

MC 56244 (Sub-101TA), filed December 17, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. No. 2, Gardners, PA 17324. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. *Such merchandise as is dealt in by retail, wholesale, chain grocery and food business houses* (except commodities in bulk), from the facilities of Walter English Company at Columbus, OH and points in its commercial zone to points in DE, MD, NJ and PA, restricted to the transportation of shipments originating at the indicated origins and destined to the indicated destinations, for 180 days. Supporting shipper(s): Walter English Co., Station E., Box 6869, Columbus, OH 43205. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 56244 (Sub-102TA), filed December 17, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. No. 2, Gardners, PA 17324. Representative: J. Bruce Walter, P.O. Box 1146, 410 North 3rd St., Harrisburg, PA 17108. *Foodstuffs* (except commodities in bulk), and *materials, supplies and equipment used in the conduct or retail food business* (except commodities in bulk); from points in OH and Ludlow, KY to the facilities of Food Service Specialists, Inc. at Mechanicsburg, PA, restricted to the transportation of traffic originating at the named origins and destined to the named destinations, for 180 days. Supporting shipper(s): Food Service Specialists Inc., P.O. Box 1145, Mechanicsburg, PA 17055. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 60014 (Sub-158TA), filed November 30, 1979. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. *Iron and steel railroad car and locomotive engine wheels, loose or attached to axels, with or without bearings,* from the facilities of Griffin Wheel Company, Division of AMSTED Industries, Inc. at or near Kansas City, KS and Keokuk, IA to points in AL, AR, GA, IL, IA, MO, OH, PA, VA and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Griffin Wheel Company, Div. of AMSTED Industries, Inc., 200 West Monroe St., Chicago, IL 60606. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 61825 (Sub-126TA), filed December 10, 1979. Applicant: ROY STONE TRANSFER CORP., Post Office Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). *Salt and salt products,* in packages, from Silver Springs, NY to points in NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Morton Salt Division of Morton-Norwich Products, Inc., 110 N. Wacker Dr., Chicago, IL 60606. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106.

MC 61825 (Sub-127TA), filed November 15, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Dr., P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). *Microfoam articles,* from Wirtland, KY to points in CT, DE, MD, NJ, NY, PA, SC, WV and DC, for 180 days. Supporting shipper(s): E. I. DuPont de Nemours & Co., 1007 Market St., Wilmington, DE 19898. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106.

MC 94265 (Sub-340TA), filed December 26, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. *Hair care products, soaps, detergents, disinfectants and fabric softeners,* from the facilities of J. L. Prescott Co., at or near S. Holland, IL to N. Augusta and Charleston, SC; Landover, MD; Henderson, NC; Nitro and Jesse, WV; and points in VA and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. L. Prescott, 10750 S. Vincennes Rd., S. Holland, IL 60473. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 95084 (Sub-157TA), filed November 21, 1979. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *(1) agricultural machinery and implements, industrial machinery and equipment, and tractors (other than truck tractors);* and *(2) parts and accessories for the commodities named in (1)* from Fargo, ND, to points in the United States (except AK and HI), and *(3) materials, equipment, and supplies used in the manufacture, sale, and distribution of commodities named in (1) and (2)* from points in the United States (except AK and HI) to Fargo, ND, for 180 days. Supporting shipper(s): Steiger Tractor, Inc., P.O. Box 6006, Fargo, ND 58108. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 106194 (Sub-40TA), filed November 29, 1979. Applicant: HORN TRANSPORTATION, INC., 3008 East 4th, P.O. Box 1172, Pueblo, CO 81002. Representative: John B. Thompson, 3008 East 4th, P.O. Box 1172, Pueblo, CO 81002. *Scrap metal, crushed car bodies,* from points in SD, NE, WY, NM to points in CO and KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Century Enterprises, 234 Columbine, Denver, CO 80206. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 107295 (Sub-962TA), filed December 17, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr, P.O. Box 146, Farmer City, IL 61842. *Aluminum extrusions, ingots, and scrap,* from Chandler, AZ to Russellville, AR and Dallas, TX; and from Russellville, AR, to Chandler, AZ: Seattle, WA; Los Angeles and San Diego, CA; and Dallas, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): PIMALCO, P.O. Box 5050, Chandler, AZ 85224. Send protests to: Transportation Assistant, ICC, Rm 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 107295 (Sub-964TA), filed December 14, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Fabricated metal articles,* from Eufaula, AL, to points in AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Roller Die Forming of Alabama, P.O. Box 555, Eufaula, AL 36087. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 107515 (Sub-1325TA), filed December 20, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd. NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. *General commodities (except commodities in bulk, in tank vehicles; Classes A and B explosives; articles of unusual value; and commodities which because of size or weight require the use of special equipment)* (1) from Dalton, GA and Charlotte, NC to the facilities of Northern Cargo Association and Dayton's in the Minneapolis, MN commercial zone; and (2) from points in MS to the facilities of Dayton's in the Minneapolis MN commercial zone, for 180 days. An underlying ETA seeks 90

days authority. Supporting Shipper(s): Northern Cargo Association, 1912 Broadway NE., Minneapolis, MN 55413. Dayton's, 700 On the Mall, Minneapolis, MN 55402. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW., Rm. 300, Atlanta, GA 30309.

MC 109294 (Sub-28TA), filed December 28, 1979. Applicant: COMMERCIAL TRUCK CO., LTD., 90 Leeder Avenue, Coquitlam, British Columbia, Canada V3J6Z9. Representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA 98101. *Paper and paper products,* between points of entry on the International Boundary Line between the U.S. and Canada in the states of WA and ID, on the one hand, and, on the other, points in WA, OR, ID and CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Belkin Packaging, Ltd., P.O. Box 8930, Vancouver, B.C. V6B4P5, American Tar Company, 1700 N. Northlake Way, Seattle, WA 98103, Asphalt Products Industries, Inc., 655 Second St. NW, Auburn, WA 98002, Independent Paper Stock Co., 1315 N.W. Overton, Portland, OR 97209, Northwest Paper Fibers, Menasha Corporation, P.O. Box 10444, Portland, OR 97210. Send protests to: Hugh H. Chaffee, D/S, ICC, 858 Federal Building, Seattle, WA 98174.

MC 111214 (Sub-20TA), filed December 11, 1979. Applicant: GREENWOOD STORAGE & TRUCKING CO., INC., P.O. Box 943, Greenwood, MS 38930. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Contract carrier;* irregular routes; *iron and steel and iron and steel articles* between the facilities of Carolina Galvanizing at or near Aberdeen, NC, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, OK, TN, and TX, for 180 days, for the account of Carolina Galvanizing, Aberdeen, NC. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carolina Galvanizing, Rt. 1, Box 60, Aberdeen, NC 28315. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 111274 (Sub-27TA), filed December 14, 1979. Applicant: SCHMIDGALL TRANSFER, INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). *Contract Carrier:* irregular routes: *Lumber and lumber mill products,* from points of entry on the U.S.-Canadian boundary in ND and MN to all points in WI, IL, IN, MO, KS, and IA, for 180 days, for the account of Manitoba Forestry Resources, Ltd. Supporting shipper(s): Manitoba Forestry Resources, Ltd., 902–213 Notre Dame Avenue, Winnipeg, Man. 3B 1N3. Send protests to: Transportation Assistant, ICC, Rm. 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 111375 (Sub-124TA), filed December 14, 1979. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Bos 3358, Madison, WI 53704. Representative: Elaine M. Conway, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Rennets,* from San Francisco, CA to the facilities of Dairyland Food Laboratories, Inc. at Waukesha, WI, for 180 days. Supporting shipper(s): Dairyland Food Laboratories, Inc., Progress Avenue, Waukesha, WI 53187. Send protests to: Transportation Assistant, ICC, Rm. 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 111594 (Sub-94TA), filed December 12, 1979. Applicant: C W TRANSPORT, INC., 610 High Street, P.O. Box 200, Wisconsin Rapids, WI 54494. Representative: Donald B. Levine, 39 S. LaSalle St. Chicago, IL 60603. *Cleaning, souring or washing compounds, disinfectants or deodorants, swimming pool compounds,* from the plantsite and storage facilities of Bio-Lab, Inc. located at/near Conyers, GA to points in IL, IN, MI, MN, OH and WI, for 180 days. Applicant requests authority to interline at Chicago, IL; St. Paul, MN; Milwaukee, WI; and Columbus, OH and to tack this authority with authority it presently holds in MC 111594 and Subs thereunder. Supporting shipper: BIO-LAB, INC., 1739 Dogwood Drive, Conyers, GA 30207. Send protests to: Transportation Assistant, ICC Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 112184 (Sub-72TA), filed December 17, 1979. Applicant: THE MANFREDI MOTOR TRANSIT CO., 11250 Kinsman Rd., Newbury, OH 44065. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. Contract carrier-irregular routes: *Corn starch* (except in bulk) from the facilities of Cargill, Incorporated at or near Memphis, TN to points in AL, AR, GA, LA, MS and TX. Restricted to service performed under contracts or continuing contracts with Cargill, Incorporated of Memphis, TN, for 180 days. An underlying ETA seeks 90 days authority. Support shipper: Cargill, Incorporated, 2330 Buoy Ave., P.O. Box 13368, Memphis, TN 38113. Send protests to: ICC 101 N. 7th St., Philadelphia, PA 19106.

MC 115654 (Sub-187TA), filed November 9, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193. Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 Thirteenth St., NW., Washington, D.C. 20004. *Meats, meatproducts, meat by-products, diary products, and articles distributed by meat packing houses as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, in vehicles equipped with mechanical refrigeration,* from the facilities utilized by Armour Food Co., at or near Louisville, KY, to points in AR and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Armour Processed Meats Co., P.O. Box 32090, Louisville, KY 40232. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 116544 (Sub-198TA), filed December 31, 1979. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. *Candy, or confectionary, chocolate candy or confectionery, or milk chocolate candy or confectionery;* from Chicago, IL and the Chicago Commercial Zone to points in MI, MN, OH, and WI, for 180 days. Supporting shipper: E. J. Brach and Sons, Inc., P.O. Box 802, Chicago, IL 60690. Send protests to: D/S Neil C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 117765 (Sub-281TA), filed January 2, 1980. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *Refractory products, insulation, insulation materials and materials, equipment and supplies used in production and installation,* between the facilities of A. P. Green Refractories Company, located at or near Climax, Leetsdale, Philadelphia and Tarentum, PA; East Greenville, Oak Hill and Jackson County, OH; Goose Lake, IL, Mexico and Fulton, MO; Woodbridge, NJ; Pueblo, CO; Kimberly and Bessemer, AL; Macon, GA; Thermo (Hopkins County), TX; Pryor, OK and Troy, ID, on the one hand, and, on the other, points in the United States, (except AK and HI), for 180 days. Supporting shipper: A. P. Green Refractories Company, Mexico, MO 65265. Send protests to: Connie Stanley. ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 121644 (Sub-5TA), filed December 10, 1979. Applicant: S & W FREIGHT LINES, INC., 1136 Haley Road, P.O. Box 667, Murfreesboro, TN 37130. Representative: Robert Lyn Baker, 618 United American Bank Bldg., Nashville, TN 37219. *Common carrier:* regular routes: *General Commodities (except Classes A & B explosives, household*

goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Atlanta, GA and its commercial zone, on the one hand, and, on the other, Knoxville, TN and its commercial zone. From Knoxville, TN over I–75 to Atlanta, GA and return over the same route, serving the intermediate point of Chattanooga, TN and its commercial zone, for 180 days. RESTRICTION: Service at Knoxville, TN and its commercial zone is restricted against the handling of shipments originating at, destined to, or interlined at Chattanooga, TN and its commercial zone. Note: Applicant proposes to interline at Knoxville and Chattanooga, TN and Atlanta, GA. Supporting shipper(s): There are 48 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 123254 (Sub-7TA), filed December 19, 1979. Applicant: ALBERT PITZER AND JANE PITZER, a partnership d.b.a. PITZER BROTHERS, P.O. Box 633, Jeannette, PA 15644. Representative: Jeremy Kahn, Attorney, Suite 733 Investment Bldg., 1511 K Street, NW., Washington, DC 20005. *Malt beverages and related advertising matter,* from the facilities of Jos. Schlitz Brewing Company at or near Winston-Salem, NC, to points in Allegheny, Clearfield, Fayette, Somerset, Washington, and Westmoreland Counties, PA; *used, empty malt beverage containers,* from points in Allegheny, Clearfield, Fayette, Somerset, Washington, and Westmoreland counties, PA to the facilities of Jos. Schlitz Brewing Company at or near Winston-Salem, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Washington Distributing Company, 610 Jefferson Ave., Washington, PA15301; McKeesport Beer Dist. Inc., 3104 Walnut St., McKeesport, PA 15132; West End Beverage, Inc., 60 S. Hamilton Ave., Greensburg, PA 15601; Crown Dist. Co. of Clearfield, Inc., 303 Reed St., Clearfield, PA 16830; Dutch's City Bev., Inc., 175 N. Beeson Ave., Uniontown, PA 15401. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106.

123255 (Sub-219TA), filed December 28, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr., (same address as applicant). (1)*Containers, container ends, and closures; (2) commodities manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers, and (3) materials, equipment, and supplies used in the manufacture and distribution of containers, container ends, and closures,* between points in the United States (except AK and HI), restricted against the transportation of commodities in bulk, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 19 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 123294 (Sub-75TA), filed December 12, 1979. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Materials equipment, and supplies used in the manufacturing of castings,* from points in IL, KY, MI, OH, PA, and WI to the facilities of Dalton Foundries, Inc., at Warsaw, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Dalton Foundries, Inc., Warsaw, IN 46580. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 123294 (Sub-76TA), filed December 18, 1979. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. Sawyer Center, Route 1, Chesterton, IN 46304. *Such commodities as are manufactured, converted, distributed or used by manufacturers or distributors of paper, paper products, or plastic products* (except commodities in bulk), between Kalamazoo, MI on the one hand, and, on the other, points in KY, IL, IN, and OH, restricted to shipments originating or destined to the facilities of Brown Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Brown Company, 243 E. Paterson, Kalamazoo, MI 49007. Send protests to: Transportation Assistant, ICC, Rm. 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 123325 (Sub-12TA), filed December 12, 1979. Applicant: WRIGHT MOTOR LINES, INC., 135 Thompson St., Asheville, NC 28803. Representative: S. P. Wright, 135 Thompson St., Asheville, NC 28803. *Prefabricated log buildings and prefabricated log building parts* from Fletcher, NC to AR, AL, MS, MI, OH, VT, WV and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Carolina Log Buildings, Inc., P.O. Box 368, Fletcher, NC. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd.-Rm. CC516, Charlotte, NC 28205.

MC 123375 (Sub-22TA), filed December 31, 1979. Applicant: KIRK TRUCKING SERVICE, INC., 3100 Braun Ave., Murrysville, PA 15668. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Iron and steel articles,* from and to the facilities of Raritan River Steel Company at Perth Amboy, NJ to points in OH, MI, IN, IL, NY, and KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Raritan River Steel Company, P.O. Box 309, Perth Amboy, NJ 08862. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 123744 (Sub-78TA), filed December 14, 1979. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. *Materials and supplies used in the mining or land reclamation industries, machine parts, and feed (except commodities in bulk),* from points in and east of ND, SD, NE, KS, OK, and TX to points in Clearfield, IN; Centre, Cambria, Clinton, Clarion, Elk, Blair and Jefferson Counties, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): K & J Coal Company, Inc., P.O. Box 189, Westover, PA 16692; Mitchell Milling Company, Leavy Ave., Clearfield, PA 16830. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 124174 (Sub-166TA), filed November 26, 1979. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). *Steel pipe* from Eagle Pass and Uvalde, TX to points in the United States (except TX, HI, and AK) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Gensco, Inc., Ronald D. Fielden, Traffic Mgr/Fleet Mgr., P.O. Box 67, Uvalde, TX 78801. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 125335 (Sub-97TA), filed November 19, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Foodstuffs,* from the facilities of Stouffer Foods Company, Division of Stouffer Corporation, at or near Solon, OH, to points in AL, DE, FL, KY, GA, MD, MS, NJ, NY, NC, PA, SC, TN and DC for 180 days. Supporting shipper: Stouffer Foods Company, Division of Stouffer Corp., 5750 Harper Rd., Solon, OH 44139. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 125674 (Sub-15TA), filed December 17, 1979. Applicant: THE SENTINEL STAR EXPRESS COMPANY, d.b.a. JACK RABBIT EXPRESS, P.O. Box 1299, Orlando, FL 32802. Representative: Laurence J. Cicale (address same as applicant). *General commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between points in FL on, south, and east of a line beginning at Yankeetown and extending along FL Hwy 40 to junction Interstate Hwy 75, then along Interstate Hwy 75 to junction FL Hwy 24, then along FL Hwy 24 to Waldo, then along U.S. Hwy 301 to the FL–GA state line, then along the FL–GA state line to the Atlantic Ocean (excluding points in Monroe County), for 180 days. Restricted against the transportation of any single package or article weighing more than 125 pounds. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) Eastman Kodak Company, 2400 Mt. Read Blvd., Rochester, NY 14650; (2) K Mart Apparel Corp., 7373 West Side Ave., N. Bergen, NJ 07047; (3) Coats & Clark's Sales Corp., 2915 N.E. Parkway, Doraville, GA 30360; (4) Thom McAn Shoe Co., 67 Milbrook Street, Worchester, MA 01606; (5) Casual Corner, 107 Phoenix Ave., Enfield, CT 06082; (6) Fredonia Seed Co., 183 E. Main St., Fredonia, NY 14063; Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 126305 (Sub-135TA), filed December 26, 1979. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olson, P.O. 357, Gladstone, NJ 07934. *Starch NOI,* from Decatur, IL, and Hammond, IN, to the facilities of Gold Bond Building Products, Division of National Gypsum Co., at Savannah, GA; Tampa, FL; and Westwego, LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gold Bond Building Products, Division of National Gypsum Co., 2001 Rexford Rd., Charlotte, NC 28211. Send protests to: Mabel E. Holston, TA, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 128205 (Sub-92TA) filed December 14, 1979. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 South Doty Avenue, Chicago, IL 60628. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. *Phosphates, phosphate products and phosphate by-products* in bulk, from Riverdale, IL to IL, IA, IN, MI, OH, WI, MO, KS, NE, SD, ND, and MN, for 180 days. Supporting shipper(s): International Minerals and Chemical Corporation, 421 E. Hawley Street, Mundelein, IL 60060. Send protests to: Transportation Assistant, ICC, Rm. 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 128235 (Sub-27TA), filed December 11, 1979. Applicant: AL JOHNSON TRUCKING, INC., 1516 Marshall NE., Minneapolis, MN 55413. Representative: Earl Hacking, 1700 New Brighton Boulevard, Minneapolis, MN 55413. *Malt beverages, in containers,* from the plant of G. Heilman Brewing Company, Inc. in St. Paul, MN to points in IA for 180 days. Supporting shipper(s): G. Heileman Brewing Company, Inc., 100 Harborview Plaza, LaCrosse, WI 54601. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 129974 (Sub-19TA), filed December 14, 1979. Applicant: THOMPSON BROS., INC., 3604 Hovland Drive, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract carrier:* irregular routes: (1) *Spices, flavorings, mustard and mustard products; and (2) Materials, equipment and supplies (except commodities in bulk, in tank vehicles) used in the manufacture of the commodities in (1) above,* between the facilities of Baltimore Spice Co. at Grand Forks, ND, 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): Baltimore Spice Company, Box 1354, Grand Forks, ND 58201. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 11365 (Sub-201TA), filed November 29, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. *Table sauce* from the facilities of Lea & Perrins, Inc. at or near Fair Lawn, NJ to points in LA, TX, TN, and CA for 180 days. Underlying ETA for 90 days filed. Supporting Shipper(s): Lea & Perrins, Inc., 15–01 Pollitt Dr., Fiar Lawn, NJ 07410. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 135185 (Sub-44 TA), filed January 3, 1980. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 E. Garry Ave,. Santa Ana, CA 92705. Representative: James P. Beck, 717 17th St., Suite 2600, Denver, CO 80202 *Contract:* Irregular: Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Amarillo, Texas, to points in AL, AZ, CA, FL, GA, IL, IN, KY, LA, MS, NV, NC, OH, SC, and TN under a continuing contract with Iowa beef Processors, Inc., for 180 days. Supporting Shipper(s): Iowa Beef Processors, Inc., P.O. Box 515 Dakota City, NE. Send protests to: Irene Carlos, T/A, ICC, 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 135605 (Sub-11 TA), filed December 19, 1979. Applicant: WILKINSON TRANSPORT, INC., P.O. Box 25, Barton, AR 72312. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Bldg., Memphis, TN 38103. (1) *Lighting fixtures and parts and accessories* from facilities of Gibson Metalux Corporation at or near Americus, GA to all points in the U.S., (2) *Materials, supplies and parts* used in the manufacuture of commodities in (1) above, from all points in the U.S. to the facilities of Gibson Metalux Corporation at or near Americus, GA, for 180 days. Underlying ETA seeks 90 days authority. Supporting Shipper(s): Gibson Metalux Corp., Southerfield, Rd., Americus, GA 31709. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135725 (Sub-22 TA), filed November 16, 1979. Applicant: FRY TRUCKING, INC., 507 W. 5th St., Wilton, IA 52778. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Soy flour and lecithin (except commodities in bulk)* from points in AR to points in IA, IL, IN, KY, MI, NY, MN, OH, PA, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): PG Consultants Inc., P.O. Box 903, Arlington Heights, IL 60006. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 135895 (Sub-77TA), filed January 2, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Sta., Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. *Malt beverages, promotional, advertising and display materials, empty malt beverage containers, pallets and dunnage* (except commodities in bulk) (1) between Longview, TX, on the one hand, and, on the other, points in LA; (2) between Perry and Albany, GA and Eden, NC, on the one hand, and, on the other, points in LA and MS; and (3) between Memphis, TN and Greenwood, MS, for 180 days. An underlying ETA seeks 90

days authority. Supporting shipper(s): There are 17 statements in support attached to this application which may be examined at the ICC in Washington, D.C. or copies of which may be examined in the field office named below. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 135895 (Sub-81TA), filed December 31, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Sta., Jackson, MS 39204. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Metal and plastic containers, and equipment, materials and supplies used in the manufacture and distribution of metal and plastic containers* (except commodities in bulk) between the facilities of Standard Container Corporation at or near Picayune, MS, on the one hand, and, on the other, points in LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Standard Container Corporation, P.O. Box 1035, Picayune, MS 39466. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 136315 (Sub-108TA), filed December 11, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Rt. 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. *Iron and steel articles and building materials* (except in bulk) between points in the United States in and east of TX, OK, KS, NE, SD, and ND (except ME, VT and NH) restricted to traffic originating or destined to the facilities of or utilized by North Pacific Lumber Co. and its wholly-owned subsidiaries, Allen Timber Co., Inc., Big Bay Timber Ltd., Cascade Imperial Mills, Ltd., Longleaf Forest Products, Inc., North Pacific International, Inc., and Zenith Lumber Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): North Pacific Lumber Co., P.O. Box 3915, Portland, OR 97208. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 136635 (Sub-31TA), filed December 20, 1979. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. *Iron and steel articles,* between the facilities of Lock Joint Tube Co., Inc. at or near South Bend, IN on the one hand, and on the other, points in IL, OH, MI and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lock Joint Tube Co., Inc., P.O. Box 239, South Bend, IN 46624. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 13664 (Sub-15TA), filed September 5, 1979. Applicant: WESTERN DRYWALL TRANSPORT, INC. d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: Ronald D. Davis (same address as applicant) *Contract carrier,* irregular routes: *Elevated Flooring Sections, and parts and materials used in installation of same,* from Lodi, CA to points in NV, OR & WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Mezzanine Modules, 582 Market Street, Suite 1008, San Francisco, CA 94104. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 136844 (Sub-3TA), filed October 22, 1979. Applicant: HENRY BRISTOL, d.b.a. B & B TRANSPORT & LEASE, P.O. Box 877, Palatine, IL 60067. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier,* irregular routes: *Materials, equipment, and supplies used in the manufacturing of Electrical Devices and Products, and Electrical Devices and Products (except commodities in bulk),* between the facilities of Triboro Electric Company at Warminster, PA on the one hand, and on the other, points in the states of CA, IL, IN, MN, OH, and WI. Under a continuing contract or contracts with Triboro Electric Company, Doylestown, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Triboro Electric Corp., Broad and Doyle Streets, Doylestown, PA 18901. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 138635 (Sub-102TA), filed December 13, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton, P.O. Box 3995, Gastonia, NC 28052. *Wooden doors, wooden door frames, wooden screens, wooden blinds, compressed fire logs and other wooden products* from Ft. Worth and Mt. Pleasant, TX to points in AL, GA, NC & TN, for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at the facilities of McLeland Harris Door Company, Inc. Supporting shipper: McLeland-Harris Door Company, Inc., P.O. Box 11482, Fort Worth, TX 76109. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd—Rm CC516, Charlotte, NC 28205.

MC 138875 (Sub-267TA), filed November 19, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same as above). *Ground clay, diatomaceous earth, except commodities in bulk,* from points in Deschutes, Harney, Klamath and Lake Counties, OR to AZ and NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Oil-Dri Corporation of America, 520 N. Michigan Ave., Chicago, IL 60611. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 138875 (Sub-268TA), filed December 17, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same as above). *(1) Alcoholic beverages; and (2) empty containers for (1) when returning to point of origin,* between points in CA, on the one hand, and, on the other, points in ID south of the southern boundry of Idaho County, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Stein Distributing Co., 601 N. Phillippi, Boise, ID 83706. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 139244 (Sub-6TA), filed December 12, 1979. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Contract carrier:* irregular routes; *Fabricated steel parts for the account of The Borne Co., Inc.,* from Covington, KY to points in AL, IL and IA for 180 days. Supporting shipper: The Borne Co., Inc., P.O. Box 149, Covington, KY 41012. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 139495 (Sub-526TA), filed December 26, 1979. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kansas 67910. Representative: Herbert Alan Dubin, attorney, 1320 Fenwick Lane, Silver Springs, Maryland 20910. *Vegetable and cooking oils, shortening, salad dressing and oils, margarine, and cheese and cheese foods* from Sherman, TX to points in OK and KS (restricted to traffic originating at and destined to the facilities utilized by Anderson Clayton Food) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Anderson Clayton Foods, P.O. Box 226165, Dallas, TX 75266. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th Street, Suite 600, Fort Worth, TX 76101.

MC 140265 (Sub-12TA), filed December 28, 1979. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX

TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Contract carrier:* irregular routes: *Chemicals, n.o.i., Drugs and medicine n.o.i., for the account of Dow Chemical Company, Health and Consumer Products Department,* from Indianapolis, IN to Los Angeles, CA and Dallas, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Dow Chemical Company, Health and Consumer Products Department, P.O. Box 685111, Indianapolis, IN 46268. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 140665 (Sub-87TA), filed December 26, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* from the facilities of Vernon Calhoun Packing Co. at or near Palestine, TX to points in the United States, except HI and AK for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Vernon Calhoun Packing Co., P.O. Box 709, Palestine, TX 75801. Send protests to: Vernon V. Coble, DS, ICC, Room 600, 911 Walnut St., Kansas City, MO 64106.

