U.S. GOVERNMENT INFORMATION GPO

2-28-80
Vol. 45 No. 41
Pages 13043-13428

federal register

Thursday
February 28, 1980

Highlights

13135 **Knowledge Use and School Improvement** HEW/NIE proposes regulation that will implement and govern a multi-year program of research grants; comments by 4–14–80

13200 **For-Profit Organizations** HEW/PHS request comments on question of making financial assistance awards; comments by 4–28–80

13123 **Income Tax** Treasury/IRS proposes rulemaking concerning self-insured medical reimbursement plans; comments by 4–28–80

13075 **Medicare Program** HEW/HCFA deletes time limit under the current payment method for the services of "independent" rural health clinics; effective 3–1–80

13050 **Emergency Building Temperature Restrictions** DOE addresses the concern of who can apply for an exemption to the regulations and the proper procedure to be used in doing so; effective 3–31–80

13060 **Poison Prevention Packaging** CPSC issues procedures for the granting of exemptions to standards under the Act of 1970; effective 3–31–80

13414 **High-Cost Natural Gas** DOE/FERC establishes procedures of identification; effective 3–21–80; comments by 3–28–80 (Part V of this issue)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Area Code 202–523–5240

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13427 **High-Cost Natural Gas** DOE/FERC proposes to establish a special incentive price for certain gas not covered by the interim rule provisions; comments by 3–28–80 (Part V of this issue)

13127 **Outer Continental Shelf Study** Interior/GS and DOT/CG announce joint study to review existing regulations for oil and gas production; comments by 4–28–80

13191, 13192 **Fuel Economy Retrofit Devices** EPA announces the conclusions of the evaluation of the "environmental fuel saver" and "fuel conservation device" (2 documents)

13122 **Incremental Pricing Program** DOE/FERC request comments on whether rulemaking should be initiated with regard to the treatment of boiler fuel use of natural gas; comments by 3–31–80

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13069 **Minimum Property Standards** HUD/FHC revises bulletin dealing with cast iron sanitary drainage systems with hubless pipe and fittings; effective 3–25–80

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13251 **Sunshine Act Meetings**

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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

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 482; Navel Orange Regulation 481, Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 29–March 6, 1980, and increases the quantity of such oranges that may be so shipped during the period February 22–28, 1980. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective February 29, 1980 and the amendment is effective for the period February 22–28, 1980.

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

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

The committee met on February 26, 1980 to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges remains strong on 72 and larger sizes, steady on size 88, and is easier on size 113.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, phone (202) 447–5975.

§ 907.782 Navel Orange Regulation 482.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period February 29, 1980 through March 6, 1980, are established as follows:

(1) District 1: 1,395,000 cartons;
(2) District 2: 155,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

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

Paragraph (a) in § 907.781 *Navel Orange Regulation 481* (45 FR 11461), is hereby amended to read:

§ 907.781 Navel Orange Regulation 481.

(a) * * *
(1) District 1: 1,408,000 cartons;
(2) District 2: 160,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: 32,000 cartons.

* * * * *

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

Dated: February 27, 1980.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-6493 Filed 2-27-80; 10:54 am]
BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

10 CFR Part 205

Administrative Procedures and Sanctions; 1980 Interpretations of the General Counsel

AGENCY: Department of Energy.

ACTION: Notice of interpretations.

SUMMARY: Attached are interpretations and a response to a petition for reconsideration issued by the Office of General Counsel of the Department of Energy under 10 CFR Part 205, Subpart F, during the period January 1, 1980 through January 31, 1980.

Appendix C identifies those requests for interpretation which have been dismissed during the same period.

FOR FURTHER INFORMATION CONTACT: Diane Stubbs, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 5E052, Washington, D.C. 20585 (202) 252–2931.

SUPPLEMENTARY INFORMATION: Interpretations issued pursuant to 10 CFR Part 205, Subpart F, are published in the **Federal Register** in accordance with the editorial and classification criteria set forth in 42 FR 7923 (February 8, 1977), as modified in 42 FR 46270 (September 15, 1977).

These interpretations depend for their authority on the accuracy of the factual statement used as a basis for the interpretation (10 CFR 205.84(a)(2)) and

may be rescinded or modified at any time (§ 205.85(d)). Only the persons to whom interpretations are addressed and other persons upon whom interpretations are served are entitled to rely on them (§ 205.85(c)). An interpretation is modified by a subsequent amendment to the regulation or ruling interpreted thereby to the extent that the interpretation is inconsistent with the amended regulation or ruling (§ 205.85(e)). The interpretation published below is not subject to appeal.

The response to a petition for reconsideration published herein has been issued in accordance with the provisions set forth in 10 CFR 205.85(f). The reconsideration procedure is not the equivalent of an administrative appeal, but merely provides a mechanism to insure that no errors are made which affect the validity of the interpretation.

Issued in Washington, D.C., February 22, 1980.

Merrill F. Hathaway, Jr.,

Acting Assistant General Counsel for Interpretations and Rulings.

Appendix A

No.	To	Date and category	File No.
1980-1	West Side Distributing Co..	Jan. 11, allocation	A-438
1980-2	AMF Inc	Jan. 14, allocation	A-444
1980-3	Exxon Corp.;... Standard Oil Co. (Indiana);. Getty Oil Co...	Jan. 23, price	A-113 A-391 A-330

Interpretation 1980–1

To: West Side Distributing Company.
Regulation Interpreted: 10 CFR 211.51.
Code: GCW-AI-Def. of Wholesale Purchaser-Reseller, Supplier; Base Period Supplier.

Facts

The West Side Distributing Company (West Side), located in Rochester, Minnesota, is a wholesale purchaser-reseller of motor gasoline, as defined in 10 CFR Part 211. The record forwarded to this office by the Office of Hearings and Appeals [1] indicates that prior to July 1, 1977, West Side purchased motor gasoline from the Midwest Oil Company (Midwest). This gasoline was purchased by Midwest from the Getty Refining and Marketing Company (Getty).[2] Midwest determined prices in sales to West Side, arranged credit terms, and billed West Side. However, Getty delivered the gasoline directly from its refinery to West Side at the Eyota, Minnesota terminal. Midwest was also responsible for paying all operating expenses, including payroll, taxes, and fees and licenses, arising out of its business activities.

On March 31, 1978, Koch Industries, Inc. (Koch) purchased the assets and business of Midwest. From April 1978 until December 1978, West Side made payments to Koch for gasoline delivered by Getty. On or about January 1, 1979, a dispute arose between Getty and Koch as to which firm was the base period supplier of West Side. Both Getty and Koch denied that they had any obligation to supply West Side with gasoline, and as a result West Side was unable to purchase its base period volume of motor gasoline beginning in January 1979. Although both Getty and Koch agreed that West Side was entitled to its base period supply of motor gasoline, they disagreed as to which firm was the supplier and the manner in which the product should be made available to West Side.

In support of its position that it has no supplier/purchaser relationship with West Side, Getty maintained before the Office of Hearings and Appeals that its customer for the gasoline was Koch even though Getty delivered the product directly to West Side without Koch taking physical possession. Getty apparently acknowledged its supply obligation to Koch but denied any such obligation to supply West Side. Koch maintained, on the other hand, that the only function it assumed when it purchased Midwest was that of a "collection agent" that simply billed and received payment from West Side for the motor gasoline that was sold by Getty. Not having received any motor gasoline after the 15th of January 1979, West Side filed a request for exception on March 21, 1979, seeking a determination that Getty was its base period supplier and was therefore required to supply West Side with the volumes of motor gasoline purchased in the corresponding months of the base period. OHA concluded that Midwest, and its successor Koch, had supplied West Side as a wholesale purchaser-reseller and that the supplier/purchaser relationship must be maintained pursuant to 10 CFR 211.9.[3] Koch was then directed under the terms of the Proposed Decision and Order and the Stay issued by OHA to supply West Side with the appropriate volumes from the date the order was entered.[4] However, recognizing that the question of Koch's status as the base period supplier constitutes an interpretive matter for resolution by the Office of General Counsel, OHA referred that question to this office for resolution.

Issue

Is Getty or Koch the base period supplier of West Side?

Interpretation

For the reasons given below, the Department of Energy (DOE) has determined that Koch is West Side's base period supplier.

A "supplier" is defined in 10 CFR 211.51 to mean: "any firm or any part or subsidiary of any firm . . . which presently, during the base period, or during any period between the base period and the present supplies, sells, transfers or otherwise furnishes (as by consignment) any allocated product or crude oil to wholesale purchasers or end-users, including, but not limited to, refiners, natural gas processing plants or fractionating plants, importers, resellers, jobbers, and retailers."

To determine whether Koch served as the base period supplier of West Side, we must first decide whether Koch functioned independently of Getty as "a wholesale purchaser reseller" or, as Koch contends, as Getty's "consignee agent." *See* 10 CFR 211.51 and 10 CFR 212.31. If the former is true, then Koch is the base period supplier of West Side. In contrast, if Koch served as Getty's "consignee agent" then we might, under certain circumstances, find Getty itself to be the base period supplier.

A careful reading of the definitions in 10 CFR 211.51 reveals that Koch is a wholesale purchaser-reseller, which means "any firm which purchases, receives through transfer, or otherwise obtains (as by consignment) an allocated product and resells or

[1] West Side filed an application for exception with the Department of Energy Office of Hearings and Appeals (OHA) on March 21, 1979, requesting that Getty be named as its base period supplier. While OHA ordered Koch to supply West Side with the appropriate volumes from the date the order was entered, it transferred the ultimate decision as to which party is West Side's base period supplier to the Office of the General Counsel. (Case No. DEE-2749).

[2] Getty is the successor in interest to Skelly Oil Company, which was the original signatory to the contract with Midwest.

[3] 10 CFR 211.9(a) reads in part as follows: "(a) *Supplier/wholesale purchaser relationship.* (1) Each supplier of an allocated product shall supply all wholesale purchaser-resellers and all wholesale purchaser-consumers which purchased or obtained that allocated product from that supplier during the base period as specified in Subparts D through K of this part."

[4] OHA, Proposed Decision and Order and Stay Issued to West Side Distributing Company, Case Numbers DEE 2749 and 2249, May 7, 1979.

In the notice of objection to the proposed decision and order filed later, West Side sought relief as to the base period volumes for February, March, and April 1979 that it had not been able to purchase as a result of the Getty-Koch dispute.

otherwise transfers it to other purchasers without substantially changing its form." Under the terms of the Getty-Midwest agreement of June 6, 1973, which was still in effect when Koch took over Midwest's operations, Koch purchased product from Getty and, as a result of the sale, took title to the product.[5] While Getty transferred physical possession of the gasoline to West Side at a Getty terminal, Koch transferred title to West Side, billed West Side, and received payment for the product. Inasmuch as Koch purchased the product from Getty and thereafter transferred title to West Side, we conclude that Koch resold the product to West Side, a purchaser, "without substantially changing its form."

Koch's argument that it was acting as "a consignee agent" on Getty's behalf and that Getty itself is the base period supplier is unpersuasive. A consignee-agent is defined in 10 CFR 212.31 for pricing purposes to mean: "a firm which distributes covered products to purchasers pursuant to a contractual arrangement with a refiner under which the refiner retains title to the covered products and specifies the prices to be paid by the purchaser and under which the refiner pays the consignee agent a commission based on the volume of covered products distributed by the consignee agent."

In this case Koch took title to the product from the refiner, Getty, and was not paid any commission by Getty. Instead, Koch resold the product and was compensated on the basis of a per gallon mark-up paid by West Side as part of the sales price.[6] In light of these facts, it is clear that Koch's role did not resemble that of a consignee-agent.[7]

West Side argues that the present fact situation is analogous to the one is *Estron Oil Co.*, Interpretation 74–12, (July 18, 1974), 42 FR 25653 (May 18, 1977) where we determined that certain companies involved in motor gasoline sales were not "wholesale purchaser-resellers." Estron Oil Company (Estron) and other companies were parties to an agreement with the American Oil Company (Amoco) whereby these companies were to receive commissions from Amoco in exchange for the solicitation of service station (dealer) accounts at specified locations on its behalf. The stations concerned would subsequently agree with Amoco to receive and sell product exclusively under Amoco's brand name. Amoco priced the product, delivered it to the stations, and was then paid directly by the retail dealers. Under the terms of the agreement, the companies were generally entitled to receive cents-per-gallon commissions on gasoline and percentage commissions on dollar volume (exclusive of taxes) of motor oils sold to such service stations by Amoco. Commissions due the companies were paid directly to them by Amoco. As agreed by Amoco and the companies, when the agreement between Amoco and the companies expired, the agreement between Amoco and the dealers would also expire.

We concluded in *Estron* that the companies did not constitute wholesale purchaser-resellers because they did not purchase, receive through transfer, or otherwise obtain any gasoline from Amoco; all sales of gasoline were made directly to each dealer by Amoco and the companies were then paid commissions by Amoco. The arrangement in the present case is markedly different from that in *Estron*. First, there was no direct agreement between West Side and Getty as there was between the dealers and Amoco in *Estron*.[8] Second, West Side made payments to Koch, not Getty, whereas in *Estron* the dealers paid Amoco, the refiner. Finally, Koch had the right to price the product independently and was compensated on that basis. In contrast, the companies in *Estron* were paid commissions by Amoco. Given these distinguishing features, it is clear that *Estron* is not controlling authority in assessing the relationship between Koch and Getty.

To the contrary, the fact situation here more closely resembles that in *Beukema Petroleum Co.*, Interpretation 1975–73 (November 28, 1975), 42 FR 23766 (May 10, 1977) where Admiral, a wholesale purchaser-reseller was found to be the base period supplier of an outlet leased by Beukema Petroleum. Deliveries of motor gasoline to the outlet were made by Four Star Service Stations, Inc. (Four Star) pursuant to an agreement with Admiral. Four Star needed to supply a gasoline retailer to preserve its federal distributor's license and certain federal tax advantages. Consequently, Four Star sold the gasoline to Admiral at cost plus freight but delivered for Admiral to Beukema, a client previously selected by Admiral. Admiral billed Beukema at cost plus freight and taxes plus Admiral's margin for gasoline delivered by Four Star. Four Star had no credit or billing arrangements with Beukema. We found that Four Star acted only as a common carrier for Admiral with Admiral retaining the responsibility for supplying Beukema. Admiral was therefore Beukema's base period supplier.

Under the contract with Getty, Koch took title to the product and had the right to resell the product at prices determined by Koch to customers of its choice. Koch was able to exercise a "substantial measure of functional autonomy" as discussed in Ruling 1975–8. Accordingly, for the reasons cited above, we have determined that Koch is a wholesale purchaser-reseller and the base period supplier of West Side.

Issued in Washington, D.C., on January 11, 1980.

Everard A. Marseglia, Jr.,

Assistant General Counsel for Interpretations and Rulings.

Interpretation 1980–2

To: AMF Incorporated Employees' Cooperative

Regulations Interpreted: 10 CFR 210.62, 211.51

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[5] Koch contends in its submission that its role in the present case is limited to that of Midwest's successor. However, inasmuch as the base period for motor gasoline is from November 1977 to October 1978, and Koch sold gasoline to West Side during a portion of that period (from March–October 1978), Koch's activities during this updated base period may qualify as a wholesale purchaser-reseller without regard to Midwest's earlier status. 10 CFR 211.102.

[6] Koch argues that the fraction of a cent markup per gallon which it received from West Side is akin to a commission. However, in determining whether Koch acted as a consignee agent, more weight should be attached to its right to exercise pricing discretion than to the specific amount charged. *See* Ruling 1975–8, 40 FR 30037 (July 17, 1975).

[7] Moreover, due to the high degree of "functional autonomy" exercised by Koch, it would qualify as a wholesale purchaser-reseller under the criteria addressed in Ruling 1975–8, 40 FR 30037 (July 17, 1979) even if it were also a consignee agent. The criteria for identifying consignee agents who are also wholesale purchaser-resellers are as follows: "A consignee which operates in the same manner as an independent jobber, and thereby qualifies as a wholesale purchaser-reseller, will generally have most (but not necessarily all) of the following characteristics:

"(a) appropriate facilities and equipment for the conduct of the business of selling and distributing its supplier's products;

"(b) responsibility, independent of its supplier, for its internal financial management and physical and administrative operation;

"(c) responsibility to its supplier and others for expenses and liabilities arising from and connected with the business of transfer and sale of its supplier's products; and

"(d) independent control over the disposition of the allocated product, including the right to enter into and terminate relationships with customers rather than solely being restricted to distributing product to customers designated by the supplier."

Koch appears to qualify as a wholesale purchaser-reseller under at least three of the four criteria listed. *See also,* Midwest Oil Co., Interpretation 75–33 (August 21, 1975) 42 FR 23744 (May 10, 1977); William S. Bronson, Interpretation 75–67 (October 10, 1975) 42 FR 23762 (May 10, 1977); and E. L. Danielson, Interpretation 75–70 (October 24, 1975) 42 FR 23764 (May 10, 1977).

[8] Although West Side dealt directly with Getty by submitting at the Eyota, Minnesota terminal a "manifest", which listed Getty as the supplier, this "manifest" operated as an order blank and not as an explicit contract such as the one in *Estron*, which was a standard form dealer agreement.

Code: GCW–AI–Normal Business Practices; Definitions of End-user, Firm, Supplier, Wholesale Purchaser-Reseller

Facts

The AMF Incorporated Employees' Cooperative (Cooperative), an unincorporated association whose membership is open to the headquarters employees of AMF Incorporated, White Plains, New York, seeks an interpretation regarding the application of the Mandatory Petroleum Allocation Regulations to its proposed motor gasoline distribution operation. The Cooperative was organized specifically for the purpose of purchasing motor gasoline on behalf of its members. The motor gasoline would be purchased with funds provided by the membership for subsequent distribution to members from either a truck or an in-ground pump located in the AMF employee parking lot. Management of the Cooperative is vested in its Board of Directors which consists of three members who in turn may appoint Cooperative officers. The Cooperative submits that it will shortly be organized as a corporation under New York law with each participating employee holding stock in the corporation.

In order to implement its proposed motor gasoline distribution operation the Cooperative has requested that the Department of Energy (DOE) assign a supplier to the Cooperative. In addition, the Cooperative proposes to purchase surplus motor gasoline in the open market. All volumes would then be distributed by the Cooperative to its members in accordance with the members' demand during periods of sufficient supply and on a pro rata basis during periods of shortage. Each member would be charged periodically by the Cooperative in an amount equal to the value of the motor gasoline acquired by that member. The Cooperative candidly admits that it was formed in order to avoid the inconvenience to its members of waiting in lines at gasoline service stations during times of product shortages.

Issues

1. Whether the AMF Incorporated Employees' Cooperative would qualify as an "end-user," or a "supplier" and a "wholesale purchaser-reseller," of motor gasoline as those terms are defined in 10 CFR 211.51 of the Mandatory Petroleum Allocation Regulations?

2. Whether the Cooperative's plan to distribute motor gasoline exclusively to its members would constitute discrimination proscribed by the normal business practices rule, 10 CFR 210.62(b)?

Interpretation

For the reasons set forth below, the DOE has determined that under the proposed motor gasoline distribution plan described in the request for interpretation, the Cooperative would be a supplier and a wholesale purchaser-reseller, rather than an end user, of motor gasoline as those terms are defined in 10 CFR 211.51. Furthermore, the plan to distribute motor gasoline by the Cooperative exclusively to its members would constitute discrimination proscribed by the normal business practices rule, 10 CFR 210.62(b).

I. *The Cooperative as "end-user."* Because the Cooperative would purchase motor gasoline (an allocated product for purpose of Part 211) and resell that gasoline to its members, the Cooperative would be a "wholesale purchaser-reseller" and a "supplier," terms that are defined in 10 CFR 211.51 as follows:

> "Wholesale purchaser-reseller" means any firm which purchases, receives through transfer, or otherwise obtains (as by consignment) an allocated product and resells or otherwise transfers it to other purchasers without substantially changing its form.
>
> "Supplier" means any firm or any part or subsidiary of any firm other than the Department of Defense which presently, during the base period, or during any period between the base period and the present supplies, sells, transfers or otherwise furnishes (as by consignment) any allocated product or crude oil to wholesale purchasers or end-users, including, but not limited to, refiners, natural gas processing plants or fractionating plants, importers, resellers, jobbers, and retailers.

The Cooperative contends that under the Mandatory Petroleum Allocation Regulations, 10 CFR Part 211, it qualifies as an "end-user" rather than as a supplier. End-user is defined at 10 CFR 211.51 as:

> any firm which is an ultimate consumer of an allocated product other than a wholesale purchaser-consumer.

In support of its argument that it should be considered an "end user," the Cooperative contends that it is a "firm,"[1] which is an ultimate consumer. Although the rationale for this argument is not entirely clear, we infer that the Cooperative means to argue that its members are ultimate consumers, that these members compose the organization, and that because the organization and its members are a single firm the members' individual status as end-users is imputed in the aggregate to the Cooperative.

The principal defect in this argument, however, is that while the Cooperative and its members may in some respects be part of the same "firm," as that term is used in DOE regulations, it cannot be said that the motor gasoline volumes purchased under the proposed plan would be consumed by "the firm." Rather, motor gasoline would be purchased by and sold by that "firm" (the Cooperative and all of its members) to individual members in arm's-length sales.

Under our reading of the definition of "firm" and the cases decided thereunder, ultimate consumption by individual members who put the gasoline to their own private use cannot be imputed to the membership at large, and therefore to the Cooperative. The DOE has consistently found the power of common control over all constituent elements to be an integral part in determining the extent of the firm. See 10 CFR § 211.51, 212.82 and 212.92, also *Monsanto Company*, Interpretation 1979–22 45 FR —— (issued September 19, 1979) and *Semark California Inc. and LIG California Inc.*, Interpretation 1979–16 45 FR —— (issued July 31, 1979). Inasmuch as the Cooperative's function is expressly the acquisition and distribution of motor gasoline, sales to individual members would constitute sales by the "firm" to third parties, whose use of gasoline is in no way subject to any control by the firm.[2] Thus, while the members who use motor gasoline in their private automobiles qualify severally as "end-users," the Cooperative has not demonstrated that it is entitled to share in their status. The Cooperative itself serves instead as "a wholesale purchaser-reseller" and "a supplier" since it is a separate firm that

[1] The definition of "firm" applicable to the Mandatory Petroleum Allocation Regulations, Part 211, reads as follows: "Firm" means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal Government including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments. The [DOE] may in regulations and in forms issued in this part, treat as a firm: (a) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (b) a parent and its consolidated entities, (c) any unconsolidated entity, or (d) any part of a firm. 10 CFR 211.51.

[2] The Cooperative makes one final argument to support its contention that it is an "end-user" rather than "a supplier." It claims that the organization is merely the alter-ego of its members and is thereby entitled to share in their status as end-users. We conclude that this argument is spurious in light of the discussion of "firm" above. Indeed, this line of argument may allege too much. If the Cooperative is merely the alter-ego of its membership and serves no other function, then it may be a sham the sole purpose of which is to secure gasoline for its members on a discriminatory basis.

purchases motor gasoline and transfers that allocated product to its members who in their individual capacities are the end-users and are not part of the same firm.

II. *Discrimination under 10 CFR 210.62.* As a supplier the Cooperative is expressly covered by the normal business practices rule set forth in § 210.62(b). That rule reads in its entirety:

> No supplier shall engage in any form of discrimination among purchasers of any allocated product. For purposes of this paragraph, "discrimination" means extending any preference or sales treatment which has the effect of frustrating or impairing the objectives, purposes and intent of this chapter or of the Act, and includes, but is not limited to, refusal by a retail marketer of motor gasoline or diesel fuel to furnish or sell any allocated product due to the absence of a prior selling relationship with the purchaser, or establishment of new volume purchase arrangements where customers of retailers agree in advance to purchase in excess of normal amounts of motor gasoline or diesel fuel and thereby receive preferential treatment.

The proposed motor gasoline distribution plan would violate § 210.62(b) by extending to Cooperative members a preference that would not be extended to any other member of the general public. The proposed plan would frustrate one of the stated purposes of the Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. No. 93–159 (November 27, 1973)[3] which is set forth at § 4(b)(1)(F) as:

> [the] equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users. . . .

Accordingly, based upon the preceding discussion, we conclude that the Cooperative would qualify as a supplier and a wholesale purchaser-reseller under the Mandatory Petroleum Allocation Regulations and that the plan to distribute motor gasoline exclusively to its members is expressly prohibited by 10 CFR 210.62(b), the normal business practices rule.

Issued in Washington, D.C., on January 14, 1980.

Everard A. Marseglia, Jr.,

Assistant General Counsel for Interpretations and Rulings.

Interpretation 1980–3

To: Exxon Corporation, Getty Oil Company, Standard Oil Company (Indiana)

Regulation Interpreted: 10 CFR 212.85(d)
Code: GCW–PI–Part 212, Subpart E; Transportation Costs, Refiner

Facts

Exxon Corporation, Getty Oil Company, and Standard Oil Company (Indiana)[1] are major integrated petroleum companies engaged in the production, transportation, refining, and marketing of crude oil and petroleum products, and as such each qualifies as a "refiner" as that term is defined in 10 CFR 212.31. Refiners are required to determine maximum lawful selling prices for covered products generally pursuant to Subpart E of the Mandatory Petroleum Price Regulations (10 CFR Part 212); increased costs of transportation for imported crude oil must be calculated pursuant to the provisions of § 212.85. Exxon, Getty, and Standard have each filed separate requests for interpretation, all of which are consolidated and addressed in this interpretation because they raise essentially the same legal issues in substantially similar factual contexts.

Exxon, Getty, and Standard import crude oil into the United States by transporting it in tankers, either owned or chartered by them. Oil tankers are classified under average freight rate assessment (AFRA) as developed by the London Tanker Brokers' Panel, by the carrying capacity of the vessel. The table below shows AFRA vessel categories as measured by carrying capacity expressed in terms of summer deadweight tons. Drafts—the depth of a vessel's keel below the waterline—within these categories vary widely. For similar drafts a wide range of deadweight capacities exists, sometimes spanning two AFRA vessel classes, as shown in the following table.[2]

Class	Deadweight (tons)	Draft (feet)
GP	16– 24,999	27–35
MR	25– 44,999	30–42
LR–1	45– 79,999	36–48
LR–2	80–159,999	39–62
VLCC	160–319,000	54–81

The method of computing marine crude oil transportation costs under Subpart E has two components: (1) the Worldscale rate, which is a varied standard for cargo costing; and (2) the AFRA rate, which is an independent index derived from market transactions by the London Tanker Brokers' Panel. AFRA is a monthly determination of the average cost of marine transportation. It contains six rates, each of which is applicable to a particular range of vessel size, that are based on all commercial charters[3] in unprotected oil trades, including single voyage and short- and long-term charters. Thus, the AFRA rate is designed to reflect rates for ships trading on an economically competitive basis in worldwide oil markets. The AFRA rate is applied as a direct percentage to the Worldscale "Flat" rate published by the Association of Ship Brokers & Agents, Inc. (Worldscale). Since the AFRA structure is revised monthly, it serves to compensate for the static nature of Worldscale rates, which are currently published only twice a year. Use of the AFRA and Worldscale rate structures in Department of Energy (DOE) regulations is designed generally to permit importers of crude oil to recoup their costs of marine transportation.

Under the DOE regulations a firm using the AFRA rate to compute its transportation costs may include the cost of deadfreight pursuant to § 212.85(d)(1)(ii). Deadfreight arises from the unused cargo carrying capacity on a vessel and is determined by subtracting from the vessel cargo capacity the actual cargo loaded, bunkers, stores, water, and slops. Deadfreight exists when the charterer of a vessel fails to supply a full quantity of cargo or the vessel is deliberately lightloaded to enable it to enter or clear shallow draft ports. Also, "part-cargo" (or less than full cargo) trading occurs when a shortage of small tankers provides an incentive for larger vessels to "trade down," *viz.*, enter a trade carrying smaller than normal quantities of cargo.

Draft limitations at numerous United States ports and off-loading terminal facilities limit the size of vessels that can be used to deliver crude oil in the United States. Draft restrictions or dock and storage capacity may also require that a tanker be light-loaded in order to discharge the crude oil at a particular berth near a refinery. For example, Getty owns and operates a refinery at Delaware City, Delaware, which because it has no crude oil pipeline must receive crude oil supplies by marine transportation. The channel running from the main channel in the Delaware River to the discharge berth at the refinery is sufficient in depth to allow transit at high tide by vessels whose draft is no more than 36 feet in fresh water. Vessels with a greater draft must

[3] 15 U.S.C. 751 *et seq.* (1976).

[1] Hereinafter referred to as Exxon, Getty, and Standard, respectively.

[2] U.S. Department of Commerce, Maritime Administration.

[3] Ships carrying Government cargoes and ships in trades requiring a particular flag by law, *i.e.*, U.S. coastal trade under the Jones Act, are not included in the AFRA rate structure.

be lightered [4] before they can be moved through the channel and into the discharge berth. Gulf Coast ports have similar draft limitations: 39 feet at Baton Rouge, Louisiana; 33 feet at Corpus Christi, Texas; and 39 feet at St. James, Louisiana. On the West Coast, the port of San Francisco has a draft limitation of 34 feet.

Exxon, Getty, and Standard request interpretations regarding the amount of deadfreight that may be included in the transportation cost for imported crude oil where the draft limitations of ports restrict the tankers that can be used to transport crude oil to the United States. Getty specifically also requests that the draft limitation at its discharge berth be considered in calculating its permissible deadfreight because the draft limitations at the berth where its refinery is located are apparently more restrictive than those at Getty's port entrance.

Issue

If a tanker transporting crude oil is light-loaded to carry less cargo than its maximum due to draft limitations of United States ports, what deadfreight may be included in calculating transportation costs under § 212.85(d)?

Interpretation

For the reasons discussed below, the DOE has concluded that where a tanker is light-loaded for any reason, deadfreight may be included in calculating increased transportation costs under § 212.85(d) so long as the deadfreight does not cause the total of the voyage freight and the deadfreight to exceed the cost per long ton for the vessel class of the largest fully loaded vessel that can make the voyage. The vessel class which establishes the cost-per-long-ton limit that may not be exceeded by the inclusion of deadfreight is defined objectively and identified by "the largest fully loaded vessel which can make the voyage between the ports of loading and unloading under normal operating conditions." Under the standard in § 212.85(d), whether or not this vessel would be one that is actually available for use by the particular firm involved is irrelevant.

The Federal Energy Administration (FEA), a predecessor agency of the DOE, issued interim regulations effective January 1, 1977, that prescribed the methods firms could use to compute transporation costs of landed crude oil. 41 FR 55851 (December 31, 1976). These regulations were issued in final form, with some minor modifications from the interim regulations, on August 18, 1977, effective September 1, 1977. 42 FR 43054 (August 26, 1977). Section 212.85(d) provides in pertinent part as follows:

> (d)(1) *The AFRA method.* A firm using the AFRA Method for determination of its transportation costs, or subject to paragraph (c)(2)(ii)(A) or (c)(2)(iii)(B), shall establish as its cost for the shipment of crude oil between two ports in a particular vessel, given either a reference or actual loading date and class of vessel, the sum of:
>
> (i) Voyage freight, determined by multiplying the AFRA rate applicable (A) to the month of first loading of the vessel on each voyage of crude oil imported into the United States and (B) to the class of vessel, by the Worldscale rate for the voyage and by the gross long tons of cargo loaded as specified in the bill of lading;
>
> (ii) Deadfreight, determined by multiplying the product of the AFRA rate and the Worldscale rate determined as in (i) by the difference between the deadweight available to cargo and the gross long tons of cargo loaded as specified in the bill of lading, provided that the cost per long ton, calculated by dividing the sum of the voyage freight and deadfreight by the long tons of crude oil actually loaded, does not exceed the cost per long ton for the vessel class of the largest fully loaded vessel which can make the voyage between the ports of loading and unloading under normal operating conditions;
>
> . . .

The language of § 212.85(d) sets forth a formula which effectively limits the amount of deadfreight that may be recovered in any particular instance, and does not speak to the various considerations that may lead a firm to incur deadfreight costs. However, the preamble to § 212.85(d) indicates that FEA contemplated recognition of deadfreight costs, with the amount limited to avoid abuse.

Several firms suggested that in light of the utility of using *larger light-loaded ships* in the many shallow ports of the United States, deadfreight should be recognized as an element of cost. Although recognition of deadfreight may be appropriate in some cases, the FEA believes that recognition of such costs on an unlimited basis could be abused, especially in light of the current tanker surplus. Accordingly, FEA has determined to allow deadfreight as an element of cost, but only to the extent that the cost per barrel thereby incurred does not exceed the cost per barrel for the vessel class of the largest vessel which can make the voyage between the ports of loading and unloading under normal operating conditions. (Emphasis added.)[5]

41 FR 55881 (December 23, 1976).

Accordingly, a firm using the AFRA method for determining its transportation costs may recover deadfreight as long as the total of the voyage freight and the deadfreight does not exceed the cost per long ton for the vessel class of the largest fully loaded vessel which can make the voyage. Where the deadfreight causes the total of the voyage freight and the deadfreight to exceed the limit permitted, § 212.85(d) does not expressly indicate whether a firm is prohibited from recovering any deadfreight, or whether that section permits the recovery of that portion of the deadfreight which is equal to the difference between the permissible limit and the voyage freight. We conclude that the preamble quoted above indicates that FEA intended that even where the deadfreight causes the total of the voyage freight and the deadfreight to exceed the limit, that portion of deadfreight which would fall below the limit may nevertheless be included as a cost of transportation under § 212.85(d).

To interpret § 212.85(d) so as to disallow *all* deadfreight on a large lightly loaded vessel if the per-long-ton cost of transportation on a particular voyage exceeds the permissible limit would be to ignore the fact that in many instances a portion of the deadfreight may permit real economies in transportation, *e.g.*, to avoid demurrage charges while awaiting the loading of additional crude oil that has been delayed due to a pipeline or dock facility malfunction. The goal of § 212.85(d) is achieved so long as deadfreight is limited in accordance with the objective standard specified in the regulation. Moreover, if the regulation were interpreted to prohibit the passthrough of any deadfreight where the per-long-ton cost of transportation exceeds the limit, the effect would be to impose an economic penalty not called for in the regulation. In light of these considerations, we conclude that a firm using the AFRA method for determining the transportation costs of imported crude oil may include deadfreight, as calculated and *limited* by § 212.85(d)(1)(iii), even where the actual cost per long ton of the voyage freight and deadfreight exceeds the cost per long ton for the class which contains the largest fully loaded vessel capable of serving the ports of the voyage [6] under normal operating conditions. (We cannot agree that the phrase "largest

[4] A vessel is "lightered" if all or a portion of its cargo is transferred to smaller vesels, such as barges.

[5] Section 212.85(d) was amended on September 26, 1977, effective September 1, 1977, to change the unit of measurement from cost per barrel to cost per long ton. 42 FR 43054.

[6] As indicated above, while the term "voyage" typically relates to travel between the ports of loading and unloading, it may refer to the discharge berth where the crude oil is received instead of the port of unloading, when that berth is also the site of the refinery.

fully loaded vessel *which can make the voyage* between the ports of loading and unloading under normal operating conditions" should be interpreted to mean that in order for a particular vessel to describe the limiting class, that vessel must be available to the particular firm involved for the voyage. Such an interpretation would render § 212.85(d) meaningless in view of the numerous subjective factors that go to the question of the availability of a particular vessel to a particular firm at a particular time.)

Accordingly, under the facts presented by Getty, if a fully loaded vessel of a particular class could not have entered a port due to draft limitations and is therefore light-loaded, we see no reason to prevent recovery of that part of the deadfreight which when added to the voyage freight equals the cost per long ton of the largest fully loaded vessel class. This result should obtain even though the draft limitations at Getty's discharge berth, where its refinery is located, are more restrictive than those at its port entrance.

In contrast, a firm may not recover any deadfreight where a fully loaded vessel of the same or larger class could have made the voyage. For example, where a fully loaded LR–1 could have made the voyage § 212.85(d) does not permit the recovery of any deadfreight when the firm uses an LR–1 vessel lightly loaded because the LR–1 vessel defines the class, and therefore established the limit. Similarly, if a fully loaded LR–2 vessel could have made the voyage, but the firm uses a lightly loaded LR–1 vessel, no deadfreight costs will be allowed because the voyage freight alone for the LR–1 vessel would normally exceed the cost per long ton for the largest fully loaded vessel which can make the voyage, an LR–2.

The effect of § 212.85(d) then is to allow recovery of some deadfreight for larger class vessels lightly loaded, but to preclude the recovery of any deadfreight for vessels carrying a cargo that could have been transported on a fully loaded vessel of the same or larger class. A firm may therefore exercise its management prerogatives to incur and pass through some deadfreight as a component of its transportation cost. However, the amount of deadfreight is limited and may not exceed the maximum permissible cost as calculated using the cost-per-long-ton limitation.

An example of a permissible partial costs passthrough is a situation in which an LR–2 vessel, 70 percent loaded, operates between two ports that could be served under normal conditions by a fully loaded LR–1 vessel. When it is 70 percent loaded, the LR–2 vessel's deadfreight causes the transportation cost per long ton of the cargo to exceed that for a fully loaded LR–1 vessel. If the LR–2 were 75 percent loaded, however, the cost per long ton would equal that of an LR–1 vessel, and all deadfreight on the LR–2 vessel would be allowed. In this situation, where the LR–2 vessel is only 70 percent loaded and the cost per long ton exceeds that of the fully loaded LR–1 vessel, only the deadfreight in excess of the limit, *i.e.*, between 70 and 75 percent, would be disallowed, and the firm would be permitted to recover the remaining deadfreight.

Issued in Washington, D.C., on January 23, 1980.

Everard A. Marseglia, Jr.,

Assistant General Counsel for Interpretations and Rulings.

Appendix B.—*Responses to Petition for Reconsideration*

Petitioner	Interpretation	Date of response
General American Oil Co.	General American Oil Co., 1979–19, 44 FR 60268 (Oct. 19, 1979).	January 4.

Petition for Reconsideration of *General American Oil Company of Texas* 1979–19
Petitioner: General American Oil Company of Texas
Date: January 4

This responds to the petition submitted on behalf of The General American Oil Company of Texas (General American seeking reconsideration of *General American Oil Company of Texas*, Interpretation 1979–19, 44 FR 60268 (October 19, 1979). In evaluating the petition for reconsideration, the materials submitted prior to the issuance of the Interpretation have also been reviewed. For the reasons discussed below, we have concluded that the request for reconsideration must be denied.

Interpretations issued by the Office of General Counsel of the Department of Energy (DOE) may be reconsidered in certain limited circumstances. In these cases the burden is on the petitioner to demonstrate that the interpretation was erroneous in fact or in law, or that the result reached in the interpretation was arbitrary or capricious. 10 CFR 205.85(f)(3).

In the Interpretation that was issued to General American, the DOE determined that because Ruling 1975–15 does not require or permit recertification of volumes of old crude oil as new or released crude oil, General American must adhere to the 2-month limitation on retroactively recertifying crude oil produced and sold. 10 CFR § 212.72 (definition of "new crude oil").

You have asserted that Interpretation 1979–19 is contrary to previous agency precedents, citing *Shell Oil Company*, Interpretation 1978–2, 43 FR 12848 (March 28, 1978). The DOE and its predecessors have consistently required strict adherence to the 2-month limitation on retroactive recertifications, and any crude oil volumes that fail to meet all of the criteria for treatment as new crude oil must be treated as old crude oil and sold at lower tier prices. *E.g., The Permian Corporation*, Interpretation 1978–12, 43 FR 19818 (May 9, 1978). *Shell* is inapplicable to the facts presented by General American, because it did not interpret the rule limiting retroactive recertification of new crude oil set forth in § 212.72 or a producer's failure timely to recognize and assert its legal rights under the regulations. That interpretation dealt instead with the prohibition against retroactive increases in price, as set forth in § 212.74.

You claim that Ruling 1975–15 requires or permits a crude oil producer retroactively to change prior certifications of old crude oil to new crude oil. Ruling 1975–15 cannot be viewed as requiring the recertification of certain volumes as "new crude oil," as such recertifications are contemplated in § 212.72. This Ruling clarified the definition of property that was in effect when General American certified and sold the crude oil in question. There is no indication in the ruling or elsewhere that the DOE intended to confer any benefit on producers that failed to take full advantage of the ceiling price rules.

You contend that considerations of administrative fairness favor a broader interpretation of the exception to the 2-month limitation in § 212.72 than permitted by Interpretation 1979–19. However, these contentions are directly contrary to the express purposes of the 2-month limitation: to eliminate the disruption, instability, and unreliability of domestic crude oil prices, and to avoid adversely affecting refiners and resellers of domestic crude oil. If General American has suffered a financial hardship or gross inequity in this matter, it may seek exception relief through appropriate channels.

In other respects the petition for reconsideration reiterates the arguments presented in the initial interpretation request and presents no new facts or substantive arguments of law. Inasmuch as the petitioner has failed to demonstrate that the Interpretation is arbitrary or capricious, the petition for reconsideration is hereby denied. The denial of this petition for

reconsideration is a final order of the DOE from which General American may seek judicial review.

Appendix C.—*Cases Dismissed*

File No. and requester		Category and date dismissed
A-431	Anheuser-Busch, Inc	Fuel Use Act, Jan. 29.
A-355	Aminoil USA, Inc	Price, Jan. 28.
A-351	Kern County Refinery, Inc	Price, Jan. 24.
A-498	Harris Oil Co	Allocation, Jan. 11.
A-482	Gulf States Utilities Co	Fuel Use Act, Jan. 11.
A-435	E-Z Serve, Inc	Allocation, Jan. 4.
A-362	Union Carbide Corp	Price, Jan. 4.

[FR Doc. 80-6148 Filed 2-27-80; 8:45 am]

BILLING CODE 6450-01-M

10 CFR Part 490

[Docket No. CAS-RM-109]

Emergency Building Temperature Restrictions; Amendment of Regulations

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: Based on section 231 of the Emergency Energy Conservation Act of 1979 (Pub. L. 96-102), the Department of Energy is amending the Emergency Building Temperature Restrictions (EBTR) regulations which became effective on July 16, 1979 (44 FR 40629, July 12, 1979) and (44 FR 41205, July 16, 1979). This amendment, which brings the regulations into conformity with the Act, concerns who can apply for an exemption to the EBTR regulations, and what sort of alternative measures they may use.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Odom Fanning, Conservation and Solar Energy, Department of Energy, 1000 Independence Avenue SW., Room GE-004A, Washington, D.C. 20585 (202) 252-4966

Lewis W. Shollenberger, Jr. or Christopher T. Smith, Office of General Counsel, Department of Energy, Mail Stop 2221C, Room 2201, 20 Massachusetts Avenue NW., Washington, D.C. 20585 (202) 376-4729

SUPPLEMENTARY INFORMATION: Title II of the Emergency Energy Conservation Act of 1979 (Pub. L. 96-102; November 5, 1979; hereinafter "the Act") include a provision which necessitates amending the Department of Energy's (DOE) Emergency Building Temperature Restriction (EBTR) regulations. Specifically section 231 of the Act amends the Energy Policy and Conservation Act (42 U.S.C. 6262) to require that any energy conservation contingency plan that regulates building temperatures permit certain comparable plan procedures. First, such plans must allow any political subdivision of a State to submit directly to the President or his delegate, without prior State approval, a comparable plan to be applied in that subdivision in lieu of the Emergency Building Temperature Restrictions. Second, the alternative comparable plan need not deal with the same subject matter as the building temperature restrictions. Thus, any fashion of energy savings in a comparable plan is acceptable so long as at least as much energy is saved as would be saved under the building temperature restrictions. Third, any entity requesting approval of a comparable plan must establish an effective mechanism for approving on a building-by-building basis the alternative means and enforcing the means once approved.

These changes should permit States and local governments to encourage building owners to develop their own innovative methods of saving energy which they may submit as proposals for alternative means to the State or local government for approval and enforcement.

By this notice, DOE is amending the EBTR regulations to conform to the requirements of section 231 of the Act. Since these amendments simply bring the regulations into compliance with the Act, DOE finds that a notice of proposed rulemaking and opportunity for comment is unnecessary. Accordingly, this amendment is being published as a final rule.

In a separate matter related to the EBTR regulations, the Department of Energy's Office of Hearings and Appeals has issued Decision and Order Case Number BEE-0261, Class Exception from the Emergency Building Temperature Restrictions for Nutrition and Recreation Centers Utilized by Senior Citizens. This decision permits nutritional, recreational, and other facilities used by senior citizens to raise the temperature to 70 degrees Farenheit during the heating season only during that period when senior citizens activity is conducted, and only in that portion of the facility used by senior citizens. For a copy of this decision or for further information on this Class Exception, please contact the Emergency Conservation Service Hotline:

Continental U.S. (800) 424-9122
Alaska, Hawaii, Puerto Rico, Virgin Islands (800) 424-9088
Metropolitan Washington, D.C. (202) 252-4950

In consideration of the foregoing, chapter II of title 10 of the Code of Federal Regulations is amended as set forth below. Issued in Washington, D.C. on February 21, 1980.

(Federal Energy Administration Act of 1974, 15 U.S.C. 761 *et seq.;* Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.;* Department of Energy Organization Act, 42 U.S.C. 7101 *eq seq.;* E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267;) Standby Conservation Plan No. 2, Emergency Building Temperature Restrictions, 44 FR 12906 (March 8, 1979); Emergency Energy Conservation Act of 1979, sec 231, Pub. L. 96-102, 93 Stat. 767 (1979), to be codified at 42 U.S.C. 6262)

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy, Department of Energy.

10 CFR 490.35 is amended as follows:

1. The title line is revised to read:

§ 490.35 Exemption procedures for states or political subdivisions.

2. Paragraph (a) is revised to read:

(a) A state or political subdivision thereof may seek an exemption from the application of this Part in such state or political subdivision during a period for which the President of the United States or his delegate determines a comparable program of such state or political subdivision is in effect. The comparable program may include procedures permitting any person affected by the regulations to use alternative means of conserving at least as much energy in affected buildings as would be conserved by the temperature restrictions.

3. The introductory part of paragraph (b) is revised to read:

(b) A state or political subdivision thereof seeking an exemption on the ground that a comparable program is in effect shall submit to the Secretary a "Request for Exemption" which shall include the following information:

4. Paragraph (b)(5) is amended by inserting the words "or political subdivision" between the words "state" and "from" in the initial sentence.

5. Paragraph (b)(6) is redesignated as subsection (b)(7), and a new Paragraph (b)(6) is substituted therefor as follows:

(6) A description of procedures for the approval on a building-by-building basis of the alternative means and for enforcement of such alternative means by such state or political subdivision.

6. Paragraph (c) is amended by inserting the words "or political subdivision" between the words "state" and "shall".

7. Paragraph (d) is revised to delete paragraphs (d)(1) and (d)(2) and to substitute therefor the following:

(d) For purposes of this section:

"Comparable program" means a plan which is mandatory and which conserves at least as much energy in the state or political subdivision thereof as adherence to the requirements of these regulations would be expected to conserve in such state or political

subdivision. The comparable program need not conserve energy in the same fashion as the building temperature restrictions require.

[FR Doc. 80-6156 Filed 2-27-80; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; FC-0166]

Truth in Lending; Withdrawal of Republished Official Staff Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Withdrawal of republished official staff interpretation.

SUMMARY: The Board is withdrawing republished official staff interpretation FC-0166 of Regulation Z, Truth in Lending, regarding the disclosures required in connection with certain mobile home transactions with required escrow of property insurance premiums. The agency is taking this action after reviewing the comments received upon republication of the interpretation.

EFFECTIVE DATE: February 28, 1980.

FOR FURTHER INFORMATION CONTACT: Maureen P. English, Section Chief, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202) 452-3867.

SUPPLEMENTARY INFORMATION: (1) In FC-0166 the staff proposed to treat the required establishment of an escrow account for property insurance premiums in a mobile home transaction as a required deposit balance. The letter explained how the amount financed and payment schedule would be disclosed and how the annual percentage rate would be calculated under such an approach.

(2) FC-0166 was published on August 8, 1979, with an effective date of September 7, 1979. In response to a request for public comment submitted in accordance with § 226.1(d)(3) of Regulation Z, the effective date was suspended and the interpretation was republished for public comment on September 19, 1979.

(3) The request for republication suggested that the interpretation, by requiring extremely complicated disclosures and annual percentage rate calculations, would discourage use of mandatory insurance escrows in mobile home transactions. It also pointed out the discrepancies between mobile home transactions and comparable real property transactions (in which insurance escrows need not be treated as required deposit balances) that would result from the proposed interpretation.

Five comments were received on the interpretation, most of them agreeing with the arguments made in the request for republication. They expressed particular concern about the disparate treatment of comparable mobile home transactions and real property transactions.

The staff believes that the proposed interpretation should not be reissued in final form at this time. It believes that the fundamental questions raised about the importance of parallel disclosures for real property and mobile home transactions requires further study, and that the matter should be considered in the broader context of a possible revision of the regulation.

Consequently, after considering the arguments contained in the request for republication and the comments, the staff believes that FC-0166 should be withdrawn.

(4) Republished Official Staff Interpretation FC-0166 is withdrawn, effective immediately.

(5) Authority: 15 U.S.C. 1640(f).

Board of Governors of the Federal Reserve System, February 22, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-6255 Filed 2-27-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 18734; Amdt. 39-3708]

Lithium Sulfur Dioxide Batteries

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD), by extending the specified period of time in which aircraft, from which certain emergency locator transmitters (ELT's) have been removed, may continue to operate. The affected ELT's are those powered by lithium sulfur dioxide ($LiSO_2$) batteries that do not meet prescribed performance safety requirements.

DATES: Effective—February 28, 1980.

Compliance is required as indicated in body of AD.

FOR FURTHER INFORMATION CONTACT: Mr. Adolfo O. Astorga, Systems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; Telephone (202) 426-8395.

SUPPLEMENTARY INFORMATION: Amendment 39-3422 (44 FR 10980; February 26, 1979), AD 79-05-02, required removal of all $LiSO_2$ batteries from U.S.-registered civil aircraft and the removal of all ELT's powered by $LiSO_2$ batteries installed in U.S-registered civil aircraft. It further provided that notwithstanding § 91.52 of the Federal Aviation Regulations (FAR's), aircraft from which an ELT had been removed to comply with the AD would be permitted to operate for a specified period without the ELT. That AD was prompted by reports of $LiSO_2$ batteries exploding, venting violently, corroding, burning, and leaking gas.

On August 23, 1979, the FAA issued a technical standard order (TSO-C97) which sets forth the minimum performance standards which must be met for TSO approval of $LiSO_2$ batteries. This TSO, codified as FAR § 37.209, was published in the **Federal Register** on August 27, 1979 (44 FR 50314).

The current AD (Amendment 39-3549, 44 FR 50321, August 27, 1979, AD 79-18-05), which superseded AD 79-05-02, requires removal from U.S registered civil aircraft of all $LiSO_2$ batteries which do not meet the requirements of TSO-C97 and all ELT's powered by such batteries. It also requires that before March 28, 1980, in those aircraft from which ELT's were removed in accordance with the AD's, either that (1) $LiSO_2$ batteries which meet the requirements of TSO-C97 be installed in the ELT and the ELT be reinstalled on the aircraft or (2) an approved ELT powered by a source other than $LiSO_2$ batteries be installed in the aircraft. In either case, the ELT must meet the requirements of FAR § 37.200. Further, the AD requires that this action be recorded in the aircraft records and that the "ELT NOT INSTALLED" placard be removed. Finally, the AD extends until March 28, 1980 the period in which an aircraft from which an ELT has been removed to comply with AD's 79-05-02 or 79-18-05 may be operated without the ELT required by FAR §§ 91.52(a) and (b). The date, March 28, 1980, was based on FAA estimates from information available as to the time required for battery testing and TSO authorization, and industry estimates of the time required for manufacture and distribution of new batteries that meet the standards of TSO-C97. However, AD 79-18-05 noted there was no

certainty as to the date for commercial availability of qualified batteries.

The first $LiSO_2$ batteries to be qualified under TSO–C97 were manufactured by the Mallory Battery Company which received TSO authorization on December 27, 1979. As reported by that company, unforeseen delays were encountered in its qualification testing program. In view of that relatively late date, the FAA has been unable to disseminate earlier information on the availability of such batteries and retrofit kits in commercial quantities for ELT and other aircraft use. In addition, for various reasons including economic and technical factors, a number of ELT manufacturers, whose $LiSO_2$ battery-powered ELT's were removed pursuant to the AD's, have planned retrofit with alkaline or magnesium rather than $LiSO_2$ batteries. It is recognized that owners and operators of aircraft that were equipped with ELT's using $LiSO_2$ batteries must look to the ELT or aircraft manufacturers and not to the battery manufacturers for approved replacement components.

To date, the only information received by the FAA concerning possible retrofit using approved $LiSO_2$ batteries comes from Artex Aircraft Supplies, Inc., 24368 S. Skylane Drive, Canby, Oregon 97013. That company has informed the FAA that it plans to seek TSO approval for ELT's manufactured by Communications Components Corporation, Dorne & Margolin, and Pointer, using Mallory $LiSO_2$ batteries. However, Artex does not have the specific information that would be needed at this time by operators to schedule retrofit of their aircraft.

Following is a summary of the current status of non-$LiSO_2$ battery and replacement kit availability for the affected ELT's. These are discussed for each major ELT manufacturer as listed in AD 79–18–05. This summary is based on reports of the ELT manufacturers, verified to the extend possible by the FAA staff, which are a matter of public record and entered in the docket for this action.

Communication Components Corporation (CCC) advises that it has decided to make available only an alkaline battery as replacement for the $LiSO_2$ battery in all ELT's manufactured by it. This course of action will require the ELT's to be requalified for TSO authorization. Several months will be required for the requalification and for production of necessary parts and batteries. It is estimated that sufficient battery replacement kits will be available by October 15, 1980 to permit all ELT's manufactured by CCC to be retrofitted and reinstalled in their aircraft. Owners of aircraft that were equipped with CCC ELT equipment may contact the aircraft manufacturer's representative for information on replacement batteries.

Although the Cessna Aircraft Company and Cessna ELT part numbers were listed in AD 79–18–05 among the manufacturers of $LiSO_2$-powered ELT's whose products were affected by the AD, Cessna does not manufacture ELT's installed in its airplanes. Replacement battery availability for ELT's removed from Cessna airplanes may be determined by reference to the applicable ELT manufacturer.

Dorne and Margolin (D&M) advises of its decision to make available only an alkaline battery as replacement for the $LiSO_2$ battery. The necessary TSO requalification of ELT with replacement battery has been completed and sufficient batteries will be produced to allow reinstallation of ELT's by the AD required date of March 28, 1980. Owners of Cessna airplanes with D&M equipment will require a Cessna P/N C589511–0118 retrofit kit and should contact a Cessna aircraft dealer for information as to its availability. Owners of other D&M-equipped aircraft will require P/N DM U103–4 and should contact the D&M dealer.

Garrett Manufacturing, Ltd. reports that it will not offer a replacement battery for its ELT's. That manufacturer states, however, that it is endeavoring to find a U.S. manufacturer to make replacement batteries. In view of this good faith effort of the manufacturer and in order to relieve the owners of Garrett equipped aircraft from the undue burden of obtaining new ELT's by March 28, 1980, an extension is being granted as discussed below. Owners of Garrett equipped aircraft should realize, however, that at the present time there is no known replacement battery under development and the owners should give consideration to reequipping their aircraft with another ELT in order to continue operation after the cutoff date.

Leigh Systems Inc. advises that it will no longer be supplying parts or batteries for its ELT's. However, Artex Aircraft Supplies, Inc., at the address given above, has received TSO authorization for a 6-cell magnesium battery retrofit kit for Leigh ELT's previously powered by $LiSO_2$ batteries. The kits will be available in sufficient supply to allow reinstallation of all Leigh ELT's by October 15, 1980. Information on retrofit kits is available from Artex.

FAA records indicate that Pathfinder Corporation is no longer in business. To the FAA's knowledge, no other ELT or battery manufacturer is developing replacement kits or batteries for Pathfinder ELT's. Accordingly, owners and operators of aircraft that were equipped with $LiSO_2$ battery-powered Pathfinder ELT's will be required to install replacement ELT's as a condition for operation after the AD March 28, 1980 cutoff date.

Pointer, Inc. has received TSO authorization for its ELT's using replacement magnesium batteries. The company reports that the new batteries are in sufficient supply to allow the reinstallation of all Pointer-manufactured ELT's by March 28, 1980. These batteries are available through the avionics dealers and distributors currently used by Pointer.

Based on the information summarized above, the FAA has concluded that the great majority of $LiSO_2$-powered ELT's removed from service under AD's 79–05–02 and 79–18–05 may be returned to service with qualified replacement batteries or battery kits without the necessity of replacing the ELT itself. Although there will be known delays for three makes in this category, replacements will be available for the rest in sufficient time to permit reinstallation of ELT's by March 28, 1980. For the relatively few remaining ELT's for which replacement batteries are not being developed, the owner/operators must install new ELT's and no purpose would be served by extending the March 28, 1980 date.

In the specific cases involving ELT's of CCC and Leigh, where replacement batteries or battery retrofit kits are being developed for the purpose of modifying existing ELT's, it is apparent that additional time will be required for battery production and distribution and for ELT requalification and reinstallation. For aircraft that were Garrett-equipped, in view of the Garrett situation discussed above, the FAA has determined that the operators should be accorded the same extended time for replacement that is being made available for CCC and Leigh ELT's where requalification and battery replacement programs are underway. The FAA has considered the burden that would be imposed on those owner/operators whose aircraft would be grounded or who would be required to purchase new ELT's in order to meet the March 28, 1980 date even though replacement batteries are expected to be available by a later date. Upon full consideration of the purpose for which ELT's are installed, and notwithstanding the statement in AD 79–18–05 that there would be no further extension, the FAA has concluded that additional time to bring existing ELT's into compliance in

those cases is a reasonable alternative to grounding the aircraft or forcing purchase of new ELT's.

Statistics available to the FAA indicate that approximately 75,000 ELT's powered by $LiSO_2$ batteries were affected by these AD actions. Of these, approximately 20,000 will be retrofitted with replacement batteries in time to meet the March 28, 1980 compliance date. For 3,000 others, there are no known battery replacement developments and new ELT's must be installed by March 28. The effect of this amendment is to extend the compliance date to October 15, 1980 for the approximate 52,000 other ELT's that are to be retrofitted with new batteries. Insofar as dollar costs are concerned, the battery retrofit for these 52,000 will total approximately $2,600,000 whereas installation of new ELT's would cost about $14,300,000. While dollar costs alone thus support battery retrofit, it should be further noted that replacement ELT's do not exist in sufficient quantity to meet the demand that would result if the compliance date were not extended and new ELT's had to be installed in all aircraft. The impact of grounded aircraft in this latter case is not calculable but could be anticipated to be considerably in excess of the cost of the alternative chosen.

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

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-3549 (44 FR 50321) is amended effective February 28, 1980, by amending paragraphs (c) and (e), by deleting the two paragraphs under the heading "Note" following paragraph (e), and by adding a new paragraph (f). As amended, the AD is set forth in its entirety as follows:

§ 39.13 [Amended]

Lithium Sulfur Dioxide Batteries

Applies to all Lithium Sulfur Dioxide ($LiSO_2$) batteries installed in aircraft or in equipment used in aircraft.

$LiSO_2$ batteries have been used in, but not necessarily limited to, the following Emergency Locator Transmitters (ELT's):

Communications Components Corp.

Model CIR 10, all serial numbers Battery pack BP-60, BP-60A, BP-60B, and BP-60C.

Model CIR 11-2, all serial numbers Battery pack BP-60-11, BP-60-11A, BP-60-11B, and BP-60-11C.

Cessna Aircraft Co.

Part Number C589511-0103
Part Number C589510-0202
Part Number C589510-0209
Part Number C589510-0109

Dorne & Margolin, Inc.

Model DMELT 6 serial number 1 to 24,999 with battery pack DMELT 6.11, except those ELT's which have been modified by the change to battery pack DMELT 6.13.

Garrett Manufacturing, Ltd.

Model No. 627-810—all serial numbers
Model No. 627-818—all serial numbers
Model No. 627-934—all serial numbers
Model No. 625-088—all serial numbers

Battery part number:

616-246-1
616-246-2

Leigh Systems, Inc.

Model SHARC 7 with a 3 or 4 cell battery pack. The ELT including battery weighs approximately 1.8 pounds.

Pathfinder Corp.

Model No. 2052

Pointer, Inc.

Model 2000
Model 2000, Series Mod A
Model 3000, Series Mod A
Model 3000-2
$LiSO_2$ battery pack—P/N 2018, P2018, M2018, 2018 HSP, and 2018 HSM.

Other aircraft equipments that have used $LiSO_2$ batteries:

(1) Bendix RNAV Computer Model RNS3500 Control Display Unit CD-3501A.
(2) Emergency lighting, sliderafts, and flashlights.

Manufacturers have not used $LiSO_2$ batteries in the following ELT's. However, such batteries may have been substituted after manufacture.

Pacific Communication Corp.

Alert Model 50, 60, and 70

Pacific Avionic Co., Inc.

Model ELT-1

DME Corp.

Model RLB-5 (A)
Model RLB-9 (A) and (B)

Micro Electronics, Inc.

Emergency Beacon Corp.

All models

LARAGO/MERL, Inc.

LARAGO 79007
MERL 1005

Dorne & Margolin

Model DMELT 6 serial no. 25,000 and above

Compliance is required as indicated, unless already accomplished.

To prevent fire, venting violently, explosion, corrosion, or leakage of gas associated with certain $LiSO_2$ batteries, accomplish the following:

(a) Before further flight, remove all $LiSO_2$ batteries which do not meet the requirements of TSO-C97 from U.S.-registered civil aircraft, including any installed in equipment used in such aircraft.

Note.—This AD requires that $LiSO_2$ batteries used in U.S.-registered civil aircraft meet the requirements of TSO-C97. $LiSO_2$ batteries removed from equipment in accordance with AD 79-05-02 or this AD may be replaced by $LiSO_2$ batteries which meet the requirements of TSO-C97 or another power source. However, in either case the equipment must meet all applicable requirements of the Federal Aviation Regulations.

(b) Before further flight, remove from U.S.-registered civil aircraft any ELT powered by $LiSO_2$ batteries which do not meet the requirements of TSO-C97, and comply with the recordkeeping and placarding requirements of FAR § 91.52(f)(10)(i).

(c) For any aircraft from which an ELT has been removed to comply with AD 79-05-02 or this AD, before March 28, 1980 (October 15, 1980 for ELT's specified in paragraph (f) of the AD) either—

(1) Install $LiSO_2$ batteries which meet the requirements of TSO-C97 in the ELT and, provided the ELT meets the requirements of FAR § 37.200, reinstall it in the aircraft; or

(2) Install in the aircraft an ELT which meets the requirements of FAR § 37.200 which is powered by a source other than $LiSO_2$ batteries.

(d) Upon installation of an ELT in accordance with paragraph (c) of this AD, record in the aircraft records the action taken, and remove the placard which states "ELT NOT INSTALLED."

(e) Notwithstanding FAR § 91.52(f)(10)(ii), an aircraft from which an ELT has been removed in accordance with AD 79-05-02 or this AD, may operate without an ELT required by FAR §§ 91.52 (a) and (b) until complying with paragraph (c) of this AD, but in no event later than March 28, 1980 (October 15, 1980 for ELT's specified in paragraph (f) of this AD).

(f) The later alternate compliance date specified in paragraphs (c) and (e) of this AD applies when a removed ELT was manufactured by:

(1) Communications Components Corporation
(2) Garrett Manufacturing Ltd; and
(3) Leigh Systems, Inc.

This amendment becomes effective February 28, 1980.

(Secs. 313(a), 601, 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 considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

Issued in Washington, D.C., on February 25, 1980.

Jerold M. Chavkin,

Acting Director, Office of Airworthiness.

[FR Doc. 80-6341 Filed 2-27-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-WE-4-AD; Amdt. 39-3704]

Weatherly Aviation Co., Inc., Model 201C Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and replacement, if necessary, of tail cone support fittings on Weatherly Model 201C airplanes. The AD is prompted by reports of cracks which could, if uncorrected, result in primary structural failure and loss of the airplane.

DATES: Effective March 3, 1980.

Compliance schedule—Initial compliance required within 50 hours' time in service from the effective date of this AD.

ADDRESSES: The applicable service information may be obtained from: Weatherly Aviation Company, Inc., 2304 San Felipe Road, Hollister, California 95023.

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

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591,

or

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

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

SUPPLEMENTARY INFORMATION: There have been reports of cracks in the P/N 40352-9 and 40352-10 fittings which attach the aft fuselage tail cone assembly to the forward fuselage structure on Weatherly Model 201C airplanes which, if uncorrected, could result in the loss of the airplane.

Since this situation is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires inspection and replacement, if necessary, of tail cone support fittings on Weatherly Model 210C airplanes.

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

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

Weatherly Aviation Company, Inc.: Applies to all Model 201C series airplanes certificated in all categories.

Compliance is required as indicated unless already accomplished.

To prevent possible failure of the aft fuselage attach provisions, accomplish the following:

(a) Within 50 hours' time in service from the effective date of this AD, visually inspect with at least 2× magnification the four P/N 40352-9 and 40352-10 tail cone attach fittings for evidence of cracking, particularly in the bend radii and in the area of the bend relief hole.

Note.—Weatherly Aviation Company, Inc., Service Note No. 10, dated January 23, 1980, refers to this subject.

(b) If cracks are found, replace the cracked fittings with P/N 40352-19 or 40352-20 fittings prior to further flight.

(c) Repeat the visual inspection of P/N 40352-9 and 40352-10 fittings required in paragraph (a) of this AD at intervals not to exceed 100 hours' time in service since the last inspection. Repetitive inspections required by this paragraph of this AD may be terminated when replacement of fittings with P/N 40352-19 and 40352-20 fittings is accomplished.

(d) Whenever cracks or other damage have been found in the welded tube tail frame, which mounts the tail wheel spring, inspect the tail cone attach fittings per paragraph (a) of this AD prior to further flight.

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

This amendment becomes effective March 3, 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 14, 1980.

W. R. Frehes,

Acting Director, FAA Western Region.

[FR Doc. 80-5825 Filed 2-27-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-NE-22]

Alteration of the Berlin, Lebanon, North Conway, Whitefield, N.H.; Chicopee Falls, and Falmouth, Mass., Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the description of various geographically named transition areas. The designation of statewide 1,200-foot transition areas resulted in overlaps and dual descriptions of controlled airspace. This action deletes reference to 1,200-foot transition areas in the description of the various geographically named transition areas.

EFFECTIVE DATE: March 21, 1980.

FOR FURTHER INFORMATION CONTACT: Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION: Airspace Docket Number 77-NE-04 designated the State of Vermont as a 1,200-foot transition area, as did Docket Number 77-NE-49 for the State of Rhode Island and Massachusetts, and Docket Number 78-NE-16 for the State of New Hampshire. These actions resulted in some overlays and dual descriptions of some controlled airspace within these areas where 1,200-foot transition area airspace retained its former geographical name. Accordingly, rulemaking action is required to delete reference to 1,200-foot transition areas as described under the various geographical names.

As this amendment merely reflects a change in description neither increasing nor decreasing controlled airspace, notice of public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, by revising the description of the Berlin, Lebanon, North Conway, Whitefield, New Hampshire; Chicopee Falls, and Falmouth, Massachusetts transition areas as follows:

1. Section 71.181 Berlin, New Hampshire Transition Area

Delete,

"* * * that airspace extending upward from 1,200 feet * * *"

and all after.

2. Section 71.181 Chicopee Falls, Massachusetts Transition Area

Delete,

"* * * that airspace extending upward from 1,200 feet * * *"

and all after.

3. Section 71.181 Falmouth, Massachusetts Transition Area

Delete,

"* * * and that airspace extending upward from 1,200 feet * * *"

and all after.

4. Section 71.181 Lebanon, New Hampshire Transition Area

Delete,

"* * * that airspace extending upward from 1,200 feet * * *"

and all after.

5. Section 71.181 North Conway, New Hampshire Transition Area

Delete,

"* * * that airspace extending upward from 1,200 feet * * *"

and all after.

6. Section 71.181 Whitefield, New Hampshire Transition Area

Delete,

"* * * that airspace extending upward from 1,200 feet * * *"

and all after.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), 14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by Interim Department of Transportation guidelines (43 FR 9582; March 8, 1978.) The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Mass., on February 15, 1980.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 80-5998 Filed 2-27-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-WE-4]

Designation of Temporary Control Zone, Daggett, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a temporary control zone for the Barstow-Daggett Airport, Daggett, California. This action will provide controlled airspace for aircraft/helicopters making instrument approaches to the Barstow-Daggett Airport during the "Gallant Eagle 80" United States Readiness Command Exercise.

EFFECTIVE DATE: March 1, 1980.

ADDRESSES: Federal Aviation Administration, Air Traffic Division, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. Telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a temporary control zone for the Barstow-Daggett Airport, Daggett, California during the March 1, 1980 through March 21, 1980, time period.

A temporary control tower will be furnished by the Department of the Army with air traffic control services provided by U.S. Army air traffic controller personnel.

Approximately 150 rotary-wing aircraft will be temporarily based at the Barstow-Daggett Airport.

Under the circumstances presented, the FAA concludes that the rule is temporary in nature and does not significantly impose any additional burden on any person but adds to air safety. Therefore, I find notice and public procedure under 5 U.S.C. (b) is unnecessary.

Drafting Information

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and DeWitte T. Lawson, Jr., Office of the Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 1, 1980 through March 21, 1980, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations to read:

Daggett, Calif.

Within a five mile radius of Barstow-Daggett Airport (latttude 34°51'20" North; longitude 116°47'10" West).

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

Issued in Los Angeles, Calif., on February 14, 1980.

W. R. Frehse,

Acting Director, Western Region.

[FR Doc. 80-5992 Filed 2-27-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 95

[Docket No. 20042; Amdt. No. 95-290]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: March 20, 1980.

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

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95)

prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provides for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

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

Issued in Washington, D.C. on February 19, 1980.

John S. Kern,

Acting Chief, Aircraft Programs Division.

BILLING CODE 4910-13-M

§95.48 GREEN FEDERAL AIRWAY 8
is amended to read in part:

FROM	TO	MEA
Cold Bay, Alas. NDB /LOM	Crack INT, Alas.	5000
(HF Communication only BLO 5000' MSL and VHF Communication 5000' and above)		
Crack INT, Alas.	King Salmon, Alas. NDB /LOM	3000
(VHF UHF Communications 9000' MSL and above and HF only below 9000' MSL.)		
King Salmon, Alas. NDB LOM	*Kachemak, Alas. NDB	6000

§95.50 GREEN FEDERAL AIRWAY 10
is added to read:

FROM	TO	MEA
Humboldt, Alas. NDB	Port Heiden, NDB	5000
*Via INT Humboldt 327 Degs. and Port Heiden, Alas. NDB 229 Degs. 29 AGL Port Heiden, NDB.		
Port Heiden, Alas. NDB	Width INT, Alas.	9000
Width INT, Alas.	Woody Island, Alas. NDB	9000

§95.51 GREEN FEDERAL AIRWAY 11
is amended to delete:

FROM	TO	MEA
Cold Bay, Alas. NDB	Port Heiden, Alas. NDB	4500
(5000-MEA required without HF airborne communication equipment)		
Port Heinden, Alas. NDB	Woody Island, Alas. NDB	9000

§95.52 GREEN FEDERAL AIRWAY 12
is added to read:

Cold Bay, Alas. NDB	Humboldt, Alas. NDB	10000
Humboldt, Alas. NDB	Port Heiden, Alas. NDB	10000
Port Heiden, Alas. NDB	King Salmon, Alas. NDB	2500

§95.1001 DIRECT ROUTES - U.S.
is amended by adding:

FROM	TO	MEA
Oklahoma City, Okla. VORTAC	Memphis, Tn. VORTAC	#27000
		MAA-45000

#MEA is established with a gap in navigation signal coverage.

§95.1001 DIRECT ROUTES - U.S.
is amended by adding:

FROM	TO	MEA
Kansas City, Mo. VORTAC	Lincoln, Neb. VORTAC	*3500
*2800-MOCA		MAA-35000
Wolback, Neb. VORTAC	Omaha, Neb. VORTAC	3800
		MAA-35000
Lincoln, Neb. VORTAC	Omaha, Neb. VORTAC	3700
		MAA-35000
Grand Island, Neb. VORTAC	Lincoln, Neb. VORTAC	*4000
*2800-MOCA		MAA-35000
Des Moines, Iowa VORTAC	Iowa City, Iowa VORTAC	2700
		MAA-35000
Lincoln, Neb. VORTAC	Des Moines, Iowa VORTAC	*4000
*2700-MOCA		MAA-35000
Kansas City, Mo. VORTAC	St. Joseph, Mo. VORTAC	2900
		MAA-35000
Butler, Mo. VORTAC	Kansas City, Mo. VORTAC	3700
		MAA-35000

§95.5000 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J888 R is amended to read:						
Amott, Alas. W/P Malos, Alas. W/P	107	75	Amott	245/065 to COP 244/064 to Malos	28000	45000
Malos, Alas. W/P Mousy, Alas. W/P	59	32	Malos	243/063 to COP 241/061 to Mousy	28000	45000
Mousy, Alas. W/P Kulik, Alas. W/P	141			243/063 to Kulik	28000	45000
Kulik, Alas. W/P Rhode, Alas. W/P	73			244/064 to Rhode	28000	45000

§95.6008 VOR FEDERAL AIRWAY 8
is amended to read in part:

FROM	TO	MEA
Sprit INT, Neb.	Grand Island, Neb. VOR	
Via S alter.	Via S alter.	*6000
*3700-MOCA		

§95.6012 VOR FEDERAL AIRWAY 12
is amended to read in part:

FROM	TO	MEA
*Acoma INT, N. M.	Albuquerque, N. M. VOR	
Via S alter.	Via S alter.	**9000
*11500-MCA Acoma, SW-bound		
**8400-MOCA		

§95.6029 VOR FEDERAL AIRWAY 29
is amended to read in part:

FROM	TO	MEA
Modena, Pa. VOR	Pottstown, Pa VOR	2400

§95.6047 VOR FEDERAL AIRWAY 47
is amended to delete:

FROM	TO	MEA
Waterville, Ohio VOR	Milan INT, Mich.	2400
Milan INT, Mich.	Salem, Mich. VOR	2600
Salem, Mich. VOR	Hunter INT, Mich.	2800

§95.6071 VOR FEDERAL AIRWAY 71
is amended to read in part:

FROM	TO	MEA
Bismark, N. D. VOR	Pippy DME Fix, N. D.	
	W-bound	5600
	E-bound	3400
Pippy DME Fix, N. D.	Williston, N. D. VOR	*5600
*3800-MOCA		

§95.6140 VOR FEDERAL AIRWAY 140
is amended to read in part:

FROM	TO	MEA
Tulsa, Okla. VOR	Adair INT, Okla.	
Via N alter.	Via N alter.	2500

§95.6161 VOR FEDERAL AIRWAY 161
is amended to read in part:

FROM	TO	MEA
Ardmore, Okla. VOR	Phard INT, Okla.	3000

§95.6163 VOR FEDERAL AIRWAY 163
is amended to delete:

FROM	TO	MEA
Madre INT, Tex	Raymo INT, Tex	
Via W alter	Via W. alter	1600
Raymo INT, Tex.	Jetty INT, Tex	
Via W alter	Via W alter	*4000
*1300 - MOCA		

§95.6169 VOR FEDERAL AIRWAY 169
is amended to read in part:

FROM	TO	MEA
Solen DME Fix, N. D.	Bismarck, N. D. VOR	
	S-bound	4700
	N-bound	4400

§95.6190 VOR FEDERAL AIRWAY 190
is amended to read in part:

FROM	TO	MEA
*Acoma INT, N. M.	**Albuquerque, N. M. VOR	***9000
*11500-MCA Acoma, SW-bound		
**11500-MCA Albuquerque, NE-bound		
***8400-MOCA		

§95.6194 VOR FEDERAL AIRWAY 194
is amended to read in part:

FROM	TO	MEA
Tar River, N. C. VOR	Cofield, N. C. VOR	1800

§95.6210 VOR FEDERAL AIRWAY 210
is amended to read in part:

FROM	TO	MEA
Bucks INT, Pa.	Propp INT, Pa.	3000

§95.6212 VOR FEDERAL AIRWAY 212
is amended by adding:

FROM	TO	MEA
Alexandria, La. VOR	Larto INT, La.	
Via N alter.	Via N alter.	1900
Larto INT, La.	Natchez, Miss. VOR	
Via N alter.	Via N alter.	2000
Natchez, Miss. VOR	Mc Comb, Miss. VOR	
Via N alter.	Via N alter.	2000

§95.6297 VOR FEDERAL AIRWAY 297
is amended to delete:

FROM	TO	MEA
Carleton, Mich. VOR	Livingston INT, Mich.	2900
Livingston INT, Mich.	Owosso INT, Mich.	*4000
*2600-MOCA		
Owosso INT, Mich.	Saginaw, Mich. VOR	2600

§95.6358 VOR FEDERAL AIRWAY 358
is amended to read in part:

FROM	TO	MEA
San Antonio, Tex. VOR	*Guada INT, Tex.	4000
*4300-MRA		

§95.6377 VOR FEDERAL AIRWAY 377
is amended by adding:

FROM	TO	MEA
Montebello, Va. VOR	Kessel, W. Va. VOR	6000

§95.6405 HAWAII VOR FEDERAL AIRWAY 5
is amended to read in part:

FROM	TO	MEA
Moana INT, Hawaii	*Rowin INT, Hawaii	
Via W alter.	Via W alter.	**4000
*7500-MCA Rowin INT, N-bound		
**2800-MOCA		

§95.6407 HAWAII VOR FEDERAL AIRWAY 7
is amended by adding:

FROM	TO	MEA
Joele INT, Hawaii	INT 347 M rad Molokai VOR/90 NM	4000
INT 347 M rad Molokai VOR/90 NM	INT 347 M rad Molokai VOR/140 NM	7000
INT 347 M rad Molokai VOR 140 NM	Zigie DME Fix, Hawaii	22000

§95.6417 HAWAII VOR FEDERAL AIRWAY 17
is amended by adding:

FROM	TO	MEA
Stait INT, Hawaii	Fredi INT, Hawaii	17000
Fredi INT, Hawaii	Rexie INT, Hawaii	22000

§95.6484 VOR FEDERAL AIRWAY 484
is amended to read in part:

FROM	TO	MEA
Woden INT, Ida.	*Dryad INT, Utah	**12000
*13000-MCA Dryad, SE-bound		
**10100-MOCA		

§95.6493 VOR FEDERAL AIRWAY 493
is amended to delete:

FROM	TO	MEA
Carleton, Mich. VOR	Livingston INT, Mich	*3000
*2300-MOCA		
Livingston INT, Mich.	Owosso INT, Mich.	*4000
*2100-MOCA		
Owosso INT, Mich.	Mt. Pleasant, Mich. VOR	3000

[FR Doc. 80-5823 Filed 2-27-80; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 121

[Docket No. 19652; Amdt. No. 121-156]

Petition for Rulemaking—Carriage of Weapons; Military Charter Flights

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to remove any prohibition against the carriage of weapons by military personnel aboard aircraft under charter or contract to the Department of Defense (DOD) or its component military departments and to clarify the requirements applicable to carriage of firearms in checked baggage aboard aircraft. The amendment pertaining to military personnel results from a petition for rule making submitted by the DOD. These amendments are necessary to provide for safety in air commerce.

EFFECTIVE DATE: March 31, 1980.

COMMENTS DUE: May 28, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Eli Newberger, Regulatory Projects Branch (AVS–24), Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 755–8716.

ADDRESS: Comments on this amendment may be mailed in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–24), Docket No. 19652, 800 Independence Avenue, S.W., Washington, D.C. 20591;

or be delivered in duplicate to:

Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Comments delivered must be marked "Docket No. 19652".

Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

Discussion

Currently, § 121.585 only permits certain persons to carry weapons aboard U.S. domestic, flag, and charter (supplemental) air carriers and intrastate air carrier flights when these persons have a need to have such weapons during flight (such as a law enforcement officer escorting a dangerous prisoner).

On August 28, 1979, Department of Defense (DOD) petitioned the agency to amend § 121.585 of the Federal Aviation Regulations to remove the prohibition against the carriage of weapons by military personnel aboard aircraft under charter or contract to DOD or its component military departments.

In accordance with FAA rulemaking procedures (14 CFR Part 11), a summary of this petition was published in the Federal Register (44 FR 61376; October 25, 1979), to improve the public awareness of this aspect of FAA's regulatory activities. Closing date for comments on the petition was December 24, 1979. No comments were received.

As a result of experience gained over the years during training exercises, DOD states that they have become concerned about the adequacy of methods employed to air transport individual carry-on weapons aboard civil aircraft under contract or charter flights. Present acceptable methods are to carry weapons assembled in containerized compartments in the baggage hold area(s) or render the weapon inoperable by having the bolts removed and securely stored in baggage compartments not accessible during flight.

Use of these methods has revealed that in an actual contingency situation during peacetime, when no national emergency has been declared, the time required to pack or disassemble the weapons at origin for movement and to distribute or make them operational at destination may be excessive. Matching of bolts with original weapons is extremely time consuming but essential to avoid possible damage to the mechanism or injury to personnel. These factors extend response time and consequently impede the effectiveness of contingency operations and training exercises designed to test unit readiness. DOD further stated that these exercises should simulate as closely as possible deployment under actual emergency conditions.

DOD advises that the Military Airlift Command routinely transports military personnel with operable weapons aboard its aircraft and that during 1979, approximately 4,000 flights were completed and during its long history of this practice, no injury to personnel or damage to aircraft has resulted.

The restriction imposed on the carriage of weapons aboard air carrier flights were part of the agency's program to counter the increased threat of hijacking. These security measures were primarily aimed at individually ticketed passengers. In promulgating these standards, the agency was not concerned with planeloads of military troop movements airlifted by civil aircraft. However, the prohibitions contained in § 121.585 prevent military personnel from carrying weapons on chartered flights.

Amendment of the regulation to permit carriage of weapons by military personnel on chartered flights under limited conditions would be in the public interest and will not adversely affect safety. Weapons may only be carried aboard flights in which the cabin load of the aircraft is under exclusive use of military forces of the United States Government. A precaution is added that unit commanders or officers in charge of the air movements shall notify the certificate holder prior to the boarding and that all weapons taken aboard are not loaded and that all bolts to firearms are locked in the open position. In situations in which representatives of the certificate holder are not available, notification may be made to the pilot.

In addition to addressing the matters presented by DOD, this amendment clarifies the intent of § 121.585(b). It has always been the intent of § 121.585 that a firearm is considered loaded if ammunition is in a magazine, clip, or cylinder attached to the weapon. There are apparently some members of the public who do not interpret "loaded" to include ammunition in a magazine or clip inserted into the weapon.

Accordingly, to ensure that the intent of § 121.585(b) is clear, it is amended to include a definition of "loaded."

Need For Immediate Adoption

Since these amendments are only clarifying in nature and establish provisions necessary for the DOD to support contingency operations and are in the national interest, the FAA has concluded that good cause exists for this amendment and that notice and public procedure are unnecessary and contrary to the public interest and that these amendments may be made effective without notice. However, interested persons are invited to submit such comments as they may desire regarding this amendment. Communications should identify the docket number and shall be submitted in duplicate to the address specified above. All communications received on or before the date for comments specified above will be considered by the Administrator and the amendment may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this invitation to comment, shall submit with those comments, a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 19652". The postcard will be date/time stamped and returned to the commenter.

Adoption of the Amendment

Accordingly, § 121.585 (14 CFR 121.585) is amended effective March 31, 1980 by amending paragraph (b) by adding a new sentence and by adding a new paragraph (e) to read as follows:

§ 121.585 Carriage of weapons.

* * * * *

(b) * * * For the purpose of this section, a loaded firearm means a firearm which has a live round of ammunition, cartridge, detonator or powder in the chamber or in a clip, magazine, or cylinder inserted in such firearm.

* * * * *

(e) Except for paragraphs (b) and (d), § 121.585 does not apply to the carriage of weapons aboard air carrier flights conducted for the military forces of the Government of the United States when the total cabin load of the airplane is under exclusive use by those military forces if the following conditions are met:

(1) No firearm is loaded and all bolts to such firearms are locked in the open position; and

(2) The certificate holder is notified by the unit commander or officer in charge of the charter prior to boarding that weapons will be carried aboard the aircraft.

(Secs. 313(a), 316, 601, 1005, Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1357, 1421, and 1485]; and Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (14 FR 11034; February 26, 1979), and that, since it is clarifying in nature and imposes no additional burden on any person, the anticipated impact is so minimal that an evaluation is not required.

Issued in Washington, D.C. on February 20, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-5826 Filed 2-27-80; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3007; Correction]

Bayer Ag, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: The Summary Statement published in FR Doc. 80-4686, February 14, 1980 misstated the full requirements of the divestiture order described therein. This document sets forth the correct version of the Summary Statement in the Matter of Bayer AG, et al., FTC Docket No. C-3007.

DATES: Effective February 28, 1980.

FOR FURTHER INFORMATION CONTACT: Gregory E. Hales, SSR-I-514, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. (202) 724-1185.

SUPPLEMENTARY INFORMATION: On Thursday, February 14, 1980, there was published in FR Doc. 80-4686, 45 FR 9894, a Final Order in the Matter of Bayer AG, et al. The summary statement to that document incorrectly stated one of the provisions of the final order.

The summary statement is revised to read as follows:

"In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a diversified chemical company, located in Leverkusen, Germany, and its two American subsidiaries to divest within one year to a Commission-approved buyer, all United States assets gained through their acquisition of Miles Laboratories, Inc., primarily utilized in the manufacture, distribution or sale in the United States of allergenic extracts. Additionally, for specified time periods, the firms would be barred from acquiring, without prior Commission approval, any concern engaged in the manufacture, distribution or sale in the United States of allergenic extracts or chemically treated diagnostic reagent strips used for *in vitro* quantitative urinalysis.

Carol M. Thomas,

Secretary.

[FR Doc. 80-6466 Filed 2-27-80; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1702

Petitions for Exemptions From Poison Prevention Packaging Act Requirements; Petition Procedures and Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule; withdrawal of interim rule.

SUMMARY: In this document, the Commission issues procedures for petitioning the Commission to grant exemptions from child-protection packaging standards under the Poison Prevention Packaging Act of 1970. This document also establishes requirements and recommendations for the types of information to be supplied with the petitions to enable the Commission to properly evaluate and decide on exemption requests. The document also withdraws regulations that the Commission issued on an interim basis concerning these petitions.

DATES: The regulation is effective for petitions for exemptions received after March 31, 1980. The Commission will consider petitions received before this date under the present interim regulations for petitions.

FOR FURTHER INFORMATION CONTACT: Dr. Fred Marozzi, Division of Safety Packaging and Scientific Coordination (301) 492-6447, Consumer Product Safety Commission, Washington, D.C. 20207.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3(a) of the Poison Prevention Packaging Act (PPPA) authorizes the Consumer Product Safety Commission to establish standards for the special (child-resistant) packaging of household substances. Special packaging standards that have been issued appear at 16 CFR 1700.15. The Commission regulations at 16 CFR 1700.14 name particular substances or categories of substances that must comply with these standards by being packaged in special packaging.

Under the PPPA, the Commission has authority to grant exemptions from special packaging standards. Congress anticipated that in appropriate circumstances the regulations establishing special packaging requirements could be amended to exclude a single substance or cateory of substances. The granting of exemptions from special packaging was contemplated in the *Conference Report* of the Poison Prevention Packaging Act of 1970 (H.R. Rep. No. 1755, 91st. Cong., 2d Sess. 8 (1970)).

After evaluating the information submitted by the petitioner and other available information, the Commission either grants or denies the petition. If the petition is granted, the Commission publishes a notice of proposed rulemaking inviting public comment on whether the exemption should be issued in final form.

In the September 7, 1977 **Federal Register** the Commission published, and solicited comments on, an interim rule containing procedures and requirements for petitions for exemptions from special packaging standards under the PPPA (42 FR 44802). The interim rule has been in effect to provide guidance for petitions

since August 7, 1977. Before the interim rule was issued the Commission accepted petitions for exemptions and used the basic factors for evaluating petitions stated in the preamble of the regulation establishing special packaging standards for oral prescription drugs (38 FR 9431 at 9432, April 16, 1973). The preamble to the oral prescription drug regulation states that petition requests "must furnish reasonable grounds therefor, including information such as available human experience data, relevant experimental data, toxicity information, product and packaging specifications, labeling, marketing history, and the justification for the exemption." As in the case of the interim regulation, the regulation issued below expands this basic statement and specifies, with as much detail as possible, the types of information the Commission considers necessary to evaluate petitions for exemption.

These grounds, and the requirements set forth below, generally are based on the statutory findings the Commission must make to establish a standard for a particular substance or category of substances. Section 3 of the PPPA provides for the establishment of standards requiring special packaging for a household substance if the Commission finds that:

(1) The degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance; and

(2) The special packaging to be required by such standard is technically feasible, practicable, and appropriate for such substance.

Before establishing a standard, the Commission must consider:

(1) The reasonableness of such standard;

(2) Available scientific, medical, and engineering data concerning special packaging and concerning childhood accidental ingestions, illness, and injury caused by household substances;

(3) The manufacturing practices of industries affected by the Act, and

(4) The nature and use of the household substance.

The type of information specified in this regulation is similar to the relevant information the Commission is required to consider in establishing special packaging standards for a particular household substance or category of substances. The information specified in this regulation is also generally necessary in order for the Commission to determine that the degree or nature of the hazard to children is such that special packaging is not required to protect children from serious personal injury or serious illness, or that special packaging required for a household substance is not technically feasible, practicable, or appropriate.

B. Summary of Regulations

The regulation issued in this document, at § 1702.2, sets forth procedural requirements that must be met before the Commission will accept a petition for filing. These procedural requirements and recommendations are similar to those contained in the Commission's Interim Procedures for Petitioning for Rulemaking under section 10 of the Consumer Product Safety Act, 16 CFR 1110.7 (41 FR 43128, September 29, 1976).

At § 1702.3(a), the regulation sets out substantive requirements that must be met before the Commission will consider the merits of a petition. If a petition does not contain the required information, or an explanation as to why it is lacking, the petition will be closed unless the petitioner, upon notification by the Commission, is able to furnish the information or provide a satisfactory explanation for the absence of the information, as provided by § 1702.4. Section 1702.3(b) defines "reasonably available" information as data that is in the petitioner's possession, data that has been previously generated by the petitioner, and data that is obtainable from such sources as reports from Poison Control Centers; reports of adverse reactions that have been submitted to the petitioner; the medical, pharmacological and toxicological literature; and information required by FDA for an Investigational Exemption for a New Drug (IND) or a New Drug Application (NDA).

Section 1702.5 provides that the failure to supply reasonably available information that is unfavorable to the petition will result in the denial of the petition.

The regulation, at § 1702.6, provides for treatment of trade secrets and other confidential information in petitions in accordance with the Commission's regulations under the Freedom of Information Act.

In order to be considered complete, the petition must contain a statement of justification for the exemption in accordance with § 1702.7; and must include all reasonably available information concerning human experience data; reasonably available relevant experimental data (both human and animal); product and packaging specifications; labeling; and marketing history; in accordance with §§ 1702.8 through 1702.14.

Section 1702.8 requires petitions to include all reasonably available human experience data involving all adverse reports of personal injury, illness, and significant allergenicity. Such information in children is of particular importance in evaluating exemption requests. However, similar data in adults must also be submitted if available. Human experience data may be obtained from reports of poison control centers; reports of adverse reactions concerning the product submitted to the company by physicians, hospitals, consumers, and other sources; extensive searches of the medical, pharmacological, and toxicological literature; and, for drugs, a summary of relevant human experience data required to be compiled for an Investigational Exemption for a New Drug (IND) or a New Drug Application (NDA).

Section 1702.9 specifies the requirements and recommendations for relevant experimental data to be submitted with petitions. Subsection 1702.9(a) lists minimum acute animal toxicity data that must be submitted with petitions, if reasonably available; § 1702.9(b) lists additional data that must be submitted for drug products and all other household substances which are normally intended to be used in or on the human body, if reasonably available. Subsection 1702.9(c) lists the additional data that should be submitted by petitioners, if reasonably available, for substances not intended for use in or on humans or animals.

At § 1702.9, concerning relevant experimental data, the Commission has changed from mandatory to suggested, the language in the proposal describing the quality of relevant experimental data to be submitted with petitions. These changes were made to clarify that existing relevant experimental data must be submitted, if reasonably available, even if the data do not strictly meet all of the qualitative criteria of this section. The Commission believes that such data can still be relevant to a decision to grant or deny the petition and should not be excluded even if the data are not in strict conformance with the qualitative provisions. However, where the petitioner decides to conduct new experimental studies, such studies should be designed to meet the qualitative provisions of this section.

At § 1702.9(b)(2), the Commission has also changed the language in the proposal discussing the role of the medical and scientific literature in granting exemptions. The revised language makes it clear that petitioners

must submit an evaluation of the pharmacology and toxicology of the substance based on reasonably available medical and scientific literature. The revised language also makes it clear that when considering requests for exemptions based on the medical and scientific literature, the Commission will, to the extent possible, evaluate such requests under the criteria specified in § 1702.9(a) for the submission of laboratory data. In addition, the revised language makes it clear that in certain cases where the laboratory data specified by § 1702.9 (a) and (b) are unavailable, the medical and scientific literature may justify granting an exemption, especially where the pharmacology and toxicology of the substance is well documented in the literature.

Section 1702.10 provides that any human experimental data submitted with a petition must indicate that adequate measures have been taken to safeguard the subjects of the studies from psychological or physical injury.

The Commission's technical staff will in each instance determine whether submitted data are sufficient and appropriate in order for the Commission to evaluate the merits of petitions.

Section 1702.11 of the regulation outlines product specifications that must be included in each petition for an exemption. Section 1702.12 provides packaging specifications that must be included in each petition for an exemption. Section 1702. 13 requires petitions to include sample labeling and any package inserts, as well as samples of the promotional information or advertising, in the case of drugs. Section 1702.14 provides that petitions must include a statement of the marketing history of the substance.

The regulation, at § 1702.15, requires petitions alleging the incompatibility of child-resistant packaging with the substance petitioned for exemption to contain adequate evidence supporting the allegation. Section 1702.16 of the proposed regulation specifies requirements for petitions requesting an exemption for a drug or a new drug.

Section 1702.17 provides that where the Commission determines that reasonable grounds for an exemption are presented by a petition, the Commission shall publish a proposed exemption in the **Federal Register**. "Reasonable grounds" for publishing a proposed exemption may be based on information and data sufficient to support the conclusion that the degree or nature of the hazard to children in the availability of the substance, by reason of its packaging, is such that child-resistant packaging is not required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting the substance. Reasonable grounds may also be present where information and data support the conclusion that special packaging is not technically feasible, practicable, or appropriate for the substance; or that special packaging is incompatible with the particular substance. Section 1702.18 provides that where the Commission determines that reasonable grounds for an exemption are not presented by the petition, the petition will be denied.

As provided by § 1702.19, the filing of a petition does not have the effect of automatically staying the regulation from which the exemption is sought. Even though a petition for an exemption has been filed, substances subject to child-resistant packaging standards are considered in violation of the law unless packaged in child-resistant packaging.

C. Response to Comments Received on the Interim Regulations

In response to the interim regulations, the Commission received seven comments from manufacturers, trade associations, and a government agency. These comments are available for inspection in the Office of the Secretary of the Commission. An explanation of the relevant issues raised by the comments, along with the Commission's response, is given below:

Human Experience Data (1) (§ 1702.8, § 1702.16(a))

One commentor questioned the requirement, at §§ 1702.8 and 1702.16(a) that petitions include adverse reaction reports filed under the FDA's Adverse Reporting Program. According to the commentor, much of this information would not be relevant to whether a product should be exempted from the requirement of special packaging.

Since human experience data are often scarce, especially concerning acute ingestions, the Commission believes that it is necessary to examine all available human experience data in order to decide whether a substance should be exempt from the requirement of special packaging. As a result, the Commission believes that all adverse reaction reports filed with the FDA should be submitted with the petition.

Another commenter stated that § 1702.8(b) should be changed to allow the petitioner to submit reports of adverse reactions associated with the ingredients of products.

Under the regulations a petitioner may submit reports of adverse reactions associated with ingredients of a product, in addition to reports of adverse reactions concerning the product itself. However, a combination of ingredients may have different chemical and physiological properties than the individual components. As a result, toxic reactions to a product may in some cases differ considerably from toxic reactions to the ingredients of a product. For this reason, the regulation requires petitions to include reasonably available adverse reaction reports concerning the actual product for which the exemption is requested.

The same commentor also requested that § 1702.8 be changed to allow petitioners to include relevant human experience data for closely related products, such as products that utilize equivalent dosage forms, that contain similar ingredients or have similar physical characteristics. According to the commentor, human experience data for new products are often unavailable since the product has either not been marketed for a long time, or has been marketed in complying packaging.

The regulations do not preclude petitioners from submitting relevant human experience data for products that are closely related to the substance that is the subject of the petition. The Commission realizes that in certain instances physical characteristics of related products, e.g., effervescence, may be appropriate and relevant to evaluating petitions, even though the ingredients of the related products are not the same as the product that is the subject of the petition. However, where relevant human experience is reasonably available for the substance that is the subject of the petition, this data must be submitted with the petition as required by §§ 1702.3(a) and 1702.8(a). The Commission agrees with the commentor that specific human experience data may be unavailable for some new products. In order to help address this situation the Commission has added language to § 1702.8 that requires petitioners to submit reasonably available human experience data for generic equivalents of the product. A generic equivalent of the product would have the same dosage form and the same ingredients as the product that is the subject of the petition.

(2) Relevant Experimental Data (§ 1702.9)

One commentor suggested that § 1702.9 be reworded to require petitions to include only experimental data concerning hazards that the PPPA is intended to prevent. According to the commentor, some experimental data for some drug products concerns hazards, such as risks from long term exposure or

risks to women during pregnancy, that do not affect children under five and thus are not relevant in deciding whether to exempt a product from special packaging requirements.

Section 1702.9(a) describes the types of hazards most frequently associated with the handling or use of household products by children. Although the risk of injury from acute accidental ingestion is the hazard most frequently associated with young children, other hazards may exist for certain products, such as the potential for significant allergenicity, or dermal or ophthalmic injury. If these hazards exist, the petition must include data evaluating the nature and degree of these additional hazards. However, the Commission agrees with the commentor that data concerning hazards associated with the long term use of some drugs, and data concerning the danger to women during pregnancy would generally not be relevant to processing petitions under the PPPA and would not have to be included in the petition for an exemption.

One commentor questioned the advisability of requiring petitions regarding over-the-counter (OTC) drugs to include the relevant experimental data specified in §§ 1702.9(a) and 1702.9(b). The commentor stated that since the FDA's OTC Advisory Review Panels are currently evaluating the safety and efficacy of OTC drug products, the information at § 1702.9 would be duplicative of the information in the final reports issued by the FDA's OTC Review Panels. The petitioner suggested that the information required by § 1702.9 be waived where a final report has been issued by the FDA's OTC Review Panels for the OTC product that is the subject of the PPPA petition.

The FDA panels are reviewing and evaluating the pharmacology and toxicology of OTC products in terms of their safety, efficacy, and labeling for use by the consumer under normal circumstances. The FDA panels are not reviewing these drugs for safety in the acute overdosage situation which is of major importance in deciding whether a PPPA exemption should be granted for a particular drug. Since the type of experimental data concerning the safety of products in acute overdosage situations may often be different from the data for safety under normal circumstances, the Commission believes that petitions to exempt OTC products must include, to the extent reasonably available, the information specified at § 1702.9.

Several commentors recommended that median lethal dose (LD 50) determinations and statistical analysis of LD 50 data should not be required for all petitions, but instead confined to those situations where the data are relevant and appropriate. The commentor stated that the development of these data is expensive and should be confined to situations that will benefit the public.

The Commission believes that LD 50 determinations are a fundamental, though not complete, indicator of a substance's toxicological profile. Generally, LD 50 determinations are among the least costly of the various toxicological studies that may be performed on a substance. However, where the petitioner believes that LD 50 determinations are not necessary for a toxicological evaluation of the product, the petitioner may omit such data and justify its absence, as provided in § 1702.4.

Several commentors recommended that the Commission eliminate the description at § 1702.9(a)(2) of minimum provisions for performing animal studies in support of exemption requests. The commentors stated that since the FDA and EPA are currently developing Good Laboratory Practices (GLP) procedures, the procedures in the Commission's regulation could be inconsistent with the procedures of other agencies. The commentors suggested that the regulation reference the final FDA/EPA procedures. One of the commentors suggested that the provisions at § 1702.9(a)(6) concerning test animals in acute toxicity studies be issued as a guideline rather than as part of a regulation in order to achieve additional flexibility.

The provisions at § 1702.9(a)(2) concerning procedures for conducting animal studies are not comprehensive good laboratory practice procedures, such as those to be issued by the FDA and EPA, but are a description of the quality of data that should be submitted with petitions for an exemption. The Commission does not anticipate any conflict between the provisions at § 1702.9(a)(2) and the GLP regulations to be issued by FDA and EPA. The Commission believes that the provisions at § 1702.9(a)(6) concerning test animals in acute toxicity studies are flexible and should be issued as part of the regulation. As explained earlier, the Commission has revised the language in section 1702.9 to clarify that existing relevant experimental data must be submitted, if reasonably available, even if the data do not strictly meet all of the qualitative criteria of this section.

(3) Packaging Specifications, Labeling Requirements, and Marketing History (§ 1702.12, 1702.13, 1702.14)

One commentor stated that §§ 1702.12 and 1702.13 of the regulations, which require manufacturers or packers of a substance requiring special packaging to provide the Commission with a sample of the packaging and labeling for the substance, are duplicative of § 1700.14(b) of the Commission's regulations. Section 1700.14(b) requires manufacturers or packers of substances requiring special packaging to provide the Commission with a sample of each type of special packaging and a sample of the label for each product. The Commission agrees with the commentor and, as suggested by the commentor, has changed §§ 1702.12 and 1702.13 to state that petitions for an exemption must include packaging specifications and labeling for the particular form(s) of the product for which an exemption is sought rather than samples of all forms of the product. The purpose of this provision is to ensure that the Commission has a current sample of the packaging and labeling for the substance that is covered by the petition. The Commission has also eliminated a duplicative provision concerning the description of the package size at § 1702.2(a)(7).

One commentor questioned the requirement at § 1702.13 that petitions to exempt drugs include complete promotional information or advertising. According to the commentor, this information has no bearing on a PPPA exemption and is needlessly burdensome on manufacturers who heavily promote products such as OTC drugs. The commentor stated that since OTC advertising and promotional materials are voluminous and subject to constant change, petitioners would have to submit substantial amounts of documents and would have to continually update this information by submitting new documents.

The Commission believes that advertising and promotional information is a valuable source of information concerning the various uses of the product and indicates the amount of drug that might be expected to be found in the home at any one time. However, the Commission agrees with the commentor that it is not necessary to submit all such information. The Commission believes that samples of promotional and advertising information would be sufficient and has revised § 1702.13 accordingly.

One commentor questioned the relevance of requiring marketing history

information at § 1702.14 for all petitions for an exemption.

The Commission believes that marketing history information is important when evaluating exemption requests. This information is important since in establishing the degree of hazard associated with a particular product, it is important to consider the hazard in the context of the overall marketing of the product. The ratio of ingestions to sales may be significant in evaluating the hazard.

(4) Petitions Requesting an Exemption for a Drug or a New Drug (§ 1702.(16))

Several commentors objected to the provision at § 1702.16(b) that the Commission will deny petitions to exempt new drugs if the FDA has not approved a new drug application. According to one commentor, this provision could lead to delays in making certain new drugs available for use by patients since lead times are necessary for purchasing packaging supplies and materials and for planning and scheduling packaging operations. The commentor suggested that the Commission review petitions and grant a conditional approval pending final approval of the new drug application (NDA). Several commentors stated that since packaging of a new drug is a part of the NDA, and since stability data concerning the packaging must be submitted with the NDA, the Commission should approve a petition conditioned on subsequent approval of the NDA by the FDA.

The Commission has stated in § 1702.8 of the interim rule that human experience data are the primary criteria used by the Commission in evaluating petitions for exemption. Since significant human experience data do not generally exist without an approved NDA, the Commission is unable to consider exemption requests for new drugs without an approved NDA, when an approved NDA is required by FDA. Since manufacturers may submit stability data at both conventional and special packaging at the time they file their NDA with the FDA, the Commission does not believe that § 1702.16(b) would delay the introduction of new drugs. In the event that a manufacturer decides to submit stability data with the NDA on only one type of packaging, the FDA can process supplemental NDA's for other types of packaging within 180 days.

One comment from the Bureau of Veterinary Medicine of the FDA suggested that § 1702.16 be changed to include new animal drugs.

Since veterinary prescription drugs as a class are not currently required to be in special packaging, the Commission has decided at this time not to amend the exemption procedures to specifically address these drugs. If in the future this class of drugs is required to be in special packaging petitions concerning these drugs must comply with these regulations.

(5) Additional Comments

One commentor requested that the term "household substance" at § 1702.1 of the regulations be clarified to indicate whether animal drugs sold for use in commercial feeding operations fall within the meaning of this term. The commentor also requested that § 1702.7 be amended to include, as an additional ground justifying an exemption, the fact that the product is not accessible to young children. The commentor also requested that § 1702.17 be changed to include an additional reason for granting an exemption based on the lack of need for special packaging because of the nature of the product's intended use.

The term "household substance" is defined at section 2(2) of the PPPA (15 U.S.C. 1471) as "any substance which is customarily produced or distributed for sale for consumption or use, or customarily stored, by individuals in or about the household * * *". The Commission believes that animal drugs sold for use in commercial feeding operations that are not accessible to small children do not fall within the meaning of the term "household substance." Since these products and similar products are excluded from coverage by the statutory definition, these products would not be the subject of petitions for exemption under this regulation. As a result, the Commission does not believe that it is necessary to amend the regulation to specifically exclude these products, or to include an additional justification for an exemption based on the fact that a product is not a "household substance."