MC 141675 (Sub-8TA), filed January 3, 1980. Applicant: ECONOMY TRUCKING SERVICE CORP., 1079 West Side Avenue, Jersey City, NJ 07306. Representative: Arthur Liberstein, 888 Seventh Avenue, 15th Floor, New York, NY 10019. Contract carrier, irregular routes for 180 days. Such commodities as are dealt in by department stores, and supplies and equipment used in the conduct of such business, except commodities in bulk, over irregular routes, between points in the New York, NY commercial zone, on the one hand, and, on the other, Minden, LA under continuing contract with Gibson Products Company—West & Company of LA, Inc. Supporting shipper: Gibson Products Company, West & Company of LA, Inc., P.O. Box 4319, Monroe, LA 71203. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 141804 (Sub-310TA), filed January 2, 1980. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. *File folders and related materials and supplies,* from Mayville, WI to points in CA, CO, OR, and WA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper: Tab Products, 605 4th Street, Mayville, WI 53050. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 141804 (Sub-311TA), filed January 4, 1980. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. Chemicals, NO1, ink and waste chemicals, NO1 except in bulk, between Long Island City, NY, Palisades Park, NJ, Rolling Meadows and Chicago, IL, Los Angeles and San Francisco, CA, Dallas, TX, Berea and Cleveland, OH, Atlanta, GA, Baton Rouge, LA, Mac Entosch, AL, and Chattanooga and Nashville, TN, restricted to traffic originating at or destined to the facilities used by Philip A. Hunt Chemical Corp., for 180 days. Supporting shipper: Philip A. Hunt Chemical Corporation, Materials Handling Group, Palisades Park, NJ 07650. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 141804 (Sub-312TA), filed January 4, 1980. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. *General commodities (include the usual exceptions),* from the facilities utilized by Seaport Cooperative, Inc. at or near Portland, OR to Chicago, IL, Memphis, TN, New Orleans, LA, St. Louis and Kansas City, MO, New York, NY, Boston, MA, Atlanta, GA, Birmingham, AL, Miami, FL, Philadelphia and Pittsburgh, PA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper: Seaport Cooperative, Inc., 730 North West 11th Avenue, Suite A, Portland, OR 97209. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 141804 (Sub-313TA), filed January 4, 1980. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. *Canned or preserved food,* from Tacoma, WA to Mt. Summit, IN and their respective commercial zones, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper: Nalleys Fine Foods, 3303 S. 35th St., Tacoma, WA 98411. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 143594 (Sub-21TA), filed December 14, 1979. Applicant: NATIONAL BULK TRANSPORT, INC., 624 Holcomb Bridge Rd., Suite 13, Roswell, GA 30075. Representative: Matthew J. Reid, P.O. Box 2298, Green Bay, WI 54306. *Chemicals, in bulk* (1) from Houston, Freeport, Texas City, and Seadrift, TX to Geismar, LA; and (2) from Houston, TX to El Dorado, AR, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper: McKesson Chemical Company, Jefferson Bank Bldg., 3525 N. Causeway Blvd., Metarie, LA 70002. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 143775 (Sub-136TA), filed November 29, 1980. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke, same address as applicant. *(1) Plastic articles; pipe and pipe fittings and (2) materials and supplies used in the manufacture, sale and distribution of the commodities named in (1) above,* from Cleveland, OH and its commercial zone to points in the United States (except AK, HI and OH), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: R & G Sloane Manufacturing Co., Inc., 7609 N. Clybourn Ave., Sun Valley, CA 91352. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 143775 (Sub-137TA), filed December 6, 1979. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). (*1*) *Building hardware, tools and home accessories and* (*2*) *materials, and supplies used in the manufacture, sales and distribution thereof,* from the facilities of or used by Ajax Hardware Corp. at points in CA to points in OH, TX, AR, IN, TN, KY and NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ajax Hardware Corp., 825 S. Ajax Ave., City of Industry, CA 91749. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 144305 (Sub-5TA), filed December 31, 1979. Applicant: McCAIN TRANSPORT, INC., 5 Wade Rd., Washburn, ME 04786. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101. Contract: Irregular: *Malt beverages* from Fulton, NY to Portland, ME pursuant to a bilateral contract with Nappi Distributors, Portland, ME, for 180 days. Supporting shipper(s): Nappi Distributors, 235 Presumpscot St., Portland, ME 04103. Send protests to: Donald G. Weiler, District Supervisor, ICC, 76 Pearl St., Rm. 303, Portland, ME 04101.

MC 144305 (Sub-6TA), filed December 31, 1979. Applicant: McCAIN TRANSPORT, INC., 5 Wade Rd., Washburn, ME 04786. Representative:

John C. Lightbody, 30 Exchange St., Portland, ME 04101. Contract: Irregular: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses* under a bilateral contract with Carl W. Smith Food Distributors, Inc., from points in CT, MD, MA, MN, NH, NJ, NY, OH and PA, to Presque Isle Bangor, ME, for 180 days. Supporting shipper(s): Carl W. Smith Food Distributors, Inc., Rice Street, Presque Isle, ME 04769. Send protests to: Donald G. Weiler, District Supervisor, ICC, 76 Pearl St., Rm. 303, Portland, ME 04101.

MC 144805 (Sub-4TA), filed December 16, 1979. Applicant: M–K TRUCKING, INC., 810 First Street South, Hopkins MN 55343. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Contract carrier:* irregular routes: (1) *Beehives, including parts and accessories thereon and (2) Material, equipment and supplies used in the manufacture of beehives,* (1) From Polson, MT, to all points in the United States, and (2) From all points in the United States to Polson, MT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Bee Supply, Box 171, Polson, MT. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 145384 (Sub-45TA), filed November 23, 1979. Applicant: ROSE-WAY, INC., 1914 E. Euclid, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Automatic car washers* from the facilities of Ryko Mfg. at Des Moines, IA, to points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ryko Mfg., 2531 Dean Ave., Des Moines, IA 50316. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 146024 (Sub-3TA), filed December 13, 1979. Applicant: G & R PETROLEUM, INC., P.O. Box 883, Ontario, OR 97914. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Gasoline and distolate fuel oils, in bulk, in tank vehicles,* from points in Ada and Payette Counties, ID to Denio, NV and Fields, Burns, Alvord, Lawen, Hampton, Jordan Valley, Juntura, Wagontire and John Day, OR, for 180 days. An underlying ETA seeks 90 days authority. (Contract carriage.) Supporting shipper(s): Stockman's Oil, P.O. Box 1111, Burns, OR 97720. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 146174 (Sub-8TA), filed December 12, 1979. Applicant: PD EXPRESS, INC., 817 W. 5th Ave., Columbus, OH 43212. Representative: Gregory A. Stayart, 10 S. Lasalle, Chicago, IL 60603. *Such commodites as are manufactured, processed, distributed, or dealt in by manufacturers of paper and paper products (except in bulk),* from Chillicothe and Schooleys, OH (1) to points in IN on and west of State Route 15 and on and north of U.S. Hwy 24, and (2) to points in IL on and east of U.S. Hwy 51 and on and north of U.S. Hwy 24, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Mead Corporation, Courthouse Plaza NE, Dayton, OH 45463. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 146974 (Sub-6TA), filed December 3, 1979. Applicant: WILLIAM V. THOMAS, P.O. Box 10238, Albuquerque, NM 87184. Representative: William V. Thomas (same address as applicant). *Gypsum, gypsum wallbaord, joint system, materials and supplies used in the application thereof,* from the facilities of Georgia Pacific Corporation at Acme, TX to NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia Pacific Corporation, 900 S.W. Fifth Avenue, Portland, OR 97204. Send protests to: Joyce E. Abbott, TA, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW, Albuquerque, NM 87101.

MC 146985 (Sub-3TA), filed December 11, 1979. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731 South Main Street, P.O. Box 1614, Elkhart, IN 46515. Representative: Phillip A. Renz, Suite 200, Metro Building, Fort Wayne, IN 46802. *Contract carrier:* irregular routes: *Bio-Sulfides compounds,* between Fort Wayne, IN, and its commercial zone on the one hand, and on the other hand, Portsmouth, VA and its commercial zone for 180 days. Supporting shipper(s): Iron Out, Inc., 2417 Spy Run Avenue, Fort Wayne, IN 46805. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 147264 (Sub-5TA), filed October 17, 1979. Applicant: JAT EXPRESS, INC., R.R. No. 1, Box 405, Muncie, IN 47302. Representative: Jack W. Tapy (same address as applicant). *Bananas and agricultural commodities otherwise exempt from economic regulations under Section 203(b)(6) of the Act when transported in mixed loads with bananas* from New Orleans, LA to points in IL, IN, OH, MI, MO, WI, KY and KS for 180 days. Supporting shipper: American Fruit Company, 5987 East 71st, St., Indianapolis, IN 46410. Send protests to: ICC, 219 South Dearborn Street, Chicago, IL 60604.

MC 148035 (Sub-3TA) filed Nov. 23, 1979. Applicant: RYSDAM LOGGING CO., Rt. 2, Box 30 AB, Elgin, OR 97827. Representative: Kathleen L. Rysdam, 1711 Birch, Elgin, OR 97827. *Ore (silver)* in belly dump equipment from the facilities of B.F.B. Enterprises, Inc. at or near Mountain City, NV to Tacoma, WA and to Casper, WY and to Butte, MT and to Kellogg, Moutain Home and Pinehurst, ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): B.F.B. Enterprises, Inc., Mountain City, NV. Send protests to: D. Merine Galbraith, T/A, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 98204.

MC 148044 (Sub-2TA), filed September 19, 1979. Applicant: JANICE PATRICIA MARTIN TRUCKING CO., Route 4, Box 251A, Rocky Mount, VA 24151. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Lumber and cross ties,* (1) from points in Franklin County, VA. to points in DC, DE, KY, MD, NC, NJ, NY, OH, PA, SC, TN, and WV, (2) From points in Henry and Smyth Counties, VA to points in NC, (3) From points in NC and SC and the Norfolk, VA commercial zone to points in Franklin County, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 8 supporting shippers. Their statements may be examined at the office listed below and headquarters. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 148184 (Sub-4TA), filed October 4, 1979. Applicant: SUMMIT TRUCK LINES, INC., 218 North 23rd Street, Coeur d'Alene, ID 83814. Representative: Philip J. Carstens, Jr., 1600 Washington Trust Financial Center, Spokane, WA 99204. *Meats, meat products, meat byproducts, articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business, as defined in Appendix I, Sections A, C and D to the Commission's report in Descriptions in Motor Carriers Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* between the facilities of Lauridsen Foods, Inc., located at or near Britt, IA, and the facilities of Armour & Company, located at or near Mason City, IA, on the one hand, and points in IL, TX, KY, MI, MN, WI, OH, PA, NY, NJ, MD, VA, NC, SC, FL, WA, OR and CA, on the other, for 180 days. Restricted to the transportation of shipments originating at the above-named origin and destined to the indicated destinations. An

underlying ETA seeks 90 days authority. Supporting shipper(s): Armour and Co., Greyhound Tower, Phoenix, AZ 85077. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 148304 (Sub-1TA), filed September 14, 1979. Applicant: RONALD D. LUDWIG d.b.a. LUDWIG TRUCK LINE, Route 1, Florence, KS 66851. Representative: Ronald D. Ludwig (same as above). Contract Carrier: *Meats, meat products, meat by-products and articles used and distributed by meat packing houses* moving in vehicles with mechanical refrigeration equipments, except commodities in bulk, hides, animal feed and animal feed ingredients, from points in KS, NE and IA to warehouse of Val's Distributing Co., Tulsa, OK and all points in OK. Supporting shipper: Val's Distributing, 6336 E. Admiral Pl. Tulsa, OK 74112. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 148344 (Sub-4TA), filed November 26, 1979. Applicant: TRAVIOLI & SONS TRUCKING, INC., RR No. 81, Box 169A, Terre Haute, IN 47803. Representative: Robert W. Loser, II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. *Contract carrier:* irregular routes: *Magazines, catalogs and printed matter,* from Sparta, Effingham and Salem, IL to Birmingham, AL; Atlanta, GA; and points in FL for 180 days. Restricted to service performed under contract with World Color Press, Inc., Effingham, IL. An underlying ETA seeks 90 days authority. Supporting shipper: World Color Press, Inc., P.O. Box 1248, Effingham, IL 62401. Send protests to: ICC, 219 S. Dearborn, Chicago, IL 60604.

MC 148595 (Sub-1TA), filed December 5, 1979. Applicant: VAN HANDEL TRANSIT, INC., Route 1, Kaukauna, WI 54130. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier:* irregular routes: *(1) Pork, pork belly, and pork products, (2) cheese, (3) cheese,* (1) between Anniston, AL, points in IA, Bloomington and Champaign, IL, Ft. Wayne, IN, Frontenac, KS, Hopkins, MN, Indianola, MS, Bismarck and Fargo, ND, Dayton, Washington Courthouse and Xenia, OH, Cudahy, Green Bay, and Milwaukee, WI, on the one hand, and, on the other, Anniston, AL, points in IA, Bloomington and Champaign, IL, Ft. Wayne, IN, Frontenac, KS, Hopkins, MN, Indianola, MS Bismarck and Fargo, ND, Dayton, Washington Courthouse and Xenia, OH, Cudahy, Green Bay, and Milwaukee, WI. (2) From Fergus Falls, MN to the facilities of the Great Atlantic & Pacific Tea Company at Plymouth, WI. (3) From Fremont, WI to Merrywood Farms at Rosemont, IL under continuing contract(s) to (1) World Wide Sales, Inc. located at Plymouth, WI. (2) Great Atlantic & Pacific Tea Company located at Montvale, NJ. (3) Merrywood Farms located at Chicago, IL for 180 days. Supporting shipper(s): World Wide Sales, Inc., P.O. Box 127, Plymouth, WI 53073; The Great Atlantic & Pacific Tea Co., Inc., 2 Paragon Drive, Montvale, NJ 07645. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 148664 (Sub-1TA), filed October 26, 1979. Applicant: LILAC CITY EXPRESS, INC., 6619 E. Riverside, P.O. Box 13133, Spokane, WA 99213. Representative: Donald A. Ericson, Suite 708, Old National Bank Building, Spokane, WA 99220. *Garnet sand,* between Fernwood, ID on the one hand, and, on the other, points in the U.S. (except AK and HI), for 180 days. Supporting shipper(s): Emerald Creek Garnet Milling Co., Box 176, Fernwood, ID 83830. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 148714 (Sub-3TA), filed November 23, 1979. Applicant: JAMES BROWN TRUCKING CO., 6859 Chapman Rd., Lithonia, GA 30058. Representative: Mark S. Gray. P.O. Box 56387, Atlanta, GA 30343. (1) *Precast concrete manholes, manhole covers, concrete pipe, steel pipe, and pipe fittings,* (2) *materials, supplies and equipment used in the manufacture of the commodities described in (1) above* between points in the U.S. (except AK and HI), restricted to traffic originating at of destined to the facilities of A.R.C. Kyle, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): A.R.C. Kyle, Inc., P.O. Box 2493, Gainesville, GA 30501. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 148755 (Sub-2TA), filed November 16, 1979. Applicant: WILLIAM E. SMITH, 5805 N.W. 54th Court, Des Moines, IA 50323. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Contract carrier: irregular routes: *Fertilizer (except in tank vehicles) and feed and feed ingredients (except in tank vehicles)* (1) between the facilities of Man-an-so at or near Fremont, NE, and Nevada, Oskaloosa, and Plainfield, IA, on the one hand, and, on the other, points in IA, IL, and MN; and (2) from Ft. Worth, TX; Florence, CO; and Waterloo and Chicago, IL, to points in IA, IL, MN, and Fremont, NE, under continuing contract(s) with Man-an-so of Nevada, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Man-an-so, 603 Inn Ave., Nevada, IA 50201. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 148765 (Sub-1TA), filed November 19, 1979. Applicant: KATHY'S DELIVERY, INC., 5926 N. E. Columbia Blvd., Portland, OR 97218. Representative: Richard C. Celio, 1415 Garvey Ave., Suite 102, West Covina, CA 91790. Contract, irregular, *such commodities as are dealt in by manufacturers of toiletries and cosmetics (except commodities in bulk),* from points at, or near, Portland, OR to points in OR and Pacific Wahkiakum, Cowlitz, Lewis, Skamania, Klickita, Benton, Franklin, Thurston, Pierce, Clark and Yakima Counties, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Avon, 2940 E. Foothill Blvd., Pasadena, CA 91121. Send protests to: D. Merine Galbraith, T/A, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 148984 (Sub-1TA), filed December 13, 1979. Applicant: AIRWAY MOVING & STORAGE, INC., 3306 Trent Road, New Bern, NC 28560. Representative: Alan F. Wohlstetter, 1700 K Street, NW, Washington, DC 20006. *Used household goods,* between points in Craven, Columbus, Lenoir, Pamlico, Jones, Carteret, Onslow, Duplin, Pender, Brunswick, Wayne, Sampson, Pitt, Greene, Bladen, New Hanover and Beaufort Counties, NC, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating or decontainerization of such traffic, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Purchasing and Contract Division, Marine Corps Base, Camp Lejeune, NC 28542. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd—Rm CC516, Charlotte, NC 28205.

MC 149165 (Sub-1TA), filed January 22, 1980. Applicant: DAYTON VALLEY BUS LINES, INC., 6224 Janice Place, Dayton, OH 45414. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. *Passengers and their baggage in special and charter operations* beginning and ending at Dayton, OH and extending to Ft. Wayne, IN; Milwaukee, WI; Flint, Grand Rapids, Kalamazoo, Muskegon, Port Huron and Saginaw, MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Dayton Gems Hockey Club, 1001 Shiloh Springs Rd., Dayton, OH 45401. Send protests to:

ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 125335 (Sub-99TA), filed December 31, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Confectionery and confectionery products* from Bethlehem, PA to points in AL, FL, GA, IL, IN, IA, KY, MI, MN, MS, MO, NE, NC, ND, OH, SC, SD, TN, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Just Born, Inc., 1300 Stefko Blvd., Bethlehem, PA. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 135524 (Sub-107TA), filed December 12, 1979. Applicant: G. F. TRUCKING CO., 1028 W. Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509. *Ferrosilicon* from Keokuk, IA to Baltimore, MD and its commercial zones and New York, NY and its commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: NABA, Inc., 170 Broadway, New York, NY 10038. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 135524 (Sub-108TA), filed December 31, 1979. Applicant: G. F. TRUCKING COMPANY, 1028 W. Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs, Rd., Youngstown, OH 44509. *Lumber, lumber mill products, composition board, millwork and wood products,* from all points in OR, WA, ID, and MT, to all points in IN, IL, IA, MI, MN, MO, NE, ND, OH, SD, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Georgia-Pacific Corp., 900 S.W., Fifth Ave., Portland, OR 97204. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 136035 (Sub-19TA), filed November 26, 1979. Applicant: TREADWAY CARRIERS INC., P.O. Box 364 Westfield, IN 46074. Representative: Orville G. Lynch (same address as applicant). *Contract Carrier:* Irregular routes: *Books and printed matter and materials used in the manufacture of books and printed matter (except in Bulk)* (1) from Canoga Park, Montebello, San Francisco, and Tracy, CA, Chicago, IL, Kendallville, IN, East Millinocket and Jay, ME, Clinton, Forge Village, Lowell, and North Chelmsford, MA, Raymond, NH, Deferiet and Kingston, NY, and Allentown and Philadelphia, PA to points in the U.S., and (2) materials used in the manufacture of books and printed matter from points in the U.S. to the origin points named in (1) above for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Courier-Citizen Corp., 165 Jackson Street Lowell, MA 01852. Send protests to: ICC, 219 S. Dearborn, Chicago, IL 60604.

MC 139254 (Sub-24TA), filed November 2, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbia, OH 43215. Contract carrier—irregular routes: *(1) Commodities manufactured, distributed, or sold by manufacturers or rubber or plastic materials and products (except commodities in bulk); (2) Commodities utilized in conjunction with (1) above (except commodities in bulk); and (3) Materials, equipment and supplies utilized in the production and distribution of (1) and (2) above (except commodities in bulk),* between points in the U.S. (except AK and HI), under continuing contract(s) with the B. F. Goodrich Co., for 180 days. Supporting shipper(s): The B. F. Goodrich Co., 6100 Oak Tree Blvd., Cleveland, OH 44131. Send protests to: I.C.C. 101 N. 7 St., Philadelphia, PA 19106.

MC 139785 (Sub-3TA), filed November 28, 1979. Applicant: LIETZ TRANSPORTATION, INC., Rt. 1, Coloma, WI 54930. Representative: Rolfe Hanson, 121 W. Doty St., Madison, WI 53703. Contract carrier; irregular routes; *Wood furnaces and furnace parts* from facilities of Weber Industries, Inc. at LaCrosse, WI to points in AR, CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, OH, PA, RI, TN, VT, VA, WY & DC under a continuing contract with Weber Industries, Inc., LaCrosse, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Weber Industries, Inc., 1625 Miller St., LaCrosse, WI 54601. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 140665 (Sub-89TA), filed December 26, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Commodities manufactured or distributed by the Union Carbide Corporation (except commodities in bulk)* from the facilities utilized by the Union Carbide Corporation at or near Asheboro, Greenville, and Greensboro, NC; Cleveland and Fremont, OH; Marysville, MO; Red Oak, IA; St. Albans and Bennington, VT; Edison, NJ; Atlanta, GA; Memphis, TN; Chicago, IL, Dallas, TX, Los Angeles, CA; and Portland, OR to points in the United States (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Union Carbide Corporation, 270 Park Avenue, New York, NY 10017. Send protests to: Vernon V. Coble, DS, ICC, Room 600, 911 Walnut St., Kansas City, MO 64106.

MC 140665 (Sub-88TA), filed December 28, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna OH 44266. *Water heaters, solar units, and parts and accessories for water heaters and solar units, and materials and supplies used in the manufacture and distribution of these commodities* (except commodities in bulk), between Johnson City, TN, Cleveland, OH and commercial zone, and Santa Monica, CA, on the one hand, and, on the other, points in the United States (except AK and HI), for 180 days. Supporting shipper: Mor-Flo Industries, Inc., 18450 South Miles, Cleveland, OH 44128. Send protests to: Vernon V. Coble, DS, ICC, Room 600, 911 Walnut St., Kansas City, MO 64106.

MC 142674 (Sub-2TA), filed October 11, 1979. Applicant: CONTRACT COURIER SERVICES, INC., 512 Briarwood Lane, Elk Grove Village, IL 60007. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. *Medical isotopes, medical test kits, radioactive drugs, and radiopharmaceuticals,* from Cook County, IL, to points in IN and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: New England Nuclear, 601 Treble Cove Road, No. Billerica, MA 01862. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 143775 (Sub-142TA), filed December 20, 1979. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). *Such commodities as are dealt in by Retail Department Stores, including garments on hangers,* from points in the United States (except AK, AZ and HI) to the facilities of Diamonds, Inc., at or near Tempe, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Diamonds, Inc., 1616 Priest Dr., Tempe, AZ. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 143775 (Sub-141TA), filed December 27, 1979. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke, same address as applicant. *Carpet strip and adhesives, and nails,* (1) from Asheville, NC to points in and east of CO, ND, SD, NE, OK and TX and (2) Savannah, GA to

Asheville, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Roberts Consolidated Industries, Inc., 600 N. Baldwin Park Blvd., City of Industry, CA 91749. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 146964 (Sub-5TA), filed December 20, 1979. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valencik (same address as applicant). *Paper and paper products,* from the facilities of Central States Diversified, Inc. at Palatka, FL to points in AL, CT, DC, DE, MA, MD, MO, NJ, NY, OH, PA, TN and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Central States Diversified, Inc., 1400 Reid St., Palatka, FL 32077. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 147994 (Sub-1TA), filed October 26, 1979. Applicant: KATZMAIER TRUCKING, Box 283, R.D. 2, Montoursville, PA 17754. Representative: Paul Katzmaier (same address as applicant). Contract carrier-irregular routes: *Semi-elliptical springs, bars of steel, nuts, bushings and miscellaneous parts,* from the facility of Triangle Auto Spring Co. DuBois, PA to points in NY, MA and CT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Triangle Auto Spring Co., P.O. Box 425, DuBois, PA 15801. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 148044 (Sub-3TA), filed October 19, 1979. Applicant: JANICE PATRICIA MARTIN, d.b.a., J. D. MARTIN TRUCKING CO, Route 4 Box 251A, Rocky Mount, VA 24151. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1) *Fertilizer and fertilizer ingredients,* in bags, from Winston Salem, NC to points in VA and WV; (2) *prefabricated houses and related building materials,* from the facilities of American Standard Homes Corp. at Martinsville, VA to points in KY, MD, NC, OH, PA, SC, TN, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Minerals & Chemical Corp., Route 5, Rocky Mount, VA 24151; American Standard Homes Corp., 700 Commerce Crt., P.O. Box 4908, Martinsville, VA 24112. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106.

MC 149044 (Sub-1TA), filed December 31, 1979. Applicant: FRANK C. ANDREWS, d.b.a. JAFA ENTERPRISES, P.O. Box 713, Frazer, PA 19355. Representative: John W. Christie, 1112 Airport Rd., W. Chester, PA 19380. Contract carrier, irregular routes: *Empty cargo shipping containers on chassis* from the facilities of Asher Industries, Inc. located in Birdsboro, PA to the NC State port located in Wilmington, NC; and from the facilities of Fenco, Inc., located in Baltimore, MD to the facilities of Asher Industries, Inc., located in Birdsboro, PA, on return, under continuing contract(s) with Container Trading Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Container Trading Corp., Lyndhurst, NJ; Asher Industries, c/o Birdsboro Corp., Birdsboro, PA. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

Notice No. 6

MC 26396 (Sub-341TA), filed January 30, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. (a) *Solar panels* and *parts and accessories* used in the installation thereof, from the facilities of Sun Wise Solar Products, Inc. at or near Great Falls, MT to points in AZ, CA, CO, GA, IL, IA, MI, MO, MN, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, VA, WA and WY; and (b) *materials, equipment and supplies* used in the manufacture, distribution and installation of the commodities in (a) above in the reverse direction, for 180 days. Supporting shipper: Sun Wise Solar Products, Inc., 609 Tenth Ave. South, Great Falls, MT 59405. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 26396 (Sub-340TA), filed January 25, 1980. Applicant: POPELKA TRUCKING CO. d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Agricultural chemicals, in mechanically temperature controlled-vehicles* from Des Moines and Muscatine, IA to ports of entry on the International Boundary line between the U.S. and Canada located in MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Monsanto Company, 800 North Lindbergh Blvd., St. Louis, MO 63166. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 41116 (Sub-74TA), filed January 31, 1980. Applicant: FOGLEMAN TRUCK LINES, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, Lanham, Hatchell, Sedberry & Hoffman, P.O. Box 2165, Austin, TX 78768. Contract, irregular, *Multiwall paper bags and polyethylene film* from the facilities of International Paper Co., at or near Pittsburg, KS, to points in GA, IL, KS, KY, LA, MO, NC, NM, OK, TX and AR, for 180 days. An underlying ETA filed. Supporting shipper(s): International Paper Company, 220 E. 42nd St., New York, NY 10017. Send protests to: Opal Jones, TCS, ICC, Suite 600, 411 W. 7th St., Forth Worth, TX76102.

MC 41116 (Sub-75TA), filed January 31, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Contract, irregular, *wrapping paper, pulpboard, multiwall paper bags, dunnage bags and poly film,* from the facilities of International Paper Co. at or near Camden and East Camden, AR to points in KS and AL, for 180 days. Supporting shipper(s): International Paper Company, 220 E. 42nd St., New York, NY 10017. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Fort Worth, TX 76102.

MC 42266 (Sub-5TA), filed December 20, 1979. Applicant: LANCASTER & NEW YORK MOTOR FREIGHT SERVICE, INC., Rural Delivery #2, Box 208, Elizabethtown, PA 17022. Representative: James W. Hagar, Esq., 100 Pine St., (P.O. Box 1166), Harrisburg, PA 17108. *Cocoa beans, cocoa butter, cocoa press cake, chocolate liquor in blocks and in bags, and cocoa crumb in bags,* from Philadelphia, PA, and its commercial zone, to Camp Hill, PA, and its commercial zone and to Mechanicsburg and its commercial zone, for 180 days. Restricted to traffic destined to facilities of Hershey Foods Corp. at Camp Hill, PA and its commercial zone and to Mechanicsburg, PA and its commercial zone. An underlying ETA seeks 30 days authority. Supporting shipper(s): Hershey Chocolate Company, 19 East Chocolate Ave., Hershey, PA 17033. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 51146 (Sub-816TA), filed September 12, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil DuJardin (same address as applicant). *Fiberglas materials and products, fibrous mineral wool products, fibrous glass textile materials, fiberglas textile products, plastic materials and products, and equipment, materials, and supplies used in the manufacture and installation of the above named commodities* between Newark and Columbus, OH on the one hand, and, on the other, points in the US in and east of ND, SD, NE, KS, OK & TX, for 180 days. An underlying ETA seeks

90 days authority. Supporting shipper(s): Owens Corning Fiberglas Corp., Fiberglas Tower, Toledo, OH 43659. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 51146 (Sub-816TA), filed September 13, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil DuJardin (same address as applicant). *Plastic resin and materials and supplies used in the manufacture and distribution of plastic products* from Parkersburg, WV; Houston, TX; Midland, MI; Chicago, IL; Indianapolis, IN; Ottawa, IL; Dyersburg, TN; Massillon, OH; and Clinton, IA to Portage, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Portage Industries Corp., 1325 Adams St., Portage, WI 53901. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 51146 (Sub-818TA), filed December 12, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. *Small arms ammunition, and equipment, materials, and supplies used in the manufacture of small arms ammunition* FROM East Alton, IL to points in CT, MI, MN, OH, PA, VA and WV for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Olin Corporation, Winchester-Western Division, East Alton, IL 62024. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 51146 (Sub-819TA), filed December 19, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Ried (address same as applicant). *Animal, fish, and poultry feed* from points in NJ, MA (except Boston), NY (except Central Islip, Staten Island, Ronkonkoma and Stone Ridge), CT, DE, MD (except Baltimore and Walkersville), VT, ME, NH, and RI for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Ralston Purina Co., Checkerboard Square, St. Louis, MO 63138. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 51146 (Sub-820TA), filed December 21, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid (address same as applicant). (1) *Such merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses (except commodities in bulk);* and (2) *equipment, materials, and supplies used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk* between points in the United States in and east of ND, SD, KS, OK and TX. Restricted to the transportation of traffic moving from, to, or between the facilities of The Drackett Company for 180 days. Supporting shipper(s): The Drackett Company, 5020 Spring Grove, Cincinnati, OH 45232. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 51146 (Sub-821TA), filed December 21, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, P.O. Box 2298, Green Bay, WI 54306. *Such commodities as are dealt in by home improvement stores* from the facilities of Artesian Industries at or near Mansfield and Shelby, OH to points in CT, DE, IL, IN, ME, MD, MA, MI, MN, NE, NH, NJ, NY, OH, PA, RI, VT, WV, WI, and DC for 180 days. Supporting shipper(s): Artesian Ind., 201 E. Fifth St., Mansfield, OH 44901. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 51146 (Sub-822TA), filed January 5, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. Dujardin (address same as applicant). *Clay, brick, and tile products* from points in OH, WV, IL, PA, GA, KY, CT, MA, SC, CA, IA, NE, TX, MI, AR, MO, VA and NC to Marinette, La Crosse, Racine, Kenosha, Janesville, Appleton, Neenan, Menasha, Oshkosh, Fond Du Lac, Eau Claire, Wausau, Stevens Point, Wisconsin Rapids, Madison, Sheboygan, and Manitowoc, WI for 180 days. Supporting shipper(s): Wisconsin Face Brick & Supply Co. 7830 W. Good Hope Road, Milwaukee, WI 53223. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386 Chicago, IL 60604

MC 51146 (Sub-823TA), filed January 5, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, P.O. Box 2298, Green Bay, WI 54306. *Bakery products* from the facilities of Nabisco, Inc. at Atlanta,GA to points in CT, IL, IN, IA, KY, ME, MA, MI, MN, MO, NH, NC, OH, RI, TN, VT, VA, WV, NJ, NY and WI for 180 days. Supporting shipper(s): Nabisco, Inc., East Hanover, NJ 07936. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 51146 (Sub-824TA), filed January 5, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid (address same as applicant). *Bagged lawn and garden fertilizer,* from Knox, IN to points in OH, MI, IL, WI, MN, IA, MO, CO, KS, NE, ND and SD for 180 days. Supporting shipper(s): Knox Fertilizer & Chemical Co., Inc., W. Culver Road, P.O. Box 248, Knox, IN 46534. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 59856 (Sub-86TA), filed January 30, 1980. Applicant: SALT CREEK FREIGHTWAYS, P.O. Box 39, Casper, WY 82602. Representative: John R. Davidson, DAVIDSON, VEEDER, BAUGH, BROEDER & POPPLER, P.C. Suite 805 Midland Bank Building, Billings, MT 59101. Common carrier, regular route, transporting *general commodities* except those of unusual value, Classes A & B Explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Casper, WY and Minneapolis-St. Paul, MN and their respective commercial zones. From Casper over combined Interstate Hwy 25 and U.S. Hwy 87 to their junction with WY Hwy 387, then over WY Hwy 387 to its junction with WY Hwy 59, then over WY Hwy 59 to its junction with Interstate Hwy 90 at or near Gillette, WY, then over Interstate Hwy 90 to its junction with Interstate Hwy 35, then over Interstate Hwy 35 to its intersection into Interstate Hwys 35 W. and 35 E., then over Interstate Hwys 35 W. to Minneapolis and Interstate Hwy 35 E. to St. Paul, and return over the same route, serving the intermediate points of Gillette, WY and Rapid City, SD. Supporting shipper(s): There are 176 shippers. Their statements may be examined at the office listed below or at Headquarters Office. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission Rm. 105 Federal Bldg & Crt House, 111 South Wolcott, Casper, WY 82601.

Note.— Applicant requests waiver of restrictions against tacking, interline and service to commercial zones.

MC 99136 (Sub-4TA), filed January 17, 1980. Applicant: CHARLES C. TOWNE & SONS, INC., 25 Hampshire Road, Methuen, MA 01844. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. *Such Commodities* as are dealt in by retail department stores (except commodities in bulk) from Needham and Methuen, MA to Goffstown and Nashua, NH for 180 days. An underlying ETA seeks 90 days

authority. Supporting shipper(s): Lee Shops, Inc., 101 Hampton Ave., Needham, MA 02192. Send protests to: D/S John B. Thomas, ICC, 150 Causeway St., Room 501, Boston, MA 02114.

MC 100666 (Sub-525TA), filed January 31, 1980. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same as above). *Canned fruit* from facilities of Wintergarden Warehouse at Brownsville, TX to points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, TN, and WI for 180 days. Underlying ETA filed. Supporting shipper(s): San Antonio Foreign Trading Company, 306 West Rhapsody, San Antonio, TX 78216. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600 Fort Worth, TX 76102.

MC 102546 (Sub-4TA), filed January 31, 1980. Applicant: BLUE FLASH EXPRESS INCORPORATED, Route 1, Box 233, Zachary, LA 70791. Representative: L. F. Aguillard, Route 1, Box 233, Zachary, LA 70791. *Chemicals, in bulk, liquid or dry,* between points in LA on the one hand, and on the other, points in the States of MS, NC, TN, KS, TX, AR, GA, AL, SC, and OK. Between points in LA having prior or subsequent movements by rail or water, for 180 days. Underlying ETA filed. Supporting shipper(s): I.C.I. Americas Inc., P.O. Box 271, Baton Rouge, LA 70821. Send protests to: Opal Jones, TCS, ICC, Suite 600, 411 W. 7th St., Fort Worth, TX 76102.

MC 107006 (Sub-6TA), filed December 21, 1979. Applicant: THOMAS KAPPEL, INC., P.O. Box 1408, 2925 Columbus Ave., Springfield, OH 45501. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. Contract carrier-irregular routes: *Such articles as are dealt in or used by agricultural equipment, industrial equipment and motor vehicle manufacturers or dealers, except commodities in bulk,* between the facilities of or utilized by International Harvester Company at Canton, Chicago, East Moline, Libertyville, Melrose Park, and Rock Island, IL; Fort Wayne and Indianapolis, IN; Louisville, KY; Springfield, OH; Memphis, TN; and Waukesha, WI, on the one hand, and on the other, points in IL, IN, KY, MD, MI, MO, NY, PA, OH, TN, WI, and WV, under a continuing contract or contracts with International Harvester Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Harvester Company, 401 N. Michigan Ave., Chicago, IL 60611. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 107496 (Sub-1269TA), filed December 14, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Alcohol, in bulk, in tank vehicles,* from Rockport, MO, to points in IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Agri-Fuels Corporation, Rockport, MO 64482. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1270TA), filed January 4, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Fly ash, in bulk, in tank vehicles,* from Weston, MO, to points in KS, IA, and NE, for 180 days. Supporting shipper(s): Walter Handy Co., 1948 "C" S. Glenstone, Springfield, MO 65804. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 119176 (Sub-30TA), filed January 21, 1980. Applicant: THE SQUAW TRANSIT COMPANY, 6211 South 49th West Avenue, P.O. Box 9368, Tulsa, OK 74107. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. (1) *Grain and forage silos and related parts, equipment and supplies* (except in bulk); and (2) *materials and supplies (except in bulk) used in the manufacture of the commodities named in (1) above,* between the facilities of Southwestern Porcelain, Inc., at or near Sand Springs, OK, on the one hand, and, on the other, points in the United States, (ex. AK and HI), for 180 days. Supporting shipper(s): Southwestern Porcelain, Inc., P.O. Box 8, Sand Springs, OK 74063. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 123476 (Sub-53TA), filed January 21, 1980. Applicant: CURTIS TRANSPORT, INC., #23 Grandview Ind. CT., Arnold, MO 63010. Representative: David G. Dimit, #23 Grandview Inc. CT., Arnold, MO 63010. *Plastic products and expanded plastic products (except in bulk, in tank vehicles)* between Maryland Heights, MO on the one hand and on the other Galesburg, IL and Bloomington, IL for 180 days. Underlying ETA filed. Supporting shipper(s): Foam Products, Corporation, 2525 Adie, Maryland Heights, MO. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 124236 (Sub-106TA), filed January 22, 1980. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 North Central Expressway, Dallas, TX 75205. Representative: Rodney D. Cokendolpher, 4645 North Central Expressway, Dallas, TX 75205. *Barite, in bulk* from Malvern, AR to Canadian, TX for 180 days. Supporting shipper: NL Baroid/NL Industries, Inc., P.O. Box 1675, Houston, TX 77001. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 125916 (Sub-18TA), filed December 13, 1979. Applicant: NORWOOD TRANSPORTATION, INC., 2232 S. 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, 800 Beneficial Life Towers, 36 S. State St., Salt Lake City, CO 94111. *Salt in bulk,* from Solar, UT to Boise, Nampa and Twin Falls, ID, for 180 days. There is an underlying ETA seeking 90 days authority. Supporting shipper: American Salt Company, 270 Crossroads Square, Salt Lake City, UT 84111. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 125996 (Sub-92TA), filed January 10, 1980. Applicant: GOLDEN TRANSPORTATION, INC., 2200 S. 400 West, Salt Lake City, UT 84115. Representative: William J. Lawson, P.O. Box 9248, Fresno CA 93791. *Snack Foods,* from Fresno, CA to ID, OR, NV and WA, for 180 days. Supporting shipper: Tom's Foods, P.O. Box 12144, Fresno, CA 93776. Send protests to:

MC 126736 (Sub-134TA), filed January 23, 1980. Applicant: FLORIDA ROCK AND TANK LINES, INC., P.O. Box 1559, Jacksonville, FL 32201. Representative: L. H. Blow (same address as applicant). *Petroleum and petroleum products, in bulk, in tank vehicles* from Albany, GA to Jacksonville, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Colonial Oil Company, 1903 E. Adams Street, Jacksonville, FL 32202. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 128746 (Sub-61TA), filed January 4, 1980. Applicant: D'AGATA NATIONAL TRUCKING COMPANY, 3240 South 61st St., Philadelphia, PA 19153. Representative: Edward J. Kiley, 1730 M Street, N.W., Suite 501, Washington, DC 20036. *Malt beverages and materials, supplies and equipment used in the manufacture, sale and distribution of malt beverages,* between the Schlitz Brewing Company facilities at Winston-Salem, NC to points in CT, ME, MA, NH, PA, RI, MD, NY, NJ, DE and VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jos. Schlitz Brewing Company, 235 West Galena, Milwaukee, WI 53201. Send protests to: ICC 101 N. 7th St., Philadelphia, PA 19106.

MC 134716 (Sub-13TA), filed January 25, 1980. Applicant: RUSH TRUCKING, INC., 200 S.W. 19th St., Fort Lauderdale, FL 33316. Representative: John P. Bond, 2766 Douglas Rd., Miami, FL 33133. *Cosmetics, toilet preparations, toilet articles and premiums, equipment and supplies used in connection with the described commodities* for account with Avon Products, Inc. between all points and places in the counties of Charlotte, Collier, DeSoto, Hardee, Lee and Sarasota, FL, all shipments having a prior movement by motor carrier in interstate commerce for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Avon Products, Inc., 2200 Cotillion Dr., Atlanta, GA 30302. Send protests to: Donna M. Jones, T/A, ICC-BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, Fl 33166.

MC 134806 (Sub-64TA), filed January 14, 1980. Applicant: B–D–R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. Contract carrier, irregular routes: *new furniture, antiques, household furnishings and garden furniture,* from Watertown, MA to Denver and Boulder, CO, Salt Lake City, UT, Las Vegas and Reno, NV and points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Trouvailles, Inc., 64 Grove Street, Watertown, MA 02172. Send protests to: Carol A. Perry, TA, ICC, P.O. Box 548, Montpelier, VT 05602.

MC 135846 (Sub-7TA), filed January 16, 1980. Applicant: M. S. MOLITOR d.b.a. MOLITOR TRUCKING, P.O. Box 259, Boulder, MT 59632. Representative: John R. Davidson, Davidson, Veeder, Baugh, Broeder & Poppler, Suite 805, First Bank Bldg., Billings, MT 59101. *Alcoholic beverages,* in containers, from the facilities of Alpha Industries, Inc. at or near Helena, MT to points in CA, ID, MN, ND, OR, SD, WA and WY; and *glass containers* used in the bottling of the commodity on return, for 180 days. Supporting shipper(s): Alpha Industries, Inc., 740 Front Street, Helena, MT 59601. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 135936 (Sub-29TA), filed January 9, 1980. Applicant: C & K TRANSPORT, INC., Box 205, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Ctr., Des Moines, IA 50309. *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Cases, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from the facilities of Farmland Foods at Denison, Iowa Falls, Carroll, Fort Dodge, Sioux City, Cherokee, and Des Moines, IA; and Crete, Lincoln, and Omaha, NE, to points in AR, IL, IA, IN, KS, KY, LA, MI, MN, MS, MO, NE, OK, SD, TN, TX, and WI, for 180 days. Supporting Shipper(s): Farmland Foods, Inc., Box 403, Denison, IA 51442. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 135936 (Sub-30TA), filed January 29, 1980. Applicant: C & K Transport, Inc., Box 205, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Ctr., Des Moines, IA 50309. *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Description Descriptions in Motor Carrier Cases, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from the facilities of Iowa Beef Processors, Inc. at or near Denison and Ft. Dodge, IA, to the facilities of Iowa Beef Processors, Inc. at or near Dakota City, NE, and Emporia, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 139906 (Sub-94TA), filed November 28, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 S. 14th St., Box 81849, Lincoln, NE 68501. *Bread Crumbs,* from Vernon, CA to Tampa, FL; New York, NY; Ponchatoula, LA; Chicago, IL; Brunswick, GA; Dallas, TX; and Brownsville, TX; and points in their respective commercial zones, for 180 days. There is an underlying ETA seeking 90 days authority. Supporting Shipper(s): Modern Maid Food Products, Inc., 200 Garden City Plaza, Garden City, NY 11530. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT 84138.

MC 139906 (Sub-95TA), filed December 5, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 S. 14th St., Box 81849, Lincoln, NE 68501. *Carbon Black, in bags,* from Borger and Eldon (Baytown), TX, to points in IL, MA, NJ, OH, and OK; and (2) from Eldon (Baytown), TX, to points in MI, for 180 days. Supporting Shipper(s): J. M. Huber Corporation, Thornall Street, Edison, NJ 08817. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 139906 (Sub-96TA), filed December 12, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 W. 2200 South, Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 S. 14th St., Box 81849, Lincoln, NE 68501. *(1) Medical and Surgical Equipment and Supplies; and (2) Parts Materials and Supplies used in the manufacture, sale and distribution of the commodities listed in (1) above, except in bulk;* (a) between facilities of Automated Molding Co. at or near Pamona, CA and facilities of Bard-Parker, div. of Becton Dickinson & Co. at or near Los Gatos, CA; Ocala, FL; Hancock, NY; and Salt Lake City, UT; and (b) from the facilities listed in (a) above to Benetia, CA; Atlanta, GA; Itasca, IL; Fairfield, NJ; and Dallas, TX and points in their commercial zones, for 180 days. Supporting shipper: Becton, Dickinson and Company, Rutherford, NJ 07070. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 139906 (Sub-97TA), filed December 21, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 W. 2200 South, Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 S. 14th St., Box 81849, Lincoln, NE 68501. *Such Merchandise as is dealt and used by Wholesale, Retail, and Chain Grocery and Food Business Houses (except in bulk),* from facilities of Lever Brothers Co. at or near Los Angeles, CA to points in the United States in and east of ND, SD, NE, KS, OK, and TX, for 180 days. Supporting shipper: Lever Brothers Company, 390 Park Avenue, New York, NY 10022. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 139906 (Sub-98TA), filed December 27, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 W. 2200 South, Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 S. 14th St., Box 81849, Lincoln, NE 68501. *Plumber's Goods,* from the facilities of Norris Industries, Price Pfister Div., at or near Pacoima, CA and the facilities of Norris Industries, Plumbing Fixtures Div., at or near City of Industry, CA to Atlanta, GA; Chicago, IL; Elizabeth, NJ; and Dallas, TX, and points in their respective commercial zones, for 180 days. Supporting shipper: Norris Industries, 13500 Paxton Street,

Pacoima, CA 91331. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 142676 (Sub-4TA), filed December 13, 1979. Applicant: DONNIE D. MOOREFIELD, P.O. Drawer G, Shady Spring, WV 25918. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Livestock and poultry feed, in bags and in bulk in special pneumatic unloading equipment,* from Eighty-Four and Somerset, PA to points in MD and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Southern States Cooperative, Inc., P.O. Box 26234, Richmond, VA 23260; Agway, Inc., Box 4933, Syracuse, NY 13221. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 143246 (Sub-8TA), filed January 21, 1980. Applicant: LAND TRANSPORT CORPORATION, 24 Sabrina Road, Wellesley, MA 02181. Representative: James E. Mahoney, Attorney-at-Law, 148 State Street, Boston, MA 02109. Contract, irregular *Footwear and materials, supplies and equipment used in the manufacture, sale and distribution of footwear, (except commodities in bulk, in tank vehicles),* between the facilities of or utilized by The Keds Corporation and Sperry-Topsider Co. Inc. at or near Naugatuck, CT; Beacon Falls, CT; Waterbury, CT; Boston, MA, and Skowhegan, ME on the one hand, and, on the other, points in MA, and Atlanta, GA; Dublin, GA and Thomson, GA. Restricted: The authority granted herein is limited to a transportation service to be performed under continuing contracts with The Keds Corporation and Sperry-Topsider Co. Inc. of Naugatuck, CT. Supporting shipper: The Keds Corporation, Sperry-Topsider Co. Inc., 51 Maple Street, Naugatuck, CT 06770. Send protests to: John B. Thomas, D/S, ICC 150 Causeway Street, Boston, MA 02114.

MC 143806 (Sub-2TA), filed January 7, 1980. Applicant: CANADIAN PACIFIC TRANSPORT CO., LTD., 44 W. Pender St., Vancouver, British, Columbia V6B 1R7. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Contract carrier;* irregular routes; *bulk lime,* from Ports of Entry on the international boundary line between the U.S. and Canada in WA to Everett, WA, restricted to traffic originating at Pavilion, British Columbia, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Steel Brothers of Canada, Ltd., 4836 6th Street NE., Calgary, Alberta, Canada T2E 3Z9. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 143956 (Sub-9TA), filed January 28, 1980. Applicant: GARDNER TRUCKING CO., INC., P.O. Box 493, Walterboro, SC 29488. Representative: Steven W. Gardner (same as above). *Compound refrigerant (not less than 85% water) and coller boxes* from Columbia, MD to points in NY, NJ, MA, PA, VT, DE, TN, FL, NC, GA, OH, MI, IN and WV, for 180 days. Supporting shipper: Divajex, Inc., 9645 Gerwig Lane, Columbia, MD 21046. Send protests to: E. E. Strotheid, D/S, ICC, 866 Strom Thurmond Fed. Bldg., 1835 Assembly St., Columbia, SC 29201.

MC 144166 (Sub-6TA), filed January 31, 1980. Applicant: BILL STARR TRUCKING, INC., 1041 Vista Drive, Independence, MO 64056. Representative: Bill Starr, (same as above). Contract carrier, irregular routes, *Toilet preparations and other articles in mixed shipments* from Kansas City, MO to Wichita, KS, Oklahoma City and Tulsa, OK, Dallas, El Paso, Ft. Worth, and Houston, TX, for 180 days. Underlying ETA seeks 90 days filed. Supporting shipper: Avon Products, Inc., 83rd & College, Kansas City, MO 64141. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 144606 (Sub-12TA), filed January 8, 1980. Applicant: DUNCAN SALES & LEASING CO., INC., 714 E. Baseline Rd., Buckeye, AZ 85326. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012. *Expanded plastic bottles,* from Carson, CA to Sulphur Springs, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Mayfair Plastics, 1500 223rd St., Carson, CA. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper(s): Mayfair Plastics, 1500 223rd St., Carson, CA. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 144606 (Sub-13TA), filed January 28, 1980. Applicant: DUNCAN SALES & LEASING CO., INC., 714 E. Baseline Rd., Buckeye, AZ 85326. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012. *(1) Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses and agricultural feed business houses and (2) materials, equipment, ingredients and supplies used in the development, manufacture, distribution and sale of the products in (1) above,* from Denver, CO and its commercial zone, to points in AZ and NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Ralston Purina Co., Checkerboard Square, St., Louis, MO 63188. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper(s): Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 145406 (Sub-43TA), filed December 12, 1979. Applicant: MIDWEST EXPRESS, INC., 696 Central Ave., Dubuque, IA 52001. Representative: Richard A. Westley, Suite 100, 4506 Regent St., Madison, WI 53705. *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from the facilities of Illini Beef Packers, Inc. at or near Joslin, IL, and Davenport, IA, to points in AZ, CA, and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Illini Beef Packers, P.O. Box 245, Geneseo, IL 61254. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145726 (Sub-12TA), filed January 18, 1980. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 S. Lawrence St., Montgomery, AL 36104. *Meats, meat products, and meat by-products, and articles distributed by meat packing houses as described in Sections A & C of Appendix I to the report in descriptions in Motor Carrier Certificate 61 MCC 209 and 766, except hides and commodities in bulk in tank vehicles,* from the facilities of Duffey Foods, Inc., at or near Sylacauga, AL, to those points in the United States in and east of MS, TN, KY, IN and MI, for 180 days. Supporting shippers(s): Duffey Foods, Inc., P.O. Box 828, Sylacauga, AL 35150. Send protests to: Mabel E. Holston, TA, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 145956 (Sub-8TA), filed January 25, 1980. Applicant: TRANSMEDIC CARRIERS, INC., P.O. Box 1394, Largo, FL 33540. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701. *Blood, derivitives of blood, plasma, medical and dental products and materials, equipment, and supplies used for these commodities* restricted to the transportation of shipments originating at or destined to the facilities of Parke, Davis & Co. between points in the U.S. (except AK and HI) for 180

days. An underlying ETA seeks 90 days authority. Supporting shipper: Parke, Davis & Company, P.O. Box 118, Detroit, MI 48232. Send protests to: Donna M. Jones, T/A, ICC–BOp, Monterey Bldg., Suite 101, 8410 NW 53rd Ter., Miami, FL 33166.

MC 146776 (Sub-3TA), filed December 11, 1979. Applicant: QUAD CITY SPOTTING SERVICE, INC., P.O. Box 390, Bettendorf, IA 52722. Representative: William L. Fairbank, 1980 Financial Ctr., Des Moines, IA 50309. *Contract Carrier,* Irregular Routes. (1) *agricultural equipment parts and* (2) *materials and supplies used in the manufacture of agricultural equipment parts* between the facilities of International Harvester Company at Rock Island, IL, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, and WI, for 180 days, under contract with International Harvester Company. An underlying ETA seeks 90 days authority. Supporting shipper: International Harvester Company, 500 42nd St., Rock Island, IL 61201. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 146927 (Sub-3TA), filed December 4, 1979. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Printing paper and wood pulp, from the facilities of SCM Allied Paper, Inc., at or near Jackson, AL to points in MS and LA. Supporting shipper: SCM Allied Paper, Inc., 307 Industrial Road, Jackson, AL 36545. Send protests to: Alan C. Tarrant, D/S, ICC, Suite 1441, Federal Bldg., 100 West Capitol St., Jackson, MS 39201.