Several commentors suggested that the regulation specify that information must be included in the petition only where the information is reasonably available to the petitioner.

The purpose of the regulation is to ensure that the Commission obtains sufficient information to evaluate petitions for exemption. The regulation is not intended to overburden petitioners by requiring them to submit information that is unnecessary or not reasonably available. The Commission has changed §§ 1702.3, 1702.5, 1702.8, and 1702.9 to clarify that reasonably available information must be submitted. At § 1702.3(b) the Commission has defined "reasonably available" information as data that is in the petitioner's possession, data that has previously been generated by the petitioner, and data that is obtainable from such sources as reports from Poison Control Centers, reports of adverse reactions that have been submitted to the petitioner, the medical, pharmacological and toxicological literature, and information required by the FDA for an Investigational Exemption for a New Drug (IND) or a New Drug Application (NDA).

One commentor requested the Commission to clarify whether previously granted PPPA exemptions are affected by the regulation.

The regulation does not affect PPPA exemptions that have been granted.

D. Effective Date and Withdrawal of Interim Rules

Petitions for an exemption from special packaging requirements that are received by the Commission after March 31, 1980, must comply with the requirements in this regulation. The Commission will consider petitions received before this date under the present interim regulations for petitions, (42 FR 44802, September 7, 1977). After March 31, 1980, the interim regulations published at 16 CFR Part 1702, (42 FR 44802, September 7, 1977) are no longer in effect as guidelines, and are withdrawn by the Commission.

E. Conclusion

Accordingly, under provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5,; Pub. L. 91–601; 84 Stat. 1670–1672; 15 U.S.C. 1471(4), 1472, 1474), the Federal Hazardous Substances Act (sec. 10(a); 74 Stat. 378; 15 U.S.C. 1269(a)), The Federal Food, Drug, and Cosmetic Act (sec. 701(a); 21 U.S.C. 371(a)), and under authority vested in the Commission by the Consumer Product Safety Product Act (Pub. L. 92–573; sec. 30(a); 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission replaces the existing Part 1702 by adding the following new Part 1702 to Subchapter E. Chapter II:

PART 1702—PETITIONS FOR EXEMPTIONS FROM POISON PREVENTION PACKAGING ACT REQUIREMENTS; PETITION PROCEDURES AND REQUIREMENTS

Sec.

1702.1 Purpose and policy.
1702.2 Procedural requirements.
1702.3 Substantive requirements.
1702.4 Petitions with insufficient or incomplete information.
1702.5 Failure to supply adverse information.
1702.6 Trade secrets and other confidential information.

Sec.

1702.7 Justification for the exemption.
1702.8 Human experience data.
1702.9 Relevant experimental data.
1702.10 Human experimental data involving the testing of human subjects.
1702.11 Product specifications.
1702.12 Packaging specifications.
1702.13 Labeling and Packaging Samples.
1702.14 Marketing history.
1702.15 Petitions alleging incompatibility of child resistant packaging with the particular substance petitioned for exemption.
1702.16 Petitions requesting an exemption for a drug or a new drug.
1702.17 Granting petitions.
1702.18 Denying petitions.
1702.19 Effect of filing petition.

Authority: Secs. 2(4), 3, 5; Pub. L. 91–601; 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474; sec. 10(a), 74 Stat. 378; 15 U.S.C. 1269(a); 21 U.S.C. 371(a); sec. 30(a); Pub. L. 92–573, 86 Stat. 1231; 15 U.S.C. 2079(a).

§ 1702.1 Purpose and policy.

(a) Section 1700.14(a) of Part 1700 lists household substances the Consumer Product Safety Commission requires, under section 3(a)(1) of the Poison Prevention Packaging Act of 1970, 15 U.S.C. 1472, to be contained in special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances. There may be occasions, however, when the Commission determines that a particular substance should be exempt from special packaging requirements.

(b) The Commission may, either on its own initiative or upon the petition of any interested person, amend the regulation at § 1700.14(a) by exempting a substance or category of substances from special packaging requirements. The purpose of these rules is to provide procedures and requirements for submitting petitions for exemption from special packaging requirements.

§ 1702.2 Procedural requirements and recommendations.

(a) *Requirements.* To be considered a petition for exemption from special packaging requirements under this Part a document filed under this part must:

(1) Be mailed or delivered to the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, NW., Third floor, Washington, D.C. 20207,

(2) Be written in the English language,

(3) Contain the name and address of the petitioner,

(4) Contain an explicit request for exemption from special packaging requirements,

(5) Identify the category of substances under § 1700.14(a) from which the exemption is sought, and

(6) Identify the particular substance for which the exemption is sought.

(b) *Failure to meet requirements.* Where a submission fails to meet all of the requirements of paragraph (a) of this section, the Office of the Secretary shall notify the person submitting it, describe the deficiency, and explain that the petition may be resubmitted when the deficiency is corrected.

(c) *Procedural recommendations.* The following are procedural recommendations to help the Commission in its consideration of petitions. The Commission requests, but does not require, that petitions filed under this part:

(1) Be typewritten,

(2) Include the word "petition" in a heading preceding the text,

(3) Include the telephone number of the petitioner, and

(4) Be accompanied by at least five (5) copies of the petition.

§ 1702.3 Substantive requirements.

(a) A petition filed under this Part shall include the information required by this part, or a satisfactory explanation for the absence of the information. As provided by § 1702.4, a petition which is not complete may be closed. To be considered complete, a petition shall include the following:

(1) A statement of the justification for the exemption in accordance with § 1702.7,

(2) All reasonably available human experience data, reasonably available relevant experimental data (both human and animal), product and packaging specifications, labeling, and marketing history, in accordance with §§ 1702.8 through 1702.14,

(b) As used in this regulation, "reasonably available" information is data in the petitioner's possession; data that has previously been generated by the petitioner, and data that is obtainable from such sources as: Reports from Poison Control Centers; reports of adverse reactions that have been submitted to the petitioner; the medical, pharmacological, and toxicological literature; and information required by the FDA for an Investigational Exemption for a New Drug (IND) or a New Drug Application (NDA).

§ 1702.4 Petitions with insufficient or incomplete information.

If a petition is submitted that is not complete and does not explain the reason for the absence of the information, the Commission shall afford the petitioner a reasonable opportunity to provide additional information. If the required information is not submitted to the Commission, or if the petitioner does not satisfactorily explain the absence of the information within a reasonable time, the petition shall be closed if insufficient or incomplete information has been submitted to enable the Commission to evaluate the merits of the exemption request.

§ 1702.5 Failure to supply adverse information.

Failure to obtain and provide the Commission with all reasonably available information that the petitioner knows is unfavorable or could reasonably expect to be unfavorable to the petition shall result in the denial of the petition.

§ 1702.6 Trade secrets and other confidential information.

Where a petition contains material that the petitioner believes should be exempt from public disclosure under the Freedom of Information Act, 5 U.S.C. 552, the petitioner shall comply with the requirements of 16 CFR Part 1015, the Commission's regulation under the Freedom of Information Act concerning requests for treatment as exempt material. The Commission shall act upon any request for treatment as exempt material in accordance with the provisions of 16 CFR Part 1015.

§ 1702.7 Justification for the exemption.

The justification for the exemption, required under § 1702.3, shall explain the reason for the exemption based on one or more of the following grounds:

(a) If the justification is based on a lack of need for special packaging to protect young children from serious injury or illness from the substance, the justification shall state how the lack of toxicity and lack of adverse human experience for the substance clearly supports granting the exemption.

(b) If the exemption is requested because special packaging is not technologically feasible, practicable, or appropriate for the substance, the justification shall explain why.

(c) If the exemption is requested because special packaging is incompatible with the particular substance, the justification shall explain why.

§ 1702.8 Human experience data.

Human experience data constitutes the primary criterion used by the Commission in evaluating petitions for exemptions. Petitions shall therefore include a compilation of all reasonably available reports pertaining to human use of the particular substance, including the product brand as well as generic equivalents and involving adverse reports of personal injury, illness, and significant allergenicity.

Such information in children is of particular importance in evaluating exemption requests. However, similar data in adults shall also be submitted if available. Human experience data may be obtained from such sources as:

(a) Reports from Poison Control Centers,

(b) Reports of adverse reactions relative to the product that have been submitted to the company by physicians, hospitals, consumers, and other sources,

(c) Extensive searches of the medical, pharmacological, and toxicological literature, and

(d) For drugs, where the human experience data submitted is based on data required by FDA to be compiled for an Investigational Exemption for a New Drug (IND), 21 CFR Part 312, or a New Drug Application (NDA), 21 CFR Part 314, a summary of the relevant data should be provided. The entire NDA and IND material need not be submitted.

§ 1702.9 Relevant experimental data.

Experimental data are generated in both animals and humans in controlled situations in order to evaluate the biological effects of a substance. Certain toxicological effects cannot generally be evaluated in human beings. This is especially true of those substances which are not normally intended to be used in or on the human body or animal body. Therefore, the Commission considers experimental data obtained in animal studies to be an important supplement to such data as may exist from any experimental studies conducted in humans. The minimum toxicological evaluation necessary for a particular household substance is proportional to the expected exposure of man to that substance. Household substances which are not expected, in normal use, to contact man are subject to less extensive studies than those substances, such as drugs, which are designed to be used in or on man. The Commission has, therefore, separated the requirements of this section into three subsections. Section 1702.9(a) lists minimum acute animal toxicity data which shall be submitted, if reasonably available, for all petitions; § 1702.9(b) lists those additional data which shall be submitted, if reasonably available, for drug products and all other household substances which are normally intended to be used in or on the human body; and § 1702.9(c) lists those additional data which shall be submitted, if reasonably available, by petitioners requesting exemption for substances not intended for use in or on the human or animal body. The Commission emphasizes that, while not absolutely necessary, the types of data outlined in § 1702.9(c) may greatly expedite the Commission's evaluation of a particular exemption request.

(a) *General criteria applicable to all petitions.* (1) Each petition for an exemption under this Part shall include all reasonably available relevant experimental data relating to the petition regardless of whether such data are unfavorable to the petitioner's request. As used in this part, the term "relevant experimental data" includes, but is not limited to, all data, including animal and human studies revealing the nature and degree of the hazard associated with the particular substance. Generally, the hazard associated with the particular substance involves the risk of injury arising from the acute accidental ingestion of a product. Where a hazard different from the risk of injury arising from accidental ingestion is known to exist (e.g., potential for significant allergenicity, dermal or opthalmic injury from handling or using the product), the petitioner shall also submit all reasonably available relevant experimental data evaluating the nature and degree of any additional hazard(s).

(2) All animal studies submitted in support of exemption requests should be performed in conformity with good pharmacological and toxicological practice which includes, as a minimum, complete descriptions of protocols used in experimental animal studies, and signed laboratory reports which include the following basic information:

(i) An exact description of materials tested;

(ii) A description of test animals employed in studies, including number, age, weight, sex and nutritional state of animals;

(iii) Dosage level(s) and number of animals tested per dosage level;

(iv) Basis upon which dosage was administered (e.g., as salt or base);

(v) Route of administration and dosage volume; and

(vi) Appendices containing all raw data and any additional data generated subsequent to the completion of the original study (e.g., results of histopathological examinations, if performed).

(3) Each petition shall include all reasonably available reports of Median Lethal Dosage (LD50) studies and shall include all raw data obtained in such studies. These studies should normally be conducted in both adult and weanling animals of the same species. The oral route of administration should be followed for studies involving substances subject to regulations promulgated under the Poison Prevention Packaging Act of 1970. Where a percutaneous toxicity hazard exists, the petition shall include reasonably available studies using the percutaneous route of administration. Sufficient dosage levels as well as adequate numbers of test animals per dosage level should be used to give statistical reliability to determined LD50 values.

(4) In view of the fact that LD50 values in themselves do not necessarily reflect a true estimate of the overall toxic potential of a substance, LD50 determinations should, where an LD50 value may be calculated, include:

(i) The LD50 value with 95 percent confidence limits;

(ii) A slope determination for the dose response curve, including 95 percent confidence limits; and

(iii) A description of the statistical method employed in the analysis of such data (with proper citation) as well as the statistical analysis itself.

(5) The Commission shall disregard any data which do not fulfill the strict requirements of the statistical method used in their analyses. Modifications of accepted statistical methods which have been published in the literature are acceptable to the Commission provided that a copy of the published work is submitted.

(6) Acute toxicity studies submitted with petitions should have at least a seven day observation period of test animals. Good pharmacological practice provides that test animals are observed closely for several hours following test substance administration and less frequently on subsequent test days. Succumbing animals should be necropsied as soon as practicable following death, while surviving animals should be necropsied, and gross pathological alterations noted, at the end of the observation period. Documentation of non-lethal effects occurring during these observation periods should be submitted in conjunction with acute toxicity laboratory reports. Documentation of any lethal effects occurring at high dosage levels, including mode of death (e.g., cardiac arrest/respiratory arrest), and time of death should be submitted in conjunction with acute toxicity laboratory reports. Reports of gross necropsies performed upon surviving animals should be submitted, as well as results of necropsies performed upon animals succumbing to the test substance, provided that such animals are examined prior to the onset of autolysis. Results of microscopic examinations, when indicated by the nature or results of an acute toxicity study, shall also be submitted.

(b) *Additional data criteria for petitions involving substances normally used in or on the human or animal body.* (1) Petitioners submitting exemption requests for substances normally used on or taken into the human body or animal body shall, in addition to the requirements of paragraph (a) of this section submit the following data, where reasonably available:

(i) Summary laboratory reports of data obtained in subacute and chronic animal studies where the data pertain to the absorption, distribution, metabolism and excretion of substances in question;

(ii) A median lethal dosage (LD50) determination conducted in one additional species. Of the two LD50 determinations required for persons submitting exemption requests under this part, one should be conducted in a nonrodent species;

(iii) Summary reports of data obtained in human studies designed to measure the absorption, distribution, metabolism, and excretion of substances in question; and

(iv) Data indicating, insofar as is known, the mechanism of action of the substance in question and the mechanism by which expected toxicological effects occur. If these mechanisms are unknown, the petition should state this. (2) Petitioners submitting exemption requests for substances normally used on or taken into the human or animal body shall, in addition to the requirements of paragraphs (a) and (b)(1) of this section, submit an evaluation of the pharmacology and toxicology of the substance in question based on reasonably available medical and scientific literature. The evaluation should be a comprehensive one, and should include proper literature citations. To the extent possible, information submitted by the petitioner justifying an exemption based on the medical and scientific literature will be evaluated under the criteria specified in § 1702.9(a) for evaluating experimental data. In certain cases where the experimental data specified by § 1702.9 (a) and (b) are unavailable, the medical and scientific literature may justify granting an exemption, particularly where the pharmacology and toxicology of the substance is well documented in the literature.

(c) *Optional data criteria for petitions involving substances not used in or on the human or animal body.* The following types of data, although often not generated for household substances not normally used in or on the human or animal body, may be available to a petitioner and should, where reasonably available, be submitted.

(1) Summary laboratory reports of data obtained in subacute and chronic animal studies where such data pertain to the absorption, distribution, metabolism, and excretion of the substance in question;

(2) Results of median lethal dosage (LD50) studies conducted in additional species of animals; and

(3) Any additional experimental studies relevant to the exemption request which would provide the Commission with additional means of assessing the hazards to children of the product for which exemption is sought.

§ 1702.10 Human experimental data involving the testing of human subjects.

Any human experimental data submitted with a petition requesting an exemption under this part shall include a statement establishing that adequate measures have been taken to ensure against psychological or physical injury to the subject of the human studies. The Commission considers its regulations concerning the protection of human subjects (16 CFR Part 1028) to be an example of measures that are adequate to ensure against psychological or physical injury to human subjects.

§ 1702.11 Product specifications.

Each petition for an exemption shall include:

(a) A complete quantitative formula for the product, including inert ingredients, diluents, and solvents. (Petitioners should refer to § 1702.6 for information regarding trade secrets.)

(b) A listing of all physical forms or dosage forms (whichever is appropriate) in which the product is available.

§ 1702.12 Packaging specifications.

Each petition for an exemption shall include the following information for each form of the product for which an exemption is sought:

(a) A description of the packaging currently in use including the name of the manufacturer of the package and all specifications for the package,

(b) A complete packaging description including any carton or wrapping in which the product is offered to the consumer,

(c) A description of each size in which the product is offered, including physical form, color and flavoring, and

(d) An empty sample of each type and size of package petitioned for exemption and, in the case of drugs, a designation of those packages intended to be used in dispensing the product to the consumer for household use.

§ 1702.13 Labeling and packaging samples.

Each petition for an exemption under this part shall include a sample of the label and complete packaging for each size in which each form of the product for which an exemption is sought is packaged. This shall include the immediate container labeling, any package inserts, and other carton or wrapping labeling in which the product is offered to the consumer. In the case of drugs, each petition shall be accompanied by labeling on the outer carton or wrapping in which the product is offered to the retailer, as well as samples of the promotional and advertising information for the product.

§ 1702.14 Marketing history.

Each petition for an exemption under this Part shall include a statement of the marketing history of the substance for which an exemption is requested. The marketing history dates from the year in which each form of the product was introduced onto the market. The marketing history shall include the total number of units of each form or strength and package size of the product distributed since the product was introduced onto the market. In the case of prescription drugs, the average prescription size for the product should also be indicated, if known.

§ 1702.15 Petitions alleging the incompatiability of child resistant packaging with the particular substance petitioned for exemption.

(a) Where the petition for an exemption is based upon an allegation that the applicable special packaging standard is incompatible with the particular substance or would seriously and adversely compromise the utility or stability of a substance, the petitioner shall submit adequate evidence to support the allegation.

(b) If the allegation of incompatibility is based upon the fact that package choice is limited by a new drug application filed with the FDA, the petition shall state the limitation of package choice and a description of a time schedule to revise the NDA in order to allow additional package choice.

(c) If the allegation of incompatibility is based upon the fact that the shelf life of the product limits package choice, the petition shall outline the particular limitation and shall include a description of a time schedule to re-establish shelf-life data.

§ 1702.16 Petitions requesting an exemption for a drug or a new drug.

(a) Where the petition requests an exemption for a drug, as defined in

section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1), the petitioner shall include those reports required to be filed under the Food and Drug Administration's Adverse Reaction Reporting Program.

(b) Where the petition requests an exemption for a new drug, as defined in section 201(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)) the Commission shall deny the petition if the Food and Drug Administration has not, where required by FDA, approved a new drug application.

§ 1702.17 Granting petitions.

Where the Commission determines that reasonable grounds for an exemption are presented by the petition, the Commission shall publish, in the **Federal Register**, a proposed amendment to the listing of substances requiring special packaging under § 1700.14(a). "Reasonable grounds" for publishing a proposed exemption are information and data sufficient to support the conclusion that:

(a) The degree or nature of the hazard to children in the availability of the substance, by reason of its packaging, is such that special packaging is not required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting the substance, or

(b) Special packaging is not technically feasible, practicable, or appropriate for the subject substance, or

(c) Special packaging is incompatible with the particular substance.

§ 1702.18 Denying petitions.

Where the Commission determines that reasonable grounds for an exemption are not presented by the petition, the petition shall be denied, and the petitioner notified in writing of the denial, including a brief statement of the reasons therefor.

§ 1702.19 Effect of filing petition.

The filing of a petition for exemption under this Part 1702 shall not have the effect of staying the regulation from which the exemption is sought. Therefore, substances subject to special packaging standards shall be considered in violation of the law unless packaged in special packaging during the Commission's consideration of a petition.

Dated: February 20, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-6156 Filed 2-27-80; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-14]

Regulations Implementing the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978; Order Denying Hearing

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Denying Rehearing.

SUMMARY: The Federal Energy Regulatory Commission hereby issues an order in response to petitions which were filed requesting rehearing or clarification of Order No. 49-A, a rehearing order on the final regulations implementing the incremental pricing program mandated by the Natural Gas Policy Act of 1978. This order denies rehearing of Order No. 49-A.

EFFECTIVE DATE: February 21, 1980.

FOR FURTHER INFORMATION CONTACT: Barbara K. Christin, Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, (202) 357-8079.

February 21, 1980.

I. Filed Petitions

On September 28, 1979 (44 FR 57725, October 5, 1979), the Federal Energy Regulatory Commission (Commission) issued in Order No. 49 final regulations which implement portions of the first phase of the incremental pricing program. Subsequently, sixteen petitions for rehearing, reconsideration, modification, or clarification of Order No. 49 were filed with the Commission. On December 27, 1979 (45 FR 767, January 3, 1980), an order on rehearing, Order No. 49-A, was issued in response to these petitions.[1]

Timely petitions for rehearing of Order No. 49-A were filed by Man-Made Fiber Producers Association, American Hardboard Association, Process Gas Consumers Group, *et al.*,[2] Allied Chemical Corporation,[3] and The Fertilizer Institute.[4]

The Commission has considered the arguments raised in these filings. Based on this analysis, the Commission has determined to deny rehearing of Order No. 49-A.

II. Issues Raised in Petitions

A. Definition of Agricultural Use

Man-Made Fiber Producers Association and American Hardboard Association requested that the definition of agricultural use set forth in § 282.202(a) of the regulations be amended by the addition of certain Standard Industrial Classification (SIC) Codes. In addition, Man-Made Fibers requested that the Commission determine the processing of cellulosic man-made fibers to be "natural fiber processing."

As a result of these filings, and several submissions which have been made to the Commission under § 1.41 of its regulations with regard to the definition of "agricultural use," the Commission believes it would be appropriate to give full consideration to the question of what SIC Codes, if any, should be added to the agricultural use list in § 282.202(a) of the Commission's regulations. For this reason, a new docket, Docket No. RM80- will be opened to receive comments on the possible expansion of the list of SIC Codes considered to be agricultural uses for purposes of increment pricing. In this way, all possible requests for inclusion in the list of agricultural uses will be consolidated in a single docket, which will enable the Commission to dispose of them in a consistent manner.

The Commission therefore denies the petitions for rehearing on this matter. The information contained in the requests for rehearing, however, will be made part of the record in Docket No. RM80- . A separate notice announcing the opening of this docket and setting a deadline for the submission of comments will be issued in the near future.

B. Natural Gas Used as Boiler Fuel in the Production of Fertilizer

In Order No. 49-A the Commission announced the opening of Docket No. RM80-18 to receive comments on whether a rulemaking proceeding should be instituted by the Commission to define certain boiler uses of natural gas

[1] Order Granting in Part and Denying in Part Petitions for Rehearing, Reconsideration, Modification, or Clarification, Amending Regulations, and Denying Motions to Waive Regulations and Accept Late-Filed Petitions.

[2] The joint petition filed by Process Gas Consumers Group, American Iron and Steel Institute, and the Georgia Industrial Gas Group included an alternative request for reconsideration.

[3] The petition of Allied Chemical was styled as a Motion for Clarification or Application for Rehearing.

[4] The petition of The Fertilizer Institute was styled as a Request for Clarification or Application for Rehearing.

as process uses (Order No. 49–A at 8–10). The Commission noted that the Department of Agriculture (USDA) intended to issue a proposed interpretation in this matter and that this issue, for purposes of the incremental pricing program, would benefit from further public comment.

Allied Chemical Corporation and The Fertilizer Institute, in their petitions, requested that the Commission make clear in the present rehearing order that the Commission will automatically adopt, for incremental pricing purposes, any uses of natural gas certified by USDA as essential agricultural uses under Title IV of the NGPA.

The Commission is not inclined to decide this question without the aid of further public comment which will be received in Docket No. RM80–18.[5] Accordingly, the petitions for rehearing of Allied Chemical and The Fertilizer Institute are denied.

C. Refunds to the End-User

Process Gas Consumers Group *et al.* (PGC) requested the Commission to reconsider its position stated in Order No. 49–A that the Commission does not have the authority to require that certain refunds be passed through to end-users (Order No. 49–A at 30).

The Commission's position remains as stated in Order No. 49–A, and the Commission therefore denies rehearing on this issue.

D. Other Issues

PGC's petition for rehearing addressed two issues which are primarily the subject of other proceedings, although they were discussed briefly in Order No. 49–A.

Specifically, PGC requested that the formula for calculating exempt volumes of gas used for space heating which is contained in the interim rule issued in Docket No. RM80–16 be modified. The space heating issue will be treated in that docket.

PGC also urged the Commission to carefully consider the issue of state administration of incremental pricing through plans to achieve "zero MSAC's" within a given state. The Commission is presently considering this issue in Docket No. RM79–47, *Statewide Exemptions from Incremental Pricing.* Accordingly, PGC's request for rehearing of Order No. 49–A with regard to this matter is denied.

The Commission orders:

Rehearing of Order No. 49–A is denied.

[5] *See* the Notice issued today in Docket No. RM80–18.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–6150 Filed 2–27–80; 8:45 am]

BILLING CODE: 6450–85–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Revision of Chapter Heading

AGENCY: Agency for International Development.

ACTION: Final rule: Revision of Subject Heading.

SUMMARY: It is necessary to revise the subject heading of Chapter II of Title 22 to reflect that the Agency for International Development, heretofore established in the Department of State, became an agency within the International Development Cooperation Agency on October 1, 1979.

DATES: Effective as of October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Jan Miller, Office of the General Counsel, Agency for International Development, Washington, D.C. 20523, (202) 632–8277.

SUPPLEMENTARY INFORMATION: Pursuant to Reorganization Plan No. 2 of 1979 (44 FR 41165) and Executive Order No. 12163 of September 29, 1979, entitled "Administration of Foreign Assistance and Related Functions" (44 FR 56673), the United States International Development Cooperation Agency (hereinafter referred to as IDCA) was established as an independent agency in the Executive Branch on October 1, 1979.

Executive Order No. 12163 directed the Director of IDCA to continue within IDCA the Agency for International Development, heretofore established in the Department of State.

IDCA Delegation of Authority No. 1 (44 FR 57521) which was issued by the Director of IDCA on October 1, 1979, provided for the continuation of the Agency for International Development within IDCA and directed:

> "All delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, designations, and other actions made, issued or entered into under authority existing prior to the date of the Executive Order and not revoked, superseded, or otherwise made inapplicable before the effective date of this Delegation of Authority shall continue in full force and effect until amended, modified or terminated by appropriate authority."

Dated: February 21, 1980.

Norman L. Holmes,

General Counsel.

Accordingly, the subject heading of Chapter II of Title 22 is revised, to read:

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

[FR Doc. 80–6246 Filed 2–27–80; 8:45 am]

BILLING CODE 4710–02–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R–80–771]

Use of Materials Bulletin No. 77a for Cast Iron Sanitary Drainage System With Hubless Pipe and Fittings

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This rule promulgates HUD Use of Materials Bulletin No. 77a (UM 77a). It is a revision of UM 77 dated April 25, 1978. This revision incorporates the following recently published documents of the Cast Iron Soil Pipe Institute (CISPI):

CISPI Standard No. 301–78 Standard Specification for Cast Iron Soil Pipe and Fittings for Hubless Cast Iron Sanitary System.

CISPI Standard No. 301–78 Specification for Cast Iron Soil Pipe Institute's Patented Joint for Use in Connection With Hubless Cast Iron Sanitary System.

EFFECTIVE DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT: Lynford K. Snell, Materials Acceptance Division, Office of Architecture and Engineering Standards, Room 6178, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755–5929. (This is not a toll free number).

SUPPLEMENTARY INFORMATION: HUD Use of Materials Bulletin No. 77 (UM 77) was published on April 25, 1978 as an update of earlier HUD Use of Materials Bulletin No. 36e, for hubless cast iron sanitary pipe and fittings. UM 77 set forth the requirements and conditions for HUD Field Office acceptance of materials used with hubless cast iron

sanitary systems. References were made to several standard publications of the Cast Iron Soil Pipe Institute (CISPI). This Use of Materials Bulletin appears as part of the appendix to the Minimum Property Standards which are incorporated by reference at 24 CFR Part 200, Subpart S.

After publication of UM 77, CISPI revised two of its standards documents, identified above. After a review by a nationally known HUD consultant, UM 77 was revised to incorporate the revised documents and is herewith promulgated as HUD Use of Materials Bulletin No. 77a (UM 77a).

Originally, CISPI Standard Specification No. 301 contained technical information covering both CISPI's patented joint for use with hubless cast iron sanitary systems, as well as drawings and dimensions for hubless pipe and fittings. At that time, suggested installation procedures for hubless systems were contained in CISPI's Pamphlet No. 100. In order to separate the information into individual documents, CISPI published a new Standard Specification 301–78, which now contains only drawings and dimensions for hubless cast iron soil pipe and fittings. Pamphlet 100 was discontinued, and in its place another new specification for CISPI's patented joint (updated suggested installation procedures for the hubless system) was published by CISPI as Specification No. 310–78.

This rule imposes no new obligation on participants and only updates reference to two CISPI issuances which have been revised to remove information not relevant to HUD programs. Therefore, as an editorial change, it does not require public participation.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule was not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

A copy each of UM 77 and of UM 77a are available for review during regular business hours in Office of Achitecture and Engineering Standards, Room 6178, or in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

Authority: (Sec. 7(d), Department of Housing and Urban Development Act of 1965, 79 Stat. 670; 42 U.S.C. 3535(d); Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b and 81 Stat. 54; 5 U.S.C. 552(a).)

Issued at Washington, D.C. on February 15, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80–6183 Filed 2–27–80; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7673]

Elections Relating to the Puerto Rico and Possession Tax Credit

Correction

In FR Doc. 80–4208 appearing at page 8588 in the issue for Friday, February 8, 1980, make the following corrections:

1. On page 8588, in the second column, the eleventh line of the first full paragraph reading "is made" should be corrected to read "it is made".

2. Also on page 8588, in the second column, second full paragraph, the twelveth line reading "[insert date of the day on which these amendments to the Income Tax Regulations are published in the **Federal Register** as a Treasury decision]" should be corrected to read "February 8, 1980".

3. Also on page 8588, in the third column, the last line of paragraph (b) reading "before April 8, 1980.", should be corrected to read "before February 8, 1980."

BILLING CODE 1505–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

32A CFR Parts 621 and 651

Changes in Schedule II of DMS Reg. 1, Authorized Program Identifications and Defense Agencies, and in Schedule I of DPS Reg. 1, Authorized Program Identifications and Defense Agencies.

AGENCY: Office of Industrial Mobilization, International Trade Administration, U.S. Department of Commerce.

ACTION: Interim rule.

SUMMARY: This amendment affects DPS Regulation 1, as revised July 1, 1974 (39 FR 23022) as amended, (39 FR 36480, 39 FR 41529) and DMS Regulation 1, as revised July 1, 1974, (39 FR 23008) as amended (39 FR 36480) by inserting in Schedule II to DMS Regulation 1 and in Schedule I to DPS Regulation 1, the program identification J–1 which is established for the use by the Departments of Commerce and Defense for the F–16 Co-production Program. Under the F–16 Co-production Program, European co-producers are being permitted to place priority ratings on their contracts and orders for certain items procured from U.S. producers. The establishment of the J–1 program identification symbol is necessary in order to separate and identify F–16 Co-production rated procurement by authorized foreign firms.

DATES: Effective date: February 28, 1980. Submit written comments by April 15, 1980.

ADDRESS: Submit written comments to Office of Industrial Mobilization, Room 4104, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Iain S. Baird, Director, Priorities and Allocations Division, Office of Industrial Mobilization, U.S. Department of Commerce, Washington, D.C. 20230. Telephone (202) 377–2233.

SUPPLEMENTARY INFORMATION: These amendments are found necessary and appropriate to promote the national defense and are issued pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.)

Section 709 of the Defense Production Act exempts rules and regulations issued under that Act from the operation of the Administrative Procedures Act (60 Stat. 237). Section 6 of Executive Order 12044, Improving Government Regulations, exempts certain regulations issued with respect to a military or foreign affairs function of the United States or regulations related to Federal Government procurement from the provisions of that Executive Order. These amendments satisfy these exemptions.

Nevertheless, in the interest of providing for public participation in this rulemaking and obtaining the views of concerned parties, these amendments are being issued as interim final rules. As interim final rules, these regulations are fully effective, but may subsequently be altered as a result of public comment when issued as final rules. (Due to the necessity of having a new program symbol for the F–16 Co-production Program in place as soon as possible, these amendments are not being issued as proposed rules.)

Any persons having an interest in these amendments may provide their written comments by April 15, 1980, to:

Office of Industrial Mobilization, Room 4104, U.S. Department of Commerce, Washington, D.C. 20230.

where they will be fully considered in issuing the final regulations.

It has been determined that this regulatory revision is "not significant" within the meaning of Department of Commerce Administrative Order 218–7 (44 FR 2082 et seq., January 9, 1979) and Industry and Trade Administration Administrative Instructions 1–6 (44 FR 2093 et seq., January 9, 1979), which implement Executive Order 12044 (43 FR 12661 et seq., March 23, 1978), "Improving Government Regulations."

(Defense Production Act of 1950, as amended, (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725; DMO 8400.1, 32A CFR Part 15; Department of Commerce Organization Order 10–3, and International Trade Administration Organization and Function Order 41–1 of January 30, 1980)

In implementing co-production programs, including the F–16 Co-production Program, the Department of Commerce has amended its Statement of Conditions to BDC Del. 1. This statement sets forth certain requirements for the Department of Defense on the implementation of priorities and allocations authorities delegated from Commerce to Defense. The statement, as amended, is being provided for the information of those interested in the priorities and allocations program and in this particular amendment. Comments are not being sought on the Statement of Conditions.

Statement of Conditions to BDC Del. 1

(This Statment of Conditions was originally issued on May 19, 1976 and subsequently amended on November 27, 1979. It was formerly administered by the Bureau of Domestic Commerce, and is now administered by the Bureau of Trade Regulation)

This Statement of Conditions to BDC Del. 1 sets forth certain requirements for the exercise of the authority delegated by BDC Del. 1, dated March 26, 1976. Nothing in this letter shall be construed to constitute an exception from any of the rules and regulations of the Bureau of Trade Regulations.

The authority delegated by BDC Del. 1 shall not be used for direct procurement by or for the Department of Defense or its delegates of those FSC Classes, Groups, or Items specified in attachment "A" hereto.

In exercising the authority delegated by BDC Del. 1, the Department of Defense shall:

(1) Develop procedures, guidelines, and controls relating to the exercise of the delegated authority in accordance with the conditions stated herein and the applicable rules and regulations of the Bureau of Trade Regulation. Copies of such procedures, guidelines and controls shall be submitted to the Bureau of Trade Regulation for approval.

(2) Determine quarterly Department of Defense program requirements of "Controlled Materials" by shapes and forms and report the quantity of such requirements to both the Bureau of Trade Regulation and the Federal Emergency Management Agency. Reports of "Controlled Materials" requirements shall be submitted at least 100 days prior to the first day in the calendar quarter for which the requirements are determined.

In exercising the delegated priorities and allocations authorities for co-production programs under BDC Del. 1, the Department of Defense shall:

(1) Provide the Department of Commerce with a detailed description of the co-production activity and an assessment of its total scope to include its dollar value, the number and identity of foreign firms involved, and the anticipated procurement to be made in the United States by foreign firms by value and category (such as material, general equipment, and electronic equipment). The assessment shall draw particular attention to any item in short supply in the United States. The assessment will be used by Commerce in analyzing the proposed program's total impact on the U.S. economy and its consequences for other defense programs. DOD's report will also assist Commerce in determining the most efficient and effective administrative system for supporting the co-production activity.

(2) Develop procedures, guidelines and controls relating to the exercise of this delegated authority in accordance with these conditions and the applicable rules and regulations of BTR for each co-production program. Prior to the establishment of an identification symbol by Commerce for a particular co-production program and prior to promulgation of the procedures, guidelines and controls; copies of such procedures, guidelines and controls shall be submitted to the Office of Industrial Mobilization (OIM) for approval. Such procedures, guidelines and controls shall provide:

(a) Authorization to use priority ratings for items including products, materials, services, production equipment, and maintenance, repair, and operating supplies only to foreign firms which have entered into a formal co-production agreement with a U.S. producer. For other foreign firms providing items necessary to the co-production activity authorization to use ratings will be considered on a case-by-case basis.

(b) Explicit instructions on the use of ratings, their placement, and their certification;

(c) Directions for granting expediting assistance and for processing special priority assistance requests;

(d) Guidance for U.S. Government oversight to assure compliance with provisions of this delegated authority and the rules and regulations of the DMS and DPS.

(3) Not authorize ratings for the production of products for sales to countries not a party to the co-production agreement, except for sales by the United States.

(4) Authorize foreign firms engaged in co-production the use of a program identification symbol in the "J" series (e.g. J1, J2, etc.) established by the Department of Commerce for the purpose of placing mandatory acceptance orders in the U.S. for items identified in (2)(a) above.

(5) Limit the authorized use of ratings only to those items identified in (2)(a) above directly required by the co-production program and the portion of such items normally consumed or converted into scrap or by-products in the course of processing.

(6) Submit to OIM, BTR the following reports, copies of which will be provided to the Federal Emergency Management Agency:

(a) Quarterly requirements of controlled materials by shapes or forms which will be purchased from suppliers in the U.S.

(b) Semiannual compilations of the number of rated orders placed by foreign firms in the U.S. and a summary of their dollar value.

(c) Individual audit reports of each co-producing foreign firm (to be audited at least once a year) and other audit reports of other participating foreign firms (done on a selective basis) as such reports are completed. An annual summary of all audit activity will also be provided.

This Statement of Conditions may be amended or revised, as required, to reflect changes relating to the use of the authority delegated in BDC Del. 1.

Signed: November 27, 1979.

Robin B. Schwartzman,

Acting Deputy Assistant Secretary for Trade Regulation.

Attachment A

Federal Supply Classification Groups and Classes Not Eligible For Priority Ratings

Group

35 Service and Trade Equipment—except:
3510 Laundry and Dry Cleaning Equipment
3520 Shoe Repairing Equipment
3530 Industrial Sewing Machines and Mobile Textile Repair Shoes
3540 Wrapping and Packaging Machinery

71* Furniture

72* Household and Commercial Furnishing and Appliances—except:
7240 Household and Commercial Utility Containers

73* Food Preparation and Serving Equipment—except:
7310 Food Cooking, Baking and Serving Equipment
7320 Kitchen Equipment and Appliances
7360 Sets, Kits, and Outfits: Food Preparation and Serving

74 Office Machines, Visible Record Equipment, and Data Processing Equipment**

75* Office Supplies and Devices

77* Musical Instruments, Phonographs and Home-Type Radios

*BTR will consider requests for special rating authorization in the procurement of these items.

**This Group does not include General Purpose Automatic Data Processing Equipment, Software, Supplies and Support Equipment (see Group 70).

78* Recreational and Athletic Equipment
79 Cleaning Equipment and Supplies
85* Toiletries
87[1] Agriculture Supplies
89 Subsistence
91*[1] Fuels, Lubricants, Oils, and Waxes—except:
9135 Liquid Propellant Fuels and Oxidizers, Chemical Base
9150 Oils and Greases: Cutting, Lubricating, and Hydraulic
9160 Miscellaneous Waxes, Oils and Fats
94* Non-Metallic Crude Materials—except:
9420 Fibers: Vegetable, Animal and Synthetic
99* Miscellaneous

Class
7630 Newspapers and Periodicals
7660 Sheet and Book Music
8325 Fur Materials
8425 Underwear and Nightwear, Women's
9610 Ores

[1] Only those subject to Commerce Authority as delegated by E.O. 10480.

PART 621—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM (DMS REG. 1)

Schedule II [Amended]

Accordingly, Part 621 (DMS Reg. 1) of Title 32A of the Code of Federal Regulations is amended by adding the following new category at the end of Schedule II:

Col. 1—Program identification	Col. 2—Program	Col. 3—Defense agency
For Programs Involving Co-production of Items by United States and Foreign Contractors:		
J-1	F-16 Co-production Program	Departments of Commerce and Defense.

PART 651—BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM (DPS REG. 1)

Schedule I [Amended]

Part 651 (DPS Reg. 1) of Title 32A of the Code of Federal Regulations is amended by adding the following new category at the end of Schedule I:

Col. 1—Program identification	Col. 2—Program	Col. 3—Defense agency
For Programs Involving Co-production of Items by United States and Foreign Contractors:		
J-1	F-16 Co-production Program	Departments of Commerce and Defense.

Dated: February 19, 1980.

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 80-6221 Filed 2-27-80; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 204

Danger Zone Regulations; Small Arms Range, Great Lakes, Illinois

AGENCY: U.S. Army Corps of Engineers, DoD

ACTION: Final rule.

SUMMARY: The Corps of Engineers is revising the regulations which establish a danger zone at the small arms range adjacent to the U. S. Naval Training Center, Great Lakes, Illinois. The revision is necessary to accommodate the current training and practice routine at the range.

EFFECTIVE DATE: 5 March 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, HQDA, Pulaski Building, ATTN: DAEN-CWO-N, Washington, D. C. 20314, Telephone No. (202) 272-0200.

SUPPLEMENTARY INFORMATION: On 19 November 1979 the Corps of Engineers published a revision to 33 CFR 204.175 in the Notice of Proposed Rulemaking section of the **Federal Register** (44 FR 66213). These regulations establish a danger zone at the small arms firing range adjacent to the U.S. Naval Training Center, Great Lakes, Illinois. There were no comments received in response to the Notice of Proposed Rulemaking and accordingly, the Department of the Army is amending 33 CFR 204.175 paragraph (b) as set forth below.

Note.—The Department of the Army has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under EO 12044, Improving Government Regulations (43 FR 12661, 24 March 1979).

Authority.—(40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3).

DATE: January 28, 1980.

Michael Blumenfeld,

Assistant Secretary of the Army Civil Works.

PART 204—DANGER ZONE REGULATIONS

In § 204.175 paragraphs (b)(1) and (b)(3) are revised and paragraph (b)(5) is deleted.

§ 204.175 Lake Michigan: Small arms range adjacent to U.S. Naval Training Center, Great Lakes, Ill.

* * * * *

(b) *The regulations.* (1) When firing affecting the danger zone is in progress, the enforcing agency will post guards at such locations that the waters in the danger zone may be observed and arrange signals whereby these guards may stop the firing should any person or vessel be seen in the waters of the danger zone. When firing is in progress, the enforcing agency will cause red flags to be displayed on shore near the rifle butts, which may be readily discernible to a person in a vessel within the danger zone.

* * * * *

(3) If such flags are displayed it will indicate that firing is in progress, and that the waters in the danger zone are subject to impact by rounds missing or ricocheting off the impact berm and should not be entered until the flags are lowered.

* * * * *

(5) Deleted.

* * * * *

[FR Doc. 80-5934 Filed 2-27-80; 8:45 am]

BILLING CODE 3710-92-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket RM 77-10]

General Provisions; Nondramatic Literary Works; Voluntary License To Permit Reproduction Solely for Use of the Blind and Physically Handicapped

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulation.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is making certain technical amendments in § 201.15 of its regulations, as adopted on January 1, 1978, to reflect the change in the name of the Division for the Blind and Physically Handicapped of the Library of Congress to the National Library Service for the Blind and Physically Handicapped of the Library of Congress and to correct other minor typographical errors in the text of the regulations as printed in the **Federal Register.** These regulations were issued to implement section 710 of the Copyright Act of 1976, Pub. L. 94–553 (90 Stat. 2541). That section directs the Register of Copyrights to establish procedures by which the owner of copyright in nondramatic literary works may, at the time of copyright registration, grant the Library of Congress a license to reproduce and distribute the work for the use of the blind and physically handicapped. The regulation establishes the terms and conditions of these licenses.

EFFECTIVE DATE: March 1, 1980.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, 703–557–8731.

SUPPLEMENTARY INFORMATION: One of the major programs of the Library of Congress is to provide Braille editions and special sound recordings of readings of works for the exclusive use of the blind and physically handicapped. In an effort to simplify and speed up the copyright procedures that are a necessary part of this program, section 710 of the Copyright Act of 1976, Pub. L. 94–553 (90 Stat. 2541) provides for the establishment of a voluntary licensing system to be tied in with copyright registration. The license would permit the Library of Congress "to reproduce the work by means of Braille or similar tactile symbols, or by fixation of a reading of the work in a phonorecord, or both, and to distribute the resulting copies and phonorecords solely for use of the blind and physically handicapped".

On October 4, 1977, the Copyright Office published in the **Federal Register** (41 FR 53980) a proposal to adopt a new regulation § 201.15 establishing the form, duration, terms and conditions of the license. After careful consideration of the comments received, the Office promulgated the proposed § 201. 15 substantially without change on December 20, 1977 in the **Federal Register** (42 FR 63778). The regulation became effective January 1, 1978.

After the regulation had been adopted, there was a reorganization within the Library of Congress, resulting in a change in the organizational title of the division responsible for this program.

We are amending the regulation merely to reflect the change in organizational title and to correct minor typographical errors in the text as published in the **Federal Register.** Since these are technical amendments, we are issuing them without provision for a comment period.

Section 201.15 of Part 201, 37 CFR, Chapter II is amended to read as follows:

§ 201.15. Voluntary license to permit reproduction of nondramatic literary works solely for use of the blind and physically handicapped.

(a) *General.* (1) The "blind and physically handicapped" are persons eligible for special loan services of the Library of Congress, as designated by section 135a of title 2 of the United States Code as amended by Pub. L. 89–552 and regulations of the Library of Congress issued under that section.

(2) This section, and any license granted or exercised under this section, applies only to nondramatic literary works that have previously been published with the consent of the copyright owner.

(b) *Form.* The Copyright Office provides the following form as part of the applications for registration of claims to copyright in nondramatic literary works (Form TX):

Reproduction for Use of Blind or Physicallly Handicapped Persons

Signature of this form at space 10, and a check in one of the boxes here in space 8, constitutes a nonexclusive grant of permission to the Congress to reproduce and distribute solely for the blind and physically handicapped and under the conditions and limitations prescribed by the regulations of the Copyright Office: (1) copies of the work identified in space 1 of this application in Braille (or similar tactile symbols); or (2) phonorecords embodying a fixation of a reading of that work; or (3) both.

a ☐ Copies and phonorecords; b ☐ Copies only; c ☐ Phonorecords only.

(c) *Terms and conditions.* A copyright owner who consents to the use of a copyrighted work by the Library of Congress for the use of the blind and physically handicapped may accomplish this purpose by checking the appropriate box on the application form, by signing the application form as a whole, and by submitting the application for copyright registration to the Copyright Office. The copyright owner thereby grants a nonexclusive license to the Library of Congress with respect to the work identified in the application, under the terms and conditions set forth in this section.

(1) The work may be reproduced only by or on behalf of the Library of Congress.

(2) The work may not be reproduced in any other form than Braille (or similar tactile symbols), or by a fixation of a reading of the work in phonorecords specifically designed for use of the blind and physically handicapped, or both, as designated by the copyright owner on the application form.

(3) Such copies and phonorecords of the work may be distributed by the Library of Congress solely for the use of the blind and physically handicapped under conditions and guidelines provided by the National Library Service for the Blind and Physically Handicapped of the Library of Congress.

(4) In the case of any conflict with any other right or license given by the copyright owner to the Library of Congress pertaining to the work, the terms and conditions most favorable to the Library of Congress for the benefit of the blind and physically handicapped shall govern.

(5) Copies and phonorecords reproduced and distributed under this license will contain identification of the author and publisher of the work, and copyright notice, as they appear on the copies or phonorecords deposited with the application.

(6) This license is nonexclusive, and the copyright owner is in no way precluded from granting other nonexclusive licenses with respect to reproduction for the use of the blind and physically handicapped, or exclusive licenses for the same purpose on condition they are subject to the nonexclusive license granted to the Library of Congress, or other exclusive or nonexclusive licenses or transfers with respect to reproduction or distribution for other purposes.

(7) All responsibility for the clearing and exercise of the rights granted is that of the Library of Congress.

(d) *Duration of license.* (1) The license is effective upon the effective date of registration for the work and, subject to the conditions and procedures stated in paragraph (d)(2) of this section, continues for the full term of copyright in the work provided in section 302 of title 17 of the United States Code as amended by Pub. L. 94–553.

(2) Termination of the license may be accomplished by the copyright owner at any time by submitting a written statement of intent to terminate, signed by the copyright owner or by the duly authorized agent of the copyright owner,

to the National Library Service for the Blind and Physically Handicapped of the Library of Congress. Termination will become effective 90 days after receipt of the written statement, or at a later time set forth in the statement. Upon the effective date of termination the Library of Congress will be prohibited from reproducing additional copies or phonorecords of the work, or both, without the consent of the copyright owner, but copies or phonorecords, or both, reproduced under authority of the license before the effective date of termination may continue to be utilized and distributed under the terms of the license after its termination.

(17 U.S.C. 408, 702, 710)

Dated: February 22, 1980.

Barbara Ringer,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 80-6151 Filed 2-27-80; 8:45 am]

BILLING CODE 1410-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL 1411-5]

National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to the State of Maryland

AGENCY: Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: Pursuant to the delegation of authority for National Emissions Standards for Hazardous Air Pollutants [NESHAPS] to the State of Maryland on October 9, 1979, EPA is today amending 40 CFR 61.04, Address to reflect this delegation.

EFFECTIVE DATE: February 28, 1980.

FOR FURTHER INFORMATION CONTACT: Thomas Shiland, (215) 597-7915 EPA, Region III (Curtis Building), 6th & Walnut Streets, Philadelphia, Pennsylvania 19106.

SUPPLEMENTARY INFORMATION: A Notice announcing this delegation is published today elsewhere in the **Federal Register.** The amended 61.04 which adds the address of the Maryland Bureau of Air Quality to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public Notice and for making this rulemaking effective immediately in that it is an Administrative change and not one of substantive content. No additional burdens are imposed on the parties affected. The delegation which is reflected by the Administrative amendment was effective on October 9, 1979, and it serves no purpose to delay the technical change of this address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 112 of the Clean Air Act, as amended, 42 U.S.C. § 7412.

Dated: January 28, 1980.

R. Sarah Compton,

Director, Enforcement Division.

Part 61 of Chapter I, Title 40 of the *Code of Federal Regulations* is amended as follows:

1. In § 61.04 paragraph (b) is amended by revising Subparagraph V to read as follows:

§ 61.04 Address

* * * * *

(b) * * *

(V) State of Maryland, Bureau of Air Quality and Noise Control, Maryland State Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, Maryland 21201.

[FR Doc. 80-6197 Filed 2-27-80; 8:45 am]

BILLING CODE 6560-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

41 CFR Ch. 7

Revision of Chapter Heading

AGENCY: Agency for International Development.

ACTION: Final rule: Revision of Subject Heading.

SUMMARY: It is necessary to revise the subject heading of Chapter 7 of Title 41 to reflect that the Agency for International Development, heretofore established in the Department of State, became an agency within the International Development Cooperation Agency on October 1, 1979.

DATE: Effective as of October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Jan Miller, Office of the General Counsel, Agency for International Development, Washington, D.C. 20523, (202) 632-8277.

SUPPLEMENTARY INFORMATION: Pursuant to Reorganization Plan No. 2 of 1979 (44 FR 41165) and Executive Order No. 12163 of September 29, 1979, entitled, "Administration of Foreign Assistance and Related Functions" (44 FR 56673), the United States International Development Cooperation Agency (hereinafter referred to as IDCA) was established as an independent agency in the Executive Branch on October 1, 1979.

Executive Order No. 12163 directed the Director of IDCA to continue within IDCA the Agency for International Development, heretofore established in the Department of State.

IDCA Delegation of Authority No. 1 (44 FR 57521) which was issued by the Director of IDCA on October 1, 1979, provided for the continuation of the Agency for International Development within IDCA and directed:

> All delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, designations, and other actions made, issued or entered into under authority existing prior to the date of the Executive Order and not revoked, superseded, or otherwise made inapplicable before the effective date of this Delegation of Authority shall continue in full force and effect until amended, modified or terminated by appropriate authority.

Dated: February 21, 1980.

Norman L. Holmes,

General Counsel.

Accordingly, the subject heading of Chapter 7 of Title 41 is revised, to read:

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

[FR Doc. 80-6247 Filed 2-27-80; 8:45 am]

BILLING CODE: 4710-02-M

VETERANS ADMINISTRATION

41 CFR Parts 8-1, 8-4, 8-52

Procurement; Miscellaneous Amendments

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration is revising its procurement regulations to make miscellaneous changes affecting various parts, subparts, and sections. Section 8-1.302-1 on procurement sources is revised to bring it into conformance with FPMR 101-26.207, to include a reference to FPMR 101-26.606, and to cite an indefinite clearance on dress shoes from Federal Prison Industries, Inc. Section 8-4.605 is revoked as not in conformance with FPR 1-4.605. Section 8-52.106 is revised to authorize librarians at field stations to

receive, inspect, and accept books, newspapers, and periodicals.

EFFECTIVE DATE: This rule is effective February 28, 1980.

FOR FURTHER INFORMATION CONTACT: A. G. Vetter, Supply Service, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, (202) 389–2334.

SUPPLEMENTARY INFORMATION: It is the general policy of the Veterans Administration to allow time for interested parties to participate in the regulatory process (§ 1.12, Title 38, CFR). The amendments herein, however, affect only the administrative practices of the agency, and the public regulatory process is deemed unnecessary in this instance.

Approved: February 20, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

PART 8–1—GENERAL

1. Section 8–1.302–1 is revised by amending paragraphs (a), (c), and (d) to read as follows:

§ 8–1.302–1 General.

(a) *General.* Procurement will be effected from the following sources in the descending order of priority indicated:

(1) VA excess.

(2) VA supply depot stocks.

(3) Other Government agencies' excess.

(4) Schedule of products made in Federal penal and correctional institutions.

(5) Procurement list of products available from the Committee for Purchase from the Blind and Other Severely Handicapped.

(6) GSA stock.

(7) VA decentralized contracts.

(8) Mandatory Federal supply schedule contracts.

(9) Optional use Federal supply schedules.

(10) Commercial concerns, educational or nonprofit institutions, as applicable.

* * * * *

(c) *Military departments.* Items of supply available from the Inventory Control Points of the military departments may be obtained in accordance with FPMR 101–26.606.

(d) *Eligible beneficiaries.* When it is determined that a therapeutic benefit to eligible beneficiaries will result from personal selection of shoes, clothing and incidentials, acquisition from the Veterans Canteen Service or commercial sources is authorized. When dress shoes similar to Federal Prison Industries, Inc., Style No. 86–A are purchased from commercial sources, FPI Clearance No. 1206 will be cited on the purchase document. * * *

PART 8–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

§ 8–4.605 [Revoked]

2. Section 8–4.605 is revoked.

PART 8–52—CONTRACT ADMINISTRATION

3. In § 8–52.106, paragraph (b) is revised to read as follows:

§ 8–52.106 Representatives of contracting officers; receipt of equipment, supplies, and nonpersonal services.

* * * * *

(b) The Chief, Central Office Library Division, and the Chief, Library Service, at a field station, are designated the representatives of the contracting officer to receive, inspect and accept library books, newspapers, and periodicals. Purchase documents will specify that delivery will be made direct to the library.

* * * * *

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 80–6258 Filed 2–27–80; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Payment for Services of Independent Rural Health Clinics

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: This final rule amends the current regulations governing Medicare payment for the services of "independent" rural health clinics (i.e., those that are not operated as part of a hospital, skilled nursing facility, or home health agency). Those regulations now state, at 42 CFR 405.2425(b)(4), that Medicare will not pay these clinics under the current payment method for reporting periods that begin after March 1, 1980. That provision was included in the regulations because we intended to replace the current, retrospective payment method with a prospective method of payment by that date. Although we are developing a Notice of Proposed Rule Making setting forth a prospective payment method, we will not be able to publish final regulations by March 1, 1980. Therefore, we are amending the regulations to delete the time limit on use of the current payment method. This amendment will allow Medicare to continue paying clinics under the current method until the effective date of new regulations. Since the Medicaid regulations, at 42 CFR 447.371 (b) and (c), require Medicaid to pay for rural health clinic services furnished by independent clinics at the Medicare rate, the amendment also will allow Medicaid to continue paying these clinics under the current method until the effective date of new regulations.

EFFECTIVE DATE: March 1, 1980.

FOR FURTHER INFORMATION CONTACT: Bernard Truffer, Health Care Financing Administration, Room 1–C–3 East Low Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235 (301) 597–2584.

SUPPLEMENTARY INFORMATION:

Waiver of Public Comment

It is essential to avoid the confusion and concern that would arise if our regulatory basis for paying independent clinics were to expire. If unchanged, the current regulation would preclude us from continuing the present method of payment and would leave us without a satisfactory alternative.

Because of these considerations, HCFA has determined that good cause exists to waive the customary Notice of Proposed Rulemaking and the delayed effective date of the regulation. We plan to publish a Notice of Proposed Rulemaking inviting comments on a new alternative method of reimbursing for these services.

42 CFR 405.2425 is amended by deleting paragraph (b)(4). As amended, § 405.2425 reads as follows:

§ 405.2425 Payment for rural health clinic services.

(a) *Payment to provider clinics.* A clinic will be paid in accordance with Subpart D of this part if:

(1) The clinic is an integral and subordinate part of a hospital, skilled nursing facility or home health agency participating in Medicare (i.e., a provider of services); and

(2) The clinic is operated with other departments of the provider under common licensure, governance and professional supervision.

(b) *Payment to independent clinics.* (1) All other clinics will be paid on the basis of an all inclusive rate for each beneficiary visit for covered services. This rate will be determined by the carrier, in accordance with this subpart and general instructions issued by HCFA.

(2) The amount payable by the carrier for a visit will be determined as follows:

(i) If the deductible has been fully incurred by the beneficiary prior to the visit, 80 percent of the all-inclusive rate will be paid.

(ii) If the deductible has not been fully incurred by the beneficiary prior to the visit, payment will be made to the clinic only if the clinic's reasonable customary charge for the services furnished exceeds the amount necessary to satisfy the beneficiary's deductible. The amount necessary to satisfy the deductible will be subtracted from the all-inclusive rate, and 80 percent of the remainder, if any, will be paid to the clinic.

(3) In order to receive payment, the payment procedures established in accordance with § 405.250–2 shall be followed.

(Sections 1102, 1833, 1861(aa), and 1871 of the Social Security Act (42 U.S.C. 1302, 1395L, 1395hh, and 1395x(aa))

(Catalog of Federal Domestic Assistance Program No. 13,774, Medicare—Supplementary Medical Insurance.)

Dated: February 8, 1980.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

Approved: February 21, 1980.

Nathan J. Stark,

Acting Secretary.

[FR Doc. 80–6154 Filed 2–27–80; 8:45 am]

BILLING CODE 4110–35–M

Office of the Inspector General

42 CFR Part 455

State Medicaid Fraud Control Units

AGENCY: Office of the Inspector General, DHEW.

ACTION: Final rules.

SUMMARY: These technical amendments delete from 42 CFR Part 455, Subpart D, language that unnecessarily duplicates, or conflicts with, department-wide regulations contained in 45 CFR Part 74, "Administration of Grants".

EFFECTIVE DATE: These technical amendments are effective on February 28, 1980.

FOR FURTHER INFORMATION CONTACT: B. Frederic Williams, Jr., Division of State Fraud Control, Office of the Inspector General, Department of Health, Education, and Welfare, Room 5439 330 Independence Avenue, S.W., Washington, D.C. 20201 (202) 472–3222.

SUPPLEMENTARY INFORMATION: In accordance with the Department's project to standardize and simplify grants administration, the Office of the Inspector General amends 42 CFR Part 455, Subpart D, by eliminating regulations that unnecessarily duplicate or conflict with the department-wide regulations on grants administration in 45 CFR Part 74. Because these amendments impose no new requirements on grantees, notice of proposed rulemaking, opportunity for public participation, and delay in effective date under the Administrative Procedure Act (5 U.S.C. 553) are waived.

42 CFR Part 455, Subpart D is amended as follows:

§ 455.300 [Amended]

1. Section 455.300(i)(2) is deleted, and section 455.300(i) is renumbered by deleting "*Reporting Requirements*—(1)" and redesignating subparagraphs (i) through (viii) thereof as paragraphs (1) through (8), respectively.

§ 455.400 [Amended].

2. Section 455.400(i)(7), as redesignated above, is amended by deleting ", by major budget category".

§ 455.300 [Amended]

3. Section 455.300(i)(6), as redesignated above, is amended by striking "paragraphs (i)(1)(i) through (v)" and substituting therefor "paragraphs (i)(1) through (5)".

4. Section 455.300(j)(1) is amended to read as follows:

* * * * *

(j) * * *

(1) *Rate of FFP.* Subject to the limitation of this paragraph, the Secretary will reimburse each State by an amount equal to 90 percent of the costs incurred by a certified unit which are attributable to carrying out its functions and responsibilities under this section.

* * * * *

§ 455.300 [Amended]

5. Section 455.300(j)(2) is amended by deleting "Basis and Period of Payment." and by deleting subparagraphs (i) and (ii) and redesignating subparagraph (iii) as subparagraph (2).

§ 455.300 [Amended]

6. Section 455.300(j)(3) is amended by striking the phrase "The amount paid during" and substituting therefor "FFP for".

§ 455.300 [Amended]

7. Section 455.300 is amended by adding after paragraph (j) the following new paragraph (k):

* * * * *

(k) *Other applicable HEW regulations.* Except as otherwise provided in this subpart, the following regulations from 45 CFR Subtitle A apply to grants under this subpart:

Subpart C of Part 16—Department Grant Appeals Process—Special Provisions Applicable To Reconsideration of Disallowances (note that this applies only to disallowance determinations and not to any other determinations, e.g., over certification or recertification)

Part 74—Administration of Grants

Part 75—Informal Grant Appeals Procedures

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

Part 81—Practice and Procedure for Hearings Under 45 CFR Part 80

Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance

Dated: January 22, 1980.

Richard B. Lowe,

Acting Inspector General.

Approved: February 21, 1980.

Nathan J. Stark,

Acting Secretary.

[FR Doc. 80–6155 Filed 2–27–80; 8:45 am]

BILLING CODE 4110–12–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 401

[CGD 79–138]

Great Lakes Pilotage Regulations

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations governing the pilotage of vessels on the Great Lakes. These amendments increase the basic pilotage rates by five percent in the three Great Lakes pilotage districts, broaden one of the factors that is used to determine the charge for pilotage services, and increase the interest charge on past due accounts for pilotage service by one half percent. These changes are made in order to increase pilot compensation and cover the increased operating expenses, including pilot training costs, of the Great Lakes pilot associations.

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Hartke (G–MVP–4), Room 1314, Department of Transportation, Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593, (202) 755–8683.

SUPPLEMENTARY INFORMATION: On January 7, 1980, the Coast Guard published a proposed rule (45 FR 1432) concerning this amendment. Interested persons were given until February 21, 1980, to submit comments. No comments were received and the proposed rule is being adopted without change.

Drafting Information

The principal persons involved in drafting this rule are: John J. Hartke, Project Manager, Office of Merchant Marine Safety, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

This rule has been reviewed and determined to be non-significant under the Department of Transportation's Regulatory Policies and Procedures published on February 26, 1979 (44 FR 11034). A final evaluation has been prepared and included in the public docket. This may be obtained from the Marine Safety Council (G–CMC/24), Coast Guard Headquarters, Washington, D.C. 20593, (202) 755–4901.

In consideration of the foregoing, Part 401 of Title 46 of the Code of Federal Regulations is amended as follows:

PART 401—GREAT LAKES PILOTAGE REGULATIONS

1. Section 401.400(b) is revised to read as follows:

§ 401.400 Calculation of pilotage units and determination of weighting factor.

* * * * *

(a) * * *

(b) Weighting factor table:

Range of pilotage units:	*Weighting factor*
0 to 99	0.85
100 to 129	1.00
130 to 159	1.15
160 to 189	1.30
190 and over	1.45

* * * * *

2. Section 401.405 is revised to read as follows:

§ 401.405 Basic rates and charges on designated waters.

Except as provided under § 401.420, the following basic rates shall be payable for all services and assignments performed by U.S. Registered Pilots in the areas described in § 401.300.

(a) District 1:

(1) For passage through the District or any part thereof, $6.58 for each statute mile, plus $87 for each lock transited, but with a minimum basic rate of $192 and a maximum basic rate for a through trip of $843.

(2) For a movage in any harbor, $289.

(b) District 2:

(1) Southeast Shoal to Toledo or any point on Lake Erie west of Southeast shoal, $426.

(2) Between points on Lake Erie west of Southeast Shoal, $252.

(3) Southeast Shoal to Port Huron Change Point or any point on the St. Clair River when pilots are not changed at Detroit Pilot Boat, $741.

(4) Southeast Shoal to Detroit/Windsor or any point on the Detroit River, $426.

(5) Southeast Shoal to Detroit Pilot Boat, $309.

(6) Toledo or any point on Lake Erie west of Southeast Shoal and Port Huron Change Point, when pilots are not changed at Detroit Pilot Boat, $859.

(7) Toledo or any point on Lake Erie west of Southeast Shoal and Detroit/Windsor or any point on the Detroit River, $553.

(8) Toledo or any point on Lake Erie west of Southeast Shoal and the Detroit Pilot Boat, $426.

(9) Detroit/Windsor or any point on the Detroit River and between points on the Detroit River, $252.

(10) Detroit/Windsor or any point on the Detroit River to Port Huron Change Point or any point on the St. Clair River, $559.

(11) Detroit Pilot Boat to any point on the St. Clair River, $559.

(12) Detroit Pilot Boat to Port Huron Change Point, $434.

(13) Between points on the St. Clair River, $252.

(14) Port Huron Change Point to any point on the St. Clair River, $309.

(c) District 3:

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corporation Wharf at Saulte Ste. Marie, Ontario, $767.

(2) Between the southerly limit of the District and Sault Ste. Marie, Ontario or any point in Sault Ste. Marie, Ontario other than the Algoma Steel Corporation Wharf, $644.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corporation Wharf, or Sault Ste. Marie, Michigan, $289.

(4) For a movage in any harbor, $289.

3. Section 401.410(a) is revised to read as follows:

§ 401.410 Basic rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (b) of this section, the basic rates for each 6 hour period or part thereof that a U.S. pilot is on board in the undesignated waters shall be:

(1) In Lake Ontario, $153

(2) In Lake Erie, $201.

(3) In Lakes Huron, Michigan and Superior, $153 plus $147 for each time a U.S. pilot performs the docking or undocking of the ship.

* * * * *

4. Section 401.420 is revised to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) When, in designated or undesignated waters, the passage of a ship is interrupted for the purpose of loading or discharging cargo or for any reason and the services of a U.S. pilot are retained during the interruption or when a U.S. pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of $24 for each hour or part of an hour during which each interruption lasts with a maximum basic rate of $384 for each 24 hour period during which the interruption continues. However, there is no charge for any interruption caused by ice, weather, or traffic, except during the period beginning the 1st of December and ending on the 8th of the following April. Additionally, no charge shall be made for any interruption if the total interruption ends during the 6 hour period for which a charge has been made under § 401.410.

(b) When, in designated or undesignated waters, the departure or movage of a ship for which a U.S. pilot has been ordered is delayed for the convenience of the ship for more than one hour after a U.S. pilot reports for duty at the designated boarding point or after the time for which the pilot is ordered, whichever is later, the ship shall pay an additional charge calculated on a basic rate of $24 for each hour or part of an hour after the first hour of the delay, with a maximum basic rate of $384 for each 24 hour period of the delay.

(c) When, in designated or undesignated waters, a U.S. pilot reports for duty as ordered and the order is cancelled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of $145.

(2) If the cancellation is more than one hour after a U.S. pilot reports for duty at the designated boarding point or after the time for which the pilot is ordered, whichever is the later, a further charge calculated on a basic rate of $24 for each hour or part of an hour after the first hour, with a maximum basic rate of $384 for each 24 hour period.

5. Section 401.427 is revised to read as follows:

§ 401.427 Charge on past due accounts.

A charge of two percent (2%) per month shall be paid on the opening monthly balance on accounts remaining unpaid over thirty (30) days after the billing date.

6. Section 401.428 is revised to read as follows:

§ 401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point.

If a U.S. pilot is carried beyond his or her normal change point or is unable to board at his or her normal boarding place, a U.S. pilot shall be paid at the rate of $147 per day or part thereof, plus reasonable travel expenses to or from his or her base. These charges are not applicable if the ship utilizes the services of the U.S. pilot beyond his or her normal change point and the ship is billed for those services. The change points to which this section applies are designated in § 401.450.

(46 U.S.C. 216c, 49 U.S.C. 1655(a)(4), 49 CFR 1.46(a))

Dated: February 25, 1980.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 80-6262 Filed 2-27-80; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 79-883]

Reorganization of the Broadcast Bureau

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Broadcast Bureau was reorganized on December 31, 1979. This amendment changes the Commission's rules to reflect the reorganization.

EFFECTIVE DATE: March 3, 1980.

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

FOR FURTHER INFORMATION CONTACT: Joseph Hall, Office of the Executive Director, 632-7513.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 0 of the Commission's rules to reflect a reorganization of the Broadcast Bureau.

Order

Adopted: November 6, 1979.

Released: February 22, 1980.

1. Effective December 31, 1979, the Broadcast Bureau was reorganized. This reorganization requires amendments to §§ 0.71 and 0.72 of the Commission's rules and regulations and deletion of §§ 0.73, 0.74, 0.75, 0.76, 0.77, 0.78, 0.79, 0.80, and 0.81.

2. To promote operational efficiency, the Commission approved the restructuring of the Broadcast Facilities Division into the AM, FM, TV, and Auxiliary Services Branches while abolishing the Technical and Allocations and the Educational Broadcasting Branches and shifting their functions to the Policy and Rules Division. The Policy and Rules Division was restructured by placing the Technical and Allocations Branch function and the Engineering Branch function under the new Technical and International Branch. The Educational Broadcasting Branch function was shifted to the Policy Analysis Branch within the Division. The Office of Network Study was abolished and its functions were shifted to the Legal Branch of the Policy and Rules Division. An Equal Employment Opportunity Branch was established in the Renewal and Transfer Division. Part 0 of the rules and regulations is being amended to reflect these changes.

3. The amendments adopted herein pertain to agency organization. The prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are, therefore, inapplicable. Authority for the amendments adopted herein is contained in Section 4(i) and 5(b) of the Communications Act of 1934, as amended.

4. In view of the foregoing, it is ordered, effective March 3, 1980, that Part 0 of the rules and regulations is amended as set forth in the Appendix below.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is hereby amended as indicated below.

1. Section 0.71 is amended to read:

§ 0.71 Functions of the Bureau.

The Broadcast Bureau develops, recommends and administers policies and programs for the regulation of all radio and television broadcast industry services. Advises and recommends to the Commission, or acts for the Commission under delegated authority, in matters pertaining to the regulation and development of radio and television services. The Broadcast Bureau has the following duties and responsibilities:

(a) Process applications for authorizations in radio and television services.

(b) Administer U.S. responsibilities under international agreements and treaty obligations pertaining to broadcasting.

(c) Process applications for renewal of AM, FM and television licenses and for assignment or transfer of ownership interests in such licenses.

(d) Participate in hearing before the Administrative Law Judges, the Review Board and the Commission.

(e) Plan and develop proposed rule makings and conduct comprehensive studies and analyses (legal, engineering, social and economic) of various petitions for policy or rule changes submitted by industry or the public.

(f) Conduct studies and compile data relating to radio and television network operations necessary for the Commission to develop and maintain an adequate regulatory program.

(g) Investigate complaints and answer general inquiries from the public and handle political broadcasting and fairness doctrine complaints.

2. Section 0.72 is amended to read:

§ 0.72 Units of the Bureau

The Broadcast Bureau is comprised of the following units:

(a) Office of the Bureau Chief
(b) Broadcast Facilities Division
(c) Renewal and Transfer Division
(d) Policy and Rules Division
(e) Hearing Division
(f) License Division
(g) Complaints and Compliance Division

§ 0.73 through 0.81 [Deleted]

3. Sections 0.73, 0.74, 0.75, 0.76, 0.77, 0.78, 0.79, 0.80 and 0.81 are deleted.

[FR Doc. 80-6257 Filed 2-27-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 78-25; RM-2920]

FM Broadcast Stations in Lewiston, Idaho, and Clarkston, Washington; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order

SUMMARY: This action assigns Class C Channel 295 at Lewiston, Idaho, as a second FM channel assignment. A proposal to modify the license of the existing Class A licensee at Lewiston to

a different Class C channel could not be implemented because of a prohibited signal overlap that would result. Another Lewiston assignment, Channel 231, is reassigned to Clarkston, Washington, to reflect its use there.

EFFECTIVE DATE: March 31, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

[BC Docket No. 78–25 RM–2920]

REPORT AND ORDER (Proceeding Terminated)

Adopted: February 13, 1980.

Released: February 21, 1980.

By the Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Lewiston, Idaho, and Clarkston, Washington [1]).

1. By *Notice of Proposed Rule Making and Order to Show Cause,* 43 Fed. Reg. 4076, the Commission proposed the assignment of Class C FM Channel 295 and the replacement of existing Class A FM Channel 244 with Class C FM Chanel 243 at Lewiston, Idaho. The changes were proposed in a response to a petition submitted by KRLC, Inc., presently the licensee of fulltime AM Station KRLC in Lewiston. As the proposal would require the licensee presently using Channel 244A, 4K Radio, Inc., (KOZE–FM), to substantially improve its facilities in order to avoid intermixture of Classs A and C channels, the *Notice* solicited comment from KOZE–FM on its willingness to undertake such modification.[2] General comments on the appropriateness of the proposal were also requested.

2. The *Notice* pointed out that a community of 26,068 (1970 Census) generally would not qualify for three Class C FM assignments under the Commission's population guidelines [3], but considered that the present use of Lewiston's existing Class C channel at Clarkston, Washington, and the substantial second FM service to be provided by the proposed facility on Channel 295 (12,600 persons over 8,400 square kilometers) mitigated the implications of the usual application of our population criteria.[4] Petitioner was asked to provide data on the extent of the second nighttime aural service that could be provided.

3. As to the specific measures necessary to accomplish the proposed assignments, KOZE–FM has challenged their appropriateness in its comments although waiving its right to a hearing. The licensee, 4K, asserts that (a) it cannot operate a Class C channel in Lewiston in compliance with the Commission's multiple ownership rule prohibiting specific signal overlaps between commonly-owned stations (47 C.F.R. 73.240(a)(2))[5]; (b) a higher-power Class C facility at Lewiston, even if economically viable itself, would have an adverse effect on the lower-power facilities now operating in northern Idaho; and (c) intermixture could as well be avoided by adding a second Class A assignment to Lewiston, in keeping with the asserted pattern of northern Idaho stations which operate on Class A channels at lower power levels. 4K concludes that it desires to continue operations on Channel 244A.

4. Petitioner, in reply comments, states that KOZE–FM elected to activate the Class A rather than an available Class C channel when initiating operations in 1961, and the latter channel occupied by KCLK–FM in Clarkston, Washington, has operated successfully ever since. Petitioner states that the Clarkston station has prepared to apply for operation at increased height and power.[6] Regarding northern Idaho broadcast facilities generally, petitioner asserts that the Class A operations in the area are partially dominated by the Spokane "umbrella," and that some northern markets might raise multiple ownership problems for 4K, were it to consider higher powered FM facilities. In any event, petitioner states that Lewiston can appropriately be compared to southern Idaho, where several Class C assignments already exist.

5. 4K Radio, in reply, asserts that improvement of the Clarkston facility to maximum height and power will reduce KRLC(FM)'s areas of expected service gains to third aural nighttime status, and that no first aural service will occur in daytime due to existing (but unspecified) AM services. It also notes in this regard that Channel 239 at Walla Walla, Washington, may also diminish expected service gains. 4K asserts that if instead a second Class A facility were authorized at Lewiston, petitioner's service population estimates would be affected (but 4K provides no revised estimates). 4K reiterates its belief that if we take into account existing or possible Class A facilities, adequate service is provided to Lewiston, and points out that until recent changes in the multiple ownership rules it could have petitioned for a rule change and license modification, and in fact corresponded with the Commission on these matters.

6. Petitioner KRLC responded to 4K's reply comments with the Commission's permission.[7] It states that of eight FM channels asserted by 4K to serve the proposed coverage area of Channel 295, one is already a Class C, two are reserved for educational use and three of the remaining five are licensed to or applied for by 4K.[8] Finally, petitioner properly points out that the existing concentration of media control in Lewiston was noted in an earlier Commission denial of 4K's request to increase operating power at its AM station, KLER (Orofino). The application was dismissed because it conflicted with the Commission's multiple ownership rules. *4K Radio, Inc.,* 56 FCC 2d 42 (1975).

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[1] This community has been added to the caption.

[2] The *Notice* compared the instant situation with one recently considered in *Mitchell, South Dakota.* 62 FCC 2d 70 (1976). There, the Commission decided to replace a Class A assignment with a Class C channel in order to avoid intermixture as well as to extend service to underserved areas. The Class A license was modified to specify operation on one of the two Class C assignments, and the incumbent was reimbursed by the petitioner for the costs of the frequency shift (though not for the necessary improvement in its facilities). A similar approach in Lewiston would necessitate modification of KOZE–FM's license to specify one of the two new Class C channels assigned to Lewiston, and KOZE–FM was hence asked to show cause why such a modification should not be required.

[3] Channel 231 is also assigned to Lewiston but is used at Clarkston, Washington, two miles away under the 15-mile rule, Section 73.203(b).

[4] It should also be noted that 1976 estimates of Lewiston's population by that city's Planning Department put the 1980 population at 37,020 and project the 1985 population at 44,160.

[5] The specific conflict lies in a signal overlap between KOZE–FM and KLER(AM), Orofino, which would arise if the FM facility were improved to Class C standards.

[6] Clarkston Broadcasters, licensee of KCLK–FM, submitted a statement on April 24, 1978, confirming its intent to apply for height and power changes expected to substantially increase its coverage of areas near Clarkston with little or no present FM service. Clarkston contends that restricting the Lewiston area stations to Class A facilities would deprive that community of otherwise available FM service and suggests that 4K's logic would support reduction of power used by AM stations in Lewiston to the levels of other AM stations in northern Idaho. (4K Radio asked that Clarkston's statement be rejected as untimely, but this request is moot as the deadline for reply comments was subsequently extended to May 19 at 4K's request, affording it an opportunity to address Clarkston's comments.)

[7] Petitioner submitted a request for permission to file an additional pleading in order to address objections raised by 4K in its reply comments. We have accepted this pleading because petitioner would be the only party that would be prejudiced by a delay and the information was important to a resolution of the proceeding.

[8] As noted by petitioner, Commission files indicate 4K's applications for FM facilities in Orofino and Grangeville were filed a week after its comments in this proceeding—comments which had cited these facilities as obviating the need for a Class C channel in Lewiston.

7. *Discussion.* As noted, 4K's other holdings clearly preclude its operation of a Class C channel in Lewiston. Because 4K has asserted both its desire to continue its Class A operation and the acceptable extent of coverage possible with such a facility, we believe intermixture should be tolerated in this instance. Moreover, we can see no public interest to be served by the denial of the petitioner's request for a Class C assignment to Lewiston, other than preservation of 4K's economic interest and a pattern of spectrum usage which is unnecessarily inefficient. Avoidance of intermixture, while important, is a lesser priority than the provision of first or second aural service. See *Fayetteville, Arkansas,* Docket 19879, *Second Report and Order,* 43 Fed. Reg. 36104, released August 15, 1978. Here it has been shown that a substantial second nighttime aural service will be provided to 11,738 persons in an area of 7,930 square kilometers (3,060 square miles). The contrast between the two components of the public interest is the more compelling where, as here, intermixture could only be avoided by diminishing its regionally concentrated holdings. We believe that the basis for making the assignment—second nighttime aural service gains from a second FM station in a community steadily approaching the 50,000 population criterion—is further supported by a proper concern for diversity in an area marked by one entity's broad, albeit permissible, holdings.

8. We have also amended the Table of Assignments to reflect the usage of Channel 231 at Clarkston, Washington. Canadian concurrence has been obtained for the assignment herein.

9. Therefore, it is ordered, That, effective March 31, 1980, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
Lewiston, Idaho	244A, 295
Clarkston, Washington	231

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-6248 Filed 2-27-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-73; Rm-3203]

Television Broadcast Station in San Jose, California; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns UHF television Channel 65 to San Jose, California, in response to a petition filed by Donald B. Thompson. This assignment would provide for a fourth local commercial station at San Jose.

EFFECTIVE DATE: March 31, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER: Proceeding Terminated

Adopted: February 13, 1980;

Released: February 21, 1980.

By the Chief, Policy and Rules Division: 1. The Commission has before it the *Notice of Proposed Rule Making,* 44 FR 21050, released April 5, 1979, proposing the assignment of UHF television Channel 65 to San Jose, California. Comments in support have been received from Donald B. Thompson, the petitioner ("petitioner"). Comments and an alternative proposal were filed by Family Stations, Inc. ("Family"), applicant for a construction permit on UHF television Channel 64, Stockton, California. Oppositions were submitted by National Group Television, Inc. ("National"), permittee of television Station KSTS (Channel 48), San Jose, and by Continental Urban Television Corp. ("Continental"), licensee of television Station KGSC-TV (Channel 36), San Jose. Reply comments were received from petitioner, Continental and the Association of Maximum Service Telecasters ("AMST").[1]

2. The *Notice* proposed to assign Channel 65 to San Jose as the fourth commercial television assignment, provided a transmitter site restriction of 25 kilometers (16 miles) south of San Jose was adhered to. The restriction was necessary to meet the mileage separation requirements to the sites specified in pending applications for Channel 64 at Stockton, California, and for Channel 66 at Vallejo, California.

3. San Jose (pop. 445,779),[2] seat of Santa Clara County (pop. 1,066,174), is located approximately 60 kilometers (40 miles) southwest of San Francisco. San Jose presently has three commerical and one noncommercial educational stations—KNTV (Channel 11); KGSC-TV (Channel 36); KSTS (Channel 48) (construction permit); and KTEH (Channel *54).

4. In opposition Continental contends that San Jose residents are well served by local and nearby television stations and that due to the preclusive impact of this assignment, it would be more beneficial to deny the request. In particular, Continental notes that there are fifteen commercial and four noncommercial television stations which provide at least a Grade B service to San Jose. Continental provides Arbitron ratings to demonstrate the level of viewership of these nonlocal stations and to indicate that the San Jose market is provided special service. The fact that San Jose is part of the San Francisco-Oakland-San Jose market, as defined by the Commission in § 76.51 of the Rules, indicates to Continental that the San Jose stations actually compete in this market. As to preclusive impact, Continental argues that two presently unserved communities—Santa Cruz and Watsonville—would be foreclosed from obtaining a television assignment. Both Santa Cruz and Watsonville are said to be growing communities with a 1977 Census Bureau population of 37,710 and 18,724, respectively, and which receive few outside television signals.

5. National, while emphasizing that it does not object to competition, ostensibly opposes the request for the Channel 65 assignment on the basis that San Jose would have difficulty supporting still another television station. For itself, it stated that it was unsuccessful in obtaining a network affiliation and now seeks to operate a subscription television station.

6. Family notes that the Commission's proposed site restriction for the San Jose assignment (25 kilometers (16 miles) south of San Jose) would still be one

[1] AMST requested permission to file reply comments to address the alternative proposal from Family. AMST had not filed comments to the *Notice.* Since the reply comments were timely filed, we have accepted the pleading for consideration herein.

[2] Population figures are taken from the 1970 U.S. Census.

mile short of its proposed site for a station on Channel 64 at Stockton. It maintains that as long as the Commission insists upon at least a 54.5 mile separation to its proposed site, it has no objection to the assignment. On the other hand, if the Commission intends to permit a short-spacing then it has offered a counterproposal involving several changes in existing assignments.[3] Since we intend this assignment to be used in compliance with the mileage separation requirements, we have not set forth this counterproposal as such for additional comments. AMST and Continental have commented at some length in their replies about additional short-spacing problems that would result from adoption of Family's counterproposal. However, we do not discuss this matter any further herein since we believe Channel 65 can be assigned to San Jose in compliance with the mileage separation requirements, provided a site is selected at least 25.9 kilometers (16.1 miles) south of San Jose.

7. In reply, petitioner urges us to follow our usual practice of deferring questions of economic impact until the application stage.[4] As for the argument of Continental that San Jose is already well served, it points out that San Jose has shown substantial growth from a 1950 population of 95,280 to a 1970 population of 446,537. Under the Commission's population criteria, it asserts that San Jose would be entitled to 4 to 6 assignments. Yet San Jose presently has only three channel assignments. As of 1977, San Jose's population is estimated to have grown to approximately 575,000 persons. Comparing San Jose to other communities of a similar size, there are 84 such places with four or more assignments. Yet the Census Bureau (1975 estimate) ranks San Jose as the 22nd largest city in the nation, according to petitioner. Moreover, petitioner urges us to give little weight to the abundance of services available in the market because the Commission's policy is said to focus on local service to a particular community. Finally, as to the preclusive impact of its proposal, petitioner asserts that there has been no expression of interest in a channel at Santa Cruz or Watsonville and the Commission should act only on a stated demand for a station.[5]

8. After careful consideration, we have determined that a sufficient need for another television channel at San Jose has been demonstrated. Its growth patterns, sizeable population and location with respect to other unserved communities, all weigh in its favor. Certainly our population criteria would indicate a basis for the additional channel. It appears to us that the main thrust of the opponents' arguments is of a competitive emphasis which we, as petitioner correctly states, consider a matter more appropriate for resolution at the application stage. As to the preclusive impact of the proposed assignment, not only has there been no demand for a station at Santa Cruz or Watsonville, there exists other possible methods for local service. There are unoccupied assignments in the area that might be reassigned to a community in the precluded area or made available for commercial use. Some of these vacant assignments are Channel *25, Watsonville; Channel *27, Coalinga; and Channel 67, Salinas-Monterey. Moreover, there has been no demand in this area and if that situation persists another San Jose station located (due to the site restriction) in this area, would supply a needed additional service. Finally, regarding the site restriction, a site 25.9 kilometers (16.1 miles) south of San Jose would comply with the mileage separation rules. As stated before, we had no intention of approving an assignment which involves a short-spaced transmitter location with respect to the Stockton or Vallejo applications. Since there are such sites apparently available and since a potential applicant is willing to locate in that area, we find no difficulty in granting the request to assign Channel 65 to San Jose with the 25.9 kilometer (16.1 miles) site restriction.

9. Authority for the action taken herein is contained in §§ 4(i), 5(d)(1), 303 (g) and (r) and § 0.281 of the Commission's Rules

10 Accordingly, it is ordered, that effective March 31, 1980, § 73.606(b) of the Commission's Rules, the Television Table of Assignments, is amended for the community listed below:

City	Channel No.
San Jose, Calif.	11+, 36, 48–, *54, 65

11. It is further ordered, that this proceeding IS TERMINATED.

12. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-6239 Filed 2-27-80; 8:45 am]

BILLING CODE 6712-01-M

[3] The counterproposal would assign Channel 66 to San Jose by deleting that channel from Vallejo-Fairfield and replacing it with Channel 62 reassigned from Santa Rosa which would receive Channel 67 reassigned from Salinas-Monterey which would be assigned Channel 68.

[4] Petitioner cites several cases, among them: *Grand Junction, Colo.*, 38 FR 1918, 26 RR 513, 517 (1973); *Oxnard, Calif.*, 35 FR 16173, 20 RR 2d 1570 (1970); and *Ogalalla, Nebr.*, 41 FR 23955, 37 RR 2d 627, 629 (1976).

[5] Citing *Vallejo-Fairfield, Calif.*, 37 FR 25168, 25 RR 2d 1742 (1972).

47 CFR Part 73

[BC Docket No. 78-221; RM-3060]

FM Broadcast Station in Atlanta, Michigan; changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a Class C FM channel to Atlanta, Michigan, as that community's first FM assignment, in response to a petition filed by Wilderness Broadcasting, Inc. The proposed station would provide a first local aural broadcast service to Atlanta and first and second FM service to the surrounding area.

EFFECTIVE DATE: March 31, 1980.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

[BC Docket No. 78-221 RM-3060]

Report and Order (Proceeding Terminated)

Adopted: February 13, 1980;

Released: February 21, 1980.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Atlanta, Michigan).

By the Chief, Policy and Rules Division:

1. The Commission here considers a proposal for the assignment of Class C FM Channel 223 to Atlanta, Michigan, as that community's first FM assignment. This proceeding was initiated by a *Notice of Proposed Rule Making*, adopted July 17, 1978, 43 Fed. Reg. 32834, based on a petition filed by Wilderness Broadcasting, Inc. ("petitioner"). Supporting comments were filed by petitioner and the Montmorency County Planning Commission ("MCPC"). Oppositions were filed by Mighty Mac Broadcasting Co., Inc. ("Mighty Mac") and Central Michigan University ("CMU"), licensee of Stations WCMU-TV and WCMU-FM, Mt. Pleasant,

Michigan, and WCML–FM and WCML–TV, Alpena, Michigan, to which petitioner responded.

2. Atlanta (pop. 800),[1] located in Montmorency County (pop. 5, 247), is situated in the northeastern part of Michigan's lower peninsula, 300 kilometers (188 miles) northwest of Detroit, Michigan. It has no local aural broadcast service.

3. Petitioner states that the proposed station would provide first FM service to 1,500 persons and a second FM service to 10,500 persons. The amount of first or second nighttime aural service could not be determined from the information submitted by petitioner.

4. Petitioner asserts that a study made by the Michigan Department of Management and Budget indicates that the population of Montmorency County will increase 81.2% by the year 2000, thus increasing the county's population from the 1970 Census figure of 5,247 to 12,500, while another study (by the University of Michigan Population Studies Center) estimates an increase to 19,227 for the same period.

5. MCPC supports the proposed assignment of Channel 223 to Atlanta. It claims that the rural areas of northern Michigan and Montmorency County are rapidly growing and in need of local news and emergency warning services.

6. In opposition, CMU contends that the proposed assignment to Atlanta poses problems of potential interference to the operation of CMU's Station WCML-TV on VHF-TV Channel 6. It urges the Commission not to make the assignment until these problems have been satisfactorily resolved.

7. Mighty Mac argues that if Channel 223 were assigned to Atlanta it would preclude its assignment to St. Ignace, Michigan.[2] Mighty Mac contends that the population in the area outside Atlanta is quite sparse and it would appear that it would be better to assign a Class A channel to Atlanta. It also requests that Channel 223 be assigned as a second Class C channel to St. Ignace which would be a better and more efficient proposal than assigning it to Atlanta.

8. In reply, petitioner asserts that Mighty Mac's claim that the Atlanta area has insufficient population to warrant the assignment of a Class C channel is erroneous. In this regard, it points out that St. Ignace has a population of only 2,800 and holds a growth potential below that of Atlanta. Further, it notes that Channel 223 could not be assigned to St. Ignace because it would need to locate the transmitter site 11 miles east, which would place it in Lake Huron. As to CMU's concern about potential interference to Station WCML-TV, the Commission does not avoid the combination of FM Channel 223 and television Channel 6 as an assignment policy. There is no greater potential for front-end overload interference to television Channel 6 from FM Channel 223 than from any other commercial Class C FM assignment. In any case, what minimal interference that does occur can be corrected by other methods (filters, etc.), and is not of sufficient concern to deny an otherwise needed FM assignment.

9. We have carefully considered the record in this proceeding and find that it would be in the public interest to assign Channel 223 to Atlanta, Michigan. The proposed station could render a first local aural broadcast service to Atlanta, in addition to providing first and second FM service to a substantial population in surrounding areas. Although Onaway, Michigan, would be precluded as a result of the Atlanta assignment, petitioner states there are several Class A channels which are available for assignment there. It is also noted that St. Ignace was assigned a Class C channel (275) on January 9, 1979 (Dkt. 21291), and is served locally by an AM station (WIDG).

10. The Canadian Government has concurred in the assignment of Channel 223 to Atlanta, Michigan.

11. Accordingly, IT IS ORDERED, That effective March 31, 1980, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) IS AMENDED with regard to the following community:

City	Channel No.
Atlanta, Michigan	223

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

13. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

14. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–9660.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-6249 Filed 2-27-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

[2] In a recent proceeding, Channel 275 was assigned to St. Ignace, Michigan.

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47 CFR Part 78

[CT Docket No. 79-116; FCC 80-46]

Adoption of a Short Form Renewal Application for Authorizations in the Cable Television Relay Service

AGENCY: Federal Communications Commission.

ACTION: Final rule adopting a short form renewal application.

SUMMARY: The FCC adopts a short form renewal application for the Cable Television Relay Service. The adoption of this form will shorten application processing time as well as ease the regulatory burden on the Cable television industry.

EFFECTIVE DATE: January 30, 1980 for modification of instructions to FCC Form 327.

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

FOR FURTHER INFORMATION CONTACT: Stephen T. Yelverton, Cable Television Bureau, (202) 254–3420.

In the matter of: adoption of a short form renewal application for authorization in the Cable Television Relay Service, CT Docket No. 79–116.

Report and Order—Proceeding Terminated

Adopted: January 30, 1980.

Released: February 14, 1980.

1. On May 10, 1979, the Commission adopted a *Notice of Proposed Rule Making in CT Docket No. 79–116,* FCC 79–293, 72 FCC 2d 85 (1979), in the above-captioned proceeding which was published in the **Federal Register** on May 24, 1979 (44 FR 30131). Therein, we proposed adoption of a short form renewal application for authorizations in the Cable Television Relay Service (CARS).

2. Applicants seeking renewal of license authorizations in the Cable Television Relay Service are now required to file FCC Form 327 giving complete engineering and legal information on the microwave facility even if no engineering or legal changes have been made in the station since the last license filing or notification to the Commission. When the present FCC Form 327 was adopted in the *Report and Order in Docket No. 20523,* FCC 75–1040, 57 FCC 2d 813 (1976), we stated at that

time, in response to suggestions for a short form renewal, that submittal of a complete Form 327 for renewal of the licenses then expiring in 1976 would enable us to meet our objectives of updating and verifying our records and data base. Moreover, we stated that once these objectives have been achieved it might be possible that filing a full set of schedules for renewal will no longer be needed, and that we would reconsider this requirement at that time. As a result of the experience gained in processing the CARS renewal applications in 1976, we recently initiated this rulemaking to consider the adoption of a short form renewal application. Since we anticipate the filing of some 900 license renewal applications on a staggered basis starting in 1980, of which many will indicate no engineering or legal changes, we believe that adoption of a short form renewal will save the Commission staff a significant amount of processing time and will ease the regulatory burden on the cable television industry and its subscribers.

3. Comments were received from the Teleprompter Corporation (Teleprompter), the General Electric Cablevision Corporation (General Electric), Viacom International, Inc. (Viacom), the National Cable Television Association (N.C.T.A.),[1] and also 26 cable television companies filed Joint Comments (Joint Comments). No reply comments were received. All of the parties filing comments strongly support the idea of a short form renewal. However, Viacom, Teleprompter and the 26 cable systems filing Joint Comments believe that a different renewal form than the one proposed would be more desirable. The form proposed by the Commission in the *Notice of Proposed Rulemaking in CT Docket 79–116, supra,* is a short form renewal very similar to the one now used in the Television Auxiliary Broadcast Service.[2] These parties object to having to fill out three separate sections with essentially identical information. They propose instead the use of a form with carbonless copies similar to Form 405–A used by various services in the Private Radio Bureau, or even acutal use of Form 405–A. By the use of this type of form only the top section would have to be filled out by the applicant. The other sections which would be underneath the top section would, of course, be imprinted at the same time. Furthermore, all of the parties, with the exception of General Electric, object to the requirement of supplying any engineering information on a short form renewal. They contend that such information is unnecessary since presumably by use of a short form renewal no engineering changes have been made in the station operation since the last license or notification to the Commission. Also, General Electric, in its comments, asks that the standard for filing a short form renewal be modified and liberalized. The *Notice of Proposed Rulemaking in CT Docket 79–116, supra,* provides that a short form renewal may be used only where there have been no engineering or legal changes in the information shown on the previously filed license application. General Electric desires that a short form be allowed except where there have been engineering or legal changes since the last renewal which have not been reported to or approved by the Commission. This approach, it contends, would permit use of a short form where the changes are already a matter of record before the Commission, such as by virtue of a letter notification subsequent to the last formal application.

4. In devising a short form renewal for the Cable Television Relay Service, the Commission initially considered several types of forms and proposed the form as appearing in the *Notice of Proposed Rulemaking in CT Docket 79–116, supra,* because it was the least expensive to print and because a similar form was used by the Television Auxiliary Broadcast Service which shares the same frequencies with the Cable Television Relay Service and which shares other similarities with the Cable Television Relay Service. Moreover, in devising a short form renewal for the Cable Television Relay Service, the Commission initially proposed to require certain basic engineering information in the short form renewal similar to that asked in the Television Auxiliary Broadcast Service short form in order for the staff to have means of double-checking for any acutal changes in the station operation. Our experience in the past has shown that at times applicants will inadvertently represent in applications that no changes have been made in a station operation when in fact certain changes have been made. We also felt that by requiring an applicant to recite certain basic engineering information in the short form renewal and to certify it as accurate, that it would cause the applicant to review his station operation more carefully when filling out the application. Additionally, in devising a short form renewal for the Cable Television Relay Service, the Commission proposed allowing use of a short form only when there have been no engineering or legal changes in the information shown on the previous filed license application. Thus, if a letter notification to the Commission had been made subsequent to the filing of a license, a short form renewal could not be used. Such a standard for allowing use of a short form is necessary since letter notifications to the Commission involving technical and equipment changes do not result in amended licenses being issued. Moreover, § 78.109(b) of the rules requires all renewal applications to reflect any technical or equipment changes previously made by letter notification. Also, if using the filing standard proposed by General Electric, the processing of short form renewals would be considerably slowed since each station file would have to be thoroughly checked for any previous letter notifications in order to bring the license up to date. Furthermore, it is quite possible that some letter notifications were never associated with the proper station file. Thus, without the applicant indicating in the renewal application what changes have been made by previous letter notification, the accuracy of the license renewal instrument could not be assured.

5. After careful consideration of all the comments and arguments put forth, we believe that no new form need be adopted for use as a short form renewal and that instead Schedule A of the current FCC Form 327 can be used as a short form renewal.[2a] Although not originally proposed in the *Notice of Proposed Rulemaking in CT Docket No. 79–116, supra,* adoption of this alternative is well within the scope of

[1] In its comments, N.C.T.A. also urged the Commission to computerize the CARS records. While such a request is beyond the scope of this proceeding we note that the Bureau is at this time reviewing its data processing operations and will give appropriate consideration to this suggestion.

[2] The form consists of three sections to be filled out separately. The first section requires some basic engineering information such as station location and coordinates, microwave frequencies, transmitter type, antenna input power and number of receive sites, along with the name, address, and call sign of the licensee. This first section is to be used by the Cable Television Bureau staff in processing the renewal. The second section to be filled out by the applicant is to be sent to the Field Operations Bureau for their records. This second section only requires such information as the name and address of the licensee, call sign, and station location and coordinates. The third section to be filled out by the applicant is to be the actual renewal license and requires the same information as the second section. After grant of the renewal, this third section which is in post card form would be mailed back to the applicant and would be posted at the station transmitter.

[2a] FCC Form 327 filed with the Office of the Federal Register as part of the original document.

this proceeding.[3] Use of this schedule will save the Commission the administrative burden and expense of creating yet another form, especially since we anticipate use of a short form renewal by only several hundred applicants. Moreover, use of Schedule A will be less confusing to CARS applicants who are already familiar with it and use of Schedule A will be no more burdensome to CARS applicants than filling out Form 405–A which use was strongly urged by several of the parties filing comments.[4] Schedule A is easily adaptable to use as a short form since it is the first page to the current multi-purpose Form 327 and separable from the other pages or schedules. It contains a section to check off the type of application, a section to fill in the call sign of the station, a section to fill in the name, address, telephone number, and employer identification number of the applicant, an optional section to supply the name, address, and telephone number of a person to contact if other than the applicant, such as an attorney, and also a section to indicate the location of the station records. The back side of Schedule A has several blocks to check off relating to legal information and has a signature block for the applicant to sign. This is less information than asked in the originally proposed short form and is essentially the same information as asked in Form 405–A. The significant difference is that these latter forms would have had a section filled out by the applicant which would have been sent back by the Commission to the applicant to serve as the actual license renewal instrument. However, by using Schedule A as a short form, the Commission staff will have to prepare a license renewal instrument to be sent back to the applicant. Nevertheless, we believe that an abbreviated license renewal instrument incorporating by reference the previous license could be prepared by the staff with a minimum of time. Furthermore, by adopting the use of Schedule A as a short form renewal it will not be necessary to submit any engineering information. Therefore, use of this schedule will satisfy those parties who requested that no engineering information be submitted in a short form renewal.[5] Also, the standard for filing this short form will remain the same as originally proposed in the *Notice, supra,* and General Electric's request to change the filing standard will be accordingly denied. As previously noted in paragraph 4 of this *Order,* the filing standard proposed by the Commission is necessary since letter notifications do not result in amended licenses being issued, since § 78.109(b) of the rules requires all renewal applications to reflect any technical or equipment changes made by letter notification, and since the processing of the renewal application and the accuracy of the license renewal instruments could otherwise be impaired.

6. In summary, the procedures to be adopted are that in situations where no engineering or legal changes have been made in a station operation since the last license application, the applicant would file only Schedule A along with a statement certifying that there have been no engineering or legal changes in the station operation since the last license application and that such previous license application and the current license correctly reflects the current station operation. In situations where changes have been made in a station operation, the instructions to Form 327 will be modified to allow an applicant to file Schedule A and only such other schedules and exhibits as are necessary to indicate the changes.[6] Previously, a complete renewal application would have been required. In conclusion, we believe that the new procedures that we are adopting will serve the public interest by promoting the efficient processing of CARS renewal applications.[7]

7. Because modification of the instructions to Form 327 is procedural in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable. Moreover, further comment is unnecessary in view of the fact that this modification falls within the scope of the proposal which was subject to comment.

8. Accordingly, it is ordered that the instructions to FCC Form 327 are modified as set forth in Appendix A[8] in order to implement the use of Schedule A as a short form renewal application effective January 30, 1980. A copy of Schedule A of current Form 327 is contained in Appendix B.

9. It is further ordered that, by authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, this proceeding is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-6212 Filed 2-27-80; 8:45 am]

BILLING CODE 6712-01-M

[3] Use of Schedule A as a short form renewal was not initially proposed since questions involving basic engineering information could not be asked without major modifications to the schedule and in effect creation of a new form. Also, Schedule A was not initially proposed since a means for the applicant to prepare the license renewal instrument could not be used without major modifications to the schedule and, also, in effect creation of a new form. Because these license renewal features will not be adopted, the reasons for not using Schedule A have become moot.

[4] Form 405–A could not be used by CARS licensees without modifications, and in effect adoption of a new form, since language in the form limits its use to only certain services in the Private Radio Bureau.

[5] If in the future the Commission finds that its records and data base for CARS station are inaccurate and outdated, use of a short form renewal may be suspended by the Commission as was done sometime ago in the Private Radio Bureau for short form renewals in the Private Operational-Fixed Microwave Service.

[6] We wish to make clear that the purpose of a long form renewal is to incorporate any previous notifications into the license, to notify the Commission of any new changes not previously reported, and to correct any previous errors in the current license or in the last license application. Thus, the changes in the station operation to be reported to the Commission in a long form renewal are normally changes that do not require a formal application. (See Section 78.109 of the Rules indicating when a formal application should be made and when letter notifications can be made.) If changes have been made which required a formal application, but which was never submitted, this change can be requested in a long form renewal application. However, the inclusion of such a request may delay processing of the renewal since such unauthorized changes may or may not be approved by the Commission depending on whether the changes are consistent with the rules and with Commission policy. In any event, the licensee may be subject to a monetary forfeiture pursuant to Section 503(b)(2) of the Communications Act of 1934, as amended, or administrative sanctions for the unauthorized changes. Nevertheless, the fact of an applicant voluntarily coming forward to report the unauthorized changes will in most cases mitigate whatever penalty that may be imposed.

[7] The renewals, both short form and long form, will still be assigned application numbers and will still be subject to a required 30-day public notice period for comments and petitions to deny. Also, the staff may request additional information if deemed necessary. In some cases, such as when a petition to deny is filed against a renewal, a complete renewal application subsequently may be required. These procedures would, of course, be required regardless of the type of renewal form adopted.

[8] These changes to the instruction page also include several stylistic changes involving instructions unrelated to the renewal process.

47 CFR Part 90

[PR Docket No. 79-192; RM-3315, RM-3325, RM-3330; FCC 80-65]

One-Way Radio Paging in the Special Emergency Radio Service

AGENCY: Federal Communications Commission.

ACTION: Report and Order regarding paging in the Special Emergency Radio Service.

SUMMARY: This Report and Order finalizes rule changes in Part 90 to reallocate four 450 MHz band frequencies from the Local Government Radio Service where they have been used for highway radio call box

systems, to the Special Emergency Radio Service where they will be assignable only for one-way medical paging systems. The action also extends indefinitely a requirement that paging operations in the Special Emergency Radio Service be converted to paging-only frequencies by January 1, 1980, except that such requirement must be met for systems within 75 miles of the top urbanized areas as listed in the new rules.

EFFECTIVE DATE: March 31, 1980.

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

FOR FURTHER INFORMATION CONTACT: Richard Taube, Private Radio Bureau, Rules Division, (202) 632-6497.

[PR Docket 79-192, RM's-3315, 3325, 3330]

Report and Order

Adopted: February 13, 1980.

Released: February 28, 1980.

In the matter of amendment of Part 90 of the Commission's rules regarding one-way radio paging in the Special Emergency Radio Service,

1. On August 1, 1979, we adopted a Notice of Proposed Rule Making (PR, FCC 79-477; 14292) (44 FR 54734, September 21, 1979) to amend the Commission's rules relating to the operation of one-way radio paging systems in the Special Emergency Radio Service. Comments and reply comments with respect to the proposals were originally required to be submitted by September 14, 1979, and October 1, 1979, respectively. By Order adopted September 3, 1979, these comment periods were extended to October 13, 1979, and October 31, 1979.