MC 147196 (Sub-4TA), filed January 8, 1980. Applicant ECONOMY TRANSPORT, INC., P.O. Box 10262, New Orleans, LA 70150. Representative: Donald J. Larousse (same address as applicant). Applicant is seeking authority as a *contract* carrier over irregular routes to transport *bread crumbs, breadmaking ingredients and preparations (except in bulk and other than frozen) and supplies and equipment related thereto* from the facility of Modern Maid Foods, Ponchatoula, LA to all points in the states of AL, AR, CA, CO, FL, GA, IL, IN, KY, MS, MO, NE, OK, and TX, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper: Modern Maid Foods, 200 Garden City Plaza, Garden City, NY 11530. Send protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 147196 (Sub-5TA), filed January 31, 1980. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Donald A. Larousse (same as above). Contract carrier, irregular routes, *Non-alcoholic carbonated beverages and related advertising matter; materials, supplies and equipment used in manufacture, sale and distribution of non-alcoholic carbonated beverages* from Houston, TX to all points in the State of LA for 180 days. Supporting shipper: Shasta Beverages, 7333 Major Street, Houston, TX 77061. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600 Fort Worth, TX 76102.

MC 147196 (Sub-6TA), filed January 8, 1980. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 10262, New Orleans, LA 70150. Representative: Donald J. Larousse, (same address as applicant). Applicant is seeking authority as a *contract carrier* over irregular routes, to transport *Malt beverages and related advertising matter; supplies amd equipment used in the manufacture, sale and disbribution of malt beverages* from the facility of Shasta Beverages located at Birmingham, AL to all points in the states of AR, FL, GA, LA, MS, and TN, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper: Modern Maid Foods, 200 Garden City Plaza, Garden City, NY 11530. Send protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 147366 (Sub-3TA), filed January 22, 1980. Applicant: LEAVITT TRUCKING, INC., 1905 Covina Drive, Sparks, NV 89431. Representative: Ralph K. Leavitt (same as applicant). *General commodities,* except commodities in bulk, articles of unusual value, household goods as defined by the Commission and Class A and B explosives and those requiring special equipment (1) over irregular routes between Reno and Sparks, NV, on the one hand to Carson City, NV; and (2) alternate routes to service Crystal Bay and Incline Village, NV and points in Ormsby, Storey, Douglas and Lyon County as off-route points in connection with carriers otherwise authorized operations for 180 days. NOTE: Applicant proposes to interline at Reno, Sparks and Carson City, NV. Supporting shipper(s): There are five shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: W. J. Huetig, DS, ICC, 705 N. Plaza Street, Carson City, NV 89701.

MC 147886 (Sub-7TA), filed January 30, 1980. Applicant: A M & M, INC., 33 Bolivar Highway, Jackson, TN 38301. Representative: R. Connor Wiggins, Suite 909, 100 N. Main St., Memphis, TN 38103. *Electric lighting fixtures and parts thereof,* from facilities of ITT Lighting Division at or near Southaven, MS to points in CA, TX, MN, AL, WI, KY and Longwood, FL; Raleigh, NC; Nashville, TN; Richmond, VA; Norwell, MA; Chicago, IL; Atlanta, GA; Kansas City, KS; New Orleans, LA; Denver, CO and Seattle, WA. Supporting shipper: ITT Lighting Division, P.O. Box 195, Vermillion, OH 44089. Send protests to: Diana J. Porter, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 148036 (Sub-3TA), filed January 25, 1980. Applicant: RED WING TRANSPORTATION CORP., 3154 North Service Drive, Red Wing, MN 55066. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *General commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between the facilities utilized by Minnesota Inter-modal Shippers Association, Inc., at or near Minneapolis, MN, on the one hand, and on the other, Philadelphia, PA for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper: Minnesota Inter-modal Shippers Association, Inc., 2500 Kennedy Street, NE., Minneapolis, MN 55413. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 148286, filed September 26, 1979. Applicant: RALPH OPPERMAN, 1017 Valley View Drive, Fortuna, CA 95540. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010, (213) 937–7744. *Contract carrier, irregular routes:* (1) *Steel suspension ceiling grid systems,* and (2) *materials and supplies used in the sale, distribution and construction of (1),* from facilities of Chicago Metallic Corporation, Vernon CA to Boise and Pocatello, ID; Las Vegas, NV; Medford and Portland, OR; Salt Lake City, UT; and Seattle, Spokane and Yakima, WA, and points within 25 miles of the above named cities, for 180 days. Supporting shipper: Chicago Metallic Corporation, 5501 Downey Road, Vernon, CA 90051. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500 San Francisco, CA 94105.

MC 148786 (Sub-3TA), filed January 31, 1980. Applicant: JOE GOOD, d.b.a. GOOD TRANSPORTATION, P.O. Box

335, Lovell, WY 82431. Representative: John T. Wirth, 2600 Energy Center One, 717 17th Street, Denver, CO 80202. *Lumber, lumber mill products, composition board, millwork, and building materials,* (1) from points in ID and MT to points in CO and WY, and (2) from Denver, CO and its commercial zone to points in WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mossmain Industries, P.O. Box 20833, Billings, MT 59104; Billings Rus-Tique Brick, Inc. 531 Sugar Ave., Billings, MT 59107; Powers Brick and Title, P.O. Box 1187, Cheyenne, WY 82001; Georgia-Pacific Corporation, 900 S.W. Fifth Ave., Portland, OR 97204. Send protests to: District Supervisor, Paul A. Naughton, Interstate Commerce Commission, Room 105 Federal Bldg & Court House, 111 South Wolcott, Casper, WY 82601.

MC 149026 (Sub-4TA), filed January 16, 1980. Applicant: TRANS-STATES LINES, INC., 2604 Industrial Park Road, Van Buren, AR 72956. Representative: Larry C. Price, P.O. Box 48, Fort Smith, AR 72902. *Pumps, valves, pipe fittings, iron or steel articles, supplies and equipment* between Cudahy and Kenosha, WI; Cynthiana and Lexington, KY; Chicago, IL; Houston, TX; Cincinnati, OH and Russellville, AR for 180 days. Underlying ETA filed. Supporting shipper: Ladish Company, Cudahy, WI 53110. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 149126 (Sub-1TA), filed December 31, 1979. Applicant: NORRIS A. BAIE, d.b.a. BAIE ENTERPRISES, 109 Second Ave., SW., State Center, IA 50247. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Contract Carrier, Irregular Routes *(1) plastic articles and (2) equipment, materials, and supplies used in the manufacture of plastic articles (except commodities in bulk)* between Eldora, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Quality Products, Inc., Eldora, IA 50627. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 149277, filed January 16, 1980. Applicant: MID-SOUTH TRANSPORTATION, INC., P.O. Box 113, Springdale, AR 72764. Representative: Don Garrison, Attorney, P.O. Box 1065, Fayetteville, AR 71701. *Extruded aluminum and parts, equipment and supplies used in the manufacture, sale, and distribution thereof* between the facilities of Taber Metals, Inc. at or near Russellville, AR and Phoenix, AZ and Los Angeles, CA. Restricted to the transportation of traffic originating at or destined to the facilities of Taber Metals, Inc. for 180 days. Underlying ETA filed. Supporting shipper: Taber Metals, Inc., P.O. Box 1418, Russellville, AR 72801. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

Notice NO. F-3

The following applications were filed in the Boston, MA, regional office. Send protests to: Complaint/Authority Center, I.C.C., 150 Causeway Street, Room 501, Boston, MA 02114.

MC 140349 (Sub-1-1TA), filed February 14, 1980. Applicant: COPE/BESTWAY EXPRESS, INC., 2024 Harvey Road, Grand Island, New York 14072. Representative: D. Thomas Cope, 2024 Harvey Road, Grand Island, New York 14072. *Contract, Abrasives and materials used in the manufacture of abrasives, insulating materials and materials used in the manufacture of high temperature insulating materials and refractory products,* between the State of MA on the one hand, and, on the other, to North Tonawanda, NY, Angola, NY and Lackawanna, NY in the county of Erie. Supporting shippers: Flex-O-Vit Corporation in Angola, NY, National Grinding Wheel Div. Federal Mogul of North Tonawanda, NY, Ferro Corporation-Electro Division of Lackawanna, NY.

MC 150077 (Sub-1-1TA), filed February 14, 1980. Applicant: LYN TRANSPORT, INC., 37 North Central Avenue, Elmsford, NY 10532. Representative: Bruce J. Robbins, Esq., Robbins & Newman, 118-21 Queens Boulevard, Forest Hills, NY 11375. *Contract, Meats, meat products, meat by-products and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix 1 to the Report in *Descriptions of Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Muncie and Indianapolis, IN, to points in the U.S. in and east of MI, IN, KY, TN, and AL, under contract with Meadow Meats, Inc. Supporting shipper: Meadow Meats, Inc. of Muncie, IN. An underlying ETA seeks 90 days authority.

MC 6741 (Sub-1-1TA), filed February 11, 1980. Applicant: WILLEY's EXPRESS, INC., P.O. Box 2009, Concord, NH 03301. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. *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), (1) between Lowell, MA and Providence, RI, serving all intermediate points and all points in RI as off-route points, from Lowell, MA over Interstate Hwy 495 to junction Interstate Hwy 290 to Worcester, MA, then over MA Hwy 146 to Providence, RI and return over the same route, (2) between Boston, MA and Providence, RI serving all intermediate points and all points in RI as off-route points, from Boston, MA over MA Hwy 3 to junction MA Hwy 128, then over MA Hwy 128 to junction Interstate Hwy 95 to Providence, RI, and return over the same route; and (3) between Boston, MA and Worcester, MA serving all intermediate points, from Boston, MA over Interstate Hwy 90 to junction Interstate Hwy 290, then over Interstate Hwy 290 to Worcester, MA, and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): None.

MC 6741 (Sub-1-3TA), filed February 11, 1980. Applicant: WILLEY'S EXPRESS, INC., P.O. Box 2009, Concord, NH 03301. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. *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 all points in NH as off-route points in connection with carrier's authorized regular routes, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): None.

MC 150078 (Sub-1-1TA), filed February 11, 1980. Applicant: FALL MT. TRANSPORT, INC., P.O. Box 170, Charlestown, New Hampshire 03603. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Authority sought to operate as a Contract Carrier by motor vehicle over irregular routes transporting: *Petroleum and petroleum products, in bulk, in tank vehicles,* from Boston and West Boylston, MA to points in NH and VT for 180 days under a continuing contract or contracts with Johnson Petroleum, Inc., Chelsea, MA. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Johnson Petroleum, Inc., 295 Eastern Avenue, Chelsea, MA 02150.

MC 99749 (Sub-1-1TA), filed February 7, 1980. Applicant: BOURNE'S TRANSPORTATION, INC., 1029 Pearl Street, Brockton, MA 02401. Representative: Jon F. Hollengren, 1032

PA Bldg., Pennsylvania Avenue and 13th Street, N.W., Washington, D.C. 20004. Authority sought: *Boots and shoes, boot and shoe factory materials, supplies and equipment*, between Clarksville, Lebanon and Nashville, TN, on the one hand, and, on the other, Windsor, VT, and points in ME, MA, and NH for 180 days. Supporting shippers: Acme Boot Co, Inc., Clarksville, TN 37040; Vulcan Corporation, Brockton, MA 02401; Genesco, Inc., Nashville, TN 37202; Ouimet Stay & Leather Co., Brockton, MA 02403.

MC 144891 (Sub-1–2TA), filed February 7, 1980. Applicant: CASSIDY'S TRANSFER & STORAGE LIMITED, 1001 MacKay Street, P.O. Box 515, Pembroke, Ontario, Canada K8A 6X7. Representative: Robert D. Gunderman, Esq., Suite 710 Statler Building, Buffalo, New York 14202. *Contract carrier, irregular routes, new, uncrated office furniture*, from ports of entry on the International Boundary Line between the U.S. and Canada in NY and MI to points in CT, GA, KY, MD, MI, NE, NY, OH, PA, TX, WI and DC, returned shipments of the same commodities in the reverse direction, restricted to the transportation of traffic under contract with Storwall International Inc. originating at or destined to its facilities in Pembroke, Ontario. For 180 days. Supporting shipper: Storwall International Inc, 1000 Olympic Drive, Pembroke, Ontario.

MC 8713 (Sub-1–1TA), filed February 12, 1980. Applicant: BRAUN'S EXPRESS, INC., P.O. Box 251, Medway, MA 02053. Representative: Edward J. Kiley, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. *Computers, computer parts, and materials and supplies used in the manufacture and distribution of computers* (1) Between Northborough, Westminster and Westfield, MA, on the one hand, and, on the other, Derry, Salem, Nashua, and Merrimack, NH; (2) from Derry, Salem, Nashua, and Merrimack, NH to Logan International Airport at or near Boston, MA. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Digital Equipment Corporation, Northborough, MA 01532.

MC 145914 (Sub-1–1TA), filed February 7, 1980. Applicant: COASTAL TRUCK LINES, INC., How Lane, New Brunswick, NJ 08903. Representative: Herbert Burstein, Esq., 1 World Trade Center, Suite 2373, New York, NY 10048. Authority sought: *Contract Carrier, Irregular Routes: Commodities for use in and sale from wholesale, retail and chain grocery and food business houses (except frozen commodities and commodities in bulk)*, Between the facilities of Clorox Co. at Jersey City, NJ and in Hudson County, NJ, to points in the counties of Albany, Columbia, Dutchess, Greene, Montgomery, Orange, Putham, Renssalaer, Rockland, Saratoga, Schenectady, Ulster, Warren and Westchester, NY under contract with Clorox Co. For 180 days. Supporting shipper: The Clorox Co., 1221 Broadway, Oakland, CA 94612.

MC 71593 (Sub-1–1TA), filed February 7, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076. Representative: David W. Swenson (same as applicant). Authority sought: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) which are at the time moving on Bills of Lading of freight forwarders under Part IV of the I.C.C. Act between Milwaukee, WI, on the one hand, and Chicago, IL, on the other. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): New England Forwarding Co. Inc., Jersey City, NJ; Acme Fast Freight, Inc., New Hyde Park, NY; ABC–Trans National Transport, Inc., New York, NY.

MC 149127 (Sub-1–1TA), filed February 5, 1980. Applicant: EDGAR SERVICE COMPANY, INC., 1093 North Montello Street, Brockton, Massachusetts 02403. Representative: Russell S. Callahan, 1093 North Montello Street, Brockton, Massachusetts 02403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting *General Commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, from the facilities of Taylor Rental Corporation at Springfield, MA to points in the United States except Alaska and Hawaii for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Taylor Rental Corporation, 570 Cottage Street, Springfield, MA.

MC 148955 (Sub-1–1TA), filed February 6, 1980. Applicant: LUNDIN'S DRIVEBACK, LTD., R.R. #1, Trenton, Ontario, CD K8V5P4. Representative: Alex J. Miller, P.O. Box 244, Bloomfield Hills, MI 48013. *Buses in driveaway service*, from the International Boundary between the US and CD at Champlain, NY to Boston, MA, and it's commercial zone, restricted to traffic moving in foreign commerce, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): General Motors of CD, Ltd. London, Ontario, CD N6A4N5.

MC 144061 (Sub-1–1TA), filed February 13, 1980. Applicant: SICOMAC CARRIERS, INC., 347 Sicomac Avenue, Wyckoff, New Jersey 07481. Representative: Jack L. Schiller, 345 Webster Avenue, Brooklyn, New York 11230. *Contract, foodstuffs, in bulk*, between the facilities of Capital City Products Co., Division of Stokely-Van Camp, Inc. located at or near Guttenberg, N.J., Kearny, N.J., Bayonne, N.J. & Columbus, OH, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MA, MI, MN, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV, and Wisconsin. Condition: The above traffic is restricted to service to be performed under a contract or continuing contracts with Capital City Products Co.—Division of Stokely-Van Camp, Inc. of Columbus, Ohio. For 180 days. Supporting shipper: Capital City Products Co. Division of Stokely-Van Camp Inc. of Columbus, OH.

MC 119443 (Sub-1–1TA), filed February 13, 1980. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, NJ 08343. Representative: Gerald A. Kramme, Main Street, Monroeville, NJ 08343. *Chocolate products, chocolate liquor, and cocoa butter, in bulk, in tank vehicles equipped with in-transit heating* from Pennsauken Township (Camden County), NJ to Mansfield, MA, Fulton, NY, Altoona, Derry Township (Dauphin County), Humboldt Industrial Park at or near Hazleton, and Lancaster County, PA, and Waco, TX or 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Barry Chocolate, Inc., 1500 Suckle Highway, Pennsauken, NJ 08110.

MC 146440 (Sub-1–1TA), filed February 13, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA 02149. *Polymeric products* from Worcester County, MA to points in the United States (except Alaska and Hawaii) for 180 days. Supporting shipper: Tucker Housewares Division of Cosco, Inc. 345 Central Street, Leominster, MA 01453.

MC 141533 (Sub-1–1TA), filed February 12, 1980. Applicant: LYN TRANSPORT, INC., 37 North Central Avenue, Elmsford, NY 10532. Representative: Bruce J. Robbins, Esq., Robbins & Newman, 118–21 Queens Boulevard, Forest Hills, NY 11375. *Foodstuffs, except in bulk*, from the facilities of Valley Distributing & Storage Company located at or near

Wilkes-Barre and Scranton, PA, to points in the New York, NY Commercial Zone. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Valley Distributing & Storage Company, Wilkes-Barre, PA.

MC 103490 (Sub-1–1TA), filed February 12, 1980. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, NY 12550. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Lubricants* and *materials used in the manufacture of lubricants,* in bulk, in tank vehicles, from Flint, MI and Duluth, MN, to points in CT, MA, ME, NH, RI and VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Intercontinental Lubricants Corp., P.O. Box 208, Brookfield, CT 06804.

MC 150060 (Sub-1–1TA), filed February 12, 1980. Applicant: FLOYD DUNFORD, LTD., Box 381, Peterborough, Ontario, Canada K9J 6Z3. Representative: William J. Lavelle, Esquire, Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier,* by motor vehicle, over *irregular routes,* transporting: *Nepheline syenite,* in bulk, in pneumatic tank vehicles, from ports of entry on the International Boundary Line between the United States and Canada located on the Niagara River to the facilities of Glass Containers Corporation located at Knox, Parker and Marienville, PA., and the return of rejected, refused or damaged shipments. Restriction: The authority granted herein is restricted to the transportation of shipments moving from or to points in Canada for 180 days. An underlying ETA seeks 90 days. Supporting shipper: Glass Containers Corporation, Knox, PA.

MC 16513 (Sub-1–1TA), filed February 12, 1980. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Avenue, Pennsauken, New Jersey 08110. Representative: James V. Fleming III (same as applicant). (1) *Plastic articles,* from Dover, NH to Cinnaminson, NJ and (2) *material, equipment, and supplies used in the sale and distribution of plastic articles* (except commodities in bulk), from Cinnaminson, NJ to Dover, NH. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Certified Chemicals, Inc. Cinnaminson, NJ 08077.

MC 144189 (Sub-1–1TA), filed February 12, 1980. Applicant: CORPORATE TRANSPORT INC., 107 7th North Street, Liverpool, NY 13088. Representatives: John L. Alfano and, Roy A. Jacobs, Esqs. (Alfano & Alfano, P.C.), 550 Mamaroneck Avenue, Harrison, NY 10528. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *Such Commodities as are dealt in by a manufacturer of paper and paper products, except in bulk,* from the facilities of Middletown Paperboard Co. at Middletown, OH to points in Baltimore, MD, Rochester, NY, Delano and E. Greenville, PA. *Restricted* to a transportation service to be performed under a continuing contract(s) with Middletown Paperboard Co. of Middletown, OH, for 180 days. Supporting Shipper: Middletown Paperboard Co., P.O. Box 29, Middletown, OH 45042.

MC 150059 (Sub-1–1), filed February 11, 1980. Applicant: ROBERTI-WHITE, INC., 38 Dike Street, Providence, RI 02909. Representative: Morris J. Levin, Levin & Toomey, 1050 Seventeenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *edible flour and donut sugar topping* (other than in bulk), from Martel, OH, to points in CT, ME, MA and NY, for 180 days. Supporting Shipper: The Pillsbury Company, 608 Second Avenue, S. Minneapolis, MN 55402.

MC 148274 (Sub-1–1), filed February 6, 1980. Applicant: M&S TRANSPORT, INC., P.O. Box 343, Scarborough, New York 10510. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, New Jersey 07006. Temporary authority sought to operate as a contract carrier, over irregular routes in the transportation of (1) motor vehicle parts and (2) materials and supplies used in the manufacture or distribution of motor vehicles and motor vehicle parts (except commodities in bulk), *between* the facilities of General Motors Parts Division at Bensalem, PA on the one hand, and, on the other, points in NJ; New York, NY, and its commercial zone and points in Broome, Chemung, Chenango, Cortland, Delaware, Greene, Orange, Ostego, Rockland, Schoharie, Sullivan, Tioga, Tompkins, Ulster and Westchester Counties, NY; New Castle County, DE, and points in Bucks, Berks, Bradford, Carbon, Chester, Columbia, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Schuylkill, Sullivan, Susquehanna, Wayne, and Wyoming Counties, PA, under continuing contract(s) with General Motors. An underlying emergency temporary authority application has been filed for 90 days authority.

The following applications were filed in the Philadelphia Regional Office. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St. Rm. 620, Philadephia, PA 19106.

MC 94265 (Sub-2–2TA), filed February 4, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Rte. 460 W, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Toilet preparations* from the facilities of Iodent Way Chemical Co., Inc., at Elizabethtown, TN to Birmingham, AL; Orlando, FL; Chicago, IL; Minneapolis, St. Paul and Eagan, MN; Milwaukee, WI; St. Louis, MO; and Scottsville, KY, (and the commercial zone of each city respectively), for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Iodent Way Chemical Co., Inc., Iodent Industrial Way, Elizabethtown, TN 37643.

MC 142224 (Sub-2–1TA), filed February 11, 1980. Applicant: CHARLES GAJDA AND CHESTER GAJDA, co-partners, d.b.a. GAJDA TRUCKING CO., a partnership, R.D. #3, Volant, PA 16156. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Coal, in bulk, in dump vehicles* from the facilities of Amerikohl Management Corp. in Lawrence County, PA to points in OH and NY, for 180 days. Supporting shipper(s): Amerikohl Management Corp., 114 N. Main St., Butler, PA 16001.

MC 146890 (Sub-2–1TA), filed February 11, 1980. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., N.W., Washington, DC 20001. *Confectionery products and cough drops* from the facilities of Luden's, Inc., at or near Reading, PA, to points in OH, MI, IN, IL, MO, and KY, for 180 days. Supporting shipper(s): Luden's, Inc., 200 N. 8th St., Reading, PA.

MC 111611 (Sub-2–1TA), filed February 5, 1980. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. *Fibrous glass materials and products* from the facilities of Owens-Corning Fiberglas Corp. at or near Conroe, TX to all points in the U.S. (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, OH 43659.

MC 117574 (Sub-2–3TA), filed February 12, 1980. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076

Harrisburg Pike, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same address as applicant); and James W. Hagar, Attorney, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. *Iron or Steel, Iron or Steel Articles,* Between Rock Falls, IL on the one hand, and, on the other, points in IA, IN, KY, MI, MN, MO and WI, for 180 days. Supporting shipper: Northwestern Steel and Wire Company, 121 Wallace Street, Sterling, IL 61081.

MC 117574 (Sub-2–2TA), filed February 4, 1980. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same as applicant) and James W. Hagar, P.O. Box 1166, 100 Pine St., Harrisburg, PA 17108. *Rubber and rubber products, accessories and materials used in the manufacture and installation of rubber products* between the facilities of Carlisle Tire and Rubber Co., Div. of Carlisle Corp., Greenville, IL on the one hand and, on the other, points in the U.S. (except HI) for 180 days. Restricted to transportation of shipments originating at or destined to the above-named facility. Supporting shipper(s): Carlisle Tire and Rubber Co., 621 N. College St., Carlisle, PA 17013.

Note.—Common control may be involved.

MC 117574 (Sub-2–1TA), filed February 8, 1980. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same as applicant) and James W. Hagar, P.O. Box 1166, 100 Pine St., Harrisburg, PA 17108. *(1) Agricultural, construction, industrial and processing implements and equipment, (2) attachments, accessories, parts and materials used in connection with the commodities named in (1) above* between points in the U.S. (except AK and HI) for 180 days. Restricted to shipments originating at or destined to the facilities owned or used by OPICO, Inc., having a subsequent movement in foreign commerce. Supporting shipper: Opico, Inc., P.O. Box 849, Mobile, AL 36601.

MC 142559 (Sub-2–1TA), filed February 4, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH. 44114. Representative: David A. Turano, Baker & Hostetler, 100 East Broad Street, Columbus, OH 43215. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) from points in MA, VT, and Essex and Clinton Counties, NY, to points in CA and points in and east of MN, IA, MO, KS, OK and TX. Restricted to the transportation of traffic moving on bills of lading of the New England Shipping Association Co-operative, for 180 days. Supporting shipper: New England Shipping Association Co-operative, 1029 Pearl St., Brockton, MA 02403.

MC 107403 (Sub-2–1TA), filed February 12, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Landsdowne, PA 19050. Representative: Martin C. Hynes (same as applicant). *Titanium dioxide, in bulk, in tank vehicles* from Hamilton, MS to Bardstown, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, 73125.

MC 135524 (Sub-2–1TA), filed January 28, 1980. Applicant: G. F. TRUCKING CO., 1028 W. Rayen Ave., P.O. Box 229, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509. *Iron and steel articles and equipment, materials and supplies used in the manufacture and distribution of iron and steel articles* between the facilities of North Star Steel Corp. at or near Monroe, MI on the one hand and, on the other, points in the U.S., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): North Star Steel Co., P.O. Box 43189, St. Paul, MN 55164.

MC 99031 (Sub-2–1TA), filed February 4, 1980. Applicant: THE KLUG-DIRECT TRANSPORTATION CO., P.O. Box 72, Stoutsville, OH 43154. Representative: David A. Turano, Baker & Hostetler, 100 East Broad Street, Columbus, OH 43215. *Refractories and steel mill and foundry supplies* (except commodities in bulk), from Cleveland, OH and points in the Cleveland, OH Commercial Zone to Ashland, KY and Huntington, WV. Restricted to traffic originating at the facilities of Foseco, Inc., for 180 days. Supporting shipper: Foseco, Inc., 20200 Sheldon Road, Brookpark, OH 44142.

MC 148677 (Sub-2–1TA), filed February 11, 1980. Applicant: CAM TRUCKING, INC., 1497 Bristol Pike, Morrisville, PA 19067. Representative: Edward N. Kurland, 510 Walnut St., Suite 1800, Phila., PA 19106. *Contract carrier; irregular route: Unfabricated steel* between Burns Harbor, IN; Sparrows Point, MD; Detroit, MI; Cleveland, OH and Chicago, IL on the one hand and, on the other, Altoona (Holidaysburg), PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Maxwell Steel Co., Inc., 300 Linton Ave., Croydon, PA 19020.

MC 150057 (Sub-2–1TA), filed February 11, 1980. Applicant: SIDNEY SMITH, INC., Box 61–B, Sandyville, WV 25275. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV. *Glass containers and closures for glass containers,* from Vienna, WV to points in FL, GA, NC, SC, TN and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Bottle Company, 1 Bala Cynwyd Plaza, Bala Cynwyd, PA 19004.

The following applications were filed in the Ft. Worth Regional Office.

Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street—Suite 600, Fort Worth, TX 76102.

MC 141443 (Sub-5–1TA), filed February 11, 1980. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Applicant's representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Cheese, cheese products and synthetic cheese,* from the facilities of L.D. Schreiber Cheese Co. at or near Logan, UT to points in ID, MT, OR, and WA and refused or rejected shipments of said commodities on return, for 180 days. Supporting shipper(s): L.D. Schreiber Cheese Co., P.O. Box 610, Green Bay, WI 54305.

Note.—Applicant holds motor contract carrier authority in No. MC 124656 and subnumbers thereunder, therefore dual operations may be involved.

MC 135797 (Sub-5–1TA), filed: February 11, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, Arkansas 72745. Applicant's representative: Paul R. Bergant, Esquire, Post Office Box 130, Lowell, Arkansas 72745. (1) *Animal feed and animal feed ingredients* and, (2) *Materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) above. Between points in the United States (except AK and HI). Restricted to traffic originating at or destined to the facilities used by Kal Kan Foods, Inc.

MC 117373 (Sub-5–1TA), filed February 7, 1980. Applicant: NU-WAY TRUCKING CO., INC., 101 East Monroe, Owensville, MO 65066. Applicant's representative: Dennis D. Dunton, 101 East Monroe, Owensville, MO 65066. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Steel tubing and Pipe, and materials, equipment and supplies used or useful in the manufacture and distribution of such commodities (except commodities in bulk and those because of size and weight that require*

the use of special equipment), between the facilities of Maverick Tube Corp. at or near Union, MO on the one hand, and on the other, AR, IL, IN, IA, KY, KS, OK and TX, under a continuing contract or contracts with Maverick Tube Corp., for 180 days. An underlying ETA seeks up to 90 days authority. Supporting Shipper(s): Maverick Tube Corp., 311 N. Lindbergh Blvd., St. Louis MO 63141.

MC 106400 (Sub-5–1TA), filed: February 7, 1980. Applicant: KAW TRANSPORT COMPANY, P.O. Box 8510, Sugar Creek, MO 64054. Applicant's representative: Harold D. Holwick, P.O. Box 8510, Sugar Creek, MO 64054. *Petroleum Lube Oil, in bulk, in tank vehicles,* from Kansas City, KS to the state of MD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Phillips Petroleum Company, 842 Adams Building, Bartlesville, OK 74004.

MC 119789 (Sub-5–1TA), filed February 8, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. *Confectionery* from Salinas, CA to Naugatuck, CT; Frankfort, IN; York, PA; and Dallas, TX. Supporting shipper: Peter Paul-Cadbury, Inc., New Haven Road, Naugatuck, CT 06770.

MC 134286 (Sub-5–1TA), filed February 11, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Applicant's representative: Julie Humbert (same address as above). *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) from the facilities of Tama Meat Packing, Inc. located at or near Tama, IA, to points in NY, MA, NJ, VA, FL, GA, CA, KY, TN, MD, and DC for 180 days. Restricted to traffic originating at the named origin and destined to the named destinations. Underlying ETA. Supporting shipper: Richard N. Cech, Tama Meat Packing, Inc., P.O. Box 209, Tama, IA 52339.

MC 126822 (Sub-5–1TA), filed February 7, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Applicant's representative: John T. Pruitt, 15580 South 169 Highway, Olathe, KS 66061. *Beverages, nonalcoholic and empty containers* between the facilities of Shasta Beverages, Inc., at Lenexa, KS, and points in AR, IL, MO, NE, and OK for 180 days. Supporting shipper: Shasta Beverages, Inc., 9901 Widmer Road, Lenexa, KS 66215.

MC 142508 (Sub-5–2TA), filed January 31, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, Post Office Box 37465, Omaha, NE 68137. Applicant's representative: Georgia A. Reynolds, P.O. Box 37465, Omaha, NE 68137. *Plastic articles, and materials, equipment and supplies used in the manufacture and distribution of plastic articles,* from the facilities of Presto Products, Inc. at Lewiston, UT, to the facilities of Presto Products, Inc. at Appleton, WI for 180 days. An underlying ETA seeks 90-day authority. Supporting shipper: Presto Products, Inc. P.O. Box 2399, Appleton, WI 54913.

MC 140665 (Sub-5–1TA), filed February 11, 1980. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Household and personal care products and materials and supplies used in the manufacture and distribution thereof,* between Ada, MI, on the one hand, and, on the other, points in GA,NJ, TX, CA, WA, CO, and IA.

MC 140665 (Sub-5–2TA), filed February 11, 1980. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Such commodities as are dealt in or used by department, hardware, drug, and food stores* (except commodities in bulk), from the facilities utilized by Bostrum—Warren, Inc. in CA to points in the United States in and east of ND, SD, NE, CO, OK, and TX.

MC 124141 (Sub-5–1TA), filed February 11, 1980. Applicant: JULIAN MARTIN INC., P.O. Box 3348, Hwy 25W, Batesville, Arkansas 72501. Representative: Timothy Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, Virginia 22101. *Hardwood Flooring* from Melbourne, Ark. to Carson, Calif., Houston, Texas, Jessup, Md. and Park Forest South, Ill. An underlying ETA seeks 90 days authority. Supporting shipper: Color Tile Supermat Inc., P.O. Box 2475, Ft. Worth, Texas 76113.

MC 144622 (Sub-5–2TA), filed February 11, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Applicant's representative: Phillip G. Glenn (same address as applicant). *Copper fittings and solder* from Miami, FL on the one hand to Los Angeles, CA on the other. Hearing site: Little Rock, AR.

MC 145441 (Sub-5–5TA), filed February 8, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Applicant's representative: E. Lewis Coffey, Registered Practitioner, P.O. Box 5130, North Little Rock, AR 72119. *Foodstuffs (except commodities in bulk,* From Seagrove, NC to LaPorte, IN for 180 days. Supporting shipper(s): Lucks, Inc., Seagrove, NC 27341.

MC 134467 (Sub-5–1TA), filed February 11, 1980. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Applicant's representative: Charles M. Williams, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, Colorado 80203, (303) 839–5856. *Paper and paper products,* from the facilities of Hal-Rose, Inc., at or near Philadelphia, PA and Jersey City, NJ, to points in OH and MI. Supporting shipper: Hal-Rose, Inc., P.O. Box 1069, Benjamin Fox Pavilion, Jenkintown, PA 19046.

MC 136786 (Sub-5–1TA), filed February 11, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Applicant's representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. (1) *Cleaning and polishing compounds,* textile softeners, lubricants, hypochlorite solutions, deodorants, disinfections, paints, stains, varnishes, plastic bags and filters, and (2) supplies and equipment used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk) between Joliet and Chicago, IL on the one hand, and, on the other, points in the U.S. except AL and HI, restricted to traffic originating at or destined to the facilities of Economics Laboratory, Inc. for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper: Economics Laboratory, Inc., Osborne Building, St. Paul, MN 55102.

MC 116077 (Sub-5–1TA), filed February 11, 1980. Applicant: DSI TRANSPORTS, INC., 4550 One Post Oak Place/Suite 300, Houston, TX 77027, 713–961–1666. Applicant's representative: J. C. Browder, address (same as carrier). *Chemicals, in bulk,* in tank vehicles from the plant site and storage facilites of Shell Oil Company at or near Argo, Illinois, to points in the states of Wisconsin, Minnesota, Iowa, Indiana, Ohio, Michigan, Kentucky, and Missouri. Supporting shipper: Shell Oil Company, Post Office Box 2099, Houston, TX 77001.

MC 133655 (Sub-5–1TA), filed February 11, 1980. Applicant: TRANS-

NATIONAL TRUCK, INC., 4601 Langland Road, P.O. Box 402535, Dallas, TX 75240. Applicant's representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. (1) *Fiberglas rovings, woven rovings, chopped strand, mat, and reinforcements;* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above between Wichita Falls, TX on the one hand, and, on the other, Port Washington, WI and points in MI and IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: CertainTeed Corporation–Frd, 4515 Allendale Road, Wichita Falls, TX 76310 (Joe H. Moore).

MC 124236 (Sub-5–3TA), filed February 6, 1980. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 N. Central Expressway, Dallas, Texas 75205. Applicant's representative: Rodney D. Cokendolpher, address same as above. *Plastic Pellets, in bulk,* from Evansville, Indiana to Shawnee, Oklahoma for 180 days. An underlying ETA seeks 90 days operating authority. Supporting shipper: Simpson Plastics, Inc., 5051 S. Yale, Tulsa, Oklahoma, 74135.

MC 119789 (Sub-5–2TA), filed February 5, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. *Fluorescent lighting fixtures and parts, and fluorescent lamps* from Eufala, AL to AZ, AR, CA, CO, ID, IA, KS, MO, NE, NV, NM, OK, OR, TX, UT, and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Gibson Metalux–Lumark, P.O. Box 1207, Americus, GA 31709.

MC 135861 (Sub-5–2TA), filed February 11, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. To operate as a *contract* carrier by motor vehicle over *irregular* routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in the Report in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Swift & Company at Cactus, TX, Clovis, NM and Guymon, OK, to points in AL, FL, GA, NC, SC, TN, CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV and DC, under continuing contract(s) with Swift & Company, Chicago, IL, *for 180 days.* Supporting shipper: Swift & Co., 115 W. Jackson Blvd., Chicago, IL 60604.

MC 41116 (Sub-5–1TA), Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, Louisiana 70526. Applicant's representative: Austin L. Hatchell, Lanham, Hatchell, Sedberry & Hoffman, P.O. Box 2165, Austin, Texas 78768. Authority sought as a *Contract* carrier, by motor vehicle, over *Irregular* routes, transporting: (1) Paper and paper products (except in bulk), (2) Materials and supplies used in the manufacture, distribution or sale of (1), (except in bulk), between Ferguson, MS, on the one hand, and, on the other, Kansas City, MO. Supporting shipper: St. Regis Paper Company, 150 E. 42nd Street, New York, NY, 10017.

MC 150048 (Sub-5–1TA), filed February 11, 1980. Applicant: LEE AND ED VAN WINKLE, d.b.a. ED VAN WINKLE, 622 Rock Springs Road, Junction, TX 76849. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Authority to operate as a *contract* carrier by motor vehicle over *irregular* routes, transporting: *Cedar fiber, nutshell, mica, bentonite, soda ash, lignite, barite, sodium bicarbonite, ground paper, starch, potash, gilsonite, and carbontrol,* in bags, in shipper owned trailers, (1) From Junction, Kennedale and Utopia, TX, to points in CO, ID, MT, ND, NE, NV, NM, OK, SD, and UT; and (2) from points in CO, KS, NM, SD, TX, UT and WY, to Oklahoma City, OK, and Midland, Odessa and Gonzales, TX, under continuing contract(s) with Cedar Fiber Co., Inc., Junction, TX *for 180 days.* Applicant seeks an underlying ETA for 90 days.

MC 146765 (Sub-5–1TA), filed February 11, 1980. Applicant: DAYTON ENTERPRISES, INC., 110 First Avenue, Clarence, Iowa. Applicant's representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Iron and Steel Articles,* From the facilities of Jones and Laughlin Steel Corp. at or near Hennepin, IL, to points in CO, MN, NE, and that part of Kansas on and West of U.S. Highway 77.

MC 5227 (Sub-5–1TA), filed February 11, 1980. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Applicant's representative: A. J. Swanson, Quantance & Swanson, P.O. Box 1103, Sioux Falls, SD 57101. *Malt beverages,* from points in the commercial zones of Peoria, IL and Milwaukee, WI to points in KS, NE, CO, IA, MN, and MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Pabst Brewing Company, 917 West Juneau Avenue, Milwaukee, WI 53201.

MC 143607 (Sub-5–1TA), filed February 12, 1980. Applicant: BAYWOOD TRANSPORT, INC., Rt. 6, Box 2611, University Parks Drive, Waco, Texas 76706. Representative: Don Horne, Rt. 6, Box 2611, University Parks Drive, Waco, Texas 76706. Authority sought to operate as a contract carrier by motor vehicle, over irregular routes, transporting *general commodities in packages* from the facilities of Hi-Port Industries at or near Highlands, Texas to MN, NJ, PA, MI, ID, WA, and WI. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hi-Port Industries, 409 E. Wallisville, Highlands, Texas 77562.

MC 78400 (Sub-5–1TA), filed February 11, 1980. Applicant: BEAUFORT TRANSFER COMPANY, P.O. Box 151, Gerald, Missouri 63037. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Missouri 63101. *Electric transformers,* from Gerald, MO, to points in the U.S. (except AK and HI). (Hearing Site: St. Louis, MO.)

MC 66886 (Sub-5–1TA), filed February 13, 1980. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Balitmore Ave., Suite 600, Kansas City, MO 64105. *Lumber, lumber mill products, paneling, plywood, and building materials* from the facilities of Galveston Wharves at or near Galveston, TX, to points in TX, NE, KS, OK and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Board of Trustees of the Galveston Wharves, P.O. Box 328, Galveston, TX 77553.

MC 41432 (Sub-5–2TA), filed February 4, 1980. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Dallas, TX 75207. Applicant's representative: Wayland Little, Director of Commerce, Registered Practitioner, 2355 Stemmons Freeway, Dallas, TX 75207. Authority sought to operate as a *common carrier,* by motor vehicle, over *regular* routes, transporting: *General Commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving all points within the commercial zones of the service points in Routes 1 thorugh 19 below: (1) Between San Antonio, TX and Laredo, TX: From San Antonio over U.S. Hwy 81 to Laredo, and return over the same route. (2) Between San Marcos, TX and Corpus Christi, TX, serving the intermediate points of Seguin, Beeville

and Portland, TX: From San Marcos over TX Hwy 123 to junction U.S. Hwy 181, then over U.S. Hwy 181 to Corpus Christi and return over the same route. (3) Between San Antonio, TX and junction U.S. Hwy 181 and TX Hwy 123, serving junction U.S. Hwy 181 and TX Hwy 123 for purposes of joinder only: From San Antonio over U.S. Hwy 181 to junction TX Hwy 123 and return over the same route. (4) Between San Antonio, TX and Port Lavaca, TX serving the intermediate points of Cuero and Victoria, TX: From San Antonio over U.S. Hwy 87 to Port Lavaca and return over the same route. (5) Between junction U.S. Hwy 90 and U.S. Hwy 77 and junction U.S. Hwy 77 and alternate U.S. Hwy 77 serving the intermediate points of Hallettsville, Yoakum and Cuero, TX and serving junctions for purposes of joinder only: From junction U.S. Hwy 90 and U.S. Hwy 77 over U.S. Hwy 77 to junction alternate U.S. Hwy 77, then over alternate U.S. Hwy 77 to junction U.S. Hwy 77 and return over the same route. (6) Between San Marcos, TX and junction alternate U.S. Hwy 90 and alternate U.S. Hwy 77, serving the intermediate point of Shiner, TX: From San Marcos over TX Hwy 80 to Luling, then over U.S. Hwy 183 to junction alternate U.S Hwy 90, then over alternate U.S. Hwy 90 to junction alternate U.S. Hwy 77 and return over the same route. (7) Between junction alternate U.S. Hwy 90 and U.S. Hwy 183 and Cuero, serving junction of alternate U.S. Hwy 90 and U.S. Hwy 183 for purposes of joinder only: From junction alternate U.S. Hwy 90 and U.S. Hwy 183 over U.S. Hwy 183 to Cuero and return over the same route. (8) Between Corpus Christi and junction U.S. Hwy 44 and TX Hwy 83, serving the intermediate points of Robstown and Alice, TX and serving junction U.S. Hwy 44 and TX Hwy 83 for purposes of joinder only: From Corpus Christi over TX Hwy 44 to junction U.S. Hwy 59, then over TX Hwy 44 to junction U.S. Hwy 83 and return over the same route. (9) Between Houston, TX and Laredo, TX, serving the intermediate points of Victoria and Beeville, TX: From Houston over U.S. Hwy 59 to Laredo and return over the same route. (10) Between Houston, TX and Freeport, TX serving the intermediate point of Clute, TX: From Houston over TX Hwy 288 to Freeport and return over the same route. (11) Between Galveston, TX and Freeport, TX: From Galveston over U.S. Hwy 75 to junction TX Hwy 6, then over TX Hwy 6 to junction TX F.M. Hwy 2004, then over TX F.M. Hwy 2004 to junction TX Hwy 288, then over TX Hwy 288 to Freeport and return over the same route. (12) Between Angleton, TX and Corpus Christi, TX serving the intermediate points of Bay City, Point Comfort, Port Lavaca, Aransas Pass, Gregory and Portland, TX and the off-route points of Sweeny, Seadrift and Ingleside, TX and serving Angleton for purposes of joinder only: From Angleton over TX Hwy 35 to junction U.S. Hwy 181, then over over U.S. Hwy 181 to Corpus Christi and return over the same route. (13) Between Wharton, TX and Bay City, TX, serving Wharton for the purpose of joinder only: From Wharton over TX Hwy 60 to Bay City and return over the same route. (14) Between junction U.S. Hwy 59 and TX Hwy 111 and junction TX Hwy 71 and TX Hwy 35, serving junction for purposes of joinder only: From junction U.S. Hwy 59 and TX Hwy 111 over TX Hwy 111 to junction TX Hwy 111 and TX Hwy 71, then over TX Hwy 71 to junction TX Hwy 71 and TX Hwy 35 and return over the same route. (15) Between Corpus Christi, TX and junction TX Hwy 9 and U.S. Hwy 281, serving junction TX Hwy 9 and U.S. Hwy 281 for purposes of joinder only: From Corpus Christi over TX Hwy 9 to junction U.S. Hwy 281 and return over the same route. (16) Between Hallettsville, TX and Victoria, TX: From Hallettsville over U.S. Hwy 77 to Victoria and return over the same route. (17) Between San Antonio, TX and McAllen, TX serving the intermediate points of Pleasanton and Alice, TX: From San Antonio over U.S. Hwy 281 to McAllen and return over the same route. (18) Between Victoria, TX and Brownsville, TX, serving the intermediate points of Robstown, Bishop and Kingsville, TX: From Victoria over U.S. Hwy 77 to Brownsville and return over the same route. (19) Between Laredo, TX and Harlingen, TX: From Laredo over U.S. Hwy 83 to Harlingen and return over the same route. (20) Serving all intermediate and off-route points in Hidalgo, Willacy and Cameron Counties in connection with the routes set forth in 17, 18, and 19 above. Applicant intends to tack with MC-41432 and subs thereto and to interline.

MC 142508 (Sub-5–3TA), filed February 13, 1980, filed: February 12, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, Post Office Box 37465, Omaha, Nebraska 68137. Applicant's representative: Georgia A. Reynolds, Post Office Box 37465, Omaha, Nebraska 68137. *Plastic articles, aluminum foil, and materials, equipment and supplies used in the manufacture and/or distribution of plastic articles and aluminum foil,* from the facilities of Presto Products, Inc. at Lewiston, UT to Albuquerque, NM and its commercial zone for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper: Presto Products, Inc. Post Office Box 2399, Appleton, WI 54913.

MC 149174 (Sub-5–1TA), filed February 13, 1980. Applicant: S. L. HARRIS, d.b.a. PBI, P.O. Box 7130, Longview, TX 75062. Applicant's representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *Malt beverages, promotional advertising, pallets, and dunnage, display materials, and empty malt beverage containers* between the facilities of the Miller Brewing Company located at or near Fort Worth, TX and the facilities of the Crescent Distributing Company located at or near Harahan, Louisiana for 180 days. Supporting shipper(s): Crescent Distributing Company, 201 Evans Road, Suite 108, Harahan, Louisiana 70123.

MC 148342 (Sub-5–1TA), February 11, 1980. Applicant: J AND J MOTOR FREIGHT, INC., 1729 Hadley, St. Louis, Missouri 63106. Applicant's representative; Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Missouri 63101. Authority is sought to operate as a motor *contract* carrier, over irregular routes, transporting: *Meat,* From St. Louis, MO and National City, IL, to points in OH, MA, RI, CT, NY, PA, DE, MD, WV, IL, TN, FL, and DC, under continuing bilateral contract, or contracts, with Royal Packing Company, Inc.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–5638 Filed 2–22–80; 8:45 am]

BILLING CODE 7035–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 80–13]

NASA Advisory Council (NAC); Meeting

The NASA Advisory Council's Ad Hoc Informal Advisory Subcommittee for the New Directions Symposium will meet on March 12, 1980, in Room 7002, Federal Building 6, 400 Maryland Avenue SW, Washington, DC 20546. Except as noted below, the meeting will be open to the public up to the seating capacity of the room (approximately 60 persons, including subcommittee members and other participants). Visitors will be requested to sign a visitor's register.

The meeting will be closed to the public from 3:00 p.m. to 4:00 p.m. on March 12, 1980, for a discussion of the qualifications of additional candidates for participation in the symposium. Such

a discussion would invade the privacy of the candidates and other individuals involved. Because this session will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this session should be closed to the public.

The Ad Hoc Informal Advisory Subcommittee for the New Directions Symposium of the NASA Advisory Council was established to organize and conduct a one-week symposium aimed at exploring promising new directions for future space activities. The subcommittee is chaired by Dr. John E. Naugle and membership includes eight other members of the NAC. The agenda for this meeting is given below. For additional information, contact The NAC Executive Secretary, Mr. Nathaniel B. Cohen, A/C 202 755–8383, NASA Headquarters, Washington, DC 20546.

Agenda—March 12, 1980

9:00 a.m.—Introduction; 9:15 a.m.—Development of plans for New Directions Symposium; 3:00 p.m.—Discussion of additional candidates for participation in the symposium (closed session); 4:00 p.m.—Adjourn.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

February 15, 1980.

[FR Doc. 80-5642 Filed 2-22-80; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Special Projects Panel (Services to the Field); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Special Projects Panel (Services to the Field) to the National Council on the arts will be held March 13, 1980, from 9:00 a.m.–5:30 p.m.; March 14, 1980, from 9:00 a.m.–5:30 p.m.; and March 15, 1980, from 9:00 a.m.–5:30 p.m., Room 1426, Columbia Plaza Office Complex, 2401 E St., 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 Operation, National Endowment for the Arts.

[FR Doc. 80-5686 Filed 2-22-80; 8:45 am]

BILLING CODE 7537-10-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-376]

Puerto Rico Electric Power Authority, (North Coast Nuclear Plant, Unit 1); Reconstitution of Board

James R. Yore, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr. Yore is deceased. Sheldon J. Wolfe, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Commission's rules of practice, as amended.

Dated at Bethesda, Md., this 19th day of February 1980.

Robert M. Lazo,

Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 80-5673 Filed 2-22-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-1162]

Western Nuclear, Inc.; Availability of Final Environmental Impact Statement for Split Rock Uranium Mill in Fremont County, Wyo.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of availability of the Final Environmental Impact Statement for Split Rock Uranium Mill in Fremont County, Wyoming.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, a final environmental impact statement has been prepared by the Commission's Office of Nuclear Material Safety and Safeguards related to the renewal of Western Nuclear, Inc.'s Source Material License, SUA–56. The mill is located near Jeffrey City, Fremont County, Wyoming. The final environmental impact statement is available for inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. The FEIS is also being made available to the State Planning Coordinator, Office of the Governor, 2320 Capitol Avenue, Cheyenne, Wyoming, and to the Fremont County Public Library, 451 North Second, Lander, Wyoming.

BACKGROUND: The final environmental impact statement is on the proposed renewal of Source Material License SUA–56 (with amendments) issued to Western Nuclear, Inc. (WNI) for the operation of the Split Rock Uranium Mill and the Green Mountain Ion Exchange Facility, Docket No. 40–1162. The Split Rock Mill is an acid-leach, ion-exchange and solvent-extraction uranium-ore processing mill with a design capacity of 1540 MT (1700 tons) of ore per day. WNI has proposed to increase the storager capacity of the tailings ponds in order to permit the continuation of present production rates of U_3O_8 through 1996 using lower-grade ore.

The notice of availability of the Draft Environmental Statement (DES) for the Split Rock Mill and request for comments from interested persons was published in the **Federal Register** on December 8, 1978 (43 FR 57696). The comments received from Federal, State, and local agencies and interested members of the public and the NRC staff's responses to these comments have been included as an appendix to the FEIS.

Copies of NUREG–0639 are available to the public for purchase at current rates from NRC to those with deposit accounts with the Superintendent of Documents, U. S. Government Printing Office (see 44 FR 46005, August 1979). To place orders call (301) 492–7333, or write: ATTN: Publications Sales Manager, Division of Technical Information and Document Control, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Silver Spring, Md., this 15th day of February, 1980.

For the Nuclear Regulatory Commission.