2. Essentially, our proposals were (a) to reallocate four 450 MHz frequencies from the Local Government Service, where they have been available for highway radio call boxes, to the Special Emergency Radio Service where they would be used exclusively for medical paging operations, and (b) to extend a January 1, 1980, deadline which required that all paging operations in the Special Emerency Radio Service be converted to frequencies that are provided for paging-only operations. The extension of this deadline was proposed to be for one-year for areas within 75 miles of the top urbanized areas, and for five years (perhaps indefinitely) for all other areas.[1]

3. Our proposals in this proceeding are intended in part to respond to the tremendous growth in private medical paging operations in recent years. It has become apparent that the present frequency complex is inadequate to serve paging needs in major urbanized areas. We proposed, therefore, to add the additional four 450 MHz band frequencies to accommodate the paging systems, primarily in the urbanized areas, that must discontinue using the present two-way VHF frequencies.

4. In other areas, interference is not generally a significant problem and the manner in which medical systems operate does not appear to require the conversion to paging-only channels at this time. For these areas, a five-year extension of the January 1, 1980, conversion date was regarded as appropriate. We also asked that interested parties comment on the feasibility of an indefinite extension.

5. Formal comments to the Notice of Proposed Rule Making were received from the parties listed in Appendix A. Essentially, the comments supported the basic proposals. There were, however, a number of recommendations for modifications to the proposals which warrant discussion. One issue relates to the proposed re-allocation of the 450 MHz band frequencies. In its comment, the Associated Public-Safety Communications Officers, Inc. (APCO) opposes our proposal to reallocate these call box frequencies to the Special Emergency Radio Service, or to limit their use to only medical paging operations. APCO advocates retention of the frequencies in the Local Government Radio Service for call box and other uses. These other uses would include medical paging operations in major urban areas. Variations of this approach were submitted in a number of comments. One variation involves keeping only two frequencies in the Local Government Radio Service for call box and other uses, with the other two frequencies allocated to Special Emergency Radio Service medical paging use. Another suggestion is to retain only one channel for Local Government Radio Service call box operations. Other parties recommend retaining the channels in the Local Government Radio Service in major urban areas for the call box uses. Still another proposal was to allow other medical service uses in addition to paging, under certain conditions, in the Special Emergency Radio Service. Finally, we were asked to allow these frequencies to be shared in the Business and Special Emergency Radio Services for medical paging operations.

6. Recommendations of this nature and other suggestions were fully considered in our decision to reallocate the call box frequencies. It was and it remains our view that the need for at least the four 450 MHz band frequencies to accommodate existing medical paging requirements is critical at this time and must be given precedence over other applications. Moreover, this paging need is not restricted to the twenty-five major urban areas but exists in many additional communities that qualify as medical resource centers. Thus, to fragment or require the shared use of these frequencies would as stated in comments from the National Association of Business and Educational Radio, Inc. (NABER):

> Do no more than recreate the potential for the same kinds of problems which the Commission seeks to resolve by requiring that medical paging be separated from and not shared with two-way radio communications.

We conclude that the urgent paging needs require that assignment of these frequencies be limited to that purpose and that they be made available in the Special Emergency Radio Service. As we indicated in our Notice, we believe that this approach can be expected to facilitate effective planning and sharing of the use of these channels for optimum efficiency.

7. One other matter relating to use of these 450 MHz band frequencies is a petition from the State of Georgia. That state asks us to permit use of these channels in medical mobile relay systems to provide doctor "interrupt" capability during continuous transmissions from an ambulance vehicle, particularly where telemetry transmissions are being employed. We proposed to deny this request in our Notice. A factor in our decision is that there are a number of approaches which can be considered for this requirement. For example, where interrupt ability is desired, intermittent, rather than continuous, telemetry is employed in many systems. Also, it is extremely unlikely that all of the medical channels would be in use at any given time so that it is relatively simple and reliable to design systems to interrupt on one of the unused frequencies. Further, frequencies available for point-to-point communications can be used for the interrupt capability. In any event, it is our conclusion that the more urgent public interest requirement is to accommodate the medical paging needs on these frequencies and we are finalizing our denial action on the Georgia petition.

[1] By separate Order (PR 14479) released August 16, 1979, the January 1, 1980, paging conversion date was suspended pending resolution of these rule making proposals.

8. An issue that applies to all of the medical paging frequencies [2] is a request from a number of parties that we establish a formal frequency coordination procedure for selection and assignment of the paging frequencies using standards similar to those in nearly all of the land mobile radio services. APCO and NABER are among the parties that advocate these methods and each has offered to serve as the frequency coordinator for these applications.

9. We are not unmindful of the benefits that derive from a formal frequency coordination procedure. However, the factors and problems normally associated with that approach do not generally prevail in the Special Emergency Radio Service. In this radio service we find that the realistic solution lies in the development of effective operating practices that assure that where the spectrum demand is heavy the operations are restricted to necessary paging and emergency priorities are rigidly enforced. These practices and methods are best achieved at the local level through close cooperation on the part of all the various users and licensees in the planning and development of the various medical radio systems. It is at the local level that the actual users of the systems will have the opportunity to participate in design and implementation of the paging operations. It is this approach that is considered to be the more productive and manageable method that we find will result in more effective use of the limited spectrum rather than the type of centralized frequency coordination that has been urged in some of the comments.

10. A number of parties objected to the extensions that defer the January 1, 1980, date for converting paging operations to paging-only frequencies. Some of these parties assert that these extensions will delay plans for full development of medical systems at 155 MHz since their planning does not contemplate contending with problems associated with paging operations being conducted on the regular two-way frequencies. There is also criticism of the extensions as being unfair to the many licensees who have already complied with the conversion requirement.

11. We fully appreciate the concerns being expressed in the comments. Nevertheless, we saw no reasonable alternative to this approach. As we have noted, for the major urban areas the growth in medical paging demands since the original requirements were adopted in 1974, has been substantial and could not reasonably have been predicted. There is simply no way for these operations to be accommodated in many areas on the present complex of paging-only frequencies. The allocation of the 450 MHz band frequencies to help to meet this increased paging need is our response to this critical demand and a reasonable period of time for these additional channels to be accessed by licensees is reflected by the one-year extension. It should be noted that a number of comments asserted the necessity for an even longer "lead" time for taking advantage of the additional paging frequencies. Examples were presented of hospital budgeting restrictions or equipment supplier delays in some situations which would mean that as long as two years could be required. In light of all these factors, we believe that the one-year extension period for major urban areas is appropriate.

12. The relatively few arguments against the proposed five-year, or indefinite extension, outside of the major urbanized areas were also reviewed. Issues of interference were raised. As we have observed in discussion of this matter in our Notice, in most of these areas the possibility of harmful interference resulting from continued shared use of two-way frequencies for paging operations is very much reduced. Accordingly, it is normally possible to permit greater amortization of equipment costs without adversely impacting on operational requirements. Of course, should there in fact be problems of harmful interference resulting from these paging operations, then the burden would be on the paging operators to correct the problems as their paging systems are permitted only on a secondary, non-interference basis to the regular two-way operations. These safeguards persuade us, as was suggested in most of the comments that considered this issue, to extend the requirement for conversion to paging-only channels indefinitely.

13. One other issue regarding these extensions is the major urbanized areas that have been specifically identified. Here, we asked for specific comments as to whether the extensions for continued paging on two-way frequencies covered the right areas. In response and on further analysis it was indicated that urban communities approximating at least one million in population should be included in the areas limited to one-year extensions. This is consistent with the objectives in this proceeding and we are including the communities of St. Petersburg-Tampa, Florida, and Phoenix, Arizona in the major urbanized areas for a one-year extension as additional communities meeting this population standard.[3]

14. One issue presented in the comments by Telocator Network of America, and supported by the American Telephone and Telegraph Company, concerns use of the Special Emergency Radio Service paging-only frequency 152.0075 MHz. These comments note interservice adjacent channel interference problems resulting from use of this frequency and ask for a "moratorium" on additional assignments for paging. However, this issue is not within the scope of this proceeding. We note that a petition (RM-3538) has been separately filed on the matter and we will address the problem in that proceeding.

15. In consideration of the foregoing, it is our determination that the rules should be amended essentially as proposed to provide the following:

A. Four 450 MHz band frequencies are being reallocated from the Local Government Radio Service where they have been available for highway radio call box operations to the Special Emergency Radio Service where they will be assigned for paging-only systems in medical services applications. Presently authorized radio call box systems will be given "grandfather" rights for continued licensing which may include expansion of existing systems.

B. Paging operations, presently authorized within 75 miles of the center of the top urbanized areas set forth in Appendix B, in the Special Emergency Radio Service must be conducted on paging-only frequencies in that service by January 1, 1981.

16. Accordingly, it is hereby ordered, that pursuant to Section 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 90 of the Commission's rules is amended, effective March 31, 1980, as set forth in the attached Appendix B. It is further ordered that the petition, RM-3325, submitted by the Telecommunications Division, State of Georgia, is denied. It is further ordered that this proceeding is terminated.

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

[2] The present complex of paging-only frequencies in the Special Emergency Radio Service includes 35.64, 35.68, 43.64, 43.68, 152.0075, 157.450, and 163.250 MHz.

[3] The urbanized areas subject to the one-year extension are listed in rules adopted in this proceeding.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

American Hospital Association
American Telephone and Telegraph Co.
Associated Public-Safety Communications Officers, Inc.
Bruce Bartram, Boulder, Colorado
California Public-Safety Radio Association
Chicago Hospital Council
Cottage Grove, Minnestoa
Feaster-Sawyer Two-Way, Oxford, Kansas
Frontier Nursing Service, Leslie County, Kentucky
Los Angeles County
Hennepin County, Minnesota
Holy Cross Hospital, Chicago
Illinois Department of Telecommunications
Illinois Department of Public Health
Maplewood, Minnesota
Minnesota Department of Transportation
Missouri Division of Health
National Association of Business and Educational Radio
National Telecommunications and Information Administration
New Jersey Hospital Association
New Jersey Department of Health
New Jersey First Aid Council
New York Department of Health
Dr. L. H. Raizin, Las Vegas, Nevada
Saint Francis Hospital Medical Committee, Tulsa, Oklahoma
Telocator Network of America
Tri-State Emergency Medical Communications Committee
Upper Peninsula Health Systems Agency, Inc., Marquette, Michigan
Wisconsin Department of Health and Social Services

Appendix B

Part 90 of the Commission's rules is amended as follows:

1. Paragraph (c)(11) in § 90.17 is amended to read as follows:

§ 90.17 Local Government Radio Service.

* * * * *

(c) * * *

(11) This frequency is available for systems first licensed prior to March 31, 1980, for radio call box communications related to safety on highways in accordance with the provisions of § 90.241(c). No new systems will be authorized of this nature after March 31, 1980, but prior authorized systems may be modified, expanded, and renewed. Also, effective March 31, 1980, this frequency is shared for medical paging systems as authorized in accordance with § 90.53 in the Special Emergency Radio Service.

2. In § 90.53, paragraph (a), frequency table, is amended and paragraph (b)(26) is added to read as follows:

§ 90.53 Frequencies available.

(a) * * *

Frequency or band	Class of station	Limitations
* * * * *		
450.470	Fixed	12
453.025	Base	26
453.075	do	26
453.125	do	26
453.175	do	26
458.025	Mobile	13, 14
* * * * *		

(b) * * *

(26) This frequency is assignable only to persons eligible under § 90.35(a) for the transmission of one-way tone and/or voice paging messages that are necessary for the rendition of medical services. This frequency is also shared with highway radio call box systems first licensed prior to March 31, 1980, in the Local Government Radio Service in accordance with § 90.17(c)(11).

3. Section 90.55 is amended to read as follows:

§ 90.55 Paging operations.

Effective August 15, 1974, paging operations may be authorized in this service only on frequencies assigned under the provisions of § 90.53(b)(25) or (26). Paging operations on other frequencies, authorized prior to August 15, 1974, may be continued, subject to the condition that harmful interference is not caused to regular operations in that service. Such operations may be renewed indefinitely on a secondary basis to such regular operations, except that renewal of systems that operate within 75 miles of the centers of the following urbanized areas will only be permitted until January 1, 1981:

Urbanized area	North latitude	West longitude
New York, N.Y.-Northeastern N.J	40-45-06	73-59-39
Los Angeles-Long Beach, Calif	34-03-15	118-14-28
Chicago, Illinois	41-52-28	87-38-22
Philadelphia, Pa.-N.J	39-56-58	75-09-21
Detroit, Michigan	42-19-48	83-02-57
San Francisco, Oakland, Calif	37-46-39	122-24-40
Boston, Massachusetts	42-21-24	71-03-25
Washington, D.C.-Md.-Va	38-53-51	77-00-33
Cleveland, Ohio	41-29-51	81-41-50
St. Louis, Mo.-Ill	38-37-45	90-12-22
Pittsburgh, Pa	40-26-19	80-00-00
Minneapolis-St. Paul, Minn	44-58-57	93-15-43
Houston, Texas	29-45-26	95-21-37
Baltimore, Md	39-17-26	76-36-45
Dallas, Texas	32-47-09	96-47-37
Milwaukee, Wisc	43-02-19	87-54-15
Seattle-Everett, Wash	47-36-32	122-20-12
Miami, Florida	25-46-37	80-11-32
San Diego, Calif	32-42-53	117-09-21
Atlanta, Ga	33-45-10	84-23-37
Cincinnati, Ohio, Ky	39-06-07	84-30-35
Kansas City, Mo-Ks	39-04-56	94-35-20
Buffalo, N.Y	42-52-52	78-52-21
Denver, Colo	39-44-58	104-59-22
San Jose, Calif	37-20-16	121-53-24
Tampa-St. Petersburg, Florida	27-51-48	82-33-11
Phoenix, Arizona	33-41-10	111-31-15

[FR Doc. 80-6256 Filed 2-27-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107, 172, 173, 175

[Docket No. HM-166B; Amdt. Nos. 107-6, 172-57, 173-135, 175-12]

Shipment of Hazardous Materials by Air; Miscellaneous Amendments

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: The Materials Transportation Bureau is amending the regulations pertaining to the shipment of hazardous materials by aircraft. The amendments involve package orientation marking requirements, package inspection requirements, and exceptions from certain regulatory requirements for such items as inflatable evacuation slides, transport incubators, aircraft tires and dry ice. Also included are requirements for informing air passengers of hazardous materials restrictions and certain minor and editorial changes to the regulations.

These amendments have the effect of eliminating two exemptions and responding to fourteen petitions for rulemaking.

EFFECTIVE DATE: September 1, 1980; however, shipments may be prepared, offered for transportation, and transported in accordance with these amendments beginning March 1, 1980.

FOR FURTHER INFORMATION CONTACT: Edward T. Mazzullo, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590, (202) 426-2075.

SUPPLEMENTARY INFORMATION: The Materials Transportation Bureau (MTB) published a Notice of Proposed Rulemaking (Docket HM-166B, Notice 79-8) on May 21, 1979 (44 FR 29503). Notice 79-8 contained miscellaneous proposals pertaining to the shipment of hazardous materials by aircraft, which were based on petitions for rulemaking, on the MTB's own initiative to simplify, clarify, eliminate, or improve regulations, and on the MTB's efforts to convert exemptions into regulations of general applicability. The proposals were discussed under eleven separate subject headings and the public was invited to submit comments on or before July 20, 1979. Public comments received through October 31, 1979, have been

given consideration prior to promulgation of this final rule. Interested persons should refer to Docket HM–166B; Notice 79–8 for the background discussion on each of the eleven separate subject headings of proposals.

Action taken by the MTB and pertinent comments on the proposals are discussed under the same category headings which appeared in Notice 79–8, as follows:

1. *Wheelchairs with nonspillable batteries (§ 173.250).* Public comments concerning this proposal have indicated a need for further study and a consideration of other alternatives prior to promulgation of a final rule. Rather than delay action on other proposals contained in Notice 79–8, this proposal has not been addressed in this final rule and will be considered in a separate docket. Elsewhere in this issue of the **Federal Register**, the MTB has published a notice of public meetings and request for public comment. The notice addresses the transport of wheelchairs equipped with wet cell batteries and other aspects of the regulations applicable to the transportation of batteries, and is part of a general review by the MTB of regulations pertaining to the safe transportation of batteries.

2. *Escape and evacuation slides (§§ 172.101, 173.906).* Four commenters addressed this proposal, all favorably. Based on comments an additional shipping name, "Escape or evacuation slides, inflatable," has been added in § 172.101 and the wording has been changed in § 173.906 to make it clear that the listed examples are not meant to be all inclusive. Otherwise, the provision has been adopted as proposed.

3. *Transport incubators and organ preservation units (§ 175.10).* Based on comments received, changes have been made to the proposal to make the requirements more comparable to requirements contained in the two outstanding exemptions for these units, DOT–E6969 and DOT–E7202, and to some of the requirements currently applicable to the transport of oxygen for personal use as contained in 14 CFR 121.574 and 135.114.

One commenter suggested that the amendment be more specific with regard to requiring any wet cell battery used in a unit to be "of the nonspillable type." The term "nonspillable" refers to a wet cell battery which will not leak corrosive battery fluid under conditions normal to transportation. With this meaning established, the term has been retained in this final rule. However, the MTB recognizes the need for defining a "nonspillable" battery in terms of an appropriate regulatory standard. A notice of public meetings and request for public comment addressing this and other subjects pertaining to the safe transportation of wet cell batteries appears elsewhere in this issue of the **Federal Register.**

4. *Package orientation markings (§ 172.312).* This provision has been adopted as proposed. Pertinent comments are addressed in the following paragraphs.

Several comments indicate some misunderstanding of existing requirements. One commenter suggested that the regulations currently require the use of absorbent materials for liquid hazardous materials packages transported by air. This is not true in that § 173.6 does not specifically require the use of absorbent materials but merely provides for their use upon the election of the shipper.

One commenter stated that many cosmetics, drugs and medicines are shipped with no package orientation markings. It is the MTB's impression that most cosmetics, drugs and medicines which are hazardous materials are likely to be classed as ORM–D materials and shipped under the description "Consumer Commodity, ORM–D." The MTB advises shippers that there is no exception from package orientation requirements, including marking requirements, for liquid hazardous materials classed ORM–D.

Two commenters suggested that all liquid hazardous materials, when offered for air transportation, should have package orientation markings. The MTB disagrees and feels that for limited quantities of flammable liquids the option of providing for an ample amount of absorbent material, in place of orienting the inner containers, provides an adequate level of safety.

Two commenters questioned the justification for the proposal, claiming an absence of an incident history for packages containing limited quantities of flammable liquids offered for air transportation. A review of hazardous materials incident reports submitted by air carriers during the period 1971 through 1978 reveals that of 822 incidents reported to the MTB, 71 incidents involved flammable liquids in containers of one quart or less. These 71 incident reports represent 8.6% of the total incidents reported to the MTB by air carriers.

5. *Exceptions from transport index limits and separation requirements for non-fissile radioactive materials shipped in cargo-only aircraft (§ 175.705).* This proposal was made as part of the MTB's efforts to convert individual exemptions into regulations of general applicability. There were eleven comments addressed to this proposal, the majority of which were unfavorable. Commenters pointed out that the requirements of the proposal were less stringent than the current exemption requirements and that the carriage of non-fissile radioactive materials in excess of transport index limits under a professionally supervised radiation program is best regulated under the terms of the existing exemption.

The MTB is of the opinion that a substantial revision of the proposal, to make its conditions more comparable to the terms of exemption DOT–E7060 is possible, but agrees with those commenters who suggested that it would be premature to convert this exemption to a regulation. Therefore, the proposal has been deleted from this final rule.

6. *Exceptions for certain flammable liquids (§ 172.100(g)(3)).* This provision has been adopted as proposed.

7. *Carbon dioxide, solid (Dry Ice)(§§ 173.615, 175.10).* This proposal has been incorporated into the regulations with minor modifications. One air carrier requested the inclusion of a requirement to mark the net weight of the carbon dioxide on packages for manifesting purposes. The MTB agrees that a net weight marking would be useful and § 175.10(a)(13) has been revised to require that either the net weight, or an indication that the net weight is 5 pounds or less, be marked on each package.

Two commenters requested that the proposed exception from documentation requirements be extended to packages containing ten pounds or less of dry ice, rather than the proposed five pound limit. One suggested that ten pounds of dry ice are necessary to protect shipments of frozen seafood samples while the other suggested that a ten pound limit would encompass the majority of dry ice shipments on passenger-carrying aircraft. In the absence of successful shipping experience under the provisions of the exception and considering that the majority of commenters, including an association of seafood processors, supported the proposal, the five pound limit has been retained in this final rule.

8. *Informing passengers of hazardous materials restrictions (§ 175.25).* The proposal has been adopted with revisions. A discussion of the revisions and of significant comments follows.

The Air Transport Association of America strongly opposed the proposal, contending that airport complexes are gluttered with signs that are rarely read and that any requirement for posting additional signs should be made

applicable to airport authorities rather than air carriers. The MTB disagrees, believing that warning signs are essential to provide information to those passengers who may be unaware of the prohibitions in 49 CFR which apply to them. The MTB also believes that the posting of these signs at ticket counters, baggage check-in areas and areas where passengers check in prior to boarding is best handled by aircraft operators.

One commenter requested that a distinction be made between aircraft operators who engage in for hire transportation of passengers and those who do not. The MTB concurs with this request and in § 175.25 the term "transportation" has been revised to read "for hire transportation."

The MTB has on its own initiative made several changes to the proposal. In order to provide aircraft operators with a degree of flexibility with regard to design and content of the notices, size and color for the notices have not been prescribed and provision has been made for inclusion of additional language in the text. Requirements for the text of notice are prescribed in § 175.25 and include an indication of possible penalties for violations, examples of prohibited and permitted hazardous materials and instructions for obtaining further information. Minimum sizes for lettering are also prescribed in § 175.25. It is anticipated that some aircraft operators may want to supplement the text with additional examples, instructions to passengers, or other information. Because of the flexible format, it is felt that sample notices are not necessary. Accordingly, the proposed reference in § 175.25 to FAA certificate holding offices as a source of "sample notices" has not been included in this final rule.

One other change involves deletion of the term "in baggage" from the introductory text of § 175.25, in order to clarify that restrictions are applicable not only to hazardous materials carried in checked or carry-on baggage, but also to those hazardous materials that are carried on one's person.

9. *Inspection of hazardous materials packages (§ 175.30).* The proposal to except dry ice and magnetized materials from the inspection requirements of § 175.30 has been adopted. The proposal to except all but an originating air carrier from requirements to inspect hazardous materials packages contained in freight containers has been deleted due to the merits of adverse comments. The proposal to require inspections of hazardous materials packages "immediately" prior to loading them on aircraft has been modified to make allowance for packages which are stowed in freight containers or on pallets several hours prior to loading on aircraft. The MTB has made editorial revisions to § 175.30 for purposes of clarity. Significant comments are discussed in the following paragraphs.

One commenter objected to the proposed exception from inspection requirements for packages containing dry ice, contending that the contents being cooled by the dry ice in such packages may pose a threat. The MTB does not believe that this is a valid objection. If the contents being cooled by the dry ice are hazardous materials, then the package is not excepted from the inspection requirements of § 175.30 and if, on the other hand, the contents are not hazardous materials, then they pose no more of a threat than any other package containing materials not subject to 49 CFR. Since there were no other unfavorable comments directed at this portion of the proposal, it has been adopted as proposed.

Several commenters have suggested that there is a need for an air carrier to reinspect packages of hazardous materials contained in freight containers when received from an originating carrier, particularly for shipments originating overseas. The MTB agrees with one commenter who contended that, under the proposed exception from inspection requirements for freight containers, packaging failures occurring during an originating carrier's flight or subsequent handling might go undetected prior to reloading the container on an interlining carrier's aircraft. For this reason the portion of the proposal, which would require only the originating carrier to open and inspect the contents of a freight container loaded with packages of hazardous materials, has been deleted and subsequent carriers must reinspect packages of hazardous materials contained in freight containers.

One commenter contended that packages placed in freight containers or on pallets cannot readily be inspected immediately prior to loading on the aircraft since the containers and pallets are packed several hours prior to the departure time of the flight. The MTB agrees with this contention and has amended the final rule to allow the inspection requirements to be satisfied by inspecting packages immediately prior to placing the packages in a freight container or, for packages which are palletized by an air carrier, immediately prior to placing them on a pallet.

10. *Explosives carried under § 175.320.* Only one comment was addressed to this proposal and it was favorable. The provision has been adopted as proposed.

11. *Miscellaneous changes.* These miscellaneous changes have been adopted with one minor revision.

The provision to allow tires to be inflated to their rated service pressure, where previously inflation pressure was limited to a maximum of 100 psig at 70° F. in order to qualify for exceptions, was criticized by one commenter on the grounds that the MTB had not shown any need for the proposal or any hazard analysis to support it. The need for the proposal arises from a petition for rulemaking by the Air Traffic Conference of America dated September 14, 1977, which is quoted as follows:

> "Most airlines are now inflating their tires at main bases with nitrogen to eliminate the possibility of internal ignition and to present an inert atmosphere which could lengthen the life of inside portions of the tire. The practice of deflating to 100 psig means inflating to service pressure usually at a line station where air only is available. This defeats the purpose of using nitrogen."

The Federal Aviation Administration Standard for Aircraft Tires (14 CFR 37.167) prescribes minimum performance standards that aircraft tires, excluding tailwheel tires, must meet. One provision of this standard requires that tires be capable of meeting an overpressure of at least 4 times their rated inflation pressures. Additionally, whereas aircraft tires are designed and constructed to withstand rigorous loads when installed and in use on aircraft, when transported as cargo they are subject to little, if any, abuse. For these reasons, the MTB feels that aircraft tires inflated to no greater than their rated inflation pressures are inherently safe for transportation purposes.

A requirement that aircraft tires be "serviceable" has been added to § 175.10(a)(2). This requirement is felt necessary to preclude the shipment of defective or worn tires. The change has been restricted to aircraft tires because such tires are inflated to much greater pressures than other tires and because the term "serviceable" has little meaning outside of the aircraft industry. Section 173.307(a)(2) has been revised to include reference to the additional requirement of § 175.10(a)(2).

The phrase "rated service pressure" has been revised to read "rated inflation pressure" in §§ 173.307(a)(2) and 175.10(a)(2)(x) to be consistent with language used in 14 CFR 37.167.

In consideration of the foregoing, 49 CFR Parts 107, 172, 173, and 175 are amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. In Appendix B following Subpart B of Part 107, the title of the second

section and the introductory sentence preceding paragraph (1) is amended to read as follows:

Appendix B—Standard Conditions Applicable to Exemptions

* * * * *

Flights of Cargo-Only Aircraft

Exemptions from the regulations governing the transportation of hazardous materials on cargo-only aircraft are subject to the following conditions:

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

2. In § 172.100, paragraph (f), the introductory text of paragraph (g), and paragraph (g)(2) are revised; paragraph (g)(3) is deleted as follows:

§ 172.100 Purpose and use of the table.

* * * * *

(f) Column 5 references the applicable packaging section of Part 173 of this subchapter. Exceptions from some of the requirements of this subchapter are noted in column 5(a). Other exceptions relating to the specific mode of transportation are contained in Parts 174, 175, 176 and 177 of this subchapter. Reference to specific packaging requirements and certain additional exceptions are noted in column 5(b).

(g) Column 6 specifies the maximum net quantity in one package for air transportation or passenger railcar. An exception for certain flammable liquids is provided in § 173.118 of this subchapter.

* * * * *

(2) Column 6(b) specifies the maximum net quantity for one package on cargo-only aircraft. A package must bear the CARGO AIRCRAFT ONLY label when the quantity of hazardous material exceeds that authorized on passenger-carrying aircraft, or is forbidden on passenger-carrying aircraft.

(3) [Deleted]

* * * * *

§ 172.101 [Amended]

3. In § 172.101, column (2) of the Hazardous Materials Table is amended by adding in proper sequence the following entry: "Escape *or* evacuation slides, inflatable. *See* Life rafts, inflatable."

4. In § 172.312, the introductory text of paragraph (a) is revised, paragraphs (d) and (e) are added as follows:

§ 172.312 Liquid hazardous materials.

(a) Except as provided in this section, each package having an inside packaging containing liquid hazardous materials must be—

* * * * *

(d) Except when offered for transportation by air, limited quantities of flammable liquids packed in inside packagings of one quart or less are excepted from the requirements of paragraph (a) of this section.

(e) When offered for transportation by air, limited quantities of flammable liquids are excepted from the requirements of paragraph (a) of this section when packed in inside packagings of one quart or less with sufficient absorption material between the inner and outer packagings to completely absorb the liquid contents.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

5. In § 173.118, paragraph (b) is amended by adding the following sentence at the end of the paragraph:

§ 173.118 Limited quantities of flammable liquids.

* * * * *

(b) * * * Notwithstanding § 172.101 of this subchapter, the net quantity limitation for flammable liquids meeting the conditions of this paragraph is one gallon per package for carriage aboard passenger-carrying aircraft or railcar, and 55 gallons per package for carriage aboard cargo-only aircraft.

* * * * *

6. In § 173.307, paragraph (a)(2) is revised to read as follows:

§ 173.307 Exceptions for compressed gases.

(a) * * *

(2) Except as provided in § 175.10(a)(2) of this subchapter, tires when inflated to pressures not greater than their rated inflation pressures.

* * * * *

7. In § 173.615, paragraph (a) is revised to read as follows:

§ 173.615 Carbon dioxide, solid (dry ice).

(a) Solid carbon dioxide, when offered for transportation by aircraft or water, must be packed in packaging designed and constructed to permit the release of carbon dioxide gas to prevent a build-up of pressure that could rupture the packaging. For each shipment by air exceeding five pounds per package, advance arrangements between the shipper and each carrier must be made.

* * * * *

8. Section 173.906 is revised to read as follows:

§ 173.906 Inflatable life rafts, escape slides, and evacuation slides.

An inflatable life raft, escape slide or evacuation slide, serviced and ready for use as a life-saving appliance aboard a vessel or aircraft, containing small quantities of hazardous materials which are required as part of the life-saving appliance, including non-flammable compressed gas packaged in cylinders in accordance with this subchapter, Class C explosives that are pyrotechnic signal devices, and flammable liquids in repair kits, must be packed in a strong outside packaging.

PART 175—CARRIAGE BY AIRCRAFT

9. In § 175.10, paragraph (a)(2)(x) is revised, paragraphs (a)(13) and (a)(14) are added to read as follows:

§ 175.10 Exceptions.

(a) * * *

(2) * * *

(x) Items of replacement therefor, except batteries, aerosol dispensers, and signaling devices must be packed in strong outside containers, and tires must be serviceable and may not be inflated to pressures greater than their rated inflation pressures.

* * * * *

(13) Carbon dioxide, solid (dry ice) in quantities not exceeding 5 pounds per package packed as prescribed by § 173.615(a) of this subchapter and used as a refrigerant for the contents of the package. The package must be marked with the name of the contents being cooled, the net weight of the dry ice or an indication that the net weight is 5 pounds or less, and also marked "Carbon Dioxide, Solid" or "Dry Ice."

(14) A transport incubator unit necessary to protect life or an organ preservation unit necessary to protect human organs provided—

(i) The compressed gas used to operate the unit is in an authorized DOT specification cylinder and is marked, labeled, filled and maintained as prescribed by this subchapter;

(ii) Each battery used in the operation of the unit is of the nonspillable type;

(iii) The unit is constructed so that valves, fittings, and gauges are protected from damage;

(iv) The pilot in command is advised when the unit is on board, and when it is intended for use;

(v) The unit is accompanied by a person qualified to operate it;

(vi) The unit is secured in the aircraft in a manner so as not to restrict access to or use of any required emergency or regular exit or of the aisle in the passenger compartment; and,

(vii) Smoking within ten feet of the unit is prohibited.

10. Section 175.25 is added to read as follows:

§ 175.25 Informing passengers about hazardous materials restrictions.

(a) Each aircraft operator who engages in for hire transportation of passengers shall display notices to passengers concerning the requirements and penalties associated with the carriage of hazardous materials aboard aircraft. Such a notice shall be prominently displayed in each location at an airport where the aircraft operator issues tickets, checks baggage, and maintains aircraft boarding areas.

(1) Each notice must contain the following information:

Federal law forbids the carriage of hazardous materials aboard aircraft in your luggage or on your person.

A violation can result in penalties of up to $25,000 and 5 years imprisonment. (49 U.S.C. 1809)

Hazardous materials include explosives, compressed gases, flammable liquids and solids, oxidizers, poisons, corrosives and radioactive materials.

Examples: Paints, lighter fluid, fireworks, tear gases, oxygen bottles, and radiopharmaceuticals.

There are special exceptions for small quantities (up to 75 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person.

For further information contact your airline representative.

(2) The information contained in paragraph (a)(1) of this section must be printed—

(i) In legible Engish;

(ii) In lettering of at least three eighths of an inch in height for the first three paragraphs and one quarter inch in height for the last three paragraphs; and

(iii) On a background of contrasting color.

(3) Size and color of the notice are optional. Additional information, if not inconsistent with required information, may be included.

(b) Compliance with the requirements of this section is not mandatory until January 1, 1981.

11. In § 175.30, the heading, the introductory text of paragraph (a), paragraphs (a)(1), (b) and (c) are revised; paragraph (d) is added to read as follows:

§ 175.30 Accepting and inspecting shipments.

(a) No person may accept a hazardous material for transportation aboard an aircraft unless the hazardous material is—

(1) Authorized, and is within the quantity limitations specified for carriage aboard aircraft according to § 172.101 of this subchapter or as otherwise specifically provided by this subchapter.

* * * * *

(b) Except as provided in paragraph (d) of this section, no person may carry a package or outside container prepared in accordance with § 173.25 of this subchapter containing a hazardous material aboard an aircraft unless the package or outside container is inspected by the operator of the aircraft immediately before placing it—

(1) Aboard the aircraft; or

(2) In a freight container or on a pallet prior to loading aboard the aircraft.

(c) A hazardous material may only be carried aboard an aircraft if, based on the inspection prescribed in paragraph (b) of this section, the operator determines that the package or outside container containing the hazardous material—

(1) Has no holes, leakage or other indication that its integrity has been compromised; and

(2) For radioactive materials, does not have a broken seal.

(d) The requirements of paragraphs (b) and (c) of this section do not apply to—

(1) An ORM–D material packed in a freight container and offered for transportation by one consignor;

(2) Dry ice (carbon dioxide, solid); or

(3) Magnetized materials.

12. In § 175.33, paragraphs (a), (b) and (c) are redesignated (a)(1), (a)(2) and (a)(3); the material preceding paragraph (a)(1) is designated paragraph (a) and revised to read as follows:

§ 175.33 Notification of pilot-in-command.

(a) When materials subject to the provisions of this subchapter are carried in an aircraft, the operator of the aircraft shall give the pilot-in-command the following information in writing before departure:

* * * * *

13. In § 175.85 paragraph (f) is added to read as follows:

§ 175.85 Cargo location.

* * * * *

(f) Paragraphs (a) and (e) of this section do not apply to a person operating an aircraft under § 175.310 which, because of its size and configuration, makes it impossible for that person to comply.

14. In § 175.305, paragraph (a)(4) is revised to read as follows:

§ 175.305 Self-propelled vehicles.

(a) * * *

(4) Each area or compartment in which a self-propelled vehicle is being transported is suitably ventilated to prevent the accumulation of fuel vapors.

15. In § 175.310, paragraph (c)(4)(iii) is deleted; paragraph (e) is revised to read as follows:

§ 175.310 Transportation of flammable liquid fuel in small, passenger-carrying aircraft.

* * * * *

(c) * * *

(4) * * *

(iii) [Deleted].

* * * * *

(e) Each area or compartment in which the fuel is loaded is suitably ventilated to prevent the accumulation of fuel vapors.

16. In § 175.320, paragraph (b)(8) is revised to read as follows:

§ 175.320 Cargo-only aircraft; only means of transportation.

* * * * *

(b) * * *

(8) When Class A explosives are carried aboard cargo-only aircraft under the provisions of this section, the aircraft operator shall take all possible action to insure that routes over heavily populated areas are avoided commensurate with considerations of flight safety. During the approach and landing phase, the aircraft operator shall request appropriate vectors when under radar control to avoid heavily populated areas.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034), nor an environmental impact under the National Environmental Policy Act (49 US.C. 4321 et seq.) A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C., on February 20, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80-6001 Filed 2-27-80; 8:45 am]

BILLING CODE 4910-60-M

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49 CFR Part 171

[Docket No. HM-22; Amdt. No. 171-52]

International Maritime Dangerous Goods Code; Matter Incorporated by Reference

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to update the reference in 49 CFR 171.7 to the International Maritime Dangerous Goods Code (IMCO Code) in order to recognize Amendment 16–78 to the IMCO Code.

EFFECTIVE DATE: March 1, 1980.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone (202) 426–0656.

SUPPLEMENTARY INFORMATION: The Materials Transportation Bureau finds it necessary in the public interest to amend regulations in 49 CFR 171.7 to recognize Amendment 16–78 to the IMCO Code which has recently been published by the Inter-Governmental Maritime Consultative Organization (IMCO). This amendment promulgates numerous miscellaneous changes to the IMCO Code and addresses such matters as listing, classification, labeling, packaging, and marking of packages with United Nations package specification identification codes. IMCO has established March 1, 1980, as the implementation date for this amendment. Since this rule does not impose additional requirements, notice and public procedure thereon are considered unnecessary. The primary drafter of this document is Edward A. Altemos, International Standards Coordinator, Office of Hazardous Materials Regulation.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

In consideration of the foregoing, Title 49, Code of Federal Regulations, § 171.7(d)(17) is revised to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(17) "International Maritime Dangerous Goods Code" (IMCO Code), Volumes I, II, III and IV, 1977 Edition, and Amendments 14–76, 15–77, and 16–78 thereto.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034) nor an environmental impact which would require the preparation of an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C., on February 15, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80–5719 Filed 2–27–80; 8:45 am]

BILLING CODE 4910–60–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1057

[Ex Parte No. MC–43 (Sub-No. 7)]

Lease and Interchange of Vehicles

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending its leasing rules which set forth the general requirements and exemptions concerning exclusive possession of, and responsibility for, leased equipment, by the authorized carrier lessee. Specifically, the Commission is revising the language of the exemptions at 49 CFR 1057.26 and including it with the general requirements at 49 CFR 1057.12(d). This action is being taken to avoid possible interpretive problems and to have the rules better reflect the Commission's intent in the area.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., Phone: 202–275–7292.

SUPPLEMENTARY INFORMATION:

In a notice [1] served March 23, 1979, the Commission stated that the exclusive possession and responsibilities provisions of its new leasing rules, 49 CFR 1057.12(d), and the related exemption provisions, 49 CFR 1057.26, could be subject to interpretation problems. Arguably, the provisions could be construed in such a way as to subvert the Commission's intent in the area. As stated in the notice, the wording of § 1057.26(a), in its present form, could potentially allow parties to exempt completely the authorized carrier lessee from the general requirements of § 1057.12(d) for the duration of the lease merely by including a provision in the lease to the effect that the authorized carrier may be considered as the owner of the equipment for the purpose of subleasing it. By that exemption, the Commission only intended to allow for subleasing. Exclusive possession, responsibility, and control over the leased equipment would remain with the authorized carrier lessee at all times except during the actual period of the sublease. This is consistent with the old leasing rules in that area which the Commission did not intend to change substantively when it adopted the revised rules in question.

To rectify any interpretive problems, the Commission put forth a specific proposal in the March 23, 1979, notice which involved amending § 1057.12(d) and excising § 1057.26 in its entirety. Interested parties were afforded 30 days from the date of publication of the notice to submit written comments regarding the proposed changes. No comments were received with respect to this issue.

Because we believe that the proposed changes will eliminate the potential for misinterpretation and better reflect the Commission's intent, they will be adopted as final rules. Section 1057.12(d) will be amended in conformance with the specific language set forth in the March 23 notice. However, the section will be applied only to those parties already within the ambit of the new regulations. Its application to leases between motor carriers of household goods and their agents will be withheld pending a final decision regarding the applicability of the rules in general to such parties. Present § 1057.26 will be excised in its entirety.

This decision does not affect significantly the quality of the human environment or energy consumption.

It is ordered:

§ 1057.26 [Deleted]

Section 1057.26 of the leasing rules, 49 CFR 1057.26 is deleted in its entirety and 49 CFR 1057.12(d) is amended to read as follows:

§ 1057.12 [Amended]

* * * * *

(d) *Exclusive possession and responsibilities.*

(1) The lease shall provide that the authorized carrier lessee shall have exclusive possession, control, and use of the equipment for the duration of the lease. The lease shall further provide that the authorized carrier lessee shall assume complete responsibility for the operation of the equipment for the duration of the lease.

(2) Provision may be made in the lease for considering the authorized carrier lessee as the owner of the equipment for the purpose of subleasing it under these regulations to other authorized carriers during the lease.

(3) When an authorized carrier of household goods leases equipment for the transportation of household goods, as defined by the Commission, the parties may provide in the lease that the

[1] 44 FR 18465 (1979).

provisions required by paragraph (d)(1) of this section apply only during the time the equipment is operated by or for the authorized carrier lessee.

* * * * *

This notice is issued under authority contained in 49 U.S.C. 10321 and 11107, and 5 U.S.C. 553.

Decided: February 11, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-6160 Filed 2-27-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Sport Fishing; National Wildlife Refuges in Illinois, Iowa, Minnesota, Missouri, and Wisconsin

AGENCY: Fish and Wildlife Service.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which sport fishing will be permitted on portions of certain National Wildlife Refuges in Illinois, Iowa, Minnesota, Missouri and Wisconsin.

DATES: Effective on February 28, 1980, for duration of calendar year 1980, subject to exceptions noted below for individual refuge areas.

FOR FURTHER INFORMATION CONTACT:

The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

George G. P. Bekeris, Area Manager, U.S. Fish and Wildlife Service, 530 Federal Building & U.S. Court House, 316 North Robert Street, St. Paul, MN 55101. Telephone: (612) 725-7641.

James Heinecke, Refuge Manager, Big Stone National Wildlife Refuge, 25 N.W. 2nd Street, Ortonville, MN 56278. Telephone: (612) 839-3700.

Thomas S. Sanford, Refuge Manager, Chautauqua National Wildlife Refuge, RR#2, Havanna, IL 62644. Telephone: (309) 535-2290.

Wayne D. Adams, Project Manager, Crab Orchard National Wildlife Refuge, P.O. Box J, Carterville, IL 62918. Telephone: (618) 997-3344.

John Toll, Refuge Manager, Horicon National Wildlife Refuge, Route #2, Mayville, WI 53050. Telephone: (414) 387-2658.

James M. Carroll, Jr., Refuge Manager, Necedah National Wildlife Refuge, Star Route, Necedah, WI 54646. Telephone: (608) 565-2551.

Howard Lipke, Refuge Manager, Mark Twain National Wildlife Refuge, Great River Plaza, 311 N. 5th Street, Suite 100, Quincy, IL 62301. Telephone: (217) 224-8580.

David Heffernan, Refuge Manager, Rice Lake National Wildlife Refuge, Route 2, McGregor, MN 55760. Telephone: (218) 768-2402.

Ronald Papike, Refuge Manager, Sherburne National Wildlife Refuge, Route #2, Zimmerman, MN 55398. Telephone: (612) 389-3323.

Jerry Schotzko, Refuge Manager, Upper Mississippi Wild Life and Fish Refuge, 122 W. 2nd Street, Winona, MN 55987. Telephone: (507) 452-4232.

SUPPLEMENTARY INFORMATION: Sport fishing on portions of the following refuges shall be in accordance with all applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to sport fishing are designated by signs and/or delineated on maps. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the Office of the Area Manager (addresses listed above).

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Illinois

Chautauqua National Wildlife Refuge

From December 15, 1979 through October 15, 1980, all waters of Chautauqua National Wildlife Refuge are open for sport fishing from a boat or through the ice. Bank fishing is permitted along the cross dike, at the Recreation Area and at Boatyard No. 3 as posted. All other areas of the refuge are closed to bank fishing. From October 16 through December 14, 1980 sport fishing is permitted: (1) within the area one-eighth (⅛) mile around the Recreation Area and Boatyard No. 3, as posted; (2) on Goofy Ridge Ditch; (3) along the cross dike; and (4) on all waters within the Public Hunting Area. Fishing is allowed between sunrise and sunset only.

The use of boats, with motors of ten (10) horsepower or less, is permitted in the waters of Lake Chautauqua. Private boats must be removed overnight or moored at Boatyard No. 3 or the Recreation Area.

Crab Orchard National Wildlife Refuge

Areas I and III are open to sport fishing from January 1, 1980 through December 31, 1980. Area II is open to sport fishing, between sunrise and sunset only, from March 15, 1980 through September 30, 1980, except that bank fishing is permitted from the Wolf Creek Road and State Highway 148 causeways, between sunrise and sunset only, from January 1, 1980 through December 31, 1980. Boat fishing only is permitted from Wolf Creek Road west to the closed portion boundary line from January 1, 1980 through December 31, 1980. Bank fishing in A41 Pond in the closed portion of the refuge is permitted from March 15, 1980 through September 10, 1980, between sunrise and sunset only.

Jug fishing in Crab Orchard Lake is permitted east of Wolf Creek Road from March 15, 1980 through September 30, 1980, between sunrise and sunset only. Jug fishing in Crab Orchard Lake west of Wolf Creek Road to the closed area buoy line is permitted from January 1, 1980 through December 31, 1980. Jug fishing in Crab Orchard Lake west of the closed area buoy line is permitted from January 1, 1980, through December 31, 1980; except between May 26, 1980 and September 1, 1980, jug fishing in this area is restricted to the hours between sunrise and sunset.

Floating trot lines are not permitted in the open portion of the refuge west of the closed area buoy line between

sunrise and sunset from May 26, 1980 through September 1, 1980.

The use of boats and motors is permitted, except that use of motors larger than ten (10) horsepower is prohibited on Devil's Kitchen and Little Grassy Lakes.

The minimum legal length for Largemouth Black Bass taken from Crab Orchard Lake is 14 inches (35.56 centimeters).

Minnesota

Big Stone National Wildlife Refuge

Sport fishing on Big Stone National Wildlife Refuge is allowed between sunrise and sunset during State fishing seasons, except that the season for ice fishing will close on January 31, 1981. The Minnesota and Yellow Bank Rivers are open to fishing for their entire length through the refuge. Boats, without motors, are allowed only on the Minnesota River channel canoe trail which is designated by signs. Bank fishing only is allowed in the pool areas or open marshes. Portable shelters may be used for ice fishing, but may not be left overnight.

Rice Lake National Wildlife Refuge

Sport fishing is permitted on the Rice Lake National Wildlife Refuge, Aitkin County, Minnesota, and the Sandstone Unit, Pine County, Minnesota, only on those areas designated by signs as being open to fishing. These areas comprise approximately 80 acres. The open season for sport fishing extends from May 17, 1980 through November 30, 1980, inclusive. Fishing is allowed between sunrise and sunset only. Boats, without motors, are allowed for sport fishing on that portion of Rice River posted as open to fishing and on the Twin Lakes fishing area only.

Sherburne National Wildlife Refuge

Sport fishing is permitted on the Sherburne National Wildlife Refuge only on those areas designated by signs as being open to fishing. The open season for sport fishing extends from May 17, 1980 through February 28, 1981, inclusive. Fishing is allowed between sunrise and sunset only. During periods when no ice exists, fishing activity is confined to the St. Francis River. Access to all fishing areas is permitted only at designated access sites. Boats, without motors, may be used on the St. Francis River only from designated access sites.

Wisconsin

Horicon National Wildlife Refuge

Sport fishing is permitted on the Horicon National Wildlife Refuge only on the areas designated by signs as being open to fishing. These areas comprise approximately five acres. The fishing season extends from May 15, 1980 through September 15, 1980, inclusive. Fishing is allowed between sunrise and sunset only. The use of boats or other floating devices is not permitted.

Necedah National Wildlife Refuge

Sport fishing is permitted on the Necedah National Wildlife Refuge only on those areas designated by signs as being open to fishing. Summer fishing is permitted on Sprague and Goose Pools from June 1 through September 15, 1980. Winter fishing is allowed on the entire refuge, except Rynearson No. 1 Pool, from December 15 through December 31, 1980. Fishing is allowed between sunrise and sunset only. The use of boats, without motors, is permitted.

Illinois, Iowa, Minnesota, Wisconsin

Upper Mississippi River Wild Life and Fish Refuge

Sport fishing, commercial fishing, and the taking of frogs, turtles, crayfish and clams on the Upper Mississippi River Wild Life and Fish Refuge, is permitted on all water areas of the refuge. The refuge water areas comprise 125,000 acres. All fish, frogs, turtles, crayfish and clams shall be taken in accordance with all applicable state regulations and seasons which are adopted herein and made a part hereof. All sport and commercial fishing on the Spring Lake Closed Area of the Upper Mississippi River Wild Life and Fish Refuge in Carroll County, Illinois, is prohibited from October 1 through December 20, 1980. All persons, including their helpers, exercising the privilege of commercial fishing on the Spring Lake Closed Area must possess a valid commercial fishing permit issued by the Refuge Manager and must comply with the conditions which are set forth in the permit.

Illinois, Iowa, Missouri

Mark Twain National Wildlife Refuge

The open season for sport fishing on the Batchtown Division, Calhoun County, Illinois, extends from January 1, 1980 through October 15, 1980, with the exception of certain designated areas which are open through December 31, 1979.

The open season for sport fishing on the southern portion of Swan Lake on the Calhoun Division, Calhoun County, Illinois extends from April 1, 1980 through October 15, 1980. The northern portion of Swan Lake, from the man-made ditch at Six-Mile Island to the northern refuge boundary will be open from January 1, 1980 through December 31, 1980.

The open season for sport fishing on the Louisa Division, Louisa County, Iowa extends from February 1, 1980 through September 30, 1980, with the exception of certain designated areas adjacent to the Port Louisa Road which are open through December 31, 1980.

The open season for sport fishing on the Big Timber Division, Louisa County, Iowa, extends from January 1, 1980 through December 31, 1980.

The open season for sport fishing on the Clarence Cannon National Wildlife Refuge, Pike County, Missouri is limited to Bryants Creek which is open from January 1, 1980 through December 31, 1980.

George G. P. Bekeris,

Area Manager.

February 20, 1980.

[FR Doc. 80-6157 Filed 2-27-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

Taking of Marine Mammals Incidental to Commercial Fishing Operations

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

ACTION: Notice of Determination.

SUMMAY: The Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA), finds that the Government of the People's Republic of the Congo is no longer in compliance with U.S. regulations governing the taking of marine mammals incidental to yellowfin tuna purse seine fishing operations and accordingly, yellowfin tuna and yellowfin tuna products will no longer be allowed entry into the United States.

EFFECTIVE DATE: February 20, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. William Aron, Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-634-7461.

SUPPLEMENTARY INFORMATION: The National Marine Fisheries Service (NMFS) published regulations in the **Federal Register** on December 23, 1977 (42 FR 64548-64560) governing the taking of marine mammals incidental to commercial fishing operations. These

regulations include documentation provisions concerning the importation of yellowfin tuna and tuna products from nations known to be involved in the yellowfin tuna purse seine fishery in the eastern tropical Pacific Ocean (ETP). Effective January 1, 1978, these importation provisions made the importation of yellowfin tuna and tuna products from nations know to be involved in the ETP fishery contingent upon certain findings by the Assistant Administrator for Fisheries. The Assistant Administrator must find either (a) that the fishing operations of the nation concerned "* * * are conducted in conformance with U.S. reguations and standards * * *," or (b) that, "although not in conformity with these regulations, such fishing is accomplished in a manner which does not result in an incidental mortality and serious injury in excess of that which results from U.S. fishing operations under these regulations." (See 50 CFR 216.24(e)(5)). These findings would then be subject to an annual review in which the information items listed in § 216.24(e)(5)(ii) are updated for the previous calendar year.

In accordance with § 216.24(e)(5)(i), the Assistant Administrator, on September 8, 1978 (43 FR 40025), found that vessels from the Government of the People's Republic of the Congo were fishing in conformance with U.S. marine mammal laws and regulations and were therefore allowed to export yellowfin tuna and tuna products to the United States. On September 8, 1978, the Government of the People's Republic of the Congo was informed that in order to keep this finding current, an updated report on the information items listed in § 216.24(e)(5)(ii) would be due on or before June 1, 1979.

As the National Marine Fisheries Service has not received this updated report, I have determined that the Government of the People's Republic of the Congo is no longer in compliance with § 216.24(e)(5)(ii) of our regulations and accordingly, yellowfin tuna and yellowfin tuna products will no longer be allowed entry into the United States as provided by § 216.24(e)(5)(i).

Dated: February 21, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-6102 Filed 2-27-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 41
Thursday, February 28, 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 985

[Docket No. F&V AO-79-1]

Spearmint Oil Produced in the Far West; Decision and Referendum Order on Proposed Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision pertains to a marketing agreement and order regulating the handling of spearmint oil produced in the Far West which includes the States of Washington, Idaho, Oregon and portions of California, Nevada, Montana, and Utah. Spearmint oil producers will be given the opportunity to vote in a referendum to determine if they favor the proposed marketing order.

The proposed order would establish a committee of producers for local administration. It would provide for establishment of producer allotment bases and annual allotments to regulate the quantity of spearmint oil that may be purchased from, or handled on behalf of, producers. The purpose of this is to establish a more stable market situation for producers of spearmint oil than currently exists.

DATE: The representative period for purposes of the referendum herein ordered is June 1, 1979, to January 31, 1980.

FOR FURTHER INFORMATION CONTACT: James S. Miller, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-5053.

SUPPLEMENTARY INFORMATIONS: Prior documents in this proceeding: Notice of Hearing—Issued September 19, 1979; published September 25, 1979 (44 FR 55184).

Notice of Recommended Decision—Issued January 4, 1980, published January 9, 1980, (45 FR 1888).

IMPACT STATEMENT: This proposal has been reviewed under the USDA criteria for implementing Executive Order 12044 and has been classified "significant". A Final Impact Statement is available from James S. Miller, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, phone (202) 447-5053.

PRELIMINARY STATEMENT: The proposed marketing agreement and order were formulated on the record of a public hearing held at Pasco, Washington, on October 16, 17, 18, 1979. Notice of the hearing was published in the September 25, 1979, issue of the **Federal Register.** The notice set forth a proposed order submitted by a committee of spearmint oil producers within the production area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900).

On the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, on January 4, 1980, filed with the Hearing Clerk, U.S. Department of Agriculture, the recommended decision which contained notice of the opportunity to file by January 25, 1980, written exceptions thereto. Exceptions were filed within the prescribed time by Harvey Jones for Harvey L. Jones Farms, Inc., Marvin B. Hetrick for Hetrick Brothers, Inc., Phillip C. Martinelli, Director of Plant Industry of the Nevada Department of Agriculture, John Wendell and Don L. Turnidge for Nevajima, Inc., Lewis McKollip, 28 individuals from the southwest area of Idaho, Winship A. Todd for A. M. Todd Company, and I. P. Callison and Sons, Inc.

RULINGS ON EXCEPTIONS: Exceptions filed by several persons contended that there was insufficient input into the development of the proposed order by growers, dealers, and users, and therefore they oppose the program. The hearing on the proposal began on October 16, 1979, at Pasco, Washington. An effort was made to bring the hearing to the attention of all producers, handlers and others. A prenotice press release announcing the proposed marketing order and inviting public comment was released July 10, 1979. A notice of hearing was published in the **Federal Register** on September 25, 1979, in accordance with the Department's Rules of Practice Governing Proceedings to Formulate Marketing Agreements and Orders (7 CFR Part 900). A copy of this notice was mailed to all known producers and to the Governors of each State included in the production area. Press releases were issued concerning the proceeding and made available to the media. The extensive notification process generated a substantial response. The hearing lasted 3 days; 22 witnesses testified, presented evidence, and responded to examination; the hearing transcript covered 719 pages and was supplemented by numerous exhibits. Seven briefs containing proposed findings and conclusions were submitted after the hearing. The total result was a compilation of evidence submitted by producers, handlers, users and the general public which covered virtually all aspects of the production and marketing of spearmint oil. The record provides a solid basis upon which to decide the need for and the merits of the proposed marketing order.

Exceptions were filed regarding the size of the production area. Some exceptors objected to the exclusion of the Midwest and other areas from the production area, indicating that such exclusion might diminish the effectiveness of the program. In contrast, other persons urged that Nevada be excluded because of the small number of growers and small acreage in that State. As pointed out in the recommended decision, the production area must be as small as practical yet cover a large enough area to provide for the success of the order and include all western areas, such as Nevada, known to be producing or capable of producing the quality of spearmint oil common in the West. The decision further indicated that the effect of midwestern production on the program would be minimal because of that area's relatively small production and marked differences in prices, apparently related to differences in demand and marketing practices. The act requires that the production area be limited to the smallest regional production area found practicable, consistent with carrying out the declared policy of the act and the

production area hereinafter described is found to meet those criteria.

One exceptor objected because any producer who had no history of production during the prescribed base period would receive no base, and therefore would not have an allotment to sell spearmint oil in 1980 from acreage planted in the fall of 1979. Record evidence indicates that a person should have sold spearmint oil in at least one of the marketing years 1977, 1978, or 1979, in order to be eligible for an initial allotment base under § 985.53. It would be inequitable and inappropriate to include any oil sold after the 1979 marketing season and prior to issuance of any volume regulations under this program in computing initial allotment bases. To provide for such an inclusion during the formative stages of such a program would encourage harmful expansion and production of additional surplus to gain advantage over other producers in anticipation of this regulatory program.

Contentions were made that under the proposed order, a producer of spearmint oil in 1977 or 1978 could obtain an allotment base, but could not vote in a producer referendum on acceptance or rejection of the proposed order. While it is true that a producer with a history of spearmint oil sales in 1977 or 1978 could obtain an allotment base, the proposed order does not prescribe who may or may not vote in any referendum on its acceptance or rejection.

The procedures to be followed in the referendum ordered in the accompanying referendum order are procedures commonly followed in referenda of this type and are set forth in the Department's Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended (7 CFR 900.400). The representative period contained in the accompanying referendum order is pursuant to the provisions of the act.

One exceptor contended that the program was not in the best long-term interest of the spearmint oil industry because the provision for allocation of additional bases at a prescribed rate of no more than one percent per year would not permit adequate industry expansion. It was further contended that overall industry interests would be affected because bases to be allocated to individual producers on a scale of 20 to 40 acres would not be economically viable. The record evidence does not support such contentions. On the contrary, entry and the distribution of additional allotment bases must be compatible with the industry growth trend if the program is to succeed in promoting orderly marketing conditions. The record shows that expansion of total base at a prescribed rate of no more than one percent would be in accord with long-term increases in market demand for spearmint oil. With regard to individual producers' new bases, there are no limits specified in the proposed order. Too many factors affect the economic viability of individual enterprises to make such specifications practicable. However, the committee established to administer the order will be responsible for giving careful consideration to, among other things, the minimum economic enterprise required for spearmint oil production. The order also provides means for subsequent expansion of new producers' bases through allocation of additional base annually by the committee or by authority for transfer of base among producers. Although transfers among producers might involve additional costs to base-acquiring producers, the impact upon spearmint oil prices and the competitive position of the industry would be minimal. Accordingly, the exception is denied.

One exception expressed opposition to the provision for transfer of allotment base from one producer to another. If a producer stops growing spearmint, the exceptor contended that the producer's allotment base should be given to new producers or divided among established producers. Such a requirement would make the program too inflexible and restrictive. For example, failure to permit transfers could impede the sale of spearmint acreage if the prospective buyer is unable to obtain the seller's allotment base, discourage family farming operations if the parent is unable to transfer all or any portion of an allotment base to the child, or prevent producers from making temporary short-term adjustments in their spearmint producing operations. Therefore, the exception must be denied.

A number of exceptions were filed on the absence of any provisions in the order regulating the quality of spearmint oil. However, there is nothing in the record or the exceptions indicating that there is a quality problem for spearmint oil which is resulting in disorderly marketing conditions, and that any such quality problem could be solved by a marketing order.

One exceptor expressed a concern that the order would result in a reduction in the quality of spearmint oil because there would be less incentive for farmers to produce better quality oil. There is no basis for such a concern. The proposed order would annually establish a tital quantity to be marketed and allocate that quantity among producers. However, as indicated in the recommended decision, there is nothing in the order requiring a dealer to purchase spearmint oil which fails to meet the dealer's quality requirements, nor would the order change any system of payment to producers which pays them more for high quality spearmint oil than for low quality oil. Handlers would continue to be free to deal with producers for their oil, including the various types or qualities in the salable quantity. The needs of the marketplace would continue to dictate the transactions between producers and handlers for the salable quantity.

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions to the recommended decision was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Findings and Conclusions: The material issues, findings and conclusions, rulings and general findings of the recommended decision published in the January 9, 1980, Volume 45 of the **Federal Register** (45 FR 1888) are hereby incorporated herein and made a part hereof, subject to the following corrections.

Page	Column	Paragraph	Column line	Correction
1892	3	6-line 6	62	Change "or" to "of"
1893	1	2-lines 28, 29	38, 39	Change "1981" to "1980" and "1982" to "1981"
1896	1	2-line 18	37	Change "oil" to "all"
1897	1	5-line 4	53	Change "and" to "of"
1897	2	2-line 3	19	Add the word "of" so that line now reads "quantity for a class of oil of any crop."
1897	2	3-line 8	44	Add the word "class" so that the line reads "allotment percentage for each class of oil"
1897	2	4-line 3	55	Add the word "marketing" so that the line reads "marketing year, it must be modified for the first."
1998	1	3-line 5	46	Add the word "even" so that the line reads "apply to the new entity even though that"
1899	2	2-line 9	30	Change the word "to" to "for".
1901	2	2-line 3	12	Change "producers'" (plural) to "producer's" (singular
1901	2	3-line 10	34	Change "§ 989.53(d)(1)" to "§ 985.53(d)(1)"
1902	1	2-line 5	13	Change "handlers'" (plural) to "handler's" (singular)
1902	1	5-line 3	66	Delete the word "of"

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Spearmint Oil Produced in the Far West", and "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the annexed marketing agreement, be published in the **Federal Register.** The regulatory provisions of the marketing agreement are identical with those contained in the order which is published with this decision.

Referendum order. It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 *et seq.*), to determined whether the issuance of the annexed order regulating the handling of Spearmint Oil Produced in the Far West is approved or favored by producers, as defined under the terms of the order, who, during the representative period, were engaged in the production area in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be June 1, 1979, to January 31, 1980.

The agents of the Secretary to conduct such referendum are hereby designated to be Joseph C. Perrin, Dennis West, and James S. Miller, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture.

Signed at Washington, D.C., February 22, 1980.

P. R. "Bobby" Smith,

Assistant Secretary for Marketing and Transportation Services.

Order [1] Regulating the Handling of Spearmint Oil Produced in the Far West

Findings and Determinations

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order, regulating the handling of spearmint oil produced in the Far West.

Upon the basis of the record it is found that:

(1) The order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order regulates the handling of spearmint oil produced in the production area in the same manner as, and is applicable only to, persons in the respective classes of commercial and industrial activity specified in a proposed marketing agreement and order upon which a hearing has been held;

(3) The order is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of spearmint oil produced in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of spearmint oil produced in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of spearmint oil produced in the Far West shall be in conformity to and in compliance with the following terms and conditions.

The provisions of the proposed order contained in the recommended decision issued by the Deputy Administrator on January 4, 1980, and published in the **Federal Register** on January 9, 1980 (45 FR 1888), shall be and are the terms and provisions of this order, and are set forth in full herein.

Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West

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Miscellaneous Provisions

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Definitions

§ 985.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the U.S. Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 985.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, Stat. 31, as amended; 7 U.S.C. 601–674).

§ 985.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 985.4 Spearmint Oil.

"Spearmint Oil", hereinafter referred to as "oil", means the essential oil extracted by distillation from plants, grown in the production area, of the genus Mentha, species Cardiaca (commonly referred to as Scotch Spearmint), Spicata (commonly referred to as Native Spearmint), or such other species, grown in the production area, that produce a spearmint flavored oil. Oil shall be segregated into the following classes:

"Class 1"—Oil extracted from the first cutting of Scotch Spearmint.

"Class 2"—Oil extracted from the second cutting of Scotch Spearmint.

"Class 3"—Oil extracted from Native Spearmint.

"Class 4"—Oil which has a spearmint flavor, extracted from plants other than Scotch or Native Spearmint.

The Committee, with approval of the Secretary may change these classes to recognize new, or delete obsolete, classes.

§ 985.5 Production area.

"Production area" means all the area within the States of Washington, Idaho, Oregon, and that portion of California and Nevada north of the 37th parallel and that portion of Montana and Utah west of the 111th meridian. The area shall be divided into the following districts:

(a) District 1. The State of Washington.

(b) District 2. The State of Idaho and that portion of the States of Montana, Nevada, and Utah included in the production area.

(c) District 3. The State of Oregon and that portion of the State of California included in the production area.

§ 985.6 Producer.

"Producer" is synonymous with "grower" and means any person engaged in a proprietary capacity in the commercial production of oil or who causes it to be produced.

§ 985.7 Handler.

"Handler" means any person who handles oil.

§ 985.8 Handle.

"Handle" means to prepare oil for market, acquire oil from a producer, use oil commercially of own production, or sell, transport, or ship (except as a common or contract carrier of oil owned by another), or otherwise place oil into the current of commerce within the production area or from the area to points outside thereof: *Provided,* That (a) the preparation for market of salable oil by producers who are not dealers or users, (b) the sale or transportation of salable oil by a producer to a handler of record within the production area, or (c) the transfer of excess oil by the producer to another producer to enable that producer to fill a deficiency in an annual allotment, or (d) the delivery of excess oil by the producer to the Committee or its designees, shall not be construed as handling.

§ 985.9 Marketing year.

"Marketing year" means the 12 months from June 1 to the following May 31, inclusive, or such other period as the Committee, with the approval of the Secretary, may establish.

§ 985.10 Crop.

"Crop" means that oil produced by a producer during the marketing year.

§ 985.11 Salable oil.

"Salable oil" means that oil which is free to be handled.

§ 985.12 Salable quantity.

"Salable quantity" means the total quantity of each class of oil which handlers may purchase from, or handle on behalf of, producers during a marketing year.

§ 985.13 Annual allotment.

"Annual allotment" means that portion of the salable quantity prorated to a producer.

§ 985.14 Part and subpart.

"Part" means the order regulating the handling of oil grown in the production area, and all rules and regulations issued thereunder. The order shall be a "subpart" of such part.

Administrative Committee

§ 985.20 Establishment and membership.

A Spearmint Oil Administrative Committee is hereby established (hereinafter referred to as "Committee") and shall consist of eight members, each of whom shall have an alternate, to administer the terms and provisions of this part. Four of the members and alternates shall be producers in District 1; two members and alternates shall be producers in District 2; and one member and alternate shall be a producer in District 3. One member and alternate shall represent the public.

§ 985.21 Eligibility.

Each member and alternate member of the Committee shall be, at the time of selection and during the term of office, a producer, or an officer or employee of a producer, in the district for which selected: *Provided,* That these requirements should not apply to the public member and alternate member.

§ 985.22 Term of office.

The term of office of each member and alternate member of the Committee shall be for two calendar years: *Provided,* That one-half of the initial members and alternates shall serve for terms ending December 31, 1980, and one-half of the initial members and alternates shall serve for terms ending December 31, 1981. Members and alternates shall serve in such capacity for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified. No member shall serve more than two consecutive terms as member and no alternate shall serve more than two consecutive terms as alternate.

§ 985.23 Nominations.

(a) *Procedure.* (1) Nominations for producer members of the Committee and their alternates shall be made at nomination meetings of producers in each District. Such meetings shall be held at such times (on or before November 1 of each year) and places as the Committee shall designate. One nominee shall be elected for each position to be filled. The names and addresses of each nominee shall be submitted to the Secretary not later than December 1 of each year.

(2) Only producers, including duly authorized officers or employees of producers present and eligible to serve as producer members of the Committee, shall participate in the nomination. If a producer produces oil in more than one district, the producer shall select the district in which that producer will

participate and notify the Committee of the choice.

(3) Should the Committee find it impractical to hold nomination meetings, nominations may be submitted to the Secretary based on the results of balloting by mail. Ballots to be used may contain the names of candidates and a blank space for write-in candidates for each position, together with voting instructions. The eligible person receiving the highest number of votes for a member or alternate position shall be the nominee for that position.

(4) The producer members of the Committee shall nominate the public member and alternate member at the first meeting following the selection of members for a new term of office.

(b) *Initial members.* As soon as practicable following the effective date of this subpart, the Secretary shall hold, or cause to be held, nomination meetings of producers in each district to nominate the initial members of the Committee.

(c) The Committee with the approval of the Secretary shall issue rules and regulations necessary to carry out the provisions of this section or to change the procedures in this section in the event they are no longer practical.

§ 985.24 Selection.

Committee members shall be selected by the Secretary from nominees submitted by the Committee or from among other eligible persons. Each person so selected shall qualify by filing a written acceptance with the Secretary prior to assuming the duties of the position.

§ 985.25 Alternate members.

An alternate for a member shall act in the place of such member (a) in the member's absence, (b) in the event of the member's death, removal, resignation, or disqualification, until a successor for the member's unexpired term has been selected and has qualified, or (c) when requested and designated by the member.

§ 985.26 Vacancies.

To fill any vacancy occasioned by the failure of any person appointed as a member or as an alternate member of the Committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the Committee, a successor to fill the unexpired term shall be nominated and appointed in the manner specified in §§ 985.23 and 985.24. If the names of the nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which appointment shall be made on the basis of representation provided for in § 985.20.

§ 985.27 Powers.

The Committee shall have the following powers:

(a) To administer this subpart in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this subpart.

§ 985.28 Duties.

The Committee shall have, among others, the following duties:

(a) To select from among its membership such officers and adopt such rules or by-laws for the conduct of its meetings as it deems necessary;

(b) To appoint such employees as it may deem necessary, and to determine the compensation and to define the duties of each employee;

(c) To appoint such subcommittees and consultants as it may deem necessary;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the Committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the Committee and to make copies of each such statement available to producers and handlers for examination at the office of the Committee;

(f) To cause the books of the Committee to be audited by a certified public accountant at such times as the Committee may deem necessary, or as the Secretary may request, to submit copies of each audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the Committee by producers and handlers;

(g) To act as intermediary between the Secretary and any producer or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to oil;

(i) To submit to the Secretary such available information as may be requested or that the Committee may deem desirable and pertinent;

(j) To notify producers and handlers of all meetings of the Committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;

(k) To give the Secretary the same notice of meetings of the Committee and its subcommittees as is given to its members;

(l) To investigate compliance and use means available to prevent violations of the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the Committee: *Provided,* That such changes shall reflect insofar as practical, shifts in oil production within the production area and numbers of producers: and

(n) To establish with the approval of the Secretary such rules and regulations as are necessary or incidental to administration of this subpart, as are consistent with its provisions, and as would tend to accomplish the purposes of this subpart and the act.

§ 985.29 Procedure.

(a) At an assembled meeting, all votes shall be cast in person and seven members of the Committee shall constitute a quorum. Decisions of the Committee shall require the concurring vote of at least six members. If both a Committee member and appropriate alternate are unable to attend a Committee meeting, the Committee may designate any other alternate from the same district who is present at the meeting to serve in the member's place.

(b) The Committee may vote by mail, telephone, telegraph, or other means of communication: *Provided,* That each proposition is explained accurately, fully, and identically to each member. All votes shall be confirmed promptly in writing. Seven concurring votes and no dissenting votes shall be required for approval of a Committee action by such method.

§ 985.30 Expenses and compenation.

Members of the Committee, their alternates, subcommittees including any special subcommittees, shall serve without compensation but shall receive such allowances for necessary expenses, incurred in performing their duties, as may be approved by the Committee.

Research

§ 985.31 Research and development projects.

The Committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing,

distribution and consumption or efficient production of oil. The Committee shall consider ongoing research, by industry and grower organizations, in making its recommendations. The expense of such projects shall be paid from funds collected pursuant to § 985.41.

Expenses and Assessments

§ 985.40 Expenses

The Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for such purposes as the Secretary may, pursuant to this subpart, determine to be appropriate, and for the maintenance and functioning of the Committee during each marketing year. The Committee shall submit to the Secretary a budget for each marketing year, including an explanation of the items appearing therein, and a recommendation as to the rate of assessment for such year.

§ 985.41 Assessments.

(a) *Requirements for payment.* Each person who first handles salable oil shall pay to the Committee, upon demand, that handler's pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment fixed by the Secretary times the quantity of oil which the handler handles as the first handler thereof. The payment of assessments for the maintenance and functioning of the Committee and for such purposes as the Secretary may, pursuant to this subpart, determine to be appropriate, may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) *Rate of assessment.* the Secretary shall fix the rate of assessment to be paid by each handler. At any time during or after the marketing year, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. Such increase shall be applied to all oil handled during the applicable marketing year. In order to provide funds for the administration of this part before sufficient operating income is available from assessments, the Committee may accept advance assessments and may also borrow money for such purpose. Advance assessments received from a handler shall be credited toward assessments levied against that handler during the marketing year.

§ 985.42 Accounting.

(a) *Excess funds.* At the end of a marketing year, funds in excess of the year's expenses may be placed in an operating reserve not to exceed approximately one marketing year's operational expenses or such lower limits as the Committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the Committee for expenses authorized pursuant to § 985.40. Funds in excess of those placed in the operating reserve shall be refunded to handlers: *Provided,* That any sum paid by a first handler in excess of that handler's pro rata share of the expenses during any marketing year may be applied by the Committee at the end of such marketing year to any outstanding obligations due the Committee from such person. Each handler's share of such excess funds shall be the amount of assessments paid in excess of that handler's pro rata share.

(b) *Disposition of funds upon termination of order.* Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practicable, such funds will be returned pro rata to the first handler from whom such funds were collected.

Marketing Policy

§ 985.50 Marketing policy.

(a) The Committee shall meet on or before January 15 of each year to adopt a Marketing Policy for the ensuing marketing year or years. As soon as is practical following the meeting or meetings, the Committee shall submit to the Secretary recommendations for volume regulations deemed necessary to meet market requirements and establish orderly marketing conditions. Additional reports shall be submitted to the Secretary if the Committee subsequently adopts a new or revised policy because of changes in the demand and supply situation with respect to the various classes of oil.

(b) In determining such marketing policy, Committee consideration shall include but not be limited to:

(1) The estimated quantity of salable oil of each class held by producers and handlers;

(2) The estimated demand for each class of oil;

(3) Prospective production of each class of oil;

(4) Total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year;

(5) The quantity of reserve oil, by class, in storage;

(6) Producer prices of oil, including prices for each class of oil;

(7) General market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity.

(c) Notice of the marketing policy recommendations for a marketing year and any later changes shall be announced publicly by the Committee, and be submitted promptly to the Secretary and all producers and handlers. The Committee shall publicly announce its marketing policy or revision thereof and notice and contents thereof shall be submitted to producers and handlers by bulletins or through appropriate media.

(d) As soon as practicable following the effective date of this subpart and the organization of the Committee, the Committee may adopt a marketing policy for the 1980–81 marketing year.

§ 985.51 Recommendations for volume regulation.

(a) If the Committee's marketing policy considerations indicate a need for limiting the quantity of oil of each class marketed, the Committee shall recommend to the Secretary a salable quantity and allotment percentage for the ensuing marketing year. Such recommendations shall be made prior to February 15, or such other date as the Committee, with the approval of the Secretary, may establish.

(b) At any time during the marketing year for which the Secretary, pursuant to § 985.52(a), has established a salable quantity and an allotment percentage for each class of oil, the Committee may recommend to the Secretary that such quantity be increases with an appropriate increase in the allotment percentage. Each such recommendation, together with the Committee's reason for such recommendation, shall be submitted promptly to the Secretary.

(c) As soon as practicable following the effective date of this subpart and the organization of the Committee, the Committee may recommend a salable quantity for the 1980–81 marketing year.

§ 985.52 Issuance of volume regulation.

(a) Whenever the Secretary finds, on the basis of the Committee's recommendation or other information, that limiting the total quantity of a class of oil of any crop that handlers may purchase from or handle on behalf of producers during a marketing year, would tend to effectuate the declared policy of the act, the Secretary shall establish the salable quantity for that oil. The salable quantity shall be

prorated among producers by applying an allotment percentage to each producer's allotment base for that class of oil. The allotment percentage shall be established for each class of oil by dividing the salable quantity by the total of all producers' allotment bases for the same class of oil.

(b) When an allotment percentage for a class of oil is established for any marketing year, no handler shall purchase from or handle on behalf of producers any oil of that class during such year unless:

(1) It is, at the time of handling, within the unused portion of a producer's annual allotment,and

(2) Such handler notifies the Committee of the handling in such manner as it may prescribe.

§ 985.53 Allotment base.

(a) *Initial issuance.* Each producer desiring an allotment base for one or more classes of oil shall register with the Committee and furnish to it, on forms provided by the Committee, a report of the number of pounds of each class of oil sold during each of the marketing years of 1977, of 1978, and of 1979, which is the representative base period, and the number of pounds of each class of oil currently available for sale and the location of such oil, the name and address of each handler, the quantity of oil by class sold to each handler, the acreage and location of each year's production of spearmint, and any additional information requested by the Committee. A producer who has changed or changes identity from an individual producer to a partnership or corporate producer, or from a partnership to a corporate or individual producer, or from a corporate to a partnership or individual producer, may for the purpose of establishing the initial and subsequent allotment base, register with the Committee as one and the same person.

(b)(1) Initially, the allotment base for each class of oil shall be established by the Committe for each registered producer, at the option of such producer, as follows:

(i) The average annual number of pounds of oil of that class sold during any two marketing years of the representative base period; or

(ii) The average annual number of pounds of that class of oil sold during the representative period plus 33⅓ percent of oil of that class currently available for sale; or

(iii) The quantity of that class of oil sold during the 1979 marketing year, plus the quantity of that class of oil currently available for sale.

(2) If a producer has spearmint planted by February 27, 1979, but has no sales history during the representative period, the producer's allotment base shall be established by multiplying its acreage to be harvested for spearmint oil by the average amount of oil per acre sold in the allotment base of other producers in the state or area, whichever is more representative, in which the acreage is locate: *Provided,* That, the Committee shall review and adjust these allotment bases in accordance with paragraph (c) of this section on the basis of the producer's sales of spearmint oil.

(c) Periodically, but at least once every five years, the Committee shall review and adjust each producer's allotment base to recognize changes and trends in production and demand. Any such adjustment shall be made in accordance with a formula prescribed by the Committee with the approval of the Secretary.

(d)(1) Beginning with the 1982–83 marketing year, the Committee annually shall make additional allotment bases available for each class of oil in the amount of no more than 1 percent of the total allotment base for that class of oil. Fifty percent of these additional allotment bases shall be made available for new producers and 50 percent made available for existing producers.

(2) Any person may apply for an additional allotment base for any class of oil by filing an application with the Committee on or before December 1 of the marketing year preceding the marketing year for which the additional allotment bases will be made available.

(3) The Committee shall, with the approval of the Secretary, establish rules and regulations to be used for determining the distribution of additional allotment bases. In establishing such rules, the Committee shall take into account, among other things, the minimum economic enterprise requirements for oil production, the applicant's ability to produce oil, the area where the oil will be produced and other economic and marketing factors.

(e) The right of each producer receiving an allotment base, or any legal successor in interest, to retain all or part of an allotment base, shall be dependent on continuance to make a bona fide effort to produce the annual allotment referable thereto and failing to do so, such allotment base shall be reduced by an amount equivalent to such unproduced portions.

§ 985.54 Issuance of annual allotments.

(a) Whenever the Secretary establishes a salable quantity and allotment percentage for a class of oil that may be freely marketed during a marketing year, the Committee shall issue an annual allotment to each producer holding an allotment base for that class of oil. Each producer's annual allotment for a class of oil shall be determined by multiplying the producer's allotment base for that class of oil by the applicable percentage.

(b) On or before December 1, the Committee shall furnish each registered holder of an allotment base a form for the producer to apply for an annual allotment for the ensuing marketing year. The Committee, with the approval of the Secretary, shall establish rules and regulations prescribing the information to be submitted on this form. The Committee shall notify each producer of the producer's annual allotment for each class of oil within 10 days after the Secretary establishes the salable quantity and allotment percentage.

(c) Through 1981, a handler may acquire oil of a producer's own production to fulfill a written contract entered into by these two persons prior to February 27, 1979. The terms of this contract shall require the producer to deliver to that handler a specified quantity of a class of oil from that producer's production at a specific price from a specified acreage and produced prior to 1982. The quantity of oil acquired by the handler pursuant to that contract during the 1980–81 or 1981–82 marketing year may exceed the producer's annual allotment for the applicable marketing year, but shall be charged against the producer's annual allotment for that year.

§ 985.55 Indentification.

(a) Each producer shall, under supervision of the Committee, identify each class of oil within 15 days following its production, or such other period of time as is recommended by the Committee with the approval of the Secretary. Identification of oil shall be accomplished before its delivery either to a handler for handling as salable oil, or to the Committee or its designees for storage as excess oil.

(b) Identification shall indicate whether the oil is salable or excess oil and include the name of the producer, the class of oil, the net weight, the container number and such other information as may be required by the Committee.

(c) Identification shall be accomplished in accordance with rules and regulations established by the Committee with the approval of the Secretary.

(d) No handler shall handle as salable oil, and the Committee shall not receive as excess oil, any oil that has not been identified as provided in this section, and no person shall alter or remove any identification except when incidental to final disposition.

§ 985.56 Excess oil.

Oil of any class in excess of a producer's applicable annual allotment shall be identified as excess oil and shall be disposed of as follows:

(a) Before October 15, or such date as the Committee, with the approval of the Secretary, may establish, a producer, following notification of the Committee, may transfer excess oil to another producer to enable that producer to fill a deficiency in that producer's annual allotment, or

(b) Before November 1, or such other date as the Committee, with the approval of the Secretary, may establish, excess oil, not used to fill another producer's deficiency, shall be delivered to the Committee or its designees for storage. Such oil shall be stored for the account of the producer. All costs of storage including identification and insurance shall be paid by the producer of excess oil. No handler shall handle excess oil and no producer shall deliver excess oil other than the Committee or its designees.

(c) The Commitee, with the approval of the Secretary, may establish such rules and regulations as it deems necessary for the transfer or storage of excess oil.

§ 985.57 Reserve pool requirements.

(a) On November 1, or such other date as the Committee, with the approval of the Secretary, may establish, the Committee shall pool identified excess oil as reserve oil in such manner as to accurately account for its receipt, storage, and disposition. The Committee shall store reserve oil for the account of the producer and maintain the identity of the reserve oil by producer's name, the year produced, the class of oil, and such other identification as may be used in normal commercial trade practices. The Committee shall designate a Committee employee as reserve pool manager.

(b) *Disposition.* (1) When, in any marketing year, a producer has produced less than the annual allotment of a class of oil, the producer may, upon notification of the Committee, fill the deficiency with the same class of reserve oil from the producer's prior production.

(2) Prior to March 15 of any year, or such other date as recommended by the Committee and approved by the Secretary, a producer may notify the Committee of a possible deficiency in the producer's ensuing year's production of oil and wishes to use reserve oil from own production to fill the ensuing year's annual allotment. The Committee shall approve the producer's request if the oil is still available at the time of the request.

(3) Under supervision of the Committee, a producer may exchange salable oil for the same class and quantity of reserve oil from own production so long as the oil is properly identified.

(4) When the Committee finds that additional oil is neded to fill the normal market demand, it shall offer all or a portion of the reserve oil for sale to handlers. Offers to sell, extension of offers and withdrawal of offers shall be subject to disapproval by the Secretary. The Committee may establish rules and regulations governing the offers and sale to handlers.

(5) The Committee may use reserve oil for market development projects approved by the Secretary. Such projects may be conducted by the Committee or in conjunction with or through handlers.

(c) *Pool expenses and proceeds.* Expenses incurred by the Committee in handling and storing reserve oil shall be paid by the equity holders. The proceeds from the disposition of reserve oil shall be distributed, after deduction of any expenses incurred by the Committee in receiving, handling, storing, and disposing thereof, to the equity holders or their successors in interest, on the basis of the number of pounds, class of oil and quality credited to each equity holder's account in the pool. A full accounting to each equity holder, or successor in interest, in each reserve pool shall be made by the Committee annually.

§ 985.58 Exempt oil.

Oil held by a producer or handler on the effective date of this subpart shall not be regulated under this subpart if reported and identified to the Committee not later than 60 days after that date. Any such oil not reported and identified to the Committee shall be subject to all regulation under this subpart.

§ 985.59 Transfers.

(a) Nothing contained in this part shall prevent a producer from transferring the location where that producer's annual allotment is produced to another location except that the producer shall report the transfer to the Committee within 30 days after the transfer.

(b) A producer may transfer all or part of an allotment base to another producer under rules and regulations established by the Committee, with the approval of the Secretary: *Provided,* That the allotment base obtained by transfer from another producer or issued pursuant to § 985.53(d)(1) shall not be transferred for at least 2 years following transfer or issuance, and that the person receiving the allotment base submit to the Committee, evidence of an ability to produce and sell oil from such allotment base in the first marketing year following the transfer or issuance of the allotment base.

Reports and Records

§ 985.60 Reports.

(a) *Inventory.* Each handler shall file with the Committee a certified report showing such information as the Committee may specify with respect to any oil which was held by the handler at such times as the Committee may designate.

(b) *Receipts.* Each handler shall, upon request of the Committee, file with the Committee a certified report showing for each lot of oil received, the identifying marks, class of oil, weight, place of production, and the producer's name and address at such times as the Committee may designate.

(c) *Other reports.* Upon the request of the Committee, each handler shall furnish such other information as may be necessary to enable the Committee to exercise its powers and perform its duties under this part.

§ 985.61 Records.

Each handler shall maintain such records pertaining to all oil handled as will substantiate the required reports. All such records shall be maintained for not less than 2 years after the termination of the marketing year to which such records relate.

§ 985.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by producers and handlers, the Secretary and the Committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where oil is received or held, and at any time during reasonable business hours, shall be permitted to inspect such handlers' premises, and any and all records of such handlers with respect to matters within the purview of this part.

§ 985.63 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of the Committee, which

contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall, at all times, be kept in the custody and under the control of one or more employees of the Committee who shall disclose such information to no person other than the Secretary.

Miscellaneous Provisions

§ 985.64 Compliance.

No person shall handle oil except in conformity with the provisions of this part.

§ 985.65 Rights of the Secretary.

Members of the Committee and subcommittees, and any agents, employees or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every decision, determination, and other act of the Committee shall be subject to the continuing right of disapproval by the Secretary at any time. Upon such disapproval, the disapproved action of the Committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 985.66 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 985.67 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States or name any agency or division in the U.S. Department of Agriculture, to act as the Secretary's agent or representative in connection with any of the provisions of this part.

§ 985.68 Personal liability.

No member or alternate member of the Committee and no employee or agent of the Committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgments, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 985.69 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 985.70 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 985.71 Effective time.

The provisions of this subpart, and of any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated or suspended in one of the ways specified in § 985.72.

§ 985.72 Termination.

(a) *Failure to effectuate.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this part upon a finding that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart at the end of any marketing year upon a finding that such termination is favored by a majority of the producers who, during the preceding marketing year, produced for market more than 50 percent of the volume of oil so produced: *Provided,* That termination shall be effective only if announced before May 31 of the then current marketing year.

(c) *Termination of act.* The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 985.73 Proceedings after termination.

Upon termination of the provisions of this part, the Committee shall, for the purpose of liquidating the affairs of the Committee, continue as trustees of all the funds and property then in its possessions or under its control, including claims for any funds unpaid or property not delivered at the time of such termination. The said trustees shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Committee and of the trustees, to such persons as the Secretary may direct; and (c) upon the request of the Secretary execute such asssignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the trustees pursuant thereto. Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the Committee and upon trustees.

§ 985.74 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued hereunder, or (b) release or extinguish any violation of this subpart or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

[FR Doc. 80-6283 Filed 2-27-80; 8:45 am]
BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 61

Disposal of Low-Level Radioactive Waste; Availability of Preliminary Draft Regulation

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of availability of preliminary draft regulation 10 CFR Part 61 for disposal of low-level radioactive waste.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is currently developing regulations and other guidance regarding the disposal of low-level radioactive waste (LLW). An environmental impact statement (EIS) is being prepared to guide and support a LLW regulation. To assist in development of the EIS, regulation and other guidance, NRC staff has prepared a preliminary draft regulation (draft dated November 5, 1979) and a preliminary draft chapter outline for the contents of a license application regulatory guide (draft dated January 1980). NRC staff is announcing availability of these preliminary drafts for public inspection. Any comments received by the NRC staff will be considered during further development

of the regulation, preparation of the EIS, and preparation of the regulatory guide.

DATE: Although comments are welcome at any time, comments received on or before April 14, 1980, will be of particular help to NRC staff in preparing the revised preliminary drafts.

ADDRESSES: Request for copies of the preliminary draft regulation and draft chapter outline may be sent to the Director, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Any written comments and suggestions on the preliminary draft regulation and chapter outline may also be sent to the above address.

FOR FURTHER INFORMATION CONTACT: Mr. G. W. Roles or Mr. Paul H. Lohaus, Low-Level Waste Licensing Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone: 301–427–4433.

SUPPLEMENTARY INFORMATION:

Background

NRC has an ongoing program for technical study and development of regulations governing the management and disposal of low-level radioactive waste. To provide guidance and support for development of a LLW regulation 10 CFR Part 61, "Disposal of Low-Level Radioactive Waste," NRC is preparing a draft EIS to be published later this year. As part of the process to scope the form and content of the EIS and proposed regulation, NRC on October 25, 1978 published in the **Federal Register** an Advance Notice of Proposed Rulemaking (43 48911). Advice, recommendations and comments on the scope and content of the draft EIS and planned LLW regulation were requested.

Response to the Advance Notice of Proposed Rulemaking

NRC received a total of 36 responses from the public on the Advance Notice. These comments have been docketed (Docket No. PR–61) and may be examined in the Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C. A detailed analysis by NRC staff of the public responses received may also be examined in the Public Document Room. A short summary of the comments received is included as Appendix A to this notice.

Scope and Content of the EIS and LLW Regulation

The comments received by NRC on the Advance Notice were utilized by NRC staff in scoping the form and content of the EIS and LLW disposal regulation. For this scoping process, NRC staff also considered input from a number of other sources, including:

—The results of program studies and other technical data on LLW management and disposal;

—Licensing experience with current LLW disposal sites and current LLW management techniques;

—Programs by the Environmental Protection Agency (EPA) to develop criteria and standards for management of LLW and regulations for disposal of non-radioactive solid and chemically hazardous wastes;

—Recommendations of the Interagency Review Group on Nuclear Waste Management;

—Natural Resources Defense Council (NRDC) Petition for Rulemaking;[1]

—Discussions with industry and public interest groups, state and Federal agencies, and others.

Based on this, NRC staff determined that the most viable approach to the low-level waste regulation would be an "umbrella" regulation that would establish performance objectives and technical criteria applicable to a broad range of LLW and *land-based* LLW disposal methods. Through the EIS NRC staff is analyzing LLW and LLW disposal from a generic point of view. Initially overall disposal methods are being addressed. Then, specific disposal methods will be analyzed against these overall requirements to determine the need for specific criteria for these individual disposal methods.

To help focus development of the draft EIS and proposed LLW disposal regulation, NRC staff has prepared a preliminary draft regulation, 10 CFR Part 61.

The objectives that the staff has in mind at this time and which are reflected by the preliminary draft regulation are the following:

1. That LLW disposal facilities are sited, designed, operated, and closed to assure the long-term confinement of the disposed waste with essentially no need for active long-term site maintenance following closure.

2. That the regulation is applicable to a range of potential LLW disposal methods, particularly those investigated in detail during NRC's study of alternative disposal methods to shallow-land burial. These methods include improved shallow-land burial, intermediate land burial (i.e., disposal with about 30 feet of cover material), engineered structures, and mined cavities.[2] Specific guidance for specific disposal methods would be addressed in regulatory guides or appendices to the regulation.

3. That general requirements are in the form of performance objectives, which establish what should be achieved in the disposal of LLW rather than specifying detailed technical specifications for individual disposal methods.

4. That the regulation provide numerical guidance to the extent practical.

5. That the regulation address:

—Administrative procedures and institutional considerations;

—Radiological performance objectives;

—Waste form and content;

—Site selection and suitability;

—Site design and operations;

—Environmental monitoring;

—Site closure (decommissioning) and funding; and

—Site surveillance after site closure.

6. That groundwater quality is protected. In preparing the preliminary draft regulation, NRC staff made use of the National Primary Drinking Water Standards for this purpose. This approach is based upon consideration of EPA's proposed regulation 40 CFR Part 250 (December 18, 1978, 43 FR 58946–59028) for the safe disposal of nonradioactive hazardous waste.

7. That protection is provided for the potential unintentional reclaimer to a LLW disposal site. Applicable concepts and methodology for this have been developed through NRC's waste classification study.[3] By applying this methodology, the advantage of particular disposal methods for assuring confinement of particular types and forms of LLW during their hazardous lifetime would be identified.

8. That the use of multiple barriers is emphasized (natural and man-made, such as waste packaging form and content) to radioactive waste movement and human contact with waste.

9. That the regulation is compatible with standards, criteria, and regulations promulgated by the EPA, including those standards, criteria, and regulations of

[1] In a July 25, 1979 **Federal Register** Notice (44 FR 4341), NRC denied a portion of an NRDC petition for rulemaking regarding disposal of transuranic and low-level waste, and preparation of a programmatic generic EIS on low-level waste disposal. In this July 25, Notice, NRC indicated that NRC staff would consider the NRDC petition for rulemaking as input to the development of the LLW regulation and EIS.

[2] For further information, see NUREG/CR–0308 ("Screening of Alternative Methods for Disposal of Low-Level Radioactive Wastes") and NUREG/CR–0680 ("Evaluation of Alternative Methods for Disposal of Low-Level Radioactive Wastes").

[3] For further information see NUREG–0456 ("A System for Classifying Radioactive Waste Disposal—What Waste Goes Where?") and NUREG/CR–1005 ("A Radioactive Waste Disposal Classification System").

the EPA Office of Solid Waste and the EPA Office of Radiation Programs.

Availability of Preliminary Drafts

NRC staff is at this time making a preliminary draft LLW regulation (draft dated November 5, 1979) available for public inspection prior to formally issuing the regulation as a proposed rule. The November 5 preliminary draft regulation has received wide distribution and copies have been sent to the State Liaison Officers, Federal and State agencies, industry, public interest groups, and others. Comments received to date are greatly appreciated by NRC staff and are being considered in the further development of the proposed regulation and draft EIS.

NRC staff is particularly interested in establishing a de minimus level (a level of radioactivity in waste that is sufficiently low that the waste can be disposed of as ordinary nonradioactive trash) for short half-lived radioisotopes commonly used in medical, research, and other applications. Although this concept is not reflected in the November 5 version of the preliminary draft regulation, NRC staff expect that future revisions of the November 5 version will do so.

NRC staff has also prepared a preliminary draft chapter outline (draft dated January 1980) of a regulatory guide to the contents of a license application for a LLW disposal facility. NRC's staff is interested in identifying other areas in which to provide further specific guidance for the preparation of a license application.

Persons interested in receiving a copy of the preliminary draft Part 61 regulation and draft chapter outline for the license application guide may request one by writing to the Director, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Any comments received by the NRC staff will be considered during further development of the regulation, preparation of the EIS, and preparation of regulatory guides. Although comments are welcome at any time, comments received on or before April 14, 1980, will be of particular help to NRC staff in preparing the revised preliminary drafts. The availability of these revised versions of the preliminary drafts will also be announced.

Dated at Silver Spring, Md., this 20th day of February 1980.

For the Nuclear Regulatory Commission.

John B. Martin,

Director, Division of Waste Management.

Appendix A.—Summary of Public Comments Received on October 25, 1978, Advance Notice of Proposed Rulemaking

The respondents to the Advance Notice strongly supported NRC's development of specific criteria and standards for the disposal of low-level waste. There was also support among the commenters that an overall EIS should be prepared to provide an essential part of the informational and decisional base for the development of the criteria and standards for the rulemaking action. The commenters were divided, however, on the form and structure of the criteria and standards. Some commenters stated that the criteria and standards should be specific and detailed. Others suggested that criteria and standards should be minimal and basic and should emphasize the performance objectives to be met by low-level waste disposal facilities. The commenters also stated that as part of the development of LLW disposal standards and criteria, a system was needed for classifying or segregating the waste based on hazard.

A number of comments were received on NRC's questions regarding alternative disposal methods to shallow-land burial. Although the comments in this area were mixed, the most often expressed opinion was that primary consideration should be given to developing requirements for shallow-land burial and emplacement of waste into mined cavities. Disposal of wastes into ocean waters was given the lowest priority. Four commenters felt there was no need to establish a priority list of the alternative disposal methods to shallow-land burial. The most often expressed disadvantage to any alternative method was the potential for increased cost. Approximately 60 percent of the respondents suggested other potentially viable methods for low-level waste treatment and/or disposal. The methods mentioned most frequently were volume reduction and other advanced processing techniques.

A clear consensus of the extent of the state's responsibilities did not appear in the responses. There was agreement in the need for interagency and state cooperation and negotiation. Approximately half of the commenters added that low-level waste disposal sites should be regionally located and that there was no need or desire to have one site in each state.

[FR Doc. 80-6205 Filed 2-27-80; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 20052; Notice No. 80-3]

Airworthiness Standards: Normal Utility, and Acrobatic Category Airplanes; Combustion Heater Fire Protection

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to amend the type certification standards applicable to certain small airplanes by upgrading the requirements for combustion heater fire protection. The proposal, incorporating recommendations of the National Transportation Safety Board, covers a need for improved safety standards applicable to combustion heaters used in the relatively severe operating environment encountered by newer high performance small airplanes. The proposed rule is substantively the same as that currently applicable to transport category airplanes.

DATES: Comments must be received on or before April 28, 1980.

ADDRESSES: Comments on this proposal may be mailed in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 20052, 800 Independence Avenue SW., Washington, D.C. 20591

or be delivered in duplicate to:

Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 20052 Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. G. J. Kemper, Regulatory Projects Branch, AVS-24, Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, S. W., Washington, D.C. 20591. telephone 202-755-8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as

they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date specified above will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of the proposed rule will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to Docket No. 20052". The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NRPMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

Background and Discussion of Proposed Rule

Airplane combustion heaters require four elements for operation: fuel, ignition, combustion air, and ventilating air. Combustion air provides the oxygen required to support the flame in the heater burner and ventilating air is used to convey the heat to airplane areas where needed. Fuel, exhaust air, combustion air, and ventilating air present special design problems in connection with hazardous conditions resulting from leaks, breakage, and fire in supply ducts and lines in the vicinity of the heater.

As a result of the favorable strength-weight properties of plastic materials, many normal category airplanes have been equipped with various combustion heater components made of plastic such as inlet hoses, inlet plenums, and foam insulation material. However, the National Transportation Safety Board (NTSB), as a result of its investigation into the crash of a normal category small airplane involving a combustion heater malfunction, determined that certain of these plastic components may emit poisonous or noxious fumes when heated which could enter the cabin through the heating and ventilating system and have adverse safety effects on the aircraft occupants. As a result, the NTSB has recommended that the type certification standards applicable to Part 23 airplanes be amended by adding a requirement that the ventilating airstream be protected from backfiring and reverse burning and a further requirement that combustion and ventilating air ducts in close proximity to a combustion heater be constructed of fireproof materials.

The FAA agrees with the analysis provided by the NTSB and the corresponding recommendations. In addition, the FAA's further review indicates that the entire Part 23 combustion heater fire protection requirement should be upgraded.

Combustion heaters are not required items of airplane equipment. However, when installed, such heaters must meet specified fire protection requirements. The present § 23.859 is essentially a recodification of Civil Air Regulation § 3.388(b). The standard, which has been in effect for many years, was developed at a time when combustion heaters were not extensively used in normal category airplanes and the airplanes themselves, generally single-engine, were limited as to the kinds of weather and altitudes at which they could be operated. As Part 23 airplanes have subsequently become more sophisticated with two engines and capability for operations into virtually all kinds of weather and at high altitudes, the use of combustion heaters is becoming more prevalent. In this connection, it is to be noted that combustion heaters are not normally installed in single-engine airplanes which use manifold heaters or in turbine-powered airplanes where high temperature bleed air is available.

The design complexity and operational altitude and weather capability of current Part 23 piston-powered airplanes may be comparable to that of many transport category airplanes type certificated under the standards of FAR Part 25. The extreme operating conditions necessitate installation of a combustion heater for occupant survival and airplane heating to counteract windshield icing conditions. Part 25 presently contains updated requirements for combustion heater fire protection. Among these requirements are those for fireproof air ducts and protection of the ventilating airstream from backfire and reverse burning, as recommended by the NTSB for inclusion in Part 23. In addition, Part 25 designates fire zones, requires fire detection means, contains heater control requirements, sets forth air intake location standards, gives heater exhaust requirements, and provides for fuel system protection and drainage. All these requirements have been determined as necessary minimum safety standards for transport category airplane combustion heater fire protection, and long experience with the Part 25 rule has substantiated its adequacy in that regard.

Because of their increasing sophistication and the expanded operating environment for which normal category small airplanes are designed and used, the FAA has determined that more stringent type certification fire protection and detection standards are needed for combustion heaters when such heaters are installed in these airplanes. In view of the technical similarities between these airplanes and airplanes designed to Part 25 standards, this rulemaking action proposes that the Part 25 standards for combustion heater fire protection be substantially adopted as type certification requirements for Part 23.

With the issuance of this proposal, the FAA has responded affirmatively to all the NTSB recommendations concerning combustion heater fire protection for Part 23 airplanes. One of these recommendations was that the FAA issue a maintenance bulletin emphasizing the importance of inspections of the heater combustion air inlet hose and plastic ventilating air inlet plenum. A bulletin with this information appears in the General Aviation Inspection Aids Summary, AD No. 20–7P, issue dated August 1977.

In addition to the recommendations of the NTSB, the FAA has considered the service experience of operators in determining applicability of the proposed rule. Records of this experience, available to the FAA through its Service Difficulty Reporting Program, show that only four instances of combustion heater malfunction causing smoke or fumes in small airplane cabins were reported by operators in the period June 1, 1974 to January 10, 1980. In these cases, none of which involved accidents, the problems were attributed to material defects or lack of maintenance and not to combustion or overheating of plastic components. For this reason, the agency is not proposing modification of existing aircraft.

Based on the foregoing considerations, this notice proposes a standard

applicable to future Part 23 airplanes produced under new type certificates that will incorporate the rule as part of the individual type certification bases. In the current picture, in view of the inspection guidance that has been issued and the reported service experience, safety considerations do not indicate a need to apply the new standard to airplanes in production under existing type certificates or retroactively to operating airplanes. It is to be noted, however, that manufacturers may elect to incorporate the new standard into current production airplanes by obtaining approval of changes to existing type certificates under the procedures set forth in Part 21, Subparts D and E, of the Federal Aviation Regulations.

In a preliminary evaluation, the FAA has considered the total number of Part 23 airplanes to be built annually with combustion heaters, the percentage of those airplanes that already incorporate the Part 25 standard, and the additional cost of labor and material for each airplane to meet the new requirements. As more fully developed in the regulatory evaluation and based on projected 1981 production figures, the FAA estimates that 1500 Part 23 twin-engine piston airplanes will be produced annually in compliance with the new rule at an additional cost of $1,500 each, for a total annual cost of $2.25 million. The FAA invites specific comments as to the economic aspects and cost/benefit considerations of this proposal.

This proposal is part of the FAA's ongoing regulatory program to upgrade type certification standards as necessary in the interest of safety to make them consistent with the state-of-the-art of aircraft design. The rule as proposed is fully compliant with the President's directive (Executive Order 12044) that existing regulations be evaluated after their issuance under criteria that consider the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

The Proposed Amendment

Accordingly, the Federal Aviation Administration (FAA) proposes to amend Part 23 of the Federal Aviation Regulations (14 CFR Part 23) by revising § 23.859 to read as follows:

§ 23.859 Combustion heater fire protection.

(a) *Combustion heater fire regions.* The following combustion heater fire regions must be protected from fire in accordance with the applicable provisions of §§ 23.1182 through 23.1191 and 23.1203:

(1) The region surrounding the heater, if this region contains any flammable fluid system components (excluding the heater fuel system), that could—

(i) Be damaged by heater malfunctioning; or

(ii) Allow flammable fluids or vapors to reach the heater in case of leakage.

(2) The region surrounding the heater, if the heater fuel system has fittings that, if they leaked, would allow fuel vapor to enter this region.

(3) The part of the ventilating air passage that surrounds the combustion chamber. However, no fire extinguishment is required in cabin ventilating air passages.

(b) *Ventilating air ducts.* Each ventilating air duct passing through any fire region must be fireproof. In addition—

(1) Unless isolation is provided by fireproof valves or by equally effective means, the ventilating air duct downstream of each heater must be fireproof for a distance great enough to ensure that any fire originating in the heater can be contained in the duct; and

(2) Each part of any ventilating duct passing through any region having a flammable fluid system must be constructed or isolated from that system so that the malfunctioning of any component of that system cannot introduce flammable fluids or vapors into the ventilating airstream.

(c) *Combustion air ducts.* Each combustion air duct must be fireproof for a distance great enough to prevent damage from backfiring or reverse flame propagation. In addition—

(1) No combustion air duct may have a common opening with the ventilating airstream unless flames from backfires or reverse burning cannot enter the ventilating airstream under any operating condition, including reverse flow or malfunctioning of the heater or its associated components; and

(2) No combustion air duct may restrict the prompt relief of any backfire that, if so restricted, could cause heater failure.

(d) *Heater controls: general.* Provision must be made to prevent the hazardous accumulation of water or ice on or in any heater control components, control system tubing, or safety control.

(e) *Heater safety controls.* Each combustion heater must have the following safety controls:

(1) Means independent of the components for the normal continuous control of air temperature, airflow, and fuel flow must be provided to automatically shut off the ignition and fuel supply to that heater at a point remote from that heater when any of the following occurs:

(i) The heat exchanger temperature exceeds safe limits.

(ii) The ventilating air temperature exceeds safe limits.

(iii) The combustion airflow becomes inadequate for safe operation.

(iv) The ventilating airflow becomes inadequate for safe operations.

(2) The means of complying with subparagraph (1) of this paragraph for any individual heater must—

(i) Be independent of components serving any other heater whose heat output is essential for safe operations; and

(ii) Keep the heater off until restarted by the crew.

(3) Means to warn the crew when any heater whose heat output is essential for safe operation has been shut off by the automatic means prescribed in subparagraph (1) of this paragraph.

(f) *Air intakes.* Each combustion and ventilating air intake must be located so that no flammable fluids or vapors can enter the heater system under any operating condition—

(1) During normal operation; or

(2) As a result of the malfunctioning of any other component.

(g) *Heater exhaust.* Heater exhaust systems must meet the provisions of §§ 23.1121 and 23.1123. In addition, there must be provisions in the design of the heater exhaust system safety expel the products of combustion to prevent the occurrence of—

(1) Fuel leakage from the exhaust to surrounding compartments;

(2) Exhaust gas impingement on surrounding equipment or structure;

(3) Ignition of flammable fluids by the exhaust, if the exhaust is in a compartment containing flammable fluid lines; and

(4) Restriction by the exhaust of the prompt relief of backfires that, if so restricted, could cause heater failure.

(h) *Heater fuel systems.* Each heater fuel system must meet each powerplant fuel system requirement affecting safe heater operation. Each heater fuel system component within the ventilating airstream must be protected by shrouds so that no leakage from those components can enter the ventilating airstream.

(i) *Drains.* There must be means to safely drain fuel that might accumulate within the combustion chamber or the heater exchanger. In addition—

(1) Each part of any drain that operates at high temperatures must be protected in the same manner as heater exhausts; and

(2) Each drain must be protected from hazardous ice accumulation under any operating condition.

(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 11.45)

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the person identified earlier in this document as contact for further information.

Issued in Washington, D.C. on February 21, 1980.

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 80-6137 Filed 2-27-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 20051]

Airworthiness Directives; Piper Model PA-12 Airplanes Modified in Accordance with Day and Night, Inc., STC No. SA578AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require a one-time visual inspection of those Piper Model PA-12 airplanes which incorporate wing flaps installed in accordance with Supplemental Type Certificate (STC) No. SA578AL. The AD is prompted by reports of deficiences in the flap system installation data which could result in improper installation with related strength and operational safety problems.

DATES: Comments must be received on or before April 28, 1980.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 20051, 800 Independence Avenue SW., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue SW., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 20051. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m. It is requested that duplicate comments be sent to: Federal Aviation Administration, Alaskan Region, Office of Regional Counsel, Attn: Regional Rules Docket, Docket No. 20051, P.O. Box 14, 701 "C" Street, Anchorage, Alaska 99513. A copy of the approved flap system installation data may be obtained from: Ronald E. Sullivan, Star Route A, Box 1549, Anchorage, Alaska 99507. A copy of the approved flap system installation data is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591 and in the Office of the Regional Counsel, Regional Rules Docket, Third Floor, Module F, 701 "C" Street, Anchorage, Alaska 99513.

FOR FURTHER INFORMATION CONTACT: D. O. Curtis, Chief, Engineering and Manufacturing Field Office, AAL-210, Flight Standards Division, Alaskan Region, Federal Aviation Administration, P.O. Box 14, 701 "C" Street, Anchorage, Alaska 99513, Telephone: (907) 271-5927, or C. Christie, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426-8374.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Rules Docket address specified above with a duplicate copy to the Regional Rules Docket address. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons. Duplicate copies will be available in the Regional Rules Docket. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the Federal Aviation Administration to acknowledge receipt of their comments submitted in response to this notice must submit those comments and a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 20051." The post card will be date/time stamped and returned to the commenter.

There have been reports that the wing flap system defined in STC No. SA578AL has not been installed on certain Piper Model PA-12 airplanes in accordance with the data listed on the STC. These reports describe unapproved field alterations by the installer to make it fit certain airplanes, which include repositioning of the flap hangar brackets and bellcranks.

Since these unapproved field alterations may have adverse structural and operational consequences, the proposed AD would require a one-time visual inspection of this wing flap system to verify that it was installed in accordance with the approved installation data, or in an equivalent FAA approved manner, on Piper Model PA-12 airplanes.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Piper Aircraft Corporation. Applies to Model PA-12 airplanes that incorporate wing flaps installed in accordance with Supplemental Type Certificate (STC) No. SA578AL.

Compliance is required as indicated, unless already accomplished.

To prevent operation of Piper Model PA-12 airplanes equipped with a potentially unairworthy wing flap system installation, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, accomplish a one-time visual inspection of the wing flap system installation to verify conformity with Day and Night, Inc., Drawing No. 17-0, Revision A", or later FAA-approved revision. If the installation conforms to the approved data, no further action is required.

(b) Any variations that are found to exist between the flap installation and the approved data must be corrected in accordance with approved data or a FAA-approved equivalent prior to further flight, except that the aircraft may be flown in accordance with FAR 21.197 to a place where work may be accomplished. For engineering evaluation of equivalency, report all variations to: Federal Aviation Administration, Flight Standards Division, Alaskan Region, Attn: Chief, Engineering and Manufacturing Field Office, AAL-210, P.O. Box 14, 701 "C" Street, Anchorage, Alaska 99513. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.)

(c) Inspection is not required for those aircraft for which the installer received written FAA approval of the installation alterations when using Revisions "N/C" or "A" of Day and Night, Inc., Drawing No. 17-0.

Installations accomplished after the effective date of this AD must conform with Day and Night, Inc., Drawing No. 17-0, Revision "A", or later FAA-approved revision.

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

Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A draft regulatory evaluation prepared for this document is contained in the Rules Docket. A copy of it may be obtained by writing to D. O. Curtis, Chief, Engineering and Manufacturing Field Office, AAL-210, Flight Standards, Alaskan Region. Federal Aviation Administration, P.O. Box 14, 701 "C" Street, Anchorage, Alaska 99513, Telephone: (907) 271-5927.

Issued in Washington, D.C., on February 20, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-5993 Filed 2-27-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-GL-69]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this federal action is to reduce the dimensions of controlled airspace near French Lick, Indiana, since the transition area extension on the east is no longer required to encompass the instrument approach procedures established at this airport. The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions and other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before March 26, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-GL-69, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be raised from 700 feet above the surface to 1200 feet above the surface for a distance of approximately 2.5 miles east. The minimum descent altitudes for this airport may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 79-GL-69, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 26, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near French Lick, Indiana. Subpart G of Part 71 was published in the **Federal Register** on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (45 FR 445) the following transition area is amended to read:

French Lick, Indiana

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the French Lick Municipal Airport, French Lick, Indiana (latitude 38°30'26" N., longitude 86°37'59" W.).

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-69, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on February 10, 1980.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 80-5996 Filed 2-27-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-GL-1]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Little Falls, Minnesota to accommodate a revised Non-Directional Radio Beacon (NDB) Runway 30 instrument approach procedure into the Little Falls Municipal Airport, Little Falls, Minnesota. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before March 26, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 80-GL-1, 2300 East Devon Avenue, Des Plaines, Illinois 60018. A public docket will be available for examination by interested persons in the Office of the Regional Counsel,

Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be lowered from 1200 feet above the surface to 700 feet above the surface for a distance of approximately 1.5 miles beyond that now depicted. The development of the proposed procedure necessitates the FAA to alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 80-GL-1, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 26, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NRPMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Little Falls, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (45 FR 445) the following transition area is amended to read:

Little Falls, Minnesota

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Little Falls Municipal Airport, Little Falls, Minnesota (latitude 45°56'56"N; longitude 94°20'44"W); within 3.0 miles each side of the 140° bearing from the airport, extending from the 6.5 mile radius area out to 3.0 miles southeast of the airport, excluding that portion which overlies the Camp Ripley, Minnesota transition area.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1948 (49 U.S.C. 1348(a)); section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); section 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-1, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on February 10, 1980.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 80-5997 Filed 2-27-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-GL-64]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate controlled airspace near New Richmond, Wisconsin to accommodate a new Non-Directional Radio Beacon (NDB) instrument approach into New Richomond Municipal Airport, New Richmond, Wisconsin (RNH) established on the basis of a request from the Local Airport Officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions.

DATES: Comments must be received on or before March 26, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-GL-64, 2300 East Devon Avenue, Des Plaines, Illinois 60018. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illnois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 79-GL-64, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 26, 1980, will be considered before action is taken on the proposed amendment. The proposal

contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW, Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NRPMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700 foot controlled airspace transition area near New Richmond, Wisconsin. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (45 FR 445) the following addition should be made:

New Richmond, Wisconsin

That airspace extending upward from 700 feet above the surface within a 6.5 statute mile radius of the New Richmond Municipal Airport, New Richmond, Wisconsin (latitude 45°08′46″N, longitude 92°32′29″W), and three statute miles either side of the 314° true bearing from the RNH NDB (latitude 45°08′33″N, longitude 92°32′29″W), extending from the 6.5 statute mile radius area out to 7.5 statute miles, excluding that portion that overlies the Osceola, Wisconsin transition area.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); section 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 Fr 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL–7), Docket No. 79–GL–64, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on February 10, 1980.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 80–5994 Filed 2–27–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 79–GL–66]

Proposed Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to expand the existing control zone serving Flying Cloud Airport, Minneapolis, Minnesota and to designate additional controlled airspace to encompass revisions to existing approach procedures. The intended effect of this action is to insure segregation of the aircraft using these approach procedures in instrument weather conditions and other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before March 26, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7 Attention: Rules Docket Clerk, Docket No. 79–GL–66, 23 East Devon Avenue, Des Plaines, Illinois 60018. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–4500, Extension 456.

SUPPLEMENTARY INFORMATION: The expansion and slight alteration to the control zone boundary is mainly a redefinition of the boundary. The additional airspace required is an area approximately three miles by five miles to the west of the airport, The circumstance which created this action was the addition of a new Very High Frequency Omnidirectional Range (VOR) Runway 9 Right procedure serving this airport. A review of the terminal airspace requirements necessitates the FAA to add the additional airspace to insure that all procedures will be contained within controlled airspace. In addition, aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7 Great Lakes Region, Rules Docket No. 79–GL–66, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 26, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NRPMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment in Subpart F of Part 71 to alter the control zone near Minneapolis, Minnesota (Flying Cloud). Subpart F was published in the **Federal Register** on January 2, 1980 (45 FR 356).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.171 (45 FR 356) the following control zone is amended to read:

Minneapolis, Minnesota (Flying Cloud)

Within a 5 statute mile radius of Flying Cloud Airport, Minneapolis, Minnesota (latitude 44°49′30″ N; longitude 93°27′45″ W); within 2.5 statute miles north of the Flying

Cloud (FCM) VOR 292° radial, extending from the 5 mile radius zone to 7.5 statute miles west of the VOR; within 3 statute miles each side of the 276° radial of the FCM VOR extending from the 5 miles radius zone to 8.5 statute miles west of the VOR; and within 2.5 statute miles each side of the FCM VOR 179° radial extending from the 5 mile radius zone to 6.5 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); section 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL–7), Docket No. 79–GL–66, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on February 10, 1980.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 80–5995 Filed 2–27–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 79–WE–13]

Proposed Alteration of Control Zone San Diego, Calif. (Montgomery Field)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the control zone for Montgomery Field, San Diego, California. This action will provide additional controlled airspace for aircraft making an ILS Rwy 28R instrument approach to Montgomery Field.

DATES: Comments must be received on or before March 10, 1980.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE–530, 15000 Aviation Boulevard, Lawndale, California 90261. The official docket may be examined at the following location: Federal Aviation Administration, Office of the Regional Counsel, AWE–7, 15000 Aviation Boulevard, Lawndale, California 90261. An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90261.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. Telephone (213) 536–6182.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before March 10, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE–530, 15000 Aviation Boulevard, Lawndale, California 90261, or by calling (213) 536–6182. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding an extension to the San Diego, California (Montgomery Field) control zone. The control zone extension will provide additional controlled airspace for the ILS Rwy 28R approach procedure to Montgomery Field.

Drafting Information

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and DeWitte T. Lawson, Jr., Esquire, Regional Counsel, Western Region.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding an extension to the following control zone: San Diego, California (Montgomery Field), following * * * "longitude 117°08'20" W.)," add "and within 2 miles each side of the Montgomery ILS localizer E course, extending from the 3-mile zone to the outer marker * * *."

[Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65]

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them 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 Los Angeles, California on February 12, 1980.

W. R. Frehse,

Acting Director, Western Region.

[FR Doc. 80–5824 Filed 2–27–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 73

[Airspace Docket No. 79–SO–63]

Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of Restricted Area R–4404 by redesignating the area as R–4404A/B/C. The current boundaries would not be changed. However, the vertical limits of R–4404B would be raised to 14,500 feet MSL. In addition, the time of designation would be changed to "Sunrise to Sunset daily, other times by NOTAM."

DATE: Comments must be received on or before March 31, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 79–SO–63,

Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. Lewis W. Still, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8525.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before March 31, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) that would alter the description of Restricted Area R–4404 by subdividing the area as R–4404A/B/C. In addition, the times of designation would be changed to read "Sunrise to sunset daily, other times by NOTAM." This alteration would allow more flexibility for required training by the U.S. Air Force. Also, nonparticipating aircraft could use portions of this joint use restricted area when not required by the military. The using agency, Commander, Training Wing One, NAS, Meridian, Miss., will serve as lead agency for the purposes of compliance with the National Environmental Policy Act (NEPA). Comments on any land use problems can be addressed to Lt. Comdr. J. A. Douglas, Training One Operations Officer, Naval Air Station, Meridian, Miss. 39301, telephone: (601) 679–2312. Subpart B of Part 73 was republished in the **Federal Register** on January 2, 1980 (45 FR 707).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.44 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (45 FR 707) as follows:

R–4404 Macon, Miss., is rewritten as follows:

R–4404 Macon, Miss.

Boundaries. Beginning at Lat. 33°02'39"N., Long. 88°42'37"W.; to Lat. 33°04'30"N., Long. 88°40'18"W.; to Lat. 33°03'34"N., Long. 88°39'08"W.; to Lat. 33°01'43"N., Long. 88°41'23"W.; to point of beginning.
Designated altitudes. Surface to 11,500 feet MSL.
Time of designation. Sunrise to sunset daily, other times by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commander, Training Wing One, NAS, Meridian, Miss.

R–4404B Macon, Miss.

Boundaries. A circle with a five nautical mile radius centered at Lat. 33°03'11"N., Long. 88°40'41"W.
Designated altitudes. From 1,200 feet AGL to 11,500 feet MSL.
Time of designation. Sunrise to sunset daily, other times by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commander, Training Wing One, NAS, Meridian, Miss.

R–4404C Macon, Miss.

Boundaries. A circle with a five nautical mile radius centered at Lat. 33°03'11"N., Long. 88°40'41"W.
Designated altitudes. 11,500 feet MSL to 14,500 feet MSL.
Time of designation. Sunrise to sunset daily, other times by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commander, Training Wing One, NAS, Meridian, Miss.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); 1354(a)); sec. 6(a), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on February 20, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80–5999 Filed 2–27–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 91

[Docket No. 19793; Notice No. 79–20A]

General Operating and Flight Rules; Airplane Tires; Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of extension of comment period.

SUMMARY: This notice extends the period for submission of public comments on Notice 79–20 relating to airplane tires until March 21, 1980. This action is in response to a petition indicating that persons who may be affected by the proposed regulations need additional time in which to prepare and submit their comments.

DATES: Comments on Notice 79–20 must be received on or before March 21, 1980.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–24), Docket No. 19793; 800 Indpendence Avenue, SW., Washington, D.C. 20591; or be delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 19793. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Mr. Eli S. Newberger, Regulatory Projects Branch (AVS–24), Safety Regulations Staff, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 755–8716.

SUPPLEMENTARY INFORMATION: In Notice 79–20, published in the **Federal Register** on November 29, 1979, 44 FR 68759 the FAA proposed to amend the general operating and flight rules to require the installation of improved airplane tires on certain turbojet-powered transport category airplanes. This notice resulted from incidents involving tire failures on commercial jet airplanes. In that notice the FAA asked for comments from members of the public who desired to participate in the rulemaking process. The original comment period closed on February 27, 1980.

The Air Transport Association petitioned on behalf of its 31 member airlines for an extension of the time for comments on Notice 79–20. The petition states, in pertinent part, that the airlines recognize the impact of this regulatory proposal to be technically and economically significant. However, to comment intelligently on this notice, the airlines are heavily dependent upon inputs from airplane, wheel, and tire manufacturers. The manufacturers completed their study of the notice and in mid February provided the results of their analysis to the airlines. The data provided by the manufacturers included technical information as to the effect of the notice on the airlines and information concerning economic impact and tire availability. Many facts were brought to light which the airlines were not aware of and which significantly affect the airlines' comments on this notice. To provide adequate time for the study of these data and the development of intelligent comments, the petitioner requested that the comment period be extended approximately 23 days beyond the February 27, 1980, deadline to March 21, 1980.

The FAA has reviewed this request and determined that a limited extension of the comment period would afford the public an additional opportunity to furnish comments that should be considered in the development of the final regulations. In view of this, and consistent with the FAA's desire to assure full public participation in its regulatory actions, it is concluded that it is in the public interest to extend the comment period by 23 days.

Accordingly, the comment period for Notice 79–20 is hereby extended from February 27, 1980, to March 21, 1980.

(Secs. 305, 306, 307 313(a), 601, and 1110, Federal Aviation Act of 1958, as amended (49 U.S.C. 1346, 1347, 1348, 1354(a), 1421 and 1522); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 1145 and 1165)

Issued in Washington, D.C., on February 25, 1980.

Jerold M. Chavkin,

Acting Director of Airworthiness.

[FR Doc. 80–6343 Filed 2–27–80; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9105]

Ford Motor Co.; 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 a Dearborn, Mich. motor vehicle manufacturer to cease failing to supply consumers, on request, with "Technical Service Bulletins" which clearly describe engine or transmission problems that could cost over $125; preventative maintenance steps to take; and the extent of any reimbursements or free repairs. The company would be required to establish a toll-free number, and mail to all requesting consumers bulletins that affect their cars. Each car owner must be notified by mail whenever warranty protection covering engine, transmission or other significant problems is extended. The firm would be further required to announce the existence of its automobile information program in various national publications, and copy test all ads before publication to ensure that the required information is communicated as effectively as their regular product advertising. Additionally, the order would require that consumers be advised of the availability of the repair information and possible post-warranty reimbursement for repairs through warranty and owner manuals, dealer showroom posters, and individual mailings to all 1979 and 1980 Ford car owners. Under the terms of the order, the company would be required to follow procedures to insure reimbursement of each owner who incurred expenses for repairs prior notification of adjustment programs; make replacement parts available to dealers; and pay all costs for parts and labor incurred by dealers in repairing specified conditions.

DATE: Comments must be received on or before April 28, 1980.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Paul E. Eyre, Acting Director, 4R, Cleveland Regional Office, Federal Trade Commission, Suite 500-Mall Building, 118 St. Clair Ave., Cleveland, Ohio 44114. (216) 522–4207.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), 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)).

[Docket No. 9105]

Agreement Containing Consent Order

In the matter of Ford Motor Company, a corporation.

This Agreement, by and between Fort Motor Company, a corporation, hereafter sometimes referred to as respondent, by its duly authorized officer, and its attorneys, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures.

1. Respondent Ford Motor Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its executive offices and principal place of business located at The American Road, Dearborn, Michigan 48121.

2. Respondent has been served with the Complaint issued by the Federal Trade Commission, amended thereafter by the Administrative Law Judge, charging it with violations of Section 5 of the Federal Trade Commission Act (15 U.S.C Section 45). Respondent has filed an answer to said Complaint denying the violations alleged in the Complaint.

3. Respondent admits the jurisdictional facts set forth in paragraph four of the Commission's Complaint in this proceeding, and admits that the Commission has jurisdiction to issue the Order contained in this Agreement.

4. Respondent waives the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, further procedural steps and all rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this Agreement. Respondent does not waive the right to seek judicial review or otherwise challenge or contest the validity of (i) any order issued pursuant to section VIII of the Order or (ii) the Commission's failure to reopen or to issue an order responsive to a motion or request pursuant to said section. *Provided, however,* that such waivers shall cease to be effective if the Commission rejects this Agreement or returns this proceeding to adjudication.

5. This Agreement shall not be placed on the public record of the proceeding unless and until it is accepted by the Commission. If this Agreement is accepted by the Commission it, together with related materials referenced in Rule 3.25(f), will be placed on the public record for a period of 60 days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Agreement and so notify the respondent, in which event it will take such action as may be authorized by its Rules, or issue and serve its decision, in disposition of the proceeding.

6. The amended Complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or the Agreement may be used to vary or contradict the terms of the Order.

7. This Agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in the Complaint issued by the Commission, as amended thereafter by the Administrative Law Judge.

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 3.25(f) of the Commission's Rules, the Commission may, without further notice to respondent, (1) issue its decision containing the following Order in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the Order 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. Delivery by the U.S. Postal Service of the decision containing the Order to respondent's address as stated in this Agreement shall constitute service. Respondent waives any right it might have to any other manner of service.

9. Respondent has read the amended Complaint and the Order contemplated hereby. It 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 the Order. Respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

10. By its final acceptance of this Agreement, the Commission waives its right to commence a proceeding or action against respondent seeking consumer redress or other relief under Section 5 or Section 19 of the Federal Trade Commission Act, as amended, with respect to the specific acts or practices alleged in paragraphs NINE through FOURTEEN of the amended Complaint, which occur prior to the date of service of the Order.

Order

I

For the purposes of this order, the following definitions shall apply:

1. "Piston scuffing" is metal-to-metal contact between the pistons and cylinder walls of the engine block in: (a) 2.3 liter engines used in 1974 through 1977 model year vehicles and built by respondent prior to March 1, 1977, and (b) 200/250 CID engines used in 1975 through 1977 model year vehicles and built by respondent between September 9, 1974 and July 2, 1977.

2. "Camshaft/rocker arm wear" is surface scratching or scoring which results from metal-to-metal contact between the camshaft and rocker arms in 2.3 liter engines used in 1974 through 1978 model year vehicles and built by respondent prior to March 1, 1978.

3. "Cracked engine block" is an engine block cracking condition which results in a hairline crack in the tappet valley wall in: (a) 400–W CID engines used in respondent's 1974 through 1977 model year vehicles and containing blocks made prior to March 1, 1977, and (b) 351–M/400–C CID engines used in respondent's 1976 and 1977 model year vehicles containing blocks made prior to March 1, 1977, cast at the Michigan Casting Center.

4. "Vehicle" is a passenger car or a truck with a gross vehicle weight rating no greater than 8,500 pounds.

5. "Affected vehicles" are those which are subject to piston scuffing, camshaft/rocker arm wear, or cracked engine block, as these terms are defined in paragraphs 1, 2 and 3.

6. "Extended policy programs" are, for piston scuffing, the Ford program codes A52, A53, A56 and A57; for camshaft/rocker arm wear, Ford program codes A54 and A55; and for cracked engine block, Ford program codes A60, A61 and A62.

7. "Adjustment program" refers to extended policy programs such as those referenced in paragraph 6 or any other program under which respondent undertakes, on a uniform basis and with eligibility defined in terms of specified time-in-service and/or specified mileage limits and/or specified other terms beyond those stated in respondent's applicable warranty or warranties, to pay for all or any part of the cost of repairing, or to reimburse owners for all or any part of the cost of repairing, any engine or transmission condition, or any condition other than an engine or transmission condition that may substantially affect vehicle durability, reliability or performance, other than service provided under a safety or emission-related recall campaign. This term does not include *ad hoc* adjustments made by respondent on a case-by-case basis and not pursuant to a general commitment to pay for specified services.

8. "Engine" refers to the engine block, cylinder head, all internal engine parts, intake and exhaust manifolds.

9. "Transmission" refers to the transmission case and all internal transmission parts other than the clutch and related parts.

10. "Technical Service Bulletin(s)" is (are) the document(s) or excerpt(s) therefrom issued by the Ford Parts and Service Division pertaining to (a) repair procedures for engine or transmission conditions as to which the cost of repair exceeds the reference cost, or (b) maintenance procedures designed to avoid engine or transmission conditions as to which the cost of repair would exceed the reference cost; or any such document(s) or excerpt(s) issued hereafter which is (are) substantially the same in content and purpose as document(s) now identified as Technical Service Bulletin(s).

BILLING CODE 4310-31—M

TECHNICAL SERVICE BULLETIN

No. (TSB Number)
Component Identification

All vehicles need repairs during their lifetime. Sometimes Ford issues Technical Service Bulletins (TSBs) and easy-to-read explanations describing unusual engine or transmission conditions which may lead to costly repairs. Often a repair now can prevent a more serious repair later. Information provided in TSBs is designed to assist you and your dealer in the correction of unusual conditions. Ford Motor Company and its dealers are pleased to provide you this TSB.

DESCRIPTIVE TITLE

Car Identification

Car lines and model years to which the TSB applies will be listed here.

Description

This section will contain an explanation, in layman's terms, of the service condition addressed in the TSB.

Symptoms of Condition

This section will describe operating conditions that would indicate the possible need to have the vehicle checked for the condition outlined in the TSB.

Consequences

This section will describe the repairs that may be necessary—if inspection and diagnosis are delayed—after the symptoms are first noticed.

Estimated Costs

This section will provide:

Parts Cost: The suggested retail price of the parts required to complete the necessary repair procedures.

Labor Cost: Labor costs will be indicated in terms of time required to complete the repair procedures, and the extension of that time at the National Average Warranty Labor Rate.

Prevention

If there are maintenance or repair steps that can be taken to minimize or avoid the condition addressed in the TSB, those steps will be outlined in this section.

Repair Procedures

Appropriate repair procedure will be provided in this section, including a list of any parts that may be required.

Adjustment Terms

This section will address the issue of payment responsibility.

FORD PARTS AND SERVICE DIVISION

BILLING CODE 4310-31—C

11. "Explanatory material" refers to a document written in a manner reasonably designed to be clear and comprehensible to prospective purchasers and owners generally, containing the following information regarding the repair or maintenance procedures described in the related Technical Service Bulletin, to the extent such information is know to respondent:

(a) A description of the condition;

(b) A description of the symptoms indicating the condition;

(c) The possible consequences of not affecting the indicated procedures for the condition, including the possible consequences of not effecting such procedures in a timely manner;

(d) The estimated cost to the consumer of any such procedures (per respondent's applicable National Average Warranty Labor Rate, respondent's Labor Time Standards Manual and respondent's suggested retail prices for parts or a national mean price for parts);

(e) The steps or possible steps that can be taken to minimize or avoid the condition, including but not limited to maintenance procedures which are specified in the owner's manual but which might otherwise be omitted by the owner;

(f) The proper repair procedure, including the use of upgraded parts, if any; if no upgraded parts exist, a statement that the procedure may have to be repeated if such is the case; and

(g) The terms of any applicable adjustment program.

12. "Dealer" or "dealers" refers to any person, partnership or corporation which, pursuant to a sales and service agreement with respondent, purchases, or receives on consignment, vehicles from respondent for resale or lease to the public, including persons, partnerships, firms or corporations owned or operated by respondent.

13. "Reference cost" means (a) for the first year after service of this order, $125.00; (b) for each succeeding year during which this order or any part thereof remains in effect, $125.00 adjusted by a ratio, the numerator of which is the most recently published monthly Consumer Price index, and the denominator of which is the Consumer Price index for the month in 1980 corresponding to the month of service of this order, such adjustment to be rounded to the nearest dollar. For purposes of paragraph B(1) of section IX, the reference cost is zero.

14. "Cost of repair" refers to a calculation of expected cost to the consumer derived by adding respondent's suggested retail prices for parts or a national mean retail price for parts which are or may be required to accomplish a specified repair and respondent's applicable National Average Warranty Labor rate charges for accomplishing that repair multiplied by the time required to effectuate the repair as determined by respondent's Labor Time Standards Manual.

15. Whenever this order requires that an action be taken within a specified period of time, the month of December shall not be included in the calculation of the specified time.

II

It is Ordered that respondent, Ford Motor Company, its successors and assigns, its officers, agents, representatives, and employees, directly or indirectly or through any corporation, subsidiary, division, or device through which respondent acts in the United States, in connection with the advertising, offering for sale, sale or distribution, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, of any vehicle, do forthwith cease and desist from:

A. Failing to disclose, in a clear and conspicuous manner, in vehicle warranty information booklets, vehicle owner guides, the full-line point-of-sale catalog published by respondent for each of its vehicle divisions, and the point-of-sale catalog published by respondent for each of its vehicle lines, the following two statements:

Ford-Paid Repair Programs After the Warranty Period

Sometimes Ford offers adjustment programs to pay all or part of the cost of certain repairs. These programs are intended to assist owners and are in addition to the warranty or to required recalls. Ask Ford or your dealer about such programs relating to your Ford or Lincoln-Mercury vehicle.

To get copies of any adjustment program for your vehicle or the vehicle of interest to you:

Call Ford toll-free at 1–800–000–0000; Or write Ford at: Ford Parts & Service Division, Post Office Box ——, Dearborn, Michigan 48121.

We'll need your name and address; year, make, and model vehicle, as well as engine size; and whether you have a manual or automatic transmission.

Technical Service Bulletins

All vehicles need repairs during their lifetime. Sometimes Ford issues Technical Service Bulletins (TSBs) and easy-to-read explanations describing unusual engine or transmission conditions which may lead to costly repairs, the recommended repairs, and new repair procedures. Often a repair now can prevent a more serious repair later. Ask Ford or your dealer for any such TSBs and explanations relating to your Ford or Lincoln-Mercury vehicle.

Call Ford toll-free at 1–800–000–0000; Or write Ford at: Ford Parts & Service Division, Post office Box ——, Dearborn, Michigan 48121.

We'll need your name and address; year, make, and model vehicle, as well as engine size; and whether you have a manual or automatic transmission.

* * * * *

B. Failing to mail or cause to be mailed, either upon written request or upon oral request received pursuant to the toll-free telephone procedure described in paragraph B of section III, to requesters in a form which may be retained:

1. Information concerning any adjustment programs applicable to the vehicle(s) identified in the request;

2. Technical Service Bulletins and related explanatory material issued during the then-current model year and the two preceding model years and applicable to the vehicle(s) identified in the request; and

3. Information disclosing respondent's subscription program described in paragraph A of section III.

C. Failing to furnish dealers with the information, Technical Service Bulletins and explanatory material described in paragraph B, along with a means of indexing all such materials by vehicle make, engine size and transmission type in a manner designed to facilitate access to such materials by prospective purchasers and owners on the dealers' premises.

D. Failing to recommend and urge, in writing, that dealers:

1. place the display posters referenced in paragraph F of section IV in conspicuous and accessible locations within the dealer's showroom and service payment area;

2. upon request, provide in a form which may be retained the information, Technical Service Bulletins and material described in paragraph B to the extent applicable to the vehicle(s) of interest to the requester, subject to a reasonable charge for duplication; and

3. provide ready access to all materials described in paragraph B indexed in the manner provided by respondent pursuant to paragraph C.

E. Failing to include in one of respondent's Dealer Personnel Training Tapes each model year information regarding disclosures of adjustment programs, Technical Service Bulletins and explanatory material pursuant to paragraphs A–D, advice regarding the role of dealer personel in making such

disclosures, and the importance of following such advice.

F. Failing to include in an all-dealer letter once in each 6-month period a clear and conspicuous reminder to dealers regarding disclosures of adjustment programs, Technical Service Bulletins and explanatory material pursuant to paragraphs A–D, respondent's recommendations pursuant to paragraph D, and the importance of following such recommendations.

G. Failing to continue respondent's program of issuing Technical Service Bulletins in a manner comparable to the program as it existed in the period 1977 through 1979.

H. Failing to prepare explanatory material.

III

It is further ordered that:

A. Respondent shall implement a program, and shall disclose such program in its vehicle owner guides, whereby persons may purchase a subscription to Technical Service Bulletins and explanatory material applicable to a specified vehicle. Such subscriptions shall be offered at a price not to exceed reasonable costs.

B. Respondent shall establish and maintain a toll-free telephone system designed to accommodate the volume of calls which result from the disclosures made pursuant to this order. The system shall provide that after obtaining a caller's name, address, vehicle year, make and model, engine size and type of transmission, the personnel receiving the call shall offer to mail (and, if requested, shall then cause to be mailed) to the caller the information, Technical Service Bulletins and material described in paragraph B of section II.

IV

It is further ordered that:

A. Respondent shall (a) within 30 days of the adoption of any new adjustment program, notify all dealers and (b) within 120 days of the adoption of said program, subject to priority for safety or emission-related recalls, notify by first-class mail all owners of vehicles within or potentially within said program of the condition and circumstances giving rise to, and the principal terms and conditions of, said program. The notification shall include (to the extent known to respondent) the following information:

(1) a description of the condition;

(2) a description of the symptoms indicating the condition;

(3) the possible consequences of not having the condition repaired, including the possible consequences of not having the condition repaired in a timely manner;

(4) the steps or possible steps (if any) that can be taken to minimize or avoid the condition, including but not limited to maintenance procedures which are specified in the owner's manual but which might otherwise be omitted by the owner; and

(5) the principal terms and conditions of the program.

B. Respondent shall include, in all mailings to owners pursuant to paragraph A, the disclosure statements, set forth clearly and conspicuously, required in paragraph A of section II, or the substantial equivalents thereof covering the same information.

C. Within 60 days of the date of service of this order, subject to priority for safety or emission-related recalls, respondent shall mail to all owners of 1979 and 1980 model year Ford and Lincoln-Mercury vehicles, determined from respondent's North American Vehicle Information Systems (NAVIS) records, a letter explaining and promoting the existence, availability, and benefits of respondent's adjustment program and Technical Service Bulletin information systems provided for in sections II and III. Such letter shall include the disclosure statements, set forth clearly and conspicuously, required in paragraph A of section II or the substantial equivalents thereof covering the same information. A further mailing will be made, if necessary, to cover additional owners purchasing 1980 model year Ford and Lincoln-Mercury vehicles after the date of service of this order and reported in respondent's NAVIS records prior to November 1, 1980. This further mailing will be completed by December 31, 1980, subject to priority for safety or emission-related recalls.

D. In each issue of "Ford Times" beginning with an issue published no later than 6 months after the date of service of this order, respondent shall include a full-page advertisement containing the disclosure statements set forth in paragraph A of section II or the substantial equivalents thereof concerning the same information. In one such issue published during each 6-month period following the first issue that contains said advertisement, respondent shall include an article on service and maintenance tips that include information regarding any adjustment programs and Technical Service Bulletins adopted or published during the preceding 6-month period.

E. At least 5 times in the first year after the date of service of this order, at least 3 times in the second year and at least once in each year thereafter, respondent shall place and cause to be disseminated, in the national full-circulation editions of *Time, Newsweek, U.S. News & World Report, Sports Illustrated, People* and *Reader's Digest* magazines, full-page advertisements devoted to explaining and promoting the existence, availability and benefits of respondent's adjustment program and Technical Service Bulletin information systems provided for in sections II and III. Such advertisements shall include the toll-free telephone number required by paragraph B of section III.

Prior to placement of the first such advertisement, respondent shall conduct, or cause to be conducted, copy testing of said advertisement using a population representative of potential purchasers of Ford vehicles and employing the so-called "Group Depth Interview" or "Focus Group" method of copy testing, designed and implemented in accordance with respondent's usual procedures for such research under the direction of an outside research organization or consultant generally recognized as competent and experienced in this field and used by respondent for other advertising research. Said organization or consultant shall submit to respondent a report on the effectiveness of the tested advertisement, and said advertisement shall meet respondent's obligations under this paragraph if, on the basis of said report and applying criteria customarily applied to respondent's product advertising, the advertisement effectively communicates (a) that Ford makes information available which tells consumers about unexpected repairs or repair procedures which might save a consumer money, (b) how consumers can get information on programs and bulletins, and (c) that Ford sometimes has programs after the warranty expires under which it pays all or part of the costs of certain repairs.

In the event any subsequent advertisement prepared pursuant to this paragraph differs significantly from the first advertisement disseminated in accordance with this paragraph, respondent shall conduct or cause to be conducted copy testing of such subsequent advertisement in the same manner and for the same purpose as described above.

F. Within 120 days of the date of service of this order and each 24 months thereafter, respondent shall furnish to its dealers display posters at least 30"×40" in size explaining and promoting the existence, availability and benefits of respondent's adjustment program and Technical Service Bulletin information systems provided for in sections II and

III, and including the disclosure statements, set forth clearly and conspicuously, required in paragraph A of section II or the substantial equivalents thereof covering the same information.

V

It is further ordered that under the terms and conditions of each adjustment program respondent shall implement and follow procedures to insure reimbursement of each owner who incurred expenses for repair of the condition subject to the program prior to notification thereof, comparable to the procedures for reimbursement included in respondent's extended policy programs for piston scuffing, camshaft/rocker arm wear, and cracked engine blocks, adjusted to fit the circumstances, terms and conditions of the particular program in question.

VI

It is further ordered that respondent shall pay one hundred percent of the cost of parts and labor incurred by dealers to repair the conditions known as piston scuffing, camshaft/rocker arm wear, and cracked engine blocks in affected vehicles in accordance with the procedures and subject to the terms set forth in the applicable extended policy programs for those conditions.

VII

It is further ordered that respondent shall make upgraded replacement parts available to all dealers in quantities adequate to meet the reasonably anticipated need for such parts to enable dealers to perform repairs pursuant to section VI and the extended policy programs referenced therein, and also pursuant to any future adjustment programs within the terms of paragraph A of section IV, subject to *force majeure,* labor disruptions, lack of productive capacity, and other causes outside respondent's control.

VIII

It is further ordered that section II, III, IV, V and VII shall expire 8 years after the date of service of this order; *provided,* that if at any time during which said sections remain in effect the Commission issues a final trade regulation rule imposing obligations on the automobile industry comparable to those imposed under any such section(s), such section(s) shall terminate upon the effective date of such rule, and in such event respondent shall advise the Commission of its intention to rely on any such rule as having terminated and superceded such section(s) of this order 30 days in advance of reliance thereon; *provided further,* that if at any time during which said section(s) remain in effect the Commission issues a final guide under Sections 1.5 and 1.6 of the Commission's Rules of Practice imposing obligations on the automobile industry comparable to those imposed under any such section, then the Commission shall, upon respondent's motion or upon its own motion, reopen this proceeding withi 120 days of such motion and within a reasonable time thereafter vacate any such section(s) of this order unless the Commission finds that such action is not in the public interest; and *provided further,* that nothing herein shall preclude respondend at any time from moving the Commission to alter, modify, or set aside this order under the Commission's Rules of Practice.

IX

It is further ordered that:

A. Respondent shall, within 120 days after the date of service 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.

B. During the time that sections II, III, IV, V, and/or VII remain(s) in effect, respondent shall transmit to the Commission upon request:

(1) a copy of each Technical Service Bulletin, together with any accompanying explanatory material required by paragraph H of section II;

(2) a copy of each communication to dealers or owners regarding an adjustment program;

(3) tearsheets, together with any copy test results, of each advertisement disseminated pursuant to paragraph E of section IV; and

(4) a copy of each poster furnished to dealers pursuant to paragraph F of section IV.

C. Respondent shall, 1 year after the date of service of this order and each year thereafter that sections II, III, IV, V, and/or VII remain(s) in effect, file with the Commission a report, in writing, setting forth the following:

(1) For each condition subject to a Technical Service Bulletin:

(a) To the extent known to respondent, a description of the nature and extent of the condition, the causes of the condition, and the parts necessary to repair the condition, identifying each part by generic name and service part number.

(b) The identification of vehicles and components thereof potentially subject to each condition:

i. vehicles shall be identified by model year, car line, the inclusive dates (month and year) of manufacture, and any other information necessary to describe the vehicles.

ii. components shall be identified by generic name (*e.g.,* cylinder block), service part number, and, if applicable, the inclusive dates (month and year) of manufacture, and any other information necessary to describe the component.

(c) The total number of vehicles stated by model year and vehicle line potentially subject to each condition.

(2) For each model year and vehicle line identified pursuant to paragraph C, disclose the total number of vehicles manufactured.

(3) Unit sales of replacement parts for each component identified pursuant to paragraph C, for the affected model year(s), and for the preceding 3 model years.

D. Once during the term of this order respondent shall file with the Commission a report setting forth in good faith its best estimates of (a) the costs and benefits, to respondent and to the public, of the obligations imposed by this order, and (b) the extent to which dealers have displayed posters furnished to dealers pursuant to paragraph F of section IV and have provided access to Technical Service Bulletins and related explanatory material furnished by respondent as required by paragraph C of section II. Said report shall be filed within 6 months of respondent's receipt of a request therefor from the Commission or its staff and said report shall cover the period from the date of service of this order until the date of this request. Respondent shall make all underlying documents and data relating to the "cost and benefits" part of said report and used in the preparation of said report available for inspection on reasonable notice by authorized representatives of the Federal Trade Commission.

If copies of any such materials are requested by such representatives, respondent may, at its option, either make such materials available to such representatives for copying purposes or provide copies at either (i) rates the Commission charges for copies of materials released pursuant to the Freedom of Information Act or (ii) respondent's costs, whichever is lower.

E. Respondent shall:

(1) for 2 years after sections II, III, IV, V and VII cease to be effective, retain records that contain the information described in paragraphs B and C; and

(2) retain records relative to the manner and form of its continuing compliance with sections II, III, IV, V, VI and VII for a period of 3 years and make said records available for inspection on reasonable notice by authorized

representatives of the Federal Trade Commission.

If copies of any such records are requested by such representatives, respondent may, at its option, either make such records available to such representatives for copying purposes or provide copies at either (a) rates the Commission charges for copies of records released pursuant to the Freedom of Information Act, or (b) respondent's costs, whichever is lower.

F. During the time that sections II, III, IV, V and /or VII remain in effect, respondent shall notify the Commission prior to any change in its corporate structure, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

G. Respondent shall forthwith distribute a copy of this order to its Ford, Lincoln-Mercury, Ford Parts and Service Divisions and dealers.

X

It is further ordered that the provisions of this order shall be limited in their application to the United States.

Separate Statement of Commissioner Pitofsky

I have withheld my vote on acceptance of this proposed consent order with Ford in order to have the benefit of information that should develop during the period the order is put out for public comment.

This order is an unusual and innovative approach to problems of possible design defects in automobiles not covered by warranties. As to previously alleged discovered defects—that is, the piston scuffing, camshaft/rocker arm and cracked engine block issues that are involved in this proceeding—it is clear that Ford under the order will continue to pay the expenses for necessary post-warranty repairs.

As to future defects that may occur, however, the essential approach of the order is not to require the manufacturer to advise consumers of concealed defect conditions that come to its attention, but rather to make available in the marketplace a good deal of mechanical information which consumers can then use to diagnose their automotive problems and attend to them. It is extremely difficult to predict, however, whether Ford's proposed program of magazine ads is likely to make average consumers aware of sources of mechanical information about their cars, whether they are likely to seek out that information (by subscribing to Ford's technical bulletins, seeking them out at Ford dealers or making toll-free phone calls to Ford), and whether consumers would be likely to understand and use to their advantage the kind of automotive information they would be able to obtain.

An alternative approach to disclosure of possible defects would be direct mail notification to owners of particular models and makes of cars that the cars may have certain described problems—a form of consumer alert that should be more effective in notifying consumers about defects. On the other hand, direct notification may be unduly costly.

Comments on these questions should not only be valuable in assessing the benefits of this settlement, to consumers, but generally helpful in assisting the Commission to develop a program to deal with possible major and costly defect conditions in automobiles, appliances and other big-ticket items.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Ford Motor Company.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this 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 from the agreement or make final the agreement's proposed order.

The Complaint in this matter alleges that Ford Motor Company knew about certain latent defects in its cars but failed to disclose this knowledge to car owners or prospective purchasers. Further, Ford sometimes had programs to fix those defects free or at reduced prices, but did not disclose the programs directly to owners. In addition, the Complaint alleges that Ford, in spite of its knowledge of the defects, continued to advertise its cars as reliable, durable and tough, and continued to sell them without telling purchasers about the defects. These practices, the Complaint alleges, are unfair and deceptive.

The proposed Order between Ford and Federal Trade Commission covers four basic areas:

(1) Release of Technical Service Bulletins to interested parties.

(2) Direct mail notification to owners of vehicles covered by extended warranty programs, called adjustment programs in the Order, and release of this information to other interested parties.

(3) Establishing a mechanism for releasing this information.

(4) An advertising program to make the public aware of the availability of this information.

Technical Service Bulletins

After a model is available to the public, Ford continues to gather information regarding the performance and operation of that model. Sometimes this information leads Ford to issue Technical Service Bulletins. These TSBs, as they are called, outline problems or potential problems and ways of dealing with them. Sometimes they merely describe new, easier or more effective repair procedures.

Previously Ford distributed TSBs only to its dealers. Under the Order, Ford will make some, but not all, TSBs available to interested parties. The TSBs which will be available are those covering engine or transmission repairs costing $125 or more. This $125 can mean either the cost of the repair itself, or the amount of damage that will occur if the repair is not made. In addition, since the TSBs are often written in technical language, Ford must furnish easy-to-read explanatory material with each TSB.

Adjustment Programs

Sometimes Ford institutes policies or programs to cover all or part of the cost of certain repairs after the warranty period expires. These are called Adjustment Programs. In the past, some consumer groups and the media have called such programs "secret warranties," because consumers had to depend on their dealer for information about the various programs. Under the Order, Ford will directly notify owners of vehicles covered by any future adjustment program. The information will also be available to interested parties in the same manner TSBs are made available. Not all adjustment programs must be disclosed under the Order; only those affecting the engine or transmission or otherwise affecting the performance, reliability or durability of the vehicle. Adjustment programs on trim items, for example, would not have to be disclosed.

Mechanism

Under the Order Ford will set up a nationwide toll-free telephone line to take inquiries and requests for Technical Service Bulletins and Adjustment Program information.

The information will also be available by writing to Ford.

Ford dealers will have copies of the information available to read at the dealership, and will provide low cost copies to consumers who request them.

Ford will also set up a subscription service for TSBs, but there may be a charge for such subscriptions.

Advertising

Ford will run full-page advertisements in six national magazines (*Time, Newsweek, U.S. News & World Report, Sports Illustrated, People* and *Reader's Digest*)—five in the first year of the Order, three in the second, and one each succeeding year—promoting the availability of these programs. Dealers will also have showroom posters promoting the programs. Owners manuals, point-of-sale brochures, and letters to 1979 and 1980 model Ford and Lincoln-Mercury owners will also spell out and explain what information is available and how it can be obtained.

Effects of the Order

These information programs should benefit all consumers ultimately and Ford owners and prospective purchasers immediately.

The owner of a Ford vehicle will now be notified if his vehicle is covered by a future adjustment program under which Ford will pick up all or part of the cost of repairs. In addition, the owner can use the information regarding past adjustment programs and Technical Service Bulletins to better maintain his vehicle better or minimize future repair costs.

Prospective purchasers can now avail themselves of the TSBs and adjustment program information relating to a particular vehicle—new or used—they are considering. This should lead to a more informed purchase decision.

Independent auto mechanics will now be able to enjoy some of the same technical information previously available only to dealers. Both the mechanics and Ford vehicle owners should benefit from lower repair costs and most efficient repairs.

The availability of this information from Ford may lead other manufacturers to adopt similar information sharing programs in order to compete in the marketplace.

The purpose of this analysis is to facilitate public comment on the proposed order, and its not intended to constitute an official intrepretation of the agreement and proposed order to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 80-6159 Filed 2-27-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM79-64]

Revised Requirements for Filing Changes in Electric Rate Schedules and for the Preparation and Submittal of Supporting Data

Correction

In FR Doc. 80-5652 appearing on page 11817 in the issue of Friday, February 22, 1980, in the "DATES" paragraph, the due date for comments should have read "April 14, 1980" instead of "April 1, 1980".

BILLING CODE 1505-01-M

18 CFR Part 282

[Docket No. RM80-18]

Treatment Under the Incremental Pricing Program of Natural Gas Used as Boiler Fuel To Raise Steam Which Forms a Step in the Manufacturing Process for Fertilizer; Opportunity To Comment on Whether a Rulemaking Proceeding Should be Established

February 21, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Opportunity to Comment on Whether a Rulemaking Proceeding Should be Established.

SUMMARY: This Notice is issued for the purpose of providing further public notice of the annoucement which was contained in Order No. 49-A, issued December 27, 1979, in Docket No. RM79-14 (45 FR 767, 769, January 3, 1980). The Commission hereby requests comments on whether a rulemaking should be initiated with regard to the treatment under the incremental pricing progam of the boiler fuel use of natural gas to raise steam which forms an integral part in the manufacturing process of fertilizer.

DATE: Comments due March 31, 1980.

ADDRESS: All comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. (Reference Docket No. RM80-18).

FOR FURTHER INFORMATION CONTACT: Barbara K. Christin, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 8113, Washington, D.C. 20426, (202) 357-8079.

SUPPLEMENTARY INFORMATION:

I. Background

In Order No. 49-A[1] issued in Docket No. RM79-14, *Regulations Implementing the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978* (December 27, 1979 (45 FR 767, January 3, 1980)), the Federal Energy Regulatory Commission (Commission) announced the opening of a docket to receive comments on whether a rulemaking proceeding should be established with respect to an exemption from incremental pricing for the natural gas used as boiler fuel to raise steam which in turn is used as an integral part of the manufacturing process of fertilizer. Such an exemption was discussed at pages 8-10 of the order (page 769 in the **Federal Register**).

This Notice is issued for the purpose of providing further public notice of the announcement which was contained in Order No. 49-A.

II. Discussion

Section 206(b) of the NGPA provides that, for the period until May 9, 1980, all natural gas consumed as boiler fuel for an "agricultural use" as defined in section 206 is exempt from incremental pricing surcharges. The definition of "agricultural use" does not include natural gas used as boiler fuel in the production of certain agricultural products, *i.e.*, fertilizer, agricultural chemicals, animal feed, or food. For these products, section 206(b) provides that only the natural gas used as process fuel or feedstock shall be considered to be consumed for an "agricultural use."[2]

As noted in Order No. 49-A, letters have been submitted to the Commission on behalf of Nitram, Inc., a manufacturer of ammonium nitrate fertilizer, requesting that the Commission define "process fuel," as it appears in the section 206(b) definition of "agricultural

[1] Order Granting in Part and Denying in Part Petitions for Rehearing, Reconsideration, Modification, or Clarification, Amending Regulations, and Denying Motions to Waive Regulations and Accept Late-Filed Petitions.

[2] The exemption for natural gas used as process fuel or feedstock would become significant if, under Phase II of the incremental pricing program, the Commission were to expand the scope of incremental pricing to include all industrial uses of natural gas except those specifically exempted by Title II of the NGPA. The Phase II regulations must be adopted by the Commission by May 9, 1980. *See* Docket No. RM80-10, Notice of Proposed Rulemaking (November 15, 1979 (44 FR 67170, November 23, 1979)).

use," to include natural gas used as boiler fuel where the steam raised by the boiler forms an integral step in the process required to manufacture the final product. In addition, the Commission has received a letter from Vertac Chemical Corporation,[3] a manufacturer of agricultural chemicals and fertilizer, in which it is argued that the natural gas used as boiler fuel by the agricultural chemical/fertilizer industry should be exempt from incremental pricing. Vertac alleges that, since a particular facet of the fertilizer industry, ammonia, uses natural gas primarily as process fuel or feedstock (and not as boiler fuel), the rest of the fertilizer industry is placed at a competitive disadvantage when it is subject to being incrementally priced for its use of natural gas as boiler fuel.

III. Comments Requested

The Commission requests comments on all aspects of this Notice. The Commission particularly invites comments on the following issues:

1. Is the Commission legally empowered to define process use to include some boiler fuel uses of natural gas, as requested by Nitram? In considering the question, commenters are asked to consider the statutory definition of boiler fuel use set forth in section 201(c)(2) of the NGPA [4] as well as the definitions of process gas and boiler fuel set out in § 2.78(c)(8) and (9) of the Commission's regulations.[5]

2. Assuming that, for purposes of incremental pricing, the Commission is free to define "process fuel" as requested by Nitram, would that definition be appropriate, or would some other definition be preferable in the context of a generic rulemaking?

3. How does the above-described use of natural gas in boilers (*i.e.*, "to raise steam which is an integral part of the manufacturing process of a product") differ from other, non-exempt boiler fuel uses of natural gas? How many other types of processes would come under this description of boiler fuel?

4. If a rulemaking proceeding is established in this docket, should the Commission proceed by proposing a definition of process use, or by proposing an exemptive rule under authority of section 206(d) of the NGPA to exempt all boiler fuel use of natural gas by the agricultural chemical/fertilizer industry, as requested by Vertac?[6]

5. If a rulemaking proceeding is established in this docket, should the exemption for certain boiler fuel uses be limited to the fertilizer industry, or should it be extended to include the production of agricultural chemicals, animal feed, and food?

6. Assuming that, for purposes of incremental pricing, a definition of process fuel similar to that proposed by Nitram were adopted by the Commission, how many additional facilities, or how much more natural gas would become exempt from incremental pricing, if the definition applied to: (a) only the fertilizer industry? (b) all agricultural chemical facilities?

7. If a revised definition of process fuel were adopted as requested, or if an exemption were granted under section 206(d), would the savings in natural gas costs represented by an exemption from incremental pricing surcharges be passed along to users of fertilizers and agricultural chemicals?

IV. Written comments

Interested persons are invited to submit written comments, data, views, or arguments with respect to this Notice. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should reference Docket No. RM80–18. An original and 14 copies should be filed. All comments received on or before March 31, 1980, will be considered by the Commission. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection through the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426, during regular business hours.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–6149 Filed 2–27–80; 8:45 am]

BILLING CODE 6450–85–M

[3] Vertac Chemical Corporation also filed with the Commission on December 11, 1979, Petitions for Interim and Permanent Relief/Exemption from Incremental Pricing Provisions Pursuant to Section 206(d) and Section 502(c) of the NGPA, Docket No. SA80–62 and Docket No. SA80–63, respectively. On January 11, 1980, an order granting interim relief under section 502(c) was issued in Docket No. SA80–63.

[4] Section 201(c)(2) of the NGPA states:

(2) *Boiler fuel use*—The term "boiler fuel use" means the use of any fuel for the generation of steam or electricity.

[5] 18 CFR 2.78(c) provides that, for curtailment purposes, the following terms are defined as follows:

(8) *Process gas.* Is defined as gas use for which alternate fuels are not technically feasible such as in applications requiring precise temperature controls and precise flame characteristics. For the purposes of this definition propane and other gaseous fuels shall not be considered alternate fuels.

(9) *Boiler fuel.* Is considered to be natural gas used as a fuel for the generation of steam or electricity, including the utilization of gas turbines for the generation of electricity.

These definitions are reflected in many interstate pipeline tariffs and are applied in numerous Commission orders and Court decisions.

[6] If an exemptive rule were adopted by the Commission as a final rule, it would, be the terms of section 206(d), have to be submitted to the Congress for its review and possible one-House disapproval prior to becoming effective.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE–167–78]

Self-Insured Medical Reimbursement Plans; Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to self-insured medical reimbursement plans. Changes to the applicable tax law were made by the Revenue Act of 1978. These regulations would provide necessary guidance to the public for compliance with the law and would affect both employers who maintain self-insured medical reimbursement plans and certain employees who receive medical benefits under these plans.

DATES: Written comments and requests for a public hearing must be delivered or mailed by April 28, 1980. The amendments are proposed to be effective for taxable years beginning after December 31, 1979, and for amounts reimbursed after December 31, 1979. However, transitional rules are provided for plan years, beginning in 1979 and ending in 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (EE–167–78) Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Kevin W. Cobb of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3430) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 105(h) of the Internal Revenue Code of 1954. Section 105(h) was added by section 366 of the Revenue Act of 1978 (92 Stat. 2855). The amendments are to be issued under the authority

contained in sections 105(h) and 7805 of the Internal Revenue Code of 1954 (92 Stat. 2855, 68 Stat. 917; 26 U.S.C. 105(h) and 7805).

Self-Insured Medical Reimbursement Plan

Code section 105(h) provides nondiscrimination standards for self-insured medical reimbursement plans maintained by employers for employees. In general, a self-insured medical reimbursement plan in a plan which provides for the reimbursement of medical expenses incurred by an employee, the employee's spouse or the employee's dependents, as defined in section 152. A plan (or a portion thereof) is self-insured if the reimbursement benefits are not provided under a policy of accident or health insurance issued by a licensed insurance company. In order for reimbursements to highly compensated individuals to be excludable from gross income under section 105(b), a self-insured plan must satisfy certain requirements relating principally to nondiscrimination in plan benefits and eligibility to participate.

Prohibited Discrimination

A self-insured medical reimbursement plan may not discriminate in favor of highly compensated individuals as to plan benefits and eligibility to participate. In general, a plan must cover a nondiscriminatory group of employees. The coverage requirements are similar to those applicable to qualified pension plans.

In addition, the benefits provided by the plan are subject to nondiscrimination requirements. A plan does not meet the requirements for nondiscriminatory benefits unless all benefits provided for participants who are highly compensated individuals are also provided for all other participants. If the plan does not satisfy the nondiscrimination requirements, all or a portion of the benefits paid to highly compensated individuals are includable in the gross income of those employees.

Technical Corrections Act of 1979

The proposed amendments assume that the Technical Corrections Act of 1979 will be enacted. If it is not enacted, revisions will be made when final regulations are issued.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulations is Kevin W. Cobb of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed amendments to the regulations

The proposed amendments to 26 CFR Part 1 are as follows:

There is added in the appropriate place the following new section.

§ 1.105-7 Self-insured medical reimbursement plan.

(a) *In general.* Under section 105(a), amounts received by an emloyee through a self-insured medical reimbursement plan which are attributable to contributions of the employer, or are paid by the employer, are included in the employee's gross income unless such amounts are excludable under section 105(b). For amounts reimbursed to a highly compensated individual to be fully excludable from such individual's gross income under section 105(b), the plan must satisfy the requirements of section 105(h) and this section. Section 105(h) is not satisfied if the plan discriminates in favor of highly compensated individuals as to eligibility to participate or benefits. All or a portion of the reimbursements or payments on behalf of such individuals under a discriminatory plan are not excludable from gross income under section 105(b). However, benefits paid to participants who are not highly compensated individuals may be excluded from gross income if the requirements of section 105(b) are satisfied, even if the plan is discriminatory.

(b) *Self-insured medical reimbursement plan*—(1) *Definition.* A self-insured medical reimbursement plan is a separate written plan for the benefit of employees which provides for reimbursement of employee medical expenses referred to in section 105(b). A plan or arrangement is self-insured unless reimbursement is provided under an individual or group policy of accident or health insurance issued by a licensed insurance company or under an arrangement in the nature of a prepaid health care plan. A plan underwritten by a policy of insurance or a prepaid health care plan which does not involve the shifting of risk is considered self-insured for purposes of this section. Accordingly, a plan underwritten by a policy of insurance issued by a captive insurance company, an experience-rated policy providing no shifting of risk, or a policy which in effect merely provides administrative or bookkeeping services, is considered self-insured for purposes of this section. In addition, this section applies to a self-insured medical reimbursement plan maintained by an employee organization described in section 501(c)(9).

(2) *Other rules.* The rules of this section apply to a self-insured portion of an employer's medical plan or arrangement even if the plan is in part underwritten by insurance. For example, if an employer's medical plan reimburses employees for benefits not covered under the insured portion of an overall plan, or for deductible amounts under the insured portions, such reimbursement is subject to the rules of this section. However, a plan which reimburses employees for premiums paid under an insured plan is not subject to this section. In addition, medical expense reimbursements not described in the plan are not paid pursuant to a plan for the benefit of employees, and therefore are not excludable from gross income under section 105(b). Such reimbursements will not affect the determination of whether or not a plan is discriminatory.

(c) *Prohibited discrimination*—(1) *In general.* A self-insured medical reimbursement plan does not satisfy the requirements of section 105(h) and this paragraph for a plan year unless the plan satisfies subparagraphs (2) and (3) of this paragraph. However, a plan does not fail to satisfy the requirements of this paragraph merely because benefits under the plan are offset by benefits paid under a self-insured or insured plan of the employer or another employer, or by benefits paid under Medicare or other Federal or State law. A self-insured plan may take into account the benefits provided under another plan only to the extent that the benefit subject to reimbursement is the same under both plans. For example, an amount reimbursed to an employee for a hospital expense under a medical plan maintained by the employer of the employee's spouse may be offset against the self-insured benefit where the self-insured plan covering the employee provides the same hospital expense benefit.

(2) *Eligibility to participate.*—(i) *Percentage test.* A plan satisfies the requirements of this subparagraph if it benefits—

(A) Seventy percent or more of all employees, or

(B) Eighty percent or more of all the employees who are eligible to benefit under the plan if 70 percent or more of all employees are eligible to benefit under the plan.

(ii) *Classification test.* A plan satisfies the requirements of this subparagraph if it benefits such employees as qualify under a classification of employees set up by the employer which is found by the Internal Revenue Service not to be discriminatory in favor of highly compensated individuals. In general, this determination will be made based upon the facts and circumstances of each case, applying the same standards as are applied under section 410(b)(1)(B) (relating to qualified pension, profit-sharing and stock bonus plans), without regard to the special rules in section 401(a)(5) concerning eligibility to participate.

(iii) *Exclusion of certain employees.* Under section 105(h)(3), for purposes of subparagraph (2) of this section, there may be excluded from consideration:

(A) Employees who have not completed 3 years of service prior to the beginning of the plan year. For purposes of this section years of service may be determined by any method that is reasonable and consistent. A determination made in the same manner as a year of service is determined under section 410(a)(3) shall be deemed to be reasonable. For purposes of the 3-year rule, all of an employee's years of service with the employer prior to a separation from service are not taken into account.

(B) Employees who have not attained age 25 prior to the beginning of the plan year.

(C) Part-time employees whose customary weekly employment is less than 35 hours, if other employees in similar work have substantially more hours, and seasonal employees whose customary annual employment is less than 9 months, if other employees in similar work have substantially more months.

(D) Employees who are included in a unit of employees covered by an agreement between employee representatives and one or more employers which the Commissioner finds to be a collective bargaining agreement, if accident and health benefits were the subject of good faith bargaining between such employee representatives and such employer or employers. For purposes of determining whether such bargaining occurred, it is not material that such employees are not covered by another medical plan or that the plan was not considered in such bargaining.

(E) Employees who are nonresident aliens and who receive no earned income (within the meaning of section 911 (b) and the regulations thereunder) from the employer which constitutes income from sources within the United States (within the meaning of section 861 (a) (3) and the regulations thereunder).

(3) *Nondiscriminatory benefits*—(i) *In general.* In general, benefits subject to reimbursement under a plan must not discriminate in favor of highly compensated individuals. Plan benefits will not satisfy the requirements of this subparagraph unless all the benefits provided for participants who are highly compensated individuals are provided for all other participants. This test is applied to the benefits subject to reimbursement under the plan rather than the actual benefit payments or claims under the plan. The presence or absence of such discrimination will be determined by considering the type of benefit subject to reimbursement provided highly compensated individuals, as well as the amount of the benefit subject to reimbursement. A plan may establish a maximum limit for the amount of reimbursement which may be paid a participant for any single benefit, or combination of benefits. However, any maximum limit must be uniform for all participants, and may not be modified by reason of a participant's age or years of service. In addition, if a plan covers employees who are highly compensated individuals, and the type or the amount of benefits subject to reimbursement under the plan are in proportion to employee compensation, the plan discriminates as to benefits.

(ii) *Discriminatory operation.* Not only must a plan not discriminate on its face in providing benefits in favor of highly compensated individuals, the plan also must not discriminate in favor of such employees in actual operation. The determination of whether plan benefits discriminate in operation in favor of highly compensated individuals is made on the basis of the facts and circumstances of each case. A plan is not considered discriminatory merely because highly compensated individuals participating in the plan utilize a broad range of plan benefits to a greater extent than do other employees participating in the plan. In addition, if a plan (or a particular benefit provided by a plan) is terminated, the termination would cause the plan benefits to be discriminatory if the duration of the plan (or benefit) has the effect of discriminating in favor of highly compensated individuals. Accordingly, the prohibited discrimination may occur where the duration of a particular benefit coincides with the period during which a highly compensated individual utilizes the benefit.

(d) *Highly compensated individuals defined.* For purposes of section 105 (h) and this section, the term "highly compensated individual" means an individual who is—

(1) One of the 5 highest paid officers,

(2) A shareholder who owns (with the application of section 318) more than 10 percent in value of the stock of the employer, or

(3) Among the highest paid 25 percent of all employees (including the 5 highest paid officers, but not including employees excludable under paragraph (c)(2)(iii) of this section who are not participants).

The status of an employee as an officer or stockholder is determined with respect to a particular benefit on the basis of the employee's officer status or stock ownership at the time during the plan year at which the benefit is provided. In calculating the highest paid 25 percent of all employees, the number of employees included will be rounded to the next highest number. For example, if there are 5 employees, the top two are in the highest paid 25 percent. The level of an employee's compensation is determined on the basis of the employee's compensation for the plan year.

(e) *Excess reimbursement of highly compensated individual)*—(1) *In general.* For purposes of section 105(h) and this section, a reimbursement paid to a highly compensated individual is an excess reimbursement if it is paid pursuant to a plan that fails to satisfy the requirements of paragraph (c)(2) or (c)(3) for the plan year. The amount reimbursed to a highly compensated individual which constitutes an excess reimbursement is not excludable from such individual's gross income under section 105(b).

(2) *Discriminatory benefit.* In the case of a benefit available to highly compensated individuals but not to all other participants (or which otherwise discriminates in favor of highly compensated individuals as opposed to other participants), the amount of excess reimbursement equals the total amount reimbursed to the highly compensated individual with respect to the benefit.

(3) *Discriminatory coverage.* In the case of benefits (other than discriminatory benefits described in subparagraph (2)) paid to a highly

compensated individual under a plan which fails to satisfy the requirements of paragraph (c)(2) relating to nondiscrimination in eligibility to participate, the amount of excess reimbursement is determined by multiplying the total amount reimbursed to the individual by a fraction. The numerator of the fraction is the total amount reimbursed during that plan year to all highly compensated individuals. The denominator of the fraction is the total amount reimbursed during that plan year to all participants. In computing the fraction and the total amount reimbursed to the individual, discriminatory benefits described in subparagraph (2) are not taken into account. Accordingly, any amount which is included in income by reason of the benefit's not being available to all other participants will not be taken into account.

(4) *Examples.* The provisions of this paragraph are illustrated by the following examples:

Example (1). Corporation M maintains a self-insured medical reimbursement plan which covers all employees. The plan provides the following maximum limits on the amount of benefits subject to reimbursement: $5,000 for officers and $1,000 for all other participants. During a plan year Employee A, one of the 5 highest paid officers, received reimbursements in the amount of $4,000. Because the amount of benefits provided for highly compensated individuals is not provided for all other participants, the plan benefits are discriminatory. Accordingly, Employee A received an excess reimbursement of $3,000 ($4,000–$1,000) which constitutes a benefit available to highly compensated individuals, but not to all other participants.

Example (2). Corporation N maintains a self-insured medical reimbursement plan which covers all employees. The plan provides a broad range of medical benefits subject to reimbursement for all participants. However, only the 5 highest paid officers are intitled to dental benefits. During the plan year Employee B, one of the 5 highest paid officers, received dental payments under the plan in the amount of $300. Because dental benefits are provided for highly compensated individuals, and not for all other participants, the plan discriminates as to benefits. Accordingly, Employee B received an excess reimbursement in the amount of $300.

Example (3). Corporation O maintains a self-insured medical reimbursement plan which discriminates as to eligibility by covering only the highest paid 40% of all employees. Benefits subject to reimbursement under the plan are the same for all participants. During a plan year Employee C, a highly compensated individual, received benefits in the amount of $1,000. The amount of excess reimbursement paid Employee C during the plan year will be calculated by multiplying the $1,000 by a fraction determined under subparagraph (3).

Example (4). Corporation P maintains a self-insured medical reimbursement plan for its employees. Benefits subject to reimbursement under the plan are the same for all plan participants. However, the plan fails the eligibility tests of section 105 (h) (3) (A) and thereby discriminates as to eligibility. During the 1980 plan year Employee D, a highly compensated individual, was hospitalized for surgery and incurred medical expenses of $4,500 which were reimbursed to D under the plan. During that plan year the Corporation P medical plan paid $50,000 in benefits under the plan, $30,000 of which constituted benefits paid to highly compensated individuals. The amount of excess reimbursement not excludable by D under section 105 (b) is $2,700

$$\left(\$4,500 \times \frac{\$30,000}{\$50,000}\right)$$

Example (5). Corporation Q maintains a self-insured medical reimbursement plan for its employees. The plan provides a broad range of medical benefits subject to reimbursement for participants. However, only the five highest paid officers are entitled to dental benefits. In addition, the plan fails the eligibility test of section 105 (h) (3) (A) and thereby discriminates as to eligibility. During the calendar 1981 plan year, Employee E, a highly compensated individual, received dental benefits under the plan in the amount of $300, and no other employee received dental benefits. In addition, Employee E was hospitalized for surgery and incurred medical expenses, available to all participants, of $4,500 which were reimbursed to E under the plan. Because dental benefits are only provided for highly compensated individuals, Employee E received an excess reimbursement under paragraph (e) (2) above in the amount of $300. For the 1981 plan year, the Corporation Q medical plan paid $50,300 in total benefits under the plan, $30,300 of which constituted benefits paid to highly compensated individuals. In computing the fraction under paragraph (e) (3), discriminatory benefits described in paragraph (e) (2) are not taken into account. Therefore, the amount of excess reimbursement not excludable to Employee E with respect to the $4,500 of medical expenses incurred is $2,700

$$\left(\$4,500 \times \frac{\$30,000}{\$50,000}\right)$$

and the total amount of excess reimbursements includable in E's income for 1981 is $3,000.

(f) *Certain controlled groups.* For purposes of applying the provisions of section 105(h) and this section, all employees who are treated as employed by a single employer under section 414 (b) and (c), and the regulations thereunder (relating to special rules for qualified pension, profit-sharing and stock bonus plans), shall be treated as employed by a single employer.

(g) *Exception for medical diagnostic procedures*—(1) *In general.* For purposes of applying section 105(h) and this section, reimbursements paid under a plan for medical diagnostic procedures are not considered to be a part of a plan described in this section. The medical diagnostic procedures include routine medical examinations, blood tests, and X-rays. Such procedures do not include expenses incurred for the treatment, cure or testing of a known illness or disability, or treatment or testing for a physical injury, complaint or specific symptom of a bodily malfunction. For example, a routine dental examination with X-rays is a medical diagnostic procedure, but X-rays and treatment for a specific complaint are not. In addition, such procedures do not include any activity undertaken for exercise, fitness, nutrition, recreation, or the general improvement of health. The diagnostic procedures must be performed at a facility which provides no services (directly or indirectly) other than medical, and ancillary, services. For example, an employee's annual physical examination conducted at the employee's personal physician's office is not considered a part of the medical reimbursement plan.

(2) *Travel, etc. expenses.* Travel expenses primarily for an allowable diagnostic procedure are included within the exception described in this paragraph, but only to the extent they are ordinary and necessary. Travel undertaken merely for the general improvement of health, or in connection with a vacation, is not within the scope of this exception, nor are any incidental expenses for food or lodging; therefore, amounts reimbursed for such expenses may be excess reimbursements under paragraph (e).

(h) *Time of inclusion.* Excess reimbursements (determined under paragraph (e)) paid to a highly compensated individual for a plan year will be considered as received in the taxable year of the individual in which (or with which) the plan year ends.

(i) *Self-insured contributory plan.* A medical plan subject to this section may provide for employer and employee contributions. See § 1.105–1(c). The tax treatment of reimbursements attributable to employee contributions is determined under section 104(a)(3). The tax treatment of reimbursements attributable to employer contributions is

determined under section 105. The amount of reimbursements which are attributable to contributions of the employer shall be determined in accordance with § 1.105–1(e).

(j) *Effective date.* Section 105(h) and this section are effective for taxable years beginning after December 31, 1979 and for amounts reimbursed after December 31, 1979. In determining plan discrimination and the taxability of excess reimbursements made for a plan year beginning in 1979 and ending in 1980, a plan's eligibility and benefit requirements as well as actual reimbursements made in the plan year during 1979, will not be taken into account. In addition, this section does not apply to claims which are filed in 1979 and paid in 1980.

(k) *Special rules*—(1) *Relation to cafeteria plans.* If a self-insured medical reimbursement plan is included in a cafeteria plan as described in section 125, the rules of this section will determine the status of a benefit as a taxable or nontaxable benefit, and the rules of section 125 will determine whether an employee is taxed as though he elected all available taxable benefits (including taxable benefits under a discriminatory medical reimbursement plan). This rule is illustrated by the following example:

Example. Corporation M maintains a cafeteria plan described in section 125. Under the plan an officer of the corporation may elect to receive medical benefits provided by a self-insured medical reimbursement plan which is subject to the rules of this section. However, the self-insured medical reimbursement plan fails the nondiscrimination rules under paragraph (c) of this section. Accordingly, the amount of excess reimbursement is taxable to the officer participating in the medical reimbursement plan pursuant to section 105(h) and this section. Therefore, the self-insured medical reimbursement plan will be considered a taxable benefit under section 125 and the regulations thereunder.

(2) *Benefit subject to reimbursement.* For purposes of this section, a benefit subject to reimbursement is a benefit described in the plan under which a claim for reimbursement or for a payment directly to the health service provider may be filed by a plan participant. It does not refer to actual claims or benefit reimbursements paid under a plan.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-6191 Filed 2-27-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Ch. II

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Ch. I

46 CFR Ch. I

Outer Continental Shelf Lands Act; Joint Study; Request for Comments

AGENCIES: Geological Survey, Department of the Interior, and Coast Guard, Department of Transportation.

ACTION: Joint study; request for comments.

SUMMARY: The U.S. Geological Survey and the U.S. Coast Guard, in consultation with each other, will commence a joint study to review and assess the adequacy of existing safety and health regulations and of the technology available for exploration, drilling, development, and production of oil and gas on the Outer Continental Shelf. This study may identify changes required in individual regulations, or modifications to the OCS regulatory scheme, or both. This study is in response to enactment of the OCS Lands Act Amendments of 1978 (Public Law 95–372). By this notice, public comments are sought concerning the content and scope of this study.

DATES: Written comments must be received on or before April 28, 1980.

ADDRESSES: Written comments should be addressed to Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Mr. Richard B. Krahl, Chief, Branch of Marine Oil and Gas Operations, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092, Telephone: (703) 860–7531.

SUPPLEMENTARY INFORMATION: Authors: Stearns H. Whitney, U.S. Coast Guard (202–472–5160), and Richard Giangerelli, U.S. Geological Survey (703–860–6822). Interested persons are invited to participate in this study by submitting written data, views, or suggestions, or by offering to make available during the course of the study their expertise. Commenters should include their affiliation, relationship to OCS oil/gas development, and reasons for their comments.

Discussion of Study

The growing demand for new energy sources led in 1978 to the passage of new amendments to the Outer Continental Shelf Lands Act. A basic purpose of this legislation was "to promote the swift, orderly and efficient exploitation of our almost untapped domestic oil and gas resources in the Outer Continental Shelf." Because the Government regulatory mechanisms dealing with the physical processes of exploiting OCS oil and gas resources had largely evolved before the tremendous recent advances in OCS technology, the 1978 amendments call for a comprehensive reassessment of these mechanisms. If found to be inadequate or inappropriate to deal with today's conditions, revisions may be proposed.

The mandate for this study is found in Section 21(a) of the Act.

(a) Upon the date of enactment of this section, the Secretary [of the Interior] and the Secretary of the Department in which the Coast Guard is operating shall, in consultation with each other and, as appropriate, with the heads of other Federal departments and agencies, promptly commence a joint study of the adequacy of existing safety and health regulations and of the technology, equipment, and techniques available for the exploration, development, and production of the minerals of the Outer Continental Shelf. The results of such study shall be submitted to the President who shall submit a plan to the Congress of his proposals to promote safety and health in the exploration, development, and production of the minerals of the Outer Continental Shelf.

The study will include all offshore activities, except diving. Diving is excluded from the study because it is specifically addressed in another part of the OCS Lands Act Amendments. Safety, health, technology, equipment, and techniques applying to both offshore operations and industrial activities connected with exploration, development, and production of oil and gas resources are included in the study. This will include, but will not be limited to, such areas as drilling from floating and fixed structures, subsea completions, pipeline construction and pipelaying operations, and vessel and helicopter operations that directly affect safety on offshore activities and production operations.

The U.S. Geological Survey in the conduct of this study has particular interest in the prevention of damage to, or waste of, any natural resource or injury to life or property with respect to oil and gas exploration, drilling, and production operations.

The U.S. Coast Guard in the conduct of this study has a particular interest in

occupational safety and health in maritime and industrial operations and in environmental protection in connection with transfer of oil or hazardous materials between vessels and facilities.

The Department of the Interior has requested the National Academy of Sciences, through its Marine Board, to provide a major portion of the technical base and analysis of completing the study.

Of particular interest to the Academy in the conduct of the requested work are the perceptions of those outside the Federal Government as to whether OCS safety regulations adequately reflect their concerns and impose reasonable costs. To assist the Marine Board in this area, comments are sought from industry, State governments, environmental groups, and others.

In addition to the listed areas of special interests, all other items involving safety of personnel and the environment are to be reviewed.

Comments may be general or may discuss specific regulations or needs. General comments should be illustrated with specific examples. The following list of concerns included the types of questions that the study will attempt to address. This list is by no means exhaustive, and comments pointing to other areas of interest are welcomed.

1. *Hazard identification.* What are the root causes of OCS oil and gas related accidents? Do OCS accidents fit into a pattern? Can they be readily classified?

2. *Policy and regulation.* What policy objectives should be met by OCS safety regulations? What level of Federal safety regulation is appropriate for OCS oil/gas activities? How should the need for regulation be ascertained? What tests are useful for balancing the benefits of a particular regulation against the costs of implementing that regulation?

3. *Existing regulations.* Are the regulations effective in relation to their stated objectives? Do they go beyond what the objectives require? Could other means accomplish the same things more effectively? Are costs imposed unreasonable in light of the benefits? Are there regulations which overlap or conflict? Are the regulations as a whole well organized, comprehensible, and easy to follow?

4. *Technology and regulation.* Are existing regulations technically compatible with new technology and equipment? Do regulations impede the development of, or encourage innovation in, safety technology? Are they flexible? Do they allow for the wide variations in environmental conditions encountered in different geographic areas?

Date: February 19, 1980.

H. W. Menard,

Director, U.S. Geological Survey.

Date: February 7, 1980.

J. B. Hayes,

Commandant, U.S. Coast Guard.

[FR Doc. 80-6043 Filed 2-27-80; 8:45 am]

BILLING CODE 4310-31-M

VETERANS ADMINISTRATION

38 CFR Part 21

Education Benefits; Flight Training

AGENCY: Veterans Administration.

ACTION: Proposed Regulation.

SUMMARY: The proposal is to state more fully the rules applied by the Veterans Administration and the State approving agencies with regard to flight training. These rules have been applied in substantially the same form for some time, but the public has not been able to review them in a single publication. It is hoped that the inclusion of the material in the regulations will inform all interested persons and reduce confusion as to what must be done to approve courses for educational assistance benefits of the Veterans Administration.

DATES: Comments must be received on or before March 31, 1980. It is proposed to make this amendment effective the date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420.

Comments will be available for inspection at the address shown above during normal business hours until April 10, 1980.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: This proposed amendment to § 21.4263 incorporates into the regulation diverse provisions which have been applied by the Veterans Administration, the Federal Aviation Administration, and the various State approving authorities. The same rules have appeared in similar form in various publications of the Veterans Administration. The only modification of existing rules is to state specifically what was implied previously. The provisions of the proposed rule deal with approval of flight courses and include references to legal requirements which must be met in addition to the approval criteria.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), until April 10, 1980.

Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: February 19, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

§ 21.4262 [Amended]

1. Section 21.4262 is amended to delete the word "he" and to add the words "he or she" in paragraphs (b)(6) and (c)(2) and (4) and to delete the word "him" and to add the words "him or her" in paragraph (b)(7) and (c)(7).

2. Section 21.4263 is revised to read as follows:

§ 21.4263 Flight training—38 U.S.C. ch. 34, ch. 32.

(a) *Eligibility.* Veterans and service persons who are basically eligible to receive educational assitance allowances under the provisions of either chapter 34 or chapter 32, title 38, United States Code, may receive educational assistance for flight training provided that the individual also:

(1) Possesses a valid private pilot's certificate, except for flight training under paragraph (b)(3) of this section, but if the individual possesses a valid higher license, such as commercial pilot's license, he or she will be deemed to meet this requirement, and

(2) Meets the medical requirements of a commercial pilot's license, except the individual training in a course specified under paragraph (b)(3) of this section. A student pursuing an ATP (Airline Transport Pilot) course must have a first-class medical certificate. Students training in a course specified under

paragraph (b)(3) of this section shall possess the medical certificate required by the educational institution granting the degree. In all other courses at least a second class medical certificate is required. The certificate shall be approved by the FAA (Federal Aviation Administration) and a copy shall be maintained by the school. Any benefits paid during a period after a medical certificate expires will be considered an overpayment subject to recovery. (38 U.S.C. 1677 (a))

(b) *Objective—general.* Pursuit of flight training may be approved if the training is:

(1) Generally accepted as necessary for the attainment of a recognized vacational objective in the field of aviation,

(2) Generally recognized as ancillary to the pursuit of a vocational endeavor other than aviation, as provided in paragraph (c) of this section, or

(3) Given by an educational institution of higher learning for credit toward a standard college degree which is being pursued by the individual. (38 U.S.C. 1677 (a))

(c) *Ancillary flight objective.* A student may be authorized to pursue flight training when such training is generally recognized as ancillary to the pursuit of a vocation other than aviation.

(1) He or she must possess a valid private pilot's license and meet medical requirements necessary for a commercial pilot's course.

(2) The training may consist of any advanced flight course, approved by the State approving agency, that will aid in the practice of the chosen profession or vocation. A determination of the sufficiency of the purpose which the student sets forth as the reason for seeking to pursue ancillary flight training is a question of fact to be decided on an individual basis. In most cases, the student's own statement will be the only evidence to be considered: for example, a physician, lawyer, rancher, or salesperson may need to fly a private plane in connection with the conduct of the profession or business and may need an instrument rating so as not to be limited by visual flight conditions, or a multi-engine rating in order to fly a company-owned aircraft. (38 U.S.C. 1677 (a))

(d) *Optional ratings.* Educational assistance may be paid for glider, free balloon or aerobatic flight training leading to a vocational objective. If a veteran or inservice student requests a commercial pilot's program in gliders or free balloons in order to add one of those ratings to an existing commercial pilot's certificate or wishes to pursue an approved special curriculum in aerobatics, he or she must establish that the purpose in taking the course is vocational rather than recreational or avocational. Evidence submitted by the student may include, but is not limited to, statements from the flight school or from a prospective employer of the student.

(1) If the student already holds a commercial pilot's certificate for glider and requests a flight instructor course for glider, the program may be approved, since it may be presumed that the student's purpose in taking the course is vocational.

(2) If the student applied for training in a commercial pilot's (free balloon) course and shows an objective of flight instructor (free balloon), the student will not be required to furnish justification that the course is vocational since the holder of a commercial pilot's (free balloon) certificate has authority to give instuction in free balloon. (38 U.S.C. 1677 (a))

(e) *Combined flight courses.* (1) Under Part 141, Title 14, Code of Federal Regulations, the FAA (Federal Aviation Administration) regulations, revised, effective November 1, 1974, students may receive both a commercial pilot's certificate and an instrument rating upon successful completion of the commercial pilot's course. Appendix D, Part 141, Title 14, Code of Federal Regulations includes the ground and flight instruction for the private pilot's course (Appendix A) and ground and the flight instruction for the instrument course (Appendix C).

(2) If the school elects to include all the training specified in the instrument course (Appendix C) in its commercial pilot's course, and so states in the training course outlined, the student may then be issued a graduation certificate for the instrument rating course, and, after meeting the experience requirements of Section 61.65(e), Title 14, Code of Federal Regulations, (200 hours), apply for an instrument rating. The student may elect to take both the commercial flight test and instrument flight test on the same day and, after successful completion of both tests, be issued an unlimited commercial pilot's certificate.

(3) If the school does not include all of the instrument training in the commercial pilot's course, the student, upon completion of the FAA practical tests, will receive a commercial pilot's certificate with cross-country and night-flight limitations. The separate instrument course of revised Appendix C, Part 141, Title 14, Code of Federal Regulations, may still be approved for veterans and inservice students who completed the commercial pilot's course under old Part 141, Title 14, Code of Federal Regulations which was effective prior to November 1, 1974, who received a limited commercial pilot's certificate under revised Part 141, Title 14, Code of Federal Regulations, or who are enrolling in the instrument course under the ancillary course provisions. (38 U.S.C. 1677)

(f) *Application.* An individual applying for a course of training consisting exclusively of flight training must include on the application all courses generally accepted as necessary to reach the objective of the student. Although more than one course may be included in a program, the courses may be taken sequentially only. The applicant must complete a commercial pilot's course before enrolling in any other flight course, except where advanced courses are approved as ancillary to the pursuit of a vocation other than aviation. (38 U.S.C. 1671).

(g) *Prior training.* (1) A flight school must grant appropriate credit for all previous training and shorten the veteran's flight course proportionately for Veterans Administration purposes even when an FAA regulation indicates that it does not have to do so. The flight school to which the veteran transfers will determine the amount of credit to be granted.

(2) Although the law does not define "appropriate credit", a pattern of not granting adequate credit is a violation of 38 U.S.C. 1775(b) or 1776(c)(4). If any school consistently abuses its discretion in this respect, the Veterans Administration will refer the matter to the appropriate State approving agency.

(3) An eligible veteran or inservice student holding a commercial pilot's certificate (rotorcraft) may pursue training to qualify for a general commercial pilot's certificate, including fixed-wing aircraft, by either enrolling in a regular commercial pilot's course (airplane), or in a special add-on course to qualify for an airplane rating. If he or she enrolls in a regular commercial pilot's course (airplane), the school must grant appropriate credit and shorten the course accordingly. Although credit is granted, this method usually requires more hours and is, therefore, more expensive than enrolling in a special add-on course for the rating. In a like manner, a person with a fixed-wing rating may pursue training to qualify for a rotorcraft rating. If a school offers an approved add-on course for commercial pilots in which an eligible veteran may enroll to reach the objective, he or she will not be permitted to enroll at the school in the regular commercial pilot's course unless the regular course will be

less expensive after credit is allowed for prior training.

(4) A former military pilot with the equivalent of a commercial pilot's certificate and instrument rating may obtain an FAA commercial pilot's certificate and instrument rating without flight examination within 12 months after release from active duty flying status. If he or she does not apply within the 12-month period, he or she may need refresher training before taking the flight examination. No Veterans Administration benefits may be paid for any such refresher training taken within the 12 months immediately following discharge, since the person qualifies for the commercial pilot's certificate and instrument rating without a flight examination. However, such a person may be paid for up to 6 months' refresher training if the refresher training takes place more than 12 months after discharge.

(i) Flight instructor and ATP ratings are not given by the FAA, on the basis of military experience only, without flight examination. Therefore, former military pilots may be enrolled in approved flight instructor and ATP training courses, for such enrollment is not considered refresher training. Flight schools must grant appropriate credit to former military pilots.

(ii) A veteran who held an FAA certificate before or during service (such certificate having been canceled or surrendered) may receive educational assistance for refresher training to again qualify for the same grade certificate. Such refresher training must meet the requirement of updating the veteran's knowledge and skill in order to cope with technological advances while he or she was in service, as required by § 21.4230(c)(2). The veteran may receive either the equivalent of 6 months educational assistance or the equivalent of the number of months of educational assistance necessary for the veteran to complete the course which will qualify him or her for the same grade certificate, whichever is less. (38 U.S.C. 1671, 1682(d))

(h) *Requirements for approval.* For the purpose of this section a flight school is a school or entity to which the FAA has issued either a pilot school certificate or a provisional pilot school certificate specifying each course the school is approved to offer under Part 141, Title 14, Code of Federal Regulations, as revised. Thus, a military aero club, air carrier or institution of higher learning with the proper certificate is a flight school for the purpose of this section.

(1) The proper State approving agency for approving a flight course shall be determined by § 21.4250. An aero club, established, formed and operated under authority of service department regulations as a nonappropriated sundry fund activity, is an instrumentality of the Federal Government. Consequently, approval of flight courses offered by such aero clubs shall be under the authority of the Administrator. See § 21.4150(f). (38 U.S.C. 1771, 1772)

(2) A course of flight training leading to a standard college degree may be approved regardless of whether the institution of higher learning offering the course is a flight school. Such a course may include private pilot training, but may not be approved unless the requirements of § 21.4253 or 21.4254, as appropriate, are met. Except for courses which include private pilot training an institution of higher learning which is also a flight school may also seek approval under paragraph (h)(3) of this section. (38 U.S.C. 1775, 1776).

(3) Except as provided in paragraph (h)(2) of this section no private pilot or test course offered pursuant to Appendixes A and B, Part 141, Title 14, Code of Federal Regulations, as revised, may be approved. Except for flight courses offered by institutions of higher learning which are approved under paragraph (h)(2) of this section, other flight courses of a flight school may be approved by the appropriate State approving agency when the school has submitted a written application and the State approving agency determines that all of the following requirements are met by the school and the course(s):

(i) The provisions of § 21.4253(a) or 21.4254(c) are met. (38 U.S.C. 1775, 1776)

(ii) The courses are offered under Part 63 or Part 141, Title 14, Code of Federal Regulations, as revised. (38 U.S.C. 1677)

(iii) The course is approved by the FAA. (38 U.S.C. 1677)

(iv) The flight school courses meet all the requirements of § 21.4251.

(A) Notwithstanding the fact that the FAA will permit flight schools to conduct training at a base other than the main base of operations if the requirements of FAA regulation, section 141.91, Title 14, Code of Federal Regulations, revised, are met, the requirements of § 21.4251 must be applied to a course offered at a satellite base.

(B) A private pilot's course is not similar in character to any advanced flight course within the meaning of the exception to the 2-year operation requirement of 38 U.S.C. 1789(b)(2). Any advanced flight course may be considered to be similar in character to any other advanced flight course.

(C) A period during which training has been offered pursuant to part 61, Title 14, Code of Federal Regulations will be considered in determining whether the course meets the requirements of § 21.4251. (38 U.S.C. 1789)

(v) The school has, and enforces standards of conduct and progress for students. The standards are to be stated in writing as part of the application for approval. (38 U.S.C. 1674)

(vi) The school has an adequate system of records. Records to be kept should consist of at least the following:

(A) A copy of the private pilot's license of each eligible veteran,

(B) Evidence that each eligible veteran has completed any prior training which may be a prerequisite for the course,

(C) A copy of the medical certificate required by paragraph (a)(2) of this section for the course being pursued by each eligible veteran as well as copies of all medical certificates (expired or otherwise) needed to support all periods of prior instruction,

(D) Each eligible veteran's daily flight log or copy thereof,

(E) Each eligible veteran's permanent ground school record,

(F) A progress log for each eligible veteran,

(G) An invoice of flight charges for individual flights,

(H) Daily flight sheets identifying records upon which the 85–15 percent ratio may be computed.

(I) A continuous hour meter record for each aircraft,

(J) Invoice or flight tickets signed by the student and instructor showing hour meter reading, type of aircraft and aircraft identification number,

(K) An accounts receivable ledger,

(L) Individual instructor records,

(M) Engine log books,

(N) A record for each student, above the private pilot level stating the name of the course in which the student is currently enrolled and indicating whether the student is enrolled under Part 61, Part 63, or Part 141, Title 14, Code of Federal Regulations, as revised,

(O) Records of tuition and accounts which are evidence of tuition charged and received from all students,

(P) All other records required by Part 141, Title 14, Code of Federal Regulations, as revised. (38 U.S.C. 1790 (c))

(vii) If a flight school offers more than one course leading to the same objective, the course should be appropriately identified in the school's bulletin and in all school records. (38 U.S.C. 1772)

(viii) All flight instruction, preflight briefings and postflight critiques and ground school training in the course are given by the flight school operator, by persons he or she employs, or under suitable arrangements between the

school and another school or entity such as an independent contractor or a local community college. Ground school training may be given through a ground school facility operated jointly by two or more flight schools in the same locality. See § 21.4233(e). (38 U.S.C. 1677)

(ix) All ground school training connected with the course is in residence under the direction and supervision of a qualified instructor providing an opportunity for interaction between the students and the instructor. A mere statement by the school that an instructor is available for questions does not satisfy this requirement. The flight school operator may not leave the obtaining of such instruction to the individual student. (38 U.S.C. 1677)

(x) The requirements of § 21.4233(e) must be met for all contracted flight instruction and ground school training.

(A) The responsibility for providing the instruction lies with the flight school which seeks approval for the flight course. The degree of affiliation between the flight school and the individual group, or other school which actually does the instructing should be such that all charges for instruction are made by, and paid to, one entity having jurisdiction and control over both the flight and ground portions of the program. All reports of attendance and certifications of charges must be made by this single entity.

(B) The contracted portion of the flight course must meet all the requirements of § 21.4201 independently for each subcontractor. (38 U.S.C. 1772)

(i) *Hourly limitations.* A flight course approved pursuant to paragraph (h)(3) of this section shall be approved only for those hours of instruction generally considered necessary for a student to obtain an identified vocational objective. This requirement is met only if the number of hours approved does not exceed the maximum set forth in paragraph (i)(1) through (3) of this section. An eligible veteran may receive training for up to 10 percent more hours than are approved as part of a course whenever this is permitted by § 21.4277. Flight instruction may never be substituted for ground training. (38 U.S.C. 1652(b))

(1) *Flight instruction.* The maximum number of hours of flight instruction which may be approved for a flight course shall not exceed the number of hours in the course outline approved by the FAA plus, for courses which require the student to lease an aircraft for the final flight test after the approved course has been successfully completed, a maximum of 2 hours payable at the solo rate for the final flight test for each certificate or rating for which the flight course provides training. (38 U.S.C. 1652(b))

(2) *Ground school.* The ground training portion of a flight course may include two forms of ground training instruction: ground school and preflight briefings and postflight critiques. The minimum hours for ground training, as specified in Appendixes C through H, Part 141, Title 14, Code of Federal Regulations, as revised, refer only to ground school and not to preflight briefings and postflight critiques. If the ground school training consists of units using kits containing audio-visual equipment, quizzes and examinations, the maximum number of units approved shall not exceed the number on the course outline approved by the FAA. For all other ground school training, the number of hours of training shall not exceed the number of hours on the course outline approved by the FAA. (38 U.S.C. 1652(b))

(3) *Preflight briefings and postflight critiques.* Hours spent in preflight briefings and postflight critiques need not be approved by the FAA.

(i) If these hours are on the FAA-approved outline, the maximum number of hours of preflight briefings and postflight critiques which may be approved shall not exceed the number of hours on the outline.

(ii) If these hours are not on the FAA approved outline, they may not be approved unless the State approving agency finds that the briefings and critiques are an integral part of the course. The maximum number of hours of preflight briefings and postflight critiques which may be approved for these courses may not, when added together, exceed 25 percent of the approved hours of flight instruction. (38 U.S.C. 1652(b))

(j) *Charges.* Charges for tuition and fees shall be approved by the appropriate State approving agency for each flight course. (38 U.S.C. 1772)

(1) The approved charges for tuition and fees shall be based upon the charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay. Charges for books, supplies and lodging may not be reimbursed. (38 U.S.C. 1677 (b))

(2) For the ground school portion of ground training, the State approving agency should approve group charges or unit prices if audio-visual equipment is used. For the preflight briefings and postflight critiques, the State approving agency should approve individual instructor rates for individual training flights. An average charge per hour based upon total hours and cost of all training given on the ground may not be approved. (38 U.S.C. 1677 (b))

(3) When solo hours are included for the leasing of an aircraft for the final flight test, the solo charge should be noted in the approval. (38 U.S.C. 1677(b))

(4) A veteran or group (all or part of which are veterans) owning an airplane may lease it to an approved flight school and have exclusive use of the aircraft for flight training. The aircraft should meet the requirements prescribed for all airplanes to be used in the course and should be shown in the approval by the State approving agency. The leasing arrangement should not result in charges for flight instruction for those owning the plane greater than charges made to others not leasing an aircraft to the school. (38 U.S.C. 1677(b))

(5) If membership in a flight club entitles a veteran to flight training at less than the standard rate, his or her educational allowance will be based on the reduced rate. No payments will be made for the cost of joining the flight club, since it is not a charge for the flight course. (38 U.S.C. 1677(b))

(k) *Substitute aircraft.* Except for minor substitutions a veteran enrolled in a flight course may train only in the aircraft approved for that course. If a particular aircraft is not available for some compelling reason, the veteran may be permitted to train in an aircraft different from that approved for the particular course, provided the aircraft substituted will adequately meet the training requirements for this particular phase of the course. Substitutions should be explained on the monthly certifications of flight training. If this shows that the charge for the substituted aircraft is different from the charge approved for the regular aircraft, the reimbursement will be based on the lesser charge. When substitution becomes the practice rather than the exception, payments will be suspended by the Veterans Administration, and the veterans and the school notified. The matter will be referred by the Veterans Administration to the State approving agency for appropriate action. (38 U.S.C. 1677, 1773(a))

(l) *Enrollment limitations.* The 85–15 percent ratio requirement set forth in § 21.4201 must be met by flight courses before new enrollments may be approved. (38 U.S.C. 1673(d))

[FR Doc. 80-6265 Filed 2-27-80; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1423-1]

Approval and Promulgation of Implementation Plans; Nevada State Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Revisions to the Nevada Revised Statutes and the Emergency Episode Plan have been submitted to the Environmental Protection Agency (EPA) by the Governor for the purpose of revising the Nevada State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to April 28, 1980.

ADDRESSES: Comments may be sent to: Regional Administrator. Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A–4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

Department of Conservation and Natural Resources, 201 S. Fall Street, Carson City, NV 89710.

Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, (415) 556–2938.

SUPPLEMENTARY INFORMATION: The Governor submitted the following rules and regulations on December 29, 1978.

Nevada State Emergency Episode Plan

Sections: 6.1.4, 6.1.5, 6.5.2.1, 6.5.2.2; Tables: 6.1, 6.2 (Stages 1, 2, and 3), 6.3; Air Pollution Episode Notice; Episode Communication Checklist.

Nevada Revised Statutes

Policy Declarations; Definitions: 445.401, 445.406, 445.411, 445.416, 445.421, 445.424, 445.427, 445.431, 445.441, 445.446; State Environmental Commission: 445.451, 445.456, 445.461, 445.466, 445.471, 445.472, 445.473, 445.474, 445.476, 445.477; Local Hearing Boards: 445.481, 445.486; Enforcement Provisions: 445.491, 445.493, 445.496, 445.497, 445.498, 445.499, 445.501; Variances: 445.506, 445.511, 445.516, 445.521; Hearings, Orders Respecting Violations: 445.526, 445.529; Local Air Pollution Control Programs: 445.546, 445.551, 445.556, 445.561, 445.566; Miscellaneous Provisions: 445.571, 445.576, 445.581, 445.586, 445.596, 445.598; Penalties: 445.601; Engine Emission Controls: 445.610–445.710; Deletions: Senate Bill 275, Sections 8.5, 17(1–4,6,7), 27, 38.

In addition to the above rules, revisions to the Nevada Air Quality Regulations (NAQR) were submitted. Action on these rules will be taken in a separate **Federal Register** notice.

The revisions have been reviewed in accordance with 40 CFR Part 51 and EPA policy. It is the purpose of this notice to propose approval for the above mentioned rules and incorporate them into the SIP with the exception of the revisions to the NAQR and those rules discussed below.

EPA is proposing to disapprove Section 6.1.5 of the Emergency Episode Plan since it does not meet the requirements of 40 CFR 51.16 and Appendix L. The new rule provides that the termination of an episode is left to the discretion of the control officer and not to specified criteria. Therefore, the rule should be disapproved.

No action is proposed to be taken on Section 6.5.2.1 of the Emergency Episode Plan. Action will be taken in a separate **Federal Register** notice.

No action is proposed to be taken on 445.477, 445.481, 445.526, and 445.576 of the Nevada Revised Statutes (NRS). Identical rules were submitted on September 10, 1975 and final action to approve them was taken on January 24, 1978. The December 29, 1978 submittal is identical to the previously approved rules and therefore, no action is necessary.

EPA is proposing to take no action on NRS 445.493, and 445.610–445.710. Action will be taken in separate **Federal Register** notices.

EPA is proposing to approve NRS 445.506, 445.511, 445.516, and 445.521, concerning variance procedures, however it should be noted that each variance must satisfy the requirements of Section 110 of the Clean Air Act and Part 51 in order to be approved as a revision to the SIP.

EPA is also proposing to approve NRS 445.451, State Environmental Commission, however, it should be noted that the requirements of Section 128, State Boards, of the Clean Air Act are not completely satisfied.

EPA is proposing to approve the deletion of Sections 8.5, 17(1–4,6,7), 27, and 38 of Senate Bill 275 submitted on January 28, 1972 since these rules are now obsolete.

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before 60 days after publication of this notice will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". EPA has reviewed the regulations being acted upon in this notice and determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

(Secs. 110, and 301(a), Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)))

Dated: February 19, 1980.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 80-6264 Filed 2-27-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Insurance Administration

44 CFR Part 67

[Docket No. FEMA-5702]

Proposed Flood Elevation Determinations for the Village of Woodville, Sandusky County, Ohio, Under the National Flood Insurance Program; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appear on page 44 FR 57456 of the **Federal Register** of October 5, 1979.

FOR FURTHER INFORMATION CONTACT:
Mr. R. Gregg Cappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The notice, of proposed flood elevation determination for the Village of Woodville, Sandusky County, Ohio published on October 5, 1979 at 44 FR 57456 in the **Federal Register,** and in the *News Messenger* on September 7, 1979 and September 14, 1979 showing the flood elevation in the Village of Woodville, along Portage River, Approximately 2,000 feet downstream from corporate limit, 625* and At downstream corporate limit, 627* (NGVD), should be corrected to read Portage River, Approximately 4,000 feet downstream from U.S. Route 20, 625* and Approximately 1,750 feet downstream from U.S. Route 20, 627* (NGVD).

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

Issued: January 29, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–6174 Filed 2–27–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA–5592]

Proposed Flood Elevation Determinations for the Town of Strong, Franklin County, Maine, Under the National Flood Insurance Program; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 44 FR 37633 of the **Federal Register** of June 28, 1979.

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

SUPPLEMENTARY INFORMATION: The notice, of proposed flood elevation determination for the Town of Strong, Franklin County, Maine published on June 28, 1979 at 44 FR 37633 in the **Federal Register,** and in the *Franklin Journal* on August 24, 1979 and August 31, 1979 showing the flood elevation in the Town of Strong, along Sandy River in At confluence of Skillens Brook, 416*, (NGVD), should be corrected to read Sandy River, At confluence of Day Mountain Pond Brook, 416* (NGVD).

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

Issued: January 29, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–6175 Filed 2–27–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FI 5678]

Proposed Flood Elevation Determinations for the City of Kennett, Dunklin County, Mo., Under the National Flood Insurance Program; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 44 FR 47570 of the **Federal Register** of August 14, 1979.

FOR FURTHER INFORMATION CONTACT:
Mr. R. Gregg Chappel, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The notice, of proposed flood elevation determination for the City of Kennett, Dunklin County, Missouri, published on August 14, 1979 at 44 FR 47570 in the **Federal Register,** and in *The Daily Dunklin Democrat* on August 27, 1979 and September 3, 1979 showing the flood elevation in Kennett, along Snipe Slough, Downstream of State Highway 25, 257* (NGVD), should be corrected to read Buffalo Ditch No. 39, Downstream of State Highway 25, 257* (NGVD).

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

Issued: January 29, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–6176 Filed 2–27–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FI 5665]

Proposed Flood Elevation Determinations for the City of Avon, Lorain County, Ohio; Under the National Flood Insurance Program; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 44 FR 43014 of the **Federal Register** of July 23, 1979.

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

SUPPLEMENTARY INFORMATION: The notice, of proposed flood elevation determination for the City of Avon, Lorain County, Ohio published on July 23, 1979 at 44 FR 43014 in the **Federal Register,** and in the *Lorain Journal* on August 25, 1979 and September 1, 1979 showing the flood elevation in Avon, at French Creek, 4190 feet upstream Interstate Route 90, *633, should be corrected to read, French Creek, 4600 feet upstream Interstate Route 90, *633.

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

Issued: January 29, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-6177 Filed 2-27-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5702]

Proposed Flood Elevation Determinations for the City of Kingman, Kingman County, Kans.; Under the National Flood Insurance Program; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 44 FR 57442 of the **Federal Register** of October 5, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The notice, of proposed flood elevation determination for the City of Kingman, Kingman County, Kansas published on October 5, 1979 at 44 FR 57442 in the **Federal Register,** and in the *Leader Courier* on September 7, 1979 and September 14, 1979 showing the flood elevation in City of Kingman, along Salt Creek, Just upstream of Avenue D, *1,514 (NGVD), should be corrected to read Salt Creek, Just upstream of Avenue D, *1,515 (NGVD).