Ross A. Scarano,

Chief, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 80-5674 Filed 2-22-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

February 20, 1980.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447–6201

Revisions

Food and Nutrition Service
Quality Control Review Schedule (Food Stamp)
FNS–245, 247–1 thru 4 and 248
On occasion
Food stamp participants, applicants and State agencies; 141,188 responses, 1,101,026 hours
Charles A. Ellett, 395–5080

Reinstatements

Food and Nutrition Service
Monthly distribution of donated commodities to family units
FNS–152
Monthly
State distribution agencies; 360 responses, 1,440 hours
Charles A. Ellett, 395–5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377–3627

Revisions

Bureau of the Census
Census forms—1980 census of population and housing
D–1 and 2 and D–1909
Single time
All households; 86,000,000 responses, 27,913,800 hours
Office of Federal Statistical Policy and Standard, 673–7974

Reinstatements

Bureau of the Census
Annual survey of oil and gas
MA–13K
Annually
Operators and lessees of oil and gas field properties; 2,560 responses, 16,000 hours
Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—697–1195

Extensions

Departmental and Other Request for Reference Report From (Employer)—(School)—(Personal Reference)
DD 370
On occasion
Employers and schools; 907,000 responses, 181,400 hours
Kenneth B. Allen, 395–3785

Department of the Air Force
Transportation Data—(To Determine Governing and Applicable Freight Rates for Specification)
AF 3037
On occasion
Defense Contractors, 270 responses, 1,080 hours
John A. Caron, 395–3785

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strnad—245–6511

New Forms

Health Care Financing Administration (Medicaid)
Verification Notice of Medicaid Services
HCFA–R–1
On occasion
Medicaid recipients, 390,000 responses, 1 hour
Richard Eisinger, 395–3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755–5184

Reinstatements

Administration (Office of Ass't Sec'y)
Multifamily Insurance Benefits Claims Forms
FHA 2744A thru E

On occasion
FHA approved mortgagees, 300 responses, 900 hours
Richard Sheppard, 395–3211

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William L. Carpenter—343–6716

Revisions

U.S. Fish and Wildlife Service
Survey Contact Card
3–1823
Annually
Waterfowl hunters, 100,000 responses, 8,333 hours
Charles A. Ellett, 395–5080

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633–3526

Revisions

Federal Bureau of Investigation
Supplement To Return a (Uniform Crime Report)
4–231
Monthly
All nationwide law enforcement agencies, 180,000 responses, 90,000 hours
Office of Federal Statistical Policy and Standard, 673–7974

Federal Bureau of Investigation
Return A—Monthly Return of Offenses Known to the Police
4–545
Monthly
All nationwide law enforcement agencies, 180,000 responses, 90,000 hours
Office of Federal Statistical Policy and Standard, 673–7974

Law Enforcement Assistance Administration
Accounting System and Financial Capability Questionnaire
LEAA 7120/1
On occasion
Nonprofit agencies and businesses, 60 responses, 240 hours
Andrew R. Uscher, 395–4814

Law Enforcement Assistance Administration
National Criminal Justice Reference Service/User
Registration forms
NIJ 1431/2, 3, and 4
On occasion
Users of NCJRS, 59,000 responses, 7,670 hours
Andrew R. Uscher, 395–4814

Extensions

Drug Enforcement Administration
Project Dawn (Drug Abuse Warning Network)
Weekly
Hosp. med. personnel—medical examiners throughout U.S., 123,211 responses, 21,195 hours
Andrew R. Uscher, 395–4814

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523–6341

Revisions

Bureau of Labor Statistics
Survey of Union Wage Rates and Hours in Building Trades; Heavy Construction; Printing Trades; Local Trucking; and local transit
BLS 1150.1, 2, 3, 4, and 5
Annually
Union officials in cities labor unions of 100,000 inhabitants or more, 2,500 responses, 1,250 hours
Office of Federal Statistical Policy and Standard, 673–7974

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Clearance Officer—Linwood A. Rhodes—632–0084

Reinstatements

Research Annual Technical Report
Annually
Research contractors, 85 responses, 860 hours
Phillip T. Balazs, 395–4814

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Paul Elston—755–2744

Reinstatements

Application for Registration of Economic Poisons
8570 series
On occasion
Pesticide manufacturers/formulators, 5,000 responses, 6,000 hours
Edward H. Clarke, 395–5867

EXECUTIVE OFFICE OF THE PRESIDENT, OTHER

Agency Clearance Officer—Dr. Guillermina Jasso—333–1549

New Forms

Select Commission on Immigration and Refugee Policy
The Adjustment and Acculturation of Recent Immigrants and Refugees
Single time
Immigrants and refugees, 800 responses, 400 hours
Office of Federal Statistical Policy and Standard, 673–7974

FEDERAL LABOR RELATIONS AUTHORITY

Agency Clearance Officer—Mary Beth Smith—653–8042

Revisions

Petition for National Consultation Rights
FLRA 24
On occasion
Labor unions, 50 responses, 25 hours
John M. Allen, 395–3785

Petition for Consultation on Government-Wide Rules or Regulations
FLRA 26
On occasion
Federal agencies, 50 responses, 25 hours
John M. Allen, 395–3785

Charge Against Agency
FLRA 22
On occasion
Individuals and Federal labor organizations, 1,200 responses, 600 hours
John M. Allen, 395–3785

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

Revisions

Statement Regarding Patient's Capability to Manage Payments
G–478
On occasion
Physicians, 5,000 responses, 417 hours
Barbara F. Young, 395–6132

Pay Rate Report
UI–LE
On occasion
Applicants for increased RUIA benefits, 2,000 responses, 167 hours
Barbara F. Young, 395–6132

UNITED STATES INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—523–0267

New Forms

Purchaser's Questionnaire for Inv. 731–TA–12 (final) portable
Single time
Purchasers of portable electric typewriters, 54 responses, 216 hours
Phillip T. Balazs, 395–4814

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2282

Revisions

Application for Reimbursement of Headstone or Marker Expenses
21–8834
On occasion
Dependents, 26,400 responses, 4,400 hours
Laverne V. Collins, 395–3214

Computation of Loan Amount for Mobile Home Unit
26–8641A
On occasion
Lenders, 2,000 responses, 667 hours
Laverne V. Collins, 395–3214

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2282

Extensions

Application for Release From Personal Liability to the Government on a Home Loan
26–6381
On occasion
Seller, 18,000 responses, 3,000 hours
Laverne V. Collins, 395–3214

C. Louis Kincannon,

Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80–5691 Filed 2–22–80; 8:45 am]

BILLING CODE 3110–01–M

POSTAL RATE COMMISSION

[Docket No. A80–6; Order No. 314]

Carlisle, Miss. 39049, Mr. & Mrs. William McCaleb, Petititoners; Notice and Order of Filing of Appeal

February 19, 1980.

On February 11, 1980, the Commission received a handwritten letter from Mr. & Mrs. William McCaleb (hereinafter "Petitioners"), concerning alleged United States Postal Service plans to consolidate Carlisle, Mississippi, post office. Although the letter makes no explicit reference to the Postal Reorganization Act, we believe it should be construed as a petition for review pursuant to section 404(b) of the Act (39 U.S.C. 404(b)), so as to preserve Petitioners' right to appeal which is subject to a 30-day time limit.[1] The petition does not conform perfectly with the Commission's rules of practice which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.[2] However, section 1 of the Commission's rules of practice calls for a liberal construction of the rules to secure just and speedy determination of issues.[3]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office consolidation so as to "* * * ensure that such persons will have an opportunity to present their views."[4] The petition requests that the decision to consolidate the Carlisle post office be reversed. From the face of the petition it is unclear whether the Postal Service provided 60 days' notice, whether any hearings were held and whether a determination has been made under 39 U.S.C. 403(b)(3). (Petitioner failed to supply a copy of the Postal Service's Final Determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[6]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to consolidate post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the discontinuance of post offices.[7]

Upon preliminary inspection, the petition appears to raise the following issues of law:

1. In its consideration of the effect on postal service under section 404(b)(2)(C) was adequate consideration given to any changes that would occur because the post office would be operated by a contractor rather than a postal employee?

2. In its consideration of the effect on the community under section 404(b)(2)(A), did the Postal Service give adequate consideration to the effect the change would have on the economic and social life of the community?

Other issues of law may become apparent when the Commission has had the opportunity to examine the determination made by the Postal Service. Such additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79–1, *et al.* (May 7, 1979), and the Commission's subsequent decisions on appeals of post office closings and consolidations. The determination may be found to resolve adequately one or more of the issues involved in the case.

In view of the above, and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 20 days of receiving the determination and record pursuant to section 113 of the rules of practice (39 CFR 3001.113), make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of the issuance, and a copy of the memorandum shall be served on Petitioners by the Service.

In briefing the case or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases, and none is being appointed.[8] The Commission orders:

(A) The letter of February 11, 1980, from Mr. & Mrs. William McCaleb be construed as a petition for review pursuant to section 404(b) of the Act (39 U.S.C. 404(b)).

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

(C) The Postal Service shall file the administrative record in this case on or before February 26, 1980, pursuant to the Commission's rules of practice (39 CFR 3001.113(a)).

By the Commission.

David F. Harris,

Secretary.

[Docket No. A80–6]

Appendix

February 11, 1980: Filing of Petition. Notice and Order of Filing of Appeal.

February 26, 1980: Filing of record by Postal Service (*see* 39 CFR 3001.113(a)).

[1] 39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94–421 (September 24, 1976), 90 Stat. 1310–11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 39 CFR 3001.111(a).

[3] 39 CFR 3001.1.

[4] 39 U.S.C. 404(b)(1).

[5] 39 CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

[6] 39 U.S.C. 101(b).

[7] 42 FR 59079–85 (11/17/77); the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

[8] In the Matter of Gresham, S.C., Route No. 1, Docket No. A78–1 (May 11, 1978).

March 3, 1980: Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).

March 12, 1980: Petitioners' initial brief (*see* 39 CFR 3001.115(a)).

March 27, 1980: Postal Service answering brief (*see* 39 CFR 3001.115(b)).

April 11, 1980: (1) Petitioners' reply brief, should petitioners choose to file such brief (*see* 39 CFR 3001.115(c)). (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.

June 10, 1980: Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 80-5713 Filed 2-22-80; 8:45 am]

BILLING CODE 7715-01-M

[Docket No. A80-5; Order No. 313]

Leckrone, Pa. 15454 Hazel Anderson, Petitioner; Notice and Order of Filing of Appeal

February 19, 1980.

On February 11, 1980, the Commission received a handwritten letter from Hazel Anderson (hereinafter "Petitioner"), concerning alleged United States Postal Service plans to close the Leckrone, Pennsylvania, post office. Although the letter makes no explicit reference to the Postal Reorganization Act, we believe it should be construed as a petition for review pursuant to section 404(b) of the Act (39 U.S.C. 404(b)), so as to preserve Petitioner's right to appeal which is subject to a 30-day time limit.[1] The petition does not conform perfectly with the Commission's rules of practice which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.[2] However, § 1 of the Commission's rules of practice calls for a liberal construction of the rules to secure just and speedy determination of issues.[3]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing or consolidation so as to "insure that such persons will have an opportunity to present their views."[4] The petition requests that the decision to close the Leckrone post office be reversed. From the face of the petition it is unclear whether the Postal Service provided 60 days' notice, whether any hearings were held, and whether a determination has been made under 39 U.S.C. 403(b)(3). (Petitioner failed to supply a copy of the Postal Service's Final Determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[6]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to consolidate post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the discontinuance of post offices.[7]

While specific issues of law have not been raised in the petition, such issues may become apparent when the parties and the Commission have had the opportunity to examine the Postal Service's administrative record. Issues may also emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79-1, *et al.*, (May 7, 1979), and the Commission's subsequent decisions on appeals of post office closings and consolidations. The determination may be found to resolve adequately one or more of the issues in this case.

In view of the above, and in the interest of expedition of this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above, and/or any other issues disclosed by the determination made in this case or timely raised by the Petitioner. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation of any such issue, it will, within 20 days of receiving the determination and record pursuant to section 113 of the rules of practice (39 CFR 3001.113), make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of its issuance, and a copy of the memorandum shall be served on Petitioner by the Service.

In briefing the case, or in filing any motion to dismiss for want of prosecution, the Service may, in appropriate circumstances, incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases, and none is being appointed.[8]

The Commission orders

(A) That the letter received on February 11, 1980, from Hazel Anderson be construed as a petition for review pursuant to section 404(b) of the Act (39 U.S.C. 404(b))

(B) That the Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

(C) That the Postal Service shall file the administrative record in this case on or before February 26, 1980, pursuant to the Commission's rules of practice (39 CFR 3001.113(a)).

By the Commission.

David F. Harris,

Secretary.

[Docket No. A80-5]

Appendix

February 11, 1980: Filing of Petition.

February , 1980: Notice and Order of Filing of Appeal.

February 26, 1980: Filing of record by Postal Service (*see* 39 CFR 3001.113(a)).

March 3, 1980: Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).

March 12, 1980: Petitioner's initial brief (*see* 39 CFR 3001.115(a)).

March 27, 1980: Postal Service answering brief (*see* 39 CFR 3001.115(b)).

April 11, 1980: (1) Petitioner's reply brief, should petitioner choose to file such brief (*see* 39 CFR 3001.115(c)). (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.

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[1] 39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 39 CFR 3001.111(a).

[3] 39 CFR 3001.1.

[4] 39 U.S.C. 404(b)(1).

[5] 39 CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

[6] 39 U.S.C. 101(b).

[7] 39 CFR 247.11 *et seq.*; the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

[8] In the Matter of Gresham, S.C., Route #1, Docket No. A78-1 (May 11, 1978).

June 10, 1980: Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 80-5714 Filed 2-22-80; 8:45 am]
BILLING CODE 7715-01-M

[Docket No. A80-4; Order No. 312]

Mt. Eden, Calif. 94557 (Howard J. Grant, et al., Petitioner); Notice and Order of Filing of Appeal

February 19, 1980.

On January 29, 1980, the Commission received a letter from Howard J. Grant (hereinafter "Petitioner"), concerning alleged United States Postal Service plans to consolidate the Mount Eden, California post office.[1] Although the letter makes no explicit reference to the Postal Reorganization Act, we believe it should be construed as a petition for review pursuant to § 404(b) of the Act (39 U.S.C. 404(b)), so as to preserve Petitioner's right to appeal which is subject to a 30-day time limit.[2] The petition does not conform perfectly with the Commission's rules of practice which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.[3] However, section 1 of the Commission's rules of practice calls for a liberal construction of the rules to secure just and speedy determination of issues.[4]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing or consolidation so as to "ensure that such persons will have an opportunity to present their views." [5] The petition requests that the decision to consolidate the Mount Eden post office be reversed. From the face of the petition it is unclear whether the Postal Service provided 60 days' notice, whether any hearings were held, and whether a determination has been made under 39 U.S.C. 403(b)(3). (Petitioner failed to supply a copy of the Postal Service's Final Determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[6]

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[7]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to consolidate post offices. The effect on the community is also a mandatory consideration under Section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the discontinuance of post offices.[8]

Upon preliminary inspection, the petition appears to raise the following issues of law:

1. Did the Postal Service adequately consider the community identity as described by Petitioner, in conformance with the "effect on community" standard of section 404(b)(2)(A)?

2. Did the Postal Service adequately consider the quality of mail service at the Mt. Eden post office, under section 404(b)(2)(E)?

Other issues of law may become apparent when the parties and the Commission have had the opportunity to examine the Postal Service's administrative record. The issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79-1, *et al.*, (May 7, 1979), and the Commission's subsequent decisions on appeals of post office closings and consolidations. The determination may be found to resolve adequately one or more of the issues in this case.

In view of the above, and in the interest of expedition of this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above, and/or any other issues disclosed by the determination made in this case or timely raised by the Petitioner. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation of any such issue, it will, within 20 days of receiving the determination and record pursuant to section 113 of the rules of practice (39 CFR 3001.113), make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of its issuance, and a copy of the memorandum shall be served on Petitioner by the Service.

In briefing the case, or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases, and none is being appointed.[9]

The Commission orders

(A) The letter received January 29, 1980, from Howard J. Grant be construed as a petition for review pursuant to section 404(b) of the Act (39 U.S.C. 404(b)). The letters of January 29, 1980 and February 1, 1980, will be consolidated with the Grant petition.

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

(C) The Postal Service shall file the administrative record in this case on or before February 13, 1980, pursuant to the Commission's rules of practice (39 CFR 3001.113(a)).

By the Commission.

David F. Harris,

Secretary.

[Docket No. A80-4]

Appendix

January 29, 1980: Filing of Petition. Notice and Order of Filing of Appeal

February 13, 1980: Filing of record by Postal Service (*see* 39 CFR 3001.113(a)).

February 19, 1980: Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).

February 28, 1980: Petitioner's initial brief (*see* 39 CFR 3001.115(a)).

March 14, 1980: Postal Service answering brief (*see* 39 CFR 3001.115(b)).

March 31, 1980: (1) Petitioner's reply brief, should petitioner choose to file such brief (*see* 39 CFR 3001.115(c)). (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.

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[1] On January 29, 1980, and February 1, 1980 the Commission received two other letters of appeal which are being consolidated with that of Howard Grant for convenience.

[2] 39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[3] 39 CFR 3001.111(a).

[4] 39 CFR 3001.1.

[5] 39 U.S.C. 404(b)(1).

[6] 39 CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

[7] 39 U.S.C. 101(b).

[8] 39 CFR 247.11 *et seq.*; the Commission's standard of review is set forth at 39 U.S.C. § 404(b)(5).

[9] In the matter of Gresham, S.C., Route #1, Docket No., A78-1 (May 11, 1978).

May 28, 1980: Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 80-5715 Filed 2-22-80; 8:45 am]
BILLING CODE 7715-01-M

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Waiver of Discriminatory Purchasing Requirements (Buy American) With Respect to Certain Purchases of Civil Aircraft

February 19, 1980.

Pursuant to section 303 of the Trade Agreements Act of 1979 (Public Law 96-39, 96 Stat. 238, 19 U.S.C. 2513) and Section 1-103(b) of Executive Order 12188 of January 2, 1980, the application of the provisions of title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.), popularly referred to as the Buy American Act, shall not apply in the case of any procurement of civil aircraft and related articles: (a) of a country or instrumentality which is determined by the United States Trade Representative to be a party to the Agreement on Civil Aircraft, referred to in section 2(c)(10) of the Trade Agreements Act of 1979, and (b) that are covered by such Agreement.

This waiver shall be applied by all agencies of the United States Government in consultation with, and when deemed necessary at the direction of, the Office of the United States Trade Representative.

Countries who have been parties to the Agreement since January 1, 1980 are:

Canada
European Economic Community (consisting of Belgium, Denmark, The Federal Republic of Germany, France, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom)
Norway
Sweden

This waiver is subject to modification or withdrawal by the United States Trade Representative.

Robert D. Hormats,
Acting United States Trade Representative.

[FR Doc. 80-5660 Filed 2-22-80; 8:45 am]
BILLING CODE 3190-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ.; Public Debt Series—No. 9-80]

Treasury Notes of May 15, 1985; Series D-1985

February 20, 1980.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,500,000,000 of United States securities, designated Treasury Notes of May 15, 1985, Series D-1985 (CUSIP No. 912827 KM 3). 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 at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated March 3, 1980, and will bear interest from that date, payable on a semiannual basis on November 15, 1980, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 1985, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securites of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, February 26, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, February 25, 1980.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers wil 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 98.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Monday, March 3, 1980, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Friday, February 29, 1980, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, February 29, 1980, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-5722 Filed 2-21-80; 9:12 am]

BILLING CODE 4810-40-M

Fiscal Service

[Dept. Circ. 570, 1979 Rev., Supp. No. 13]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting

limitation of $40,000 has been established for the company.

Name of Company, Business Address, and State in Which Incorporated

International Cargo and Surety Insurance Company
2150 Landmeier Road
Elk Grove Village, Illinois 60007
New Mexico

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtain from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: February 12, 1980

D. A. Pagliai,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 80-5659 Filed 2-22-80; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF COMMERCE

International Trade Administration

Computer Systems Technical Advisory Committee; Hardware Subcommittee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Hardware Subcommittee of Computer Systems Technical Advisory Committee will be held on Tuesday, March 11, 1980, at 1:30 p.m. in Room 6802, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the Charter of the Committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee meeting agenda has four parts:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Review of the software report "Transfer of Computer Software Technology" dated January 20, 1978.

Executive Session

4. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public; a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any Subcommittees thereof, was published in the **Federal Register** on September 14, 1978 (43 FR 41073).

Copies of the minutes of the General Session can be obtained by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: February 21, 1980.

Kent N. Knowles,

Director, Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80-5922 Filed 2-22-80; 10:56 am]

BILLING CODE 3510-25-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 38
Monday, February 25, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[M-269, Amdt. 5; Feb. 19, 1980]

CIVIL AERONAUTICS BOARD.

Notice of addition and closure of item to the February 15, 1980, meeting agenda.

TIME AND DATE: 1:30 p.m., February 15, 1980.

PLACE: Room 1027 (Open). Room 1011 (Closed). 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 24. Recommendation for an air transport agreement with Jordan. (BIA)

STATUS: Open (items 1-22). Closed (items 23-25).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: There are on going negotiations with Jordan and in order to formulate a coordinated U.S. Government position, the Board Members have voted that agency business requires that the Board meet on this item in less than seven days' notice because a U.S. position should be given to Jordan as soon as possible and that no earlier announcement of the meeting was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer.

This memo concerns strategy and positions that have been or may be taken by the United States in ongoing negotiations with Jordan. Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interest of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S C. 552b(c)(9)(B) and 14 CFR Section 310b. 5(9)(B) and that any meeting on this item should be closed:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer.

Persons Expected to Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.
Assistants to Board Members.—Mr. David Kristein, Mr. James L. Deegan, Mr. Daniel M. Kasper, and Mr. Stephen H. Latcher.
Managing Director.—Mr. Cressworth Lander.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.
Bureau of International Aviation.—Mr. Sanford Rederer, Mr. Douglas V. Leister, Mr. Ivars V. Mellups, Mr. Vance Fort, Mr. Francis S. Murphy, Mr. John A. Driscoll, Mr. Parlen L. McKenna, Mr. James S. Horneman, and Ms. Mary Irene Pett.
Office of the General Counsel.—Ms. Mary McInnis Schuman, Mr. Michael Schopf, and Mr. Donald H. Horn.
Office of Economic Analysis.—Mr. Robert H. Frank and Mr. David Sibley.
Bureau of Consumer Protection.—Mr. Reuben B. Robertson.
Office of the Secretary.—Mrs. Phyllis T. Kaylor and Ms. Deborah A. Lee.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR section 310b.5(9)(B) and that the meeting may be closed to public observation:

Glenn Bendixsen,
Acting General Counsel.

[S-366-80 Filed 2-21-80; 3:22 pm]

BILLING CODE 6320-01-M

2

[M-269, Amdt 6; Feb. 19, 1980]

CIVIL AERONAUTICS BOARD.

Notice of addition and closure of item to the February 15, 1980 meeting agenda.

TIME AND DATE: 1:30 p.m., February 15, 1980.

PLACE: Room 1027 (Open). Room 1011 (Closed). 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 25. Negotiations with the Peoples Republic of China. (BIA).

STATUS: Open (Items 1-22). Closed (Items 23-25).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: There are pending negotiations with China and in order to reaffirm a coordinated U.S. Government Position, the Board Members have voted that agency business requires that the Board meet on these items on less than seven days' notice and that no earlier announcement of the meeting was possible.

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

This memo concerns strategy and positions that have been or may be taken by the United states in ongoing negotiations with China. Public disclosures, particularly to foreign governments, of opinions evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interest of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b (c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that any meeting on this item should be closed:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.
Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Daniel M. Kasper; and Mr. Stephen H. Lachter.
Managing Director.—Mr. Cressworth Lander.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.

Bureau of International Aviation.—Mr. Sanford Rederer, Mr. Douglas V. Leister, Mr. Ivars V. Mellups, Mr. Vance Fort, Mr. Francis S. Murphy, Mr. John A. Driscoll, Mr. Parlen L. McKenna, Mr. James S. Horneman, and Ms. Mary Irene Pett.
Office of the General Counsel.—Ms. Mary McInnis Schuman, Mr. Michael Schopf, and Mr. Donald H. Horn.
Office of Economic Analysis.—Mr. Robert H. Frank, and Mr. David Sibley.
Bureau of consumer Protection.—Mr. Reuben B. Robertson.
Office of the Secretary.—Mrs. Phyllis T. Kaylor, and Ms. Deborah A. Lee.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR section 310b.5(9)(B) and that the meeting may be closed to public observation:

Glenn Bendixsen,

Acting General Counsel.

[S-367-80 Filed 2-21-80; 3:22 pm]

BILLING CODE 6320-01-M

3

[M-270, Amdt. 2; Feb. 20, 1980]

CIVIL AERONAUTICS BOARD.

Notice of continuance of item from February 20, 1980 agenda to February 21, 1980 agenda.

TIME AND DATE: 9:30 a.m., February 21, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 11. Standard Foreign Fare Levels Investigation. (Memo 9495-A, BDA, BIA, OEA, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-368-80 Filed 2-21-80; 3:22 p.m.

BILLING CODE 6320-01-M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, February 26, 1980.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Reorganization of the Office of Government Employment.
2. Revised OFCCP-EEOC Memorandum of Understanding.
3. Approval for Shuttle Service Contract for Transportation Services Between Headquarters and Skyline Center, Building No. 2 at Bailey's Crossroads.
4. Proposed Expert Witness Contract for services needed in connection with a court case.
5. Proposal to execute an option under an existing contract to conduct 1980 EEO-1 Employment Survey.
6. Report on Commission Operations by the Executive Director.

Closed to the public: Litigation authorization; General Counsel Recommendations.

Note: Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat at (202) 634-6748).

This notice issued February 19, 1980.

[S-365-80 Filed 2-21-80; 2:53 pm]

BILLING CODE 6570-06-M

5

February 20, 1980.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., February 27, 1980.

PLACE: 825 North Capitol Street NE., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note. Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public information may be examined in the office of public information.

Power Agenda—441st Meeting, February 27, 1980, Regular Meeting (10 a.m.)

CAP-1. Project No. 199, South Carolina Public Service Authority.
CAP-2. Docket No. ER80-170, Washington Water Power Co.
CAP-3. Docket No. ER80-5, Minnesota Power & Light Co.
CAP-4. Docket No. ER79-112, Jersey Central Power & Light Co.
CAP-5. Docket No. ER78-494, Pennsylvania Electric Co.
CAP-6. Docket No. ER79-399, The Cleveland Electric Illuminating Co.
CAP-7. Docket Nos. ER79-529, ER78-583, and ER78-584, Mississippi Power & Light Co.

Miscellaneous Agenda—441st Meeting, February 27, 1980, Regular Meeting

CAM-1. Docket No. GP80-54, State of New Mexico Section 108 NGPA Determination El Paso Natural Gas Co., and San Juan 28-5 Unit Well No. 15 JD79-20881.

Gas Agenda—441st Meeting, February 27, 1980, Regular Meeting

CAG-1. Docket No. RP80-72, Algonquin Gas Transmission Co.
CAG-2. Docket No. TA80-1-25 (PGA, IPR 80-2, AP, Lafut, TT, STR 80-1), Mississippi River Transmission Corp.
CAG-3. Docket No. TA80-1-17, (AP80-1), Texas Eastern Transmission Corp.
CAG-4. Docket No. TA80-1-21 (PGA80-2, IPR80-2, LFUT80-1, TT80-1, and AP80-1), Columbia Gas Transmission Corp.
CAG-5. Docket No. TA80-1-35 (PGA80-1a, IPR80-1a), Michigan Wisconsin Pipe Line Co.
CAG-6. Docket No. TA80-1-46 (PGA80-1a), Kentucky-West Virginia Gas Co.
CAG-7. Docket Nos. CI73-477 and CI78-81, Pennzoil Oil & Gas, Inc., and POGO Producing Co.
CAG-8. Docket Nos. CI78-736 and CI79-126, Gulf Oil Corp.; Docket No. CI79-537, Texaco Inc.
CAG-9. Docket No. RI80-1, Getty Oil Co.
CAG-10. Docket No. TC79-9, Willamette Industries, Inc.
CAG-11. Docket No. CP75-287, Northwest Pipeline Corp.; Docket No. CP75-110, Washington Natural Gas Co.
CAG-12. Docket No. CP79-417, Northwest Pipeline Corp.
CAG-13. Docket Nos. CP77-623, Columbia Gulf Transmission Co., and Columbia Gas Transmission Corp.; Docket No. CP78-31, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG-14. Docket No. CP79-497, United Gas Pipe Line Co.; Docket No. CP79-504, Truckline Gas Co.
CAG-15. Docket No. CP80-29, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG-16. Docket No. CP80-59, United Gas Pipe Line Co.
CAG-17. Docket No. CP80-84, El Paso Natural Gas Co.
CAG-18. Docket No. CP80-71, Columbia Gas Transmission Corp.
CAG-19. Docket No. CP80-149, Columbia Gas Transmission Corp.
CAG-20. El Paso Natural Gas Co.

Power Agenda—441st Meeting, February 27, 1980, Regular Meeting

I. Electric Rate Matters

ER-1. Docket No. ER80-160, Southern Company Services, Inc.
ER-2. Docket No. ER79-512, Long Island Lighting Co.
ER-3. Docket No. ER80-181, Northern States Power Co.
ER-4. Docket No. ER80-65, Southern Company Services, Inc.
ER-5. Docket Nos. E-9520 and ER77-531, Illinois Power Co.
ER-6. Docket Nos. EL79-26 and ER79-600, Central Power & Light Co.
ER-7. Docket Nos. ER77-354 and ER78-14, Missouri Utilities Co.
ER-8. Docket No. ER76-819, Central Illinois Light Co.