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

Issued: January 29, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-6178 Filed 2-27-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5723]

National Flood Insurance Program; Proposed Flood Elevation Determinations for Jefferson County, W. Va.; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction to proposed rule for Jefferson County, West Virginia.

SUMMARY: Due to a clerical error, the elevation for the location of County Route 4, in Jefferson County, West Virginia, under the Source of Flooding of Opequon Creek, was incorrectly listed at 406 feet (National Geodetic Vertical Datum). It should be amended to read 416 feet in elevation. The corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map were correct as printed.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 426-1460 or Toll Free Line (800) 424-8872 (in Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of proposed determinations of base (100-year) flood elevations for selected locations in Jefferson County, West Virginia, previously published at 44 FR 63556 on November 5, 1979, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

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

Issued: February 11, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-6179 Filed 2-27-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5688]

Proposed Flood Elevation Determinations for the City of Taunton, Bristol County, Mass.; Under the National Flood Insurance Program; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 44 FR 51248 of the **Federal Register** of August 31, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The notice, of proposed flood elevation determination for the City of Taunton, Bristol County, Massachusetts published on August 31, 1979 at 44 FR 51248 in the **Federal Register,** and in the *Taunton Daily Gazette* on September 4, 1979 and September 10, 1979 showing the following:

Source of flooding	Location	Elevation in feet (national geodetic vertical datum)
Three Mile River	About 125 feet downstream of Spring Street.	*15
West Channel Three Mile River.	At confluence with Three Mile River.	*14
Cobb Brook	Just upstream of Briggs Street.	*22

Should be corrected to read:

Source of flooding	Location	Elevation in feet (national geodetic vertical datum)
Three Mile River	About 100 feet downstream of Spring Street.	*14
Three Mile River West Channel.	Just downstream of Spring Street.	*14
Cobb Brook	Just upstream of Briggs Street.	*21

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

Issued: January 29, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-6180 Filed 2-27-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5725]

National Flood Insurance Program; Proposed Flood Elevation Determinations for Borough of Sayreville, Middlesex County, N.J.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction to proposed rule for the Borough of Sayreville, Middlesex County, New Jersey.

SUMMARY: Due to a clearical error, the explanatory terms "inlet" and "outlet" following the locations listed as Garden State Parkway under the Source of Flooding of Crossway Creek were reversed. The corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map were correct as printed.

The listings appear correctly as set forth below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of proposed determinations of base (100-year) flood elevations for selected locations in the Borough of Sayreville, Middlesex County, New Jersey, previously published at 44 FR 64458 on November 7, 1979, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

The listings appear correctly as set forth below.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Sayreville, Borough, Middlesex County.	Crossway Creek	Garden State Parkway culvert—outlet	*17
			Garden State Parkway culvert—inlet	*28

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

Issued: February 11, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–6203 Filed 2–27–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA–5702]

National Flood Insurance Program; Proposed Flood Elevation Determinations for the City of St. Paul Park, Washington, County, Minn.; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100–year) flood elevations that appeared on page 60343 of the Federal Register of October 19, 1979.

EFFECTIVE DATE: October 19, 1979.

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

SUPPLEMENTARY INFORMATION: The notice, of proposed flood elevation determination for the City of St. Paul Park, Washington County, Minnesota published on October 19, 1979 at 44 FR 60343 in the **Federal Register**, and in *The Washington County Bulletin* on August 30, 1979 and September 6, 1979 read as follows:

Source of flooding	Location	Elevation in feet (National geodetic vertical datum)
Mississippi River	Approximately 1,000 feet downstream from County-State Route 24/Chicago, Rock Island and Pacific Railroad bridge.	* 702

Should be corrected to read:

Source of flooding	Location	Elevation in feet (National geodetic vertical datum)
Mississippi River	Approximately 1,000 feet downstream from County-State Route 38 Chicago, Rock Island and Pacific Railroad bridge.	* 702

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

Issued: January 29, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–6254 Filed 2–27–80; 8:45 am]

BILLING CODE 6718–03–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

45 CFR Part 1496

Grants for Research on Knowledge Use and School Improvement

AGENCY: National Institute of Education, HEW.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Director of the National Institute of Education (NIE) proposes regulations that will implement and govern a multi-year program of research grants on Knowledge Use and School Improvement. This grants program seeks to build a systematic body of knowledge about improvement processes in elementary and secondary schools. Studies will clarify how schools go about altering existing administrative and instructional practices, and what

roles knowledge resources in the form of ideas, new programs, products, or materials play in these change processes. This information, in turn, will be used by NIE to help policy makers, practioners, and officials throughout the education community to formulate and implement school improvement programs more effectively.

DATES: The public is invited to submit comments, suggestions, or objections to these proposed regulations by April 14, 1980. Written comments are preferred. All timely comments will be considered in the drafting of the final regulations for the program.

ADDRESSES: Comments should be addressed to Rolf Lehming, Research and Educational Practice, Dissemination and Improvement of Practice, National Institute of Education, Mail Stop 24, 1200 19th Street, N.W., Washington, D.C. 20208. Comments may be inspected, both during and after the comment period, in Room 648, National Institute of Education, at the address given above, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday of each week except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Rolf Lehming, (202) 254–6050.

SUPPLEMENTARY INFORMATION:

A. Background

Congress established the National Institute of Education (NIE) in 1972, in support of the policy of the United States to provide every person with an equal opportunity to receive an education of high quality, regardless of race, color, religion, sex, national origin, or social class. Congress specifically directed NIE to promote the reform and renewal of American education and to help solve or alleviate its problems; to advance the practice of education as an art, science, and profession; to strengthen the scientific and technological foundations of education; and to build an effective R&D system.

While recognizing that State and local governments have primary responsibility for the direction of education, Congress affirmed the Federal responsibility to provide leadership in the conduct and support of research into educational processes. In support of this responsibility, Congress authorized NIE under Section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e), to award grants for projects that further the realization of these national goals.

The studies on Knowledge Use and School Improvement are designed to help build a systematic body of knowledge about improvement processes in elementary and secondary schools. This research will clarify how schools go about altering existing administrative and instructional practices, and what roles knowledge resources in the form of ideas, new programs, products, or materials play in these change processes. This information, in turn, will be used by NIE to help policy makers, practitioners, and officials throughout the education community to formulate and implement school improvement programs more effectively.

The proposed regulations are based on these premises:

(1) To understand how improvement processes unfold in elementary and secondary schools is a prerequisite to formulating and implementing more effective programs that seek to support improvements in school practices.

(2) How schools proceed to alter existing practices is presently little-understood; past research on school improvement has paid insufficient attention to these processes.

(3) Therefore, an urgent need exists to support high-quality research on improvement processes in elementary and secondary schools.

These regulations:

(1) Describe the purposes of the proposed program of studies on Knowledge Use and School Improvement;

(2) Describe the scope of the program;

(3) Establish the types of activities eligible for support;

(4) Indicate criteria that will govern the selection of grantees; and

(5) Establish project requirements.

B. Summary of the Proposed Regulations

Subpart A of the proposed regulations sets forth the purposes of the program.

Subpart B discusses the types of activities that are eligible for support under the program and lists ineligible activities.

(1) The proposed program will support only research on knowledge use and school improvement. Illustrative examples of school improvement activities include, but are not limited to, deliberate attempts of schools, school districts, educators and educational organizations to improve student learning, instruction or curriculum, school or district organization or operations, or the ways the schools relate to their communities. High-quality studies of these kinds of processes will be eligible for support, provided they show promise of adding to our understanding of how school improvements come about.

(2) The proposed program will not provide any operational or planning support for the actual conduct of a school improvement program. Ineligible activities include the planning, development, implementation, operation, modification, demonstration, dissemination or programmatic evaluation of such programs.

Subpart C states that the Director may require the use of preapplications, by publishing such a requirement in an application notice in the **Federal Register.** Preapplications provide a succinct description of the problem that is proposed for investigation, the approaches selected, and summary information about the investigators, budget requirements, and management arrangements, as appropriate. Preapplications enable the Director to communicate to the applicant the major strengths, weaknesses, and general ranking of the proposed project, before the applicant expends the considerable effort and expense involved in the submission of a full proposal. Nothing in the response to a preapplication bars an applicant from subsequently submitting a full proposal. Nor does such a response commit the Institute to support a full application that may subsequently be submitted.

Subpart C also establishes major grants and small grants, and explains application procedures.

(1) Major grants support projects whose direct, Federally supported costs exceed $15,000.

(2) Small grants support projects whose direct, Federally supported costs do not exceed $15,000 and whose duration is up to 12 months.

Subpart D states how the Director makes award decisions and what criteria are used for selecting applications that merit support. These criteria are identical for major and small grants.

Subpart E explains certain conditions that a grantee must meet.

C. Relationship to Education Division General Administrative Regulations (EDGAR)

The Education Division General Administrative Regulations (EDGAR) have been published as a notice of proposed rulemaking (NPRM), and the public has had occasion to comment on their provisions. The present regulation has been drafted to be consistent with EDGAR and to supplement it for the purpose of governing grants for research on knowledge use and school improvement. Except as noted in § 1496.2, the EDGAR provisions will apply to these grants, once EDGAR becomes final.

The present regulation does not repeat certain types of requirements that are covered by EDGAR. These include:

How to apply for a grant.

How grants are made.

Conditions a grantee must meet.

Administrative responsibilities of a grantee.

Procedures used by the National Institute of Education to assure compliance.

D. Relationship to Simplified NIE Grant Regulations

The National Institute of Education is currently developing a set of proposed regulations to govern all its grant programs that support research. The regulations proposed here will be replaced by this Institute-wide rule once it becomes effective.

E. Comment Period

The proposed regulation establishes a two-stage review process for the grants program. Based on a preliminary proposal, the Institute can inform the applicant about major strengths and weaknesses of a proposed project prior to the preparation of a full proposal. This review procedure, which is intended to enable applicants to develop proposals of the highest quality, is time-consuming. In view of the urgency of publishing final regulations in time for the orderly initiation of the grants program in this Federal fiscal year, and in view of the relationship of the proposed regulations to the EDGAR and the forthcoming NIE regulations, on which the public will in time be able to comment, a comment period of 45 days has been established.

(Catalog of Federal Domestic Assistance Number 13.950, Educational Research and Development).

Dated: December 6, 1979.

Michael Timpane,

Acting Director, National Institute of Education.

Approved: February 21, 1980.

Nathan J. Stark,

Acting Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is proposed to be amended by adding to Subchapter B of Chapter XIV a new Part 1496 reading as follows:

PART 1496—GRANTS FOR RESEARCH ON KNOWLEDGE USE AND SCHOOL IMPROVEMENT

Subpart A—General

Sec.

1496.1 Purposes of the grants for research on Knowledge Use and School Improvement.
1496.2 Regulations that apply to these grants.
1496.3 Major and small grants
1496.4 Eligible applicants.

Subpart B—Projects That Will Be Assisted

1496.11 Projects that are eligible for support.
1496.12 Projects that are ineligible for support,

Subpart C—How Application for a Grant is Made

1496.21 Preapplications.
1496.22 Evidence of access to study sites.
1496.23 How to apply for a major grant.
1496.24 How to apply for a small grant.

Subpart D—How Grants are Made

1496.31 How the Director makes award decisions.
1496.32 Criteria for evaluating applications.

Subpart E—Conditions a Grantee Must Meet

1496.41 Restrictions on the items a grant may support.

Authority.—Section 405 of the General Education Provisions Act (GEPA) as amended (20 U.S.C. 1221e).

Subpart A—General

§ 1496.1 Purposes of the Grants for Research on Knowledge Use and School Improvement.

(a) Through the studies on knowledge use and school improvement, the National Institute of Education (NIE) seeks to build a systematic body of knowledge about improvement processes in elementary and secondary schools. This information, in turn, will be used to help policy makers, practitioners, and officials throughout the education community to formulate and implement school improvement programs more effectively.

(b) The Program will explore:

(1) How elementary and secondary schools go about altering existing administrative and instructional practices, and what roles knowledge resources in the form of ideas, new programs, products, or materials play in these change processes;

(2) How bureaucratic, political, economic, cultural and other aspects of school life, such as school-community relations, affect school change processes, and how these influences modify the effects of knowledge resources; and

(3) How knowledge and resources from outside the school district or school can support the different phases of a school improvement process.

(c) Research to be funded under the proposed program may address topics that fall into any one or any combination of these study areas.

§ 1496.2 Regulations that apply to these grants.

(a) In addition to the regulations in this part, the Education Division General Administrative Regulations (EDGAR) in Part 100a (Direct Grant Programs) and part 100c (Definitions) apply, except the following:

(1) Section 100a.115 and § 100a.590 through § 100a.592, project evaluations.

(2) Section 100a.108(a), number of application copies required.

(3) Section 100a.205 through § 100a.206, evaluation criteria that apply to service projects or projects with a service component.

§ 1496.3 Major and small grants.

(a) Major and small grants are awarded under the program. The Director initially reserves funds for each of these.

(b) Major grants support projects whose direct, Federally supported costs exceed $15,000.

(c) Small grants support projects whose direct, Federally supported costs do not exceed $15,000 and whose duration is up to 12 months.

§ 1496.4 Eligible applicants.

(a) Any institution of higher education, State, local, or intermediate educational agency, public or private nonprofit or for-profit agency, organization, group, individual, or any combination of these is eligible to apply for a grant award under this program.

Subpart B—Projects That Will be Assisted

§ 1496.11 Projects that are eligible for support.

(a) The Program supports only research on knowledge use and school improvement, as described in § 1496.1 of these regulations.

(b) Any research process or approach except those listed in § 1496.12 is eligible for support.

§ 1496.12 Projects that are ineligible for support.

(a) The program will not provide any operational or planning support for the actual conduct of a school improvement program. Ineligible activities include the planning, development, implementation, operation, modification, demonstration, dissemination or programmatic evaluation of such programs.

Subpart C—How Application for a Grant is Made

§ 1496.21 Preapplications.

(a) The Director may require that applicants for major grants as defined in § 1496.3 must submit a preapplication in

order to be eligible for consideration for a grant award.

(b) The Director publishes such a requirement in the **Federal Register** in an application notice.

§ 1496.22 Evidence of access to study sites.

Applicants under either grant category who seek support for research involving the gathering of original data at particular study sites shall document in their application that the necessary access to these sites is assured.

§ 1496.23 How to apply for a major grant.

(a) If a preapplication is required, the provisions in § 100a.130 through § 100a.133 of EDGAR apply, along with the provisions of these regulations.

(b) The Director considers making a major grant only if the applicant has submitted an application that meets:

(1) The requirements of subpart C of part 100a of EDGAR; and

(2) The requirements of these regulations.

§ 1496.24 How to apply for a small grant.

(a) The Director considers making a small grant only if the applicant has submitted an application that meets:

(1) The requirements of subpart C of part 100a of EDGAR; and

(2) The requirements of these regulations.

Subpart D—How Grants are Made

§ 1496.31 How the Director makes award decisions.

(a) Only applications of the highest quality will be supported by the Program, whether or not available funds are exhausted.

(b) The Director decides whether or not to award a grant based on the following:

(1) The availability of funds;

(2) The rating of the application under the criteria in § 1496.32; and

(3) In the case of proposals of substantially equal quality, whether funding a particular project would contribute to a portfolio of studies that collectively address the range of research needs in the area of knowledge use and school improvement.

§ 1496.32 Criteria for evaluating applications.

The following criteria form the basis for the review of applications for major and small grants:

(a) The EDGAR criteria found in § 100a.205 and § 100a.206 are inapplicable.

(b) The EDGAR criteria found in § 100a.202 through § 100a.204 apply; they comprise 30 possible points and are weighted as follows:

(1) Plan of operation (10 points).

(2) Quality of key personnel (15 points).

(3) Budget and cost effectiveness (5 points).

(c) The following criteria supplement the EDGAR criteria and together comprise 70 possible points:

(1) The significance of the proposed research for American education. This includes—(i) the importance of the proposed research from the standpoint of basic knowledge or problems of American education; (ii) the likely addition that the work, if successful, will make to existing knowledge; (iii) the ability to generalize its results; and (iv) the contribution to improving educational practice at the school level (35 points).

(2) The conceptual and technical quality of the proposed project. This includes—(i) the adequacy of the analysis, conceptualization, methods, and instrumentation as appropriate; (ii) the extent to which the application exhibits, and builds upon, a thorough grasp of the results of pertinent prior research as well as the problems and issues facing schools as they undergo change; (iii) evidence that, where appropriate, there is collaboration between investigators and practitioners in the conduct of the research; (iv) the likelihood that the proposed project can be successfully concluded; and (v) the likelihood that the proposed research will be conducted in a manner that benefits the research sites, if appropriate (35 points).

Subpart E—Conditions a Grantee Must Meet

§ 1496.41 Restrictions on the items a grant may support.

(a) No funds may be used for construction, repair, remodeling, or alteration of facilities or sites.

[FR Doc. 80-6153 Filed 2-27-80; 8:45 am]

BILLING CODE 4110-39-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 148

[CGD 79-141]

Unslaked Lime Shipping Requirements

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: The Coast Guard is proposing to eliminate the requirements for Shipping Papers and Dangerous Cargo Manifest when unslaked lime is shipped in unmanned, all steel, double skinned barges. This provision was in the former regulation 46 CFR 146 and was not transferred to 46 CFR 148 by mistake.

DATES: Comments must be received on or before: April 11, 1980.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/TP24) (CGD 79-141) U.S. Coast Guard, Washington, D.C. 20593. Between the hours of 7:30 am and 4:30 pm Monday through Thursday, comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G-CMC/TP24) Room 2418 U.S. Coast Guard Headquarters, 2100 Second St. SW. Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. John McAnulty (G-MHM-2/TP14) Room 1406, Coast Guard Headquarters 2100 Second Street SW. Washington, D.C. 20593 (202-426-1578).

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include name and address, identify this notice (CGD 79-14) and the specific section of the proposal to which his comment applies, and give the reasons for comment. If an acknowledgment is desired, a stamped, addressed postcard should be enclosed. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one will be held at a time and place to be set in a later notice in the **Federal Register** if requested in writing by any person raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information

The principal persons involved in drafting this proposal are: Mr. John F. McAnulty, Project Manager, Office of Merchant Marine Safety and Mr. Michael N. Mervin, Project Attorney, Office of Chief Council.

Discussion of Comments

On 15 August 1975 CGD 74-225 amended 46 CFR 146 by adding 46 CFR 146.27-29 to permit the transportation of unslaked lime in bulk in all steel, double skinned, unmanned barges and to eliminate the shipping paper requirements for these shipments. When the requirements for shipment of hazardous bulk solid cargoes were transferred from 46 CFR 146 to 46 CFR 148 by CGD 74-13, the requirements of 46 CFR 146.27-29 were not transferred. This was an oversight. The transfer was

partially accomplished by CGD 76–198 on 2 March 1978 by adding 46 CFR 148–04–23. However, the provision which eliminated the shipping paper requirements was not included in this paragraph. Industry representatives have commented that our actions were confusing and they were unable to comment properly during the designated comment periods. In addition, the preambles of CGD 74–13 and CGD 76–198 did not clearly state that shipping papers would be required for unslaked lime.

The proposal has been evaluated in accordance with DOT "Regulatory Policies and Procedures," 44 FR 11033 (February 26, 1979). A copy of the draft evaluation may be obtained from the Commandant (G–CMC/TP24), U.S. Coast Guard, Washington, D.C. 20593 (202) 426–1477.

In consideration of the foregoing, Part 148 of Title 46 Code of Federal Regulations is amended as follows:

1. By revising § 148.04–23 to read:

§ 148.04–23 Unslaked Lime in Bulk.

(a) Unslaked lime in bulk must be transported in unmanned, all steel, double skin barges equipped with weather tight hatches or covers. The barge must not carry any other cargo while unslaked lime is on board.

(b) The originating shipping order and transfer shipping paper requirement in § 148.02–1 and the dangerous cargo manifest requirements in § 148.02–3 do not apply to the transportation of unslaked lime under paragraph (a) of this section.

(46 USC 170; 49 CFR 1.46 (t))

Dated: February 14, 1980.

W. D. Markle, Jr.,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 80–6261 Filed 2–27–80; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 79–246]

American Telephone and Telegraph Co.; Private Line Rate Structure and Volume Discount Practices; Order Extending Time for Filing Responsive Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of Time.

SUMMARY: In response to a request for an extension of time filed by the Central Committee on Telecommunications of the American Petroleum Institute, the Common Carrier Bureau has granted a two-week extension until March 7, 1980 in which to file responsive comments and counter proposals in this proceeding. In addition, the due date for reply comments has been extended until April 7, 1980. Initial comments were filed on January 21, 1980.

DATES: Responsive Comments and Counterproposals must be filed on or before March 7, 1980 and Reply Comments must be filed on or before April 7, 1980.

ADDRESSES: Send Comments to: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Patrick Donovan, Tariff Division, Common Carrier Bureau, (202) 632–6312.

[CC Docket No. 79–246]

Order

Adopted: February 15, 1980.

Released: February 21, 1980.

In the matter of American Telephone & Telegraph Company, private line rate structure and volume discount practices.

By the Chief, Common Carrier Bureau:

1. Before the Chief, Common Carrier Bureau is a motion for extension of time filed by the Central Committee on Telecommunications of the American Petroleum Institute (Central Committee). The Central Committee requests an extension of 45 days in which to prepare and file responsive comments and/or counterproposals in the above-captioned matter. Such comments are currently scheduled to be filed on February 22, 1980.

2. In support of its request, the Central Committee states that AT&T's submission is lengthy, raising many complex and difficult issues which must be carefully analyzed and addressed. It further states that in light of the extreme importance of this proceeding to the Central Committee it has called a special meeting of its common carrier subcommittee. Because of scheduling difficulties, this meeting cannot take place before the first week in March. The views of its members must then be analyzed and coordinated into a final response. The Central Committee also calls our attention to our order of December 21, 1979 in which we granted a two week extension for filing initial comments without extending subsequent filing periods. For these reasons, the Central Committee states that unless the requested extension is granted there will not be a reasonable opportunity for interested persons to file responsive comments.

3. We are not persuaded by all these contentions. The Commission's *Notice of Inquiry and Proposed Rulemaking*, 74 FCC 2d 226 (1979) was issued in October, 1979. The Central Committee, in other words, has been afforded ample opportunity to foresee and schedule necessary meetings. Moreover, the Commission in setting filing periods, was aware of the complexity of the issues involved. The Central Committee has made no factual showing that these initial filing periods are unreasonable. Therefore, we do not intend to alter the time periods established by the Commission. Nevertheless, in view of our previous extension for filing initial comments, we will allow an additional two weeks for responsive comments and reply comments. Responsive comments and counterproposals will be due on March 7, 1980 and reply comments on April 7, 1980.

4. Accordingly, pursuant to delegated authority contained in Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, IT IS ORDERED, that the "Motion for Extension of Time" filed by the Central Committee on Telecommunications of the American Petroleum Institute IS GRANTED to the extent indicated above and is otherwise denied.

Thomas J. Casey,

Deputy Chief, Common Carrier Bureau.

[FR Doc. 80–6240 Filed 2–27–80; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 61

[CC Docket No. 80–54; RM–3453; FCC 80–58]

Regulatory Policies Concerning Resale and Shared Use of Common Carrier Domestic Public Switched Network Services

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Communications Commission (FCC) today is insitituting a rulemaking to adopt rules and policies with respect to the removal of tariff restrictions on the resale and sharing of domestic public switched network services. The services affected would be American Telephone and Telegraph's (AT&T's) Message Telecommunications Service (MTS), which is everyday interstate toll telephone service, and all Wide Area Telecommunications Service (WATS). The tariff restrictions have been called into question by a petition from MCI Telecommunications Corp. (MCI), which alleges that such restrictions are unjust, unreasonable, and unduly discriminatory in violation

of Sections 201(b) and 202(a) of the Communications Act, 47 U.S.C. §§ 201(b) and 202(a). The proposed rules would make such tariff restrictions unlawful.

DATES: Comments must be filed on or before May 9, 1980, and reply comments must be filed on or before July 1, 1980.

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

FOR FURTHER INFORMATION CONTACT: Braden Allenby or Tim Stevens, Common Carrier Bureau (202) 632–6917.

[CC DOCKET NO. 80–54 RM–3453]

Adopted: February 12, 1980.

Released: February 25, 1980.

In the matter of regulatory policies concerning resale and shared use of common carrier domestic public switched network services.

By the Commission: Commissioner Fogarty dissenting and issuing a statement in which Commissioners Quello and Jones join.

1. For many years, the American Telephone and Telegraph Company (AT&T) and other carriers have imposed various restrictions in their tariffs on the resale and shared use of their domestic public switched network services, including domestic Message Telecommunications Service (MTS), 800 Service (formerly Inward Wide Area Telecommunications Service), and Outward Wide Area Telecommunications Service (Out WATS). The public interest justifications for permitting carriers to continue these practices have formally been called into question by MCI Telecommunications Corp. (MCI). On the basis of MCI's petition, as well as comments filed by other interested parties, the Commission has determined that the time is ripe to ascertain whether a change in the current restrictive environment would result in a better production and distribution of telecommunications services from the standpoint of the public. Therefore, we are issuing this notice of proposed rulemaking to adopt rules, if warranted, concerning the removal or modification of existing restrictions on the resale and shared use of common carrier domestic public switched network services.[1]

Background

2. On July 27, 1979, MCI Telecommunications Corporation (MCI) petitioned the Commission to institute a proceeding to consider policies and rules concerning current tariff restrictions on resale and shared use of switched voice services and facilities provided by common carriers. The affected services would include AT&T's Message Telecommunications Service (MTS) Domestic offshore, Canada, and Mexico; MTS Overseas/International; Outward Wide Area Telecommunications Service; and "800" Service (Inward Wide Area Telecommunications Service). Satellite Business Systems (SBS), the Southern Pacific Communications Company (SPC), Transnational Network, and the Western Union Telegraph Company (WU) have filed comments supporting MCI. The Ad Hoc Telecommunications Users Committee (an organization of 14 corporate telecommunications users), Aeronautical Radio, Inc. (ARINC) and the Air Transport Association of America (ATA) profess concern that resale and/or sharing would adversely affect the present WATS structure, but do not flatly oppose MCI's petition. AT&T opposes the petition.

3. MCI initially claims that present restrictions on resale and shared use of common carrier switched voice services and facilities are unjust and unreasonable, unduly discriminatory, and anticompetitive within the meaning of the Communications Act. MCI, in other words, implicitly alleges that WATS Tariff FCC No. 259, and MTS Tariff FCC No. 263, violate Section 201(b) of the Act, 47 U.S.C. § 201(b), which requires all practices involving communications services to be just and reasonable, as well as Section 202(a) of the Act, 47 U.S.C. 202(a), which makes it unlawful for a common carrier to unjustly or unreasonably discriminate between like communications services. MCI further alleges unreasonable discrimination by common carriers between users based on size, as well as of function. Specifically, MCI notes that only "composite data service vendors" and certain other favored users are permitted by the terms of the tariff to resell WATS. It also contends that AT&T is unlawfully favoring large over small users by offering an unjustified bulk rate discount because the price AT&T charges for its bulk rate WATS service bears little relation to the costs of providing it. In the final analysis, MCI foresees the same benefits accruing from resale and sharing of switched network services as we found would result from the resale and sharing of private line services, namely, increased incentive for cost-based pricing of the services; reduction in required enforcement of Sections 201(b) and 202(a); more efficient use of network capacity; better network management; improved marketing of communications services and facilities; wider variety of communications sufferings; and increased research, development and implementation of communications technology. See *Resale and Shared Use, supra,* 60 F.C.C. 2d 261, 302.[2]

4. Should we find no basis to order unlimited resale and sharing of all switched voice services and facilities, MCI suggests as an alternative the institution of a market experiment. Under this proposal, we would direct AT&T to provide a number of WATS lines for a two year period.[3] Data on customers, reselling rate schedules, dates of sale and cancellations, as well as other useful information would be collected monthly and distributed to the parties. After six months we would invite comments, and then direct the inclusion in the monthly reports of whatever additional data appeared necessary. A second round of comments would follow.

5. For its part, AT&T responds that any consideration of removing the tariff restrictions on reselling and sharing of common carrier switched voice services and facilities should be included in CC Docket 78–72, the *MTS and WATS Market Structure Inquiry.*[4] AT&T notes that parties have been directed there to address the policy issues for competitive entry into the MTS and WATS markets

[1] The issue of sharing or reselling switched network services has been before us periodically. *See, e.g., Special Telephone Charges of Hotels, etc.,* 10 F.C.C. 252 (1943), *aff'd sub nom.* Ambassador, Inc. v. U.S., 325 U.S. 317 (1945) (tariff limitation on surcharges for Message Telecommunications Service ("MTS") by hotels, apartments, and clubs upheld); *Associated Students of the University of Arizona* v. *AT&T,* 43 F.C.C. 2d 197 (1973) (upholding Wide Area Telephone Service "WATS") tariff restriction requiring customers to have "direct interest" in each communication made under tariff); *Resale and Shared Use of Common Carrier Services,* 60 F.C.C. 2d 261, 289–291 (1976), *recon.* 62 F.C.C. 2d 588 (1977), *aff'd sub nom.* AT&T v. F.C.C., 572 F. 2d 17 (2nd Cir., 1978), *cert. denied,* 439 U.S. 875 (1978); *AT&T Company Long Lines Department ("WATS Rejection")* 66 F.C.C. 2d 9, 56 (1977), *recon.* 60 F.C.C. 2d 1672 (1978) *appeal pending subnom.* MCI Telecommunications v. FCC, Case No. 79–1119 (D.C. Cir. filed January 29, 1979); *AT&T Co. ("Like Services"),* 66 F.C.C. 2d 224 (1979), *Final Decision and Order,* 70 F.C.C. 2d 593, 603 n.12 (1978).

[2] SPC adds in this regard that the market impetus towards cost-based pricing which would result if MCI's proposal were adopted would aid us in other investigations by generating more reliable data for costing purposes. Transnational contends, moreover, that an untapped market of small users would immediately benefit from the reduced rates and tailored offerings likely to result from the removal of the tariff restrictions.

[3] A number of parties appear to conclude that MCI's petition for all practical purposes involves only the sharing and resale of WATS. We note, however, that MCI's petition is phrased in the broader terms of "switched voice services and facilities provided by common carriers." In order words, MCI appears to have more than WATS in mind.

[4] 67 F.C.C. 2d 757 (1978)(Notice of Inquiry and Proposed Rulemaking); Supplemental Notice of Inquiry and Proposed Rulemaking, 73 F.C.C. 2d 222 (1979).

and that the complexity of the considerations surrounding competition in the switched voice services market precludes isolated treatment of an individual component of entry policy such as resale and sharing. ARINC, ATA, and the Ad Hoc Committee generally echo AT&T in this regard. Additionally, these parties seem to fear that removal of the restrictions might induce AT&T to raise WATS rates. AT&T concedes, on the other hand, that a carefully designed and limited WATS resale trial could provide useful input to the Commission's analyses in CC Docket 78–72. It warns, however, that such a trial would be "absolutely meaningless" unless AT&T were to file a restrictured tariff. AT&T Opposition, p. 3.[5]

Structure of the Proceeding

6. As noted, after considering the above submissions in conjunction with the broader issues raised in paragraph 1 above, we have decided to institute this rulemaking proceeding to adopt appropriate rules and policies concerning the removal of existing restrictions on resale and shared use of common carrier domestic public switched network services.[6] We emphasize that in this proceeding our primary objective is to evaluate the desirability of resale and sharing of services which are already offered but whose use is restricted under present tariffs; that is, were not directly considering entry by new underlying carriers.[7] Although a number of the comments on MCI's petition for rulemaking tended to concentrate on the reselling function and/or WATS service, we do not view this proceeding as so limited.[8] We intend to consider unlimited resale and sharing of the domestic public switched network services, MTS and WATS.[9] As elements of our analysis, we will address the following possibilities, among others, as being the most important analytically:

a. unlimited sharing of WATS; b. unlimited sharing and resale of WATS; c. unlimited resale of interstate MTS;[10] and d. a market experiment in the resale of WATS.[11]

Combinations of the above, *e.g.*, unlimited resale of interstate MTS and the market experiment in WATS, are of course among our options. Conceivably, the issues and factual submissions which each course may involve are not congruent, and we emphasize our interest in obtaining submissions dealing with the advantages and disadvantages of each option, as well as the public interest implications of various combinations of options.

7. AT&T correctly notes that we have declined to order resale and sharing of MTS and WATS in past proceedings. In *Resale and Shared Use* we noted that certain issues raised in connection with resale and sharing of switched voice services were not adequately addressed in the record. We therefore were not disposed to resolve this issue in that decision.[12] In response to a petitioner's request in the *WATS Rejection* proceeding, we stated that, although we might treat the matter at a later date in a separate proceeding, we were not prepared to do so in the context of a particular tariff filing which we were rejecting.[13] Finally, in the *Like Services* case, we indicated our intent to deal with tariff restrictions on resale and shared use of switched voice services in the *MTS/WATS Market Structure Inquiry*, CC Docket 78–72, and therefore made no ruling on this issue.[14]

8. The current situation is different. We are not being asked to evaluate resale and shared use in the context of a tariff filing involving essentially different issues, and thus we now have the opportunity to consider the evidence concerning this specific issue. While we agree that resale and shared use could be considered within the context of CC Docket 78–72, we certainly do not view this as our sole procedural alternative. As indicated above, resale and shared use issues, which involve brokers, arbitrage entities, and "value added" carriers, can be addressed apart from consideration of entry by underlying carriers. For this and other reasons, we are confident that resale and sharing can be dealt with efficiently and expeditiously in an independent proceeding. Indeed, as several parties point out, data resulting from resale and sharing activities may be quite useful in helping to successfully conclude CC Docket 78–72. In addition, we now have

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[5] Although we are not requiring any tariff revision to be filed as part of this proceeding, we expect AT&T to provide in its comments some indication of the manner in which it proposes to "restructure" its tariff. Among other benefits, this should enable the parties to conduct more concrete analysis of the effects of removing resale and shared use restrictions.

[6] *In Resale and Shared Use, supra* n. 1, we defined "resale" as . . . an activity wherein one entity subscribes to the communications services and facilities of another entity and then reoffers communications service and facilities to the public (with or without "adding value") for profit. 60 F.C.C. 2d 261, 271. "Sharing" was defined as . . . a non profit arrangement in which several users . . . collectively use communications services and facilities obtained from an underlying carrier or a resale carrier, with each user paying the communications-related costs associated with subscription to and collective use of the communications services and facilites according to its pro rata usage of such communications services and facilities. 60 F.C.C. 2d 261, 274.

Parties may, if they wish, employ differing definitions of these activities as well as differing assumptions concerning forms of regulation of such activities in their responses. If different assumptions are used, they should be explicitly noted. We advise the parties, however, that we do not intend to directly address any questions dealing with the appropriate regulatory status of carriers involved in the resale and sharing of common carrier domestic public switched network services *per se* in this proceeding. We are dealing with such issues elsewhere, and see no benefit in duly burdening this proceeding. *See Competitive Common Carrier Services* (Notice of Inquiry and Proposed Rulemaking), CC Docket No. 79–251, FCC 79–599, adopted September 27, 1979; *Second Computer Inquiry* (Tentative Decision and Further Notice of Inquiry and Rulemaking), Docket No. 20828, FCC 79–307, adopted May 17, 1979, pp. 37–43; ITT World Communications Inc. *et al.* v. Consortium Communications International, FCC 79–846, released February 12, 1980, pp. 6–7.

[7] We defined "underlying carrier" in *Resale and Shared Use* as one "owning transmission facilites from whom resale entities obtain communications service . . ."; it "may supply the basic communications service via facilities which it owns or a mixture of owned and leased facilities." See 60 F.C.C. 2d 261, 271, n. 13. The largest underlying carriers are the telephone companies because of the size of their plant.

[8] In other words, although MCI's petition has in part been the catalyst for this inquiry, we are not limiting it to the issues MCI raises. Further, we expect parties to respond to the concerns that we express, and not just to comment on other parties' submissions.

[9] We recognize, as did the Second Circuit in *AT&T v. FCC, supra* n. 1, that under the current tariff local exchange and long distance services may not be resold but they may be shared, so long as the subscriber does not profit from the sharing. 572 F. 2d 17, 20. Moreover, we recognize the possibility that this proceeding will affect Outward WATS and 800 Service in different ways, and we encourage parties to highlight these differences in their comments. Although we have found 800 Service, Outward WATS, and MTS to be "like services" within the meaning of Section 202(a) of the Act (*Like Services, supra* n. 1), we are aware that usage patterns as a result of discounting, and hence the economic implications of each service, may differ.

[10] We see no benefit to be gained by considering resale of international/overseas MTS in this proceeding. None of the submissions we received even discussed this service and we prefer to avoid possibly encumbering our present inquiry with matter having limited relevance to domestic service. See our order on reconsideration in *Resale and Shared Use* where we determined that our resale and shared use policy would not be applied to international services at that time, but emphasized that our action was not a finding that existing restrictions on international services and facilities were just, reasonable, or not unlawfully discriminatory. 62 FCC 2d 588, 593. *See also* Consortium Communications International at pp. 7–8.

[11] Each of these options could, of course, be instituted separately should the record justify that course. Maintenance of the status quo is also a possibility. Further, we will consider limitations on any option provided proper support for the position is submitted.

[12] 60 F.C.C. 2d 261, 290–291, *supra*, n. 1. We stated in part that, "both MTS and WATS are switched services, with characteristics distinct from those of private line service, and we are not prepared to warrant that removal of the restrictions on WATS would lead to the benefits which we foresee for private line service. . . ."

[13] See 66 F.C.C. 2d 9, 56, *supra*, n. 1.

[14] See 70 F.C.C. 2d 593, 603 n. 12.

the conceptually similar experience of resale and shared use of common carrier private line services to draw on. We also note AT&T's assertion that the pricing of switched network services is based on cost and that such services provide earnings ratios at least as high, if not higher, than the genreal rate of return we have fixed. See 66 FCC 2d 9, 13–15. Under such circumstances, the stimulation of demand resulting from the introduction of new and innvoative sources of supply and service offerings would redound to the underlying carrier's benefit, since any increase in reselling or sharing activity must imply greater consumption of the basic offering. Additionally, as we noted in the *Resale and Shared Use* case, where these new sources and service offerings are possible without the addition of significant investments or resources, it is "particularly advantageous." 60 FCC 2d 261, 302. In short, we find strong public interest reasons to initiate this proceeding at this time.[15]

9. As we envision it, this proceeding must satisfy several applicable statutory provisions. First, the tariff restrictions at issue must be demonstrated to be just, reasonable, and not unreasonably discriminatory under Section 201 (b) and 202 (a) of the Act. Second, we have an affirmative duty to advance the public interest.[16] With respect to this legislative mandate, we want to emphasize that, in our judgment, the record which has been developing over the last decade in conjunction with our pro-competitive policies has been encouraging. The number of carriers who are providing competing services and equipment continues to grow.[17] Overall performance by the industry can be characterized as very good and improving. Prices charged by common carriers have generally been either steady or falling, in spite of high rates of inflation, and output has been increasing. As indicated in our recent Second Report in Docket 20003, FCC 80–5, January 29, 1980, the expansion of the total telecommunications market is evidence that there were unmet customer needs prior to the introduction of competition. The resale and shared use of AT&T's public message services provides the opportunity to open up yet another segment of the telecommunications industry to new entrants. It also provides the opportunity for market operations rather than discretionary authority on the part of a single firm to determine the utilization of telecommunications resources. With these prospects in mind we now propose changes in our rules which would provide more opportunities for competitive entry. To assist us in considering the conformance of this proposed change in rules with our statutory requirements, we expect the parties to explicate the public interest ramifications of their positions as they respond to our more specific concerns as spelled out in the Appendix below.

10. As a final matter, we emphasize that the burden of proof of establishing the justness and reasonableness of the tariff restrictions at issue remains with the carrier and, inferentially, with other parties seeking to retain these restrictions.[18] Parties favoring unlimited resale and/or sharing of specific services should proffer evidence tending to support their position as reasonable and in the public interest. In any event, for the time being, we are persuaded that normal notice and comment procedures will be adequate to fully explore the issues raised. *See American Airlines, Inc.* v. *C.A.B.*, 359 F. 2d 624, 633 (D.C. Cir. 1966), *cert. denied*, 385 U.S. 843. *See also AT&T* v. *FCC*, 572 F. 2d 17, 21–23 (2nd Cir. 1978), *cert. denied*, 439 U.S. 875 (1978); *Resale and Shared Use*, 60 F.C.C. 2d 261, 325 (Appendix D).

Ordering Clauses

11. Accordingly, it is ordered, that pursuant to Sections 4(i), 4(j), 201, 202, 203, 205 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 201, 202, 203, 205, and 403, and Section 553 of the Administrative Procedure Act, 5 U.S.C. § 553, there is issued a notice of proposed rulemaking. Members of the public are on notice that policies which may be established in this proceeding may be embodied in the Commission's Rules and Regulations.

12. It is further ordered, that all interested persons may file comments on the matters discussed in this Notice as well as in the Appendix on or before May 9, 1980. Responsive comments shall be filed on or before July 1, 1980. In accordance with Section 1.419 of the Commission's Rules, 47 C.F.R. § 1.419, an original and five copies of all filings shall be furnished to the Commission.

13. It is further ordered, that the Chief, Common Carrier Bureau is delegated authority to require the submission of additional information, make further inquires, and modify dates and procedures if necessary to provide for a fuller record and more efficient proceeding.

14. It is further ordered, that the Secretary shall cause this Notice of Proposed Rulemaking to be published in the **Federal Register.**

Federal Communications Commission.[19]

William J. Tricarico,

Secretary.

Appendix

In this appendix we present questions to which interested persons may respond. These questions are accompanied by background discussions and reflect issues which we consider to be of primary importance. The responses to these questions will in substantial measure assist the Commission in resolving the public interest considerations associated with reselling and sharing of domestic public switched message services. Comments may, of course, include information beyond the scope of the questions in this appendix if it is relevant to our inquiry.

Limitations on Resale and Shared Use

1. Although our *Resale and Shared Use* decision adopted a general policy of removing restrictions on the resale and shared use of common carrier private line services without qualification on the basis of service distinctions, it may be appropriate, given a proper showing on the record, to consider some limitations in the instance of domestic public switched message services. In particular, it is possible that a policy of unlimited resale of MTS may lead to practices contrary to the public interest. In circumstances where public telephones may not be readily available (*e.g.* hotels, motels, clubs, hospitals, local businesses, etc.), a localized monopoly giving rise to the possibility of oppressive charges could result.[1] One possibility, of course, is that resale restrictions could be removed from WATS services, while MTS would maintain its current status as a service for which only sharing is allowed.

(a) What types of services, unlike those which currently exist, could be

[15] Because we foresee the possibility of numerous benefits accruing to the public as a result of the resale and shared use of switched network services (see paragraph 9), we intend to adhere strictly to the filing dates established in this Notice.

[16] Our basic guide is Section 1 of the Act, where we are directed "to make available, so far as possible . . . a rapid, efficient, Nationwide and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property. . . ."

[17] A partial list of carriers whose success is related to the existence of a resale environment includes Graphnet Systems, Inc., GTE Telenet Communications Corp., TYMNET, Inc., ITT Domestic Transmission Systems, Inc., RCA Globcom Systems, Inc., DHL Communications, Inc., and Pacific Network Communications Corp.

[18] See *Resale and Shared Use*, 60 FCC 2d 261, 284–285, and the cases cited there.

[19] See attached Dissenting Statement of Commissioner Fogarty in which Commissioners Quello and Jones join.

[1] *See Special Telephone Charges of Hotels, etc.*, 10 F.C.C. 252 (1943), *aff's sub nom.* Ambassador, Inc., v. U.S., 325 U.S. 317 (1945).

expected to arise from allowing resale of MTS? Is there significant demand for these services?

(b) Would unlimited resale of MTS result in "price gouging"? If so, under what circumstances might this be expected to occur? What measures might the Commission take to ensure reasonable rates?

(c) Is it practicable to lift resale and shared use restrictions on WAT while retaining restrictions on the resale of MTS? What special problems would arise were AT&T to merge the MTS and WATS tariffs?

2. Another possible departure from a general policy of unrestricted resale and shared use of domestic public switched services which parties may wish to consider is the removal of the WATS sharing restriction only, while allowing the continuation of resale restrictions on MTS and WATS. One unknown regarding unlimited resale of WATS services—especially if the current WATS rate structure were to remain in effect—is the possible effect on existing separations processes and resulting changes in the distribution of revenues, expenses, and investments among various jurisdictions. Allowing shared use of WATS, but not resale of WATS, might serve to moderate any large scale shifts in investments among jurisdictions as a result of current separations procedures. (In any case, however, any proposed continuation of tariff restrictions must be fully explained and justified.)

(a) Do "institutional" considerations, such as current separations procedures, justify the retention of existing restrictions against resale of either MTS and WATS or both?

(b) Assuming resale and shared use are considered to be desirable policies from the viewpoint of the public interest, should separations procedures be changed in order to accomodate changed usage patterns of the public switched network? What changes in separations and settlements would have to take place in order to maintain the stability of rates and services?

(c) Are there other considerations which might favor adopting a shared use only policy?

Market Experiment

3. MCI's rulemaking petition proposes a two-year controlled market experiment as an alternative to unlimited resale and shared use of WATS. AT&T has responded favorably to such an approach, with the caveat that a new WATS tariff would have to be filed to prevent ". . . short-run adjustments to artificial market conditions." Opposition, p. 13. It is presently unclear why similar short run ajustments would not take place in response to any experiment of limited duration. It would appear that such an experiment is less likely to attract large investments of effort or capital because of the obvious risk that resale and shared use restrictions could be reinstated. Nonetheless, we encourage responses from those favoring this approach.

(a) What benefits or disadvantages arise from an experimental approach to lifting restrictions on resale and shared use (of WATS or other services), as opposed to an open-ended, unconditional approach?

(b) How does AT&T define what it means by a tariff "properly designed and limited." (Opposition, p. 10.)

(c) Are there alternative experiment designs which would be preferable to the one proposed by MCI?

Results of Resale and Shared Use

4. One of the more desirable consequences we see from the adoption of a resale and shared use policy (even in limited form) for domestic public switched network services is the movement of rates towards costs as a result of market forces. This process could serve to minimize the need for regulatory efforts in the costing process, while ensuring just and reasonable rates. For example, if WATS rates are too low in relation to costs, resellers could be expected to "repackage" the service and sell it as a substitute for MTS. The increased demand for WATS lines on the part of resellers would tend to force WATS rates up until all costs (including the cost of capital) are recovered. AT&T has maintained, however, that WATS is a non-discriminatory, cost-based service. If this is the case, we expect that resale and shared use activities should not exert pressure on WATS rates.

(a) Would a policy promoting the resale and shared use of WATS services assist the Commission in its efforts to achieve cost-based rates (and thereby prevent unlawful cross-subsidization)?

(b) How might the lifting of resale and shared use restrictions affect AT&T's rates and rate structures?

5. Of particular interest to us is the likely impact of resale and shared use of public message services on the structure of the telecommunications industry.

(a) Parties are invited to comment on any structural changes which might take place under various forms of resale and shared use, including: (a) entry and exit of suppliers of telecommunications services; (b) growth or decline in AT&T's market power; (c) tightening or relaxation of barriers to entry into telecommunications; and (d) increase or decrease in the degree of vertical integration.

(b) What innovations in the types of telecommunications services offered to the public may be anticipated as a result of removal of resale and shared use restrictions on the public message services? Will carriers have a greater incentive to respond to the needs of customers? Would the production of new types of terminal equipment, by both Western Electric and other communications equipment manufacturers, be stimulated?

(c) How would resale and shared use affect research and development operations in the industry—including work at Bell Laboratories, existing competitors of AT&T, and competitors formed as a result of removal of resale and shared use restrictions?

(d) Are the issues concerning the resale and/or sharing of MTS and/or WATS separable from those under consideration in CC Docket No. 78–72?

6. One argument we anticipate being made against resale and shared use of WATS services is that economies accruing to network users under the current restricted tariff would no longer exist in the absence of these restrictions. Parties are invited to respond to this and other questions related to the engineering efficiency of the existing telecommunications network.

(a) Would lower unit costs result from lifting the restrictions at issue, perhaps from increased fill ratios or for other technical reasons?

(b) How might usage during peak periods be affected in the absence of resale and shared use restrictions? What measures could the carrier or the Commission take to alleviate any undesirable consequences to the network of the lifting of these restrictions?

(c) Does "800" service (formerly Inward WATS) have unique technical characteristics (as opposed to those of Outward WATS) which would limit resale and shared use capabilities?

Dissenting Statement of Commissioner Joseph R. Fogarty in Which Commissioners Anne P. Jones and James H. Quello Join

In Re Regulatory Policies Concerning Resale and Shared Use of Common Carrier Domestic Public Switched Network Services.

The concept of this order—the investigation of the lawfulness of existing tariff constraints with respect to the resale and sharing of MTS and WATS—would have been fine if there

were no Docket No. 78–72—the *MTS/WATS Market Structure Inquiry.*[1]

An examination of these issues, and their ramifications in the marketplace and in the telecommunications industry institutional structure, is certainly appropriate at this time. However, the resale and shared use of MTS and WATS is already addressed within the much broader context of Docket No. 78–72. As a matter of fact, comments in this proceeding are due on March 3, 1980, approximately two weeks from now.

I believe that the resolution of these resale and sharing issues in a separate proceeding of the scope indicated in this Order would be:

(1) duplicative of the work being done by both the parties and the Commission staff in Docket No. 78–72;

(2) prejudicial to essential aspects of Docket No. 78–72; and

(3) inhibitive of the effective and timely resolution of that Docket.

Docket No. 78–72 was instituted by the Commission in response to the *Execunet* decisions [2] and raises the paramount issue of whether or not the monopolistic supply of MTS and WATS services is in the public interest.

The majority evidently believes that there are aspects of resale and sharing which should be separated from Docket No. 78–72, and that these aspects can be resolved without affecting the decisionmaking process in the existing proceeding. The majority takes the position that this proposed new proceeding is addressing resale and sharing in a different context: "We emphasize that in this proceeding, our primary objective is to evaluate the desirability of resale and sharing of services which are already offered but whose use is restricted under present tariffs. . . . We are not directly considering entry by new underlying carriers."

I think that these arguments are naive and short-sighted. Docket No. 78–72 is not restricted to the provision of switched telephone-grade channels by underlying carriers only. Although Docket No. 78–72 was triggered by the *Execunet* decisions, its concern is with the competitive provision of interstate MTS-like service by *any* entity. Parties advocating competition are asked to comment, *inter alia,* upon the associated telecommunications industry structure (e.g., the role and organization of the Bell System) and upon the appropriate institutional structure (e.g., jurisdictional separations procedures and access charges). The participants are asked to develop industry structure models which must necessarily include certain assumptions about, and recommendations concerning, resale and sharing policy. The *Supplemental Notice* in Docket No. 78–72 states: "Participants who advocate more than one source of supply should specify the terms and conditions under which entrants would be allowed to provide services. Examples of such terms and conditions might be unlimited resale of all common carrier services. . . ." [3]

Clearly, the scope of Docket No. 78–72 necessarily includes the question of the role of resale carriers in the competitive environment.

The attempt to consider the resale and sharing matter in a separate proceeding will result in both parties and Commission staff addressing themselves to the following, identical issues in separate proceedings:

(1) the competitive supply of switched telephone channels;

(2) effects upon entry and exit into this market;

(3) the compatibility of existing jurisdictional separations procedures, and the necessity for, and the nature of, any changes;

(4) the effects of competitive activity upon industry structure and upon AT&T in particular; and

(5) effects upon the public.

Given the extensive duplication of issues in these Dockets, I cannot condone the repetition of effort involved, nor can I see how either proceeding can be intelligently resolved separate and apart from the other. If, as implied by the majority, Docket No. 78–72 is too courageous an effort by this Commission to resolve key questions of competition in MTS and WATS and will take fifteen years to implement, then the Commission in all honesty should recall and terminate that Docket. As it now stands, the issuance of this Order prejudges the outcome of the parent Docket No. 78–72.

I dissent.

[FR Doc. 80–6245 Filed 2–27–80; 8:45 am]

BILLING CODE 6712–01–M

[1] *Notice of Inquiry and Proposed Rulemaking,* 67 FCC 2d 757 (1978); and *Supplemental Notice of Inquiry and Proposed Rulemaking,* 72 FCC 2d 222 (1979).

[2] *MCI Telecommunications Corp. v. FCC (Execunet I),* 561 F. 2d 365 (D.C. Cir. 1977), *cert. denied,* 434 U.S. 1040 (1978); *MCI Telecommunications Corp. v. FCC (Execunet II),* 580 F. 2d 590 (D.C. Cir. 1978) *cert denied,* 439 U.S. 980 (1978).

[3] *Supplemental Notice,* 73 FCC 2d at 239.

47 CFR Part 73

[BC Docket No. 80–71; RM–3294]

FM Broadcast Station in Bettendorf, Iowa; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of propose rule making.

SUMMARY: Action taken herein proposed the assignment of Class A Channel 288A to Bettendorf, Iowa, in response to a petition filed by James J. McNamara. The proposed channel could provide a first local aural broadcast service to the community.

DATES: Comments must be filed on or before April 15, 1980, and reply comments must be filed on or before May 5, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

[BC Docket No. 80–71; RM–3294]

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Bettendorf, Iowa).

Adopted: February 13, 1980.

Released: February 25, 1980.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making[1] was filed on December 13, 1978, by James J. McNamara ("petitioner"), requesting the assignment of FM Channel 228A to Bettendorf, Iowa.[2] No Responses to the petition were received.

(b) Channel 228A can be assigned to Bettendorf in compliance with the minimum distance separation requirements provided the Bettendorf transmitter site is located approximately 11 kilometers (7 miles) north or northeast in order to meet the spacing requirements with respect to applications for Channel 228A at Burlington, Iowa.

(c) Petitioner states he will apply for the channel, if assigned.

2. *Community Data:* (a) *Location:* Bettendorf, seat of Scott County, is located on the southeast border of Iowa on the Mississippi River.

[1] Public Notice of the petition was given on January 3, 1979, Report No. 1157.

[2] This channel has become available for assignment to Bettendorf because it was recently deleted from Iowa City, Iowa, in Dkt. 19161.

(b) *Population:* Bettendorf—25,100 [3]; Scott County—142,687.

3. *Economic Data:* Petitioner states that Bettendorf is an integral part of a Quad-City metropolitan area, and the center for commerce and civic affairs. Sufficient economic and demographic data has been presented to show that an FM channel could be assigned to provide Bettendorf and Scott County with a needed first local aural service.

4. *Preclusion:* Preclusion studies indicate that no new preclusion would result except for a small area on the co-channel where no communities are located.

5. In view of the needed first local aural service, the Commission proposes to amend the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) with regard to Bettendorf, Iowa, as follows:

City	Channel No.	
	Present	Proposed
Bettendorf, Iowa	.....	228A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 15, 1980, and reply comments on or before May 5, 1980.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

[3] Population figures are taken from the 1970 U.S. Census.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceedings itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-6243 Filed 2-27-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-67; RM-3297]

FM Broadcast Station in Anchorage, Alaska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the substitution of Class C Channel 281 for Channel 280A at Anchorage, Alaska, and the modification of the Class A station's license to specify the Class C channel. This action was taken in response to a petition filed by Sourdough Broadcasters, Inc.

DATES: Comments must be filed on or before April 15, 1980, and reply comments must be filed on or before May 5, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

[BC Docket No. 80-67 RM-3297]

Adopted: February 13, 1980.

Released: February 26, 1980.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Anchorage, Alaska).

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making [1] was filed by Sourdough Broadcasters, Inc. ("petitioner"), licensee of Station KKLV-FM, Anchorage, Alaska. Petitioner proposed the substitution of Class C Channel 281 for Channel 280A at Anchorage, and modification of its license to specify operation on the new channel. No responses to the petition were received.

2. *Community Data:* (a) *Location:* Anchorage is located on the southern coast of Alaska, approximately 480 kilometers (300 miles) from the Canadian border.

(b) *Population:* Anchorage—48,029; [2] Anchorage Census Division—124,542.

(c) *Present Aural Broadcast Service:* Anchorage is served locally by six fulltime AM stations and 5 FM stations (KHVN, Channel 263); (KGOT, Channel 267); (KJZZ, Channel 271); (KKLV, Channel 280A, licensed to petitioner); and (KNIK-FM, Channel 288A). It also has one noncommercial educational FM station.

3. *Economic Data:* Petitioner states that Anchorage is an important industrial area that has experienced increased economic stability. The diverse needs of the growing populace, coupled with a sound economic base, provide impetus for substituting Channel 281 for Channel 280A, according to petitioner.

4. *Preclusion Studies:* Preclusion would occur on Channels 280A, 281, 282, 283 and 284 as a result of the proposed substitution of channels in Anchorage. Palmer (pop. 1,140) and Valdez (1,005), Alaska, are the only additional communities of population greater than 1,000 without local aural service which would be precluded. Petitioner does not list alternate channels for these two communities but is requested to do so in comments.

5. Regarding modification of KKLV-FM's license to Channel 281, the Commission's policy as expressed in *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976), is that interested parties are afforded an opportunity to apply for the newly assigned Class C channel. However, in the absence of such interest, the license could be modified. Since no party has yet expressed an interest in the proposed assignment of Channel 281 to Anchorage, we are proposing to modify the license of Station KKLV-FM. Should an opposition to the proposed modification, together with a proper expression of interest, be submitted in comments, appropriate consideration will be afforded to any competing applicant for the channel, if assigned. Station KKLV-FM should then indicate whether it would wish to pursue its proposal if such competing interest were expressed.

6. An Order to Show cause to the petitioner will not be issued since assent of the licensee of the station whose authorization is to be modified is clearly indicated by its request for the rule making proceeding.

7. In view of the above, the Commission proposes to amend the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) with regard to the community listed below as follows:

City	Channel No.	
	Present	Proposed
Anchorage, Alaska	263, 267, 271, 280A, 288A	263, 267, 271, 281, 288A

8. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before April 15, 1980, and reply comments on or before May 5, 1980.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1,420 of the Commission's Rules and Regulations, an original and four copies

[1] Public Notice of the petition was given on January 3, 1979, Rept. No. 1157.

[2] Population figures are taken from the 1970 U.S. Census.

of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-6241 Filed 2-27-80; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-73; RM-3263]

FM Broadcast Stations in Central City, Nebraska and Yankton, S. Dak.; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a Class C FM channel to Central City, Nebraska, and the substitution of one Class C channel for another in Yankton, South Dakota, in response to a petition filed by Nebraska Rural Radio Association. The proposed channel in Central City can provide for a first local aural broadcast service in that community, in addition to first and second FM and nighttime aural services to the surrounding area.

DATES: Comments must be filed on or before April 15, 1980, and Reply comments must be filed on or before May 5, 1980.

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

FOR FURTHER INFORMATION CONTACT: Myra G. Kovey, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

[BC Docket No. 80-73; RM-3263]

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Central City, Nebraska, and Yankton, South Dakota).

Adopted: February 13, 1980.

Released: February 26, 1980.

By the chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making [1] was filed by Nebraska Rural Radio Association ("petitioner") proposing the assignment of FM Channel 262 to Central City, Nebraska, and the substitution of Channel 226 for unused Channel 262 at Yankton, South Dakota.[2]

(b) The channel assignments can be made in conformity with the minimum distance separation requirements.

(c) Petitioner states that it will apply for the channel, if assigned.

2. *Community Data:*

(a) *Location:* Central City, seat of Merrick County, is located in the east central portion of Nebraska, approximately 168 kilometers (105 miles) west of Omaha.

(b) *Population:* Central City—2,803; [3] Merrick County—8,751.

(c) *Local Aural Broadcast Service:* None.

3. *Economic Considerations:* Petitioner states that the eastern third of Nebraska is the most productive farm area of a heavily agricultural State. It provides no specific information concerning Central City, however, an omission which should be corrected in its comments.

4. *Preclusion Considerations:*

(a) *Channel 262 at Central City:* According to petitioner, in the small area where preclusion would exist, there are no communities with populations over 1,000 which do not have existing or available FM channels.

(b) *Channel 226 at Yankton:* Petitioner states that one community with a population exceeding 1,000—Stanton, Nebraska—would be left with no existing or available FM channel should Channel 226 be assigned to Yankton.

5. *Other Considerations:* While acknowledging that a community of Central City's size would ordinarily be assigned a Class A station, petitioner asserts that a Class C station here will provide a needed wide-area service to a substantially rural area. In this regard, petitioner demonstrated that a first FM service will be provided to a rural population of 4,920 in an area of 1,839 square kilometers (710 square miles) and a second FM service to a population of 13,010 (6,232 rural) in an area of 2,191 square kilometers (846 square miles). In addition, a first aural service would be provided to a rural population of 1,480 in an area of 614 square kilometers (237 square miles) and a second aural service to a rural population of 3,130 in an area of 992 square kilometers (383 square miles).

6. In view of the apparent need for a first local aural broadcast service in Central City, and the proposed service to unserved and underserved areas, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, as it pertains to Central City, Nebraska, and Yankton, South Dakota, as follows:

City	Channel No.	
	Present	Proposed
Central City, Nebr.		262
Yankton, S. Dak.	262,281	226, 281

7. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing or continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before April 15, 1980, and reply comments on or before May 5, 1980.

9. For further information concerning this proceeding, contact Myra G. Kovey, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice or proposed rule making is issued until it is no longer subject to Commission consideration for court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former

[1] Public Notice of the petition was given on December 6, 1978, Rept. No. 1154.

[2] According to petitioner, Channel 256 could also be assigned to Yankton. However, as a Channel 256 assignment would require a transmitter site location farther from the city reference than would a Channel 226 assignment, the latter is proposed.

[3] Population figures are taken from the 1970 U.S. Census.

pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-6244 Filed 2-27-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-68; RM-3213; RM-3252; and RM-3265]

FM Broadcast Stations in Lakeport and Williams, Calif.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of Channel 252A and Channel 258 to Lakeport, California, and Channel 298 to Williams, California. The proposed assignements are made in response to petitions filed by Lake County Broadcasting Co., Sydney Moate, and California Oregon Broadcasting, Inc. The proposed channel for Williams could provide for a first local aural service and substantial first and second FM service. The proposed channels for Lakeport could provide first and second local FM service.

DATES: Comments must be filed on or before April 15, 1980, and reply comments must be filed on or before May 5, 1980.

ADDRESSES: Federal Communication Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

[BC Docket No. 80-68; RM-3213; RM-3252; RM-3265]

In the matter of Amendment § 73.202(b), Table of Assignments, FM Broadcast Stations. (Lakeport and Williams, California.)

Adopted: February 13, 1980.

Released: February 25, 1980.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Lake County Broadcasting Co. ("petitioner"), proposing the assignment of Channel 252A to Lakeport, California, as that community's first FM assignment. The other mutually exclusive petitions for rule making [2] were filed proposing the assignment of Channel 298 to Lakeport and to Williams as first FM assignments by Sydney Moate ("Moate") [3] and California Oregon Broadcasting, Inc.,[4] respectively.

(b) Channel 252A can be assigned to Lakeport in compliance with the minimum distance separation requirements, and Channel 298 can be assigned to Williams in compliance with the same requirements. To avoid the conflict in assigning Channel 298 to either Williams or Lakeport, we have determined that Class B Channel 258 can be assigned to Lakeport. A site restriction of 19 kilometers (12 miles) northwest of Lakeport would be required.

(c) Petitioners state they will apply for the channels, if assigned.

2. *Community Data:*

(a) *Location:* Lakeport, in Lake County, is located 150 kilometers (92 miles) northwest of San Francisco, California. Williams, in Colusa County, is located 160 kilometers (100 miles) northeast of San Francisco.

(b) *Population:* Lakeport—3,005 [5]; Lake County—19,548. Williams—1,571; Colusa County—12,430.

(c) *Local Aural Broadcast Service:* Lakeport is served locally by daytime-only AM Station KBLC; Williams has no local aural service.

3. *Economic Considerations:* Both Lakeport and Williams are primarily agricultural regions with some business enterprises and tourism. Population growth has been study in both areas, and there is a definite need for aural service, according to each petitioner.

4. *Additional Considerations:* Preclusion is significant under the Williams proposal, but alternative channel assignments are available for each community.[6] Moate's *Roanoke Rapids* showing for its Channel 298 proposal at Lakeport indicated that first FM service would be provided to 22,000 persons and a second FM service to 11,000 people. The land area data was not provided. This showing also did not take into account the service that may be provided by Station KREO (Channel 225), Healdsburg, California. Moate should correct these deficiencies and also refine this showing by taking into account the site restriction for Channel 258 which we have proposed as an

[1] Public Notice of the petition was given on Oct. 13, 1978, Rept. No. 1145.

[2] The required spacing is 240 kilometers (150 miles). Lakeport and Williams are approximately 67 kilometers (43 miles) apart.

[3] Public Notice of the petition was given on December 6, 1978, Rept. No. 1154.

[4] Public Notice of the petition was given on December 6, 1978, Rept. No. 1154.

[5] Population figures are taken from the 1970 U.S. Census.

[6] There are 18 communities affected, all in California, with populations in parenthesis: Orland (2,884); Gridley (3,534); Lucerne (1,300); Clearlake Highlands (2,836); Colusa (3,842); Arbuckle (1,037); Corning (3,573); Weaverville (1,489); Central Valley (2,361); Dunsmuir (2,214); Westwood (1,862); McCloud (1,643); Greenville (1,073); Willits (3,091); Palermo (1,966); Ferndale (1,352); Fortuna (4,213); and Blue Lake (1,112). Only Fortuna has local aural service.

alternative. In addition, we request that Moate, or anyone else interested in our proposal of Channel 258 for Lakeport, submit a preclusion study for that channel. According to the *Roanoke Rapids* study for Williams, submitted by California Oregon Broadcasting, from a site approximately 22 kilometers (14 miles) northwest, first FM service would be provided to 11,980 persons in a 2,750 square kilometer (1,058 square miles) area, and second FM service would be offered to 4,680 persons in a 1,280 kilometer (491 square miles) area.

5. Since we are proposing the assignment of a Class A and a Class B channel to Lakeport, intermixture would be created. However, the Class A proponent for Lakeport now has the opportunity to express its views on this matter. Generally, as long as the Class A proponent is aware of the situation and is willing to operate a Class A station in competition with a Class B station, then we have not interfered. Here the Class B proposal is clearly warranted in view of the *Roanoke Rapids* showing.

6. In view of the need for at least a first FM assignment in both Williams and Lakeport, and the substantial first and second FM services that would be obtained, the Commission proposes the following amendments to the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, as they pertain to Williams and Lakeport, California:

City	Channel No.	
	Present	Proposed
Lakeport, Calif		252A, 258
Williams, Calif		298

The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before April 15, 1980, and reply comments on or before May 5, 1980.

9. Further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that party may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to the applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), and (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-6242 Filed 2-27-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-70; RM-3490]

Television Broadcast Station in Danville, Ky.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignemnt of UHF television Channel 49 to Danville, Kentucky, in response to a petition filed by James Arvil Jones. The proposed channel could bring a first local television service to the community.

DATES: Comments must be filed on or before April 15, 1980, and reply comments must be filed on or before May 5, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

[BC Docket No. 80-70 RM-3490]

Adopted: February 13, 1980;

Released: February 25, 1980.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Danville, Kentucky).

By the Chief, Policy and Rules Division:

1. A petition for rule making [1] was filed by James Arvil Jones ("petitioner"), proposing the assignment of UHF television Channel 49 to Danville, Kentucky, as that community's first UHF television assignment. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Danville (pop. 11,542),[2] seat of Boyle County (pop. 21,861), is located in central Kentucky, approximately 50 kilometers (30 miles) south of Lexington. There is no local television services in Danville.

3. Petitioner states that Boyle County and the surrounding area is experiencing a rapid population growth. He notes that there would be no conflict with any other television assignment in the Table of Assignments if the proposed channel is assigned.

4. In view of the apparent need for a first television service in the community, we believe consideration of the proposal to assign UHF television Channel 49 to Danville, Kentucky, in a rule making, is warranted. It should be noted, however, that in order for the channel to be assigned, either petitioner or some other party must indicate in comments its present intention to apply for use of the channel if it is assigned, and if authorized, to build the station promptly.

5. Comments are invited on the proposal to amend the Television Table of Assignments, Section 73.606(b) of the Commission's Rules, for the community listed below:

City	Channel No.	
	Present	Proposed
Danville, Kentucky		49+

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 15, 1980, and reply comments on or before May 5, 1980.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-9660. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, Section 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 80-6237 Filed 2-27-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Public Notice of the petition was given on September 19, 1979, Report No. 1192.

[2] Population figures are taken from the 1970 U.S. Census.

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47 CFR Part 73

[BC Docket No. 80-69; RM-3468]

Television Broadcast Stations in Mansfield and Marion, Ohio; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the deletion of UHF television Channel 68 from Marion, Ohio, and its reassignment to Mansfield, Ohio, in response to a petition filed by Triplett Broadcasting Company, Inc. The proposed Mansfield station could provide for a first local television broadcast service to that community.

DATES: Comments must be filed on or before April 15, 1980, and reply comments must be filed on or before May 5, 1980.

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

FOR FURTHER INFORMATION CONTACT:
Mildred B. Nesterak, Broadcast Bureau, (202) 632–9660.

SUPPLEMENTARY INFORMATION:

[BC Docket No. 80–69; RM–3468]

Adopted: February 13, 1980;

Released: February 26, 1980.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Mansfield and Marion, Ohio).

By the Chief, Policy and Rules Division:

1. The Commission has before it a petition for rule making,[1] filed by Triplett Broadcasting Company, Inc. ("petitioner"), requesting the deletion of UHF television Channel 68 from Marion, Ohio, and its reassignment to Mansfield, Ohio. Channel 68 at Marion is unoccupied and unapplied for. The Association of Maximum Service Telecasters ("MST") filed a statement to which petitioner replied.

2. Mansfield (pop. 55,047),[2] seat of Richland County (pop. 129,997), is located in central Ohio, approximately 55 kilometers (35 miles) east of Marion and 90 kilometers (55 miles) northeast of Columbus, Ohio. It has no local television service. (Channel *47 is assigned to Mansfield and reserved for noncommercial educational use.) Marion (pop. 38,646), seat of Marion County (pop. 64,724), is located in central Ohio, approximately 65 kilometers (40 miles) north of Columbus. It has no local television service.

3. Channel 68 can be assigned to Mansfield, Ohio, provided its transmitter is located at least 10.5 kilometers (6.5 miles) south of Mansfield.[3]

4. Petitioner claims that Mansfield's only television service is from a translator on Channel *47 at Mansfield which rebroadcasts the programs of educational television Station WOSU, Columbus, Ohio, and marginal Grade B coverage from three VHF network stations in Cleveland. It alleges that because of the distance to Cleveland, approximately 65 miles, the Cleveland VHF stations do not provide even Grade B coverage to all of Mansfield and Richland County. Petitioner states the proposed reassignment of Channel 68 from Marion to Mansfield would promote the equitable and efficient utilization of available UHF television channels. It notes that Marion is located close enough to Columbus to receive coverage from the three network television stations there. Petitioner contends that, in addition to being far more isolated from major metropolitan areas and their television service, Mansfield and Richland County have an inherently greater need for a local television station than Marion and Marion County due to its greater population.

5. MST states it does not oppose assignment of Channel 68 to Mansfield provided the site chosen meets the distance separation requirements. It points out that the Mansfield reference point would be short-spaced 1.1 miles to the site selected for Channel 61 in Cleveland, Ohio (BPCT–5003). However, it notes that petitioner proposed a site for Channel 68 in Mansfield which would be adequately spaced to all domestic assignments. MST states that if the Commission decides to make the channel assignment to Mansfield, it should make it clear that the assignment is to be used at a site which meets all applicable spacing requirements.

6. Petitioner, in response, states that a large area exists to the immediate southwest of Mansfield in which a station on Channel 68 can be located to serve Mansfield and that it intends to specify a site in compliance with all spacing requirements.

7. So long as an appropriate site is selected, Channel 68 can be assigned in compliance with the Commission's distance separation requirements and other technical criteria. As indicated, no interest has yet been expressed for use of the television channel assigned to Marion. Since the proposed assignment could be used to bring a first local television broadcast service to Mansfield, we are proposing the reassignment of Channel 68 from Marion to Mansfield, Ohio.

8. Since Mansfield is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed reassignment of Channel 68 to Mansfield, Ohio, requires coordination with the Canadian Government.

9. In view of the foregoing, and pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is proposed to amend the Television Table of Assignments (Section 73.606(b)) to read as follows:

City	Channel No.	
	Present	Proposed
Mansfield, Ohio	*47+	*47+, 68–
Marion, Ohio	68–	

10. Interested parties may file comments on or before April 15, 1980, and reply comments on or before May 5, 1980.

11. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–9660. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, Section 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that

[1] Public Notice of the petition was given on Sept. 5, 1978, Rept. No. 1191.

[2] Population figures are taken from the 1970 U.S. Census.

[3] The restriction is necessary in order to meet the co-channel spacing requirement to Station CBLFT–17, Channel 68, Sarnia, Ontario.

parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (see § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington D.C.

[FR Doc. 80-6236 Filed 2-27-80; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-72; RM-3390]

Television Broadcast Stations in El Paso, Tex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes to switch the noncommercial educational reservation from Channel 7 to Channel 13 in El Paso, Texas, and modify the respective licenses, in response to a joint petition filed by El Paso Public Television Foundation and Marsh Media of El Paso. Petitioners state that the noncommercial educational station will benefit financially from the switch.

DATES: Comments must be filed on or before April 15, 1980, and reply comments must be filed on or before May 5, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

[BC Docket No. 80-72; RM-3390]

Adopted: February 13, 1980.

Released: February 26, 1980.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (El Paso, Texas).

By the Chief, Policy and Rules Division:

1. The Commission has before it a petition for rule making [1] filed jointly by the El Paso Public Television Foundation ("EPTV"), licensee of noncommercial educational television Station KCOS (Channel *7), El Paso, Texas, and Marsh Media of El Paso ("Marsh Media"), licensee of commercial television Station KVIA-TV, Channel 13, El Paso, Texas. The petition reuests that the educational reservation on Channel *7 in El Paso be changed to Channel 13, and that appropriate orders be issued modifying EPTV's license to specify operation on Channel 13 and Marsh Media's license to operate on Channel 7. An opposition to this petition was timely filed by Tri-State Broadcasting Co., Inc. ("Tri-State"), licensee of commercial television Station KTSM-TV, Channel 9, El Paso, Texas, to which petitioners responded.

2. El Paso (pop. 322,261) [2], seat of El Paso County (pop. 359,291), is located in the extreme western part of Texas, on the Mexican border. El Paso is currently being served by four commercial and one educational television stations: KDBC-TV, Channel 4; KTSM-TV, Channel 9; KVIA-TV, Channel 13; KCIK, Channel 14; and KCOS, Channel *7, respectively.

3. Petitioners state that the proposed channel exchange will serve the public interest. Pursuant to a channel exchange agreement, Marsh Media would reduce the rental expense of EPTV's space on Marsh Media's antenna tower to a nominal amount for the remainder of their lease. This would constitute a savings to EPTV of over $150,000. In addition, Marsh Media would also reimburse for the cost of installation of EPTV's antenna, which exceeds $100,000. EPTV believes this substantial monetary saving will help to assure continued operation of the station and provide El Paso viewers with superior public television programming.

4. The proposed exchange is also designed to improve KVIA-TV's competitive position in the El Paso market, according to petitioners. It is argued that the exchange would give Marsh Media the advantage of operating on a channel grouped together with the other VHF commercial television stations, in El Paso (Channels 4 and 9) rather than being separated from them. Marsh Media also believes there may be substantial viewer identification of its affiliation with the ABC television network, whose five owned and operated stations and many other affiliates operate on Channel 7. In further support of the exchange, petitioners cite two other cases: *New Orleans, La.*, 17 F.C.C. 2d 419 (1969) and *Nashville, Tenn.*, 40 F.C.C. 2d 159 (1973), where similar exchanges were approved by the Commission due to the benefits inuring to the noncommercial station.

5. Tri-State submits that EPTV and Marsh Media have failed to show that the public interest, convenience and necessity might be served by the exchange of channels as proposed here. They point out that EPTV's switch to Channel 13 will apparently not be accompanied by any improvements in area coverage or the quality of picture delivered to viewers. Tri-State also contends that, while EPTV would benefit financially from its agreement to switch channels, it has not shown that such benefits are necessary in order that it may better serve the noncommercial educational needs of the El Paso community.

6. In reply, petitioners assert that Tri-State failed to dispute the claimed public benefits of the switch. Petitioners claim that instead of technical improvements, as in the cited cases, the savings can be used to improve programming.

7. Based on the information provided, it appears that the proposal should be pursued. We note that Station KCOS would receive needed financial assistance which it plans to use to improve its programming. This factor is certainly in the public interest. However, the proposal is not without potential problems. As indicated in a

[1] Public Notice of the petition was given on July 11, 1979, Rept. No. 1183.

[2] Population figures are taken from the 1970 U.S. Census.

similar case, *San Francisco and San Mateo, Calif.*, 68 F.C.C. 2d 860 (1978), *recon. den.* 70 F.C.C. 2d 2013 (1979), the Commission's *Cheyenne* policy [3] is applicable. Pursuant to that policy, if another interest is expressed in either of the two newly proposed channels during the course of this rule making, it would not be possible to modify the licenses herein as requested. Since, in the present case, we have no other expression of interest, we can propose the modification approach.

8. In view of the economic benefit to be derived by El Paso Public Television Foundation, and the fact that the proposed exchange involves only high band VHF channels, the Commission feels consideration of the abovementioned proposal is in order.

9. Accordingly, it is proposed to amend the Television Table of Assignments, Section 73.606(b), as it pertains to the community listed below:

City	Channel No.	
	Present	Proposed
El Paso, Tex.	4, *7, 9, 13, 14, 26+, *38—.	4, *7, 9, 13, 14, 26+, *38—

10. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before April 15, 1980, and reply comments on or before May 5, 1980.

12. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

[3] *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, Section 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be avilable for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 80–6238 Filed 2–27–80; 8:45 am]
BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Ch. I

[Docket No. HM–173; Notice No. 80–4]

Public Meetings and Request for Comment on the Transportation of Wet Electric Storage Batteries

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, Department of Transportation.

ACTION: Notice of public meetings and request for comment.

SUMMARY: A recent proposal by the Materials Transportation Bureau (MTB) in Docket HM–166B; Notice 79–8 (44 FR 29503) has generated significant public interest and controversy concerning the transportation on passenger-carrying aircraft of wheelchairs equipped with wet electric storage batteries which contain corrosive battery fluid ("wet cell batteries"). The primary purpose of this notice is to announce public meetings and invite public comment concerning the development of standards which will be applicable to the transportation on passenger-carrying aircraft of wet cell battery equipped wheelchairs. In addition to requesting public comment on the air transport of wet cell battery equipped wheelchairs, this notice also invites public comment and suggestions with regard to simplifying, clarifying, eliminating, or improving those requirements of the Hazardous Materials Regulations which apply to

the transportation of wet cell batteries by all modes.

The meetings will be informal fact-finding proceedings and interested persons will have the opportunity to present oral statements.

DATES: Meetings: A public meeting will be held in Washington, D.C., on April 3, 1980 at 9:30 a.m. A second meeting will be held in Denver, Colorado, on April 16, 1980, at 7:00 p.m.

Comments: Written comments should be received no later than June 1, 1980.

ADDRESSES: Meetings: The meeting on April 3, 1980 will be held in room 2230 (enter Southeast lobby) of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. The meeting on April 16 will be held at American Legion Post No. 1, 4500 East Alameda, Denver, Colorado 80222.

Comments: Address comments to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket (Docket HM–173) and be submitted in five copies. The Dockets Branch is located in room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Edward T. Mazzullo, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426–2075.

SUPPLEMENTARY INFORMATION: This notice serves to announce public meetings and requests comments concerning the transportation of wet cell batteries. In particular, the public is invited to participate in the development of standards to be made applicable to wet cell battery equipped wheelchairs when offered for transportation on passenger-carrying aircraft and to "nonspillable" wet cell batteries when offered for transportation by any mode of transport. Subjects to be discussed fall under the following categories:

1. *Air transport of wheelchairs equipped with wet electric storage batteries (§ 173.250(a)).*

On May 21, 1979, the MTB published a notice of proposed rulemaking (Docket HM–166B; Notice 79–8; 44 FR 29503) in which one proposal was to forbid the transportation of self-propelled vehicles equipped with wet electric storage batteries other than nonspillable batteries aboard passenger-carrying aircraft. The proposal addressed a safety consideration related to the spillage of battery fluid from wheelchairs equipped with wet cell batteries and was also aimed at correcting a regulatory inconsistency by which wet cell batteries, prohibited by § 172.101 for transportation on passenger-carrying aircraft, may be carried on these aircraft when installed in self-propelled vehicles.

In the interest of timeliness, the proposal which appeared in Notice 79–8 was deleted from the final rule in Docket HM–166B, which has been published elsewhere in this issue of the **Federal Register.** Comments concerning wheelchairs equipped with wet cell batteries which were submitted by persons in Docket HM–166B will be included in this Docket for consideration. Issues raised by those comments and other items on which the MTB is requesting public comments are discussed herein.

Two commenters to Docket HM–166B contended that no additional restrictions on the transport of wet cell battery equipped wheelchairs are necessary, and imply that the wheelchairs are safe for transportation. The MTB disagrees with this contention. While there have not been a large number of incidents or extensive property damages reported to the MTB involving spills of battery fluid from batteries attached to wheelchairs, the potential for serious consequences from spills is sufficient to justify further consideration of a rulemaking action in this area. The risks posed by wheelchairs equipped with wet electric storage batteries carried aboard aircraft involve spills of battery fluid which can damage or destroy organic materials (e.g., baggage, packaging materials, carpeting) and weaken or erode metal flooring. In some situations, if the battery fluid comes in contact with human tissue, severe burns can be produced. A chemical reaction between battery fluid and other materials can evolve irritating fumes, causing potential discomfort to passengers and crew. In addition, there is no practical means of neutralizing spilled materials during flight and attempts to flush or dilute the material could result in structural damage to the aircraft.

Comments submitted by associations representing handicapped persons, airlines, and pilots, tend to support the MTB's position that present regulatory requirements should be clarified and upgraded regarding the transport of wet cell battery equipped wheelchairs. Commenters also stated that, under the existing regulatory requirements, some air carriers and pilots are reluctant to accept wet cell battery equipped wheelchairs for transportation.

Several commenters suggested that nonspillable batteries are not practical for use in wheelchairs. They contended that only batteries in which the battery fluid is contained as a gel may be considered nonspillable and that such batteries are more expensive and have a shorter service life than currently used automotive-type wet cell batteries. The MTB has done some exploratory research on this subject and it appears these contentions have some validity. Although some wet cell batteries are considered nonspillable, they may not be practical for use in wheelchairs. Further information is needed as to the availability of reasonably priced, efficient, nonspillable batteries which are suitable for use in wheelchairs.

Several commenters have suggested that an acceptable level of safety can be achieved in transporting wheelchairs equipped with "spillable" batteries by requiring air carriers to disconnect and tape battery terminals, tape fill caps on the batteries, and secure the wheelchairs in an upright position when placed into aircraft cargo compartments. It is the MTB's opinion that such requirements may achieve an acceptable level of safety, if supplemented with requirements for "positive" securement (such as tie-down straps) in the cargo compartment and for identification of the batteries as hazardous materials by means of marking, labeling, shipping paper descriptions, or some combination thereof. A positive means of securement is felt necessary because passive means, such as stacking other baggage against the wheelchairs, can be ineffective if loads shift during transit. Identification requirements are felt necessary because, under the existing exception provided in § 173.250(a), the wheelchairs are not required to be identified as containing hazardous materials, there is no requirement to mark the wheelchairs or batteries to indicate their proper orientation, and air carriers are under no regulatory obligation to handle these items as hazardous materials because the wheelchairs are not identified as such.

Another alternative suggested by commenters involves the use of a standardized battery container. Under this proposal, batteries would be removed from wheelchairs and placed in spillproof containers which would, in effect, render the batteries "nonspillable." Additional comments are requested as to the feasibility of this proposal, particularly with regard to container costs, practicality, necessary design or performance requirements for the containers, need for advance arrangements between shipper and carrier, and the ability of carriers to

make such containers available at air terminals.

A number of commenters requested public hearings on this issue. This notice grants these requests and announces the dates and locations for two public meetings. Since many airlines and associations of handicapped individuals have representatives in the Washington area, one meeting will be held in Washington, D.C. Because of several requests from commenters to Docket HM–166B indicating substantial local interest, a second meeting will be held in Denver, Colorado.

The MTB anticipates substantial public participation at the meetings and in the request for comments and is pursuing a resolution which will serve both the demands of air transportation safety and the needs of wheelchair users.

2. *Defining "nonspillable" batteries (§§ 173.260(d), 175.10(a)(14)).*

Electric storage batteries, containing electrolyte or corrosive battery fluid and of the nonspillable type, are excepted by § 173.260(d) from all other regulatory requirements (such as packaging, labeling and description requirements) when the batteries are securely boxed and protected against short circuits. Requests for interpretations and several of the comments submitted in Docket HM–166B have pointed out a need to define the term "nonspillable." In recent years, the MTB has answered such requests by suggesting that to be considered nonspillable, a battery should be able to withstand a vibration and an altitude test without any leakage of corrosive material. The tests are as follows:

When conducting the suggested vibration tests, the battery is rigidly clamped to the platform of a vibration machine and a simple harmonic motion having an amplitude of 0.03 inch (0.06 inch maximum total excursion) is applied. The frequency is varied at the rate of one cycle per second per minute between the limits of 10 to 55 cycles per second. The entire range of frequencies and return is traversed in 95 ± minutes for each mounting position (direction of vibration) of the battery. The battery is vibrated in three mutually perpendicular directions for equal time periods. One of the directions must be perpendicular to the terminal face of the battery. The altitude test is conducted following the vibration test and the battery is stored for six hours at 75°F.±7°F. under an external partial pressure of 2 psia. Leakage must not occur with the battery in any position, i.e., upright, inverted, on its side, etc. As a practical matter, depending on design, there is probably only one position in which the battery will need to be evaluated for leakage.

It has been suggested that this criteria is too severe in that very few types of wet cell batteries can pass these tests. As an example, even the new maintenance free "sealed" batteries will most likely leak if subjected to the tests. However, suitable criteria are needed to insure an acceptable level of safety in the transport of wet cell batteries. Therefore, the MTB is requesting public comment pertaining to defining a "nonspillable" wet cell battery in terms of appropriate regulatory standards. Comment is also requested with regard to a need for identifying nonspillable batteries by means of markings or shipping paper descriptions.

3. *General revision of the regulations applicable to wet electric storage batteries (§§ 173.250, 173.260).*

The MTB is in the process of reviewing the standards pertaining to the transportation of wet cell batteries. The review is one of a number of regulatory reviews the MTB is conducting as part of its initiative to clarify and improve the usability of existing regulations. Wet cell batteries were selected for review because of numerous inquiries requesting interpretations of requirements and in order to reduce the possibility of noncompliance based on a misunderstanding of requirements, particularly in §§ 173.250 and 173.260. Comments are invited with regard to simplifying, clarifying, or otherwise improving these requirements.

There have been few substantive changes to the regulations which pertain to wet cell batteries since adoption of these regulations in the 1930s and 1940s. Some requirements may be in need of update while others may be obsolete. Therefore, the MTB is also inviting comments with regard to eliminating obsolete or unnecessary requirements and to changing existing requirements to accommodate modern battery technology.

Issued in Washington, D.C., on February 20, 1980.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 80–6000 Filed 2–27–80; 8:45 am]

BILLING CODE 4910–60–M

National Highway Traffic Safety Administration

49 CFR Ch. V

[Docket No. 79–03, Notice 03]

Heavy Duty Vehicle Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: In response to apparently worsening truck accident rates and problem areas in truck braking, the NHTSA is issuing this notice to solicit comments on the NHTSA's intended long-range course of action in regard to medium and heavy duty vehicle braking performance. It addresses issues for which rulemaking is at least several years away. More imminent issues have been addressed in a February 1979 ANPRM and an October 1979 NPRM which initiated rulemaking on a new standard for heavy duty vehicle brake systems, and in an October 1979 NPRM which proposes extending FMVSS 105 to medium duty trucks. Starting with an overall evaluation of accident factors, specific issues are addressed, including improper brake adjustment, loss of directional stability during braking, brake fade, and contamination of air brake systems.

DATES: Comments must be received on or before May 28, 1980.

ADDRESSES: Comments should refer to the docket numer and be submitted to: Room 5108, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. The docket is open to the public from 8:00 a.m. to 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. John Machey, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590 202–426–1714.

SUPPLEMENTARY INFORMATION:

Background

Federal Motor Vehicle Safety Standards that currently apply to truck, bus, and trailer brake systems are FMVSS No. 106, *Brake hoses,* FMVSS No. 116, *Brake fluids,* and FMVSS 121, *Air brake systems.* FMVSS No. 105, *Hydraulic brake systems,* currently applies only to passenger cars and school buses, but extensions of it to light- and medium-duty trucks have been proposed. These standards have considerably improved truck braking performance, but problem areas remain and truck accident rates appear to be worsening. Major issues have been identified in various truck inspection programs and accident studies as potentially appropriate for rulemaking action.

Comparison of in-service truck stopping distances with the stopping distances of other vehicles sharing the highway involves many variables, only some of which can be quantified. The degree of brake system maintenance (adjustment, air brake contamination, etc.) and tire traction influences truck

stopping capability and the accident avoidance maneuvers attempted by truck drivers. Recent roadside inspections indicate an unacceptably high number of poorly maintained trucks. For example, of 273 vehicles selected for inspection in a September 1978 road check on Route I–80 near Berwick, Pennsylvania, by Bureau of Motor Carrier Safety (BMCS) field Personnel, 57 percent were placed out of service. Fifty percent of these out-of-service violations were attributed to the braking system. Such maintenance shortcomings reduce the benefits of improved braking performance built into new trucks and influence truck driver decisions regarding accident avoidance actions.

The driver factor in accident causation must be also evaluated as a vital facet of truck brake system performance and as an important aspect of brake system test requirements. A driver's perception of a vehicle's braking capability and the driver's ability and willingness to utilize it for accident avoidance must be considered in determining the total system performance. The ability of truck drivers to see farther down the road than automobile drivers (as a result of the higher elevation of the truck driver) is known to provide a reaction time advantage and a better perception of avenues of accident avoidance. This is one of the points raised in explanation of trucks having lesser braking performance than passenger cars. However, any trend toward lower truck cabs ("low cab forward" and "cab-under") raises concerns as to potential loss of accident avoidance capability. Truck and trailer brakes must meet a wide range of requirements affected by such factors as loading and road conditions, with the result that more lightly loaded wheels may lock and lose some longitudinal traction (stopping ability) and, more importantly, lateral traction that is needed to maintain directional stabiity of the truck or trailer. Rulemaking to address loss of directional stability is, of course, governed by the mandate of the U.S. Court of Appeals for the Ninth Circuit in "PACCAR v. NHTSA and Department of Transportation," 573 F 2d 632 (9th Cir. 1978), cert denied, 439 U.S. 862 (Oct. 2, 1978). In the PACCAR, the court indicated that increased truck braking stability would be beneficial to safety, but found that parts of the existing standard were not reasonable nor practicable at the time of their implementation. That decision was based on a finding by the court that some braking systems manufactured in compliance with the standard were unreliable. The NHTSA is seeking answers to the following questions from users and manufacturers of antilock brake systems:

1. What are the performance, reliability, maintainability and effectiveness of antilock systems which are currently being used by private carriers, fleets and independent operators?

2. What other approaches are recommended to improve lateral stability and stopping capability?

Brake fade performance to meet speed control and stopping requirements, particularly on long downgrades, is a problem which is compounded by the trends toward increased truck weights and more fuel-efficient trucks that possess significantly less engine retarding capability than previous commercial vehicle designs. Fade resistance requirements for brakes need to be reexamined and supplemental techniques, such as engine/driveline retarders, evaluated for use in mountainous terrain.

Although braking regulations have been divided into separate air and hydraulic standards, most of the problems identified are common to both means of actuation, and future rulemaking is envisioned as having common requirements applying to all trucks and trailers regardless of the means of actuation. The Agency requests answers to the following questions:

1. Are there any cases of vehicle or brake hardware that may need special consideration because of configuration or type of use?

2. What data are available on these problems and related issues, their relative importance, technical alternatives for solutions?

3. Are there other brake problems that should be dealt with instead of or in addition to those identified?

Evaluation of Truck and Trailer Accident Factors

While statistics are available through the Fatal Accident Reporting System as to the gross circumstances associated with fatal accidents involving trucks and trailers (time of day, road conditions, single or multiple vehicle, etc.), causal relationships are not revealed. Multidisciplinary research teams are now studying a sampling of specific accidents to generate detailed accident statistics which will better define causal relationships. Truck accidents will receive special attention by the National Accident Sampling System (NASS) teams. The number and frequency of severe truck accidents which will be studied in detail, however, will be relatively small.

The findings of the NASS studies are complemented, in part, by the accident reports filed by interstate motor carriers to the BMCS. Much can be gleaned from these files to determine causal relationships and identify areas where safety improvements can be made.

There have also been several significant studies of the truck and trailer safety issue conducted recently, some of which are not yet complete. In addition, hearings have been held by Congress on the wisdom of various approaches, including new-vehicle standards, toward improvement of commercial vehicle safety. These studies will be taken into account along with more quantitative analysis in conclusions reached about the Agency's future course of action.

Efforts can also be made to enlist driver comments and suggestions regarding hazardous operations and equipment. Of course, anecdotal information as may be obtained through informal discussions and public hearings, cannot in and of itself provide satisfactory understanding of the large body of accidents presently classified as driver error, but such information can provide background for scientific tests or simulations of accident situations to permit better definition of equipment and driver training requirements. The Agency requests the following information:

1. What training can be initiated to reduce driver error?

2. Should a truck driver training course be made mandatory before issuance of a truck driver's license?

3. What data are available to support defensive driver training as a means of accident reduction?

Brake Adjustment

While passenger cars are now almost universally equipped with automatically-adjusting brakes, truck brakes generally still need to be adjusted manually. Accident investigations have shown a high incidence of brakes out of adjustment in trucks involved in accidents. Inspections of trucks on the highway have also found a high occurrence of brake adjustment problems. A 1977 summary of 1,433 combination-vehicle inspections by the California Highway Patrol, for example, showed 51 percent with some brakes out of adjustment that the combinations were considered unsafe for highway operation.

Based on several accident investigations that showed evidence of improper brake adjustment, the National Transportation Safety Board (NTSB) has

recommended that the NHTSA require automatic brake slack adjusters on all new heavy trucks. The Safety Board expressed its reluctance to recommend mandatory new hardware for brakes, but felt compelled to do so in light of its evidence that the trucking industry "cannot be relied upon to implement the periodic inspections and routine maintenance necessary to detect and correct maladjusted brakes." (Recommendation H–78–48, issued June 23, 1978.)

There are several types of automatic brake adjusters currently on the market for vehicles other than passenger cars and light trucks. It is estimated that over 50,000 heavy trucks and buses have been so equipped in the United States and about 4 times that many in Europe. Nearly all of these vehicles are air-braked. Automatic adjusters cost a heavy truck buyer about $50 to $75 per axle more than manual adjusters which cost about $50. Although it is generally believed that the initial cost of automatic adjusters would be more than offset by the savings in brake system maintenance and tire wear, some users of such devices have reported new maintenance problems due to the devices themselves. It is important that a regulation not create more problems than it solves. Therefore, the Agency requests answers to the following questions:

1. What data are available which would demonstrate the effectiveness or ineffectiveness of automatic slack adjusters?

2. What cost incentives or penalties are there in using automatic slack adjusters?

3. How does the mileage interval between brake maintenance and brake lining or pad replacement when using automatic adjusters compare to the interval when using manual adjusters?

4. What information is available to enable the Agency to analyze the magnitude, causes and rectification of potential problems of manual and automatic slack adjusters?

5. What information can be provided on the availability and reliability of automatic adjusters for non-air-braked heavy vehicles?

Lateral Stability

The capability of maintaining lateral stability during braking is important to vehicle safety. The better this capability, the more aggressive a driver can be in applying vehicle brakes in an accident-avoidance situation, without fear of loss of control. The most efficient means of maintaining lateral stability is by avoidance of wheel lockup, since a rolling wheel offers far greater resistance to lateral motion than a sliding one. The unwanted consequences of wheel lockup can be minimized or eliminated by limiting the torque available to a braked wheel, by distributing brake torque in proportion to wheel or axle loads or by decreasing or interrupting the brake torque application when wheel lockup exists or is imminent. Jackknifing of articulated vehicles can also be controlled at the articulation point, although that approach addresses only one consequence of loss of stability.

As a result of the no lockup requirement of FMVSS 121, the most widely used method of preventing loss of stability in the United States is by employment of an electronic antilock system. It is estimated that about one million air-braked trucks, buses, and trailers have been equipped with these devices. Antilock systems for hydraulic brakes have been limited for the most part to passenger cars. About 400,000 cars have been so equipped in the United States, with very few applications on trucks. Several other approaches to antilock system design, using mechanical or other pneumatic control instead of electronics, are now either in the prototype or production stage. These systems have been developed in an attempt to alleviate reliability problems experienced with some electronic systems.

The other common method of preventing wheel lockup is by use of load proportioning systems that adjust the pressure to the brakes in proportion to the weight on each axle. Although not widely used in the United States, these devices are typically used on both air- and hydraulic-braked European trucks. They are able to compensate for the wide variations in axle loads that are inherent in truck operations, but are not able to compensate for varying road friction characteristics as antilock systems can. Another design which works differently but is based on the same concept of delivering brake pressure in proportion to axle load is a valve that limits the pressure to the drive axles of a tractor when no trailer is attached.

Future rulemaking action in the area of lateral stability improvement under the Vehicle Safety Act is guided by the decision of the Ninth Circuit. The court found a need for the air brake standard and that its goals were reasonable and practicable, but questioned the reliability of the hardware used by manufacturers to comply with the "no lockup" requirement. The court concluded that the NHTSA could only reestablish requirements to replace those invalidated following a new finding as to the reliability of devices used to comply with the new requirements.

It has been over 3½ years since the court heard final arguments, and many improvements have been made to antilock systems during that time. In addition, the new mechanical antilock system designs were not considered by the court. The NHTSA intends to continue monitoring the experiences of vehicles using antilock systems, in order to make a valid assessment of the current state of the art. Further rulemaking action will be taken only in accordance with the mandate of the court. The court held that more probative and convincing data evidencing the reliability and safety of vehicles that are equipped with antilock and in use must be available before the Agency can enforce a standard requiring its installation. The NHTSA anticipates that the research program required to obtain such data will take several years. Comments are solicited to the following questions:

1. What are recommendations on the best approach to increasing lateral stability for trucks?

2. What are the availability, cost and reliability of hardware or systems that can be used to accomplish a requirement for laterial stability?

3. What is the best way to assess the safety benefits of such a requirement?

Fade Resistance

All current truck brakes will lose their effectiveness with prolonged use, such as continued application when descending a long mountain grade. This does not present a safety problem if the driver has the foresight to gear down properly at the start of the hill, so a constant brake applicant is not necessary. However, accident investigations show that failure to gear down properly, coupled with improper brake adjustments, often results in a situation where the vehicle is traveling too fast to be downshifted, and the brakes are unable to slow it to a speed where a shift can be made. This situation sometimes results in brake fade and subsequent runaway. It must also be noted that today's new fuel-efficient trucks have less inherent downhill retardation than previous trucks. The use of low rpm and low friction engines, low rolling resistance tires, aerodynamic drag reduction devices, and clutch fans can result in a 25–percent reduction in vehicle rolling resistance.

Advances in brake design made in order to meet the fade requirements of FMVSS 121, plus the advent of disc-

brake designs for heavy trucks, have made marked improvement in fade resistance for trucks. However, the amount of improvement possible from foundation brakes is limited. One possible solution to remaining fade problems is the use of vehicle retarders instead of more powerful foundation brakes. There are several types of retarders on the market, working either on the engine or driveline of power units, or on the trailer axles of articulated units. With a retarder, the speed-holding in a mountain descent can be partially or wholly done by the retarder, leaving the foundation brakes for stopping and accident avoidance situations.

The need for a retarder or other means of improving fade resistance is dependent upon the type of use that a truck experiences. Retarders, for example, are relatively expensive, ranging from several hundred dollars up to approximately $1,500, and their expense would probably not be justified for a vehicle that is operated mostly in other than mountainous terrain. Also, some fleets have solved their brake fade problems simply by specifying heavier brake drums and premium linings.

The NHTSA standards apply to vehicles by type rather than their ultimate use in service. For that reason, rulemaking action with regard to devices such as retarders will probably be by the BMCS or State governments, rather than a NHTSA new-vehicle safety standard. The BMCS will be closely following the research efforts in that regard. Another possible approach would be to issue an advisory or recommended practice on methods of improving fade resistance to vehicle owners and manufacturers. Please provide answer to the following questions regarding retarders:

1. What would be the most beneficial approach to users regarding a requirement for retarders?

2. What data, information and experience is available regarding types of hardware and their applicability, effectiveness, reliability and cost?

3. What impact would the Agency's issuance of an advisory or recommended practice regarding retarders instead of a standard have on the industry?

Brake System Contamination

While Standard No. 121 contains basic requirements for condensate drain valves, the presence of water and other contaminants in air brake systems continues to be identified as a major cause of brake valve malfunctions. Air dryers, filters, alcohol evaporators, and automatic condensate drain valves are available to clean and dry the air in the brake system. Many users and manufacturers have had experience with these devices. The Agency requests answers to the following question concerning these devices:

What data and information is available for these devices on comparative cost, effectiveness, reliability and maintainability?

Reliability and Maintainability

The level of reliability of components is closely tied to the amount of maintenance that must be provided by the user of the vehicle. In consideration of any regulation that would necessitate the use of new hardware, the NHTSA will analyze the level of maintenance that is needed to ensure continued operation of a component, and the cost of such maintenance, in comparison to the level of maintenance that the industry is able to provide.

Consideration will be given to requirements for component reliability. Because of the rapid accumulation of mileage on trucks, manufacturer's warranty periods often are relatively insignificant to long-term reliability. Components that are unreliable or improperly installed may require an unreasonable amount of maintenance to be kept operational.

One solution to their maintenance problem would be for vehicle operators to institute more comprehensive inspection and maintenance programs. If the analysis of possible new hardware reveals that the necessary maintenance is not likely to be received under current maintenance practices, the NHTSA could request BMCS to consider revision of their inspection and maintenance requirements in Part 396 of the Federal Motor Carrier Safety Regulations (49 CFR Part 396) to specify brake inspection procedures.

The rulemaking possibilities raised in each section of this notice involve components that are currently available but not used on the majority of vehicles being built. To assess the practicability of such rulemaking, the NHTSA intends to conduct research where necessary which would involve evaluation of the components by truck fleets. Such studies would compare the safety and maintenance experiences of similar vehicles within the same fleet, both with and without the device being studied, or with alternative devices. Fleets now using the noted componentry on a voluntary basis are requested to comment on their willingness to participate in such a research program. The NHTSA solicits answers to the following questions:

1. What is the best means for conducting such research and what companies would volunteer to participate in such evaluation programs?

2. What vehicle categories and geographical areas of usage should be selected for evaluation?

3. How long (time and mileage) should the test program run in order to have a degree of confidence in the data collected?

Interaction With Other Regulations

In future rulemaking actions involving truck braking performance, the NHTSA intends to pursue compatibility with other braking and related regulations wherever that is practical. Where possible, new regulations for air- and hydraulic-braked vehicles will be the same. The Agency will work with the BMCS and the States to achieve regulations for new vehicles that complement regulations for vehicles in use. European and other foreign regulations will also be closely examined to determine areas where more compatibility can be achieved.

Economic Evaluation

Based on any rulemaking initiatives that might follow from comments received, the NHTSA will undertake detailed evaluation of economic and other consequences as contemplated by Executive Order 12044 and supplementary Department of Transportation policies. The Agency has prepared an initial draft regulatory analysis which is available in the docket. The NHTSA concludes that this is a significant regulation.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be

submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. Section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage, and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items have previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rule docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

The program official and lawyer principally responsible for the development of this document are John Machey and Roger Tilton, respectively.

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

Issued on: February 22, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80–6189 Filed 2–27–80; 8:45 am]

BILLING CODE 4910–59–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1057

[Ex Parte MC 43 (Sub-7A)]

Lease and Interchange of Vehicles (Leases Involving Carrier Agents)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rules.

SUMMARY: The Commission proposes to amend its leasing rules to specify which of the rules do not apply to leases between authorized carriers and their agents. The Commission also proposes to adopt a rule specifing the obligations of an authorized carrier to equipment owners who have contracted with an agent of the carrier for the use of their equipment when that equipment is subsequent leased by the agent to the carrier. This action is necessary to clarify an authorized carrier's responsibilities under the leasing rules where the carrier augments its fleet of operating equipment through an agent. The purpose for codifying these obligations is to enable all potential parties to a lease of equipment to determine what rights and duties they will have under the rules before entering into a lease.

DATES: Comments should be filed by April 14, 1980.

ADDRESSES: An original and 15 copies, if possible, of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Armstrong, (202) 275–7046.

SUPPLEMENTARY INFORMATION:

In a decision [1] served March 23, 1979, the Commission denied petitions for a stay of the effective date of the new leasing rules recently adopted in Ex Parte No. MC–43 (Sub-No. 7), *Lease and Interchange of Vehicles,* 131 M.C.C. 141 (1979).[2]

Among the petitions for a stay of the effective date of the new leasing rules was one for a partial stay filed jointly by three household goods carriers.[3] These petitioners raised the question whether the new leasing rules were to apply to leases between household goods carriers and their agents.[4] They argued that even though they had submitted comments in the rulemaking proceeding raising this question, the Commission did not address it in its decision adopting the new leasing rules.

Subsequently, in its decision denying these petitions for a stay, the Commission acknowledged that it had been remiss to the extent that it had failed to address this issue directly. The Commission answered the question posed by the petitioners by holding that the new leasing rules would not apply to leases between household goods carriers and their agents but would apply to leases between motor carriers and all other owners, as the term "owner" is defined in the rules at 49 CFR 1057.2(d).

Additionally, the Commission decided to institute this proceeding for the specific purpose of examing whether the new leasing rule requirements which appear at 49 CFR 1057.12(e)-(1) should apply to leases between any segment of, or all, motor carriers and their agents. The Commission provided a period of time during which interested parties could submit comments on the issue, and the Commission has received comments from van lines, agents of household goods carriers, individual owner-operators, owner-operator associations, and other interested persons.

Principal Arguments of the Parties

Motor carriers of household goods strongly object to the application of the new regulations to lease agreements concluded by them with their agents. The carriers contend that their agents, unlike owner-operators, simply do not need the protections afforded by the rules because the agents are in a strong bargaining position in regard to the carriers. Further, since the agents derive

[1] Ex Parte No. MC–43 (Sub-No. 7), *Lease and Interchange of Vehicles* (not printed), decided March 20, 1979. It was published in the **Federal Register** at 44 Fed. Reg. 18464 (March 27, 1979).

[2] In that proceeding the Commission rewrote and reorganized the existing leasing rule and also adopted additional leasing rules which were new in substance and which currently appear at 49 C.F.R. §§ 1057.12(e)–(l). It is the new substantive rules to which we are referring in this decision when we speak of the new leasing rules. These rules were adopted primarily to promote full disclosure between the parties to a lease and to promote the stability and economic welfare of the indepenent trucker segment of the motor carrier industry. Generally, the new rules accomplish these objectives by requiring among other things, that the amount of compensation and the responsibilities of the parties regarding various expenses be specified in leases. Probably the most important of the new rules provides that a lessor be paid within 15 days after the submission of the required paperwork concerning a trip in the carrier's service.

[3] American Red Ball Transit Company, Inc., Global Van Lines, Inc., and Wheaton Van Lines, Inc.

[4] The problem of including leases between authorized carriers and their agents under the new leasing rules arose from the broad definition of "owner" in the rules at 49 C.F.R. § 1057.2(d) and "lessor" which appears at 49 C.F.R. § 1057.2(h). The definitions would include agents and therefore leases between authorized carriers and their agents would be subject not only to the original leasing rules as before, but also to the new leasing rules.

revenues from a variety of sources, they are not as dependent upon immediate payment for services rendered as are the owner-operators. The van lines also point to the fact that their relationship with their agents is already specifically and adequately defined in 49 CFR 1056, and in their agency agreements, and they submit that an additional layer of governmental regulation is totally unnecessary. Additionally, the carriers assert that implementation of, and compliance with, the new rules would be so excessively costly and time-consuming that the detriment to them would greatly outweigh any public benefits stemming from the regulations.

A number of their agents also feel that their lease agreements should not be subject to the new rules, citing as a major objection the burden of additional paperwork were they to be paid for hauling services on one statement and for accessional services on another. In fact, no agents filed comments in favor of having the new leasing rules applied to their leases with the van lines.

Owner-operators and their organizations argue that, if the van line-agent relationship does now come within the ambit of the new regulations, there would be no way of assuring the owner-operator of prompt payment for services rendered. These parties believe that the carrier should be responsible for ensuring that they are paid within 15 days, regardless of whether the payment comes from the carrier or the agent. The owner-operators submit that they are experiencing severe cash flow problems either because the carrier is not timely paying the agent, or because the agent is not timely paying them, or both. Certain owner-operators also point out that smaller agents might find themselves in a financial bind if they were required to pay their owner-operators in advance of receiving compensation from the carriers.

Discussion and Conclusions

We do not believe at this time that the new leasing rules should be made applicable to agreements between motor carriers (whether of household goods or otherwise) and their agents. We cannot ignore the fact that not a single agent requested coverage under the new leasing rules. The record so far in this proceeding just does not demonstrate a sufficient need on the part of agents for the application of any of the new leasing rules to leases between authorized carriers and their agents.

As previously mentioned, one of the primary reasons behind the adoption of the new leasing rules was to help ensure the stability and economic welfare of owner-operators. With respect to the current proceeding, owner-operators and their organizations comment that they are primarily interested in seeing that owner-operators receive timely payment. They feel that to assure timely payment, the payment period rule set out in 49 CFR 1057.12(g) of the new leasing rules should be applied to leases between carriers and their agents.

The situation they are concerned with is where there is no direct lease between the owner-operator and the authorized carrier. Instead, the owner-operator contracts with an agent for the use by the latter of the owner-operator's equipment and the agent, in turn, leases this equipment to its authorized carrier. Traditionally, under these circumstances, the authorized carrier settles for transportation performed on its behalf with its agent who then pays the owner-operator. Application of the payment period rule to leases between carriers and their agents, owner-operators argue, would better assure that they are timely paid by the agents since the agents would be timely paid by the carriers.

The Commission never intended for authorized carriers to be able to escape any of their obligations to owner-operators under the new leasing rules merely by contracting directly with an agent rather than with individual owner-operators. Neither do we think that it is necessary to apply any of the new leasing rules to leases between authorized carriers and their agents to obtain a better means of guaranteeing that owner-operators will receive timely payment. Our basic jurisdiction is over authorized carriers, not their agents. Regardless of whether we require authorized carriers to pay their agents within the time period specified in 49 CFR 1057.12(g) of the new leasing rules, we would continue to place the ultimate obligation on the authorized carrier to ensure that owner-operators are paid within that payment period. We believe that this obligation currently rests with every authorized carrier where transportation is performed on its behalf and under its authority by an owner-operator. This is true regardless of whether the lease for the equipment is directly between the authorized carrier and the agent, who had previously contracted with the owner-operator for the right to use the equipment, or whether the lease is directly between the authorized carrier and the owner-operator. Since we would hold the authorized carrier ultimately responsible for ensuring that owner-operators receive the benefits of all the new leasing rules under either approach, we believe that we can reach the same result with regard to protecting owner-operators without injecting an additional layer of regulation into the scheme. Accordingly, we do not propose at this time to apply the new leasing rules to leases between authorized carriers and their agents.

As previously discussed, we understand that most, if not all, carriers using agents settle directly with their agents, who then pay the owner-operators. This procedure could be more lengthy which would make it more difficult for the carriers to comply with the payment period rule. An alternative carriers may wish to consider is direct payment to both agents and owner-operators. However, we feel that this is a business decision best left to the parties. Our only concern is that owner-operators are timely paid, and we especially welcome comments on this aspect of the proposed rules.

Proposed Rules

The Commission has already issued rules; at 49 CFR 1056.20 which set forth the responsibility of motor carriers of household goods for the acts of their agents. We now propose to issue a rule codifying the responsibility of all motor carriers for ensuring that owner-operators performing transportation on their behalf receive the rights and benefits contained in the leasing rules. The proposed rule makes it clear that the obligation exists regardless of whether the lease is directly between the carrier and its agent rather than between the carrier and the owner-operator. The rule will further provide that this obligation must be specified in the written lease.

We also propose to issue a rule which specifically exempts leases between authorized carriers and their agents from the new leasing rules. This proposed rule would merely codify in the form of an exemption the Commission's previous decision [5] that the new leasing rules would not apply to leasing arrangements between motor carriers of household goods and their agents. Also, that decision was not totally clear as to whether it was limited just to motor carriers of household goods. The proposed rule would clarify this point by extending the exemption to all authorized carriers.

We feel that these additions to the leasing rules are necessary so that all potential parties to leases may examine our leasing rules and determine what rights and duties they have under these rules before entering into a lease.

[5] Ex Parte No. MC-43 (Sub-No. 7), *Lease and Interchange of Vehicles* (not printed), decided March 20, 1979.

We invite any interested person to submit written comments on the proposed rules. An original and 15 copies should be submitted where possible.

Accordingly, we propose to add the rules set forth below:

§ 1057.12 [Amended]

* * * * *

(n) *Carrier obligation to owner regardless of presence of agent.* This subsection applies to owners who are not agents but whose equipment is used by an agent of an authorized carrier in providing transportation on behalf of that authorized carrier. In this situation, the authorized carrier is obligated to ensure that these owners receive all of the rights and benefits due an owner under the leasing regulations, especially those set forth in paragraphs (e)–(1) of this section. This is true regardless of whether the lease for the equipment is directly between the authorized carrier and its agent rather than directly between the authorized carrier and each of these owners. The lease between an authorized carrier and its agent shall specify this obligation.

§ 1057.26 Exemption for leases between authorized carriers and their agents.

The leasing regulations set forth in §§ 1057.12(e)–(1) do not apply to leases between authorized carriers and their agents.[6] This decision does not appear to affect significantly the quality of the human environment or energy conservation.

This notice is issued under the authority contained in 49 U.S.C. 10321 and 11107, and at 5 U.S.C. 553.

Decided: February 11, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, and Commissioners Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-6215 Filed 2-27-80; 8:45 am]

BILLING CODE 7035-01-M

[6] See FR Doc 80-6160 also appearing in this issue of the **Federal Register** which deletes former § 1057.26.

Notices

Federal Register
Vol. 45, No. 41
Thursday, February 28, 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.

ADMINISTRATIVE CONFERENCE OF THE U.S.

Postponement of Forum on Improving the Regulatory Process

The fourth session of the Administrative Conference's Forum on Improving the Regulatory Process, scheduled for March 3, 1980 at 2:00 p.m. [FR Doc. 80-5040, page 10824] has been postponed.

When the session is rescheduled, notice will be provided in the **Federal Register.**

For further information: contact Jeffrey Lubbers, 254-7065.

Richard K. Berg,

Executive Secretary.

February 19, 1980.

[FR Doc. 80-6101 Filed 2-27-80; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Official Agency Geographic Area; Assignment of Geographic Area to the Minnesota Department of Agriculture, St. Paul, Minn.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Minnesota Department of Agriculture, St. Paul, Minnesota, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: February 28, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8262.

SUPPLEMENTARY INFORMATION: The Minnesota Department of Agriculture (the "Agency"), 420 State Office Building, St. Paul, Minnesota 55155, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.)* (the "Act"), for the performance of official grain inspection functions on November 20, 1978. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an asigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the August 23, 1979, issue of the **Federal Register** (44 FR 49483). No comments were received. Accordingly, after due consideration of all relevant matters and information available to the United States Department of Agriculture, the geographic area assigned to this Agency is as follows:

The entire State of Minnesota at other than export port locations.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In adition to the specified service points within the assigned geograhic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8525.

(Secs. 8, 9, Pub. L. 94-582, 90 Stat. 2870, 2875, (7 U.S.C. 79, 79a))

Done in Washington, D.C., on February 22, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80-6168 Filed 2-27-80; 8:45 am]

BILLING CODE 3410-02-M

Official Agency Geographic Area; Assignment of Geographic Area to the Mississippi Department of Agriculture and Commerce, Jackson, Miss.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Mississippi Department of Agriculture and Commerce, Jackson, Mississippi, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: February 28, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8262.

SUPPLEMENTARY INFORMATION: The Mississippi Department of Agriculture and Commerce (the "Agency"), P.O. Box 1609, Jackson, Mississippi 39205, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on November 20, 1978. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the August 23, 1979, issue of the **Federal Register** (44 FR 49483). No comments were received. Accordingly, after due consideration of all relevant matters and information available to the United States Department of Agriculture, the geographic area assigned to this Agency is as follows:

The entire State of Mississippi at other than export port locations.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In

addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

(Secs. 8, 9, Pub. L. 94–582, 90 Stat. 2870, 2875, (7 U.S.C. 79, 79a))

Done in Washington, D.C., on February 22, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80–6169 Filed 2–27–80; 8:45 am]

BILLING CODE 3410–02–M

Official Agency Geographic Area; Assignment of Geographic Area to the California Department of Food and Agriculture, Sacramento, Calif.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the California Department of Food and Agriculture, Sacramento, California, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: February 28, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The California Department of Food and Agriculture (the "Agency"), 1220 N. Street, Sacramento, California 95814, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on November 20, 1978. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the August 23, 1979, issue of the **Federal Register** (44 FR 49486). Two comments were received both of which were favorable to the geographic boundaries as proposed. Accordingly, after due consideration of all relevant matters and information available to the United States Department of Agriculture, the geographic area assigned to this Agency is as follows:

The entire State of California at other than export port locations not including the area within the following boundaries which is serviced by another official agency:

Bounded: on the North by the southern Angeles National Forest boundary from State Route 2 east; the southern San Bernardino National Forest boundary east to State Route 79;

Bounded: on the East by State Route 79 south to State Route 74;

Bounded: on the South by State Route 74 west-southwest to Interstate 5; Interstate 5 northwest to State Route 91; State Route 91 west to State Route 11; and

Bounded: on the West by State Route 11 north to U.S. Route 66; U.S. Route 66 west to Interstate 210; Interstate 210 northwest to State Route 2; State Route 2 north to the southern Angeles National Forest boundary.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

(Secs. 8, 9, Pub. L. 94–582, 90 Stat. 2870, 2875, (7 U.S.C. 79, 79a))

Done in Washington, D.C., on February 22, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80–6170 Filed 2–27–80; 8:45 am]

BILLING CODE 3410–02–M

Official Agency Geographic Area; Assignment of Geographic Area to the Alabama Department of Agriculture and Industries, Montgomery, Ala.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Alabama Department of Agriculture and Industries, Montgomery, Alabama, for the performance of official grain inspection functions under the authority of the united States Grain Standards Act, as amended.

EFFECTIVE DATE: February 28, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The Alabama Department of Agriculture and Industries (the "Agency"), Room 200, Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama 36109, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.)* (the "Act"), for the performance of official grain inspection functions on November 20, 1978. The designation also included an assignment of geopgraphic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the August 23, 1979, issue of the **Federal Register** (44 FR 49486). No comments were received. Accordingly, after due consideration of all relevant matters and information available to the United States Department of Agriculture, the geographic area assigned to this Agency is as follows:

The entire State of Alabama at other than export port locations.

A specified service point for the purpose of this notice is a city town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed

inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, compliance Division, Federal Grain Inspection Service, united States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

(Secs. 8, 9, Pub. L. 94–582, 90 Stat. 2870, 2875, (7 U.S.C. 79, 79a))

Done in Washington, D.C., on February 22, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80–6171 Filed 2–27–80; 8:45 am]

BILLING CODE 3410–02–M

Official Agency Geographic Area; Assignment of Geographic Area to the Sourth Carolina Department of Agriculture, Columbia, S.C.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the South Carolina Department of Agriculture, Columbia, South Carolina, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: February 28, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The South Carolina Department of Agriculture (the "Agency"), P.O. Box 11280, Columbia, South Carolina 29211, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on August 1, 1978. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the September 11, 1979, issue of the **Federal Register** (44 FR 52854). No comments were received. Accordingly, after due consideration of all relevant matters and information available to the United States Department of Agriculture, the geographic area assigned to this Agency is as follows:

The entire State of South Carolina at other than export port locaions.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

(Secs. 8, 9, Pub. L. 94–582, 90 Stat. 2870, 2875, (7 U.S.C. 79, 79a)).

Done in Washington, D.C. on: February 22, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80–6167 Filed 2–27–80; 8:45 am]

BILLING CODE 3410–02–M

Official Agency Geographic Area; Assignment of Geographic Area to the Virginia Department of Agrculture and Consumer Services, Richmond, VA.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces asssignment of geographic area to the Virginia Department of Agriculture and Consumer Services, Richmond, Virginia, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: February 28, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The Virginia Department of Agriculture and Consumer Services (the "Agency"), Division of Markets, 203 North Governor Street, Richmond, Virginia 23219, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on November 20, 1978. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the August 23, 1979, issue of the **Federal Register** (44 FR 49484). One comment was received which was favorable to the geographic boundaries as proposed. Accordingly, after due consideration of all relevant matters and information available to the United States Department of Agriculture, the geographic area assigned to this Agency is as follows:

The entire State of Virginia at other than export port locations.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

(Secs. 8, 9, Pub. L. 94–582, 90 Stat. 2870, 2875, (7 U.S.C. 79, 79a)).

Done in Washington, D.C. on: February 22, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80–6166 Filed 2–27–80; 8:45 am]

BILLING CODE 3410–02–M

Official Agency Geographic Area; Assignment of Geographic Area to the Washington Department of Agriculture Olympia, Wash.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Washington Department of Agriculture, Olympia, Washington, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: February 28, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The Washington Department of Agriculture (the "Agency"), 406 General Administration Building, Olympia, Washington 98504, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.) (the "Act"), for the performance of official grain inspection functions on November 20, 1978. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.*

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the August 23, 1979, issue of the **Federal Register** (44 FR 49482). No comments were received. Accordingly, after due consideration of all relevant matters and information available to the United States Department of Agriculture, the geographic area assigned to this Agency is as follows:

The entire State of Washington at other than export port locations.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

(Secs. 8, 9, Pub. L. 94–582, 90 Stat. 2870, 2875, (7 U.S.C. 79, 79a)).

Done in Washington, D.C. on: February 22, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80-6165 Filed 2-27-80; 8:45 am]

BILLING CODE 3410-02-M

Official Agency Geographic Area; Assignment of Geographic Area to the Wisconsin Department of Agriculture, Trade and Consumer Protection, Madison, Wis.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Wisconsin Department of Agriculture, Trade and Consumer Protection, Madison, Wisconsin, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: February 28, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The Wisconsin Department of Agriculture, Trade and Consumer Protections (the "Agency"), 801 West Badger Road, Madison, Wisconsin 53713, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on November 20, 1978. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the August 23, 1979, issue of the **Federal Register** (44 FR 49485). No comments were received. Accordingly, after due consideration of all relevant matters and information available to the United States Department of Agriculture, the geographic area assigned to this Agency is as follows:

The entire State of Wisconsin at other than export port locations.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

(Secs. 8, 9, Pub. L. 94–582, 90 Stat. 2870, 2875, (7 U.S.C. 79, 79a)).

Done in Washington, D.C. on: February 22, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80-6164 Filed 2-27-80; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Mark Twain National Forest Land and Resource Management Plan, State of Missouri; Intent To Prepare An Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement on the proposed Land and Resource Management Plan for the Mark Twain National Forest in Missouri.

The plan is being prepared in accordance with requirements of the Secretary's regulations developed pursuant to the National Forest Management Act of 1976. It will propose management direction for the natural and human resources within the proclamation boundaries of the Mark Twain National Forest.

The planning process will begin with identification of public issues, management concerns, and resource use and development opportunities. Planning criteria will be developed, and data will be collected and analyzed to determine how the identified issues and concerns can be resolved. An assessment of the capability of the land to produce resource outputs, and a

determination of the public's future demands for these outputs will be made. Methods for resolving the identified public issues will be developed from this information, and will be used to formulate alternatives.

Alternatives will display a range of resource outputs at several expenditure levels. Each alternative will represent a cost-effective combination of management practices which can best meet the objectives of the alternative. In addition, each identified major public issue will be addressed; each alternative will specify methods to restore renewable resources, and a no-change alternative will be included.

A preferred alternative will be selected by ranking the alternatives according to their physical, biological, social, and economic effects. It will include the best combination of resource uses on the Forest and will also provide for a continuous monitoring and evaluation process.

A draft environmental impact statement will be released around January 1982. The final land and resource management plan and environmental impact statement will be released approximately eight months later.

Public participation will be an integral part of the planning process. A response form, meetings and other public involvement tools will be used to identify issues early in the planning process. Each public involvement activity will be announced through the news media and mailings to interested agencies, organizations and individuals.

Steve Yurich, Regional Forester of the Eastern Region, is the responsible official and William M. Alden, Planning Staff Officer on the Mark Twain National Forest (314–364–4621) is the coordinator for the environmental impact statement.

Further information about the planning process or written comments on this Notice of Intent should be directed to:

Forest Supervisor, Mark Twain National Forest, 401 Fairgrounds Road, Rolla, Missouri 65401.

James H. Freeman,

Director, Planning, Programming and Budgeting.

February 20, 1980.

[FR Doc. 80-6207 Filed 2-27-80; 8:45 am]

BILLING CODE 3410-11-M

Gila National Forest Land and Resource Management Plan; Intent To Prepare an Environmental Impact Statement and Announcement of Workshops

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an Environmental Statement for the Gila National Forest Land and Resource Management Plan.

The Gila National Forest Land and Resource Management Plan will evaluate alternative land allocations and the output targets and funding levels associated with these allocations. The plan will cover the Gila National Forest and the part of the Apache National Forest that is administered by the Gila. It will be developed in accordance with the Secretary's Regulations for Land and Resource Management Planning. Allocations will be based on the National RPA Program, local issues and concerns, the capability of the Administrative unit to produce outputs and services, and the economic efficiency of various management strategies.

Comments on the issues and management concerns that will be addressed by the plan and the decision criteria which will be used to choose an alternative plan will be solicited through a mail out brochure and a series of workshops. Federal agencies will be contacted by mail. State agencies will be contacted using the A–95 clearinghouse. Public contact will be made by mailing an information brochure with a response form on March 14, 1980 to interested individuals and by having workshops at the following times and locations.

March 24, 1980, Public Safety Building, Silver City, New Mexico; 7 p.m.–9 p.m.
March 25, 1980, Catron County Courthouse, Reserve, New Mexico; 7 p.m.–9 p.m.
March 26, 1980, Ace Lodge Conference Room, Truth or Consequences, New Mexico; 7 p.m.–9 p.m.
March 27, 1980, University of El Paso, Center for Continuing Education, El Paso, Texas; 7 p.m.–9 p.m.
March 28, 1980, Las Cruces Inn, Las Cruces, New Mexico; 7 a.m.–9 a.m.

The following time schedule will guide the planning process.

Spring 1980—Public input on issues, concerns, and decision criteria.
Spring 1980 through Summer 1981—Analysis of the present management situation.
Winter 1981—Write Draft Environmental Statement—File March 1982.
Autumn 1982—Prepare Final Environmental Statement—File September 1982.

M. J. Hassell, Regional Forester, Southwestern Region, is the responsible official for approval of the plan. Kenneth C. Scoggin, Forest Supervisor, Gila National Forest, is the responsible official for preparation of the plan. Gerald A. Engel will be the team leader for the planning process and may be contacted for information and comments at 505–388–1986.

Written comments on issues, concerns and decision criteria must be received by April 28, 1980. The deadline for comments on the Draft Environmental Statement will be published when the draft is filed. Comments should be sent to: Kenneth C. Scoggin, Forest Supervisor, Gila National Forest, 2610 North Silver Street, Silver City, New Mexico 88061.

James C. Overbay,

Acting Regional Forester.

February 19, 1980.

[FR Doc. 80-6100 Filed 2-27-80; 8:45 am]

BILLING CODE 3410-11-M

Finding of No Significant Impact; Siskiyou National Forest Fiscal Year 1980 Vegetation Management Program for Site Preparation and Conifer Release

An Environmental Assessment that discusses the fiscal year 1980 vegetation management program for site preparation and conifer release on the Chetco, Galice, Gold Beach, Illinois Valley and Powers Ranger Districts of the Siskiyou National Forest has been prepared. The Environment Assessment involves the control of competing vegetation on 7,787 acres of forest land. All proposed treatment areas are located on National Forest lands within Coos, Curry and Josephine Counties, Oregon, and Del Norte County, California. The report is available for public review at the Chetco Ranger Station in Brookings, Oregon, the Galice Ranger Station in Grants Pass, Oregon, the Gold Beach Ranger Station in Gold Beach, Oregon, the Illinois Valley Ranger Station in Cave Junction, Oregon, the Powers Ranger Station in Powers, Oregon and the Siskiyou National Forest Office in Grants Pass, Oregon.

Alternative 2, with specified requirements, constraints, mitigation measures and monitoring, provides the best combination of physical, biological, social and economic benefits and is considered to be the environmentally preferable alternative.

Under the preferred alternative selected in the Environmental Assessment 6,812 acres are proposed to be treated for conifer release; 5,750 acres by aerial application of 2,4-D in late March, April, May and June, 419

acres by aerial application of 2,4-D in late August and September, 16 acres by ground application of 2,4-D, 73 acres by injection of competing plants with picloram and 2,4-D, and 554 acres by manual cutting. Site preparation on 505 acres is proposed under the preferred alternative; 174 acres by aerial application of 2,4-D in late March, April, May and June, 37 acres by aerial application of 2,4-D in late August and September, 25 acres by aerial application of glyphosate in September and 269 acres by ground application of glyphosate. For a combination of site preparation and release, 470 acres are proposed to be treated; 25 acres by aerial application of 2,4-D in late March, April, May and June, 88 by aerial application of 2,4-D in late August and September, 8 acres by a ground application of 2,4-D, 139 acres by manual cutting, and 210 acres under a research study comparing alternatives and using both chemical and manual cutting methods.

I have determined through the environmental analysis that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was made considering the following factors, which are discussed in detail in the Environmental Assessment: (a) The combinations of treatment methods to be used on specific sites under the preferred alternative (1) would not significantly affect the quality of the human environment, or (2) any potentially significant adverse effects could be successfully mitigated; (b) managment requirements and constraints ensuring mitigation of potentially significant adverse effects, including: (1) No aerial application of herbicides within at least 100 feet of any live stream, existing body of water or wetland, (2) no vegetation management treatment within the riparian zone of any stream, body of water or wetland, (3) other methods of vegetation management given preference over the use of herbicides when treatment areas are within one mile upstream from domestic water intakes, or within one air mile of permanent residences, (4) no application of herbicides within 100 feet of adjacent lands in other than National Forest ownership without written permission, (5) untreated buffers left adjacent to designated Wilderness Areas, Research Natural Areas, Special Interest Areas and areas containing threatened or endangered plant species, (6) no treatment in areas identified as critical wildlife habitat, (7) restricted use of methods which physically disturb soils on areas with high erosion potential, (8) no herbicide application directly into water, (9) closure of roads, trails or recreation facilities adjacent to treatment areas while applying herbicides, and (10) no lights with herbicide-carrying application aircraft over places of human habitation; (c) use of EPA and/or State registered herbicides, applied strictly according to label directions and regulations and policies applicable at the time of treatment; (d) minimized commitment of irreversible fossil fuel; (e) no irretrievable loss of timber production; (f) no apparent adverse cumulative or secondary effects; (g) the physical and biological effects are limited to the treatment areas; (h) no known threatened or endangered plants or animals within affected areas; and (i) continued review of all new information and regulations involving the use and effects of any of the vegetation management methods selected for use on individual treatment areas, with the provision that if new information shows that a particular treatment may have an adverse affect, significantly affecting the quality of the human environment that treatment will not be carried out.

Some public concern has been expressed about possible effects on water quality and the environment from herbicide application, and on the loss of marketable wood products which have been treated with herbicides. The Assessment and required Implementation Plans for the proposed project include application measures to protect water quality and minimize drift from the treatment area. These measures include untreated buffer zones adjacent to water, private land and recreation sites, use of low drift additives adjacent to buffer zones and strict weather conditions under which application can be carried out. State and Federal water quality standards will be met. No presently marketable and accessible wood products will be treated with herbicide.

No action will be taken prior to March 31, 1980.

The responsible official is William H. Covey, Forest Supervisor, Siskiyou National Forest, P.O. Box 440, 6th and Midland, Grants Pass, Oregon 97526.

Dated: February 19, 1980.

William H. Covey,

Forest Supervisor.

[FR Doc. 80-6119 Filed 2-27-80; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 80-2-93]

Air Tungaru Corp.; Foreign Air Carrier Permit

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 80-2-93.

SUMMARY: The Board proposes to consolidate the following applications and grant a foreign air carrier permit to Air Tungaru: Applicants: Air Tungaru Corporation, Air Nauru. Application Dates: January 5, 1979, Docket 34405, May 10, 1979, Docket 35520.

Authority Sought: Foreign air carrier permit for Air Tungaru to engage in foreign air transportation of persons, property and mail between the terminal point Tarawa, Kiribati, the intermediate point Christmas Island and the terminal point Honolulu, Hawaii; authority necessary for Air Nauru to perform the air transportation on behalf of Air Tungaru and approval of a wet lease agreement defining the terms under which Air Nauru will operate the flights for Air Tungaru.

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 17, 1980, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicants, the Department of Transportation, and the Department of State. 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 disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

Addresses for objections:

Dockets 34405, 35520, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Air Tungaru Corporation, c/o Charles J. Lipton, Suite 928, 34 West 51st Street, New York, New York 10020.

Air Nauru, c/o Andrew T. A. McDonald, Wilmer, Cutler & Pickering, 1666 K Street, N.W., Washington, D.C. 20006.

Tuvalu Islands Dev. Co., c/o Mark J. Seidenberg, P.O. B. 48601, Los Angeles, CA 90048.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington

metropolitan area may send a postcard request.

For further information, contact the Regulatory Affairs Division of the Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5407.

By the Civil Aeronautics Board: February 15, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-6199 Filed 2-27-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 36208; Order 2–108]

Canada Learjet, Ltd.; Foreign Air Carrier Permit

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 80–2–108.

SUMMARY: The Board proposes to approve the following application: Applicant: Canada Learjet Ltd. Application Date: July 25, 1979, Docket 36208. Authority Sought: Foreign air carrier permit authorizing small aircraft charters between points in Canada and points in the United States.

OBJECTION: 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 18, 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 Canada in Washington, D.C. 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 disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

Addresses for objections:

Docket 36208, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Canada Learjet Ltd., 4380 Agar Drive, Vancouver International Airport South, Richmond, British Columbia, Canada V7B 1A3.

To get a copy of the complete order, request it from the C.A.B. 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 Nancy L. Pitzer, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board—202–673–5134.

By the Civil Aeronautics Board: February 21, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-6202 Filed 2-27-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets Nos. 33363 and 32553]

Former Large Irregular Air Service Investigation Phase III and Application of Travel-Go-Round, Inc.; Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 7, 1980, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned.

Dated at Washington, D.C., February 25, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-6201 Filed 2-27-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets Nos. 33363 and 32553]

Former Large Irregular Air Service Investigation, Phase III, and Application of Travel-Go-Round, Inc.; Reassignment of Proceeding

This proceeding, insofar as it involves the application of Travel-Go-Round, Inc., Docket 32553, has been reassigned to Chief Administrative Law Judge Joseph J. Saunders.

Dated at Washington, D.C., February 22, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-6200 Filed 2-27-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Consideration To Revise the Classification Manual of the Government Division

Notice is hereby given that the Bureau of the Census is considering making revisions to the Classification Manual of the Governments Division. This manual outlines the basic concepts and definitions of terms followed in Bureau of the Census collection and publication of statistics on governmental finances.

Suggestions for revising the structure of the categories established and the classification criteria employed are invited from persons interested. A copy of the manual may be obtained from: Sherman Landau, Chief, Governments Division, Bureau of the Census, Washington, D.C. 20233.

Suggestions should be received by May 1, 1980.

Dated: February 25, 1980.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 80-6192 Filed 2-27-80; 8:45 am]

BILLING CODE 3510-07-M

National Technical Information Service

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-owners.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patents application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for informaiton on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Department of Agriculture, Program Agreement and Patent Branch, Administration Service Division Federal Building, Science and Education Administration, Hyattsville, Maryland 20782

Patent application 6–050–895: Method of Preparing Citrus Fruit Sections with Fresh Fruit Flavor and Appearance; filed June 21, 1979.

Patent application 6–055–117: Protection of Insect Pheromones from Degradation by Ultraviolet Radiation; filed July 5, 1979.

Patent application 6–061–322: Ternary Salts of Tris(Aminomathyl) Phosphines and their Oxides; filed July 26, 1979.
Patent application 6–062–824: Purification of Sucrose Esters of Fatty Acids by a Method Of Ultrafiltration; Filed August 1, 1979.
Patent 3,577,711: Apparatus for Removing Entrained Particles from Gases; filed June 2, 1969, patented May 4, 1971.

Department of Energy, Assistant General Counsel for Patents, Room A2–3018, Washington, D.C. 20545

Patent application 854,444: Single Transmission Line Interrogated Multiple Channel Data Acquisition System; filed November 23, 1977.
Patent 4,138,320: Fluidic Self-Actuating Control Assembly; filed June 29, 1978, patented February 6, 1979. Not available NTIS.
Patent 4,138,622: High Temperature Electronic Gain Device; filed August 4, 1977, patented February 6, 1979. Not available NTIS.
Patent 4,139,724: Ceramic and Seal Design for High Temperature High Voltage Nuclear Instrumentation Cables; filed October 13, 1977, patented February 13, 1979. Not available NTIS.
Patent 4,140,176: Protective Tubes for Sodium Heated Water Tubes; filed March 26, 1978, patented February 20, 1979. Nat available NTIS.
Patent 4,140,228: Dry Piston Coal Feeder, filed December 1, 1977, patented February 20, 1979. Not available NTIS.

Department of the Navy, Assitant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217

Patent application 6–023–817: An Ultrasonic Focusing System for the Warming of Cardiac Tissue; filed March 26, 1979.
Patent application 6–024–645: Method of Age Testing Rubber Based Propellants; filed March 28, 1979.
Patent application 6–025–819: Method of Preparing Prostaglandin B1 Derivatives; filed April 2, 1979.
Patent application 6–025–822: G-Protection System; filed April 2, 1979.
Patent application 6–042–173: Acoustic Array Frequency Response Tester; filed May 24, 1979.
Patent application 6–054–077: Optical Resonator Single-Mode Fiber Hydrophone; filed July 2, 1979.
Patent application 6–059–405: Pulsed Ring Laser Fiber Gyro; filed July 20, 1979.
Patent application 6–059–921: Holographic Terrain Surface Display System; filed July 20, 1979.
Patent application 6–059–922: Holographic Storage of Terrain Data; filed July 20, 1979.
Patent application 6–061–737: Far Field Target Designators; filed July 30, 1979.
Patent application 6–061–975: Current Stabilized Underwater Platform; filed July 30, 1979.
Patent application 6–062,668: Wide-Band Stationary Imaging Pyroelectric Camera; filed August 1, 1979.
Patent application 6–062–834: Multichannel RF Signal Generator; filed August 1, 1979.
Patent application 6–068–024: Digital Sidelobe Weighting Technique; filed August 20, 1979.

National Aeronautics and Space Administration, Assistance General Counsel for Patent Matters, NASA Code GP–4, Washington, D.C. 20546

Patent application 6–054–538: High Speed, Glitch-Free Digital to Analog Converter; filed July 3, 1979.

[FR Doc. 80–6109 Filed 2–27–80; 8:45 am]

BILLING CODE 3510–04–M

U.S. Government-Owned Inventions; Availability for Licensing

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Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Department of Agriculture, Program Agreements and Patents Branch, Administrative Services Division, Federal Building, Science and Education Administration, Hyattsville, Md. 20782

Patent application 6–055,116: Novel Aroid Products; filed July 5, 1979.
Patent application 6–064,678: Foam Flotation Process for Separating 'Bacillus thuringiensis' Sporulation Products, filed August 8, 1979.
Patent 4,166,107: Sustained Release Bolus Formulations Containing Insect Growth Regulators for Control of Livestock Pests; filed July 25, 1978, patented August 28, 1979. Not available NTIS.
Patent 4,170,631: Controlled Release Formulations of Douglas-Fir Beetle Anti-Aggregative Pheromone, 3-Methyl-2-Cyclohexen-1-One; filed July 31, 1978, patented October 9, 1979. Not available NTIS.

Department of Transportation, Patent Counsel, 400 7th Street SW., Washington, D.C. 20590

Patent application 6–090–744: Longitudinal Rail Profilometer; filed November 2, 1979.

Environmental Protection Agency, Room W513, 401 M Street SW., Washington, D.C. 20460

Patent 4,081,513: Disposal of Sulfur Oxide Pollutant-Containing Gas; filed December 9, 1975, patented March 28, 1978. Not available NTIS.

Department of Health, Education, and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20205

Patent application 954,218: Aziridinyl Quinone Antitumor Agents; filed October 24, 1978.

Tennessee Valley Authority, Division of Law, Muscle Shoals, Ala. 35660

Patent 4,169,882: Purification of Phosphoric Acid with Oxalic Acid; filed November 13, 1978, patented October 2, 1979. Not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP–2, Washington, D.C. 20546

Patent application 6–053,571: Safety Shield for Vacuum/Pressure Chamber Viewing Port; filed June 29, 1979.
Patent application 6–073,579: Multistage Depressed Collector for Dual Node Operation; filed September 7, 1979.
Patent application 6–076,643: Baseband Signal Combiner for Antenna Array; filed September 18, 1979.

[FR Doc. 80–6110 Filed 2–27–80; 8:45 am]

BILLING CODE 3510–04–M

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Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, D.C. 20310

Pat Appl 6–003 149. Novel Microscope Slice Smoker. Filed 15 Jan 79.
Pat Appl 6–003 435. Shape Charge Agent Disposing Process. Filed 12 Jan 79.
Pat Appl 6–009 999. Gun Sight. Filed 7 Feb 79.
Pat Appl 6–012 418. Helicopter Performance Calculator. Filed 15 Feb 79.
Pat Appl 6–027 203. Vent Actuated Shorting Switch. Filed 5 Apr 79.
Pat Appl 6–028 040. Crashworthy Fuel System. Filed 9 Apr 79.
Pat Appl 6–030 203. Aeroload Torque Simulator. Filed 16 Apr 79.
Pat Appl 6–034 062. Variable Length Linkage. Filed 27 Apr 79.
Pat Appl 6–034 088. Trajectory Shaping of Anti-Armor Missiles via Tri-Mode Guidance. Filed 27 Apr 79.
Pat Appl 6–035 955. Reaction-Jet Torquer. Filed 4 May 79.
Pat Appl 6–040 815. Semi-Active Missile Seeker Circuitry Compatible with Conventional Coherent and/or Spread Spectrum Radars. Filed 21 May 79.
Pat Appl 6–042 667. Rocket Tube Launcher with Cast-in Place Tube Support Bulkhead. Filed 25 May 79.
Pat Appl 6–046 420. Microwave Frequency Discriminator. Filed 7 Jun 79.
Pat Appl 6–050 250. A Simple Method of Switching an AC Line. Filed 20 Jun 79.
Pat Appl 6–052 045. CO Chemical Laser Produced by Laser Induced Chemistry of CSC12. Filed 25 Jun 79.
Pat Appl 6–078 628. Apparatus for the Controlled Discharge of a Charged Object. Filed 25 Sep 79.
Pat Appl 927 704. Control Rod Roll-Over Limiter. Filed 24 Jul 78.
Pat Appl 944 819. Crashworthy Fuel Tank Repair. Filed 22 Sep 78.
Pat Appl 948 718. Rotor Blade Root End Attachment and Method of Manufacture. Filed 5 Oct 78.
Patent 4 100 102. Composition for Screening Infra-Red Radiation. Filed 6 Apr 65, patented 11 Jul 78. Not available NTIS.
Patent 4 140 061. Short-Range Discarding-Sabot Training Practice Round and Self-Destruct Subprojectile Therefor. Filed 6 Jun 77, patented 20 Feb 79. Not available NTIS.
Patent 4 155 052. Wire Electrode TEA Laser. Filed 1 Nov 76, patented 15 May 79. Not available NTIS.
Patent 4 155 087. Radar Receiver for Detecting Coded Information Buried in Radar Echoes. Filed 20 Apr 73, patented 15 May 79. Not available NTIS.
Patent 4 155 472. Tire Transfer Arm. Filed 18 Nov 77, patented 22 May 79. Not available NTIS.
Patent 4 155 554. Miniature Target Tank. Filed 20 May 77, patented 22 May 79, Not available NITS.
Patent 4,156,135. Electronic Heterodyning in an Optical Detector. Filed 11 Nov. 1976, patented 22 May 1979. Not available NTIS.
Patent 4,156,827. Matrix Cathode Channel Image Device. Filed 19 June 1978, patented 29 May 1979. Not available NTIS.
Patent 4,157,054. Hypervelocity Rocket System with Velocity Amplifier. Filed 17 Mar. 1978, patented 5 Jun 1979. Not available NTIS.
Patent 4,157,270. Hydrogen Gas Generator from Hydrazine Ammonia. Filed 12 Sep. 1977, patented 5 Jun 1979. Not available NTIS.
Patent 4,157,299. Two-Phase Filter and Thin Layer Chromatography Process. Filed 22 Jan. 1976, patented 5 Jun 1979. Not available NTIS.
Patent 4,157,685. Warhead Fuze Seeker. Filed 9 Nov 1965, patented 12 Jun 1979. Not available NTIS.
Patent 4,157,927. Amine-Boranes as Hydrogen Generating Propellants. Filed 6 Mar 1978, patented 12 Jun 1979. Not available NTIS.
Patent 4,158,323. Training Flare Dispensing System. Filed 27 Jan 1978, patented 19 Jun 1979. Not available NTIS.
Patent 4,158,506. Automatic Determination of the Polarization State of Nanosecond Lasser Pulses. Filed 15 Nov 1977, patented 19 Jun 1979. Not available NTIS.
Patent 4,158,805. Method and Apparatus for Testing Crystal Elements. Filed 19 Jan 1978, patented 19 Jun 1979. Not available NTIS.
Patent 4,158,832. Seismic Apparatus for Discrimination between Track-Type Vehicles and Wheel-Type Vehicles. Filed 19 Jun 1961, patented 19 Jun 1979. Not available NTIS.
Patent 4,158,960. Microcircuit Fire Leak Test Apparatus. Filed 4 May 1978, patented 26 Jun 1979. Not available NTIS.
Patent 4,159,476. Ejection Fuze. Filed 19 Aug. 1954, patented 26 Jun 1979. Not available NTIS.

Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, D.C. 21324

Pat Appl 6–023,371. Near Millimeter Wavelength Modulator and Tunable Oscillator. Filed 23 Mar 1979.
Pat Appl 6–046,073. Electro-Dynamic Laser with Acoustic Absorbing Electrode. Filed 6 Jun 1979.
Pat Appl 6–055,423. A High Power Microwave Integrated Circuit Receiver Protector with Integral Sensitivity Time Control. Filed 6 Jul 1979.
Pat Appl 6–055,425. Stepped-Rod Ferrite Microwave Limiter Having Wide Dynamic Range And Optimal Frequency Selectivity. Filed 6 Jul 1979.
Pat Appl 6–058,335. Method and Apparatus for Temperature Data Acquisition. Filed 17 Jul 1979.
Pat Appl 6–061,558. Method of Fabricating Cadmium Electrodes. Filed 27 Jul 1979.

Department of Agriculture, Program Agreements & Pat. Branch, Admin. Ser. Div. Federal Building, Science & Education Admin., Hyattsville, Md. 20782

Pat Appl 6–043,976. Rotating Field Plot Row Marker. Filed 30 May 1979.
Pat Appl 6–052,657. Iron Rod Technique for Measuring Surface Soil Watertables. Filed 27 Jun 1979.
Pat Appl 6–053,474. Treatment of Cottonseed Meals Followed by Extraction with Certain Solvents to Remove Gossypol. Filed 29 Jun 1979.

Department of Energy, Assist. Gen. Couns. for Patents, Washington, D.C. 20545

Pat Appl 829,122. Modular Assembly of a Photovoltaic Solar Energy Receiver. Filed 30 Aug 1977.
Patent 4,142,868. Wear Compensating Seal Means for Rotary Piston Coal Feeder. Filed 2 May 1978, patented 6 Mar 1979. Not available NTIS.

Dept. of Health, Ed. & Welfare, National Institutes of Health Chief, Patent Branch, Westwood Building, Bethesday, Md. 20205

Pat Appl 6–063,261. Clot Lysing Timer. Filed 2 Aug 1979.
Patent 3,839,641. System for Whole Body Imaging and Count Profiling with a Scintillation Camera. Filed 22 Jun 1973, patented 1 Oct 1974. Not available NTIS.
Patent 3,993,908. System for Whole Body Imaging and Count Profiling with a Scintillation Camera. Filed 3 Jun 1974, patented 23 Nov. 1976. Not available NTIS.
Patent 4,159,333. N-Methl Levo Benzomorphan Analgesics Having Non-Addictive and Morphine Antagonistic Properties. Filed 8 Sep 1978, patented 26 Jun 1979. Not available NTIS.

Dept. of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217

Patent 4,166,921. Flexible Housing, In-Line Electronic. Filed 29 Aug 1977, patented 4 Sep 1979. Not available NTIS.
Patent 4,167,712. Praseodymium Blue-Green Laser System. Filed 31 Jan. 1978, patented 11 Sep 1979. Not available NTIS.
Patent 4,168,441. Picosecond Pulse Generator Utilizing a Josephson Junction. Filed 20 Dec. 1977, patented 18 Sep 1979. Not available NTIS.

Nat. Aeronautics & Space Admin., Assist. Gen. Couns. For Pat. Matters, NASA Code GP–2, Washington, D.C. 20546

Pat Appl 6–078,611. Autonomous Navigation System. Filed 24 Sep 1979.
Patent 3,233,862. Fluid Pressure Balanced Seal. Filed 3 Oct. 1961, patented 8 Feb. 1966. Not available NTIS.
Patent 4,166,160. Mixed Diamines for Lower Melting Addition Polyimide Preparation and Utilization. Filed 6 Oct 1977, patented 28 Aug 1979. Not available NTIS.

[FR Doc. 80–6111 Filed 2–27–80; 8:45 am]

BILLING CODE 3510–04–M

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Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, D.C. 20310

Pat Appl 6-027 582. Automatic Integrator Control for Transientless Switching of Controller Gains in Manual Tracking Systems. Filed 6 Apr 79.
Pat Appl 6-032 192. Snap-Lock Mechanism for High-G Platform. Filed 23 Apr 79.
Pat Appl 6-032 421. Compact Flowing Gas System for Lasers. Filed 23 Apr 79.
Pat Appl 6-034 816. Prestressed Article. Filed 30 Apr 79.
Pat Appl 6-043 524. Solid Protrusion Jet Vector Control System. Filed 29 May 79.
Pat Appl 6-048 285. Novel Fabric Containing Microcapsules of Chemical Decontaminants Encapsulated within Semipermeable Polymers. Filed 13 Jun 79.
Pat Appl 6-050 361. Graphic Aid for Projectors. Filed 20 Jun 79.
Patent 4 108 746. Method of Oxidative Degradation of Phosphorous Esters. Filed 8 Sep 77, patented 22 Aug 78, Not available NTIS.
Patent 4 108 950. Process for Preparing Organophosphorus and Organophosphono Fluorines. Filed 29 Apr 77, patented 22 Aug 78. Not available NTIS.
Patent 4 146 368. Gelled Acrylic Polymer. Filed 23 Dec 66, patented 27 Mar 79. Not available NTIS.
Patent 4 157 409. Method of Making Metal Impregnated Graphite Fibers. Filed 28 Aug 78, patented 5 Jun 79. Not available NTIS.

Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, D.C. 20324

Pat Appl 6-006 837. Teletype Control Unit. Filed 26 Jan 79.
Pat Appl 6-039 932. Purification of Acetylene-Terminated Polyimide Oligomers. Filed 17 May 79.
Pat Appl 6-058 418. Internal Heater Module for Cryogenic Refrigerators and Stirling Heat Engines. Filed 18 Jul 79.

Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217

Pat Appl 944 118. Acoustic Data Link. Filed 28 Sep. 78.
Patent 4 117 271. Inductive Communication System. Filed 10 Jan 77, patented 26 Sep 78. Not available NTIS.
Patent 4 157 928. Method for Fuel Air Explosive. Filed 1 Mar 73, patented 12 Jun 79. Not available NTIS.
Patent 4 160 405. Liquid Propellant Gun, Positive Displacement Single Valve. Filed 21 Feb 78, patented 10 Jul 79. Not available NTIS.
Patent 4 161 133. Liquid Propellant Gun. Filed 3 Jul 78, patented 17 Jul 79. Not available NTIS.
Patent 4 163 774. N2F3SBF6 and Its Preparation. Filed 27 Nov 78, patented 7 Aug 79. Not available NTIS.
Patent 4 165 332. Preparation of Aliphatic Perchlorates and of Trifluoromethane Sulfonates. Filed 8 Jan 76, patented 21 Aug 79. Not available NTIS.
Patent 4 166 229. Piezoelectric Polymer Membrane Stress Gage. Filed 23 Geb 78, patented 28 Aug 79. Not available NTIS.
Patent 4 166 974. Apparatus and Method for Measuring Capacitive Energy. Filed 23 Jan 78, patented 4 Sep 79. Not available NTIS.
Patent 4 168 445. Offset Liquid Metal Storage Method and Means. Filed 28 Feb. 78, patented 18 Sep 79. Not available NTIS.

[FR Doc. 80-6112 Filed 2-27-80; 8:45 am]
BILLING CODE 3510-04-M

Grant of Limited Exclusive Patent License

Notice is hereby given that the National Technical Information Service (NTIS) on January 1, 1980 granted to Collaborative Research, Inc. (CRI) of 1365 Main Street, Waltham, MA, 021154, a limited exclusive right in the United States and in a group of foreign counties (including Australia, Austria, Belgium, Canada, Denmark, France, Federal Republic of Germany, Great Britain, Japan, Netherlands, Norway, Sweden, Switzerland and Yugoslavia) for the manufacture, use and sale of the products and processes embodied in the following two inventions disclosed and claimed in three U.S. patents together with divisions and reissues thereof and foreign patents and patent application counterparts thereof: (1) U.S. Patent 3,856,959 for "Inhibition of Leukemia Utilizing 5-Methyltetrahydrohomofolate" issued on December 24, 1974; (2) U.S. Patent 3,870,719 for "Synthesis of N^5-Methyltetrahydrohomofolic Acid and Related Reduced Derivatives of Homofolic Acid" issued on March 11, 1975; (3) U.S. Patent 3,983,118 for "Production of N^5-Methyltetrahydrohomofolic Acid and Related Reduced Derivatives of Homofolic Acid" issued on September 28, 1976.

The limited exclusive license granted by NTIS to CRI is a royalty-bearing license for a term of five years from the date of New Drug Approval in the United States as to the U.S. license and five years from the first commercial sale in any licensed foreign country as to each foreign country licensed, but no longer than eight years from the effective date of the license agreement as to any country. The license may be revoked by NTIS in accordance with Title 41 CFR 101-4.1.

The limited exclusive license granted to CRI is subject to an irrevocable, nonexclusive, nontransferable, royalty-free right in the U.S. Government to make, use or sell the licensed invention throughout the world by or through contract on behalf of the U.S. Government or any foreign government pursuant to a treaty or agreement with the United States. Notice of intent to grant this limited exclusive license to CRI was previously published in the **Federal Register** (44 FR 61079; October 23, 1979).

Dated: February 19, 1980.

Melvin S. Day,

Director, National Technical Information Service.

[FR Doc. 80-6113 Filed 2-27-80; 8:45 am]
BILLING CODE 3510-04-M

Grant of Limited Exclusive Patent Licenses and Modification Thereof

Notice is hereby given that the National Technical Information Service (NTIS) on September 30, 1979 granted to Bristol Laboratories (Bristol) of Syracuse, New York 13201, a division of Bristol-Myers Company of 345 Park Avenue, New York, New York 10022, a limited exclusive right in the United States and in a group of foreign countries (including Australia, Canada, France, Federal Republic of Germany, Great Britain, Japan and South Africa) for the manufacture, use and sale of the products and processes embodied in the following two inventions disclosed and claimed in five U.S. patents and patent applications together with divisions and reissues thereof and foreign patents and patent application counterparts thereof:

(1) "1, 2-Diaminocyclohexane Platinum (II) Complexes having Antineoplastic Activity" disclosed in U.S. Patent Application No. 719,689 filed February 18, 1977, issued as U.S. Patent 4, 115,418 on September 19, 1978; and a continuation Application No. 855,910,

filed November 29, 1977, issued as U.S. Patent 4,175,133 on November 20, 1979

(2) 4-Carboxyphthalato (1, 2-Diaminocyclohexane) Platinum (II) and Alkali Metals Salts Thereof, disclosed in U.S. Patent Application No. 828,926, filed August 29, 1977, issued on January 30, 1979 as U.S. Patent 4,137,248; and divisional Application No. 926,035, filed July 19, 1978.

The limited exclusive license granted by NTIS to Bristol is a royalty-bearing license for a term of five years from the date of New Drug Approval in the United States as to the U.S. license and five years from the first commercial sale in any licensed foreign country as to each foreign country licensed, but no longer than eight years from the effective date of the license agreement as to any country. The license may be revoked by NTIS in accordance with Title 41 CFR 101–4.1.

The limited exclusive license granted to Bristol is subject to an irrevocable, nonexclusive, nontransferable, royalty-free right in the U.S. Government to make, use or sell the licensed invention throughout the world by or through contract on behalf of the U.S. Government or any foreign government pursuant to a treaty or agreement with the United States. Notice of intent to grant this limited exclusive license to Bristol was previously published in the **Federal Register** (44 FR 42301; July 19, 1979).

Notice is also given that the license agreement identified herein was modified by an amendment effective February 13, 1980, clarifying certain definitions and conditions of the license, but not modifying the duration or scope of the license.

Further information may be obtained from the Office of Government Inventions and Patents, National Technical Information Service, Springfield, Virginia 22161.

Dated: February 19, 1980.

Melvin S. Day,

Director, National Technical Information Service.

[FR Doc. 80–6114 Filed 2–27–80; 8:45 am]

BILLING CODE 3510–4–M

International Trade Administration

Environmental Protection Agency; Decision on Application for Duty Free Entry of Scientific Article

Correction

In FR Doc. 80–5137 appearing on page 10835 in the issue of Tuesday, February 19, 1980, in the fourth line from the top of the second column, "Docket No: 79–0037" should have read "Docket No: 79–00372".

BILLING CODE: 1505–01–M

National Oceanic and Atmospheric Administration

New England Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94–265), has established a Scientific and Statistical Committee (SSC) which will meet to discuss: Status of Groundfish Plan, Herring Plan, Scallop Plan, and Silver Hake Preliminary Management Plan; Environmental Defense Fund Petition on Guidelines for Fishery Management Plan (FMP) Development, Consideration of Report on Task Force on Assessments; Multispecies Task Force Meeting on Management Information Systems; and other Council related business.

DATES: The meeting will convene on Friday, March 14, 1980, at 9 a.m. and will adjourn at approximately 5 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Samoset Resort, Rockport, Maine.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts, Telephone: (617) 535–5450.

Dated: February 25, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80–6252 Filed 2–27–80; 8:45 am]

BILLING CODE 3510–22–M

Pacific Fishery Management Council and Scientific and Statistical Committee and Salmon Advisory Subpanel; Public Meeting With Partially Closed Session Amended Meeting Notice

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council meeting notice published in the **Federal Register**, Vol. 45, No. 29, dated February 11, 1980, is amended as follows:

Open Session—Changed from 3/11–12/80 (10 a.m. to 5 p.m. on 3/11; 8 a.m. to 5 p.m. on 3/12) to 3/10–12/80 (10 a.m. to 5 p.m. on 3/10; 8 a.m. to 5 p.m. on 3/11–12).

Closed Session—Changed from 3/11/80 (8 a.m. to 10 a.m.) to 3/10/80 (8 a.m. to 10 a.m.).

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221–6352.

Dated: February 25, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80–6253 Filed 2–27–80; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Textile Category System Revisions

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Publication of Summary of the *Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated.*

SUMMARY: A notice published in the **Federal Register** on December 20, 1979 (44 FR 75441), announced revisions in the Textile Category System resulting from changes in the Tariff Schedules of the United States Annotated (T.S.U.S.A.) which were effective January 1, 1980. This system is used in the bilateral textile agreements negotiated under the Arrangement Regarding International Trade in Textiles.

Published below are sections of the *Correlation,* which can serve as a Summary of the entire publication. These sections are the Forward, the Index which cites the titles of textile categories, and Section 5 which lists all T.S.U.S.A. numbers in the category system with their corresponding category designations.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Elisabeth Maatsch, Special Assistant to the Director, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–2184).

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Foreword

This publication presents the *Tariff Schedules of the United States Annotated* numbers as revised through January 1, 1980, under each of the Cotton, Wool and Man-Made Fiber categories (or groupings) used by the

United States in monitoring import shipments of these textile products and to administer the United States textile trade agreements programs. In order to facilitate the use of this publication, the descriptions of the *Tariff Schedules of the United States Annotated* numbers have been simplified. The simplified descriptions, however, are not intended to modify, change, or contradict in any way the substance or meaning of the descriptions presented in the *Tariff Schedules of the United States Annotated.* In any case where the descriptions in this publication conflict with those in the *Tariff Schedules of the United States Annotated,* the descriptions in the latter document shall prevail.

On all handloomed, hand made and folklore products certified exempt pursuant to arrangements under bilateral textile and apparel restraint agreements, the importer is required to identify such certified products on the entry summary or withdrawal forms by placing the symbol "F" as a prefix to the appropriate 7 digit Schedule 3 or Schedule 7 item number. Imports of items identical to those covered by the "F" symbol which are not specifically exempted under the particular agreements with the country of exportation are entered under appropriate category numbers and are subject to the restraint levels.

At this time, certified exempt arrangements have been established only with the following countries: Colombia, India, Korea, Malaysia, Mexico, Pakistan, Republic of the Phillippines, and Taiwan.

Any further exempt system will be announced in the **Federal Register.**

Index and Conversion Table

Category number and description	Conversion factor	Unit of measure	Page
SECTION 1—YARN			
Cotton:			
300 Carded	4.6	Lb.	1
301 Combed	4.6	Lb.	1
Wool:			
400 Tops and yarn	2.0	Lb.	1
Man-made fiber:			
600 Textured	3.5	Lb.	2
601 Cont. cell	5.2	Lb.	3
602 Cont. non-cell	11.6	Lb.	4
603 Non-cont. cell	3.4	Lb.	5
604 Non-cont. non-cell	4.1	Lb.	5
605 Other yarns	3.5	Lb.	5
SECTION 2—FABRIC			
Cotton:			
310 Gingham	1.0	Syd.	7
311 Velveteen	1.0	Syd.	7
312 Corduroy	1.0	Syd.	7
313 Sheeting	1.0	Syd.	8
314 Poplin and broadcloth	1.0	Syd.	9
315 Printcloth	1.0	Syd.	10
316 Shirting	1.0	Syd.	11
317 Twill and sateen	1.0	Syd.	12
318 Yarn-dyed, n.e.s	1.0	Syd.	16
319 Duck	1.0	Syd.	17
320 Woven fabrics, n.e.s	1.0	Syd.	20
Wool:			
410 Woolen and Worsted	1.0	Syd.	31
411 Tapestry and Upholstery	1.0	Syd.	33
425 Knit	2.0	Lb.	33
429 Other fabrics, n.e.s	1.0	Syd.	33
Man-made fiber:			
610 Cont. cell., woven	1.0	Syd.	34
611 Spun cell., woven	1.0	Syd.	34
612 Cont. non-cell., woven	1.0	Syd.	34
613 Spun non-cell., woven	1.0	Syd.	35
614 Woven fabrics, n.e.s	1.0	Syd.	36
625 Knit	7.8	Lb.	38
626 Pile and tufted	1.0	Syd.	39
627 Specialty	7.8	Lb.	39
SECTION 3—APPAREL			
Cotton:			
330 Handkerchiefs	1.7	Dz.	42
331 Gloves	3.5	Dpr.	43
332 Hosiery	4.6	Dpr.	44
333 Suit-type coats, M&B	36.2	Dz.	45
334 Other coats, M&B	41.3	Dz.	45
335 Coats, W.G.I.	41.3	Dz.	46
336 Dresses	45.3	Dz.	48
337 Playsuits	25.0	Dz.	49
338 Knit shirts, M&B	7.2	Dz.	50
339 Knit shirts and blouses, W.G.I	7.2	Dz.	51
340 Shirts, not knit, M&B	24.0	Dz.	52
341 Blouses, not knit, W.G.I	14.5	Dz.	53
342 Shirts	17.8	Dz.	54
345 Sweaters	36.8	Dz.	55
347 Trousers, M&B	17.8	Dz.	55
348 Trousers, W.G.I	17.8	Dz.	56
349 Brassierses, etc	4.8	Dz.	57
350 Dressing gowns	51.0	Dz.	58
351 Nightwear	52.0	Dz.	59
352 Underwear	11.0	Dz.	60
359 Other apparel	4.6	Lb.	61
Wool:			
431 Gloves	2.1	Dpr.	65
432 Hosiery	2.8	Dpr.	65
433 Suit-type coats, M&B	36.0	Dz.	66
434 Other coats, M&B	54.0	Dz.	66
435 Coats, W.G.I	54.0	Dz.	67
436 Dresses	49.2	Dz.	67
438 Knit shirts and blouses	15.0	Dz.	68
440 Shirts and blouses, not knit	24.0	Dz.	68
442 Skirts	18.0	Dz.	69
443 Suits, M&B	54.0	Dz.	70
444 Suits, W.G.I	54.0	Dz.	70
445 Sweaters, M&B	14.88	Dz.	71
446 Sweaters, W.G.I	14.88	Dz.	71
447 Trousers, M&B	18.0	Dz.	72
448 Trousers, W.G.I	18.0	Dz.	72
459 Other Wool Apparel	2.0	Lb.	73
Man-made fiber:			
630 Handkerchiefs	1.7	Dz.	78
631 Gloves	3.5	Dpr.	78
632 Hosiery	4.6	Dpr.	78
633 Suit-type coats, M&B	36.2	Dpr.	79
634 Other coats, M&B	41.3	Dz.	79
635 Coats, W.G.I	41.3	Dz.	81
636 Dresses	45.3	Dz.	82
637 Playsuits	21.3	Dz.	83
638 Knit shirts, M&B	18.0	Dz.	84
639 Knit shirts and blouses, W.G.I	15.0	Dz.	84
640 Shirts, not knit, M&B	24.0	Dz.	85
641 Blouses, not knit, W.G	14.5	Dz.	86
642 Skirts	17.8	Dz.	87
643 Suits, M&B	54.0	Dz.	87
644 Suits, W.G.I	54.0	Dz.	88
645 Sweaters, M&B	36.8	Dz.	88
646 Sweaters, W.G.I	36.8	Dz.	88
647 Trousers, M&B	17.8	Dz.	89
648 Trousers, W.G.I	17.8	Dz.	90
649 Brassieres, etc	4.8	Dz.	91
650 Dressing gowns	51.0	Dz.	91
651 Nightwear	52.0	Dz.	92
652 Underwear	16.0	Dz.	93
659 Other apparel	7.8	Lb.	94
SECTION 4—MADE-UPS AND MISC.			
Cotton:			
360 Pillowcases	1.1	No.	98
361 Sheets	6.2	No.	98
362 Bedspreads and quilts	6.2	No.	98
363 Terry and other pile towels	0.5	No.	99
369 Other cotton manufactures	4.6	Lb.	99
Wool:			
464 Blankets	1.3	Lb.	108
465 Floor coverings	0.1	Sft.	108
469 Other wool manufactures	2.0	Lb.	109
Man-made fiber:			
665 Floor coverings	0.1	Sft.	112
666 Other furnishings	7.8	Lb.	112
669 Other man-made manufactures	7.8	Lb.	114
SECTION 5—CROSS REFERENCE			
Correlation of Tariff Schedules of the United States Annotated Number in Numerical Sequence by Textile and Apparel Category			115

BILLING CODE 3510-25-M

TEXTILE AND APPAREL CATEGORIES BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED

- CROSS REFERENCE -

'COTTON, WOOL AND MAN-MADE FIBER TSUSA CLASSES BY CATEGORY

Section 5

TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT
300.6020	300	310.1155	602	320.--78	320	322.--92	320
300.6022	300	310.1170	602	320.--88	320	322.--94	320
300.6024	300	310.2010	601	320.--90	320	323.--22	320
300.6026	301	310.2030	602	320.--92	320	323.--24	320
300.6028	301	310.2050	602	320.--94	320	323.--48	316
301.--00	300	310.2110	601	321.--01	319	323.--50	316
302.--20	300	310.2130	602	321.--02	319	323.--52	369
302.--22	300	310.2150	602	321.--03	319	323.--54	317
302.--24	300	310.4005	600	321.--04	319	323.--58	317
302.--26	301	310.4015	600	321.--06	319	323.--60	317
302.--28	301	310.4027	604	321.--08	319	323.--64	317
303.1000	369	310.4030	603	321.--22	320	323.--68	320
303.2040	369	310.4046	604	321.--24	320	323.--70	320
303.2042	369	310.4047	604	321.--26	314	323.--76	320
307.3000	469	310.4050	604	321.--28	314	323.--78	320
307.5000	400	310.5005	600	321.--30	315	323.--88	320
307.5200	400	310.5015	600	321.--32	315	323.--90	320
307.6000	469	310.5030	603	321.--44	313	323.--92	320
307.6200	400	310.5046	604	321.--46	313	323.--94	320
307.6600	400	310.5047	604	321.--54	317	324.--22	320
307.6810	400	310.5049	604	321.--58	317	324.--24	320
307.6820	400	310.5051	604	321.--60	317	324.--48	316
307.6830	400	310.6029	600	321.--64	317	324.--50	316
307.6840	400	310.6034	600	321.--68	320	324.--52	369
307.6850	400	310.6038	600	321.--70	320	324.--54	317
308.6000	605	310.8000	605	321.--76	320	324.--58	317
308.6500	605	310.9000	605	321.--78	320	324.--60	317
308.6600	605	310.9120	605	321.--88	320	324.--64	317
308.7000	605	310.9140	605	321.--90	320	324.--68	320
308.7100	605	315.0500	369	321.--92	320	324.--70	320
308.7500	605	315.1000	369	321.--94	320	324.--76	320
309.9800	605	315.1500	369	322.--01	319	324.--78	320
309.9900	605	316.4000	469	322.--02	319	324.--88	320
310.0106	600	316.6010	605	322.--03	319	324.--90	320
310.0109	600	316.6020	605	322.--04	319	324.--92	320
310.0110	600	319.2100	320	322.--06	319	324.--94	320
310.0114	600	319.2300	320	322.--08	319	325.--18	310
310.0130	601	319.2500	320	322.--18	310	325.--20	310
310.0149	602	319.2700	320	322.--20	310	325.--22	320
310.0150	602	319.2900	320	322.--22	320	325.--24	320
310.0170	602	320.--01	319	322.--24	320	325.--48	316
310.0206	600	320.--02	319	322.--26	314	325.--50	316
310.0209	600	320.--03	319	322.--28	314	325.--52	369
310.0210	600	320.--04	319	322.--30	315	325.--54	317
310.0214	600	320.--06	319	322.--32	315	325.--56	317
310.0230	601	320.--08	319	322.--44	313	325.--58	317
310.0249	602	320.--22	320	322.--46	313	325.--60	317
310.0250	602	320.--24	320	322.--54	317	325.--62	317
310.0270	602	320.--26	314	322.--56	317	325.--64	317
310.0510	601	320.--28	314	322.--58	317	325.--68	320
310.0530	602	320.--30	315	322.--60	317	325.--70	320
310.0550	602	320.--32	315	322.--62	317	325.--72	318
310.0610	601	320.--36	313	322.--64	317	325.--74	318
310.0630	602	320.--38	313	322.--68	320	325.--76	320
310.0650	602	320.--40	313	322.--70	320	325.--78	320
310.1015	600	320.--42	313	322.--72	318	325.--80	318
310.1030	601	320.--44	313	322.--74	318	325.--82	318
310.1050	602	320.--46	313	322.--76	320	325.--84	318
310.1070	602	320.--54	317	322.--78	320	325.--86	318
310.1106	600	320.--58	317	322.--80	318	325.--88	320
310.1109	600	320.--60	317	322.--82	318	325.--90	320
310.1110	600	320.--64	317	322.--84	318	325.--92	320
310.1114	600	320.--68	320	322.--86	318	325.--94	320
310.1135	601	320.--70	320	322.--88	320	326.--01	319
310.1150	602	320.--76	320	322.--90	320	326.--02	319

TEXTILE AND APPAREL CATEGORIES BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED

- CROSS REFERENCE -

COTTON, WOOL AND MAN-MADE FIBER TSUSA CLASSES BY CATEGORY

Section 5

TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT
326.--03	319	328.--28	314	331.--52	369	338.3022	610
326.--04	319	328.--30	315	331.--54	317	338.3023	610
326.--06	319	328.--32	315	331.--56	317	338.3027	612
326.--08	319	328.--44	313	331.--58	317	338.3028	612
326.--22	320	328.--46	313	331.--60	317	338.3030	612
326.--24	320	328.--54	317	331.--62	317	338.3031	612
326.--26	314	328.--56	317	331.--64	317	338.3037	612
326.--28	314	328.--58	317	331.--68	320	338.3038	612
326.--30	315	328.--60	317	331.--70	320	338.3040	610
326.--32	315	328.--62	317	331.--72	318	338.3051	610
326.--36	313	328.--64	317	331.--74	318	338.3052	610
326.--38	313	328.--68	320	331.--76	320	338.3056	612
326.--40	313	328.--70	320	331.--78	320	338.3057	612
326.--42	313	328.--72	318	331.--80	318	338.3058	612
326.--44	313	328.--74	318	331.--82	318	338.3060	612
326.--46	313	328.--76	320	331.--84	318	338.3062	611
326.--54	317	328.--78	320	331.--86	318	338.3063	611
326.--58	317	328.--80	318	331.--88	320	338.3067	613
326.--60	317	328.--82	318	331.--90	320	338.3068	613
326.--64	317	328.--84	318	331.--92	320	338.3070	613
326.--68	320	328.--86	318	331.--94	320	338.3071	613
326.--70	320	328.--88	320	332.1020	320	338.3072	614
326.--76	320	328.--90	320	332.1040	320	338.3073	614
326.--78	320	328.--92	320	332.4020	320	338.3077	614
326.--88	320	328.--94	320	332.4040	320	338.3078	614
326.--90	320	329.--22	320	335.5500	410	338.3080	614
326.--92	320	329.--24	320	335.6000	614	338.3081	614
326.--94	320	329.--48	316	336.1000	410	338.3082	611
327.--01	319	329.--50	316	336.1520	410	338.3083	611
327.--02	319	329.--52	369	336.1540	410	338.3087	613
327.--03	319	329.--54	317	336.2000	410	338.3088	613
327.--04	319	329.--58	317	336.2500	410	338.3090	613
327.--06	319	329.--60	317	336.3000	410	338.3091	613
327.--08	319	329.--64	317	336.3500	410	338.3092	614
327.--22	320	329.--68	320	336.4000	410	338.3093	614
327.--24	320	329.--70	320	336.5000	410	338.3094	614
327.--26	314	329.--76	320	336.5500	410	338.3095	614
327.--28	314	329.--78	320	336.6041	410	338.3096	614
327.--30	315	329.--88	320	336.6043	410	338.3098	614
327.--32	315	329.--90	320	336.6047	410	339.0500	410
327.--44	313	329.--92	320	336.6049	410	345.1020	369
327.--46	313	329.--94	320	336.6051	410	345.1040	369
327.--54	317	330.--22	320	336.6053	410	345.1065	369
327.--58	317	330.--24	320	336.6055	410	345.1075	425
327.--60	317	330.--48	316	336.6057	410	345.1085	625
327.--64	317	330.--50	316	337.5030	410	345.3020	425
327.--68	320	330.--52	369	337.5050	410	345.3040	425
327.--70	320	330.--54	317	337.5500	410	345.3505	369
327.--76	320	330.--58	317	337.6025	614	345.3515	425
327.--78	320	330.--60	317	337.7025	614	345.3525	625
327.--88	320	330.--64	317	337.8025	614	345.5011	625
327.--90	320	330.--68	320	337.9025	614	345.5015	625
327.--92	320	330.--70	320	338.1000	614	345.5018	625
327.--94	320	330.--76	320	338.1515	614	345.5031	625
328.--01	319	330.--78	320	338.1520	614	345.5033	625
328.--02	319	330.--88	320	338.1530	614	345.5035	625
328.--03	319	330.--90	320	338.1540	614	345.5037	625
328.--04	319	330.--92	320	338.1550	614	345.5051	625
328.--06	319	330.--94	320	338.1560	614	345.5053	625
328.--08	319	331.--18	310	338.1570	614	345.5055	625
328.--18	310	331.--20	310	338.1580	614	345.5057	625
328.--20	310	331.--22	320	338.2500	614	345.5071	625
328.--22	320	331.--24	320	338.2700	614	345.5073	625
328.--24	320	331.--48	316	338.3014	614	345.5075	625
328.--26	314	331.--50	316	338.3016	614	345.5077	625

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TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT
346.0500	312	351.2560	627	360.1015	465	363.5530	362
346.1000	312	351.3000	627	360.1515	465	363.6015	362
346.1500	311	351.4010	369	360.2000	369	363.6030	369
346.2000	311	351.4610	369	360.2500	369	363.6520	464
346.2200	311	351.4660	627	360.3000	369	363.6540	464
346.2400	311	351.5010	369	360.4000	465	363.7000	410
346.3000	320	351.5060	627	360.4615	465	363.7500	469
346.3200	320	351.6010	369	360.4625	465	363.8512	666
346.3525	320	351.7060	627	360.4630	665	363.8515	666
346.3530	320	351.8010	369	360.4635	665	363.8525	666
346.3545	320	351.8040	469	360.4815	465	363.8545	666
346.3550	320	351.8060	627	360.4825	465	363.8550	666
346.4000	320	351.9060	627	360.4830	665	363.8555	666
346.4510	320	351.9095	369	360.4835	665	364.0700	320
346.4560	369	352.1000	369	360.6500	465	364.1300	369
346.5005	369	352.2060	627	360.7000	465	364.1600	369
346.5015	429	352.3000	669	360.7600	369	364.2000	411
346.5025	626	352.4000	669	360.7800	665	364.2200	411
346.5200	429	352.5000	369	360.8100	369	364.3000	666
346.5605	369	352.8010	369	360.8300	665	365.0000	369
346.5615	429	352.8060	627	361.0510	369	365.1110	469
346.5625	626	353.1000	369	361.0520	465	365.1120	666
346.6010	626	353.5012	369	361.0530	665	365.2000	666
346.6020	626	353.5014	369	361.0700	465	365.3160	666
346.6030	626	353.5016	369	361.1000	465	365.3560	666
346.6045	626	353.5032	469	361.1820	369	365.4010	369
346.6050	626	353.5034	469	361.1840	665	365.4560	666
346.6065	626	353.5036	469	361.2225	465	365.5010	369
346.7000	320	353.5052	627	361.2235	665	365.5060	666
346.8200	429	353.5054	627	361.4200	465	365.7060	666
346.9000	626	353.5056	627	361.4400	465	365.7510	369
347.1000	369	355.0200	369	361.4600	465	365.7560	666
347.1500	369	355.1500	469	361.4800	465	365.7700	369
347.2600	369	355.1600	469	361.5000	369	365.7815	369
347.3320	369	355.1800	469	361.5420	369	365.7817	369
347.3340	369	355.2500	669	361.5426	665	365.7825	369
347.3380	369	355.3500	369	361.5610	665	365.7855	369
347.4000	469	355.4560	669	361.5630	369	365.7865	369
347.5500	627	355.5000	320	361.5650	665	365.8610	469
347.6020	627	355.6000	627	361.8000	469	365.8620	469
347.6040	627	355.8210	627	363.0120	360	365.8640	666
347.6500	627	355.8220	627	363.0140	361	365.8660	666
347.6800	627	357.0512	320	363.0510	369	365.8670	666
347.6900	627	357.0514	320	363.0515	362	365.8680	666
347.7000	627	357.0516	320	363.0520	362	366.0300	369
348.0065	669	357.0518	320	363.0525	369	366.0600	369
348.0075	669	357.1000	411	363.1020	464	366.0900	369
348.0080	669	357.1500	411	363.1040	464	366.1520	369
348.0510	369	357.2000	429	363.1500	410	366.1820	369
348.0540	469	357.3500	627	363.2000	469	366.1840	369
348.0565	669	357.4500	627	363.2562	666	366.1855	369
348.0575	669	357.6040	469	363.2564	666	366.1865	363
348.0580	669	357.6060	627	363.2575	666	366.1880	363
349.1060	605	357.7010	369	363.2580	666	366.2120	369
349.1095	369	357.7040	469	363.3010	361	366.2140	369
349.1500	369	357.7060	669	363.3020	360	366.2160	363
349.2540	627	357.8010	369	363.3030	361	366.2180	363
349.3060	627	357.8060	627	363.3040	360	366.2420	369
349.3095	369	358.0510	369	363.4000	369	366.2440	369
350.0060	627	358.3000	469	363.4500	369	366.2460	363
351.0500	369	358.3500	469	363.5015	362	366.2480	363
351.2040	469	359.1000	369	363.5030	362	366.2720	363
351.2060	627	359.3000	469	363.5115	362	366.2740	369
351.2510	369	359.5000	627	363.5130	362	366.2760	369
351.2540	469	360.0500	465	363.5515	362	366.2780	369

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366.4200	369	372.7520	659	378.6530	652	380.0533	459
366.4500	369	372.7540	659	380.0002	334	380.0536	659
366.4600	369	373.1000	359	380.0009	350	380.0609	334
366.4700	369	373.1500	459	380.0011	351	380.0612	334
366.5720	369	373.2500	659	380.0015	337	380.0620	350
366.6000	369	373.2700	659	380.0018	338	380.0625	351
366.6300	369	374.0500	332	380.0021	338	380.0630	337
366.6500	369	374.1000	332	380.0028	338	380.0635	352
366.6900	369	374.1500	332	380.0029	338	380.0640	338
366.7500	369	374.2000	432	380.0030	345	380.0645	338
366.7700	369	374.2500	432	380.0033	347	380.0651	338
366.7925	369	374.3000	432	380.0037	359	380.0652	338
366.7930	369	374.3530	632	380.0041	333	380.0658	345
367.0500	469	374.3550	632	380.0042	333	380.0659	345
367.1000	469	374.4000	332	380.0045	334	380.0662	347
367.1500	469	374.4500	332	380.0049	350	380.0665	347
367.2000	469	374.5020	432	380.0050	351	380.0696	359
367.2500	469	374.5040	432	380.0058	337	380.0915	334
367.3025	469	374.6020	632	380.0060	340	380.0940	333
367.3030	469	374.6040	632	380.0071	347	380.0960	333
367.5000	666	376.0420	369	380.0072	347	380.0980	334
367.5500	666	376.0800	469	380.0073	359	380.0990	334
367.5900	666	376.1600	659	380.0078	359	380.1210	334
367.6025	666	376.2425	349	380.0080	359	380.1220	334
367.6035	666	376.2430	649	380.0205	438	380.1235	333
367.6040	666	376.2466	349	380.0209	445	380.1255	333
367.6080	666	376.2470	649	380.0225	459	380.1280	334
370.0400	330	376.2825	349	380.0240	433	380.1290	334
370.0800	330	376.2830	649	380.0245	434	380.1520	350
370.1600	330	376.2866	349	380.0250	459	380.1540	350
370.2100	630	376.2886	649	380.0255	440	380.1820	350
370.2400	330	376.5408	334	380.0260	443	380.1840	350
370.2800	330	376.5412	335	380.0265	447	380.2100	351
370.3200	330	376.5420	359	380.0270	459	380.2405	351
370.3600	330	376.5609	634	380.0402	633	380.2410	351
370.4000	330	376.5612	635	380.0405	634	380.2743	340
370.4400	330	376.5618	659	380.0407	659	380.2745	340
370.4800	330	376.5623	659	380.0408	650	380.2753	340
370.5200	330	376.5630	659	380.0411	651	380.2755	340
370.5600	330	378.0540	352	380.0414	637	380.2770	340
370.6020	330	378.0545	652	380.0416	638	380.2782	340
370.6040	330	378.0550	352	380.0417	638	380.2785	340
370.6420	330	378.0553	652	380.0418	638	380.2787	340
370.6440	330	378.0561	352	380.0419	638	380.2792	340
370.6820	330	378.0565	652	380.0420	643	380.2794	340
370.6840	330	378.0571	352	380.0422	645	380.2796	340
370.8820	630	378.0576	652	380.0426	645	380.3000	359
370.8840	630	378.1030	352	380.0429	659	380.3300	359
372.0400	369	378.1035	352	380.0435	647	380.3600	359
372.0600	669	378.1520	352	380.0436	647	380.3908	359
372.1010	359	378.1530	352	380.0439	659	380.3911	337
372.1020	459	378.1535	352	380.0443	633	380.3914	337
372.1030	659	378.1540	352	380.0445	634	380.3915	351
372.1040	359	378.2011	352	380.0449	650	380.3920	347
372.1050	459	378.2030	352	380.0452	651	380.3921	347
372.1060	659	378.2510	352	380.0455	640	380.3923	347
372.1520	359	378.2530	352	380.0458	640	380.3924	347
372.1540	359	378.3510	459	380.0461	640	380.3926	347
372.1560	359	378.3530	459	380.0464	643	380.3928	347
372.2500	459	378.4000	459	380.0465	659	380.3930	347
372.3000	459	378.4500	459	380.0468	647	380.3941	333
372.3500	459	378.6015	652	380.0469	647	380.3943	359
372.4000	459	378.6020	652	380.0472	659	380.3982	359
372.4500	459	378.6030	652	380.0475	659	380.3989	359
372.7000	659	378.6511	652	380.0531	359	380.4505	359

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TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT
380.4515	459	380.8112	634	382.0036	359	382.0460	641
380.4525	659	380.8113	659	382.0037	359	382.0461	641
380.5104	333	380.8117	650	382.0039	341	382.0462	635
380.5108	334	380.8123	651	382.0045	341	382.0464	635
380.5112	340	380.8127	637	382.0054	335	382.0466	636
380.5124	347	380.8131	638	382.0055	335	382.0467	636
380.5129	359	380.8133	638	382.0057	336	382.0469	636
380.5134	433	380.8135	638	382.0059	336	382.0470	650
380.5136	434	380.8138	638	382.0061	336	382.0472	651
380.5137	434	380.8140	638	382.0070	350	382.0473	637
380.5142	440	380.8142	647	382.0072	351	382.0474	637
380.5146	443	380.8145	643	382.0073	337	382.0475	648
380.5154	447	380.8148	643	382.0075	337	382.0476	642
380.5158	459	380.8152	645	382.0077	340	382.0478	644
380.5164	633	380.8153	645	382.0079	348	382.0479	659
380.5167	634	380.8163	659	382.0080	342	382.0481	648
380.5169	634	380.8164	647	382.0082	342	382.0483	648
380.5172	640	380.8168	647	382.0085	348	382.0484	659
380.5176	643	380.8169	647	382.0087	348	382.0487	659
380.5184	647	380.8192	659	382.0088	359	382.0488	659
380.5188	659	380.8410	634	382.0092	359	382.0509	359
380.5730	445	380.8411	633	382.0095	359	382.0518	459
380.5740	445	380.8412	633	382.0096	359	382.0527	659
380.5750	445	380.8416	634	382.0205	438	382.0554	359
380.5795	459	380.8418	634	382.0210	436	382.0563	459
380.5900	445	380.8419	634	382.0215	442	382.0572	659
380.6110	434	380.8421	659	382.0219	446	382.0606	339
380.6120	438	380.8422	637	382.0235	444	382.0607	339
380.6130	445	380.8424	637	382.0240	459	382.0608	339
380.6140	445	380.8425	650	382.0250	440	382.0609	339
380.6145	445	380.8428	651	382.0255	435	382.0617	335
380.6155	445	380.8429	651	382.0260	459	382.0619	335
380.6160	459	380.8431	640	382.0265	442	382.0635	336
380.6310	433	380.8433	640	382.0266	444	382.0640	336
380.6322	434	380.8440	640	382.0275	459	382.0645	350
380.6324	434	380.8441	640	382.0402	639	382.0650	351
380.6330	459	380.8443	640	382.0403	639	382.0655	337
380.6340	440	380.8449	647	382.0404	639	382.0660	339
380.6350	443	380.8451	643	382.0405	639	382.0665	339
380.6360	447	380.8452	643	382.0406	659	382.0669	339
380.6390	459	380.8453	659	382.0407	635	382.0671	339
380.6611	433	380.8456	647	382.0408	635	382.0673	348
380.6612	433	380.8457	647	382.0409	659	382.0675	342
380.6615	434	380.8460	659	382.0413	636	382.0681	345
380.6618	434	380.8488	659	382.0414	636	382.0683	345
380.6619	434	380.9005	359	382.0416	636	382.0684	339
380.6630	459	380.9015	459	382.0417	650	382.0687	348
380.6640	440	380.9025	659	382.0423	651	382.0689	348
380.6651	443	382.0003	339	382.0425	632	382.0691	348
380.6652	443	382.0004	339	382.0427	646	382.0696	359
380.6653	443	382.0005	339	382.0430	646	382.0697	359
380.6654	443	382.0006	339	382.0437	637	382.0900	335
380.6660	447	382.0007	335	382.0439	639	382.1202	335
380.6690	459	382.0012	336	382.0441	639	382.1204	335
380.7205	359	382.0014	336	382.0442	639	382.1206	335
380.7215	459	382.0016	350	382.0444	648	382.1208	335
380.7225	659	382.0018	351	382.0446	642	382.1210	335
380.7505	359	382.0020	337	382.0447	644	382.1212	335
380.7515	459	382.0022	339	382.0449	659	382.1214	335
380.7525	659	382.0024	339	382.0450	648	382.1216	335
380.8101	634	382.0026	339	382.0452	648	382.1217	335
380.8104	633	382.0028	342	382.0455	639	382.1219	335
380.8105	633	382.0030	345	382.0456	659	382.1220	335
380.8106	634	382.0031	339	382.0458	659	382.1222	335
380.8109	634	382.0032	348	382.0459	641	382.1223	335

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TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT
382.1225	335	382.3976	646	382.6922	359	382.8133	641
382.1500	350	382.3982	648	382.6924	438	382.8137	641
382.1820	350	382.3986	659	382.6928	436	382.8139	641
382.1870	350	382.4204	341	382.6932	446	382.8143	641
382.2100	351	382.4208	335	382.6936	448	382.8144	641
382.2410	351	382.4212	336	382.6942	459	382.8145	635
382.2415	351	382.4216	342	382.6944	639	382.8154	635
382.2700	359	382.4222	359	382.6948	636	382.8159	635
382.3000	359	382.4226	348	382.6952	646	382.8160	635
382.3302	341	382.4232	359	382.6956	648	382.8163	635
382.3304	341	382.4234	440	382.6962	659	382.8165	635
382.3305	341	382.4238	435	382.7204	341	382.8167	659
382.3307	341	382.4242	436	382.7208	336	382.8168	637
382.3309	341	382.4246	442	382.7212	350	382.8171	637
382.3311	341	382.4252	444	382.7214	351	382.8172	637
382.3313	335	382.4256	448	382.7218	348	382.8173	636
382.3314	336	382.4262	459	382.7222	359	382.8174	636
382.3316	336	382.4264	641	382.7224	440	382.8175	636
382.3318	336	382.4268	635	382.7228	436	382.8178	650
382.3320	336	382.4272	636	382.7232	459	382.8180	651
382.3321	336	382.4276	642	382.7234	459	382.8182	648
382.3323	336	382.4282	644	382.7238	448	382.8183	642
382.3325	336	382.4286	648	382.7242	459	382.8184	642
382.3326	351	382.4292	659	382.7244	641	382.8187	644
382.3327	351	382.4800	459	382.7248	636	382.8189	648
382.3328	359	382.5410	438	382.7252	650	382.8190	648
382.3329	337	382.5420	436	382.7254	651	382.8191	659
382.3330	337	382.5425	442	382.7258	648	382.8192	659
382.3331	337	382.5431	446	382.7262	659	382.8193	659
382.3332	337	382.5445	459	382.7802	639	382.8199	659
382.3333	348	382.5600	446	382.7803	639	382.8705	359
382.3334	342	382.5810	438	382.7804	639	382.8715	459
382.3336	342	382.5820	435	382.7805	639	382.8725	659
382.3338	342	382.5830	436	382.7806	659	385.2000	469
382.3340	342	382.5840	442	382.7807	635	385.2500	369
382.3342	342	382.5846	444	382.7813	635	385.3000	369
382.3344	342	382.5847	444	382.7823	635	385.4000	369
382.3347	348	382.5850	446	382.7828	635	385.5300	669
382.3349	348	382.5860	446	382.7829	659	385.5500	369
382.3353	348	382.5871	446	382.7831	642	385.6000	369
382.3355	348	382.5872	446	382.7832	636	385.6120	669
382.3357	348	382.5885	448	382.7833	636	385.6140	669
382.3359	348	382.5895	459	382.7834	636	385.7020	369
382.3361	348	382.6010	440	382.7835	650	385.7040	669
382.3363	348	382.6014	435	382.7836	651	385.7520	369
382.3368	340	382.6025	436	382.7837	632	385.7540	669
382.3370	340	382.6030	459	382.7841	637	385.8000	369
382.3383	359	382.6035	442	382.7843	639	385.8500	669
382.3388	359	382.6040	444	382.7844	639	386.0410	369
382.3396	359	382.6045	448	382.7845	639	386.0600	469
382.3904	339	382.6090	459	382.7847	639	386.0700	669
382.3908	336	382.6310	440	382.7857	648	386.5010	369
382.3912	342	382.6315	435	382.7861	642	388.1000	469
382.3916	345	382.6320	435	382.7863	642	388.2000	469
382.3922	348	382.6325	436	382.7866	644	388.3000	469
382.3926	359	382.6330	459	382.7868	644	388.4000	469
382.3934	438	382.6333	448	382.7870	646	389.6210	669
382.3938	436	382.6335	442	382.7873	646	389.6240	669
382.3942	442	382.6340	444	382.7877	659	700.7510	459
382.3946	446	382.6346	448	382.7879	639	700.7520	459
382.3952	448	382.6390	459	382.7889	648	700.7530	459
382.3956	459	382.6904	339	382.7892	648	700.7540	459
382.3964	639	382.6908	336	382.7893	648	700.7550	459
382.3968	636	382.6912	345	382.7894	659	700.7560	459
382.3972	642	382.6916	348	382.7895	659	702.0600	359

TEXTILE AND APPAREL CATEGORIES BY TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED

- CROSS REFERENCE -

COTTON, WOOL AND MAN-MADE FIBER TSUSA CLASSES BY CATEGORY

Section 5

TSUSA	CAT	TSUSA	CAT
702.1200	359	791.7459	633
702.5400	459	791.7460	634
702.5600	459	791.7461	635
702.6000	459	791.7464	659
702.6500	459	791.7470	633
702.7000	459	791.7471	634
702.7500	459	791.7473	635
702.8000	459	791.7480	647
703.0500	659	791.7481	648
703.1000	659	791.7484	659
703.1515	659		
703.9000	669		
703.9500	669		
704.0520	331		
704.0555	331		
704.1020	331		
704.1055	331		
704.1520	331		
704.1555	331		
704.2000	431		
704.2500	431		
704.3000	431		
704.3220	631		
704.3240	631		
704.4010	331		
704.4025	331		
704.4055	331		
704.4502	331		
704.4504	331		
704.4506	331		
704.4508	331		
704.4522	331		
704.4524	331		
704.4526	331		
704.4555	331		
704.5015	331		
704.5055	331		
704.5500	431		
704.5600	431		
704.6000	431		
704.6500	431		
704.7000	431		
704.8520	631		
704.8550	631		
704.9000	631		
706.2015	369		
706.2240	369		
706.2250	369		
706.2280	369		
706.2406	369		
706.2411	369		
706.2421	369		
727.8200	369		
791.7402	359		
791.7412	333		
791.7413	334		
791.7415	335		
791.7418	347		
791.7420	348		
791.7426	359		
791.7430	459		
791.7440	459		
791.7454	645		
791.7455	646		
791.7458	648		

[FR Doc. 80-6117 Filed 2-27-80; 8:45 am]

BILLING CODE 3510-25-C

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; New System of Records

AGENCY: Department of the Air Force.

ACTION: Notice of a new system of records.

SUMMARY: The Air Force is publishing for public comment a new additional system of records subject to the Privacy Act of 1974.

DATES: The system shall be effective as proposed without further notice on March 29, 1980, unless comments are received on or before March 29, 1980, which would result in a contrary determination and require republication for further comments.

ADDRESS: Send comments to the system manager identified in the record system notice.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Updike, HQ USAF/DAAD(S), The Pentagon, Washington, DC 20330, telephone 202–694–3431.

SUPPLEMENTARY INFORMATION: The Air Force systems of records notices as prescribed by the Privacy Act of 1974, Public Law 93–579 (5 U.S.C. 552a) have been published in the **Federal Register** as follows:

FR Doc. 79–37052 (44 FR 74145) December 17, 1979.
FR Doc. 80–2008 (45 FR 5515) January 23, 1980.

The Department of the Air Force has submitted a new system report dated January 23, 1980, for this new record system under the provisions of 5 U.S.C. 552a(o) of the Privacy Act which requires submission of a new system report and in accordance with Office of Management and Budget (OMB) Circular A–108, Transmittal Memoranda No. 1 and No. 3, dated September 30, 1975, and May 17, 1976, respectively, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of records under the Privacy Act of 1974. This OMB guidance was set forth in the **Federal Register** (40 FR 45877) on October 3, 1975.

H. E. Lofdahl,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.
February 25, 1980.

F03501 SAM A

SYSTEM NAME:

AFSAM Personnel Information File.

SYSTEM LOCATION:

Aerospace Medical Division, Brooks AFB, TX 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel assigned to or scheduled for assignment to the staff USAF School of Aerospace Medicine.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; date of birth; service dates; grade; salary; promotion and step increase dates; occupational series; position to which assigned; supervisory appointment; professional/scientific status; educational level; awards won; publications; handicap status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Provides data to the Commander and his immediate staff for utilization of assigned personnel, and for position management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer magnetic disks or computer paper printouts.

RETRIEVABILITY:

Normally, data is retrieved by use of non-personal information, such as organizational unit, occupational series, grade, or other workforce characteristics, but may be retrieved by name or position member.

SAFEGUARDS:

(1) Records are accessed by the records custodian or by other persons responsible for servicing the records system in performance of their official duties. (2) Records are controlled by personnel screening and by computer system software.

RETENTION AND DISPOSAL:

Computer printouts are destroyed after use by tearing into pieces, shredding, pulping, macerating or burning. Upon reassignment or separation, information in the computer file relating to the individual is deleted from the data base.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Research and Development Plans Branch, Technical Services Division, USAFSAM, AMD, Brooks AFB, TX 78235.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Systems Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the Systems Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information will be obtained from base personnel records, managers and supervisors of individuals and the individuals themselves.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80–6232 Filed 2–27–80; 8:45 am]
BILLING CODE 3810–01–M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Proposed Small Navigation Project for Belmont Marina San Mateo County, Calif.

AGENCY: U.S. Army Corps of Engineers, Department of the Army.

ACTION: Notice of Intent to prepare a DEIS.

SUMMARY: 1. The tentatively selected project involves constructing a shallow draft access channel to proposed marina development at Foster City. The channel would be 100 feet wide and 7 feet deep MLLW and would be dredged from deep water in San Francisco Bay to the marina site and into the boat basin. Disposal of dredged material will be at the approved Alcatraz Disposal Site in San Francisco Bay.

2. The alternatives to the proposed action that will be studied in detail are as follows:

a. No action.

b. An 8000-foot primary channel to a 272-boat 8-acre marina basin at a site along Belmont Slough near the Foster City Boulevard/Beach Park Boulevard intersection in Foster City (Site X).

c. A 4100-foot primary channel to a 272-boat 14-acre marina basin at a site above the mouth of Belmont Slough near the intersection of Swordfish Street and Beach Park Boulevard in Foster City (Site 5B/272 berths).

d. A 4100-foot primary channel to a 600-boat 26-acre marina basin at the

same site as "c" above (Site 5B/600 berths).

3. The Corps of Engineers presented an initial array of alternatives in a Public Brochure dated April 1975 and held a Public Meeting on 28 May 1975 to identify significant issues to be evaluated in the DEIS. A citizen advisory committee later studied other alternatives that would be less environmentally damaging. Issues in the DEIS will include the proposal to use land owned by State Lands Commission for one of the marina alternatives, development of marina facilities in Foster City to meet the increasing demand for berths in San Mateo County, and opposition by various fish and wildlife interests to marina impacts on wildlife habitat. The Fish and Wildlife Service is scheduled to submit to the Corps of Engineers a letter report on the effects of the proposed marina and navigation channel at Belmont Slough on fish and wildlife resources. With development of Section 404(b) guidelines, discussion in the DEIS will address the concerns of dredged material disposal in open waters of the Bay.

4. A scoping meeting as described in the 29 November 1978 CEQ Federal Regulation was not held since the guidelines were not published during initiation of this study.

5. It is expected that the DEIS will be available to the public in July 1980.

6. Questions about the proposed action and DEIS can be directed to Margaret Foster, U.S. Army Corps of Engineers, SPNED–ED, 211 Main Street, Room 809, San Francisco, California 94105.

Dated: February 19, 1980.

John M. Adsit,

Colonel, CE District Engineer.

[FR Doc. 80–6208 Filed 2–27–80; 8:45 am]

BILLING CODE 3710–FS–M

Coal-Fired Steam Electric Generating Station To Be Located Near Seward, Pa., Along the Conemaugh River; Intent To Prepare Draft Environmental Impact Statement

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. General Public Utilities Service Corporation, a subsidiary of the General Public Utility Corporation (GPU), proposes to construct a 625 MW coal-fired steam electric generating station south of Seward, Pennsylvania, in Indiana and Westmoreland Counties along the Conemaugh River. Construction activities for this facility, known as Seward Generating Station Unit No. 7 (Seward 7), are proposed to commence in the Spring of 1981.

2. Various alternatives to the proposed project include alternate sites, alternate designs, other means of creating the new generating capacity using alternate fuels and energy sources, alternatives not requiring the creation of new generating capacity, and no action.

3.a. Through early coordination between State and Federal agencies and concerned citizens, the major areas of controversy have been defined. All concerned parties are invited to review and comment on the DEIS and on the Public Notice for the Section 10 and Section 404 permit applications.

b. The significant issues to be analyzed in the DEIS are the need for the project, the site selection for the generating station and solid waste disposal area, and impacts on air and water quality.

c. This DEIS will be prepared as required by the National Environmental Policy Act of 1969, as amended, following the guidelines established by the Council on Environmental Quality, 40 CFR 1500–1508. Other environmental review requirements under Federal law include: (1) a water quality evaluation under Section 404(b) of the Clean Water Act; (2) water quality certification under Section 401 of the Clean Water Act; (3) coordination with the Secretary of the Interior under Section 7(c) of the Endangered Species Act of 1973, as amended, and the Fish and Wildlife Coordination Act of 1958, as amended; and (4) compliance with Section 106 of the National Historic Preservation Act of 1966, as amended.

4. No formal scoping meeting will be held for the project.

5. The DEIS will be made available to the public in July 1980.

ADDRESS: Questions about the proposed action and DEIS should be directed to: Mr. James A. Purdy, Environmental Planning Section, Pittsburgh District, U.S. Army Corps of Engineers, 1000 Liberty Avenue, Pittsburgh, PA 15222 (412–644–6844 or FTS 722–6844).

Dated: February 19, 1980.

Joseph A. Yore,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80–6133 Filed 2–27–80; 8:45 am]

BILLING CODE 3710–85–M

Limestone Rock Mining in Dade, Broward and Collier Counties, Fla. Intent To Prepare Draft Environmental Impact Statement

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The DEIS will consider generic aspects of limestone rock mining in Dade, Broward and Collier Counties, Florida for use by the construction industry. This DEIS will be used to evaluate future dredge and fill applications within the area.

2. Alternatives to be considered in evaluating future permit applications will be to issue the permit, deny the permit, or issue the permit with conditions.

3. The following is a preliminary list of significant issues to be analyzed in depth in the DEIS.

a. Effects of limestone rock mining on the quantity and quality of water in the Biscayne Aquifer.

b. Effects on prime and unique farmlands and local land-use plans.

c. Environmental considerations associated with wetlands and endangered and threatened species.

d. Economic impact of the alternatives.

e. Locations environmentally suited for limestone rock mining.

4. The scoping process will be accomplished by response from the public notice.

5. Consultation and environmental review will be coordinated in accordance with the Endangered Species Act, Section 404b of the Federal Water Pollution Control Act, and the National Historic Preservation Act.

6. The DEIS is expected to be available for review in the first quarter of FY 1981.

ADDRESS: Questions about the proposed action and DEIS can be referred to Dr. Lloyd Saunders, Chief of the Environment and Resources Branch, U.S. Army Engineer District, P.O. Box 4970, Jacksonville, Florida 32201, telephone (904) 791–2202.

James W. R. Adams,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80–6132 Filed 2–27–80; 8:45 am]

BILLING CODE 3710–AJ–M

Marine Corps

Privacy Act of 1974; New System of Records

AGENCY: U.S. Marine Corps.

ACTION: Notice of a new system of records.

SUMMARY: The U.S. Marine Corps publishes a notice of a new record system for public comment under the Privacy Act of 1974.

DATES: The system shall be effective as proposed without further notice on March 29, 1980, unless comments are received on or before March 29, 1980, which would result in a contrary determination.

ADDRESS: Any comments including written data, views or arguments concerning the proposed notice should be addressed to the system manager identified in the record system.

FOR FURTHER INFORMATION CONTACT: Mrs. B. L. Thompson, Privacy Act Coordinator, Headquarters, U.S. Marine Corps, Washington, DC 20380, telephone 202–694–1122.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps systems of records notices as prescribed by the Privacy Act of 1974, Pub. L. 93–579 (5 U.S.C. 552a) have been published in the **Federal Register** as follows:

FR Doc. 79–36297 (44 FR 68946) November 30, 1979
FR Doc. 79–37052 (44 FR 74495) December 17, 1979
FR Doc. 80–4470 (45 FR 9316) February 12, 1980
FR Doc. 80–5182 (45 FR 10840) February 19, 1980
FR Doc. 80–5420 (45 FR 11523) February 21, 1980

The United States Marine Corps has submitted a new system report dated December 13, 1979, for this new record system under the provisions of 5 U.S.C. 552a(o) of the Privacy Act which requires submission of a new system report and in accordance with Office of Management and Budget (OMB) Circular A–108, Transmittal Memoranda No. 1 and No. 3, dated September 30, 1975, and May 17, 1976, respectively, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of records under the Privacy Act of 1974. This OMB guidance was set forth in the **Federal Register** (40 FR 45877) on October 3, 1975.

Dated: February 25, 1980.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

MMN00046

SYSTEM NAME:

Recruit Incident System

SYSTEM LOCATION:

Marine Corps Recruit Depot, Parris Island, South Carolina 29905 and Marine Corps Recruit Depot, San Diego, California 92140.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps military personnel who have violated recruit training standard operating procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identifying information consisting of name, grade, last four digits of social security number, unit, date of offense, source of allegation, type of action, date of action, type of abuse, charges and description of charges, and whether or not individual is relieved of duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S. Code 301, Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Marine Corps Recruit Depots at Parris Island, South Carolina and San Diego, California to keep track of those drill instructors who abuse recruits, and to prepare monthly report to the Commandant of the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The file is stored in hard back binders and on magnetic tapes and discs.

RETRIEVABILITY:

Records retrieved by name or last four digits of social security number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel properly cleared and trained. Paper output from the system is stored in locked containers and building is locked during non-working hours. System software contains user passwords to lock out unauthorized access.

RETENTION AND DISPOSAL:

Information in hard back binders maintained three years from the recruit incident and then destroyed. Magnetic tape and disc data sets are maintained one year from the recruit incident and then tapes and discs are cleared of all information.

SYSTEM MANAGER(S) AND ADDRESS:

Depot Inspector, Marine Corps Recruit Depot, Parris Island, South Carolina 29905 and Depot Inspector, Marine Corps Recruit Depot, San Diego, California 92140.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual are contained in SECNAVINST 5211.5A and 32 CFR section 701.1 et seq. Additional information may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from courts-martial or office hours proceedings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80–6233 Filed 2–27–80; 8:45 am]

BILLING CODE 3810–71–M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer:

RTD/SW(EU)–110, from West Germany to Sweden, 84 BWR fuel elements, containing 13,900.496 kilograms uranium, 386,367 kilograms U–235 (2.78%) for use in the Barsebeck–1 power reactor.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: February 26, 1980.

Frederick F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-6334 Filed 2-27-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA and the firms listed below during the month of January. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Price Regulations and the General Allocation and Price Regulations, and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price, or a certification that the current selling price is equal to or less than the maximum allowed, for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height, or in prominent place elsewhere at the retail outlet in numbers or letters not less than four inches high;

3. Properly maintain records required under the aforementioned regulations;

4. Cease and desist from employing any discriminatory and/or unlawful business practices prohibited by the aforementioned regulations.

For further information regarding these Consent Orders, please contact Lon W. Smith, Acting District Manager of Enforcement, 333 Market Street, San Francisco, CA 94105 telephone number (415 764-7038).