Miscellaneous Agenda—441st Meeting, February 27, 1980, Regular Meeting

M-1. Docket No. RM79-49, Calculation of Cash Working Capital Allowance for Electric Utilities.

M–2. Docket No. RM80–9, Public Utility Filling Requirement Under Section 211 of the Public Utility Regulatory Policies Act of 1978.
M–3. Docket No. RM79–54, Regulations Implementing Section 201 of the Public Utility Regulatory Policies Act of 1978.
M–4. Reserved.
M–5. Reserved.
M–6. Docket No. RM80–17, Revisions of Monthly Statements.
M–7. Docket No. RM80– , Permanent Rule Defining Agricultural Users Exempt From Incremental Pricing Under the Natural Gas Policy Act of 1978.
M–8(A). Docket No. RM80–24, Rule Required by Section 206(a) Defining Small Boiler Fuel Users.
M–8(B). Docket No. RM80–25, Exemption From the Rule Required by Section 206(a) Defining Small Boiler Fuel Users.
M–9. (A) Docket No. RM80–19, Part 271, Subpart D: Final Regulations Implementing Sections 104 and 106(a) of the Natural Gas Policy Act of 1978; (B) Docket No. CI79–540, Forest Oil Corp.; Docket No. CI79–104, Columbia Gas Development Corp.; (C) Docket No. CI75–43B, Coleve Joint Venture.
M–10. (A) Docket No. RM80– , Form to Report Purchased Under Sections 104 and 106(a) of the NGPA; (B) Docket No. RM80– , Form to Report Sales Under Sections 102, 103, 107 and 108 of the NGPA.
M–11. Docket No. RM80–15, Part 274, Subpart B: Regulations Under the Natural Gas Policy Act of 1978.

Gas Agenda—441st Meeting, February 27, 1980, Regular Meeting

I. Pipeline Rate Matters

RP–1. Docket No. RP79–59, Colorado Interstate Gas Co.

II. Producer Matters

CI–1. Docket Nos. RI74–188 and RI75–21, Independent Oil & Gas Association of West Virginia.
CI–2. Docket No. RI75–112, Certain Producer and Pipeline Respondents.
CI–3. Docket No. CS76–842, Devon Corp.
CI–4. Docket No. G–17136, Trice Production Co.; Docket No. G–18516, Oleum Inc.; Docket No. RI60–234, Trice Production Co.
CI–5. Docket No. G–5716, Northern Natural Gas Producing Co.; Docket No. CI78–1162, John B. Hawley, Jr.; Docket No. CI79–150, John B. Hawley, Jr., Trust No. 1; Docket No. G–4143, Gulf Oil Corp.

III. Pipeline Certificate Matters

CP–1. Docket No. RM78–4, Proposal by the Federal Energy Regulatory Commission Relating to the Incorporation of Compensation Provisions in Curtailment Plans; Docket Nos. RP71–130, RP72–58, and CP75–111, Texas Eastern Transmission Corp.; Docket No. RP72–89, Columbia Gas Transmission Corp.; Docket No. RP72–6, El Paso Natural Gas Co.; Docket Nos. RP74–49 and RP76–34, Northwest Pipeline Corp.
CP–2. Docket Nos. RP72–99 and TC79–6, Transcontinental Gas Pipe Line Corp.
CP–3. Docket Nos. TC79–139 and TC79–7, Texas Eastern Transmission Corp.
CP–4. Docket No. CA80–7, Delhi Gas Pipeline Corp.
CP–5. Docket No. CP79–391, Transcontinental Gas Pipe Line Corp.
CP–6. Docket No. CP79–234, Algonquin Gas Transmission Co.; Docket No. CP79–338, Texas Eastern Transmission Corp.; Docket No. CP79–339, Texas Eastern Transmission Corp.; Docket No. CP79–368, Transcontinental Gas Pipe Line Corp.; Docket No. CP79–369, Transcontinental Gas Pipe Line Corp.
CP–7. Docket No. CP79–402, Lone Star Gas Co., a Division of Enserch Corp.

Kenneth F. Plumb,

Secretary.

[S–360–80 Filed 2–20–80; 4:37 pm]
BILLING CODE 6450–85–M

6

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., February 21, 1980.

PLACE: Hearing Room 1, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTER TO BE CONSIDERED: Proposed revision of Commission General Order 4.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

[S–359–80 Filed 2–20–80; 4:22 pm]
BILLING CODE 6730–01–M

7

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, February 28, 1980.

PLACE: 1776 G Street NW., Washington, D.C., 7th Floor, Board Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rates.
2. Proposals for financing the paid-in Central Liquidity Facility stock subscription.
3. Interpretative Ruling and Policy Statement regarding Corporate Central Federal Credit Unions. Part 704 NCUA Rules and Regulations.
4. Final Regulation—Community Development Credit Union Program, and Memorandum of Understanding between the Community Services Administration and the National Credit Union Administration.
5. Report of actions taken under delegations of authority.
6. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

CONTACT PERSON FOR MORE INFORMATION: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–369–80 Filed 2–21–80; 3:43 pm]
BILLING CODE 7535–01–M

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 7901, February 5, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m. on February 21, 1980.

CHANGES IN THE MEETING: This meeting has been rescheduled for 9:30 a.m. on February 22, 1980.

Date: February 21, 1980.

[S–361–80 Filed 2–21–80; 2:44 pm]
BILLING CODE 7600–01–M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 9:30 a.m. on March 12, 1980.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634–4015.

Date: February 21, 1980.

[S–361–80 Filed 2–21–80; 2:44 pm]
BILLING CODE 7600–01–M

10

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on March 20, 1980.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell, (202) 634–4015.

Date: February 21, 1980.

[S–363–80 Filed 2–21–80; 2:44 pm]
BILLING CODE 7600–01–M

11

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on March 27, 1980.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell, (202) 634–4015.

Date: February 21, 1980.

[S–364–80 Filed 2–21–80; 2:44 pm]

BILLING CODE 7600-01-M

federal register

Monday
February 25, 1980

Part II

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

List of Laboratories Qualified To Perform Work Under Small Operator Assistance Program

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

List of Laboratories Qualified To Perform Work Under Small Operator Assistance Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Notice of laboratories qualified by OSM to perform work under the Small Operator Assistance Program.

SUMMARY: OSM is informing the public and State regulatory authorities of laboratories that have been qualified as of December 1979 for work under the Small Operator Assistance Program (SOAP). During the interim and under permanent regulatory programs, qualified laboratories will provide the *determination* of probable hydrologic consequences and *statement* of the results of test borings for eligible small operators.

The *determination* and *statement* are two important permit application requirements.

This notice is required by 30 CFR 795.17(a)(2).

FOR FURTHER INFORMATION CONTACT: Further information can be obtained by contacting the following people:

Headquarters: Donald W. Willen, Department of Interior, Office of Surface Mining, 1951 Constitution Avenue, NW, Room 5131L, Washington, DC 20240, (202) 343–9104.

Region I, Keith Eggleston, Office of Surface Mining, First Floor, Thomas Hill Bldg., 950 Kanawha Blvd., East, Charleston, West Virginia 25301, (615) 637–8060.

Region II, Charles Ferst, Office of Surface Mining, Farragut Building, 530 Gay Street SW, Knoxville, Tennessee 37902, (615) 637–8060.

Region III, Leroy Davis, Office of Surface Mining, Federal Building & Court House, 46 East Ohio Street, Indianapolis, Indiana 46204; (317) 269–2630.

Region IV, Ronald Schwartz, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, (816) 374–3920.

Region V, John Higgins, Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, CO 80202.

SUPPLEMENTARY INFORMATION: The laboratories listed below were qualified by OSM as of December 1979, for work under the Small Operator Assistance Program (SOAP). The *determination* of probable hydrologic consequences of proposed mining and reclamation operations and *statement* of the results of test borings or core samplings are provided to eligible small operators under the SOAP. As defined in 30 CFR 795.17(a)(1), qualified laboratory is "a designated public agency, private consulting firm, institution, or analytical laboratory which can provide the *determination* or *statement* under this Program."

To qualify for work under the SOAP, laboratories have to satisfy conditions of personnel, experience, organization and facilities, and other criteria as set forth in 30 CFR 795.17(b). The laboratory qualification process consists of two phases: 1. completion of an application form provided by the Office, and 2. an on-site inspection by the Office of laboratory personnel and facilities.

Two basic qualification categories are: 1. prime contractors (for *determination* and/or *statement*) and; 2. subcontractors (for water quality and/or overburden analysis). The prime contractors are qualified to provide hydrologic and geologic data collection and interpretative reports, and must be able to provide most of the services in-house. The subcontractors are qualified to provide analytical services to the prime contractors. In-house services must be provided by personnel employed full-time by the specific office of the laboratory requesting qualification. However, some services may be provided to the prime contractor by individual consultants (specialists) if their use has been approved by OSM during the qualification process. Lists of consultants will not be published in the **Federal Register**. Woman-owned, minority, and certified 8(a) laboratories are indicated in the list.

The list of qualified laboratories will be published periodically in the **Federal Register**. Becoming qualified or being listed in the **Federal Register** does not guarantee contracts for work in the SOAP. Under procedures for Federal administration of the SOAP, contracts will be awarded to successful proposers to Request for Proposal (RFP) solicitations. RFPs will be issued periodically as the need arises. States that administer the SOAP under interim or permanent regulatory programs may use this list of qualified labs, may use similar procurement procedures and also may qualify laboratories.

Laboratories may be disqualified and dropped from the list of qualified laboratories for inadequate performance in contracts, organizational conflicts of interest, or for changes in personnel, facilities or organization that cause the laboratory to no longer meet the requirements set forth in 30 CFR 795.17(b). All laboratories will be requalified periodically.

Walter N. Heine,

Director, Office of Surface Mining Reclamation and Enforcement.

February 19, 1980.

List of Qualified Laboratories

Type of Contractor

P=prime contractor
S=subcontractor

Qualification Category

D=determination of probable hydrologic consequences of mining and reclamation operations; superscript indicates analytical work will be subcontacted
S=statement of results of test borings or core samplings; superscript indicates analytical work will be subcontracted
W=water quality analyses
O=overburden analyses

Woman-owned, Minority, and Certified 8(a) Laboratories

These classes of business are identified by a number in front of the laboratory name.

1=woman-owned business
2=minority owned as defined in Public Law 95–507
3=certified 8(a) by the Small Business Administration

Region I

	Type of contractor	Qualification category
Pennsylvania		
Aackenheil & Associates, Geo. Systems, Inc., 1000 Banksville Road, Pittsburgh, PA 15216.	P	D' & S'
Basic Technology Corp., 7125 Saltsburgh Road, Pittsburgh, PA 15235.	P	D' & S'
BCM-Betz-Converse-Murdoch, Inc., One Plymouth Meeting Hall, Plymouth Meeting, PA 19462.	P	D & S
Berger Associates, P.O. Box 1943, Harrisburg, PA 17105.	P	D & S
The Chester Engineers, 845 Fourth AVenue, Coraopolis, PA 15108.	P	D & S
D'Appolonia, 10 Duff Road, Pittsburgh, PA 15235.	P	D & S
Geomega Inc., P.O. Box 15243, Pittsburgh, PA 15243.	P	D' & S'
Geo-Technical Services, Inc., 851 South 19th Street, Harrisburg, PA 17104.	P	D & S
Gilbert/Commonwealth, P.O. Box 1498, Reading, PA 19603.	P	D & S
Green International, Inc., 504 Beaver Street, Sewickley, PA 15143.	P	D & S
L. Robert Kimball & Associates, 615 W. Highland Avenue, Ebensburg, PA 15931.	P	D & S
Lee-Simpson, Deposit National Bank Bldg., DuBois, PA 15801.	P	D & S
Meiser & Earl, Hydrogeologists, 1512 West College Avenue, State College, PA 16801.	P	D' & S'
3 MRM Company, 918 Park Avenue, Pittsburgh, PA 15234.	P	D' & S'
Omni Consultants, Inc., Valley Forge Plaza, Suite 660, King of Prussia, PA 19406.	P	D' & S'
Penn Environmental Consultants, Inc., Fort Pitt Professional Bldg., 1517 Woodruff Street, Pittsburgh, PA 15220.	P	D' & S'

Region I—Continued

	Type of contractor	Qualification category
Penn-Laurel Company, R.D. #1, Route 30, Central City, PA 15926.	P	D' & S'
Robins & Associates, 704 Lisburn Road, Camp Hill, PA 17011.	P	D' & S'
Science Management Engineering, 900 West Valley Forge Road, P.O. Box 190, King of Prussia, PA 19406.	P	D & S
Skelly & Loy, 2601 North Front Street, Harrisburg, PA 17110.	P	D & S'
SRW Associates, Inc., 630 Idlewood Avenue, Carnegie, PA 15106.	P	D' & S'
VEP Associates, Inc., 543 Belmont Avenue (Rt. 611), Mt. Pocono, PA 18344.	P	D & S
WAPORA, Inc., 511 Old Lancaster Road, Berwyn, PA 19312.	P	D & S
Adams, Reginald B. Laboratory, 618 Swissvale Avenue, Pittsburgh, PA 15221.	S	W
ATEC Associates, 75 Acco Drive, York, PA 17402.	S	W & O
Alchemis, Airport Road, Commercial Park, 4626 Park Drive, Bath, PA 18014.	S	W & O
Brockway Laboratories, c/o General Engineering, Box 311, Clarion, PA 16214.	S	W & O
Fairway Laboratories, Inc., 2900 Fairway Drive, P.O. Box 1925, Altoona, PA 16603.	S	W
Free-Col Div. of Freeport Brick Company, P.O. Box 557, Cotton Road, Meadville, PA 16335.	S	W & O
McReath Laboratories, 610 Willow Street, P.O. Box 1453, Harrisburg, PA 17105.	S	W & O
NUS Corporation, Manor Oak Two, 1910 Cochran Road, Pittsburgh, PA 15220.	S	W
Sewald Laboratories, 1403 West Fourth Street, Williamsport, PA 17701.	S	W
Z & M Laboratories, R.D. #1, Route 30, Central City, PA 15926.	S	W
Virginia		
Engineering Science, 7903 Westpark Drive, McLean, VA 22102.	P	D' & S'
West Virginia		
Berger Associates, P.O. Box 248, Charleston, WV 25301.	P	D & S
Burgess & Niple, Ltd., 1100 Market Street, Parkersburg, WV 26101.	P	D & S
DesCoal, Inc., P.O. Box 789, Elkins, WV 26241.	P	D & S
Environmental Exploration, P.O. Box 200, Barrackville, WV 26559.	P	D' & S'
2 Esmer & Associates, Inc., P.O. Box 397, Boomer, WV 25301.	P	D & S
Howard Needles, Tammen & Bergendoff, 1120 Kanawha, Charleston, WV 25301.	P	D'
Kelly, Gidley, Blair & Wolfe, 1260 Greenbrier Street, Charleston, WV 25311.	P	D' & S'
Milam/BCM Engineering, Inc., 1400 Ohio Ave., Dunbar, WV 25064.	P	D & S
Science Applications, Inc., Chestnut Ridge Professional Building, Suite 8, Morgantown, WV 26505.	P	D' & S'
Science Management Engineering, P.O. Box 757, Nitro, WV 25143.	P	D' & S'
Skelly and Loy, Charleston Nat'l Plaza, Suite 401, Charleston, WV 25301.	P	D' & S'
Strum Environmental Services, P.O. Box 650, Bridgeport, WV 26330.	P	D & S
Technical Testing Laboratories, Inc., 1263 Greenbrier Street, Charleston, WV 25311.	P	D & S
Tra-Det, Inc., Wheeling-Ohio County Airport, Wheeling, WV 26003.	P	D & S

Region I—Continued

	Type of contractor	Qualification category
UTD Corporation, Beverly Pike, Route 3, Box 260, Elkins, WV 26241.	P	D & S
Vande Linde, Inc., Robinson & Robinson, 1317 Hansford Street, Charleston, WV 25301.	P	D' & S'
Black Rock Laboratories, P.O. Box 5, East Gate Plaza, Morgantown, WV 26505.	S	W & O
JHM Laboratories, 325 13th Street, Dunbar, WV 25064.	S	W
Pearless Eagle Coal, P.O. Box 488, Summersville, WV 26651.	S	W & O
Reliance Laboratories, 213 E. Philadelphia Avenue, P.O. Box 625, Bridgeport, WV 26330.	S	W & O
1 Standard Laboratories, Inc., 3322 Pennsylvania Avenue, Charleston, WV 25302.	S	W & O
Region II		
Alabama		
T. L. Douglas, 1720—3rd Avenue N., Bessemer, AL 35020.	P	D & S
C. F. Hains Hydrology, P.O. Box 238, Northport, AL 35476.	P	D'
Harmon Engineering, Auburn Ind. Park, Auburn, AL 36830.	P	D & S
Hyrdro Research Group, P.O. Box 314, McCalla, Al 35111.	P	D' & S'
Law Engineering, 3608—7th Ct., South, Birmingham, AL 35222.	P	D & S
R. E. Mallette, 2610 3rd Avenue S., Birmingham, AL 35233.	P	D' & S
METCO Laboratories, 514 Gault Avenue N., Ft. Payne, AL 35967.	P	D & S
Mining Services, 1429—39th Avenue E., Tuscaloosa, AL 35404.	P	D & S
Priede-Sedgwick, P.O. Box 73013, Birmingham, AL 35223.	P	D'
Tuscaloosa Test Lab., 3516 Greensboro Road, Tuscaloosa, AL 35403.	P	D & S
Bio-Chem Analysis, 4940 N Memorial Parkway, Huntsville, AL 35810.	S	W & O
Florida		
Zellars-Williams, 4222 S. Florida Avenue, Lakeland, FL 33803.	P	D & S
Orlando Labs., Inc., P.O. Box 8008, Orlando, FL 32856.	S	W & O
Georgia		
Atec Assoc. of Georgia, 3636 Shirley Drive SW, Atlanta, GA 30336.	P	S
Dames & Moore, 455 E Paces Ferry, Atlanta, GA 30305.	P	D & S
Law Engineering, P.O. Box 96008, Atlanta, GA 30359.	P	D & S
Mays-Sudderth-Etheredge, 1775 The Exchange, Atlanta, GA 30339.	P	D'
Soil & Material Eng., 1937 Briarwood Court, Atlanta, GA 30329.	P	D' & S
Versitech, 6855 Jimmy Carter, Norcross, GA 30071.	P	D' & S'
Wapora, Inc., 3301 Buckeye Road NE, Atlanta, GA 30341.	P	D & S
1 Applied Biology, 641 Dekalb Ind. Way, Atlanta, GA 32856.	S	W
Kentucky		
Booker Assoc. Inc., 343 Waller Avenue, Lexington, KY 40304.	P	D'
Commonwealth Technology, R.D. #1, Brannon Road, Lexington, KY 40503.	P	D & S
Donan Engineering, P.O. Box 528, Madisonville, KY 42431.	P	D' & S

Region II—Continued

	Type of contractor	Qualification category
Engineering-Science, 345 Blue Sky Parkway, Lexington, KY 40511.	P	D' & S'
Hittman Assoc., P.O. Box 13024, Lexington, KY 40511.	P	D' & S'
Mays-Sudderth-Etheredge, 568 Delzan Place, Lexington, KY 40503.	P	D'
Nesbitt Engineering, 400 E. Vine Street, Lexington, KY 40507.	P	D'
Proctor-Davis-Ray, 210 Malabu, Lexington, KY 40502.	P	D'
Skelly and Loy, Ironsworks Pike, Lexington, KY 40511.	P	D' & S'
Stanonis & Assoc., 105½ N. Main, Henderson, KY 42420.	P	S'
Summit Engineering, P.O. Box 933, Pikeville, KY 41501.	P	D & S
Tee Engineering, 1314 South Broadway, Lexington, KY 40504.	P	D & S'
Watkins & Associates, P.O. Box 951, Lexington, KY 40588.	P	D
Cumberland Chem. Lab., Route 4, Box 895, Williamsburg, KY 40769.	S	W & O
Fast Fact Lab., Route 6, Box 47, London, KY 40741.	S	W & O
McCoy & McCoy, 85 Noel, Madisonville, KY 42431.	S	W & O
Quality Labs., 131 Cherry Street, Pineville, KY 40977.	S	W & O
T. M. Regan, Inc., 377 Waller Avenue, Lexington, KY 40304.	S	W & O
South Carolina		
Enwright Assoc. Inc., Box 5287 Station B, Greenville, SC 29606.	P	D & S
J. E. Sirrine, P.O. Box 5456, Greenville, SC 29606.	P	D
Tennessee		
Environmental Management Planning, 151 Athens Way, Nashville, TN 37228.	P	D
Environmental Planning Engr., 2805 Woodson Drive SW, Knoxville, TN 37920.	P	D'
Environmental Systems Corp., P.O. Box 2525, Knoxville, TN 37901.	P	D & S
Kenwill, Inc., Box 432, Maryville, TN 37801.	P	S
Law Engineering, 333 Troy Circle, Knoxville, TN 37919.	P	S
Miller-Withry-Lee, 2147 Belcourt Avenue, Nashville, TN 37212.	P	D' & S'
Mining Consultants, Reynolds Road, Franklin, TN 37069.	P	D & S'
Sehorn & Kennedy, 1715 Magnolia, Knoxville, TN 37917.	P	D' & S'
U.S. Testing, 3765 Premiere Cove, Memphis, TN 31818.	P	S
ARO, Inc., P.O. Box 884, Tullahoma, TN 37388.	S	W & O
Environmental Test Consul, 751 E. Brookhave Court, Memphis, TN 38117.	S	W & O
Kenwill, Inc., Box 432, Maryville, TN 37801.	S	W
Woodson-Tennent Lab., P.O. Box 2135, Memphis, TN 38101.	S	W
U.S. Testing, 3765 Premiere Cove, Memphis, TN 31818.	S	W
Watkins & Assoc., P.O. Box 951, Lexington, KY 40588.	S	O
Region III		
Illinois		
Brown & Rothman Engineers, 500 W. Poplar Street, Harrisburg, IL 62946.	P	D' & S'
Camp Dresser & McKee, Inc., 302 E. John Street, Champaign, IL 61820.	P	D & S

Region III—Continued

	Type of contractor	Qualification category
Coal Extraction & Utilization Research Center, Southern Illinois University, Carbondale, IL 62901.	P	D & S
Daily & Associate Engineers, Inc., 1703 West Luthy Drive, Peoria, IL 61614.	P	D & S
Dames & Moore, 1350 Northwest Highway, Park Ridge, IL 60068.	P	D' & S'
DeLeuw, Cather & Company, 165 West Wacker Drive, Chicago, IL 60601.	P	D' & S'
Escor, Inc., 820 Davis Street, Suite 400, Evanston, IL 60201.	P	D' & S'
Espey Huston & Associates, 10400 Higgins Road, Rosemont, IL 60018.	P	D' & S'
GSL Consultants, 1212 Charleston Avenue, Mattoon, IL 61938.	P	D' & S'
Hanson Engineers, 1525 S. 6th Street, Springfield, IL 62703.	P	D' & S'
Harding Lawson & Assoc., 125 Windsor Drive, Suite 107, Oak Brook, IL 60521.	P	D' & S'
Harza Engineering, 150 South Wacker Drive, Chicago, IL 60606.	P	D & S'
Randolph & Assoc. Inc., 8901 N. Industrial Road, Peoria, IL 61614.	P	D & S
WAPORA, Inc., 35 East Wacker Drive, Suite 2380, Chicago, IL 60601.	P	D' & S'
Woodward-Clyde Consultants, Suite 1500, 11 East Adams, Chicago, IL 60603.	P	D' & S'
Aqualab, Inc., Rt. 20 at Valley Lane, Streamwood, IL 60103.	S	W & O
CEPHEUS Industries, Inc., Box 525, Marion, IL 62959.	S	W & O
City of Carbondale, Water and Wastewater Central Laboratory, 1001 S. Wall Street, Carbondale, IL 62901.	S	W & O
Commercial Testing & Eng. Co., 228 North LaSalle Street, Chicago, IL 60601.	S	W & O
Energy Environmental Consultant, 820 Davis St., Suite 400, Evanston, IL 60201.	S	W & O
Erlin Hime & Associates, 811 Skokie Road, Northbrook, IL 60062.	S	W & O
Key Agricultural Services, 114 Shady Lane, Macon, IL 61455.	S	W & O
Trace Elments, Inc., 460 South Northwest Highway, Park Ridge, IL 60062.	S	W & O

Indiana

A & L Great Lakes Agricultural Labs, 5011 Decatur Road, Fort Wayne, IN 46804.	P	D
American Consulting Engineers, 525 East 38th Street, Indianapolis, IN 46205.	P	D'
American Testing Engineering Company, 5150 East 65th Street, Indianapolis, IN 46220.	P	D' & S
Clyde E. Williams & Assoc., 1843 Commerce Drive, South Bend, IN 46628.	P	D & S
Cranor Land Service, R.R. #1, Box 127, Rushville, IN 46173.	P	D' & S'
D'Appolonia-District Office, Mounted Route 522B, Chesterton, IN 46304.	P	D' & S'
ECOL Sciences Inc., 211 W. Washington Street, South Bend, IN 46601.	P	D' & S'
ETS Inc., 6523 Carrollton Avenue, Indianapolis, IN 46220.	P	S
Geosciences Research Assoc., 715 S. Park Avenue, Bloomington, IN 47401.	P	D' & S'
Howard Needles Tammen & Bergendoff, 3333 Founders Lane, Indianapolis, IN 46238.	P	D'
Lawson-Fisher Assoc., 101 JMS Building, South Bend, IN 46601.	P	D' & S'

Region III—Continued

	Type of contractor	Qualification category
National Laboratories, Inc., 600 Bond Street, Evansville, IN 47708.	P	D' & S'
SIECO, Inc., 309 Washington Street, Columbus, IN 47201.	P	D & S'
Chemical Service Laboratory Inc., 3408 Industrial Parkway, Box 220, Jeffersonville, IN 47130.	S	W & O
EMS Laboratories, 7901 W. Morris Street, Indianapolis, IN 46220.	S	W & O
ETS Inc., 6523 Carrollton Avenue, Indianapolis, IN 46220.	S	O
NiCTL, 540 Tyler Street, Gary, IN 46402.	S	W & O
Reid, Quebe, Allison, Wilcox and Assoc., 3901 Industrial Blvd., Indianapolis, IN 46254.	S	W & O