Firm Name, Address, and Audit Date

Sadds Texaco, 14220 Firestone, La Mirada, CA, 12/10/79.
Andrews Exxon, 8600 Avalon, Los Angesles, CA, 12/28/79.
Art Mobil, 15100 S Normandie, Gardena, CA, 12/28/79.
Ralph's Chevron Service, 4600 W. Century Blvd., Inglewood, CA, 12/28/79.
B & B Mobil Service, 1727 Artesia, Manhattan Beach, CA, 12/31/79.
B & B Mobil Service, 2205 Artesia, Torrance, CA, 12/31/79.
G & G Mobil, 7208 Reseda Blvd., Reseda, CA 91335, 12/31/79.
Bill's Texaco Service, 2510 N. Towne Ave., Pomona, CA 91767, 1/2/80.
Blaine Super Shell, 386 Beaumont Ave., Beaumont, CA, 1/2/80.
Exxon Car Wash, 3071 S. Robertson, Los Angeles, CA 90040, 1/2/80.
Jim's Shell, 10332 Culver Blvd., Culver City, CA, 1/3/80.
Farah Service Center, 2505 N. Towne Ave., Pomona, CA 91767, 1/3/80.
Jim's Chevron Service, 11840 Balboa Blvd., Granada Hills, CA, 1/3/80.
Mike's Chevron Service, 4807 Las Virgenes, Calabasas, CA, 1/4/80.
John Abbott Arco, 4831 Las Virgenes Rd., Calabasas, CA, 1/4/80.
Corona—Norco Chevron, 610 N. Main, Corona, CA 91720, 1/4/80.
David Shell, 801 E. Foothill, Claremont, CA 91711, 1/4/80.
G & B Arco, 795 E. Foothill, Pomona, CA 91767, 1/4/80.
Floyd's Auto Service, 790 E. Foothill Blvd., Pomona, CA 91767, 1/4/80.
A & M Exxon, 377 Foothill Blvd., Pomona, CA 91767, 1/4/80.
Village Car Wash, 530 E. Foothill, Pomona, CA 91767, 1/4/80.
Al Adam's Chevron Service, 805 W. Foothill Blvd., Claremont, CA 91711, 1/4/80.
Mission Chevron Service, 15448 Rinaldi Street, Mission Hills, CA, 1/4/80.
Springdale Shell, 16471 Springdale, Huntington Beach, CA 92649, 1/7/80.
Ford Cole Chevron Service, 17009 Rinaldi Street, Granada Hills, CA, 1/8/80.
Troys Mobil Service, 22802 South Figueroa, Carson, CA 90502, 1/8/80.
Troys Mobil Service, 20802 South Vernon, Torrance, CA 90502, 1/8/80.
Kyle Bros. Mobil, 1813 E. Colorado Blvd., Pasadena, CA 91101, 1/8/80.
Mike's Chevron Service, 11100 Sepulveda Blvd., Mission Hills, CA, 1/9/80.
Nordhoff Oil Inc. No. 10, 18855 Nordhoff Street, Northridge, CA, 1/9/80.
Mission Car Care, 1207 E. Mission Blvd., Pomona, CA, 1/9/80.
Wm Poulton's Exxon, 3505 E. Palmdale, Palmdale, CA 9350, 1/9/80.
Bill & Rusty's Shell, 4954 York Blvd., Los Angeles, CA 90042, 1/9/80.
Jass Shell, 4067 Verdugo Rd., Los Angeles, CA 90065, 1/9/80.
Kridler & Phillips Union 76, 501 E. Holt Ave., Pomona, CA, 1/10/80.
Jim Squires Chevron Service, 3190 Temple Ave., Pomona, CA, 1/10/80.
Young's Mobil, 1007 N. La Brea, Inglewood, CA, 1/10/80.
Saludo's Chevron Service, 12801 Inglewood Ave., Hawthorne, CA 90250, 1/11/80.
Etchechoury Bros., 2108 Ventura Blvd., Camarillo, CA, 1/11/80.
Camarillo Chevron, 2291 Ventura Blvd., Camarillo, CA, 1/11/80.
Bay Bridge Arco, 400 5th Ave., San Francisco, CA 94105, 1/13/80.
Mike Sally's Chevron, 1790 University Ave., Riverside, CA, 1/14/80.
Han Young Lee, 4700 W. Slauson, Los Angeles, CA, 1/14/80.
Sheik Chevron, 6405 York Blvd., Los Angeles, CA 90042, 1/14/80.
Gary Kingsbury Chevron, 1200 S. Fair Oaks Ave., South Pasadena, CA 91030, 1/14/80.
Chun's Exxon Service, 601 W. College Street, Los Angeles, CA 90012, 1/15/80.
Hollis H. Preston's Union, 5816 S. Western Ave., Los Angeles, CA 90047, 1/15/80.
Mario's Chevron, 3105 N. Broadway, Los Angeles, CA 90031, 1/15/80.
World Oil Company No. 34, 5605 Reseda Blvd., Tarzana, CA, 1/15/80.
Paul G. Yaselli Exxon, 3401 Torrance Blvd., Torrance, CA 90503, 1/15/80.
Tarzana Car Wash, 19348 Ventura Blvd., Tarzana, CA 91356, 1/15/80.
George Carpenter Chevron, 780 Garvey Blvd., Monterey Park, CA 91754, 1/16/80.
Davis Texaco & Eu-Haul, 1961 S. Del Mar, San Gabriel, CA 91770, 1/16/80.
Jerry's Chevron, 18511 Chapman Ave., Orange, CA 92669, 1/16/80.
Jerry & Paul Texaco Service, 13606 Roscoe Blvd., Panorama City, CA, 1/16/80.
Mike Allen Union Service Center, 7161 Sepulveda, Van Nuys, CA 91405, 1/17/80.
Ken & Sam Service, 8957 Glenoaks Blvd., Sun Valley, CA 91352, 1/17/80.
Harry's Chevron, 310 S. Pasadena Ave., Pasadena, CA 91105, 1/17/80.
Chuck's Mobil Service, 4101 Bellflower Blvd., Long Beach, CA, 1/17/80.
Cox Shell Service, 4905 Bellflower Blvd., Lakewood, CA 90712, 1/17/80.
Rudy's Texaco, 11205 National Blvd., W. Los Angeles, CA, 1/17/80.
Bill's Shell Station, 11574 Santa Monica Blvd., Los Angeles, CA, 1/17/80.
Man-Ha Chan, 434 N. Azusa Ave., West Covina, CA, 1/17/80.
Art El-EID Mobil Service, 13755 Roscoe Blvd., Panorama City, CA 91402, 1/17/80.
Al's Exxon, 3223 Santa Monica, Santa Monica, CA, 1/18/80.
Chuck Spies Chevron Service, 5623 Mission Blvd., Rubidoux, CA, 1/18/80.
Charlie's Arco, 5777 Hollywood Blvd., Hollywood, CA 90028, 1/18/80.
Phillips Service Center, 12054 Wilshire Blvd., Los Angeles, CA, 1/21/80.
Gils Self-Serv Shell, 10815 National, Los Angeles, CA, 1/21/80.
Aquatic Park Shell Service, 16001 Boisa Chica Road, Huntington Beach, CA 92647, 1/22/80.
Art Naddour Chevron, 1201 Wilshire Blvd., Los Angeles, CA, 1/22/80.
Atlantic Square Shell, 2291 S. Atlantic Blvd., Monterey Park, CA 91754, 1/22/80.
K & K's Auto Service, 800 E. Valley Blvd., San Gabriel, CA 91776, 1/23/80.
Gaspar Canul Mobil, 1495 E. Valley Blvd., Alhambra, CA 91401, 1/23/80.
Glascock's Shell Service, 5430 South Street, Long Beach, CA 90805, 1/23/80.
Corona Del Mar Shell, 2801 E. Coast Hwy., Corona Del Mar, CA 92625, 1/23/80.

Nick's Exxon, 11000 Victory Blvd., North Hollywood, CA 91605, 1/24/80.
Brown's Newport Center Shell, 990 E. Coast Hwy, Newport Beach, CA 92625, 1/24/80.
Jesus Del Rio, 6810 Slauson, Commerce, CA, 1/25/80.
Bill Chapman's Mobil, 10701 E. South, Cerritos, CA 90701, 1/25/80.
Sepulveda Shell Service, 7162 Sepulveda Blvd., Van Nuys, CA 91405, 1/25/80.
John's Shell Service, 7204 Van Nuys Blvd., Van Nuys, CA 91405, 1/25/80.
Bob's Texaco, 224 W. Colorado Blvd., Glendale, CA 91204, 1/25/80.
Fayez Arco, 785 N. Main Street, Corona, CA, 1/25/80.
Moon's Union, 3600 S. La Brea Ave., Los Angeles, CA, 1/29/80.
Jack's Arco, 600 N. La Cienega, Los Angeles, CA, 1/29/80.
George's Exxon Service, 18308 E. Colima, Rowland Heights, CA, 1/30/80.
H. E. Leroy & Sons, 489 N. Lake Ave., Pasadena, CA 91101, 1/30/80.
Chevron Service Center, 4757 Laurel Canyon Blvd., North Hollywood, CA 91607, 1/30/80.
Scott's Grocery, 1933 Chilberg Road, Mount Vernon, WA 98273, 12/28/79.
Wymore's Chevron, 116 North Coast Hwy., Newport, OR 97365, 1/2/80.
George & Walt's Texaco, 810 Main St., Edmonds, WA 98020, 1/16/80.
Gus Cooper's Shell, 4605 Fremont Ave. N., Seattle, WA 98103, 1/21/80.
Ron's Puyallup Valley Shell, 905 North Meridian, Puyallup, WA 98371, 1/21/80.
Carl's Shell Service, 511 South Dearborn St., Seattle, WA 98134, 1/22/80.
Dan's Viewridge Shell, 7347 35th N.E., Seattle, WA 98115, 1/23/80.
L C's, Hogan's Corner, Ocean Shores, WA 98569, 1/24/80.
City Center Service, 123 Heron, Aberdeen, WA 98520, 1/25/80.
Bigfoot Country Store, 920 240th SE, Bothell, WA 98011, 1/29/80.
Fiedler's Mobil Service, 10305 S.W. Parkway, Portland, OR 97225, 1/29/80.
Bay Bridge Arco, 400 5th Street, San Francisco, CA 94105, 12/13/79.
Eddie's Arco Towing Service, 2710 Sloat Blvd., San Francisco, CA 94116, 1/2/80.
Pa Gano's Union 76, 999 Ocean Avenue, San Francisco, Ca 94112, 1/3/80.
Tiffany Super Service, 50 29th Street, San Francisco, CA 94110, 1/3/80.
Roger Greenlee Chevron Service, 2025 23rd Street, San Pablo, CA 94806, 1/7/80.
Razon's Arco Service Station, 2550 Mission Bell Drive, San Pablo, CA 94806, 1/7/80.
Marsh Road Service Center, 110 Marsh Road, Menlo Park, CA 94025, 1/9/80.
Fremont Corners Shell, 1300 Sunnyvale Saratoga Road, Sunnyvale, CA 94087, 1/11/80.
Bart's Arco, 198 Valencia Street, San Francisco, CA, 1/7/80.
San Jose Avenue Arco, 710 San Jose Avenue, San Francisco, CA 94110, 1/7/80.
Rudy Mobil Service, 699 Monterey Blvd., San Francisco, CA 94127, 1/7/80.
Monte Bell Chevron Service, 101 Bayshore Blvd., San Francisco, CA 94124, 1/9/80.
Carl's Bayshore Shell, 319 Bayshore Blvd., San Francisco, CA 94124, 1/9/80.
Geneva Shell, 2925 Geneva Blvd., San Francisco, CA 94104, 1/14/80.
Bay & Columbus Chevron, 1196 Columbus Street, San Francisco, CA 94133, 1/14/80.
Harris' Shell Service, 1702 Tuolumne at Redwood St., Vallejo, CA 94590, 1/22/80.
Stout's Shell, 3300 Sonoma Blvd., Vallejo, CA 94590, 1/25/80.
Hector Martinez & Dave Sargent, Oakridge Mall Exxon, 880 Blossom Hill Road, San Jose, CA 95123, 1/24/80.
Roy Texaco, 1524 Second Street, San Rafael, CA 94901, 1/22/80.
Sarginis Shell Service, 755 Second Street, San Rafael, CA 94901, 1/24/80.
All Service Texaco, 1894 University Avenue, Berkeley, CA 94703, 1/29/80.
Cutting & Hoffman Arco, 614 Cutting Blvd., Richmond, CA 94804, 1/28/80.
Stout Enterprises, Inc., 230 W. Mc Arthur Blvd., Oakland, CA 94611, 1/25/80.
Magie Sands Chevron, 161 Blossom Hill Road, San Jose, CA 95123, 1/29/80.
John Larsen's Union 76, 3102 Moonpark, San Jose, GA 95117, 1/28/80.

Issued in San Francisco, California on the 22 day of February, 1980.

Lon W. Smith,

Acting District Manager, Office of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 80-6141 Filed 2-27-80; 8:45 am]

BILLING CODE 6450-01-M

Boutin Auto Sales; Proposed Remedial Order

Pursuant to 10 CFR Section 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Norman Boutin, d/b/a Boutin Auto Sales. This Proposed Remedial Order charges Norman Boutin with pricing violations in the amount $947.00, connected with the retail sale of gasoline during the time period October 25, 1979 through November 15, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Eduard F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pennsylvania, on the 8th day of February, 1980.

Herbert M. Heitzer,

District Manager, Office of Enforcement Northeast District.

[FR Doc. 80-6143 Filed 2-27-80; 8:45 am]

BILLING CODE 6450-01-M

Foster Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: December 18, 1979. Comments by: March 31, 1980.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri 64106. (phone) 816-374-5932.

SUPPLEMENTARY INFORMATION: On December 18, 1979, the Office of Enforcement of the ERA executed a Consent Order with Foster Oil Company of Richmond, Michigan. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Foster Oil Company (Foster), with its home office located in Richmond, Michigan, is a firm engaged in the marketing of No. 1, No. 2 fuel oil and regular gasoline to resellers and retailers, and is subject to the Mandatory petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Foster, the Office of Enforcement, ERA, and Foster Oil Company entered into a Consent Order.

The Consent Order encompasses Foster's sale of covered products during the period November 1, 1973 through April 30, 1974.

II. Disposition of Refunded Overcharges

In this Consent Order, Foster agrees to refund, in settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the

transactions specified in I. above, the sum of nine thousand and four hundred and ninety-seven dollars ($9,497) by January 15, 1982. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition. In addition Foster has agreed to refund twenty-one thousand and nine hundred and forty-six dollars ($21,946.00) by means of price rollback on sales of gasoline at Foster's Service Station and agrees to refund eighteen thousand and five hundred and fifty seven dollars ($18,557.00) by means of cash or credit memorandums for sales of No. 1 and No. 2 fuel oil and regular gasoline.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816–374–5932.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Foster Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on March 31, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 24th day of September, 1979.

William D. Miller,

District Manager of Enforcement.

[FR Doc. 80–6140 Filed 2–27–80; 8:45 am]

BILLING CODE 6450–01–M

Fuel Oil Marketing Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

TITLE: Fuel Oil Marketing Advisory Committee.

DATE AND TIME: Thursday, March 20, 1980—1:00 p.m. to 5:00 p.m.; Friday, March 21, 1980—9:00 a.m. to 5:00 p.m.

PLACE: Eden Roc Hotel, Paladium Room, 4525 Collins Avenue, Miami Beach, Florida.

CONTACT: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy—Room 8G087, 1000 Independence Avenue. S.W., Washington, D.C. 20585, Telephone: 202–252–5187.

PURPOSE OF COMMITTEE: The Committee was established to provide the Secretary of Energy with expert and technical advice concerning the marketing of fuel oil as it relates to the development and implementation of policies and programs by the Department of Energy.

TENTATIVE AGENDA:

Thursday, March 20, 1980

Old Business
Update the Low-Income Energy Assistance Report
The Viability of Fuel Oil Dealers

Friday, March 21, 1980

Status of Previous Resolutions
Distillate Inventory Status
Agriculture Distillate Requirements
Thermography Studies in Conservation
Small Fuel Oil Dealer Credit and Storage Problems
New Business
Public Comment (10 minute rule)

PUBLIC PARTICIPATION: the meeting is open to the public. The Chairperson of the Committee 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 Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

TRANSCRIPTS: Available for public review and copying at the Public Reading Room, room 5B180, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

EXECUTIVE SUMMARY: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C. on February 22, 1980.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 80–6139 Filed 2–27–80; 8:45 am]

BILLING CODE 6450–01–M

Vickers Petroleum Corp.'s Application for Multiple Allocation Fractions

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Application and Request for Comments.

SUMMARY: The Economic Regulatory Administration of the Department of Energy hereby gives notice that on January 25, 1980, Vickers Petroleum Corporation (Vickers), Ardmore, Oklahoma, in accordance with the provisions of 10 CFR 205.90 *et seq.* and 211.10(b), filed an application for permission to compute a total of seven (7) separate allocation fractions for the marketing and distribution of motor gasoline in the following marketing subsystems:

(1) Oklahoma, Kansas, Missouri (except St. Louis metropolitan area), Nebraska, Iowa and Minnesota;
(2) Arizona;
(3) Colorado;
(4) Wisconsin;
(5) St. Louis metropolitan area and Illinois;
(6) Louisiana, Alabama, Tennessee, Kentucky, Indiana, and Arkansas;
(7) New Mexico and Texas.

A copy of Vickers' application with proprietary material deleted may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday at the Economic Regulatory Administration, Office of Petroleum Operations, Room 6222–C, 2000 M Street NW., Washington, D.C. 20461

DATE: Interested persons may submit comments on Vickers' application until close of business March 31, 1980.

ADDRESS: Send comments to: Economic Regulatory Administration, Office of Petroleum Operations, Room 6222, 2000 M Street NW., Washington, D.C. 20461, Attn: Alan T. Lockard.

FOR FURTHER INFORMATION CONTACT:

John A. Carlyle, Economic Regulatory Administration, Office of Petroleum Operations, Room 6222–C, 2000 M Street NW., Washington, D.C. 20461, Telephone: (202) 254–3330.

Joel M. Yudson, Office of the General Counsel, Room 6A–127, 1000 Independence Avenue SW., Washington, D.C. 20461, Telephone: (202) 252–6744.

Issued in Washington, D.C., on the 21st day of February 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80–6142 Filed 2–27–80; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. EF 79–3012]

Southeastern Power Administration; Order Confirming and Approving Extension of Rates

January 22, 1980.

On May 2, 1979, the Assistant Secretary for Resource Applications of the Department of Energy confirmed and approved, on an interim basis, a three-month extension of rates previously approved by the Commission.[1] The rates are applicable to hydroelectric power marketed by the Southeastern Power Administration (SEPA) from nine Corps of Engineers multipurpose reservoir projects known as the Georgia-Alabama Projects.[2]

Pursuant to Section 5 of the Flood Control Act of 1944 [3] and Delegation Order No. 0204–33 of the Department of Energy, the Assistant Secretary for Resource Applications submitted these iterim rates to the Federal Energy Regulatory Commission for confirmation and approval or disapproval on a final basis. Public notice of this filing was published in the **Federal Register** on August 26, 1979. Protests and petitions to intervene were due on or before September 7, 1979. No protests or petitions were received.

By order issued November 29, 1976, in Docket No. E–7160,[4] the Commission confirmed and approved on a final basis certain rate schedules for SEPA applicable to the Georgia-Alabama Projects. These rates, which were approved for the period ending June 30, 1979, have been extended through September 30, 1979, on an interim basis by the Assistant Secretary for Resource Applications. It is this extended period which is the subject of this docket. The Assistant Secretary has also approved on an interim basis new rates for the Georgia-Alabama Projects to cover a period commencing October 1, 1979. Those rates, however, are currently under review and are not the subject of this docket.

We have reviewed SEPA's proposal to extend the previously approved rates through September 30, 1979, and find that such extension is in the public interest. We also find that these rates meet the statutory criterion of being "the lowest possible rates to consumers consistent with sound business principles." [5] We shall therefore confirm and approve on a final basis the rates recommended by the Assistant Secretary for Resource Applications.

The Commission Orders:

(A) The rates for the sale of hydroelectric power from the Georgia-Alabama Projects by the Southeastern Power Administration, as submitted by the Assistant Secretary for Resource Applications of the United States Department of Energy, are hereby confirmed and approved for the period July 1, 1979 through September 30, 1979.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[1] *See* Department of Energy Rate Order No. SEPA–3, "Order Confirming and Approving Extension of Power Rates on an Interim Basis."

[2] *See* Attachment for rate schedule designations.

[3] 16 U.S.C. § 825s.

[4] "Order Confirming and Approving Rate Schedules."

[5] Section 5 of the Flood Control Act of 1944.

Attachment

Rate schedule	Used by	Project supplying power	Delivery
GAMF–1–A	Public bodies and cooperatives in Georgia, Alabama, Mississippi, and Florida.	Allatoona, Buford, Clark Hill, Walter F. George, Hartwell, Millers Ferry, West Point, Jones Bluff, and Carters Projects.	Wheeled by Alabama, Georgia, Mississippi, or Gulf Power Companies.
GAMF–2–A	Georgia, Alabama, Mississippi, and Gulf Power Companies.	Same as above	At the projects.
ALA–1–A	Alabama Electric Cooperative	Same as above	At the Walter F. George Project.
MISS–1–A	South Mississippi Electric Power Association	Same as above	Wheeled by Mississippi Power Company.
SC–1 (Revised)	South Carolina Public Service Authority	Clark Hill Project	At the project.
SC–2	Public bodies and cooperatives in the service area of the South Carolina Public Service Authority.	Clark Hill Project	Wheeled by South Carolina Public Service Authority.
CAR–1 (Revised)	Public bodies and cooperatives in the service area of Duke Power Company.	Hartwell and Clark Hill Projects	Wheeled by Duke Power Company.
CAR–2 (Revised)	Duke Power Company	Hartwell and Clark Hill Projects	At the projects.

[FR Doc. 80–6040 Filed 2–27–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. CS80–64, etc.]

Winter Hawk, Ltd., et al.; Applications for "Small Producer" Certificates [1]

February 19, 1980.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission in its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS80-64	12/31/79	Winter Hawk, Ltd., 5680 South Syracuse Circle, #520, Englewood, Colorado 80111.
CS80-65	12/27/79	Larry A. Nermyr, 2438 Whitmire Blvd., Apt. 9E, Midland, Texas 79701.
CS80-66	12/27/79	William P. Ozanus, 709 Godfrey, Midland, Texas 79703.
CS80-67	1/7/80	D. G. Haney, Inc., 1562 Dixie St. Charleston, W. Va 25311.
CS80-68	1/8/80	The Fourth National Bank of Tulsa, as Agent for John Leavell Investment Co., prior Leavell Corporation, Fourth National Bank of Tulsa, P.O. Box 2360, Tulsa, OK 74101.
CS80-69	1/8/80	The Fourth National Bank of Tulsa, as Trustee of the Patti Stebbins Wilson Trust, Fourth National Bank of Tulsa, P.O. Box 2360, Tulsa OK 74101.
CS80-70	1/17/80	JFG Enterprises, P.O. Box 100, Artesia, New Mexico 88210.
CS80-71	1/18/80	Dominion Corporation, P.O. Box 491, Houston, Texas 77001.
CS80-72	1/21/80	A.L.P. Company, P.O. Box 1517, Roswell, NM 88201.
CS80-73	1/28/80	Hillin Oil Company, 1212 Main Street, Suite 861, Houston, Texas 77002.
CS80-74	1/30/80	Robert E. Kibbe, Box 121, Falurrias, Texas 78355.
CS80-75	2/4/80	Robert U. Parish, 2400 Fountain View, Suite 100, Houston, Texas 77057.
CS80-76	2/1/80	R. E. Smith—Interests, P.O. Box 976, Snyder, Texas 79549.
CS80-77	2/4/80	E. L. Roberts, 2211 Harrison, Amarillo, Texas 79109.
CS80-78	2/12/80	Russell J. Ramsland, Jr., P.O. Drawer 10505, Midland, Texas 79702.
CS80-79	2/4/80	Reeda Wood Pool, 2708 South Harrison, Amarillo, Texas 79109.
CS80-80	2/4/80	Stonewall 79-1 Joint Venture, P.O. Box 2190, Clarksburg, WV 26301.
CS80-81	2/4/80	Stonewall 78-1 Joint Venture, P.O. Box 2190 Clarksburg, WV 26301.
CS80-82	2/12/80	Dinero Operating Company, P.O. Drawer 10505, Midland, Texas 79702.
CS80-83	2/11/80	E. L. Pinkston Estate Operating Account (Operator) et al., P.O. Box 1351, Jacksonville, Texas 75766.

[FR Doc 80-6041 Filed 2-27-80; 8:45 am]

BILLING CODE 6450-85-M

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

In accordance with Section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.)* notice is hereby provided of the following meeting:

A meeting of the Industry Working Party (IWP) to the International Energy Agency (IEA) will be held on March 4 and 5, 1980, at the offices of the IEA, 2 rue Andre Pascal, Paris, France, beginning at 2:30 p.m. on March 4. The purpose of this meeting is to permit attendance by representatives of the IWP at meetings of the IEA Standing Group on the Oil Market (SOM) and an *ad hoc* group of the SOM, which are being held at Paris on those dates.

The agenda for the meeting is under the control of the SOM and its *ad hoc* group. It is expected that the IWP representatives will be asked to discuss the following subject:

Further questions regarding the oil products register.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public. As permitted by 10 CFR 209.32, the usual 7-day notice period has been shortened because the International Energy Agency (IEA) has only recently requested the meeting dates and times be changed.

Issued in Washington, D.C., February 26, 1980.

Thomas C. Newkirk

Deputy General Counsel for Regulation.

[FR Doc. 80-6492 Filed 2-27-80; 10:57 am]

BILLING CODE 6450-01-M

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Revised Meetings Notices

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.)* notice is hereby provided of the following meetings:

I. A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on March 3, 1980, at the International Conference Center, 19 Avenue Kleber, Paris 16, France, beginning at 1:30 p.m. The agenda for the meeting is as follows:

1. Opening remarks.
2. Communication to and from IEA and Reporting Companies.
3. Matters arising from Record Note of IAB meeting on January 24, 1980.
4. Report on Standing Group on Emergency Questions (SEQ) meeting of January 30.
5. Report by IEA on February Governing Board meeting including:
   A. Import targets and monitoring procedures
   B. Status of stocks at sea—proposed addition to Questionnaire A
   C. Status of Dispute Settlement Centre (DSC) Charter.
6. Report by IEA on worldwide supply and demand situation following February Questionnaire B and outlook for 1980.
7. Subcommittee A Chairman's report including:
   A. Meeting(s) with SEQ *ad hoc* group on emergency data system.
   B. Meeting with SEQ *ad hoc* group on AST-3 planning.
8. Review Netherlands paper on oil sharing.
9. IEA report on Emergency Management Manual modifications.
10. Future meeting dates.

II. A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on March 4, 1980, at the International Conference Center, 19 Avenue Kleber, Paris 16, France, beginning at 10:00 a.m. The purpose of this meeting is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is being held at Paris on that date.

The agenda for the meeting is under the control of the SEQ. It is expected that the following draft agenda will be followed.

1. Adoption of the agenda.
2. Summary Record of the Thirty-First Meeting.
3. Import target monitoring:
A. Monitoring Procedures.
B. Preliminary First Quarter 1980 import target results.
4. Assessment of the supply and demand situation:
A. Assessment after the February 1980 submission.
B. Year 1980 outlook.
C. Stock position and development.
5. Simplified sharing systems:
A. Contribution by The Netherlands.
B. Contribution by Italy.
6. Emergency demand restraint reviews:
A. Austria.
B. Turkey.
7. Emergency Management Manual:
A. IEA—European Economic Community (EEC) interface.
B. Outlook for further revisions.
8. Data systems:
A. Base Period Final Consumption (BPFC) (latest data).
B. Progress report by the *ad hoc* group on the emergency data system.
C. Product imbalances.
9. Allocation Systems Test—3:
A. Preliminary outline of test scope.
B. National Emergency Sharing Organization (NESO) involvement.
10. Future meeting dates.
11. Other business.

As provided in Section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public. As permitted by 10 CFR section 209.32, the usual 7-day notice period has been shortened because the International Energy Agency (IEA) has only recently requested the meeting place and time be changed.

Issued in Washington, D.C., February 26, 1980.

Thomas C. Newkirk,

Deputy General Counsel for Regulation.

[FR Doc. 80-6491 Filed 2-27-80; 10:57 am]

BILLIING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30000/8B; FRL 1419-7]

Pesticide Products Containing Fluoroacetamide (Compound 1081); Determination Concerning the Rebuttable Presumption Against Registration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Determination and Availability of Position Document Concerning Fluoroacetamide (Compound 1081).

SUMMARY: This notice announces the termination of the rebuttable presumption against registration (RPAR) of pesticide products containing Fluoroacetamide (Compound 1081), pursuant to 40 CFR 162.11(a)(5)(i), and states the reasons for terminating the RPAR.

DATE: Effective February 28, 1980.

FOR FURTHER INFORMATION CONTACT: Tim Gardner, Office of Pesticide Programs (TS–791), Room 711–C, Crystal Mall #2, Arlington, Virginia 22202, Phone (703) 557–7400.

SUPPLEMENTARY INFORMATION:

I. Introduction

On December 1, 1976, the Environmental Protection Agency issued a notice of rebuttable presumption against registration and continued registration (RPAR) of pesticide products containing Fluoroacetamide (Compound 1081) published in the Federal Register of December 1, 1976 (41 FR 52792), a compound currently registered in the United States as a rodenticide, and thereby initiated the Agency's public review of the risks of Compound 1081. This notice constitutes the Agency's Notice of Determination pursuant to 40 CFR 162.11(a)(5)(i), terminating the Compound 1081 RPAR.

The presumption against Compound 1081 was based on lack of emergency treatment, acute toxicity to mammalian and avian species, and significant reduction of non-target populations and fatalities to members of endangered species. The risk information submitted in response to the RPAR notice did not satisfy the Agency's risk concerns. At the time the rebuttable presumption against registration was issued, two registrants held registrations for Compound 1081 pesticide products. In 1978, the holder of one registration requested a voluntary cancellation.

Thereafter, the sole remaining registrant of Compound 1081 products voluntarily agreed to modifications in the terms and conditions of registration, which have the result of substantially reducing the risks posed by Compound 1081. Since label amendments regarding use restrictions and modified use directions have been proposed and accepted, the likelihood of exposure to humans, non-target mammals, birds, and endangered species is very remote. Accordingly, the Agency has concluded that the presumption against Compound 1081 has been rebutted.

II. Legal Background

In order to obtain a registration for a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), a manufacturer must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires, among other things, that the pesticide perform its intended function without causing "unreasonable adverse effects" on the environment (section 3(c)(5)). "Unreasonable adverse effects on the environment" are defined to include "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide (section 2(bb)). In effect, this standard requires a finding that the benefits of any use of the pesticide exceed the risks of that use when the pesticide is used in accordance with commonly recognized practice. The burden of proving that a pesticide satisfies the registration standard continues as long as the registration remains in effect." Under section 6 of FIFRA, the Administrator is required to cancel the registration of a pesticide or modify the terms and conditions of registration whenever he determines that the pesticide no longer satisfies the statutory standard for registration.[1]

The Agency created the RPAR process to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide a public, informal procedure

[1] Another part of the statutory standard for registration is that the pesticide must satisfy the labeling requirements of FIFRA. These requirements are set out in the statutory definition of "misbranded" (FIFRA Section 2(q)). Among other things, this section provides that a pesticide is misbranded if: "the labeling * * * does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any * * * (restrictions), imposed under Section 3(d) * * * are adequate to protect health and the environment.

The Agency can require changes to the directions for use of a pesticide in most circumstances either by finding that the pesticide is misbranded if the label is not changed, or by finding that the pesticide would cause unreasonable adverse effects on the enviromnent, unless labeling changes are made which accomplish risk reductions.

for gathering and evaluataing information about the risks and benefits of these uses.

The regulations governing the RPAR process are set forth in 40 CFR 162.11. This section provides that a rebuttable presumption shall arise if a pesticide meets or exceeds any of the risk criteria set out in the regulations. The Agency announces that an RPAR has arisen by publishing a notice in the **Federal Register**. After an RPAR is issued, registrants and other interested persons are invited to review that data upon which the presumption is based and to submit data and information to rebut the presumption. Respondents may rebut the presumption of risk by showing that the Agency's initial determination of risk was in error or by showing that use of the pesticide is not likely to result in any significant exposure to humans, or to animals or plants of concern with regard to the adverse effect in question.[2] Further, in addition to submitting evidence to rebut the risk presumption, respondents may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risks of use.

The regulations require the Agency to conclude an RPAR by issuing a Notice of Determination in which the Agency states and explains its position on the question of whether the risk presumptions have been rebutted. If the Agency determines that the presumption has been rebutted, the Agency will not perform a detailed analysis of the benefits of the use of the pesticide. Where the risk trigger has been rebutted, such a benefits analysis is unnecessary to support a conclusion that the pesticide does not appear to pose unreasonable adverse effects on the environment. A conclusion that the presumption has been rebutted results in the termination of the RPAR process. The Agency will either approve a pending registration application or permit the registration of the pesticide to continue without modification in the terms and conditions of registration. 40 CFR 162.11(a)(5)(i).

In the event the presumptions are not rebutted, the Agency will consider information relating to the social, economic, and environmental costs and benefits of the pesticide. If the Administrator determines, after weighting risks against benefits, that regulatory measures are necessary to prevent unreasonable adverse effects on the environment under section 6(b) or 3(c)(6), he may propose risk reduction measures ranging from modifications in the terms and conditions of registration to cancellation or denial of registration.

FIFRA requires the Agency to submit cancellation notices issued pursuant to section 6 to the Scientific Advisory Panel for review and comment on the health and environmental aspects of the proposed decision and to the Secretary of Agriculture for comments on the impact of the proposed decision on the agricultural economy. However, the Agency is not required to submit a decision not to initiate cancellation proceedings against a pesticide after RPAR review to either the Scientific Advisory Panel or the Secretary of Agriculture for review and comment. Hence, the Agency has no statutory obligation to refer a decision to terminate an RPAR for external review.

III. Determination That the Rebuttable Presumption Has Been Rebutted

The Agency has considered information on the risks associated with the uses of Fluoroacetamide (Compound 1081) including information submitted by registrants and other interested persons in rebuttal to the Fluoroacetamide RPAR. The Agency's assessment of the risks associated with the use of Compound 1081 and its conclusions regarding whether the use of Compound 1081 under current label restrictions poses unreasonable adverse effects are set forth in the Position Document accompanying this Notice. The Position Document is hereby adopted by the Agency as its statement of reasons for the determination announced in this Notice. For the reasons summarized below and developed in detail in the Position Document, the determination of the Agency with respect to Compound 1081 is as follows:

a. *Determination on risks.* The Compound 1081 RPAR was based on information indicating that Compound 1081 posed the following risks to humans and the environment: Lack of emergency treatment; acute toxicity to mammalian and avian species; and significant reduction to non-target populations and fatalities to members of endangered species.

As developed more fully in the Position Document, the Agency has determined that the presumption against Compound 1081 has been rebutted. The sole remaining registrant voluntarily proposed that certain restrictions and modified directions for use be incorporated on the label. The proposed label was approved on November 2, 1979. With these revisions, the risks cited in the presumption no longer appear to be of concern, because anticipated exposure to Compound 1081 would be insignificant and would be unlikely to result in any significant acute or chronic adverse effects in humans and on the environment.

b. *Determination on benefits.* Under the revised label, Compound 1081 is registered for use in sewers for killing Norway rats and roof rats. The Agency did not perform a detailed analysis of the economic benefits for this use, because the Agency determined that the pesticide does not pose any appreciable risk under the current label.

c. *Determination of unreasonable adverse effects.* For the reasons set forth in detail in the accompanying Position Document, the Agency has determined that the current use patterns of Compound 1081 do not pose unreasonable adverse effects to humans or the environment. Accordingly, the registration of Compound 1081, as voluntarily modified, will be allowed to continue in effect without further modification in the terms and conditions of registration.

IV. Procedural Matters

As indicated above, this Notice of Determination announces the termination of the notice of rebuttable presumption against registration of pesticide products containing Fluoroacetamide (Compound 1081).

Interested persons may obtain copies of the Position Document by contacting Tim Gardner, Office of Pesticide Programs, Special Pesticide Review Division, EPA (TS–791), Room 711–C, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202, (703) 557–7400.

[2] 40 CFR 162.11(a)(4) provides that registrants and applicants may rebut a presumption against registration by sustaining the burden of proving: "(i) In the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraphs (a)(3)(i) or (iii) that when considered with the formulation, packagaing, method of use, and proposed restrictions on and directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional or national populations of non-target organisms is not likely to result in any significant acute adverse effects; or (ii) In the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraph (a)(3)(ii) that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects; or (iii) that the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error."

A primary purpose of the RPAR process is to screen for appropriate action those pesticide uses which pose risks which are of sufficient concern to require the Agency to consider whether offsetting benefits justify the risks. Accordingly, the Agency's approach to rebuttal determinations concentrates on whether the risk concerns which are central to each RPAR proceeding have in fact been answered.

Dated: February 19, 1980.

Steven D. Jellinek,

Assistant Administrator, Toxic Substances.

[FR Doc. 80-5925 Filed 2-27-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-50452; FRL 1422-4]

Rhone-Poulenc, Inc.; Fungicide Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to Rhone-Poulenc, Inc. for use of the fungicide 3 (-3,5-dichlorophenyl)-N-(1-methylethyl)-2, 4-dioxo-1-imidazolidinecarboxamide on stone fruits to evaluate control of brown rot.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Jacoby, Rm. E-305, (PM-21), Office of Pesticide Programs, Environmental Protection Agency 401 M St., SW., Washington, DC 20460, (202-755-2562).

SUPPLEMENTARY INFORMATION: Rhone-Poulenc, Inc., Monmouth Junction, NJ 08852, has been issued experimental use permit No. 359-EUP-58. This permit allows the use of 3, 331.75 pounds of the fungicide 3(-3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide on apricots, cherries, nectarines, peaches, plums and prunes to evaluate control of brown rot (*Monilina* spp.).

A total of 200 acres are involved; the program is authorized only in the States of Alabama, California, Georgia, Michigan, New Jersey, New York, North Carolina, Ohio, Oklahoma; Oregon, Pennsylvania, South Carolina, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from December 28, 1979 to December 31, 1981. A temporary tolerance for residues of the active ingredient in or on the raw agricultural commodities apricots, cherries (sour and sweet), nectarines, peaches, and plums (fresh prunes).

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, DC 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5,92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: February 21, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-6185 Filed 2-27-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-50451; FRL 1422-5]

3M Co.; Experimental Use Permit for Mefluidide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to the 3M Co. for the use of mefluidide on soybeans to evaluate control of weeds.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taylor, Room E-359, (PM-25), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202-755-2196).

SUPPLEMENTARY INFORMATION: 3M Co., St. Paul, MN 55101, has been issued experimental use permit No. 7182—EUP-19. This permit allows the use of 3,458 pounds of the herbicide mefluidide on soybeans to evaluate control of weeds.

A total of 11,682 acres are involved; the program is authorized only in the States of Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The experimental use permit is effective from March 31, 1980 to March 31, 1981. A temporary tolerance for residues of the active ingredient in or on soybeans has been established.

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: February 21, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-6186 Filed 2-27-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1422-6]

Science Advisory Board, Clean Air Scientific Advisory Committee; Open Meeting

Pursuant to the Public Law 92-463, notice is hereby given that a meeting of the Clean Air Scientific Advisory Committee will be held beginning at 9:15 am, March 17, 1980 in Room 1101 West Tower, and 9:15 am, March 18, 1980 in Room 2126 of Waterside Mall at EPA Headquarters, 401 M Street, SW, Washington, D.C. 20460.

The agenda includes a status report of the criteria documents for CO, NO_x, and SO_x/TSP; a committee review of an air quality criteria paper for hydrocarbons; a briefing/discussion with the Oxidants Research Committee; a briefing/discussion on EPA's Air Cancer Policy; a presentation on activities of the National Commission on Air Quality; a discussion of future committee activities.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain information should contact Mr. Terry F. Yosie at (202) 755-0533 before close of business March 13, 1980.

Richard M. Dowd,

Director, Science Advisory Board.

February 22, 1980.

[FR Doc. 80-6187 Filed 2-27-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1422-8]

Announcement of Fuel Economy Retrofit Device Evaluation for "Fuel Conservation Device"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Fuel Conservation Device" under the provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

FOR FURTHER INFORMATION CONTACT: F. Peter Hutchins, Emission Control Technology Division, Office of Mobile

Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313—668–4340.

BACKGROUND INFORMATION: Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases full economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 [44 FR 17946].

ORIGIN OF REQUEST FOR EVALUATION: On June 21, 1979 the EPA received a request from FCD Electronics, Inc. for evaluation of a fuel saving device termed the "Fuel Conservation Device" (FCD). An evaluation has been made and the results are described completely in a report entitled: EPA Evaluation of "Fuel Conservation Device" under Section 511 of the Motor Vehicle Information and Cost Savings Act. Copies of this report are available upon request.

Note.—Copies of this report may be obtained by contacting F. Peter Hutchins, Emission Control Technology Division, Environmental protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105—telephone 313–668–4340.

SUMMARY OF EVALUATION: The "Fuel Conservation Device" is designed to shut off a vehicle engine which is negligently left idling. The application for evaluation neither demonstrates a need for the device nor quantifies the fuel savings which might occur. It cannot be concluded that, if such a need exists, a device such as the "Fuel Conservation Device" is the solution. No overall conclusion as to the fuel economy impact of the "Fuel Conservation Device" is possible. Therefore, claims of "enormous fuel savings," "saving a tremendous amount of fuel," "astronomical * * * amount of fuel can be saved," cannot be substantiated by the data submitted with the application. Further testing and documentation is needed before fuel savings claims, if any, can be substantiated.

Dated: February 22, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 80-6260 Filed 2-27-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1422-7]

Announcement of Fuel Economy Retrofit Device Evaluation for the "Environmental Fuel Saver"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the Environmental Fuel Saver (EFS) under the provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

FOR FURTHER INFORMATION CONTACT: F. Peter Hutchins, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4340.

BACKGROUND INFORMATION: Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 (44 FR 17946).

ORIGIN OF REQUEST FOR EVALUATION: On March 31, 1979 the EPA received a request from Ms. Vicki Kosar of VK Manufacturing for evaluation of a fuel saving device termed the "Environmental Fuel Saver" (EFS). An evaluation has been made and the results are described completely in a report entitled: EPA Evaluation of "Environment Fuel Saver" Under Section 511 of the Motor Vehicle Information and Cost Savings Act. Copies of this report are available upon request.

Note.—Copies may be obtained by contacting F. Peter Hutchins, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105—telephone 313–668–4340.

SUMMARY OF EVALUATION: The basic conclusion following review of testing by independent laboratories and by the California Air Resources Board is the the "Environmental Fuel Saver" does not improve either vehicle fuel economy or exhaust emissions. The fuel economy results were exactly the same with and without the device installed for testing performed according to the Federal Test Procedure and Highway Fuel Economy Test. The exhaust emissions varied somewhat, but dit not show any significant net reduction in hydrocarbons, carbon monoxide, or oxides of nitrogen. Therefore, the VK Manufacturing claims of (1) up to 35 percent better mileage and (2) up fo 65 percent less pollutant emissions are not substantiated by the test data.

Dated: February 22, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 80-6259 Filed 2-27-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1411-4]

National Emission Standards for Hazardous Air Pollutants; Notice of Delegation of Authority to the State of Maryland

On April 6, 1973, 38 FR 8826, pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated regulations establishing emission standards for three hazardous air pollutants. The Administrator has since promulgated regulations establishing emission standards of performance for an additional hazardous air pollutant, 40 CFR Part 61.

Section 112(d)(1) requires the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

The Regional Administrators forwarded to the States in their respective Regions information setting forth the requirements for an adequate procedure for implementing and enforcing the standards. On August 24, 1978, the Governor of the State of Maryland submitted to the EPA Regional Office in Philadelphia a request for delegation of authority. Delegation of authority to implement and enforce the following National Emissions Standards for Hazardous Air Pollutants was requested:

1. Beryllium.
2. Asbestos.
3. Mercury.
4. Vinyl Chloride.

The Enforcement Division Director determined that the procedure for implementing and enforcing the standards was adequate, with the exception of vinyl chloride. Pursuant to authority delegated to her by the Administrator, the Enforcement Division Director notified the Governor on October 9, 1979 that authority to implement and enforce the emissions standards for hazardous air pollutants was delegated to the State of Maryland. The text of the Enforcement Division Director's notice to the Governor follows:

U.S. Environmental Protection Agency,
Region III,
6th and Walnut Streets, Philadelphia, PA.

January, 28 1980.

The Honorable Harry Hughes,
Governor, State of Maryland,
State House, Annapolis, Md.

Re: Delegation of Authority for National Emission Standards for Hazardous Air Pollutants: Beryllium, Asbestos, Mercury.

Dear Governor Hughes: I am pleased to announce that the U.S. Environmental Protection Agency (EPA) hereby delegates to the State of Maryland the authority to enforce the National Emission Standards for Hazardous Air Pollutants (NESHAPS) for beryllium, asbestos, and mercury. EPA has determined that the pertinent laws of the State of Maryland and the rules and regulations of the Maryland Bureau of Air Quality and Noise Control are adequate to implement and enforce these regulations. It is my understanding that Maryland will also have adequate authority to implement and enforce the vinyl chloride NESHAP in the near future. A separate request for delegation should be submitted at that time. This delegation is made subject to the following conditions and understandings:

The program will be the primary responsibility of the Maryland Bureau of Air Quality and Noise Control. If Maryland determines that implementation or enforcement of this program is not feasible and so notifies EPA or if Maryland acts in a manner inconsistent with the delegation, EPA may exercise its concurrent enforcement authority pursuant to Sections 112(d)(2) and 113 of the Clean Air Act, as amended.

Acceptance of this delegation of presently promulgated NESHAPS does not commit the State to request for delegation of future standards. A new request or accept delegation will be required for any standards not included in the State's request of August 24, 1978. However, acceptance of this delegation does commit the State to comply with future revisions to the Federal NESHAPS regulations involved in the delegation.

Upon approval of the Regional Administrator of Region III, the Maryland Bureau of Air Quality and Noise Control may subdelegate its authority to implement and enforce NESHAPS to air pollution control authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

The State of Maryland may not grant a waiver of compliance or variance from compliance with the applicable NESHAPS regulations 40 CFR Part 61. Waivers of compliance under 40 CFR § 61.10 may be granted only by E.P.A. Should Maryland grant such a waiver or variance, EPA will consider the source receiving the variance to be in violation of the applicable NESHAPS regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act, as amended. The granting of such variance by Maryland shall also constitute grounds for revocation of delegation by EPA.

The Maryland Bureau of Air Quality and EPA will develop a system of communication sufficient to guarantee that each is always fully informed regarding the interpretation of applicable regulations. In instances where there is a conflict between a State regulation and a Federal regulation, the Federal regulation must be applied if it is more stringent than that of the State.

If the State does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

The Maryland Bureau of Air Quality must use the methods specified in 40 CFR Part 61 in performing source tests required by the NESHAPS regulations.

If the Enforcement Division Director, EPA, Region III, determines that a State program for implementing and enforcing the NESHAPS regulations is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Maryland Bureau of Air Quality.

A Notice announcing this delegation will be published in the **Federal Register** in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NESHAPS regulations by sources located in the State of Maryland should be submitted to the Maryland Bureau of Air Quality and Noise Control. Any such reports which have been or may be received by EPA, Region III, will be promptly transmitted to Maryland. Semi-annual reports must be submitted to EPA by the State which include information for sources which receive approval to construct or begin operations.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of receipt of this letter, the State of Maryland will be deemed to have accepted all of the terms of the delegation. If you or your staff have any questions concerning the terms of this delegation, please let me know.

I look forward to your successful implementation of the NESHAPS program.

Sincerely yours,

R. Sarah Compton,

Director, Enforcement Division.

cc: Maryland Bureau of Air Quality and Noise Control.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region III, Curtis Publishing Company Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106.

Effective immediately, all reports required pursuant to the emission standards for hazardous air pollutants should be submitted to the Maryland Bureau of Air Quality and Noise Control, O'Conor State Office Building, 201 West Preston Street, Baltimore, Maryland 21201, with copies to the Director, Enforcement Division, EPA at the above address.

Dated: January 28, 1980.

R. Sarah Compton,

Director, Enforcement Division.

[FR Doc. 80-6198 Filed 2-27-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Dockets Nos. 80-60 and 80-61; Files Nos. BPH-10,518 and 10,746]

Gilbert Group, Inc., and Hopkins County Broadcasting Co.; Hearing Designation Order

Adopted: February 8, 1980.

Released: February 22, 1980.

In re applications of Gilbert Group, Inc., Sulphur Springs, Texas, Req: 95.9 MHz, Channel 240 3 kW (H&V), 300 Feet, BC Docket No. 80-60, File No. BPH-10,518; Hopkins County Broadcasting Company, Sulphur Springs,

Texas, Req: 95.9 MHz, Channel 240 3 kW (H&V), 300 Feet, for construction permit for a new FM Station, BC Docket No. 80–61, File No. BPH–10,746.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications, petitions to specify issues filed by Gilbert Group, Inc. (Gilbert) and Hopkins County Broadcasting Company (Hopkins), and responsive pleadings.[1]

2. In its motion, Hopkins alleges that a Gilbert principal, Mr. Melvin K. Price, violated § 1.1227(e) of the Commission's Rules by soliciting *ex parte* inquiries regarding the status of Gilbert's application. On June 6, 1978, Mr. Price wrote Congressman Sam B. Hall, Jr., to request an inquiry which resulted in a letter to the Commission from the Congressman on June 13, 1978, and a response by the Chief, Broadcast Bureau to Congressman Hall on June 30, 1978. The Congressman forwarded the response to Mr. Price on July 5, 1978. On March 28, 1979, Mr. Price again requested Congressman Hall's assistance, and the Congressman wrote to FCC Chairman Ferris on April 4, 1979. In response, the Chief, Broadcast Bureau cautioned the Congressman about *ex parte* inquiries. The Congressman forwarded the response to Mr. Price, on May 1, 1979. On April 25, 1979, Mr. Price also requested assistance from Congressman James M. Collins. In his May 9, 1979 letter to Mr. Price, Congressman Collins indicated he had contacted the FCC and requested a status report on the application. On May 4, 1979, Mr. Price wrote Congressman Hall, and apparently also notified Congressman Collins, that he was unaware of the prohibition of the rules and asked that they disregard his requests for assistance.

3. In similar circumstanes where the status inquiries in question never reached decision-making Commission personnel under § 1.1205 and appear to have been initiated in ignorance of § 1.227(e), the Commission has determined that further action is unwarranted. *Stearns County Broadcasting Company*, 71 FCC 2d 412, 45 RR 2d 664 (1979). However, Gilbert is cautioned that future violations will be met with appropriate administrative action. See *Jackson Cable TV*, 64 FCC 2d 920, 923 N.3 (1977). *But cf. Fine Music, Inc. (WFMI)*, 8 FCC 2d 529, 10 RR 2d 400 (1967).

4. Gilbert's motion alleges that Hopkins failed to amend its response to Paragraph 18(b) of Section II of FCC Form 301, regarding interests in other pending applications before the Commission, to indicate that Greenville Radio Corporation, licensee of Station KIKT(FM), Greenville, Texas, filed applications in 1978 seeking authority to change the brand of antenna to be installed and extend the date of completion of construction of the station. John Paul Kimzey, Hopkins' Vice-President, Director and co-trustee of two trusts holding 10.48 percent of Hopkins' stock, is President, Director and 45 percent stockholder of the KIKT(FM) licensee.

5. Since Hopkins clearly disclosed Mr. Kimzey's KIKT(FM) interests in its Sulphur Springs application, and the two KIKT(FM) applications could have no conceivable decisional significance in the outcome of this proceeding, Gilbert's request for a Section 1.65 issue will be denied.[2]

6. Hopkins' proposal to operate 126 hours per week with only two programming employees—one full-time, the other part-time—at a combined cost of $10,790 per year, and a technical payroll allowance of $1,800 for engineers, is assailed as unrealistic by Gilbert. Gilbert also alleges that Hopkins' indication that it will have six employees, in response to Paragraph 31 of Section IV–A of the Form, is at variance with information showing salaries for only four employees in Exhibit 5 of the application. Hopkins' response indicates it intends to (i) operate the FM station jointly with commonly-owned AM Station KSST, Sulphur Springs, (ii) depend upon KSST for informational programming, and (iii) use student volunteers to staff the station. Because its president, William E. Bradford, and the services of an engineer will be shared by KSST and the proposed FM station, Hopkins disputes any inconsistency.

7. Gilbert's allegations fail to raise a substantial and material question as to whether Hopkins can effectuate its proposal with the combined staff of KSST and the FM station. Moreover, Hopkins' reliance on Mr. Bradford and an engineer without additional cost is reasonable under the circumstances of combined operation of the station as proposed by Hopkins.

8. Although Hopkins' demographic study listed Sulphur Springs' five largest industries, no interviews with leaders of these industries were included in the Hopkins' ascertainment effort, according to Gilbert. However, Hopkins sought leave to amend its application on February 2, 1979 to include consultations with managers of the five industrial concerns listed in its application. Gilbert did not oppose Hopkins' request to amend its ascertainment effort. Good cause for amendment having been shown, the petition will be granted and the amendment accepted, thereby mooting Gilbert's issue request.

9. Finally, Gilbert contends that the substantial interests of Hopkins' principals in the licensees of Stations KGVL and KIKT (FM), the only commercial radio stations at Greenville, Texas, thirty miles from Sulphur Springs, combined with their interests in KSST, the only operating Sulphur Springs station, and the instant FM proposal, constitute an undue concentration of control of the media under § 73.240(a)(2) of the rules. While conceding that Hopkins' application does not violate the ownership acceptance criteria of § 73.240(a)(2), Gilbert points to the following ownership pattern as inconsistent with the public interest:[3]

KGVL, Greenville, Tex.:

John Paul Kimzey, Secretary, Treasurer and Director.
Cecelia C. Kimzey, Vice-President, Director and 45 percent stockholder.

KIKT (FM), Greenville, Tex.

John Paul Kimzey, President, Director and 45 percent stockholder.
Cecelia C. Kimzey, Five percent stockholder.

KSST and BPH–10,746, Sulphur Springs, Tex.:

John Paul Kimzey, Vice President, Director and Co-trustee, Kimzey "A" Trust (5.24 percent) and Kimzey "B" Trust (5.24 percent).
Cecelia C. Kimzey, 10.52 percent stockholder.

10. Common ownership of AM and FM stations serving the same area is not barred by the rule. *Prairieland Broadcasters*, 31 RR 2d 275 (Rev. Bd. 1974). Moreover, in the absence of

[1] Although the time for filing petitions to specify issues expired October 31, 1978, pursuant to §§ 73.3522 and 73.3584 of the Commission's rules, Hopkins' petition for leave and companion motion to specify issues was filed June 15, 1979, seeking to raise matters which came to its attention by means of a letter from Gilbert's counsel on June 11, 1979. Since it appears Hopkins had no prior knowledge of the circumstances complained of and had no earlier opportunity to raise the issue, its request for leave to file the pleading will be granted.

[2] Section 1.65 of the Commission's rules provides that: Whenever there has been a substantial change as to any other matter which may be of decisional significance in a Commission proceeding involving the pending application, the applicant shall as promptly as possible, and in any event within thirty days, unless good cause is shown, submit a statement furnishing such additional information or corrected information as may be appropriate * * *

[3] Although Gilbert also contends that Leo Hackney is an officer, director and 10 percent stockholder of KGVL, and owns 44 percent of KIKT (FM), petitioner nowhere alleges that Mr. Hackney has any interest in KSST or the Sulphur Springs FM applicant. Accoringly, Mr. Hackney's broadcast interests are without legal significance in this proceeding.

information indicating a lack of other services in the area, or misuse by the licensee of its controlling position, Gilbert's request fails to raise a substantial and material question of fact warranting a hearing, and must be denied. See *Post Newsweek Stations, Florida, Inc.*, 33 RR 2d 997 (Rev. Bd. 1975). *Cf. Bangor Broadcasting Corp.*, 23 RR 2d 711 (Rev. Bd. 1972); *Western Connecticut Broadcasting Company*, 30 RR 2d 748 (Rev. Bd. 1974). As Hopkins notes, the media interests of its principals will be considered under the diversification criterion of the standard comparative issue.

11. Both applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

12. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding at a time and place to be specified in subsequent order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

13. It is further ordered, that the petitions to specify issues filed by Gilbert Group, Inc. and Hopkins County Broadcasting Company are denied, the petition for leave to amend its application filed by Hopkins County Broadcasting Company is granted, and its amendment, tendered February 2, 1979, is accepted for filing.

14. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within twenty days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

15. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing, (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594 (g) of the rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 80-6229 Filed 2-27-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL COMMUNICATIONS COMMISSION

Mexican Standard Broadcast Stations; Notification List

List of new stations, proposed changes in existing stations, deletions and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

June 1, 1979.

Mexican List No. 290

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number radials	Length (feet)	
XEHQ	Hermosillo, Son., N. 29°03'35", W. 110°54'35" (PO 0.500/KW/U).	1.500D/ 1.500N	ND-U-175	590 kHz U	III	325	90	325	
XEZ	Merida, Yuc., *N. 20°57'52", W. 89°33'00"* (PO 1/KW/U, ND-U-175).	2.000D/ 2.000N	ND-U-*190*	600 kHz U	III	*413*	*120*	*410*	
XEKX	Carrillo Puerto, Q.R., N. 19°34'50", W. 88°02'38".	1.000D/ .250N	ND-U-190	620 kHz U	III	397	120	397	Nov. 1, 1979.
XETRN	Progreso, Yuc., N. 21°18'00", W. 89°39'30".	50.000D/ 50.000N	DA-2	690 kHz U	II				Nov. 1, 1979.
XEPQ	Muzquiz, Coah., N. *27°52'39"*, W. *101°28'15"* (PO 1/KW/D, .100/KW/N, ND-U-175).	5.000D/ 100N	DA-D, ND-N-175.	710 kHz U	II	347	90	284	
XEFZ	Monterrey, N.L., N. 25°40'11", W. 100°18'26" (PO 1110 KHZ).	.500D/ .100N	ND-U-175	740 kHz U	II	306	120	253	Nov. 1, 1979.
(New)	Loma Bonita, Oax., N. 18°05'06", W. 95°54'37".	.500	ND-D-175	750 kHz D	II	262	120	276	Nov. 1, 1979.
(New)	Las Cruces, Gro., N. 16°52'30", W. 99°50'55".	10.000	ND-D-190	750 kHz D	II	328	120	328	Nov. 1, 1979.
(New)	Monterrey, N.L., N. 25°41'00", W. 100°18'25" (Delete).	5.000	DA-D	760 kHz D	II				
(New)	Carrillo Puerto, Q.R., N. 19°38'27", W. 88°04'00".	5.000	ND-D-175	810 kHz D	II	243	120	255	Nov. 1, 1979.
XECCC	Campeche, Camp, N. 19°50'47", W. 90°32'14" (PO 1580 kHz).	.500	ND-D-175	840 kHz D	II	264	120	223	Nov. 1, 1979.

Mexican List No. 290—Continued

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number radials	Ground system: Length (feet)	Proposed date of commencement of operation
				860 kHz					
XEPLA	Pabellon, Ags., N. 22°09'16", W. 102°16'18" (PO 1/KW/D).	4.000	ND-D-175	D	II	230	120	230	
				870 kHz					
XEACC	Pto Escondido, Oax., N. 15°51'03", W. 97°03'28".	.250	ND-D-183	D	II	249	120	283	Immediately.
				880 kHz					
XETZ	Zapopan, Jal., N. 20°37'21", W. *103°29'46"* (PO 1/KW/D, ND-D-181).	10.000	ND-D-188	D	II	297	120	268	
				950 kHz					
XEFY	Cortazar, Gto., N. 20°28'55", W. 100°55'49".	.500	ND-D-190	*D*	III	259	120	259	Nov. 1, 1979.
				1000 kHz					
(New)	Tapachula, Chis., N. 14°54'22", W. 92°19'40".	.500	ND-D-190	D	II	246	120	246	Nov. 1, 1979.
				1000 kHz					
(New)	Cozumel, Q.R., N. 20°34'09", W. 86°59'29".	.100	ND-D-175	D	II	226	120	187	Nov. 1, 1979.
				1000 kHz					
(New)	Los Mochis, Sin., N. 25°43'56", W. 109°03'09".	.100	ND-D-175	D	II	226	120	187	Nov. 1, 1979.
				1000 kHz					
(New)	Mazatlan, Sin., N. 23°14'17", W. 106°24'00".	.400	ND-D-175	D	II	226	120	187	Nov. 1, 1979.
				1000 kHz					
(New)	Nuevo Laredo, Tam., N. 27°35'14", W. 99°31'25".	.500	ND-D-190	D	II	246	120	246	Nov. 1, 1979.
				1000 kHz					
(New)	Coatzacoalcos, Ver., N. 18°08'26", W. 94°30'00".	.100	ND-D-175	D	II	226	120	187	Nov. 1, 1979.
				1000 kHz					
(New)	Merida, Yuc., N. 20°55'48", W. 89°38'49".	.500	ND-D-190	D	II	246	120	246	Nov. 1, 1979.
				1010 kHz					
XELO	Chihuahua, Chih., N. 28°38'12", W. 106°04'42".	1.000	ND-D-190	D	II	244	120	244	Immediately.
				1010 kHz					
XEWS	Culiacan, Sin., *N. 24°49'47"*, W. *107°24'43"*.	5.000D/ .250N	ND-U-180	U	II	246	90	230	Nov. 1, 1979.
				1110 kHz					
XEFZ	Monterrey, N.L., N. 25°40'11", W. 100°18'26" (PO .250/KW/D) (Change to 740 KHZ).	.500	ND-D-175	D	II	191	90	204	
				1170 kHz					
XECD	Puebla, Pue., *N. 18°58'55", W. 98°15'57"*.	1.000D/ .350N	ND-U-*190*	U	II	210	*120*	*210*	Immediately.
				1200 kHz					
XEPLA	Pabellon, Ags., N. 22°09'16", W. 102°16'18" (Delete).	4.000	ND-D-183	D	II	187	120	187	
				1200 kHz					
XEITC	Celaya, Gto., N. 20°32'20", W. 100°49'05".	.250	ND-D-175	D	II	205	90	185	Immediately.
				1270 kHz					
XECAL	Tijuana, BCN, N. 32°32'20", W. 117°02'40".	*.500D/ .500N*	ND-U-175	U	III				Immediately.
				1270 kHz					
XERRT	Cd Madero, Tam., N. 22°14'30", W. 97°50'10" (*PO 0.250/KW/D, 0.200/KW/N*).	5.000D/ .200N	DA-D, ND-N-192.	U	III	175	90	175	
				1290 kHz					
XERE	Salvatierra, Gto., N. 20°12'50", W. 100°53'14" (PO 0.250/KW/D).	*1.000*	ND-D-180	D	III	192	100	164	
				1300 kHz					
XEXV	San Fco Del R, Gto., N. 21°01'03", W. 101°51'55" (PO 1/KW/D, ND-D-182, 187/120/164).	*20.000D/ .100N*	*DA-1*	U	III				
				1340 kHz					
XEMT	Matamoros, Tam., *N. 25°52'10", W. 97°30'10"*.	1.000D/ 0.25N	ND-U-190	U	IV	*183*	120	184	Immediately.
				1380 kHz					
XEVD	Cd Allende, Coah., *N. 28°20'22", W. 100°50'12"*.	.500D/ .100N	ND-U-*183*	U	III	*177*	*120*	*154*	Nov. 1, 1979.
				1380 kHz					
XEKOK	Las Cruces, Gro., N. 16°56'55", W. 99°49'59" (*Change to 1460 kHz*).	1.000	ND-D-190	D	III	197	120	180	
				1380 kHz					
XEYB	Cosamaloapan, Ver., N. 18°21'46", W. 95°48'32".	1.000D/ 1.000N	*ND-D-175, DA-N.*	U	III				Nov. 1, 1979.
				1390 kHz					
XERW	Leon, Gto., N. 21°07'12", W. 101°40'38" (PO 1/KW/D, 0.250/KW/N, ND-U-189).	*10.000D/ .250N*	ND-U-189	U	III	177	120	175	
				1390 kHz					
(New)	Guamuchil, Sin., *N. 25°29'06", W. 108°06'19"*.	1.000D/ .100N	ND-U-190	U	III	177	120	177	Nov. 1, 1979.

Mexican List No. 290—Continued

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number radials	Ground system: Length (feet)	Proposed date of commencement of operation
				1410 kHz					
(New)	Zamora, Mich., N. 20°01'52", W. 102°18'09" (Delete).	1.000	ND-D-175	D	III	122	120	161	
				1420 kHz					
XEKA	San Jose Del C., BCN, N. 23°04'08", W. 109°40'36".	.250D/ .250N	ND-U-175	U	III	156	90	156	Nov. 1, 1979.
				1440 kHz					
(New)	Tlaquepaque, Jal., N. 20°37'50", W. 103°17'48".	10.000	DA-D	D	III				Nov. 1, 1979.
				1440 kHz					
XFOB	Pichucalco, Chis., *N. 17°32'21", W. 93°06'39".*	1.000D/ .150	ND-U-175	U	III	197	120	131	Nov. 1, 1979.
				1450 kHz					
XEPY	Merida, Yuc., N. 20°58'39", W. 89°37'20" *(PO 0.500/KW/D, 0.250/KW/N).*	1.000D/ .250N	ND-U-174	U	IV	151	90	151	
				1460 kHz					
XEKOK	*Las Cruces,* Gro., N. 16°56'55", W. 99°49'54" (PO 1380 KHZ).	1.000	ND-D-197	D	III	197	120	180	Nov. 1, 1979.
				1470 kHz					
XEBAL	Becal, Camp., N. 20°25'52", W. 90°03'39".	1.000	ND-D-190	D	III	167	120	167	Nov. 1, 1979.
				1470 kHz					
XEHI	Cd Miguel A., Tam., *N. 26°23'30", W. 99°01'27"* (PO 1/KW/D).	3.000D/ .250N	ND-U-*203*	U	III	197	120	*197*	
				1500 kHz					
XEGN	Piedras Negras, Ver., *N. 18°46'16", W. 96°09'57".*	.250	ND-D-175	D	II	144	90	144	Immediately.
				1540 kHz					
XEYK	Motul, Yuc., *N. 21°06'00", W. 89°17'30".*	.250	ND-D-175	D	II	148	120	148	Nov. 1, 1979.
				1580 kHz					
XECCC	Campeche, Camp., N. 19°50'47", W. 90°32'14" (Change to 840 KHZ).	*.500*	ND-D-175	*D*	II	*140*	*120*	*140*	

Richard J. Shiben,

Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 80-6230 Filed 2-27-80; 8:45 am]

BILLING CODE 6712-01-M

Mexican Standard Broadcast Stations; Notification List

List of new stations, proposed changes in existing stations, deletions and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

July 1, 1979

Mexican List No. 291

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
				630 kHz					
(New)	Cananea, Son., N. 30°58'57", W. 110°18'01" (Delete).	5.000	ND-D-175	D	III	390	120	328	
				640 kHz					
XEEMM	Salamanca, Gto., N. 20°33'47", W. 101°21'58" (Change to 1210 KHZ).	1.000	DA-D	D	II				
				690 kHz					
XERG	Monterrey, N.L., N. 25°40'11", W. 100°18'21", (*Share antenna with XEAU, 1080 KHZ).*	.500D/ .200N	ND-U-*175*	U	II	*230*	*120*	*160*	Immediately.
				710 kHz					
XEMP	Mexico, D.F., *N. 19°22'43", W. 99°06'09"* (*Shares antenna with XEDF, 970 KHZ).*	1.000D/ .500N	ND-U-175	U	II	*354*	*120*	*164*	Immediately.
				750 kHz					
XEKOK	Las Cruces, Gro., N. 16°52'30", W. 99°50'55" *(PO 1380 KHZ).*	10.000	ND-D-190	D	II	328	120	328	Jan. 1, 1980.
				810 kHz					
XEIN	Cintalapa, Chis., N. 16°41'42", W. 93°42'23" *(PO 1450 KHZ).*	1.000	ND-D-175	D	II	304	90	243	Jan. 1, 1980.
				910 kHz					
XEAGN	S. Fco Del Rinc, Gto., N. 21°00'00", W. 101°45'00" (Vide 1180 kHz).	.500D/ .100N	ND-U-190	U	III	270	120	270	Jan. 1, 1980.

Mexican List No. 291—Continued

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
				950 kHz					
XECAA	Calvillo, Ags., *N. 21°54'01", W. 102°31'36".*	1.000D/ .100N	ND-U-181	U	III	230	120	230	(Immediately.)
				970 kHz					
XEDF	Mexico, D.F., *N. 19°22'43', W. 99°06'09', (Shares antenna with XERH, 1500 KHZ).*	10.000D/ *4.000N*	ND-D-*187* DA-N..	U	III	*354*	120	*164*	(Immediately.)
				980 kHz					
XELC	La Piedad, Mich., *N. 21°19'55", W. 102°01'31"* (Shares antenna with XELP, 1170 KHZ).	5.00D/ . 200N	ND-U-*196*	U	III	249	90	*328*	(Immediately.)
				1040 kHz					
XEJAQ	Jalpan, Qro., N. 21°12'20", W. 99°28'06" (PO 1600 KHZ).	.250	ND-D-175	D	II	175	120	243	Jan. 1, 1980.
				1060 kHz					
XEAU	Monterrey, N.L., N. 25°40'11", W. 100°18'21" (*Shares antenna with XERG, 690 KHZ*).	.500	ND-D-175	D	II	230	120	160	(Immediately.)
				1170 kHz					
XELP	La Piedad, Mich., N. *28°19'55"*, W. *102°01'31"* (*Shares antenna with XELC, 980 kHz*).	.250D/ .100N	ND-U-*215*	U	II	*250*	90	*328*	(Immediately.)
				1180 kHz					
XEACN	S. Fco Del Rinc, Gto., N. 21°00'00", W. 101°45'00" (Delete).	.500	ND-D-187	D	II	231	90	207	
				1210 kHz					
XEEMM	Salamanca, Gto., N. 20°33'47", W. 101°21'58".	.250	ND-D-190	D	II	203	120	203	Jan. 1, 1980.
				1230 kHz					
(New)	Villahermosa, Tab., N. 17°59'15", W. 92°55'00".	1.000	ND-D-174	D	IV	180	120	152	Jan. 1, 1980.
				1310 kHz					
XETIA	Guadalajara, Jal. N. 20°43'20", W. 103°18'29" (PO 1/KW/D, 0.250/ KW/N).	*5.000D/* .250N	ND-U-205	U	III	289	90	262	
				1320 kHz					
XENP	Ocotlan, Jal., N. 20°21'33", W. 102°46'24" (Delete).	.500D/ .200N	ND-U-175	U	III	197	120	177	
				1380 kHz					
XEVD	Cd Allende, Coah., N. 28°20'22", W. 100°50'12" (PO 0.500/KW/D, 0.100/KW/N, ND-U-183, 177/120/ 243).	*5.000D/ 1.000N*	*DA-1*	U	III	.....	.....	.....	
				1380 kHz					
XEKOK	Las Cruces, Gro., N. 16°56'55", W. 99°49'59" (Change to 750 KHZ).	1.000	ND-D-190	D	III	197	120	180	
				1380 kHz					
XETP	Naolinco, Ver. N. 19°39'15", W. 96°51'51".	*.500*	ND-D-190	D	III	178	120	178	Jan. 1, 1980.
				1400 kHz					
XEFS	Izucar De M., Pue., N. 18°36'22", W. 98°27'32" (PO 0.250/KW/D).	*.350*	ND-D-150	D	IV	105	90	105	
				1400 kHz					
XEPB	Hermosillo, Son., N. *29°04'29", W. 110°57'30"* (PO 0.250/KW/D, 0.200/KW/N).	.500D/ .200N	ND-U-*174*	U	IV	*98*	120	*176*	
				1400 kHz					
XEAB	Santa Ana, Son., N. *30°33'10"*, w. *111°07'00"* (PO 0.250/KW/U).	1.000D/ .250N	ND-U-154	U	IV	*164*	90	115	
				1420 kHz					
XEWF	Cuernavaca, Mor., N. 18°55'00", W. *99°14'00".*	.500D/ .250N	ND-U-175	U	III	*188*	90	150	(Immediately.)
				1430 kHz					
(*New*)	Ocotlan, Jal., N. 20°21'33", W. 102°46'24".	*.250*	ND-D-190	D	III	171	120	171	Jan. 1, 1980.
				1450 kHz					
XEIN	Cintalapa, Chis., N. 16°41'58", W. 93°43'24" (Change to 810 KHZ).	1.000D/ .200N	ND-D-175, DA-N.	U	IV	246	120	246	
				1450 kHz					
XEQU	Ojinaga, Chih., *N. 29°32'02", W. 104°27'40".*	1.000D/ 0.250N	ND-U-175	U	IV	230	120	230	Jan. 1, 1980.
				1460 kHz					
(New)	Acapulco, Gro., N. 16°56'55", W. 99°49'54".	1.000	ND-D-175	D	III	246	90	197	Jan. 1, 1980.
				1460 kHz					
XEKOK	Las Cruces, Gro., N. 16°56'55", W. 99°49'54" (Delete).	1.000	ND-D-197	D	III	197	120	180	Jan. 1, 1980.
				1500 kHz					
XERH	Mexico, D.F. N. *19°22'43"*, W. *99°06'09"* (PO 20/KW/D 5/KW/N ND-U-190) (Shares antenna with XEMP, 710 KHZ).	20.000D/ 20.000N	ND-D-*250, DA-N.*	U	II	*354*	120	*164*	
				1510 kHz					
XELW	Cd Guzman, Jal., N. 19°43'44", W. 103°27'56" (PO 0.500/KW/D, ND-D-172).	*5.000D/* 5.000N	ND-D-*175, DA-N.*	*U*	II	*131*	*120*	*138*	

Mexican List No. 291—Continued

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
				1560 kHz					
XEZW	Cerritos, Slp., N. 22°26'44", W. 100°16'56".	.500	ND-D-185.....	D	II	148	120	148	(Immediately.)
				1600 kHz					
XEJAQ	Jalpan, Qro., N. 21°12'20", W. 99°28'06" (Change to 1040 KHZ).	.250	ND-D-175.....	D	III	123	120	129	

Richard J. Shiben,

Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 80-6231 Filed 2-27-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Springfield Investment Co.; Proposed Retention of F & M Insurance Agency

Springfield Investment Company, Springfield, Minnesota, 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 F & M Insurance Agency, Springfield, Minnesota.

Applicant states that the proposed subsidiary would continue to engage in general insurance agency activities. These activities would be performed from offices of Applicant's subsidiary in Springfield, Minnesota, and the geographic areas to be served are the Springfield community. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissable 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 Minnesota.

Any views or requests for hearing should be submitted in writing and recieved by the Reserve Bank, not later than March 21, 1980.

Board of Governors of the Federal Reserve System, February 21, 1980.

William N. McDonough,

Assistant Secetary of the Board.

[FR Doc. 80-6145 Filed 2-27-80; 8:45 am]

BILLING CODE 6210-01-M

Whitley Financial Corp.; Formation of Bank Holding Company

Whitley Financial Corp., Auburn, Indiana, 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 95.03 per cent of the voting shares of Citizens National Bank of Whitley County, Columbia City, Indiana. 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 20, 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 20, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-6146 Filed 2-27-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Safety and Occupational Health Study Section; Meeting

Correction

In FR Doc. 80-5868, appearing on page 12301 in the issue of Monday, February 25, 1980, make the following correction:

On page 12301, first column, in the paragraph entitled "place:" the room number should have read "Conference Room G".

BILLING CODE 1505-01-M

Office of the Assistant Secretary for Health

Advisory Committees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during month of March 1980:

Name: Health Care Technology Study Section.

Date and Time: March 17-18, 1980, 8:30 a.m.

Place: Center Building, Conference Room G-20, 3700 East-West Highway, Hyattsville, Maryland 20782; Open March 17, 8:30 a.m.-10:30 a.m.; Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on March 17 will be devoted to a business meeting covering administrative matters, a presentation by the Director, NCHSR, and Mr. Peter Clepper, Program Officer, National Library of Medicine, who will

discuss NLM's activities relating to medical information systems. The closed portion of the meeting will be utilized in a review of health services research grant applications relating to the delivery, organization, and financing of health services. These applications contain information of a personal nature, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S.C., and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research, OASH, Room 7–50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6196.

Name: Health Services Developmental Grants Review Subcommittee.
Date and Time: March 13, 1980, 7:00 p.m. to Adjournment; March 14, 1980, 8:00 a.m. to Adjournment.
Place: South Scott Room, Gramercy Inn, 1616 Rhode Island Avenue NW., Washington, D.C. 20006; Open March 13, 7:00 p.m. to 8:00 p.m.; Closed for remainder of meeting.
Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.
Agenda: The open session of the meeting on March 13 will be devoted to a business meeting covering administrative matters and reports. During the closed sessions, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. David McFall, National Center for Health Services Research, OASH, Room 7–50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6196.

Name: Health Services Research Review Subcommittee.
Date and Time: March 20, 1980, 9:00 a.m. to Adjournment; March 21, 1980, 8:30 a.m. to Adjournment.
Place: Presidential Room, Holiday Inn Central, 1501 Rhode Island Avenue NW., Washington, D.C. 20005; Open March 20, 9:00 a.m.–10:00 a.m.; Closed for remainder of meeting.
Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.
Agenda: The open session of March 20 will be devoted to a business meeting covering administrative matters and reports. During the closed session, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S.C., and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Marco Montoya, Ph.D., National Center for Health Services Research, OASH, Room 7–50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6918.

Agenda items are subject to change as priorities dictate.

Dated: February 20, 1980.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 80-6128 Filed 2-27-80; 8:45 am]

BILLING CODE 4110-85-M

Public Health Service

Financial Assistance Awards to For-Profit Organizations; Request for Comments

AGENCY: Public Health Service, HEW.

ACTION: Request for Public Comment.

SUMMARY: This notice invites comments on the question of whether the Public Health Service (PHS) should make financial assistance awards (grants and cooperative agreements) to organizations operated for profit under the conditions set forth herein. Comments received will be utilized to develop a formal PHS position.

DATES: Comments must be received by April 28, 1980.

ADDRESS: Send comments on this notice to the Chief, Grants Management Branch, Division of Grants and Contracts, ORM/OM, Room 18A–03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Theodore J. Roumel, Chief, Grants Management Branch at the above address. (Telephone: 301–443–1874.)

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) in providing its final guidance in implementing the Federal Grant and Cooperative Agreement Act of 1977, states that subject to the requirements of the act, assistance awards may be made to for-profit organizations when deemed by the agency to be consistent with legislative intent and program purposes. PHS undertook a review of its legislative authorities to ascertain which programs would be affected by a change in eligibility requirements for applicants. Except for certain research and research-related authorities, PHS programs are generally limited by authorizing statutes to making assistance awards to public and nonprofit organizations thereby precluding awards to profitmakers.

On March 9, 1979, the final amendments to the regulations for Grants for Research Projects, 42 CFR Part 52 were published in the **Federal Register** (44 FR 13025). These regulations contained a prohibition against awards to profitmakers. Included in these regulations was an announcement that PHS was requesting comments as to whether research grants should be made to organizations operated for profit and what administrative policies should apply.

We received a total of four (4) responses to the announcement which leads us to believe that the issue was not given adequate visibility. We are reluctant to base a major policy decision on such limited input and are, therefore, requesting comments once again. We have elaborated on our request for comments by proposing specific conditions applicable to profitmakers to help elicit greater public response on this issue. Following consideration of public comments, if it is decided that assistance awards can and should be made to profitmaking organizations, any necessary amendments to regulations will be published in accordance with applicable HEW rulemaking procedures.

Issue: Public comments are requested as to whether PHS should make financial assistance awards to organizations operated for profit in the following programs under the following conditions:

1. Profitmakers would be eligible to submit applications in response to program announcements and receive financial assistance awards under the following authorities: Sections 301, 340, 356, and 404 of the PHS Act (42 U.S. Code, Sections 241, 256, 263d, and 285), Section 20 of the Occupational Safety and Health Act (29 U.S. Code, Section 669), and Section 501 of the Federal Mine Safety and Health Act (30 U.S. Code, Section 951).

2. When new legislation is passed authorizing financial assistance programs which do not preclude grants to profitmakers, consistency with programmatic intent must be established and approval of the Assistant Secretary for Health obtained prior to making any public announcement on the eligibility of profitmakers to apply for financial assistance awards.

3. No profit will be provided to profitmaking organizations through financial assistance awards. A profit is considered to be any amount in excess of actual direct and indirect costs incurred in conducting an assistance project which are allowable, allocable, and reasonable.

4. Profitmakers will be subject to most of the same administrative requirements currently applicable to nonprofit institutions, except for the following:

a. Cost Principles—As there are no cost principles developed for profitmakers receiving financial assistance awards, the cost principles for Contracts with Commercial Organizations set forth in 41 CFR Part 1–15.2 will be used. Under the advance agreement provisions set forth in 41 CFR Part 1–15.1, the costs for Independent Research and Development are unallowable.

b. Property—Title to real property, equipment, and supplies acquired under a financial assistance award or (subaward) shall vest, upon acquisition, in the Federal Government. The transfer, sale or other disposition of the property, would be determined by the awarding office upon termination or completion of the project and recipients would also be required to comply with the equipment management requirements of 74.140 of Subpart O.

c. Cost Sharing—The legal requirements for cost sharing will be met through separate cost sharing agreements negotiated for each research project. Cost sharing amounts will be determined in accordance with the guidelines set forth in OMB Circular A–100 as implemented by the Department of Health, Education, and Welfare.

d. Patents and Inventions—The requirements set forth in 45 CFR Parts 6 and 8 as implemented by PHS govern the development and reporting of patents and inventions. Disposition of royalties or equivalent income earned on patents or inventions arising out of activities developed under financial assistance awards or subawards shall be governed by determinations made or agreements entered into under 45 CFR Parts 6 and 8.

e. Termination—In addition to the termination procedures in PHS grants policy, PHS shall exercise termination as stated below:

(1) The performance of work under an award may be terminated, in whole or from time to time in part, by the Government whenever for any reason the Grants Management Officer determines that the termination is in the best interest of the Government. Termination of an activity shall be affected by delivery to the recipient of a Notice of Termination specifying the extent to which performance of activity under the award is terminated and the date upon which the termination becomes effective.

(2) After receipt of the Notice of Termination the recipient shall cancel its outstanding commitments covering the procurement of materials, supplies, equipment, and miscellaneous items supporting grant activities. In addition, the recipient shall exercise all reasonable diligence to accomplish the cancellation of diversion of its outstanding commitments covering personal services and extending beyond the date of the termination to the extent that they relate to the performance of any activity terminated by the notice. With respect to the canceled commitments the recipient shall (a) settle all outstanding liabilities and all claims arising out of such cancellation of commitments, with the approval or ratification of the Grants Management Officer, to the extent he or she may require, which approval or ratification shall be final for all purposes for this clause, and (b) assign to the Government, in the manner, at the time, and to the extent directed by the Grants Management Officer, all of the rights, title, and interest of the recipient under the orders and contracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of these orders and contracts.

(3) The recipient shall submit its termination claim to the Grants Management Officer promptly after receipt of a Notice of Termination, but in no event later than 6 months from the effective date thereof, unless one or more extensions in writing are granted by the Grants Management Officer upon written request of the recipient within such period or authorized extension thereof. Upon failure of the recipient to submit its termination claim within the time allowed, the Grants Management Officer may determine, on the basis of information available to him, the amount, if any, due to the recipient by reason of the termination and shall thereupon pay to the recipient the amount so determined.

(4) Any determination of costs under paragraph (3) shall be governed by the applicable cost principles in 41 CFR Part 1–15.2.

(5) Subject to the provisions of paragraph (3) above, the recipient and the Grants Management Officer may agree upon the whole or any part of the amount or amounts to be paid to the recipient by reason of the termination under this clause, which amount or amounts may include any reasonable cancellation charges thereby incurred by the recipient and any reasonable loss upon outstanding commitments for personal services which he is unable to cancel. This is with the exception, however, that in connection with any outstanding commitments for personal services which the recipient is unable to cancel, the recipient shall have exercised reasonable diligence to divert these commitments to its other activities and operations.

f. Rights in Data.

(1) The term "Subject Data" means writings, sound recordings, pictorial reproductions, drawings, designs, or other graphic representations, procedural manuals, forms, diagrams, workflow charts, equipment descriptions, data files and data processing or computer programs, and works of any similar nature (whether or not copyrighted or copyrightable) which are developed under this award.

(2) The awarding office may use, duplicate, or disclose in any manner and for any purpose whatsoever, and have or permit others to do so, all subject data developed under this award.

(3) The recipient agrees to and does hereby grant to the Government a royalty-free, nonexclusive, and irrevocable license throughout the world to use, duplicate, or dispose of such data in any manner and for any purpose whatsoever, and to have or permit others to do so. This is with the exception, however, that this license shall be only to the extent that the recipient now has, or prior to completion or final settlement of this project may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of the grant.

(4) The recipient shall mark all subject data with the number of the award and the name and address of the organization or contractor who generated the data. The recipient shall not affix any restrictive markings upon any subject data, and, if such markings are affixed, the Grants Management Officer on behalf of the Government shall have the right at any time to modify, remove, obliterate, or ignore them.

(5) Whenever any subject data is to be obtained from a contractor under an award, the recipient shall use this same clause in the contract, without alteration, and no other clause shall be used to enlarge or diminish the Government's rights in that contractor's subject data.

(6) The Government may request, at any time during the performance, or within 2 years from termination of the

award, any subject data and any data generated in performance of the project, and the recipient shall promptly prepare and deliver such data as requested. Irrespective of whether the principal investigator is still associated with the recipient organization, the organization shall exercise its best efforts to prepare and deliver such data as is requested. The Government's right to use data delivered shall be the same as the rights in subject data provided above. The recipient shall be relieved of the obligation to furnish data pertaining to an item obtained from a contractor upon the expiration of 2 years from the date of acceptance of these items. When data, other than subject data, is delivered pursuant to this paragraph, payment shall be made, by equitable adjustment or otherwise, for converting the data into the prescribed form, reproducing it, or preparing it for delivery.

(7) In addition, royalties, license fees, and other income earned by a recipient from copyrighted work developed under a financial assistance award or subaward will be remitted to PHS up to the full amount of the financial assistance award.

g. Other Program Income—The additional costs alternative described in 42 CFR 74.42 (e) is not an allowable alternative.

Dated: February 21, 1980.

Jack N. Markowitz,

Acting Director, Office of Management.

[FR Doc. 80-6129 Filed 2-27-80; 8:45 am]

BILLING CODE 4110-84-M

Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice, Continued Regulation of Health Maintenance Organizations: Determination of Noncompliance and Revocation of Federal Qualification.

SUMMARY: On February 23, 1979, the Director of the Office of Health Maintenance Organizations (OHMO) determined that HMO Concepts, 1900 Chris Lane, Anaheim, California 92805 (formerly located at 1110 East Chapman Avenue, Orange, California), a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would have (1) a fiscally sound operation and (2) satisfactory administrative and managerial arrangements. On Febru- ary 6, 1980, the Director of OHMO revoked Federal qualification of HMO Concepts. Accordingly, HMO Concepts is no longer a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (the Act) (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). By letter of August 7, 1979, OHMO directed that HMO Concepts initiate and carry out the corrective action plan approved by OHMO as necessary to bring it into compliance with the assurances that it would have a fiscally sound operation and satisfactory administrative and managerial arrangements. OHMO notified HMO Concepts by letter of February 6, 1980, that is qualification was revoked. The basis for the revocation of Federal qualification was that HMO Concepts failed to carrry out the corrective action as directed by OHMO.

The effect of the revocation of HMO Concept's Federal qualification is as follows: (1) HMO Concepts may not seek inclusion in employees' health benefit plans under section 1310 of the Act; (2) with respect to employers including HMO Concepts in the health benefits plan offered their employees, HMO Concepts is not a qualified HMO for purposes of section 1310 of the Act; (3) the inclusion of HMO Concepts in an employees' health benefits plan will be disregarded for purposes of determining whether, and to what extent, the employer is subject to 42 CFR Part 110, Subpart H and will not constitute compliance with the requirements of that subpart; and (4) HMO Concepts is not a qualifed HMO for purposes of the financial assistance programs under 42 CFR Part 110.

Section 1312(b)(1) of the Act requires that notice of determination of noncompliance and of the revocation of Federal qualification of an HMO be published in the **Federal Register.**

Dated: February 20, 1980.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 80-6120 Filed 2-27-80; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

New Mexico; Proposed Partial Realignment of BLM District Boundaries

Notice is hereby given that the Bureau of Land Management is proposing partial realignment of its current District boundaries in New Mexico. In all cases, the proposed changes would conform with county boundaries. This proposal means that a small portion of existing Bureau administrative boundaries would be changed in seven counties. Each District would consist of all of the following counties:

a. Albuquerque District—San Juan, McKinley, Sandoval, Rio Arriba, Los Alamos, Bernalillo, Taos, Santa Fe, Torrance, Colfax, Mora, San Miguel, Union and Harding.

b. Socorro District—Valencia, Catron, and Socorro.

c. Las Cruces District—Sierra, Grant, Hidalgo, Luna, Dona Ana, and Otero.

d. Roswell District—Guadalupe, Quay, Lincoln, DeBaca, Curry, Roosevelt, Chaves, Eddy and Lea.

because of recent legislative changes, most notably the 1976 Federal Land Policy and Management Act, the BLM is now closely involved with county and State governments on a wide variety of issues such as land use planning, mining claim recordation, land disposal, and payments in lieu of taxes. In New Mexico, the Bureau has found that most other government entities are using the county boundaries as their administrative boundaries. By use of common boundaries, the Bureau should be more able to coordinate the management of the public lands with the counties and the State and provide improved service to the general public.

DATE: Comments must be received on or before April 30, 1980.

ADDRESS: Comments should be sent to Arthur W. Zimmerman, New Mexico State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

FOR FURTHER INFORMATION CONTACT: John Gumert, Public Affairs Officer, (505) 988-6316.

Larry L. Woodard,

Acting State Director.

February 20, 1980.

[FR Doc. 80-6108 Filed 2-27-80; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 29315]

Wyoming Fuel Co.; Correction of Invitation for Coal Exploration License

February 20, 1980.

In FR Doc. 80–4728, appearing at page 10041 in the issue for Thursday, February 14, 1980 (Vol. 45 FR, No. 32), notice was given of an invitation to members of the public to participate in a proposed exploration program of Federally owned coal deposits located in Jackson County, Colorado, with the exploration to be done under authority of a license applied for by Wyoming Fuel Company.

The description of the lands included in such notice on page 10041 should be corrected to delete the following:

T. 9 N., R. 78 W., 6th P.M.
Sec. 22: SW¼NE¼, NW¼, E½SW¼, W½SW¼, SE¼SE¼;

and to substitute therefor the following described land:

T. 9 N., R. 78 W, 6th P.M.
Sec. 28: SW¼NE¼, NW¼, E½SW¼, W½SE¼, SE¼SE¼.

Elections to participate in the proposed exploration program will be deemed to have been timely filed only as to the lands in Section 28 of Township 9 North, Range 78 West, 6th P.M. if such elections are received by the persons indicated below after March 17, 1980 but before 30 calendar days after the publication of this correcting notice in the **Federal Register** (This limitation shall not apply to any election consented to by Wyoming Fuel Company).

All elections to participate in the proposed exploration program received prior to March 17, 1980 will be deemed to constitute an election to participate in the exploration program in its entirety on a prorata basis, with the description of land involved corrected as indicated, unless notice is received by the persons indicated below that such party elects not to participate in such program. Such notices of election not to participate must be received by the indicated persons not later than 30 calendar days after the publication of this correcting notice in the **Federal Register.**

Written notice of any election to participate in the proposed exploration program or of withdrawal from any prior such election must be received by the following persons at the addresses shown not later than the time indicated above:

Leader, Craig Team, Branch of Adjudication, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, CO 80202, and James A. Miller, Wyoming Fuel Company, 12055 West Second Place, P.O. Box 15265, Lakewood, CO 80215.

The foregoing notice is published in the **Federal Register** pursuant to 43 CFR 3410.2–1(d)(1), 43 FR 42584 at 42614 (No. 140, July 19, 1979).

Further information concerning this notice may be obtained from William J. Norton, II at the Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, Telephone 303–837–3891.

Andrew W. Heard, Jr.,

Leader, Craig Team Branch of Adjudication.

[FR Doc. 80–6210 Filed 2–27–80; 8:45 am]

BILLING CODE 4310–84–M

Carson City District Grazing Advisory Board; Meeting Correction

Notice is hereby given, in accordance with Pub. L. 94–579, that the Carson City District Grazing Advisory Board will meet on Tuesday, March 25, 1980.

The meeting will be held in the Steak Room of the Fallon Nugget, 70 South Maine Street, Fallon, Nevada, at 10:00 a.m. and will continue into the afternoon after a break for lunch.

Items on the agenda (as they relate to range improvements and Allotment Management Plans) are the vegetative inventory method being used for the grazing environmental impact statements, current and future range improvements, wild horse and burro management objectives and updating certain allotment management plans.

The meeting is open to the public. Any person may attend, appear before the Board, or file a written statement.

Date Signed: February 20, 1980.

Thomas J. Owen,

District Manager.

[FR Doc. 80–6131 Filed 2–27–80; 8:45 am]

BILLING CODE 4310–84–M

[OR–11517]

Oregon; Partial Termination of Proposed Withdrawal; Opportunity for Public Hearing and Amended Notice of Proposed Withdrawal

Notice of a Fish and Wildlife Service, Department of the Interior, application, Serial No. OR 11517, for withdrawal and reservation of lands as an addition to the Oregon Islands National Wildlife Refuge was published as FR Doc. 76–24099 on pages 34991 and 34992 of the issue for August 18, 1976. The applicant agency has canceled its application insofar as it affects the following described lands:

Willamette Meridian

T. 26 S., R. 14 W.,

Three unsurveyed islands, identified as Squaw Island offshore from Sec. 4, and two unnamed islands offshore from Sec. 8, in the vicinity of 43°20'N., 124°22'W.

The lands described aggregate 5 acres, more or less, in Coos County.

Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands at 10 a.m. on April 7, 1980, will be relieved of the segregative effect of the above mentioned application.

The lands remaining in the proposed withdrawal are unsurveyed islands, rocks, and reefs above the line of mean high tide off the Oregon Coast as shown on maps labeled "Exhibit B" submitted by the Fish and Wildlife Service with the withdrawal application filed in this office on January 21, 1974. An amendment of request for withdrawal and a revised Map No. 16 were filed on January 30, 1980. The maps are based upon U.S.G.S. 15-minute series topographical maps and are on file in this office. The lands, after deletion of the three islands identified above, are described as follows:

Willamette Meridian, Oregon

[Legal descriptions appearing in parentheses indicate unsurveyed lands and are tentative. The numbers appearing to the left of the names are for identification purposes only.]

No. and name	Description
1 Unnamed Rocks,3 acres	(T. 5 N., R. 11 W., sec. 12) 45°56'07" to 45°56'20" N., 123°59'11" to 123°59'38" W.
2 The Needles, 3 acres	(T. 5 N., R. 10 W., sec. 30) 45°52'56" N.,123°58'08" W.
3 Unnamed Rock, (Off Silver Point, north of Jockey Cap), 1 acre	(T. 4 N., R. 11 W., sec. 1) 45°51'27" N.,123°57'52" W.
4 Jockey Cap, 2 acres	(T. 4 N., R. 11 W., sec. 12) 45°51'17" N.,123°57'56" W.
5 Lion Rock, 1 acre	(T. 4 N., R. 10 W., sec. 7) 45°50'51" N.,123°57'45" W.
6 Gull Rock, 2 acres	(T. 4 N., R. 11 W., sec. 36) 45°47'36" N.,123°58'15" W.
7 Falcon Rock, 1 acre	(T. 3 N., R. 11 W., sec. 11) 45°45'51" N.,123°59'44" W.
8 Twin rocks (two rocks ½ mile off the town of Twin Rocks), 2 acres	(T. 1 N., R. 10 W., sec. 6) 45°35'51" N.,123°57'30" W.
9 Unnamed Rock, 3 acres	(T. 3 S., R. 11 W., sec. 2) 45°20'45" N.,123°59'20" W.
10 Proposal Rock, 5 acres	(T. 5 S., R. 11 W., sec. 35) 45°06'02" N.,123°59'11" W.
11 Three Rocks, 3 acres	(T. 6 S., R. 11 W., sec's. 15 and 22) 45°02'37" to 45°02'45" N.,124°00'49" W.
12 Otter Rock, 3 acres	(T. 10 S., R. 11 W., sec. 6) 44°43'58" N.,124°04'10" W.
13 Whaleback Rock, 2 acres	(T. 10 S., R. 11 W., sec. 8) 44°43'24" N.,124°04'06" W.
14 Seal Rocks, excepting Castle Tourist, and Elephant Rocks in Seal Rock State Park, 5 acres	(T. 12 S., R. 12 W., secs. 24, 25, and 36) 44°28'53" to 44°30'31' N.,124°04'58" to 124°05'38" W.
15 Parrot Rock, 1 acre	(T. 16 S., R. 12 W., sec. 33) 44°08'07" N.,124°507'38" W.
16 Unnamed Rocks, 15 acres	(T. 26 S., R. 14 W., secs. 5, 8, 17, 18, and 19) 43°18'00" to 43°20'54" N.,124°22'31" to 124°24'27" W.
17 Fivemile Point Rocks 8 acres	(T. 27 S., R. 14 W., sec. 19) 43°13'00" to 43°13'16' N.,124°23'45" to 125°24'05" W.
18 Rock 105, 4 acres	(T. 29 S., R. 15 W., sec. 2) 43°05'11" N.,124°26'14" W.

Willamette Meridian, Oregon—Continued

[Legal descriptions appearing in parentheses indicate unsurveyed lands and are tentative. The numbers appearing to the left of the names are for identification purposes only.]

No. and name	Description
19 Klooqueh Rock, 2 acres	(T. 33 S., R. 15 W., sec. 6) 42°44'31" N.,124°31'16" W.
20 Tichenor Rock, 3 acres	(T. 33 S., R. 15 W., sec. 8) 42°43'50" N.,124°30'36" W.
21 South sister Rock of Sisters Rocks, 5 acres	(T. 34 S., R. 14 W., sec. 31) 42°35'26" N.,124°24'26" W.
22 Arch Rock (Two rocks off Deer Point), 3 acres	(T. 39 S., R. 14 W., sec. 16) 42°11'57" to 42°12'08' N.,124°22'32" W.
23 Barnacle Rock, 1 acres	(T. 40 S., R. 14 W., sec. 16) 42°06'39" N.,124°21'53" W.
24 House Rock, 1 acre	(T. 40 S., R. 14 W., sec. 16) 42°06'32" N.,124°21'57" W.
25 Unnamed Rock, 1 acre	(T. 40 S., R. 14 W., sec. 26) 42°05'07" N.,124°20'09" W.
26 White Rock, 1 acre	(T. 40 S., R. 14 W., sec. 26) 42°04'43" N.,124°20'15" W.
27 Blanco Reef, all named and unnamed rocks off Cape Blanco including Black Rock and Pyramid Rock, 7 acres	(T. 31 S., R. 16 W., secs. 34 and 35, T. 32 S., R. 16 W., Secs. 2, 3, and 10) 42°49'24" to 42°50'39" N.,124°33'07" to 124°35'07" W.
28 Rogue River Reef, all named and unnamed rocks northwest off the mouth of the Rogue River, including Northwest Rock, Double Rock, Needle Rock, and Pyramid Rock, 20 acres	(T. 36 S., R. 15 W., secs. 16, 17, 20, 21, 22, 27, and 28) 42°26'04" to 42°27'48" N.,124°27'43" to 124°30'00" W.

The areas described aggregate 108 acres, more or less, in Clatsop, Tillamook, Lincoln, Lane, Coos, and Curry Counties, Oregon.

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, at the address shown below, on or before April 7, 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. 2351.16B. 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 April 7, 1980.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing 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 public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: February 15, 1980.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-6121 Filed 2-27-80; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

National Registry of Natural Landmarks

AGENCY: Heritage Conservation and Recreation Service, Department of the Interior.

ACTION: Notification of Potential National Natural Landmarks.

The areas listed below have been identified as potential National Natural Landmarks by the Service's Division of Natural Landmarks in accordance with the provisions of 36 CFR 1212.4. Pursuant to Section 1212.5(b)(1) of 36 CFR Part 1212, written comments concerning the potential designation of these areas as National Natural Landmarks may be forwarded to the Acting Associate Director for Natural Programs, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments or a request for additional time should be submitted no later than March 31, 1980.

Dated: February 25, 1980.

Robert A. Ritsch,

Acting Associate Director for Natural Programs.

ALASKA

Alaska Peninsula

Pavlof Volcano and Pavlof Sister; located on the Alaska Peninsula

North Slope Borough

Arctic Foothills Ridges; 150 miles SW of Barrow.
Barrow Peninsula; 3 miles S of Barrow.
Kasegaluk Lagoon; 80 miles SW of Wainwright.
Lake Peters—Lake Schrader; 100 miles SE of Prudhoe Bay.
Okpilak Valley; 135 miles SE of Prudhoe Bay.
Point Barrow—Nuwuk Spit; 10 miles N of Barrow.
Sadlerochit Springs; 100 miles SE of Prudhoe Bay.
Sadlerochit—Shublik Mountains; 100 miles E of Prudhoe Bay.
Shublik Springs—Cache Creek Area; 70 miles SE of Prudhoe Bay.
Simpson Seeps; 50 miles SW of Barrow.
Teshekpuk Lake; 70 miles SE of Barrow.
Wainwright Inlet—Kuk River; 85 miles SW of Barrow.

ARIZONA

Cochise County

San Bernardino Volcanic Field; 20 miles NE of Douglas.

Coconino County

San Francisco Mountains; 3 miles N of Flagstaff.

CALIFORNIA

Inyo County

Eureka Dunes; 5 miles NW of Death Valley National Monument.

Mono County

Mono Craters; 25 miles S of Bridgeport. Mono Lake and Negit Island; 25 miles S of Bridgeport.

Mono and Inyo Counties

White Mountains (also in Nevada), 5 miles E of Bishop.

GEORGIA

Columbia County

Heggie's Rock; 17 miles NW of Augusta.

Jasper County

Monticello Wetland Woods; 30 miles N of Macon.

Rockdale County

Panola Mountain; 15 miles SE of Atlanta.

Stephens County

Panther Creek Cove Hardwoods; 6 miles N of Toccoa.

HAWAII

Kauai Island

Kauai Volcano; located on the northwestern side of the island of Kauai.

Oahu Island

Koko Rift; adjacent to the west side of Hawaii Kai.

MARYLAND

Cecil County

Gilpin's Falls; 7 miles NW of Elkton.

NEVADA

Esmeralda County

White Mountains; (also in California), 5 miles E of Bishop, California.

Churchill County

Fairview Peak Earthquake Scarp; 35 miles SE of Fallon.

Humboldt and Pershing Counties

Black Rock Desert; 60 miles W of Winnemucca.

Nye County

Dianas Punchbowl; 35 miles SE of Austin.

Washoe County

Pyramid Lake and Anaho Island; 30 miles N–NE of Reno.

NEW HAMPSHIRE

Coos County

Presidential Range Alpine Area and Great Gulf Wilderness; 6 miles SW of Gorham.

NORTH CAROLINA

Cabarrus County

Concord Ring Dike Complex; 15 miles NE of Charlotte.

Clay County

Buck Creek; 10 miles E of Hayesville.

Davie County

Obicular Diorite; 10 miles NW of Lexington.

Graham County

Joyce Kilmer Memorial Forest; 9 miles NW of Robbinsville.

Jackson County

The Southern Blue Ridge Geomorphic Area; 40 miles SW of Asheville.

Stanly County

Rocky River-Morgan's Bluff; 24 miles E of Charlotte.

Transylvania County

Pink Beds Bogs; 17 miles SW of Asheville.

PENNSYLVANIA

Bucks County

Monroe Border Fault; 1.6 miles S of Riegelville.

TEXAS

Val Verde County

Pistachio Relict Area; 34 miles NW of Del Rio.

[FR Doc. 80-6206 Filed 2-27-80; 8:45 am]

BILLING CODE 4310-03-M

National Park Service

Big Cypress National Preserve, Florida; Boundary Publication

Correction

In FR Doc 80–1472 appearing on page 3393, in the issue of January 17, 1980, make the following corrections:

On page 3393, second column, the first word of the fifty-third line should have been spelled "Thence,".

On page 3393, the third column, the eighth line should have read: "Secs. 4, 5, 8, 17, 20, 29 and 32, T–53–S, R–".

On page 3393, third column, the ninth line from the bottom should have read: "Thence, west, along the south line of the".

On page 3394, first column, the twenty-eighth line from the bottom, should have read: "and 31, T–53–S, R–31–E, to the SW corner".

BILLING CODE 1505-01-M

Big Cypress National Preserve, Florida; Correction of Boundry

In FR Volume 45, Number 12, published at page 3394 on January 17, 1980, the following correction should be made;

1. On page 3394, in the first column of the second line of the eighteenth paragraph "said Sec. 31, to the SW corner or SE¼" should be corrected to read "said Sec. 31, to the SW corner of SE¼"

Joe Brown,

Regional Director, Southeast Region.

[FR Doc. 80-6419 Filed 2-27-80; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

[Order No. 3047]

Rescission of Orders Nos. 2999 and 3036; Alaska Game Management Units

On February 5, 1980, the United States Court of Appeals for the District of Columbia Circuit reversed the decision of the District Court in the case of *Defenders of Wildlife v. Andrus,* (Civil No. 79–0800). The District Court had ordered me to close all public lands under the jurisdiction of the Bureau of Land Management in the State of Alaska within the boundaries of Alaska Game Management Units numbered 19(A), 19(B) and 21 to the aerial hunting of wolves. On March 13, 1979, Secretarial Order No. 3036 was issued effecting such closure. Because the decision of the appellate court has eliminated the basis for this closure, it is hereby rescinded effective immediately.