Michigan

Aquatic Systems, Inc., 120 West Ludington Avenue, Ludington, MI 49431.	P	D & S

Ohio

ATEC Associates, 11306 Tamarco Drive, Cincinnati, OH 45241.	P	D & S
Bowser-Morner, 420 Davis Avenue, Dayton, OH 45401.	P	D & S
Dames & Moore, 1150 West 8th Street, Cincinnati, OH 45203.	P	D' & S'
ECO-Data Analysis, LTD., 11001 Cedar Avenue, Cleveland, OH 44106.	P	D & S
Ohio Valley Testing Laboratory, Inc., Box 587, Marietta, OH 45750.	P	S'
Stilson Laboratories, Inc., 170 N. High Street, Columbus, ON 43215.	P	D & S
The TCW Company, Box 648, South Main Street, New Lexington, OH 43764.	P	D & S'
WAPORA, Inc., 5700 Hillside Avenue, Cincinnati, OH 45233.	P	D & S
CLC Labs., 1046 Crupper Avenue, Busch Corporate Center, Columbus, OH 43229.	S	W & O
Howard Laboratories, 3601 S. Dixie, Dayton, OH 45439.	S	W & O
Ohio Agriculture Research & Development Center, Wooster, OH 44691.	S	O
Ohio Dept. of Health, Ohio State University, Columbus, OH 43210.	S	W

Wisconsin

Owen Ayres & Associates, 1300 W. Clairemont, Eau Claire, WI 54701.	P	D & S

Region IV

Kansas

Woodward-Clyde, Consultants, 5055 Antiock Roas, Overland Park, KS 66203.	P	D' & S
Langston Laboratories, Inc., 2005 West 103rd Terrace, Leawood, KS 66206.	S	W

Oklahoma

Engineering Enterprises, Inc., 3400 Lincoln Blvd., Norman, KS 73105.	P	D' & S'
Petra Inc., 4505 E. 68th Street, Tulsa, OK 74136.	P	D' & S'
Williams Brothers Engineering Company, 6600 S. Yale Avenue, Tulsa, OK 74177.	P	D & S'
Oklahoma State University, Stillwater, OK 74074.	S	O

Region IV—Continued

	Type of contractor	Qualification category
Rockwell International, P.O. Box 51305, Tulsa, OK 74151.	S	W
Standard Testing & Engineering Company, 3400 Lincoln Blvd., Norman, OK 73105.	S	W & O

Missouri

Booker Associates, Inc., 1139 Olive Street, St. Louis, MO 63101.	P	D'
Engineering Surveys & Services, 1113 Fay Street, Columbia, MO 65201.	P	D' & S
Woodward-Clyde Consultants, 1350 Baur Blvd., St. Louis, MO 63104.	P	S
Bruce Williams, Consulting Engineering & Assoc., P.O. Box 169, Joplin, MO 64801.	S	W & O
Industrial Testing Laboratories Inc., 2530 Seventh Blvd. St. Louis, MO 63104.	S	W
Mid Missouri Engineers Inc., 506 Nichols, Columbia, MO 65201.	S	W

Region V

California

2 ESCA—Tech Corp., 3001 Red Hill Avenue, Bldg., II, Suite 212, Costa Mesa, CA 92626.	P	D' & S'
Geoscientific Systems Consulting, 8405 Pershing Drive, Suite 402, Playa del Ray, CA 80033.	P	D' & S'
Core Laboratories, Inc., 401 Canal Street, Wilmington, CA 90744.	S	O
Trudsdail Laboratories, Inc., 4101 N. Figueroa Street, Los Angeles, CA 90065.	S	W

Colorado

Camp Dresser & McKee, Inc., 11455 West 48th Avenue, Wheatridge, CO 80033.	P	D & S
Colorado School of Mines Research Institute, P.O. Box 112, Golden, CO 80401.	P	D & S
Dames and Moore, 605 Parfet Street, Denver, CO 80215.	P	D' & S'
Engineering Science, 2785 N. Speer, Suite 140, Denver, CO 80211.	P	D' & S'
Hittman Associates, Inc., Woodside Plaza I, Suite 122, 5500 S. Syracuse Circle, Englewood, CO 80111.	P	D & S
3 J. F. Sato and Associates, 6840 S. University Blvd., Littleton, CO.	P	D' & S'
NUS, 720 S. Colorado Blvd., Denver, CO 80222.	P	D' & S'
Commercial Testing & Engineering Company, 490 Orchard Street, Golden, CO 80401.	S	W & O

Montana

Energy & Environmental Consultants, Inc., 13 N. 32nd Street, P.O. Box 595, Billings, MT 59103.	S	W & O
Northern Testing Laboratories, 600 South 25th Street, P.O. Box 30615, Billings, MT 59107.	S	W

[FR Doc. 80-5692 Filed 2-22-80; 8:45 am]

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federal register

Monday
February 25, 1980

Part III

Department of Health, Education, and Welfare

Health Care Financing Administration

Health Financing Research and Demonstration Grants; Availability

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

Health Financing Research and Demonstration Grants; Availability

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final notice.

SUMMARY: This Notice is HCFA's annual announcement about the availability of funds for research and demonstration grants. It contains information about grant subject areas which will be given priority, project requirements, applications procedures, and amounts and duration of grants. HCFA grants provide funds for activities which will help to resolve major health financing policy and program issues or to develop new methods for the administration of HCFA programs.

DATES: Closing dates and times for submission of grant requests are presented in item four of the Application Procedures section of this Notice.

FOR FURTHER INFORMATION CONTACT: Frances Lariviere, 301–594–8274. If you choose, you may write for information to the following address: Health Care Financing Administration, Office of Research, Demonstrations and Statistics, Program Support Office, Area 2–E–6, Oak Meadows Building, 6340 Security Boulevard, Balitmore, Maryland 21207.

SUPPLEMENTARY INFORMATION: This Notice supersedes the Notice published in the **Federal Register** on March 28, 1979 (44) FR 18626) and:

1. Revises the priority areas for grants;
2. Extends the original schedule for submittal, review and funding of grant applications from quarterly to semiannual; and
3. States that special solicitations may be made by announcement, from time to time, in the **Federal Register.** One such special solicitation is for a hospice study referred to in the list of subjects to which we are giving priority.

Availability of Grants

The Office of Research, Demonstrations and Statistics (ORDS) of the Health Care Financing Administration (HCFA) has funds for research and demonstration grants. Applications for grants may be made by nonprofit or public organizations and institutions (including state agencies responsible for administering the Medicaid Program). Grants may be made for research, planning or conduct of demonstrations or data collection and dissemination activities.

General Policy Considerations

The grants we make are intended to assist in the resolution of major health financing policy and program issues or to assist in developing new methods for the administration of HCFA programs. In general, we will consider funding projects which:

Develop or demonstrate new financing mechanisms or controls, management or administrative procedures, service delivery concepts or technological innovations designed to improve HCFA programs; or

Develop knowledge about the basic nature of costs and inflation in the health care field or the economic and behavioral relationships between health care financing methods and the activities in the health care sector.

Applicants who have ideas in either of these general areas are encouraged to develop them into complete applications.

There are several areas of interest and concern which are current priority areas. However, these areas are not exhaustive of our interests.

Applications which fit one of the priority areas will be considered as "solicited." Applications which do not fit one of the areas also will be considered if they fit within the two general areas described above. However, there is no guarantee that there will be sufficient funds to make awards in all priority areas. These applications will have to compete with one another and across areas.

HCFA Priority Areas for Grants

The areas announced in the March 28, 1979 Notice are being consolidated and adjusted.

The new priority areas are:

1. Beneficiary awareness;
2. Child health;
3. Health systems organization;
4. Hospital costs;
5. Industrial organization reimbursement;
6. Integrated data systems;
7. Long term care (studies and demonstrations);
8. Physician reimbursement;
9. Public financing;
10. State Medicaid programs; and
11. Special one-time solicitation for study of hospices.

An explanation of the new priority areas will be published in a brochure which will be available from:

Program Support Office, Office of Research, Demonstrations and Statistics, Health Care Financing Administration, Department of Health, Education, and Welfare, Area 2–E–6, Oak Meadows Building, 6340 Security Boulevard, Baltimore, Maryland 21207.

This brochure is the basic source for information on the content of the current priority areas for this grants program. An explanation of the special solicitation may be published in the same brochure or at a later date. As changes are made in these priority areas, new editions of the brochure will be prepared and made available.

However, this Notice remains the primary source of information on other aspects of the program.

Duration of Funding

Grants are awarded for a period of 1 year, and may be continued on a non-competing basis generally for up to 3 years if originally awarded as a multiple year project. Continuation funding is contingent upon the availability of future year funds, the applicant's ability to meet prior year project objectives, and the continued relevance of the project to HCFA programs.

Applications which seek to continue a project for a longer period of time than that stated in the original application are treated as if they were new projects. Thus, they must compete for available funds and will be reviewed competitively along with all other new grant applications.

General Criteria for Funding New Projects

The Director of ORDS determines which projects will be funded. These decisions are based on the recommendations of technical review panels and on the comments of other Department components and outside individuals or organizations. More specificially, the criteria employed in arriving at the award decision include:

1. The availability of HCFA human and fiscal resources combined with the relative importance of the proposed project;
2. Whether the project addresses an area of declared interest, and the relevance of the anticipated results to HCFA programs;
3. The adequacy and creativity of the research or demonstration design and hypotheses, the validity and appropriateness of the methods and data base(s) proposed, and the experience and competence of the researchers;
4. Whether there is a realistic expectation that the project can be carried out within the times specified;
5. Whether the proposed project methodology is rigorous and consistent with what is generally agreed to be the state of the art;
6. Whether the overall budget, the personnel resources to be used, and the facilities and equipment are appropriate for the proposed project and to the concern of HCFA for that issue;
7. If the project requires the cooperation of multiple parties, documentation of a commitment of the parties necessary to the success of the planned project; and

8. Whether results would be of value in other state settings or are of national importance.

Project Requirements

In addition to meeting the general criteria described above the application must meet the following requirements.

1. The project goals and objectives must be clearly stated and be measurable.

2. The research design, including the questions to be addressed, the methods and the data to be used must be explicitly described. The methodology must be well defined and scientifically valid.

3. A demonstration or experimental project must include demonstration design, objectives and proposed analytical and evaluation methods. Such projects must have an evaluation component. This must describe data collection and analysis procedures for an evaluation that will assess the degree to which the objectives of the project were met. (HCFA reserves the right to evaluate any experiment or demonstration.) The evaluation component may, at the discretion of HCFA, be performed separately. Therefore, the evaluation effort should be separately and distinctly budgeted.

4. The relevance of the findings to HCP program operations and policy concerns should be discussed.

5. The tasks and milestones must be clearly described and scheduled and must include a schedule of reports to be submitted to HCFA.

6. The application must specify the availability of the data to be used. If data are to be collected, the discussion should describe the nature of the data sought, the sample design and size, controls (if any) and the problems that might be encountered. Data that are collected under a HCFA grant must be available to HCFA or its agents. The applicant must ensure the confidentiality of any personally identifiable information collected under the auspices of any HCFA grant.

7. The Application must show the qualifications and experience of the personnel and demonstrate how their qualifications make the individuals capable of performing the tasks in the project. The application should also show how the personnel are to be organized in the project, to whom they report and how they will be used to accomplish specific objectives or portions of the project.

8. The application must show the availability of adequate facilities and equipment for the project or clearly state how these are to be obtained.

9. The budget must be developed in detail with justifications and explanations for the amounts requested. The estimated costs should be reasonable considering the anticipated results. Applicants must directly share in the costs of the projects (see Application Procedures, Item 3, *Grant Policies* below).

Funds will not be available for construction or remodeling; or for project activities that take place before the applicant has received official notification of HCFA approval of the project.

10. Sections 1115 and 222 projects that require waivers must define the services, list the waivers, discuss the implications if such waivers are granted, state the effect on Federal, State and local laws as well as the effect (beneficial or adverse) on beneficiaries or recipients enrolled in the project.

In addition, these types of applications must estimate the amount of program (and administrative) expenditures that will occur under the waivers and compare these expenditures to those that currently occur in the programs. Particular emphasis should be given to this element. A broad viewpoint may be used so that even though a new service may be added via the waiver, the overall impact on the programs could be to lower costs.

11. Plans for utilization of the project's results should be discussed.

12. The application must assure the applicant's willingness to comply with the human subjects regulations by the inclusion of a completed form HEW–596 (Rev. 1975) "Protection of Human Subjects" (45 CFR Part 46).

Applicants are reminded to make note of this requirement. It may require substantial effort.

Review of the Applications

The review process will consist of two phases. During the first phase applications will be separated into two groups, those that are relevant to the interests of HCFA and those that are not. The criteria used for this decision will be whether the project fits within the language of HCFA's general interest appearing in the first paragraph of "General Policy Considerations" of this Notice. The first group will be screened for completeness and assigned to review panels; the second group will be returned to the applicants. The second phase will consist of the review, ranking and award. The review will be conducted by a panel of not less than three experts (who are not staff members of ORDS).

There will be at least one panel for each priority. An ORDS chairperson will coordinate the panel's review but will not vote. This individual will also prepare the panel's recommendation to the Director, Office of Research, Demonstration and Statistics. The panel's recommendations will contain numerical ratings, ranking of acceptable projects and a written assessment of each application.

A separate panel will designated for the study of hospices. The Director's decision is transmitted in writting to the applicant.

Section 1115 Projects

Under section 1115(a)(1) of the Social Security Act, compliance with statutory State Medicaid Plan requirements may be waived to enable a State Medicaid agency to carry out a significant demonstration project which will further the general objectives of the Medicaid program.

Section 1115 "waiver only" applications (i.e., applications which seek only waivers of HCFA regulations) are reviewed concurrently with other grant application requesting direct financial rsupport. The closing, review and award dates established for grant applicants in this Notice will be used as well for Section 1115 waiver only projects unless otherwise stated in a **Federal Register** Notice.

All requirements of the Social Security Act, the Code of Federal Regulations and other issuances that pertain to the Title XIX categorical program are applicable to a project approved under section 1115, except as specifically waived.

When a State Medicaid agency applies for a section 1115 project special attention should be given to the preparation of the budget. These budgets are substantially more extensive than the budget for other grant applications (see HCFA–PG–11A, Instructions for Completion of Federal Assistance Application form HCFA–PG–11).

Number and Size of Awards

Awards generally range from $25,000 to $1,000,000, in total cost. Most grants will range between $25,000 and $250,000 per year and range from 1 to 3 years. Occasionally, projects last up to 5 years. The number of awards and the priority areas in which they occur will depend on the size of the highest quality/greatest interest applications.

The number and size of awards will depend also on the availability of funds and on the needs of projects that are continuing from prior years.

A review of the requirements of existing projects and our expected fiscal year 1980 budget indicates that $1,000,000 to $4,000,000 may be available for new grant awards.

Authorities

The authorities for these grants are:

Social Security Act, Title XI, and Sections 1110 and 1115.
Section 222(a) of the Social Security Amendments of 1972.
Section 402(a) of Social Security Amendments of 1967.
Public Health Act, Section 1526(a), as restricted by Section 1521(b)(3).
Public Health Act, Section 1533(a), as it relates to Section 1533(d).

Application Procedures

1. *Applications forms.* A standard application form has been developed for the HCFA research and demonstration grant program. Application kits and guidance for the completion of the forms are available from:

Health Care Financing Administration,
Project Grants Branch.
Gwynn Oak Building, Area E–1, 1710 Gwynn Oak Avenue, Baltimore, Md., 21207, telephone (301) 594–3332.

Application kits for the special solicitation on the study of hospices should be obtained from the same source. This kit will be available on or about April 10, 1980.

The application must include in the project title block, the priority area and number to which the applicant is responding. The priority area designation must also be clearly marked on the outside of the package/envelope. If the application is unsolicited (not in response to any of the priority areas) the project title should include the phrase ". . . an unsolicited grant application" and the package/envelope should indicate the same.

2. *Multiple Applications.* The applicant must indicate when the same or a similar application is submitted to another HEW agency; e.g., the Social Security Administration, the Office of Human Development Services or the Public Health Service.

3. *Grant Policies.* The funding of grants is made through a competitive process based on a choice of applications generally submitted in response to this notice. All grantees are expected to share directly (not in-kind) in the costs of the projects. This sharing will not be less than 5 percent of the total project cost.

For Section 1115 projects, the amount the single State agency will be expected to provide generally will be at least 5 percent of special Federal project funds.

Other policies including grantee responsibilities, awarding and payment procedures, special provisions and assurances may be found in the following documents that are included in the application kit:

HCFA Grants Policy Handbook, DHEW Publication No. (HCFA) 79–04001 (Rev. 6/79)
45 Code of Federal Regulations, Part 74; Administration of Grants

4. *Closing Dates and Times.* Grant applications are regularly processed twice a year with award decisions being announced approximately 5 to 6 months later.

For fiscal year 1980, the second and last closing date will be Monday, April 7, 1980. For fiscal year 1981, the closing dates are Monday, October 6, 1980 and Monday, April 6, 1981. The closing dates in fiscal year 1982 are Monday, October 5, 1981 and Monday, April 5, 1982. For all dates, the closing time is not later than 4:30 p.m. Baltimore, Maryland time.

Applications received any time after the closing date or time will not be considered unless they were sent by Registered, Certified or Express mail 5 working days in advance of the specified dates. The postmark on the package will establish the date the application was mailed. Late applications will be carried over until the next closing date unless the applicant notifies the Project Grants Branch that it is being withdrawn.

Applications received for the second cycle in any fiscal year will be reviewed with the intent of making awards in the fourth quarter of that fiscal year. However, these applications may be held for award in the first quarter of the subsequent fiscal year.

Applications received for the special solicitation for the study of hospices will be reviewed with the intent of making awards in the fourth quarter of fiscal year 1980.

(Sections 1102, 1110, 1115, 1871 and 1875 of the Social Security Act (42 U.S.C. 1302, 1310, 1315, 1395hh, 1395ll); section 222(a) of the Social Security Amendments of 1972 and section 402(a) of the Social Security Amendments of 1967 (42 U.S.C. 1395b–1); and sections 1521, 1526 and 1533 of the Public Health Service Act (42 U.S.C. 300m, 300m–5 and 300n))

(Catalog of Federal Domestic Assistance Program No. 13,766 Health Financing Research, Demonstrations and Experiments)

Dated: February 12, 1980.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

[FR Doc. 80–5690 Filed 2–22–80; 8:45 am]
BILLING CODE 4110–35–M

federal register

Monday
February 25, 1980

Part IV

Department of the Interior

Office of Surface Mining, Reclamation and Enforcement

Energy Fuels Corp. (Energy #1 and Energy #2 Mines, Routt County, Colo.), Pending Decision to Approve Proposed Major Modification to Coal Mining and Reclamation Plan; and Reopening of Public Comment Period on Portions of the Montana Permanent Submission for the Regulation of Surface Coal Mining

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[Federal Lease Nos. C-22644, C-20900, C-128433, C-081330, D-052548, and C-16284]

Energy Fuels Corp., (Energy No. 1 and Energy No. 2 Mines) Routt County, Colo; Notice of Pending Decision To Approve Proposed Major Modification to Coal Mining and Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of Interior.

ACTION: Notice of Pending Decision to Approve Proposed Major Modification to Surface Coal Mining and Reclamation Plan with Stipulations.

SUMMARY: Pursuant to § 1506.6 of Title 40 and § 211.5 of Title 30, Code of Federal Regulations, notice is hereby given that the Region V Office of Surface Mining Reclamation and Enforcement (OSM) has completed a technical and environmental review of a major modification to a mining and reclamation plan and has recommended to the Department approval of the plan with stipulations. Notice of availability of the application of the Energy Fuels Corporation was published in the **Federal Register** on December 19, 1979, 44 FR 75241–42.

SUPPLEMENTARY INFORMATION: The Office has prepared a technical analysis (TA) and an environmental assessment (EA) and from its studies has determined that significant impacts that could ensue from the proposed modification have been assessed in the following impact statement: "Northwest Colorado Coal Environmental Statement." That impact statement consists of three volumes: a Regional Analysis Volume, a Site Specific volume and an appendix report. The Site Specific Analysis Volume addresses the Energy Fuels Corporation Mining and Reclamation Plan for the Energy Fuels Nos. 1 and 2 mines along with the proposed extension of the No. 1 mine into the Eckman Park Area.

The proposed mine is located about 25 miles west-southwest of Steamboat Springs, Colorado in Routt County along County Road number 27 which runs between Oak Creek and Hayden.

Location of Lands To Be Affected By Modification

Applicant: Energy Fuels Corporation
Mine Name: Energy #1 and #2
State: Colorado
County: Routt
Township, Range, Section: T. 5 N., R. 86 W., Sections 19, 20, 21, 28, 29, 31, 32, 33, 34; T. 5 N., R. 87 W., Sections 24, 25, 36; T. 4 N., R. 86 W., Sections: 7, 8, 9, 16, 17, 18, 19, 20 and 21; T. 4 N., R. 87 W., Sections 13, 24, 25.
Office of Surface Mining Reference No: CO-0003

The proposed modification involves mining and associated disturbance of 1,800 acres of the total permit area of 6,680 acres. The mines are dragline and shovel operations removing predominantly Federal coal and a small percentage of private coal. The coal is shipped by the Denver and Rio-Grande Railroad to Illinois Power Company and the Public Service Company of Colorado. The reported annual production rate would be maintained at its present level of 3.9 million tons per year over a six year period (1980 to 1985). The proposed modification involves an extension of mining activities southwest from the presently mined area. The operation would involve the extraction of coal in primarily the Wadge seam and, where economically feasible, from the Lennox seam. The area scheduled for mining is outside the mining boundaries previously approved by the Department. Energy Fuels is requesting exceptions from contemporaneous reclamation in 2 areas, a portion of the mine associated with the initial boxcut because of spoil handling problems and a portion of the mine where a proposed underground portal would be located.

The purpose of this notice is to inform the public that based on OSM staff review and analysis of the mining and reclamation plan, the reviews of other State and Federal agencies, the Regional Director, Region V, Office of Surface Mining is recommending approval of the major modification of the Energy Fuels Corporation Mine #1 and #2 Mining and Reclamation plan with stipulations. Any person having an interest which is or may be adversely affected by recommended approval may request, in writing, a public meeting on the proposed decision.

The applicant's plan was reviewed under 30 CFR Part 211 and the performance standards of the permanent program on Federal lands. Recent amendments to 30 CFR 701.11 and 741.11 postpone the effective date for operator compliance with the permanent program on Federal lands until the date of approval of a State program or implementation of a Federal program for State (See 44 FR 77440–47, December 31, 1979). Departmental action on the Energy Fuels Corporation major modification at this time does not relieve the operator of the obligation to file a new permit application not later than two months after the effective date of approval of the Colorado program (or implementation of a Federal program in Colorado). Upon receipt of that application, the Office of Surface Mining will proceed to review the application pursuant to 30 CFR Chapter VII, Subchapter D.

The Secretary's decision will consider the recommendations of OSM as well as the Bureau of Land Management, the U.S. Geological Survey and any public comments received on or before 20-days after publishing in the **Federal Register.**

DATES: All requests for a public meeting must be made on or before March 17, 1980. No decision on the plan will be made by the Assistant Secretary, Energy and Minerals, prior to the expiration of the 20-day period.

ADDRESSES: The technical analysis, environmental assessment, and proposed stipulations are available on request and for review in the Office of Surface Mining, Region V. Any comments on the proposed approval should be submitted to the Regional Director, Region V, Office of Surface Mining, Brooks Towers, 1020 Fifteenth Street, Denver, Colorado 80202 no later than March 17, 1980.

FOR FURTHER INFORMATION CONTACT: Keith Kirk, Office of Surface Mining, Region V, Brooks Towers, 1020 Fifteenth Street, Denver, Colorado 80202.

Donald A. Crane,
Regional Director.

[FR Doc. 80-5961 Filed 2-22-80; 9:11 am]
BILLING CODE 4310-05-M

Reopening of Public Comment Period on Portions of the Montana Permanent Submission for the Regulation of Surface Coal Mining

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Notice of reopening of public comment period on portions of the Montana Permanent Program Submission for the regulation of surface coal mining.

OSM is reopening the period for review and comment on portions of the proposed Montana regulatory program until March 3, 1980. The new comment period provides opportunity for the public to review and comment on supplemental information submitted by the Montana Department of State Lands after the close of the public comment period on February 6, 1980.

DATES: All comments must be received on or before 5:00 p.m. on March 3, 1980, to be considered in the Secretary's decision on the proposed Montana regulatory program.

The comments submitted by the Environmental Policy Institute and Public Lands Institute, supplemental information submitted by the Montana Department of State Lands and summaries of discussions between the OSM and Montana concerning this information are available for review during regular business hours at:

Office of Surface Mining, Brooks Towers, Room 5010, 1020 15th Street, Denver, Colorado 80202.
Office of Surface Mining, Department of the Interior, Room 135, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.
Montana Department of State Lands, 1625 Eleventh Avenue, Capitol Station Helena Montana 59601, Telephone: (406) 449–2074.

Written comments should be delivered by 5:00 p.m. on March 3, 1980, to:

Office of Surface Mining, Brooks Towers, Room 5010, 1020 15th Street, Denver, Colorado 80202.
or
Office of Surface Mining, Department of the Interior, Room 135, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: On February 5 and 6, Environmental Policy Institute (EPI) and Public Lands Institute (PLI) submitted public comments on aspects of Montana's permanent program submission relating to citizen's rights, administration and judicial review, inspection and enforcement, and 25 specific issues which are identified in Administrative Record No. MT–87. After review of these comments Montana has provided OSM additional information in discussions and by letter. The new period for public comment is necessary to allow opportunity for the public to review and comment on the summaries of discussions and supplemental information submitted by the Montana Department of State Lands. OSM will only consider comments upon the information submitted by Montana in response to the comments of Environmental Policy Institute (EPI) and Public Lands Institute (PLI) submitted February 5 and 6, 1980. Copies of this information and summaries of discussions between OSM and Montana are contained in the Administrative Record, located in the places identified under "Addresses". This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the Surface Mining Control and Reclamation Act of 1977.

Walter N. Heine,

Director, Office of Surface Mining, Reclamation and Enforcement.

February 20, 1980.

[FR Doc. 80–5960 Filed 2–22–80; 9:11 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

AGRICULTURE DEPARTMENT

Office of the Secretary—

6020 1–24–80 / Reimbursement of participants in rulemaking proceedings

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

6062 1–24–80 / Fishermen's Contingency Fund

ENVIRONMENTAL PROTECTION AGENCY

7138 1–31–80 / Revised motor vehicle exhaust emission standards for carbon monoxide (CO) for 1981 model year light-duty vehicles

FEDERAL COMMUNICATIONS COMMISSION

3910 1–21–80 / Noncommercial educational FM assignment to Avalon, Calif.; Radio broadcast services

3910 1–21–80 / TV assignment to Orange Park, Fla.

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

6084 1–25–80 / Sulfuric acid and ammonium, calcium, potassium, and sodium sulfates; affirmation of GRAS status

6314 1–25–80 / Nutritional quality of foods; addition of nutrients

INTERIOR DEPARTMENT

5713 1–24–80 / Public lands, hearings and appeals; effective participation

SECURITIES AND EXCHANGE COMMISSION

6362 1–28–80 / Exemption of limited offers and sales by qualified issuers

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

5670 1–24–80 / Certification: Pilots and flight instructors, flight crewmembers, special purpose pilot, flight engineer, and flight navigator certificates

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 February 21, 1980

Advance Orders are now Being Accepted for Delivery in About 6 Weeks

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