On February 17, 1977, I issued Secretarial Order No. 2999 closing all public lands under the jurisdiction of the Bureau of Land Management in the State of Alaska within the boundaries of Alaska Game Management Units numbered 23, 24 and 26 to the aerial hunting of wolves under a similar order of the District Court issued in an earlier case entitled *Defenders of Wildlife v. Andrus,* (Civil No. 77–0212). On March 16, 1979, this case was remanded to the District Court by the United States Court of Appeals for the District of Columbia Circuit with instructions to dismiss. Because a similar suit was pending when the appellate court remanded this earlier case on March 16, 1979, and a second closure order had been issued, I did not revoke Order No. 2999 at that time. As that suit is now concluded, Order No. 2999 is also hereby rescinded effective immediately.

However, to the extent that any of these lands within Alaska Game Management Units 19(A), 19(B), 21, 23, 24 and 26 are no longer under the jurisdiction of the Bureau of Land Management because of withdrawals (45 FR 9562–9726, February 12, 1980) or because of the creation of National Monuments (43 FR 57009–57131, December 5, 1978), such lands are now subject to the jurisdiction of the Fish and Wildlife Service or the National Park Service and any proposed actions with respect to them must now be in compliance with the laws and regulations administered by those agencies.

Dated: February 15, 1980.

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc. 80-6122 Filed 2-27-80; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Notice. No. 171]

Assignment of Hearings

February 22, 1980.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or

postponements of hearings in which they are interested.

MC 133937 (Sub-31F), Carolina Cartage Company, Inc., dismissed application.
MC 140829 (Sub-127F), Cargo, Inc., now being assigned for hearing on June 18, 1980 (1 day) at Boston, MA location of hearing room will be by subsequent notice.
MC 145864F, Paragon Transportation Co., Inc., now being assigned for hearing on June 19, 1980 (2 days) at Boston, MA location of hearing room will be by subsequent notice.
MC 97658 (Sub-2F), Northampton & Boston Express Service, Inc., now being assigned for hearing on June 23, 1980 (1 week) at Boston, MA location of hearing room will be by subsequent notice.
MC 114569 (Sub-305F), Shaffer Trucking, Inc., now assigned for hearing on April 8, 1980 at Washington, DC is postponed indefinitely.
AB 6 (Sub-69F), Burlington Northern, Inc., Abandonment Between West Quincy, and Kirksville, MO., now assigned for hearing on March 24, 1980 will be held at the County Courthouse, Center Location of Town, Edina, MO.
MC 145402 (Sub-2F), Lake Line Express, Inc., now assigned for hearing on March 24, 1980 will be held at the Guess House Inn, 3930 West College Avenue, Appleton, WI.
MC 141963 (Sub-2F), Air Cargo Transit, Inc., now assigned for hearing on March 24, 1980 will be held at the Arizona Corporation Commission, Hearing Room 1, 222 West Encanto Blvd., 23rd Grand Avenue, Phoenix, AZ
MC 41406 (Sub-97F), Artim Transportation System, Inc., now assigned for continued hearing on March 25, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.
MC 138609 (Sub-3F), Robert L. Arnold, d.b.a. Plantation Transport Company, now assigned for hearing on March 19, 1980 is canceled and Application Dismissed.
AB 26 (Sub-14F), Georgia Northern Railway Company Abandonment Near Moultrie and Pavo, IN. Colquitt and Thomas Counties, GA. Application Dismissed.
MC 118457 (Sub-23F), Robbins Distributing Company, Inc., now assigned for hearing on March 10, 1980 will be held at the U.S. District Court, Ceremonial Court Room 382, 517 East Wisconsin Avenue, Milwaukee, WI.
MC 146958 F, Transportation Services, Inc., now being assigned for hearing on April 16, 1980 (3 days), at Reno, NV. in a hearing room to be designated later.
MC 144789 (Sub-1F), Suzanne V. King, d.b.a. Ernie's Mobile Home Transport, now being assigned for hearing on April 21, 1980 (1 week), at San Francisco, CA. in a hearing room to be designated later.
AB 43 (Sub-58), Illinois Central Gulf Railroad Company Abandonment Near New Holland and Havana, In Logan and Mason Counties, IL. now assigned for hearing on March 10, 1980 will be held at the City Hall, 227 West Main Street, Havana, IL.
MC 114569 (Sub-305F), Shaffer Trucking, Inc., now being assigned for hearing on April 8, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC
MC 140024 (Sub-145F), J. B. Montgomery, Inc., now being assigned for hearing on April 9, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC
MC 97310 (Sub-32F), Sharron Motor Lines, Inc., now being assigned for Prehearing Conference on March 26, 1980 at the offices of the Interstate Commerce Commission in Washington, DC.
MC 141033 (Sub-54F), Continental Contract Carrier Corporation, now being assigned for Prehearing Conference on April 8, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.
MC 128888 (Sub-4F), Panda Transport, inc., now being assigned for hearing on April 16, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.
MC 14715 (Sub-1F), Passaci Valley Coach Lines, d.b.a. Passaci Valley Coaches, now assigned for hearing on March 10, 1980 will be held in Room No. 730, Federal Building, 970 Board Street, Newark, NJ.
MC 45764 (Sub-31F), Robbins Motor Transportation, Inc., now assigned for hearing on March 12, 1980 will be held on the 55th Floor, One World Trade Center, New York, NY.
MC 108859 (Sub-68F), Clairmont Transfer Company, now assigned for hearing on March 25, 1980 is canceled and transferred to Modified Procedure.
MC 135070 (Sub-45F), Jay Lines, Inc., now being assigned for hearing on April 29, 1980 (1 day), at Fort Worth, TX in a hearing room to be designated later.
MC 124692 (Sub-279F), Sammons Trucking, now being assigned for hearing on April 30, 1980 (3 days), at Fort Worth, TX. in a hearing room to be designated later.
MC 146375F, Mercer International Transportation Management and Consulting Services, Inc., now being assigned for hearing on May 5, 1980 (5 days), at Houston, TX. in a hearing room to be designated later.
MC 113855 (Sub-478F), International Transport, Inc., now assigned for hearing on April 8, 1980 is canceled and transferred to Modified Procedure.
MC 107912 (Sub-22F), Rebel Motor Freight, Inc., now assigned for continued hearing on April 2, 1980 (2 days) at Jackson, MS, location of hearing room will be by subsequent notice.
MC 56679 (Sub-109F), Brown Transport, Corporation, now assigned for continued hearing on March 24, 1980 (5 days) at Atlanta, GA is postponed to April 14, 1980 (3 days), at Atlanta, GA at the Marriott Hotel, Courtland & International Blvd.
MC 78687 (Sub-58F), Lott Motor Lines, Inc., now assigned for hearing on March 10, 1980 (2 days) at New York, NY in Room E-2222, Federal Building, 26 Federal Plaza.
MC 19311 (Sub-59F), Central Transport, Inc., now assigned for hearing on March 12, 1980 (3 days) at New York City, NY in Room E-2222, Federal Building, 26 Federal Plaza.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-6161 Filed 2-27-80; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 241(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which

the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed on or before March 31, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 2

Decided: Feb. 8, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman, and Jensen.

MC 989 (Sub-36F), filed October 15, 1979. Applicant: IDEAL TRUCK LINES, INC., P.O. Box 330, 912 North State Street, Norton, KS 67654. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Kansas City, MO and Salina, KS over Interstate Hwy 70, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's otherwise authorized regular-route operations; (2) between Kansas City, MO and Des Moines, IA, over Interstate Hwy 35 serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Kansas City, MO or Des Moines, IA.)

Note.—Applicant intends to tack the authority with its other regular- and irregular-routes authority.

MC 989 (Sub-37F), filed October 15, 1979. Applicant: IDEAL TRUCK LINES, INC., 912 North State Street, P.O. Box 330, Norton, KS 67654. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Kansas City, MO, and Topeka, KS, over Interstate Highway 70, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Kansas City, MO.)

Note.—Applicant intends to tack the authority with its otherwise authorized regular-route and irregular-route authorities.

MC 2228 (Sub-71F), filed August 10, 1979, previously noticed in **Federal Register** issue of January 15, 1980. Applicant: MERCHANT'S FAST MOTOR LINES, INC., East Hwy. 80, P.O. Box 591, Abilene, TX 79604. Representative: Jerry Prestridge, P.O. Box 1148, Austin, TX 78767. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between El Paso TX, and Albuquerque, NM: (a) from El Paso over Interstate Hwy 10 to junction Interstate Hwy 25, then over Interstate Hwy 25 to Albuquerque, and return over the same route, and (b) over U.S. Hwy 85, (2) between El Paso, TX, and San Antonio, NM; from El Paso over U.S. Hwy 54 to Carrizozo, NM, then over U.S. Hwy 380 to San Antonio, and return over the same route, serving The White Sands Missile Range as an off-route point, (3) between Tularosa and Carrizozo, NM: from Tularosa over U.S. Hwy 70 to junction U.S. Hwy 380, then over U.S. Hwy 380 to Carrizozo, and return over the same route, (4) between junction U.S. Hwy 70 and NM Hwy 37 and junction NM Hwy 48 and U.S. Hwy 380: from junction U.S. Hwy 70 and NM Hwy 37, over NM Hwy 37 to junction NM Hwy 48, then over NM Hwy 48 to junction U.S.Hwy 380, and return over the same route, (5) between Las Cruces and Alamogordo, NM, over U.S. Hwy 70, serving The White Sands Missile Range and Holloman Air Force Base as off-route points, (6) between Brownfield, TX, and Hondo, NM, over U.S. Hwy 380, (7) between Lubbock, TX, and Albuquerque, NM: from Lubbock over U.S. Hwy 84 to Clovis, NM, then over

U.S Hwy 60 to Encino, NM, then over U.S. Hwy 285 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Albuquerque, and return over the same route, and (8) between Adrian, TX, and Albuquerque, NM, (a) over Interstate Hwy 40, and (b) over U.S. Hwy 66, serving all intermediate points in routes (1)(a), (1)(b), (2), (3), and (4) above, and serving no intermediate points in routes (6), (7), (8)(a), and (8)(b). Condition: To extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives it shall be limited in points of time to a period expiring 5 years from the date of issuance. (Hearing site: Dallas or Houston, TX.)

Note.—Applicant intends to tack this authority with its otherwise authorized operations.

Note.—(A) This republication adds service to all intermediate points in route (2). (B) Applicant intends to tack this authority with its otherwise authorized operations.

MC 22509 (Sub-24F), filed October 18, 1979. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Ave., P.O. Box 939, St. Joseph, MO 64505. Representative: E. Wayne Farmer, City Center Square, 27th Floor, 12th and Baltimore, P.O. Box 26010, Kansas City, MO 63196. Transporting *paper and paper products and equipment, materials, and supplies* used in the manufacture and distribution of paper and paper products, between points in IL, WI, IN, MO, IA, NE, and KS. (Hearing site: Kansas City, MO.)

MC 23618 (Sub-56F), filed September 4, 1979. Applicant: McALISTER TRUCKING COMPANY, d.b.a. MATCO, 2041 S. Treadway Blvd., Abilene, TX 79604. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting *iron and steel articles*, from the facilities of United States Steel Corporation, at or near (a) Gary, IN, and (b) South Chicago and Joliet, IL, to points in AR, KS, LA, MO, OK, and TX. (Hearing site: Dallas, TX.)

MC 23618 (Sub-57F), filed September 26, 1979. Applicant: McALISTER TRUCKING COMPANY, a corporation, d.b.a. MATCO, P.O. Box 2377, Abilene, TX 79604. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. Transporting (1) *cooling equipment*, and (2) *materials, equipment and supplies* used in the manufacture, installation, maintenance, or distribution of the commodities named in (1) above, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of The Marley Cooling Tower Company, or its dealers. (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 25518 (Sub-24F), filed October 17, 1979. Applicant: JOHN BUNNING TRANSFER COMPANY, INC., Box 128, Rock Springs, WY 82901. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. Transporting *sodium phosphate, sesquii carbonate, soda ash, and soda ash by-products*, from points in Sweetwater County, WY, to points in the United States (except AK and HI). (Hearing site: Denver, CO or Salt Lake City, UT.)

MC 28088 (Sub-49F), filed October 5, 1979. Applicant: NORTH & SOUTH LINES, INC., 2710 S. Main Street, Harrisonburg, VA 22801. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting *foodstuffs* (except commodities in bulk), between points in Bedford, Frederick, Buckingham and Rockingham Counties, VA, and Berkeley and Jefferson Counties, WV, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Harrisonburg, VA.)

MC 29079 (Sub-123F), filed August 8, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H St. NW., Washington, DC 20006. Transporting *aluminum articles, zinc ingots, and silicon metals*, from the facilities of U.S. Reduction Co., at or near Russellville and Sheffield, AL, to points in AR, DE, GA, IL, IN, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WI, WV, and DC. (Hearing site: Washington, DC.)

MC 29079 (Sub-128F), filed August 8, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H St. NW., Washington, DC 20006. Transporting (1) *steel pipe, pipe fittings, beams, piling, rails, railway track accessories, bridge and highway railings, pile drivers, pile extractors, and parts* for pile drivers and pile extractors, and (2) *materials, equipment, and supplies* used in the manufacture, installation, dismantling, or distribution of the commodities in (1) above, and commodities in bulk between the facilities of L. B. Foster Company, at Parkersburg and Washington, WV, on the one hand, and, on the other, points in AL, DE, FL, GA, IL, IN, KY, MD, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WI, DC, and those in LA east of the Mississippi River. (Hearing site: Washington, DC.)

MC 29079 (Sub-134F), filed September 4, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H St. NW., Washington, DC 20006. Transporting *iron and steel particles*, and *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, between Elk Grove Village, IL, Evansville, IN, Arnold and New Kensington, PA, and Mansfield, Oh, on the one hand, and, on the other, points in AL, DE, GA, IL, IN, KY, MD, MO, MS, NC, NJ, NY, OH, PA, SC, TN, VA, WI, WV, DC, those points in LA on and east of the Mississippi River, and points in the Lower Peninsula of MI. (Hearing site: Washington, DC.)

MC 35628 (Sub-419F), filed October 1, 1979. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, P.O. Box 175, 100 Ionia Ave., N.W., Grand Rapids, MI 49501. Representative: Michael P. Zell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Carrollton, KY, and an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Lansing or Grand Rapids, MI.)

MC 35628 (Sub-420F), filed October 8, 1979. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, P.O. Box 175, 100 Ionia Ave., N.W., Grand Rapids, MI 49501. Representative: Michael P. Zell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Attica, IN, and an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 35628 (Sub-425F), filed October 16, 1979. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, P.O. Box 175, 100 Ionia Ave., N.W., Grand Rapids, MI 49501. Representative: Michael P. Zell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission,

commodities in bulk, and those requiring special equipment), serving the facilities of Revere Copper and Brass Incorporated, at or near Shelbyville, KY, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Albany or Syracuse, NY).

MC 40898 (Sub-26F), filed June 11, 1979, previously noticed in Federal Register issue of January 15, 1979. Applicant: S & W MOTOR LINES, INC., P.O. Box 11439, Greensboro, NC 27409. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting (1) *synthetic fibre,* between Nitro, WV, on the one hand, and, on the other, points in GA and TN, (2) *synthetic fibre and synthetic yarn,* (a) between Front Royal, VA, and Lewistown and Meadville, PA, on the one hand, and, on the other, points in GA, NC, SC, TN, and VA, and (b) between Radford and Front Royal, VA, Lewistown, and Meadville, PA, and Nitro, WV, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (2) above, (a) from points in GA, NC, SC, TN, and VA, to Radford and Front Royal, VA, Lewistown and Meadville, PA, and Nitro, WV, and (b) between Radford and Front Royal, VA, Lewistown and Meadville, PA, and Nitro, WV. (Hearing site: Washington, DC, or Greensboro, NC.)

Note.—This republication changes Front Royal, VT, to Front Royal, VA, in (2)(a).

MC 52709 (Sub-374F), filed October 9, 1979. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). Transporting *explosives and commercial freight trailers,* between those points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI). Conditions: (1) The certificate to be issued in this proceeding, to the extent it authorizes the transportation of explosives, shall be limited in point of time to a period expiring 5 years from its date of issue. (2) The person or persons engaged in common control of applicant and other regulated carriers must file an application for approval under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Denver, CO.)

MC 56679 (Sub-142F), filed October 9, 1979. Applicant: BROWN TRANSPORT CORP. 352 University Ave., SW., Atlanta, GA 30310. Representative: David L. Capps (same address as applicant). Transporting *milk food, drugs, plastic articles, and rubber articles* (except commodities in bulk), from Altavista, VA, Columbus, OH, and Sturgis, MI, to points in TX, OK, AR, and LA, and those in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Columbus, OH, or Atlanta, GA.)

MC 88368 (Sub-35F), filed May 31, 1979, previously published January 15, 1980. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: Thomas R. Kengsley, 1901 L Street, N.W., Suite 200, Washington, DC 20036. Transporting (1) (a) *commercial furniture; institutional furniture; and kitchen furnishings and fixtures,* and (b) *equipment and materials* used in the manufacture and distribution of the commodities in (1) (a) above, and (c) *parts and accessories* for the commodities in (1) (a) above, between Kansas City, MO, and Baxter Springs, KS, on the one hand, and, on the other, points in the United States (including AK, but excluding HI), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, from points in the United States (including AK and HI) to Kansas City, MO. (Hearing site: Kansas City, MO, or Washington DC.)

MC 88368 (Sub-37F), filed June 6, 1979. previously published January 15, 1980. Applicant: CARTWRIGHT VAN LINES INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: Thomas R. Kingsley, 1901 L Street, N.W., Suite 200, Washington, DC 20036. Transporting (1) *(a) playground equipment and recreational equipment, (b) restaurant equipment, furnishings, and fixtures, and(c) accessories and parts* for the commodities in (1) (a) and (b) above, and (c) *materials* used in the installation of the commodities in (1) (a) and (b) above, from Grinnell, Mount Ayr, and Seymour, IA, and Glendale, CA, to points in the United States including HI, but excluding AK), and (2) *plastic sheeting and plastic forms,* from Mansfield, TX, to Grinnell, IA. (Hearing site: Kansas City, MO, or Washington DC.)

MC 100449 (Sub-112F), filed September 4, 1979. Applicant: MALLINGER TRUCK LINE, INC., R.R. 4, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *meats, meat products and meat by-products, and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), (1) from East St. Louis, IL, to points in IA, MN, OK, TX and WI, (2) from Sioux City, IA, to points in OK and TX, and (3) from St. Paul, MN, to points in IA, KS, MO, NE, OK, TX and WI, restricted in (1), (2), and (3) above to the transportation of traffic originating at the facilities of John Morrell & Co., at or near the named origins, and destined to the indicated destinations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 105269 (Sub-84F), filed October 9, 1979. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Kalamazoo, MI, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to Kalamazoo, MI. (Hearing site: Lansing, MI, or Chicago, IL.)

MC 106398 (Sub-971F), filed October 9, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Fred Rahal (same address as applicant). Transporting *glass and accessories* for glass, from the facilities of Pittsburgh Corning Corporation, at (a) Sedalia, MO, and (b) Port Allegeny, PA to points in the United States (except AK and HI). (Hearing site: Philadelphia, PA.)

MC 108119 (Sub-151F), filed April 27, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting (1) *cranes,* and (2) *attachments, parts, and accessories* for the cranes, between points in the United States (except AK and HI). (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 108119 (Sub-184F), filed September 4, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *machinery,* (2) *tools and dies,* and (3) *parts and accessories* for the commodities in (1) and (2) above, from Nashville, TN, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Wright Industries at Nashville, TN. (Hearing site: Nashville, TN.)

MC 108119 (Sub-185F), filed September 4, 1979. Applicant: E. L.

MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *shears, press brakes, drill presses, platen presses, and ironworker,* from the facilities of (a) Hydra Tool Corporation at Greenwood, MS, and (b) Hydra Tool Company, Inc., at Topeka, KS, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named facilities. (Hearing site: Jackson, MS, or Memphis, TN.)

MC 108119 (Sub-187F), filed September 4, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *plastic pipe and fittings,* from the facilities of R & G Sloane Manufacturing Company, Inc., at or near (a) Sun Valley, Santa Ana, and Bakersfield, CA, (b) Cleveland, OH, and (c) Stone Mountain, GA, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named facilities. (Hearing site: Los Angeles, CA.)

MC 108119 (Sub-195F), filed October 1, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *fabricated steel articles,* from the facilities of Steel Fabricating & Machinery Company at Birmingham, AL to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named facilities. (Hearing site: Birmingham, AL.)

MC 108119 (Sub-199F), filed October 1, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *industrial wood burners,* and (2) *parts, attachments and accessories for industrial wood burners,* from the facilities of McConnell Industries at Birmingham, AL, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named facilities. (Hearing site: Birmingham, AL.)

MC 108119 (Sub-200F), filed October 9, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *cable, wire, pipe and pipe fittings, hose, and mining equipment, materials, and supplies,* (1) from points in TX and CA to Price, UT, restricted to the transportation of traffic destined to the facilities of Anixter Mine and Industry at Price, UT, and (2) from Price, UT to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Anixter Mine and Industry at Price, UT. (Hearing site: Salt Lake City, UT.)

MC 109449 (Sub-45F), filed October 16, 1979. Applicant: KUJAK TRANSPORT, INC., 6366 W. 6th Street, Winona, MN 55987. Representative: Gary Huntbatch (same address as applicant). Transporting *fertilizer,* (1) from Pine Bend, MN, to points in WI, and (2) from LaCrosse, WI to points in MN and IA. (Hearing site: St. Paul, MN.)

MC 109689 (Sub-348F), filed April 25, 1979. Applicant: W. S. HATCH CO., a corporation, P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, 10 West Broadway, No. 400, Salt Lake City, UT 84101. Transporting *road oils and asphalt,* from Sinclair, WY, and points within 10 miles of Sinclair, to points in UT. (Hearing site: Salt Lake City, UT.)

MC 110098 (Sub-178F), filed October 1, 1979. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Rd., P.O. Box 20380, San Antonio, TX 78220. Representative: T. W. Cothren (same address as applicant). Transporting (1) *foodstuffs,* and (2) *materials, equipment, and supplies* used in the manufacture, sale or distribution of foodstuffs (except commodities in bulk, in tank vehicles), between those points in the United States in and west of MI, OH, IN, IL, MO, AR, and LA (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Frito-Lay, Inc. (Hearing site: Dallas or San Antonio, TX.)

MC 112539 (Sub-21F), filed October 24, 1979. Applicant: PERCHAK TRUCKING, INC., P.O. Box 811, Hazleton, PA 18201. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting *malt beverages,* in containers, (1) from Columbus, OH, Williamsburg, VA, Detroit, MI, and Newark, NJ, to Tannersville, PA, and (2) from South Volney Township, NY, Columbus, OH, Williamsburg, VA, and Detroit, MI, to Hazleton, PA. (Hearing site: Wilkes Barre, PA.)

MC 113059 (Sub-10F), filed October 22, 1979. Applicant: KELLER TRANSPORT, INC., Route 1, Katy Lane, Billings, MT 59101. Representative: F. E. Keller (same address as applicant). Transporting *asphalt and road oil,* in tank vehicles, from points in Yellowstone County, MT, to points in ID. (Hearing site: Billings, MT.)

MC 113678 (Sub-849F), filed October 22, 1979. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting *plastic articles,* and *materials, equipment, and supplies* used in the manufacture, sale, and distribution of plastic articles (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Mahoney Plastics Corporation. (Hearing site: Phoenix, AZ.)

MC 114569 (Sub-316), filed May 22, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting *Plastic sheets and vinyl,* from Stratford, CT, and points in NY, to memphis, TN. (Hearing site: Memphis, TN, or Washington, DC.)

Note.—Dual operations may be involved.

MC 114969 (Sub-88F), filed October 5, 1979. Applicant: PROPANE TRANSPORT, INC., 1734 State Rte. 131, Milford, OH 45150. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1)(a) *dry animal and poultry feeds, mineral mixtures, animal and poultry tonics and medicines, pesticides,* and *livestock and poultry feeders,* and (b) *materials, equipment, and supplies* used in the distribution of the commodities in (1)(a) above (except liquid commodities, in tank vehicles), from the facilities of Moorman Manufacturing Co., at or near Quincy and Alpha, IL, to points in IN, MI, and OH, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above (except liquid commodities, in tank vehicles), in the reverse direction. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 114969 (Sub-89F), filed October 16, 1979. Applicant: PROPANE TRANSPORT, INC., 1734 State Route. 131, P.O. Box 232, Milford, OH 45150. Representative: James R. Stiverson, 1396 West Fifth Ave., Columbus, OH 43212. Transporting *liquid fertilizer, liquid fertilizer ingredients, liquid feed, and liquid feed ingredients,* from Adrian, MI, to points in IL, IN, and OH. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 114969 (Sub-90F), filed October 16, 1979. Applicant: PROPANE TRANSPORT, INC., 1734 State Route. 131, P.O. Box 232, Milford, OH 45150. Representative: James R. Stiverson, 1396

West Fifth Ave., P.O. Box 12241, Columbus, OH 43212. Transporting *liquified petroleum gas,* (1) from Blue Island, IL, to points in IN, and (2) from Painesville, OH, to points in NY, PA, and WV. Condition: Any certificate issued in this proceeding shall be limited in term to a period of time expiring 5 years from its date of issuance. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 116118 (Sub-4F), filed June 4, 1979. Applicant: GARDINER'S EXPRESS, INC., Moss Mill Road, Mullica Township, Hammonton, NJ 08037. Representative: James F. Maher, 1100 Four Penn Center Plaza, Philadelphia, PA 19103. Transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those special equipment), between points in NJ, and (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, NY, Philadelphia, PA, and points in NJ and New Castle County, DE, restricted in (1) above to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Philadelphia, PA, or Washington, DC.)

Note.—Applicant has introduced rates as an issue in this proceeding.

MC 116519 (Sub-68F), filed September 6, 1979. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada N7M 5J6. Representative: Jeremy Kahn, Suite 733 Investment Bldg., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, in foreign commerce only, over irregular routes, transporting *such commodities* as are dealt in or used by dealers and manufacturers of agricultural equipment (except commodities in bulk), from Kaukauna, WI, to those ports of entry on the international boundary line between the United States and Canada located in MI, NY, VT, NH, and ME. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 116519 (Sub-73F), filed October 5, 1979. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, in foreign commerce only, over irregular routes, transporting *flat glass,* from the facilities of PPG Industries, Inc., at or near (a) Mt. Holly Springs and Kebert Park, PA, (b) Cumberland, MD, and (c) Crystal City, MO, to the ports of entry on the international boundary line between the United States and Canada located in MI and NY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 116859 (Sub-26F), filed October 22, 1979. Applicant: CLARK TRANSFER, INC., P.O. Box 190, Burlington, NJ 08016. Representative: David A. Sutherlund, 1150 Connecticut Ave., NW., Suite 400, Washington, DC 20036. Transporting (1) *printed matter,* and (2) *materials and supplies* used in the manufacture and distribution of printed matter (except commodities in bulk), between points in CT, DE, FL, GA, IL, IN, IA, KY, MD, MI, NJ, NY, NC, OH, PA. SC, TN, VA, WV, WI and DC, on the one hand, and, on the other, points in CT, DE, IL, KY, MD, MI, NJ, NY, NC, OH, PA, SC, VA, WV, WI and DC. (Hearing site: Washington, DC.)

MC 117119 (Sub-770F), filed September 6, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, P.O. Box 156, Mt. Laurel, NJ 08054. Transporting *confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration, from W. Reading and Wyomissing, PA, to points in NE, KS, MO, IL, TN, and MN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Philadelphia, PA.)

MC 118159 (Sub-364F), filed October 22, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Ft. Lauderdale, FL 33308. Transporting *foodstuffs,* between points in Polk, Orange, Pasco, and Manatee Counties, FL, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Chicago, IL.)

MC 118838 (Sub-62F), filed September 4, 1979. Applicant: GABOR TRUCKING, INC., R.R. 4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *iron and steel articles,* from points in Mahoning and Trumbull Counties, OH, and Mercer County, PA, and the facilities of United States Steel Corporation at or near Cleveland, Lorain, and McDonald, OH, to points in CA, CO, ID, IA, KS, MN, MT, NE, ND, NV, OR, SD, UT, WA, WI, and WY. (Hearing site: Cleveland, OH, or Pittsburgh, PA.)

MC 118959 (Sub-242F), filed October 9, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603. Transporting *phosphated non-alcoholic beverages,* from the facilities used by Shasta Beverages, at or near Houston, TX, to points in LA. (Hearing site: Houston, TX.)

MC 119099 (Sub-27F), filed August 10, 1979. Applicant: BJORKLUND TRUCKING, INC., 1st Ave., N.E. and 8th Street, Buffalo, MN 55313. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *lumber,* (1) from Willmar, MN, to points in MT, ND, SD, NE, IA and WI, and (2) from points in Crook and Weston Counties, WY, and Butte and Lawrence Counties, SD, to Willmar, MN. (Hearing site: Minneapolis-St. Paul, MN.)

MC 119789 (Sub-634F), filed October 9, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *fluorescent lighting fixtures* and *parts* for fluorescent lighting fixtures, and *fluorescent lamps,* (1) from Americus, GA, to points in MO, AR, KS, IA, and NE, and (2) from Eufala, AL, to points in MO, KS, AR, IA, NE, OK, AZ, CA, CO, NV, NM, OR, TX, UT, and WA. (Hearing site: Macon or Atlanta, GA.)

MC 119988 (Sub-210F), filed September 4, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Mike Cox (same address as applicant). Transporting *leonardite* (except in bulk), from points in Brewster County, TX, to points in CO, NM, AR, TN, AL, MS, GA, FL, NC, and SC. (Hearing site: Dallas or Houston, TX.)

MC 119988 (Sub-220F), filed October 9, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Transporting (1) *animal feed, and animal feed ingredients, supplements, and additives,* and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities named in (1) above (except commodities in bulk), between Cerritos, Irvine, and Vernon, CA, Mattoon, IL, Columbus, OH, and Ogden, UT, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Kal Kan Foods, Inc. (Hearing

site: Los Angeles, CA or Washington, DC.)

MC 123048 (Sub-472F), filed October 9, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, WI 53406. Representative: John L. Bruemmer, 121 W. Doty St., Madison, WI 53703. Transporting *such commodities* as are dealt in or used by agricultural equipment and industrial equipment dealers and manufacturers (except commodities in bulk), between points in the United States (except AK and HI). (Hearing site: Cleveland or Columbus, OH.)

MC 125689 (Sub-7F), filed September 4, 1979. Applicant: BEATTYVILLE TRANSPORT, INC., Box 357, Catlettsburg, KY 41129. Representative: Oakie G. Ford (same address as applicant). Transporting *petroleum and petroleum products,* in bulk, in tank vehicles, between points in Boyd County, KY, on the one hand, and, on the other, points in OH and WV. (Hearing site: Charleston, WV.)

Note.—The person or persons who appear to be engage in common control of applicant and another regulated carrier must either file an application for approval under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 126118 (Sub-196F), filed October 5, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). Transporting (1) *such commodities* as are dealt in by grocery and food business houses and agricultural feed business houses, *soy products, paste and flour products, and dairy based products,* and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of the commodities in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by the Ralston Purina Company. (Hearing site: St. Louis, MO or Omaha, NE.)

MC 127579 (Sub-29F), filed October 16, 1979. Applicant: HAULMARK TRANSFER, INC., 110 North Macon St. Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant). Transporting *such commodities* as are dealt in by retail stores (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Best Products Company, Inc. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 129908 (Sub-18F), filed October 16, 1979. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Oklahoma City, OK 73107. Representative: T. J. Blaylock (same address as applicant). Transporting *wooden furniture,* from the facilities of Broyhill Industries, at points in NC, to points in MO. (Hearing site: Oklahoma City, OK.)

MC 133019 (Sub-1F), filed October 9, 1979. Applicant: TRIANGLE TRANSPORTATION, INC., 6747 Avenue W, Houston, TX 77020. Representative: Clint Oldham, 1108 Continental Life Bldg., Ft. Worth, TX 76102. Transporting (1) *iron and steel articles,* and *pipe,* from Conroe, TX, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Dallas or Houston, TX.)

MC 133689 (Sub-304F), filed September 4, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Rockwell International. (Hearing site: St. Paul, MN.)

MC 133689 (Sub-307F), filed September 6, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Borden, Inc. (Hearing site: St. Paul, MN.)

MC 134129 (Sub-11F), filed March 5, 1979. Applicant: WILLIAM A. LONG, INC., Bealeton, VA 22712. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fence, fence fittings, and fence accessories,* from the facilities of Capital Wire & Fence Company, Inc., at Bladenburg, MD, to those points in the United States in and east of WI, IL, KY, TN, and MS, under continuing contract(s) with Capital Wire & Fence Company, Inc., of Bladensburg, MD. (Hearing site: Washington, DC.)

MC 138018 (Sub-59F), filed October 29, 1979. Applicant: REFRIGERATED FOODS, INC., P.O. Box 1018, Denver, CO 80201. Representative: Joseph W. Harvey (same address as applicant). Transporting *foodstuffs* (except commodities in bulk), from the facilities of Skyland Food Corp., at or near Delta, CO, to points in AZ, CA, IL, IA, KS, NE, OK, NM, MO, TX, MN, IN, OH, and WI, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Denver, CO, or Salt Lake City, UT.)

MC 138018 (Sub-60F), filed October 29, 1979. Applicant: REFRIGERATED FOODS, INC., P.O. Box 1018, Denver, CO 80201. Representative: Joseph W. Harvey (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between those points in the United States in and west of OH, KY, TN, AR, and LA (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by the Ralston Purina Company. (Hearing site: St. Louis, MO.)

MC 138308 (Sub-90F), filed September 4, 1979. Applicant: KLM, INC., Old Highway 49, South, P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting (1) *pole and transmission line construction materials* (except commodities requiring special equipment), from East Stroudsburg, PA, to Vicksburg, MS, and points in LA, (2) *transformers and parts for transformers,* (except commodities requiring special equipment), from Zanesville, OH, to points in the United States (except AK and HI), and (3) *lightning arresters, and electrical cut-outs,* and (b) *parts* for the commodities in (3)(a) above, from Olean, NY, to points in CA, GA, LA, MO, NC, OH, OR, PA, and TX, restricted in (1), (2), and (3) above to the transportation of traffic originating at the facilities of McGraw Edison Co., at the named origins. (Hearing site: Pittsburgh, PA, or Jackson, MS.)

Note.—Dual operations may be involved.

MC 139379 (Sub-5F), filed October 15, 1979. Applicant: LES MATHRE TRUCKING, INC., 417 8th Street, Story City, IA 50248. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moinés, IA 50309. Transporting *Meats, meat products, meat by-products, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities used by Farmland Foods, Inc., at or near (a) Lincoln, Omaha, and Crete, NE, and (b) Denison, Carroll, Iowa Falls, Des Moines, Fort Dodge, and Sioux City, IA, to points in AZ, NM, LA, TX, CA, WA, OR, CO, AR, OK, and TN. (Hearing site: Omaha, NE.)

MC 140628 (Sub-3F), filed October 18, 1979. Applicant: CHARLES R. PALS d.b.a. PALS CARTAGE, 31 West 168th Street, South Holland, IL 60473. Representative: Charles R. Pals (same address as applicant). Transporting (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) in trailers having a prior or subsequent movement by rail, and (2) *empty railroad trailers,* between Chicago, IL, on the one hand, and, on the other, points in IL and IN. (Hearing site: Chicago, IL or Washington, DC.)

MC 140768 (Sub-42F), filed June 8, 1979. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting (1) *Plastic containers, and accessories* for plastic containers, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk and those requiring special equipment), between the facilities of Amoco Container Company, at or near (a) Seymour, IN, (b) Orlando, FLa, and (c) Langhorne, PA, on the one hand, and, on the other, points in CA, and those in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 140829 (Sub-305F), filed September 4, 1979. Applicant: CARGO, INC., a New Jersey corporation, P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *prepared foods and prepared meats,* and *materials, equipment, and supplies* used in the manufacture of prepared foods and prepared meats, between Fairmont, MN, and Eau Claire, WI, on the one hand, and, on the other, those points in the United States in and east of MT, WY, CO, and NM, restricted to the transportation of traffic originating at and destined to the indicated points. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-309F), filed September 4, 1979. Applicant: CARGO, INC., a New Jersey Corporation, P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Charter Oak Shippers Cooperative Association, Inc., at (1) Berlin, CT, to points in AR, FL, GA, IN, IA, KS, KY, LA, MI, MN, MO, NE, NC, OH, OK, TN, and WI, and (2) Chicago, IL, to points in CO, MN, and TX, restricted in (1) and (2) to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-314F), filed September 5, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting (1) *such commodities* as are dealt in by food business houses and agricultural feed business houses, (2) *soy products, paste, flour products, and dairy based products,* and (3) *materials, equipment and supplies* used in the manufacture, distribution of the commodities named in (1) and (2) above, (except commodities in bulk), between those points in the United States in and east of MT, WY, CO, and NM, restricted to the transportation of traffic originating at or destined to the facilities used by Ralston Purina Company. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-323F), filed October 5, 1979. Applicant: CARGO, INC., a New Jersey Corporation, P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting (1) *pet food mix* (except in bulk), from the facilities of Geo. A. Hormel & Co., at Davenport, IA to points in IL, KS, MN, MO, NE, SD and WI, and (2) *pig skins and trimmings* in the reverse direction, restricted in (1) and (2) to the transportation of traffic originating at and destined to the indicated points. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-326F), filed October 16, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *food preparations,* from Franklin Park, IL, to points in AR, CO, CT, DE, IA, KS, LA, ME, MD, MA, MO, NE, NH, NJ, NM, NY, ND, OH, OK, PA, RI, SD, TX, VT, and DC, restricted to the transportation of traffic originating at the named origin and destined to the named destination States. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-327F), filed October 17, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting (1) *wire, cable and tape;* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1), above, (except commodities in bulk, in tank vehicles), from points in CT, MA and RI, to Siloam Springs, AR, restricted to traffic originating at the named origins and destined to the named destination. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 141459 (Sub-9F), filed September 4, 1979. Applicant: A.G.S. ENTERPRISES, INC., 809 Columbia Blvd., Litchfield, IL 62056. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting (1) *zinc oxide,* from Hillsboro, IL, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture of zinc oxide, in the reverse direction. (Hearing site: Chicago, IL.)

MC 142508 (Sub-121F), filed October 16, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. Transporting *foodstuffs,* (except in bulk), (1) from the facilities of Grocery Store Products, at West Chester, PA, to Los Angeles and Oakland, CA, Tampa and Orlando, FL, Atlanta, GA, Chicago, IL, Kansas City, MO, Cleveland, OH, and Arlington and Houston, TX, (2) from the facilities of Swiss Chalet Products, at Wichita, KS, to Orlando, FL, Atlanta, GA, Arlington, TX, and Fredericksburg, VA, (3) from the facilities of HVR Company, at Reno, NV to Kansas City, MO, (4) from the facilities of The Clorox Company, at Houston, TX, to points in AR, LA, NM, and OK, and (5) from the facilities of The Clorox Company, at

Kansas City, MO, to points in NE and SD. (Hearing site: San Francisco, CA or Oakland, CA.)

MC 142559 (Sub-122F), filed October 8, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad St., Columbus, OH 43215. Transporting *such commodities* as are dealt in by manufacturers and converters of (a) paper, (b) paper products, and (c) woodpulp, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Georgia-Pacific Corporation. Condition: The person or persons which appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 143059 (Sub-107F), filed October 18, 1979. Applicant: MERCER TRANSPORTATION CO. a corporation, 12th & Main Streets, P.O. Box 35610, Louisville, KY 40232. Representative: J. L. Stone (same address as applicant). Transporting *wrought iron pipe,* from the facilities of Unarco-Leavitt, Division of Unarco Industries, Inc., at (a) Chicago, IL and (b) points in IN and IL within the Chicago, IL commercial zone, to points in AL, FL, GA, IA, KS, KY, NE, and TN, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Louisville, KY or Washington, DC.)

MC 143328 (Sub-27F), filed October 9, 1979. Applicant: EUGENE TRIPP TRUCKING, P.O. Box 282, Frenchtown, MT 59834. Representative: David A. Sutherlund, 1150 Connecticut Ave., NW, Suite 400, Washington, DC 20423. Transporting *such commodities* as are dealt in by grocery and food business houses, from the facilities of Hershey Foods Corporation at Oakdale, CA, to points in AZ, MT, and UT. (Hearing site: San Francisco, CA.)

MC 143739 (Sub-32F), filed September 6, 1979. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Michael L. Carter (same address as applicant). Transporting *such commodities* as are dealt in or used by grocery and food business houses, (1) between the facilities of The Drackett Company, at or near (a) Franklin, KY, (b) Dayton and Urbana, OH, and (c) Nashville, TN, on the one hand, and, on the other, points in CO, CA, GA, IL, KS, MN, MO, NJ, NY, NC, RI, TX, and UT, and (2) between the facilities of The Drackett Company, at or near Nashville, TN, on the one hand, and, on the other, points in FL, MI, OH, OR, PA, and VA. (Hearing site: Cincinnati, OH, or Minneapolis, MN.)

MC 143799 (Sub-4F), filed October 9, 1979. Applicant: SPECIALITY TRANSPORT, INC., P.O. Box 59, Fairview Village, PA 19409. Representative: Ira G. Megdal, 499 Cooper Landing Rd., Cherry Hill, NJ 08002. Transporting *iron and steel articles,* from the facilities of U.S. Steel Corporation at Fairless Hills, PA, to points in DE, MA, NY, CT, R, NJ, and MD. (Hearing site: Philadelphia, Pa, or Trenton, NJ.).

MC 144398 (Sub-4F), filed October 16, 1979. Applicant: WAYNE TRANSPORTS, INC., Box 366, Milaca, MN 56353. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *sugar,* in bulk, from the facilities used by North Central Sugar Marketing Cooperative, at or near (a) Wahpeton, ND and (b) Renville, MN, to points in IA, IL, MN, MO, NE, SD and WI. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 144858 (Sub-20F), filed September 4, 1979. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102. Transporting *decorative boxes,* knocked down, from the facilities of Bendix Forest Products, at Stockton, CA, to Grand Rapids, MI. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 144969 (Sub-14F), filed October 9, 1979. Applicant: WHEATON CARTAGE CO., Wheaton Avenue, Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting (1) *foodstuffs,* and (2) *materials, equipment, and supplies* used in the manufacture of foodstuffs between the facilities of Anderson Clayton Foods, Division of Anderson Clayton and Company, at or near Fresno, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 145048 (Sub-2F), filed April 27, 1979. Applicant: R. D. RODGERS, d.b.a. R & E TRUCKING, Rte. 2, Box 77, Plain Dealing, LA 71064. Representative: John M. Madison, Jr., 411 CNB Building, Shreveport, LA 71101. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting such commodities as are dealt in by department stores, from Minden, LA, to Atlanta and Mt. Pleasant, TX, and Arkadelphia, Canton, Camden, Conway, Crossett, Fordyce, Jacksonville, Little Rock, North Little Rock, Russellville, Texarkana, and Warren, AR, under continuing contract(s) with West & Company, of Minden, LA. (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 145468 (Sub-6F), filed April 6, 1979. Applicant: K.S.S. TRANSPORTATION CORP., P.O. Box 3052, North Brunswick, NJ 08402. Representative: Elaine M. Conway, 10 South LaSalle Street, Suite #1600, Chicago, IL 60603. Transporting (1) *foodstuffs* (except commodities in bulk), and (2) *Materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between Des Moines and Perry, IA, on the one hand, and, on the other, points in IL, IN, KS, MN, MO, NE, and WI. Condition: Issuance of a certificate is subject to the condition that applicant submit a verified statement demonstrating that there is no likelihood of it indulging in preferential or discriminatory practices detrimental to the interests of competing carriers and nonaffiliated shippers. See *Alter Trucking and Terminal Corporation Extension,* 107 M.C.C. 644 (1967), and *Stanley Amsden Common Carrier Application,* 124 M.C.C. 856, 861 (1976). (Hearing site: Des Moines, IA, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 145738 (Sub-11F), filed September 6, 1979. Applicant: EAST–WEST MOTOR FREIGHT, INC., P.O. Box 525, Selmer, TN 38375. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd, NE, Atlanta, GA 30326. Transporting *Plastic pipe and fittings,* and *accessories* for plastic pipe, between points in CA, on the one hand, and, on the other, those points in the United States in and east of ND,SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA)

Note.—Dual operations may be involved.

MC 145849 (Sub-3F), filed October 9, 1979. Applicant: CHARLES K. MONIN AND JOSEPH E. MONIN, a Partnership d.b.a., MONIN TRUCKING, 300 W. John Rowan Blvd., Bardstown, KY 40004. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *plastic articles, and building materials,* (except commodities in bulk), from the facilities of Bird & Son,

Inc., at or near Bardstown, KY, to points in IL, IN, IA, MI, OH, PA, and WI. (Hearing site: Louisville, KY.)

MC 146678 (Sub-4F), filed October 9, 1979. Applicant: SOUTHLAND TRANSPORTATION, INC., P.O. Box 7760, Ben Franklin Station, Washington, DC 20044. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004. Transporting *synthetic staple fiber, synthetic fiber yarn, and plastics,* from Irmo and Columbia, SC, to points in TN, and those in AL and GA north of Interstate HWY 20. (Hearing site: Charleston, SC.)

MC 146679 (Sub-1F), filed June 22, 1979. Applicant: CAR-O-TEL CRUISES LIMITED OF CALIFORNIA, INC., 1395 Park Row, La Jolla, CA 92037. Representative: William R. Daly, 4340 Vandever Avenue, Suite "S", P.O. Box 20521, San Diego, CA 92120. Transporting *passengers and their baggage,* in special and charter operations, between points in the United States (except AK and HI), limited to the transportation of not more than 16 passengers in any one vehicle, not including the driver and crew of the vehicle. (Hearing site: San Diego, CA.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York, N.Y.,* 54 M.C.C. (1952).

MC 146729 (Sub-4F), filed September 4, 1979. Applicant: JAMES S. HELWIG & ALLEN L. GRIMLAND, d.b.a. H & G LEASING, 6331 Melody Lane, No. 1720, Dallas TX 75231. Representative: Paul D. Angenend, P.O. Box 2207, 1806 Rio Grande, Austin, TX 78768. Transporting *lime* (except in bulk), from Dallas and Midlothian, TX, to Commerce and San Jose, CA, Denver, CO, Orlando, FL, Atlanta, GA, Council Bluffs, IA, Topeka, KS, Louisville, KY, Jackson, MS, Salisbury, NC, Kirkwood, NY, Massillon, OH, Williamsport, PA, Memphis, TN, Vancouver, WA, and Beloit and Monroe, WI. (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 146829 (Sub-1F), filed May 4, 1979. Applicant: MURRAY TRUCK LINE, INC., Box 172, Pleasanton, KS 66075. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *insulation,* from the facilities of Owens-Corning Fibreglas, at Kansas City and Pauline, KS, to points in TX. (Hearing site: Kansas City, MO.)

MC 147108 (Sub-2F), filed October 8, 1979. Applicant: CARRIER TRANSPORT SERVICE, 479 South Airport Blvd., South San Francisco, CA 94080. Representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Transporting (1) *household goods* as defined by the Commission, in containers, (2) *containers,* and (3) *automobiles,* in mixed shipments with household goods, which are at the time of freight forwarders under 49 U.S.C. § 10102(8), between points in the United States (except AK and HI), restricted to the transportation of traffic having an immediate prior or subsequent movement by water or air. (Hearing site: San Francisco, CA.)

MC 147488 (Sub-1F), filed October 16, 1979. Applicant: BURT CLIFFORD TRANSPORT INC., Box 400, Ruthven, Ontario N0P 2G0. Representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Ave., Detroit, MI 48226. To operate as a *common carrier,* by motor vehicle, in foreign commerce only, over irregular routes, transporting *glassware, glass tableware products, molds, empty cartons and empty pallets,* between the ports of entry on the United States-Canada International boundary line located on the Detroit and St. Clair Rivers in MI, on the one hand, and, on the other, the facilities of Libbey Glass Division of Owens-Illinois, Inc., at or near Toledo, OH (Hearing site: Detroit, MI or Washington, DC.)

MC 147888 (Sub-1F), filed July 25, 1979. Applicant: SALEM CONTRACT CARRIER, INC., P.O. Box 26945, Charlotte, NC 28213. Representative: Francis W. McInerny, 1000 16th St., NW., Washington, DC 20036. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by chain department and food stores, between points in the United States (except AK and HI), under continuing contract(s) with K Mart corporation. (Hearing site: Washington, DC, or Detroit, MI.)

Note.—Dual operations may be involved.

MC 148158 (Sub-1F), filed September 4, 1979. Applicant: CONTROLLED DELIVERY SERVICE, INC., P.O. Box 1299, City of Industry, CA 91749. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., 1800 United California Bank Bldg., Los Angeles, CA 90017. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Sun City Warehouses, at El Paso, TX, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 148199 (Sub-2F), filed August 3, 1979. Applicant: T. G. GARLAND AND JAMES C. GARLAND, a partnership, d.b.a. AQUARIAN LINES, Rt. 1, Box 261, Van Alstyne, TX 75095. Representative: T. G. Garland (same address as applicant). Transporting *paper and paper products,* and *materials, equipment, and supplies* used in the manufacture of paper and paper products, between the plantsite of Anchor Continental, Inc., at Columbia, SC, on the one hand, and, on the other, points in AL, AR, GA, LA, MS, OK, and TX. (Hearing site: Ft. Worth, TX or Columbia, SC.)

MC 148238F, filed September 5, 1979. Applicant: COMMERCIAL BROADLOOMS, INC., 2125 Anderson Rd., P.O. Box 4137, Greenville, SC 29608. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sponge rubber, carpet underlay, and yarns,* from Naugatuck, CT, to Buchanan, VA Nashville, TN, and Greenville, SC; under continuing contract(s) with Kem Blo Corporation. Condition: (1) applicant shall maintain separate accounts and records for its for-hire carrier operations as distinct from its other business activities, and (2) it shall not at the same time and in the same vehicle transport property both as a private carrier and as a for-hire carrier. (Hearing site: Greenville, SC, or Washington, DC.)

MC 148428 (Sub-4F), filed October 9, 1979. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis MN 55402. Transporting (1) (a) *refrigerators, freezers, and cooling units, and (b) parts* for the commodities in (1)(a), from the facilities of Franklin Manufacturing Company at St. Cloud, MN, to points in the United States (except AK and HI), and (2) *materials, equipment,* and supplies used in the manufacture and distribution of the commodities in (1)(a) (except commodities in bulk), in the reverse direction. (Hearing site: Minneapolis, MN.)

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Decided: Feb. 11, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 11592 (Sub-29F), filed August 13, 1979. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, Omaha,

NE 68107. Representative: Frank E. Myers (same address as applicant). Transporting *meats, meat products, meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from Omaha, NE, to points in IL, IN, OH, MI, WI, and MN. (Hearing site: Omaha, NE.)

MC 14252 (Sub-79F), filed August 16, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: William C. Buckham (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities, which because of size or weight, require special equipment, foodstuffs, commodities requiring refrigeration in transit, and motor vehicles), serving the plant site of Champion Laboratories, Inc. at or near Albion, IL as an off-route point in connection with the carrier's presently authorized regular route operations. (Hearing site: St. Louis, MO.)

MC 14252 (Sub-80F), filed August 16, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: William C. Buckham (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities, which because of size or weight, require the use of special equipment, foodstuffs, commodities requiring refrigeration in transit, and motor vehicles), serving the plant site of Luber-Finer, Inc., at or near Albion, as an off-route point in connection with the carrier's presently authorized regular route operations. (Hearing site: St. Louis, MO.)

MC 43963 (Sub-24F), filed August 13, 1979. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, Lake Station, IN 46405. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *iron and steel articles,* (1) between the facilities of Keystone Consolidated Industries, Inc. at or near Peoria, IL, on the one hand, and, on the other, points in WI, MN and IN; and (2) between the facilities of Keystone Consolidated Industries, Inc. at or near Crawfordsville, IN, on the one hand, and, on the other, points in IL, MN and WI. (Hearing site: Chicago, IL.)

MC 63792 (Sub-35F), filed August 14, 1979. Applicant: TOM HICKS TRANSFER COMPANY, INC., P.O. Box 16006, Houston, TX 77022. Representative: C. W. Ferebee (same address as applicant). Transporting (1) *machinery, equipment, materials, 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 machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental* to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells; and (3) *commodities,* the transportation of which requires the use of special equipment, and *related articles and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between (1) points in LA on, north, and west of a line beginning at a point on the TX-LA boundary line near Burr Ferry, LA, then northeast along LA Hwy 8 to its junction with LA Hwy 123, then along LA Hwy 123 to its junction with U.S. Hwy 165, then along U.S. Hwy 165 to the AR-LA state line; (2) points in AR on, south, and west of a line beginning at a point on the AR-LA state line, near Jones, LA, then northward along U.S. Hwy 165, to its junction with U.S. Hwy 65, then northward along U.S. Hwy 65, to its junction with U.S. Hwy 270, then along U.S. Hwy 270, to its junction with Interstate Hwy 30, then southwest along Interstate Hwy 30, to the AR-TX state line; and (3) points in TX on, north, and east of a line beginning at a point on the TX-LA state line (near Logansport, LA), then eastward along U.S. Hwy 84 to its intersection with U.S. Hwy 259 (near Mount Enterprise), then northward along U.S. Hwy 259 to the TX-OK state line, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Shreveport or Monroe, LA.)

MC 69833 (Sub-146F), filed August 13, 1979. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, NW—6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad (same address as applicant), Transporting *aluminum* and *aluminum articles* from the facilities of Extruded Metals Co., Belding, MI to Edgerton, Stoughton and Walworth, WI. (Hearing site: Lansing, MI or Detroit, MI.)

MC 98952 (Sub-73F), filed August 15, 1979. Applicant: GENERAL TRANSFER COMPANY, a corporation, 2880 North Woodford St., Decatur, IL 62526. Representative: Charles Carnahan, Jr. (same address as applicant). Transporting *chemicals* (except liquified natural gas) and *polyethylene resins,* from Tuscola, IL to those points in the United States west of U.S. Hwy 85 (except UT), restricted to the transportation of traffic originating at the named origin and destined to points in the indicated destination area. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 103993 (Sub-986F), filed August 14, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani (same address as applicant). Transporting *foam insulation board* from the facilities of United Foam Corporation at or near Bremen, IN to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Indianapolis, IN.)

MC 107012 (Sub-415F), filed August 16, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford (same address as applicant). Transporting: (1) *Swimming pools* (2) *parts and accessories for the commodities named in (1) above,* from the facilities of Weatherking Products, Inc. at East Greenwich, RI to Atlanta, GA. (Hearing sites: Providence, RI or Washington, DC.)

Note.—Common control may be involved.

MC 107403 (Sub-1247F), filed August 13, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting (1) *plastic materials and pellets,* in bulk, from Wapakoneta, OH to Anderson, IN, (2) *carbon scrap,* in bulk, from points in Maury County, TN, to Clarksburg, WV, and (3) *silica sand,* in bulk, from Klevenville, WI to Rooseveltown, NY. (Hearing site: Washington, DC.)

MC 107403 (Sub-1248F), filed August 13, 1979. Applicant: MATLACK INC., 10

West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same address as applicant). Transporting *asphalt emulsion,* in bulk, in tank vehicles, from Lake Charles, LA to points in TX east of U.S. Hwy. 83. (Hearing site: Washington, DC.)

MC 107403 (Sub-1249F), filed August 14, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Landowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting *liquid chemcials,* in bulk, in tank vehicles, from Doe Run, KY to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 108973 (Sub-17F), filed August 13, 1979. Applicant: INTERSTATE EXPRESS, INC., 2334 University Avenue, St. Paul, MN 55114. Representative: Joseph J. Dudley, W–1260 First National Bank Bldg., St. Paul, MN 55101. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products,* and *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products, between points in the United States in and west of MI, OH, KY, TN and MS, under continuing contract(s) with Champion International Corporation, of Hamilton, OH. (Hearing site: St. Paul, MN.)

Note.—Issuance of a permit in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of Permits MC 108973 (Subs—6, 10, and 15).

MC 112713 (Sub-281F), filed August 14, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: Robert E. DeLand (same address as applicant). Transporting *general commodities* (except Classes A and B explosives, commodities, in bulk, commodities of unusual value, those requiring special equipment and household goods as defined by the Commission) (1) between San Antonio, TX amd Abilene, TX, from San Antonio, TX over U.S. Hwy 37 to junction of U.S. Hwy 283 then over U.S. Hwy 283 to junction of U.S. Hwy 84, then over U.S. Hwy. 84 to Abilene, TX and return over the same route as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular route operation, serving no intermediate points, (2) between Waco, TX and Abilene, TX, over U.S. Hwy 84 as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular route operations, serving no intermediate points, and (3) between Austin, TX and Abilene, TX, from Austin, TX over U.S. Hwy 183 to junction of U.S. Hwy 84 then over U.S. Hwy 84 to Abilene, TX and return over the same as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular route operations, serving no intermediate points. (Hearing site: Kansas City, MO; Chicago, IL.)

Note.—Common control may be involved.

MC 112713 (Sub-282F), filed August 4, 1979 Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: Robert E. DeLand (same address as applicant). Transporting *general commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment) serving the facilities of Gould, Inc. at Atlantic, IA, as an off-route point in connection with carrier's otherwise authorized operations. (Hearing site: Chicago, IL; Kansas City, MO.)

MC 113843 (Sub-268F), filed August 15, 1979. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Representative: Lawrence T. Sheils (same address as applicant). Transporting *Foodstuffs* (except commodities in bulk) from points in MA and CT, to points in AZ, AR, CA, CO, DE, FL, GA, IA, IL, IN, KY, KS, MD, MI, MN, MO, NE, NC, NJ, NY, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA, WI, WV and DC. (Hearing site: Boston, MA.)

MC 114273 (Sub-637F), filed August 14, 1979. Applicant: CRST, INC., P.O. Box 68 Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant.) Transporting *Paints, preservative and fillers,* from Avon, CT to Chicago, IL.

Note.—Common control may be involved. (Hearing site: Chicago, IL or Washington, DC)

MC 114632 (Sub-250F), filed August 13, 1979. Applicant: APPLE LINES, Inc., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *wrought iron pipe,* from the facilities of Unarco Leavitt, Division of Unarco Industries, Inc. at Chicago, IL to points in AR, KY, LA, MI, MO, OK, TN, and TX. (Hearing site: Chicago, IL or Minneapolis, MN.)

MC 114632 (Sub-251F), filed August 13, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *dry animal and poultry feed, dry mineral mixtures, insecticides, and livestock and poultry feeders,* from Quincy, IL to points in CO, MT, NE, SD and WY. (Hearing site: Chicago, IL or Minneapolis, MN.)

MC 114632 (Sub-252F), filed August 13, 1979. Applicant: APPLE LINES, INC., P.O Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *carbon, charcoal, charcoal briquets, hickory chips, carbon wood products, fireplace logs, compressed sawdust, lighter fluid, grills, grill liners, related barbecue supplies and materials and supplies used in the manufacture and distribution of such commodities,* between the facilities of Husky Industries, Inc., at Dickinson, ND and Isanti, MN, on the one hand, and, on the other, points in AZ, CA, CO, ID, SD, NM, NE, IA, WI, WY and UT. (Hearing site: Atlanta, GA or Minneapolis, MN.)

MC 114632 (Sub-253F), filed August 13, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *roofing, building and insulating materials (except iron and steel articles and commodities in bulk),* between the facilities of the CertainTeed Corporation on the one hand, and on the other, in Scott County, MN, points in IA, IL, NE, ND, SD, and WI. (Hearing site: Minneapolis, MN or Washington, DC.)

MC 114632 (Sub-254F), filed August 13, 1979. Applicant: APPLE LINES, INC., P.O Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting *foodstuffs,* from the facilities of Welch Foods, at North East, PA and at Westfield, NY to points in CT, MA, ME, NH, RI and VT. (Hearing site: New York, NY or Washington, DC.)

MC 114632 (Sub-255F), filed August 13, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting: *Canned foodstuffs,* from Pickett, WI, to points in the United States in and east of MT, WY, CO, and NM. (Hearing sites: Milwaukee, WI or Chicago, IL.)

MC 114632 (Sub-256F), filed, August 13, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting: *Pipe, pipe fittings, conduit, couplings, building materials and materials and supplies used in the installation thereof,* from the facilities of CertainTeed Corporation at McPherson, KS, to points in MN, ND and SD. (Hearing site: Kansas City, KS or Minneapolis, MN.)

MC 115353 (Sub-36F), filed August 17, 1979. Applicant: LOUIS J. KENNEDY

TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by metal distributors (except commodities in bulk), between those points in the United States in and east of WI, IL, KY, TN, and MS, under continuing contract(s) with National Steel Service Center, Inc., subsidiary of National Steel Corporation. (Hearing site: New York, NY.)

MC 115703 (Sub-18F), filed August 13, 1979. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, 220 Park Road North, Wyomissing, PA 19610. Representative: Robert D. Gunderman, 710 Statler Building, Buffalo, NY 14202. Transporting: *General commodities*, (1) between the piers and wharves in Baltimore, MD, Philadelphia, PA, New York, NY, Norfolk, VA, and Savannah, GA, on the one hand, and on the other, Cincinnati and Dayton, OH; Indianapolis, IN; and Louisville and Wilder, KY; and (2) between Cincinnati and Dayton, OH; Indianapolis, IN; and Louisville and Wilder, KY, on the one hand, and, on the other, points in IN, KY, and OH, restricted in (1) and (2) above, to the transportation of traffic (1) having a prior or subsequent movement by water, and (2) originating at or destined to the facilities of The H. J. Hosea & Sons Co. Condition: To the extent authority permits the transportation of Classes A and B explosives, it is limited in point of time to 5 years from the effective date thereof. (Hearing site: Washington, D.C.).

MC 116763 (Sub-573F), filed August 15, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting (1) *foodstuffs*, and (2) *such commodities as are used in the manufacturing, distribution and sale of foodstuffs* (except frozen foods and commodities in bulk, in tank vehicles), between points in the United States in and east of MN, IA, MO, OK and TX, restricted to the transportation of traffic originating at or destined to the facilities of Allen Canning Co. (Hearing site: Little Rock, AR.)

MC 117883 (Sub-256F), filed August 13, 1979. Applicant: SUBLER TRANSFER, INC., 1 Vista Drive, Versailles, OH 45380. Representative: Thomas R. Stone, P.O. Box 62, Versailles, OH 45380. Transporting *frozen foods* from the facilities of Foodways National, Inc., a subsidiary of Ore Ida Foods, Inc., at Whethersfield, CT, and New Paltz, NY, to points in IL, IN, KS, KY, MI, OH, and WI. Restricted to traffic originating at the named origins and destined to the named destinations. (Hearing site: New York, NY, Washington, DC.)

MC 118922 (Sub-19F), filed August 9, 1979. Applicant: CARTER TRUCKING CO., INC., P.O. Box 38, Locust Grove, GA 30248. Representative: W. Randall Tye, 1400 Candler Building, Atlanta, GA 30303. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by agricultural equipment, industrial equipment, and lawn and leisure product dealers, between the facilities of John Deere Co., at or near Milan, IL, on the one hand, and, on the other, points in AL, FL, GA, NC, SC, TN, and VA, under continuing contract(s) with John Deere Co., of Conyers, GA. (Hearing site: Atlanta, GA.)

MC 119103 (Sub-4F), filed August 14, 1979. Applicant: J. E. FORTIN TRANSPORT, INC., 116 Fortin Boulevard, St. Bernard de Lacolle, Quebec J0J 1V0, Canada. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801. Transporting *fruit juice and fruit juice concentrates*, from points in FL to the port of entry on the United States-Canada international boundary line at or near Champlain, NY. (Hearing site: Plattsburgh, NY or Montpelier, VT.)

MC 119192 (Sub-No. 12F), filed August 30, 1979. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Avenue, Bridgeport, CT 06607. Representative: Morton E. Kiel, suite 1832, 2 World Trade Center, New York, NY 10048. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by department stores (except commodities in bulk), (a) from points in NJ to points in PA and DE; and (b) from points in PA to points in NJ and DE, under continuing contract(s) with B. Altman & Company. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 119552 (Sub-No. 5F), filed August 20, 1979. Applicant: J.T.L., INC., 49 Rosedale Street, Providence, RI 02903. Representative: Ronald N. Cobert, 1730 M Street NW., suite 501, Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *filters, PCV valves, emission control equipment, component filter parts*, and *filter handling tools*, from Dexter, MO, and Salt Lake City, UT, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, under continuing contract(s) with Campbell Filter Company, a subsidiary of Facet Enterprises, Inc. (Hearing site: Washington, DC.)

MC 119632 (Sub-No. 108F), filed August 13, 1979. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Representative: Wayne C. Pence (same address as applicant). Transporting *petroleum and petroleum products, vehicle body sealer* and *sound deadener compound* (except commodities in bulk), from the facilities of Quaker State Oil Refining Corporation at Buffalo and north Tonawanda, NY, Emlenton, Farmers Valley, New Kensington and North Warren, PA, Congo and St. Marys, WV to points in IL, IN, KY, MI, NY, OH, St. Louis and St. Louis County, MO. (Hearing site: Pittsburgh, PA.)

MC 119793 (Sub-No. 14F), filed August 9, 1979. Applicant: DEWEY L. WILFONG, d.b.a. D & W TRUCK LINES, 209 First Street, Parsons, WV 25287. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *charcoal briquettes, fireplace logs, hickory chips, starter fluid, and materials, equipment and supplies* used in the manufacture or distribution of charcoal briquettes, fireplace logs, hickory chips, and starter fluid (except commodities in bulk), between points in the United States, under continuing contract(s) with The Kingsford Company, of Louisville, Ky. (Hearing site: Louisville, KY or Washington, DC.)

MC 123993 (Sub-No. 51F), filed August 14, 1979. Applicant: FOGLEMAN TRUCK LINE, P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, 801 Vaughn Building, Austin, TX 78701. Transporting (1) *Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses and agricultural feed business houses; Soy products; Paste; Flour products; Dairy based products*, and (2) *materials, ingredients, materials and supplies* used in the development, manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), between the facilities used by Ralston Purina Company at or near Oklahoma City, OK, on the one hand, and, on the

other, points in AR, LA, MS, TN and TX. (Hearing site: Dallas, TX or Oklahoma City, OK.)

MC 125023 (Sub-No. 78F), filed August 15, 1979. Applicant: SIGMA–4 EXPRESS, INC., P.O. Box 9117, Erie, PA 16504. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Transporting (a) *pickles,* in containers, from Millsboro, DE, to points in CT, MA, RI, MD, PA, NY, NJ, WV, VA, NC, and SC; (b) *foodstuffs,* in containers, in vehicles equipped with mechanical refrigeration from the facilities of Vlasic Foods, Inc., Seaford, DE, to points in the States named in (a) above; (c) *foodstuffs* in containers, between the facilities of Vlasic Foods, Inc., at Imlay City, Bridgeport, and Memphis, MI, on the one hand, and, on the other, Millsboro, DE; and (d) *equipment, materials, and supplies* (except commodities in bulk), from the destination area described in (a) and (b) above to the facilities of Vlasic Foods, Inc., at Millsboro and Seaford, DE. (Hearing site: Pittsburgh, PA.)

MC 126323 (Sub-No. 3F), filed August 29, 1979. Applicant: W. M. BLEDSOE & SONS, INC., P.O. Box 21 (Hwy 79), Bakerhill, AL 36004. Representative: Ronald L. Stichweh, 727 Frank Nelson Building, Birmingham, AL 35203. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bauxite, clay,* and *calcine,* in bulk, in dump vehicles, (1) from the minesites of A. P. Green Refractory Co. in Sumter, Macon, and Schley Counties, GA, to the plantsite of A. P. Green Refractory Co., at or near Bakerhill, AL; (2) between the facilities of A. P. Green Refractory Co., in Bibb and Twiggs Counties, GA, and the plantsite of A. P. Green Refractory Co., at or near Bakerhill, AL; and (3) from the facilities of A. P. Green Refractory Co., in Bibb and Twiggs Counties, GA, to the plantsite of A. P. Green Refractory Co., at or near Bessemer, AL, under continuing contract(s) with A. P. Green Refractory Company of Mexico, MO. (Hearing site: Birmingham or Montgomery, AL.)

Note.—Dual operations may be involved.

MC 135873 (Sub-No. 10F), filed August 13, 1979. Applicant: K.S.S. TRANSPORTATION CORP., P.O. Box 3052, North Brunswick, NJ 08402. Representative: Elaine M. Conway, 10 South LaSalle Street, suite 1600, Chicago, IL 60603. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by manufacturers and distributors of printed matter* (except commodities in bulk) between Waseca, MN, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Brown Printing, Inc., of Waseca, MN. (Hearing site: Minneapolis, MN.)

MC 136782 (Sub-No. 24), filed August 14, 1979. Applicant: R.A.N. Trucking Co., P.O. Box 128, Eau Claire, PA 16030. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Chicago, IL 60603. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in PA in and west of Fulton, Huntingdon, Mifflin, Centre, Clinton and Potter Counties, PA and those in OH, east of a line beginning at Cleveland, OH, and extending along U.S. Hwy. 21 to junction unnumbered hwy. (formerly portion of U.S. Hwy. 21), then along unnumbered hwy. through Montrose, Clinton and Canal Fulton, OH to junction U.S. Hwy. 21 at or near Massillon, OH then along U.S. Hwy. 21 to junction U.S. Hwy. 40 at or near Cambridge, OH, and north of U.S. Hwy. 40 from Cambridge to the OH–WV State Line, including points on the indicated portions of the hyws. specified, on the one hand, and, on the other, Chicago and Joliet, IL.(Hearing site: Chicago, IL.)

Note.—Substitution single for joint-line operations.

MC 138283 (Sub-No. 10F), filed August 10, 1979. Applicant: DANA TRUCKING CORP., P.O. Box 6, Round Lake, MN 56167. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501.To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Alcoholic beverages and wine and (2) non-alcoholic beverages,* in mixed loads with alcoholic beverages and wine (except commodities in bulk), from points in CA, IL, IN, KY, MA, MI, NY, OH, and TN, to Sioux Falls, SD, under continuing contract(s) with Midland Distributors, Inc., and Sioux Falls Wholesale Co., Inc. of Sioux Falls, SD. (Hearing site: Sioux Falls, SD.)

MC 138493 (Sub-No. 3F), filed August 17, 1979. Applicant: JAKUM TRUCKING, INC., Rural Route 2, Miley Road, Sheboygan Falls, WI 53085. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703.To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *foodstuffs,* from Plymouth, Elkhart Lake, Hilbert, Mayville, Eau Claire, Merrill, Waukesha, Beloit, Blanchardville, Kiel, Weyauwega, Monroe, Manitowoc, and Milwaulkee, WI, Osceola, IA, Franklin Park and Chicago, IL, and Faribault, MN, to the facilities of Crescent Food Company at or near Hayward, CA, under continuing contract(s) with Crescent Food Company. (Hearing site: Madison or Milwaukee, WI.)

MC 139193 (Sub-No. 109–F), filed August 27, 1979. Applicant: ROBERTS & OAKE, INC., 4042 Blue Ridge Boulevard, Blue Ridge Tower, Suite 820, Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K Street NW., Suite 300, Washington, DC 20006.To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *meats, meat products and meat by-products, dairy products* and *articles distributed by meat-packing houses,* as described in Sections A, B, and C of Appendix I to the report *in Descriptions In Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from the facilities of John Morrell & Co., at or near: (1) Arkansas City and Wichita, KS, to points in AR, AZ, CA, CO, ID, MT, NV, NM, ND, OK, OR, SD (except Sioux Falls), TX, UT, WA, WI, WY, (2) East St. Louis, IL, to points in AR, AZ, CO, ID, KS, LA, MI, MS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WY, (3) Estherville, IA, to points in AR, ID, IN, KS, LA, MN, MO, MT, NE, ND, OK, OR, SD, TX, UT, WA, (4) Memphis, TN, to points in AZ, CO, CT, DE, ID, ME, MO, MT, NE, NV, NH, NM, ND, OK, OR, RI, UT, VT, WA, WI, WY, and DC, (5) Sioux City, IA, to points in AR, ID, IN, KS, LA, MN, MO, MT, NE, NV, ND, OK, OR, SD, TX, UT, WA, (6) Sioux Falls, SD, to points in ID IA, KY, LA, MN, MS, MT, ND, OR, UT, WA and those points in NE east of U. S. Hwy 183, (7) St. Paul, MN, to points in AR, ID, IN, IA, KS, LA, MO, NE, ND, OK, SD, TX, UT, (8) Shreveport, LA, to points in MS, and (9) Fort Smith, AR to points in LA and MS, all under continuing contract(s) with John Morrell & Co.(Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 139193 (Sub-No. 110F), filed August 27, 1979. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Boulevard, Blue Ridge Tower, Suite 820, Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K Street NW., Suite 300, Washington, DC 20006. To operate as a *contract carrier,* by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are used by meat packers in the conduct of their business when destined to and for

use by meat packers (except hides, and liquid commodities in bulk), (1) from points in AR, CO, IA, IL, MD, MA, MN, MO, NE, NJ, NY, ND, OK, OH, SD, TN, TX, WI to the facilities of John Morrell & Co., at or near Arkansas City, KS; (2) from points in AR, CO, IA, KS, LA, MI, MN, MS, NE, ND, OK, SD, TN, TX, WI to the facilities of John Morrell & Co., at or near Cincinnati, OH; (3) from points in AR, CO, KS, LA, MI, MS, NE, ND, OK, SD, TX to the facilities of John Morrell & Co., at or near East St. Louis, IL; (4) from points in AR, IN, KS, LA, MN, MO, NE, ND, OK, SD, TX to the facilities of John Morrell & Co., at or near Estherville, IA; (5) from points in the United States in and east of ND, SD, NE, KS, OK, TX to the facilities of John Morrell & Co., at or near Los Angeles, CA; (6) from points in ME, MO, NE, ND, OK, RI, WI to the facilities of John Morrell & Co., at or near Memphis, TN; (7) from points in AR, IN, KS, LA, MN, MO, NE, OK, SD, ND, TX to the facilities of John Morrell & Co., at or near Sioux City, IA; (8) from points in KY, LA, MS to the facilities of John Morrell & Co., at or near Sioux Falls, SD; (9) from points in AR, IN, IA, KS, LA, MO, NE, ND, OK, SD, TX to the facilities of John Morrell & Co., at or near St. Paul, MN; (10) from points in LA and MS to the facilities of John Morrell & Co., at or near Fort Smith, AR; and (11) from points in MS to the facilities of John Morrell & Co., at or near Shreveport, LA, under continuing contract(s) with John Morrell & Co. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 139893 (Sub-No. 7F), filed August 14, 1979. Applicant: THAMES VALLEY BRICK & BUILDING PRODUCTS LTD., 602 Grand Avenue East, Chatham, Ontario, Canada N7M 5K4. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. Transporting *frozen concentrate, canned and chilled juice products and fruit sections and salads,* in containers, from points in FL, to the ports of entry along the international boundary line between the United States and Canada located in MI, NY, VT, ME and NH. (Hearing site: Orlando, FL or Washington, DC.)

MC 140163–3F, filed August 13, 1979. Applicant: POST & SONS TRANSFER, INC., 2326 Milwaukie Road, Tacoma, WA 98421. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Transporting *lumber, wood products, roofing and insulation materials* between points in WA and OR. (Hearing site: Seattle, WA.)

MC 140643 (Sub-No. 4F), filed August 29, 1979. Applicant: HOWARD N. CHILD, d.b.a. EIGHT BALL LINE TRUCKING, 2717 Goodrick Avenue, Richmond, CA 94804.Representative: H. Ronald Child, 1463 Ramsay Circle, Walnut Creek, CA 94596. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *mineral wool* and *mineral wool products, fibrous glass materials and products, insulation products,* and *flexible air ducts,* and (2) *materials, equipment,* and *supplies* used in the manufacture of the commodities in (1) above, from Chowchilla, CA, to points in AZ, CO, ID, MT, NV, NM, OR, UT, WA and WY, under continuing contract(s) with CertainTeed Products Corporation. (Hearing site: Richmond or San Francisco, CA.)

MC 141232 (Sub-No. 8F), filed August 15, 1979. Applicant: STATEWIDE TRUCKING CO., 1801 West Oxford, Englewood, CO 80150. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Transporting (1) *fencing and fence materials and supplies,* (2) *gypsum and gypsum products,* (3) *lumber and lumber products,* (4) *building materials,* and (5) *iron and steel articles,* (a) from points in Meade, Pennington, Lawrence, Custer, Butte, and Fall River Counties, SD, to points in that part of KS and NE on and west of U.S. Hwy 281, (b) between points in WY and CO on the one hand, and, on the other, points in Meade, Pennington, Lawrence, Custer, Butte, and Fall River Counties, SD, (c) between points in WY on the one hand, and, on the other, points in CO, (d) between points in CO on the one hand, and, on the other, points in NE and KS on and west of U.S. Hwy 281, and (e) between points in WY on the one hand, and, on the other, points in KS on and west of U.S. Hwy 281.(Hearing site: Denver, CO.)

MC 143053 (Sub-No. 9F), filed August 31, 1979. Applicant: B & B TRANSPORT, INC., P.O. Box 5310, Kent, WA 98031. Representative: Henry C. Winters, 525 Evergreen Building, 15 South Grady Way, Renton, WA 98055. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wood doors and wood turnings,* from Tacoma, WA, to points in AZ, CA, IA, ID, IN, LA, MI, MT, NM, NV, OK, OR, and TX, under continuing contract(s) with West Coast Door, Inc., of Tacoma, WA, and (2) *wood turnings,* from the facilities of Western Turnings and Specialties Co., Inc., at Tacoma, WA, to Commerce City, CO, and Omaha, NE, under continuing contract(s) with Western Turnings and Specialties Co., Inc., of Tacoma, WA. (Hearing site: Seattle, WA.)

MC 143512 (Sub-No. 5F), filed August 30, 1979. Applicant: ALL CORPS, a corporation, 838 Hutchison Street, Vista, CA 92083. Representative: Milton W. Flack, 4311 Wilshire Boulevard, suite 300, Los Angeles, CA 90010. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *frozen bread,* from the facilities of King's International Bakery, at Torrance, CA, to points in AZ, ID, NV, OR, UT and WA, under continuing contract(s) with King's International Bakery, of Torrance, CA. (Hearing site: Los Angeles, CA.)

MC 144082 (Sub-No. 14F), filed August 29, 1979. Applicant: Dist/Trans Multi-Services, Inc., d.b.a. Tahwheelalen Express, Inc., 1333 Nevada Boulevard, Charlotte, NC 28217. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. To operate as a *contract carrier,* by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by retail department stores and mail order merchandisers, between Charlotte, NC, on the one hand, and, on the other, Forest Park, GA, under continuing contract(s) with J. C. Penney Company, of New York, NY. (Hearing Site: Washington, DC.)

MC 144082 (Sub-No. 15F), filed August 30, 1979. Applicant: Dist/Trans Multi-Services, Inc., d.b.a. Tahwheelalen Express, Inc., 1333 Nevada Boulevard, Charlotte, NC 28217. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *such commodities* as are dealt in by retail department stores and mail order merchandisers, from Statesville, NC, to Indianapolis, IN, and Kansas City, MO, under continuing contract(s) with J. C. Penney Company, of New York, N.Y. (Hearing Site: Washington, DC.)

MC 144162 (Sub-No. 11F), filed August 7, 1979. Applicant: TIME CONTRACT CARRIERS, INC., 17734 Sierra Highway, Canyon Country, CA 91351. Representative: Milton W. Flack, 4311 Wilshire Boulevard, suite 300, Los Angeles, CA 90010. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electrical appliances* and (2) *parts and accessories for the commodities named in (1) above,* from the facilities of Superior Electric Products Corporation, at Cape Girardeau, MO, to points in the United States (except AK, HI and MO), under continuing contract(s) with

Superior Electric Products Corporation, of Cape Girardeau, MO. (Hearing Site: Los Angeles, CA.)

MC 144472 (Sub-No. 3F), filed August 14, 1979. Applicant: Texas Intermountain Transportation, Inc., 6161 29th Place, Wheat Ridge, CO 80214. Representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 80203. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *molybdenum concentrates* in packages, from Climax, CO, and the Henderson Mill Site, near Parshall, CO, to Pascagoula, MS, and New Orleans, LA, under continuing contract(s) with AMAX Inc., of Greenwich, CT. (Hearing Site: Washington, DC.)

MC 144622 (Sub-88F), filed August 14, 1979. Applicant: GLENN BROS. TRUCKING INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Bob Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *ground clay*, from the plantsite of Lowe's Inc. at or near Bloomfield, MO and Olmsted, IL to points in AR, KS, OK, NE, and TX. (Hearing site: Washington, D.C.)

MC 145332 (Sub-3F), filed August 13, 1979. Applicant: STEPHEN HROBUCHAK, d.b.a. TRANS-CONTINENTAL REFRIGERATED LINES, P.O. Box 1456, Scranton, PA 18503. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from Johnson City, NY, and Philadelphia, PA, to points in CO, OR, WA, UT, CA, NE, IA, KS, OK, and AZ, under continuing contract(s) with Specialty Foods Company, of Johnson City, NY. (Hearing site: New York, N.Y.)

MC 145433 (Sub-1F), filed August 27, 1979. Applicant: COLORADO STEEL & WIRE TRANSPORTATION CO., INC., Route 1, Box 161C, Eaton, CO 80615. Representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO 80203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fencing rebars, barbed bailing wire, angles, smooth bars, T-bar stock, nails, and welded fabric*, from the facilities of Colorado Steel and Wire Company, at or near Loveland, CO to points in IN and MO, and (2) *materials used in the manufacture of the commodities named in (1) above*, in the reverse direction. (Hearing site: Denver, CO.) Condition: Issuance of a permit in this proceeding is subject to the prior or coincidental cancellation, at the written request of applicant and the other partners owning Transport Steel, of permit No. MC 140517.

MC 145962 (Sub-1F), filed August 8, 1979. Applicant: P.M.E. MOTOR EXPRESS, INC., 1200 North Galena Avenue, Dixon, IL 61021. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *slag*, in bulk, from Beloit, WI, to Dixon, IL, under continuing contract(s) with Medusa Cement Company, of Dixon, IL. (Hearing site: Chicago, IL.)

MC 146423 (Sub-5F), filed August 13, 1979. Applicant: STEPHEN HROBUCHAK d.b.a. TRANS-CONTINENTAL REFRIGERATED LINES, P.O. Box 1456, Scranton, PA 18503. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting *chemicals, acids, solvents, and materials, supplies, and equipment* used in the manufacture and distribution of chemicals, acids, and solvents (except commodities in bulk), between Phillipsburg, Pennsauken, and Delair, NJ and Belfast, PA, on the one hand, and, on the other, points in CA and TX. (Hearing site: New York, NY.)

MC 146522 (Sub-7F), filed August 13, 1979. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by agricultural equipment, industrial equipment, and lawn and leisure product manufacturers and dealers* (except commodities in bulk) from the facilities of the John Deere Company of Minneapolis at Bloomington, MN to points in Iowa and Wisconsin, under continuing contract(s) with John Deere Company, of Bloomington, MN. (Hearing site: St. Paul, MN.)

MC 146643 (Sub-11F), filed August 17, 1979. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INC., 3202 South State Street, South Chicago Heights, IL 60411. Representative: Donald B. Lavine, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cleaning compounds*, and *iron and steel rust preventatives and lubricant drawings*, (except commodities in bulk), from Detroit, MI, to points in IL, IN, MO, OH, and WI, under continuing contract(s) with Detrix Chemical Industries, Inc. (Hearing site: Chicago, IL, or Detroit, MI.)

MC 146643 (Sub-16F), filed August 27, 1979. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INC., 3202 South State Street, South Chicago Heights, IL 60411. Representative: Donald B. Lavine, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container closures, container components, glassware and packaging products;* (2) *scrap materials* (except commodities in bulk, in tank vehicles, and those requiring special equipment) and (3) *materials, equipment, and supplies used in the manufacture, sale, and distribution of the commodities named in (1) above*, (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in IL, IN, IA, KS, KY, MI, MN, MO, OH, and PA, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Illinois, Inc., under continuing contract(s) with Owens-Illinois, Inc. (Hearing site: Washington, DC.)

MC 146782 (Sub-10F), filed August 13, 1979. Applicant: ROBERTS CONTRACT CARRIER CORP., 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. Transporting *iron and steel articles* from the facilities of Jones & Laughlin Steel Corporation located at or near Hennepin, IL, Indiana Harbor, IN, Cleveland and Youngstown, OH, and Aliquippa and Pittsburgh, PA, to points in AL, AR, GA, KY, LA, MS, NC, SC and TN. (Hearing site: Nashville, TN, or Pittsburgh, PA.)

MC 146793 (Sub-27), filed August 9, 1979. Applicant: BISHOP BROTHERS HAULING, INC., 200 18th Avenue, Jasper, AL 35501. Representative: Robert S. Richard, P.O. Box 2069, Montgomery, AL 36103. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dragline components and shovel components, the transportation of which, because of size or weight, requires the use of special equipment*, between points in AL, AR, AZ, CO, FL, GA, ID, IL, IN, KY, MO, NC, NM, OH, OK, PA, SC, TN, TX, UT, VA, WI, WV, and WY, under continuing contracts with Bishop Machinery Erectors, Inc, of Jasper, AL. (Hearing site: Birmingham or Montgomery, AL.)

MC 146833 (Sub-2F), filed August 13, 1979. Applicant: C. E. COCHRAN, Rt. 3, Box 320, Jacksonville,AR. Representative: C. E. Cochran (same

address as applicant). Transporting *roofing building materials* and *materials and supplies* used in the manufacture of roofing building materials, from points in AR to points in AL, AZ, AR, CA, FL, GA, IL, IN, LA, KS, KY, LA, MS, MO, NM, NC, OH, OK, SC, TN, and TX. (Hearing site: Little Rock, AR or Memphis, TN.)

MC 146863 (Sub-2F), filed August 16, 1979. Applicant: Webb's Hot Shot Service, Inc., P.O. Box 1966, Rock Springs, WY 82901. Representative: Robert J. Grady, 8720 Georgia Avenue, Suite 808, Silver Spring, MD 20910. Transporting *machinery, materials, equipment, supplies and facilities used in, or in connection with, or incidental to the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, electrical energy, ore, coal, geothermal and nuclear resources,* between points in WY, CO, ID, UT, and NV. (Hearing site: Rock Springs or Casper, WY.)

MC 147012 (Sub-No. 2F), filed August 8, 1979. Applicant: T.B.T., INC., 4408 South Hwy. 99, (P.O. Box 8472), Stockton, CA 95208. Representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, CA 94111. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, (1) *corrugated fibreboard and corrugated fibreboard boxes,* KD, from the facilities of Inland Container Corporation, at Newark, CA, to points in OR, WA, ID and AZ; and (2) *paper,* in rolls, from points in OR, WA and AZ to the facilities of Inland Container Corporation at Newark, CA, in (1) and (2) under continuing contract(s) with Inland Container Corporation, of Indianapolis, IN. (Hearing site: San Francisco, CA.)

MC 147083 (Sub-No. 3F), filed August 14, 1979. Applicant: TANKS, INC., Drawer 1179, Gillette, WY 82716. Representative: Leon L. Brady (same address as applicant). Transporting *mining equipment* and *materials and supplies* used in mining, between points in WY. (Hearing site: Casper or Cheyenne, WY.)

MC 147242 (Sub-No. 3F), filed August 7, 1979. Applicant: 12–90 PLAZA CORP. T/A PLAZA FREIGHT TRANSPORT, 12–90 Plaza Road, Fairlawn, NJ 07410. Representative: Arthur Liberstein, 888 Seventh Avenue, New York, NY 10019. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals, insecticides, drugs, toilet preparations, and animal feed supplements and materials and supplies* used in the manufacture and distribution of the aforementioned commodities (except commodities in bulk), between points in CT, MA, NJ, and NY, on the one hand, and, on the other, points in CA, IL, MO, NV, OH, OR and TX, under continuing contract(s) with American Cyanamid Company, of Wayne, NJ. (Hearing site: New York, NY.)

MC 147292 (Sub-No. 2F), filed August 16, 1979. Applicant: PHILIP BARGNESI, d.b.a. PHILIP TRUCKING CO., Country Estates, Townsend, MA 01469. Representative: Patrick A. Doyle, 60 Robbins Road, Springfield, MA 01104. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metals, waste materials,* and *scrap materials,* from points in MA, to points in NY, ME, NH, VT, CT, RI, OH, PA, NJ, and MD, under continuing contract(s) with Guber & Sherman, Inc. (Hearing site: Hartford, CT, or Boston, MA.)

MC 147413 (Sub-2F), filed August 16, 1979. Applicant: SUNRICH TRANSPORTATION CO., 303 South Santa Fe, Pueblo, CO 81002. Representative: William J. Lippman, Suite 330 Steele Park, 50 South Steele Street, Denver, CO 80209. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meatpacking houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, between Pueblo, CO, on the one hand, and, on the other, points in AZ, CA and TX, restricted to the transportation of traffic originating at or destined to the facilities used by Alpha Beta Packing Company, under continuing contract(s) with Alpha Beta Packing Company, of Pueblo, CO. (Hearing site: Denver, CO.)

MC 147662 (Sub-2F), filed August 20, 1979. Applicant: KMC TRANSPORT, INC., P.O. Box 962, 521 Blomquist, Caldwell, ID 83605. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by manufacturers of recreational vehicles, from Caldwell, ID, McPherson, KS, Forest Grove, OR, and Chino, CA, to those points in the United States in and west of ND, SD, IA, MO, OK and TX (except AK and HI), and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of the commodities in (1) above, in the reverse direction, under continuing contract(s) with Kit Manufacturing Company. (Hearing site: Washington, DC.)

MC 148072 (Sub-1F), filed August 16, 1979. Applicant: JOHN R. TRUCKING, CO., INC., 321 East Wyoming Avenue, Lockland, OH 45215. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building, paving, and insulating materials,* and (2) *materials, supplies, and equipment* used in the manufacture, distribution, and repair of the commodities in (1) above, (except commodities in bulk), between Lockland and Cincinnati, OH, on the one hand, and, on the other, points in WV, KY, and TN, under continuing contract(s) with Jim Walter Corporation. (Hearing site: Columbus, OH.)

MC 148122F, filed August 13, 1979. Applicant: RELIABLE EXPRESS, INC., P.O. box 6952, Lakewood Station, Atlanta, GA 30315. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Atlanta, GA and Dillard, GA, over U.S. Hwy 23, serving all intermediate points; (2) between Cornelia, GA and Toccoa, GA, over U.S. Hwy 23, serving all intermediate points; and (3) between Gainesville, GA and Cleveland, GA, over U.S. Hwy 129, serving all intermediate points. (Hearing site: Atlanta, GA.)

MC 148142F, filed August 27, 1979. Applicant: GORDON W. PRIEST, 10 Quarry Road, Acton, MA 01720. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum lubricants,* in bulk, in tank vehicles, from Providence, RI, and Bayonne, NJ, to West Boylston, MA, under continuing contract(s) with Schultz Lubricants, Inc., of West Boylston, MA. (Hearing site: Boston, MA.)

MC 148143F, filed August 27, 1979. Applicant: MID AMERICA FARM LINES, INC., M. P.O. Box 71, Springfield, MO 65801. Representative: Wm. L. Peterson, Jr., Century Center, Suite 250, 100 West Main Street, Oklahoma City,

OK 73102. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A, B and C explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Mead Johnson & Company, at or near Evansville and Mount Vernon, IN, on the one hand, and, on the other, points in the United States (except AK, HI and IN), under continuing contract(s) with Mead Johnson & Company. (Hearing site: St. Louis or Kansas City, MO.)

MC 148152F, filed August 15, 1979. Applicant: K & H TRUCKING, INC., 3301 S. Lamar, Dallas, TX. Representative: Joe Hester, (same address as applicant). Transporting (1) *such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses and agricultural feed business houses; soy products; paste; flour products; dairy based products, and (2) *materials, ingredients, equipment and supplies* used in the development, manufacture, distribution and sale of the items in (1) above (except commodities in bulk), between the facilities used by Ralston Purina Company at or near Oklahoma City, OK, on the one hand, and, on the other, points in AR, LA, MS, TN, and TX. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 148233F, filed August 31, 1979. Applicant: GROTOP TRUCKING CO., a corporation, 3314 South Lawndale Avenue, Chicago, IL 60623 Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery houses (except commodities in bulk), between the facilities of Topco Associates, Inc., at or near Chicago, IL, on the one hand, and, on the other, East Bridgewater, MA, Suffield, CT, Charlotte, NC, Mobile, Al, Jackson, MS, Omaha, NE, Albuquerque, NM, Phoenix, AZ, and points in CA, CO, MI, MO, NY, OH, PA, TX, UT, and WI, under continuing contract(s) with Topco Associates, Inc. CONDITION: The person or persons engaged in common control of applicant and another regulated carrier must either file an application for approval under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Chicago, IL.)

MC 148253F, filed August 28, 1979. Applicant: BAY METAL, INC., 2100 Lakeside Avenue, Cleveland, OH 44114. Representative: Gail D. Clements (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *scrap copper,* in coils, from Ashtabula, OH, to Warren, MI, (2) *copper billets,* from Warren, MI, to Ashtabula, OH, and (3) *finished welding electrodes, forgings, bar stock, and castings,* from Warren, MI, to Chagrin Falls, OH, under continuing contract(s) in (1), (2) and (3) with Weldaloy Products, of Warren, MI. CONDITIONS: (1) Applicant shall maintain separate accounts and records for its for-hire carrier operations as distinct from its other business activities, and (2) it shall not at the same time and in the same vehicle transport property both as a private carrier and as a for-hire carrier. (Hearing site: Cleveland, OH, or Detroit, MI.

MC 148583F, filed August 15, 1979. Applicant: LOOP CARTAGE, INC., 1818 North Commerce, Milwaukee, WI. Representative: Lawrence P. Kahn, 161 West Wisconsin Avenue, Suite 5170, Milwaukee, WI 53203. Transporting *such commodities as are sold in drug, apparel, chain, discount and department stores* between points in Kenosha, Milwaukee, Ozaukee, Racine and Waukesha Counties, WI, Lake County, IL and Chicago, IL. (Hearing site: Milwaukee, WI.)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-6163 Filed 2-28-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 373]

Impact of Commission Decisions on Small Business; Proposed Policy Statement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed policy statement.

SUMMARY: The Commission is proposing to adopt a statement of the policy which it will apply in considering the impact of its decisions on small businesses. This policy statement is being proposed in response to proposals of the Small Business Administration which are designed to reduce the burdens imposed by regulatory agencies on small businesses. The proposed policy statement would establish a procedure to insure that the Commission considers the impacts of its decisions on small businesses.

DATES: Comments should be submitted by April 28, 1980.

ADDRESSES: An original and 10 copies, if possible, of any comments should be sent to: Interstate Commerce Commission, Office of Proceedings, Room 5316 Washington, DC 20423

FOR FURTHER INFORMATION CONTACT: Bernard Gaillard (202) 275-7597; or Lawrence Schecker (202) 275-7893.

SUPPLEMENTARY INFORMATION: The Small Business Administration (SBA) has proposed that regulatory agencies such as the Commission include in each of their decisions a Small Business Economic Impact Statement. This proposal is designed to reduce the burden which regulatory agencies impose on small businesses. In determining the impacts of a particular regulation, SBA recommends that an agency consider factors such as the number of firms affected by the regulation, per industry; the number of industries; the number of anticipated plant closings; and the geographic distribution of the affected firms. Agencies are to attempt to estimate the costs that small businesses would incur in complying with the regulations and to balance that with any benefits they would receive. The effect on competition should also be analyzed.

This Commission has for some time been committed to the objectives of the SBA. Effects on small businesses have been a major concern in many Commission proceedings, and the Commission's Small Business Assistance Office has provided assistance both to the Commission, in determining the effects of its actions on small businesses, and to small businesses themselves, in understanding and complying with the Commission's regulations.

Although we share SBA's concern about the impacts of our actions on small businesses, we do not want to adopt mandatory procedures, applicable to all of our proceedings, which might lead to increases in the time that it takes to complete a proceeding and in the amount of paper that must be processed. Nor do we want to adopt procedures which will place increased burdens on those who are subject to our regulations. In particular we do not want to adopt a procedure for raising small business issues in one of our proceedings that would prove so expensive or time-consuming that small businesses could not afford to make use of it.

Rather than adopt such procedures, we have determined that the best course would be to adopt a statement of the Commission's policy toward the question of the impacts of its actions on small businesses. We are publishing this proposed statement and asking for

public comment on its provisions. We will then review the comments and make modifications, if necessary, before finally adopting this statement as the formal policy of the Commission.

In any proceedings which are opened by the Commission, e.g., rulemaking proceedings, the Commission will make an initial determination as to whether the contemplated action would have any significant impacts on small businesses. If we conclude that the action will have either no significant impacts or only beneficial impacts, the notice proposing the action will not include any discussion of impacts on small business. However, if we determine that there may be significant adverse impacts on small business, the notice will contain a discussion of these possible impacts and will ask for public comment on the nature of the impacts and whether other aspects of the proposed action counterbalance the adverse impacts expected. We will also explore possible impacts on small businesses of any proposal which we initiate which would increase the data reporting or record keeping burdens of those subject to our jurisdiction.

If the Commission does not include a discussion of the impacts of the proposed action on small businesses, any person may raise the issue in comments filed in the proceeding. In such cases, the burden of establishing the existence and significance of these impacts will be upon the person raising the question. If, as a result of the comments filed, the Commission determines that there are small business impact issues which cannot adequately be addressed, based on the information then contained in the record, the Commission will act to supplement the record to develop an adequate understanding of these issues.

The notice which adopts the final action in these designated proceedings will include a discussion of the comments on small business impact issues and the Commission's conclusions as to whether the proposed action should be adopted in spite of the issues raised or whether it should be modified or abandoned as a result of them.

The Commission does not believe that consideration of the impacts of its actions on small businesses should be limited to rulemaking proceedings. We believe that any type of proceeding before the Commission could involve some significant impacts on small businesses, and we urge all parties to Commission proceedings to give consideration to the question of impacts on small businesses and to raise any small business impact issues which may exist. Petitioners seeking Commission action should state whether they expect that action to have any beneficial effects on small businesses. Similarly, persons filing statements in opposition to the proposed action should state whether the action would have any adverse effects on small businesses.

We proposed to adopt the following policy statement:

Policy Statement Concerning Impacts of Commission Decisions on Small Businesses

The Interstate Commerce Commission recognizes the important role that small businesses play in the national economy. Consistent with the Commission's mandate under the National Transportation Policy, we intend to ensure that Commission decisions are sensitive to the needs of the small business community.

It is the policy of the Commission that, in any Commission proceeding, anyone may raise the issue of the impact that a decision in the proceeding will have on small businesses. In rulemaking proceedings, the Commission will include in its notice of proposed rules a discussion of any significant adverse impacts which might result from adoption of the rules. If no significant adverse effects are expected, or if the rules are expected to have only a beneficial effect, no discussion of the impact on small business is required. Small business impact will be an issue in all Commission proceedings which might result in an increase in reporting or record keeping requirements. Whether or not the Commission has discussed possible adverse impacts in its notice, any person may raise this issue in comments filed in response to the notice.

To the greatest extent possible, the Commission will seek to avoid taking any actions which would have adverse impacts on small businesses. If the Commission must take an action that will have an adverse impact on small business, the Commission will try, wherever possible, to minize the adverse impacts of its action.

All persons having an interest in the impacts of the Commission's decisions on small businesses are encouraged to participate in the Commission's proceedings. The Commission also encourages participation by the Small Business Administration, the Commission's Office of Special Counsel, the Commission's Office of Policy and Analysis, Chambers of Commerce, Federal and State Offices of Consumer Affairs, and private interest groups or individuals.

This proceeding does not appear to be a major Federal action significantly affecting energy consumption or the quality of the human environment.

Issued under the authority of 5 U.S.C. 553 and 49 U.S.C. 10321.

Decided: February 5, 1980.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins and Alexis. Commissioner Clapp absent and not participating. Commissioner Trantum commenting with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Trantum (commenting)

Although I think the policy statement goes beyond the President's intention to increase awareness of the procedural and paperwork burden regulatory decisions place on small businesses, I have no objection to the indication that the Commission will entertain and consider allegations that route awards to "larger" carriers may have adverse impacts on "smaller" trucking firms. The policy statement, as I read it, states that the Commission will consider promoting small business in the truking industry even where that goal conflicts with economic efficiency or discriminates against larger carriers seeking to expand their markets, i.e., "we recognize the necessity of giving special consideration" to the effects of our policies and decisions on small business.

I disagree that greater competition and prosperity among small carriers are mutually exclusive, even in the LTL sector. However, in fairness to all intereted parties, I support a fuller explication of how the Commission will perceive its role—and a clearer indication of the decisional framework it will employ—under any charter which is fundamentally regulatory in nature. Therefore, I would retain the discussion of this issue in the notice and encourage comments on it.

[FR Doc. 80-6162 Filed 2-27-80; 8:45 am]

BILLING CODE 7035-01-M

Finance Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and

participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed on or before March 31, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: February 19, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Friedman. (In MC–F–14225F, Member Taylor dissents and would publish with the following impediment: The restriction to be placed on the general commodity authority to the extent that it would eliminate there from specified commodities (as opposed to classes of commodities) has not been shown to be consistent with the public interest. Also, it is contradictory to the other splits proposed.) (In MC–F–14235F, Member Taylor dissents and votes to dismiss without prejudice to applicant seeking reopening if and when C.S.T., Inc., is granted permanent authority.) (In MC–F–14270, MC–F–14207F, and MC–F–14279F, Member Friedman not participating.

MC–F–14279F, filed December 31, 1979. TRIMAC TRANSPORTATION, INC. (Trimac), (306 South State Street, Dover, DE 19901)—CONTROL—LIQUID TRANSPORTERS, INC. (liquid), (P.O. Box 21395, Louisville, KY 40221), RUSS TRANSPORT, INC. (Russ), (P.O. Box 4022, Chattnaooga, TN 37405), and PRODUCERS TRANSPORT CO. (Producers), (P.O. Box 4022, chattanooga, TN 37405). Representatives: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403, and Leonard A. Jaskiewicz, 1730 M Street, Washingtio, DC 20036. Trimac seeks authority to control Liquid, and its wholly owned subsidiaries, Russ and Producers, through the purchase by Trimac of the issued and outstancing shares of Liquid. The plan of acquisition also provides for the merger of Trimac Kentucky Corporation, a non-carrier, (101 South Fifth Street, Louisville, KY 40221), controlled by Trimac, into Liquid, through an exchange of shares, the latter being the corporation surviving the merger. Trimac, Inc., (100 West 10th Street, Wilmington, DE 19801), and in turn, Trimac Limited, John R. McCaig, Maurice W. McCaig, and the Estate of Roger W. McCaig, (all of 736–8th Avenue, SW, Calgary, AB, Canada T2P 2P9), seek control of Liquid, and its subsidiaries Russ and Producers, through the acquisition of control by Trimac. Operating rights sought to be controlled: All authority of Liquid in lead docket MC 112617 and subs-thereunder; all operating rights of Russ in lead docket MC 116459 and subs thereunder; all operating rights of Producers in lead docket MC 124835 and subs thereunder. Authorites of Liquid in lead docket MC 112617 and subs thereunder authorize operations as a motor *common* carrier transporting *specified commodities*, including, but not limited to grain distilled spirits, liquid chemicals, petroleum and petroleum products, creosote oil and liquid tar, coal tar, insecticides, liquefied petroleum gas, acids and chemicals, liquid fertilizer solutions, gluconic acid, liquid caustic potash, whiskey, propane, butane, paints, varnishes, lacquers, synthetic resin solutions, oils compounded, fitting compound, and lacquer and varish solvents, lards, greass and fats, paving tar, corn syrup, commodities in bulk, animal oils, liquid paint and paint materials, cotton softeners, liquid latex emulsions, calcium carbine residue, fly ash, plastic granules and resin powder, dry mixed fertilizers and superphosphate, liquid oxo-alcohol and liquid spent olefins, cement, mortar, chemical fertilizers and fertilizer ingredients, fluorspar, argicultural insecticides, fungicides and herbicides, litharge, redlead and lead silicates and lead chemicals, alcoholic beverages, granular and pulverized limestone, synthetic latices, syrups, animal and poultry feed and animal and poultry feed ingredients, organic chemicals, liquid phenolic compounds and dry resins, latex, flavoring syrup, adhesive products, dispersants, refrigerants, and blends or mixtures thereof, sugar and sugar products, lime, fungible commodities, bituminous materials, uranium hexafluoride, starch and blends thereof and corn productrs, dry urea and urea products, cleaning and washing compounds and wetting agents, liquid and admixtures for concrete, dry commodities, coloring syrup, plasitc pellets and dry resins, calcined and hydrated alumina, ink and varnish, pulverized coal, salt, dry plastics, corn, cane and beet products, grain neutral spirits, alcohol and

alcoholic liquors, bisphenol, soy bean meal and soy bean oil, roofing asphalt, with certain specified exceptions, over irregular routes to, from and between specified points and territories in all states in the United States (excluding Alska and Hawaii) including the District of Columbia. Most, but not all commodity descriptions are limited to movement of the commodity in bulk form. Authorities of Russ in lead docket MC 116459 and subs thereunder authorize operations as a motor *common* carrier transporting *specified commodities* including, but not limited to cresote oil, pipe dip compound, and pitch, and compounds and pitch, liquid asphalt and liquid asphalt products, coal tar products, asphalt and asphalt products, residual fuel oils, dry cement, latex, tall oil, vegetable oils, animal oils, and fats, and blends of vegetable oils, animal oils and fat, fly ash, fuel oils, salt and salt products, acetylene, argon, carbon dioxide, compressed air, helium, hydrogen, nitrogen, oxygen, propane and mapp, commodities in bulk, animal and poultry feed ingredients, clacium carbonate, residual fuel oil, anhydrous aluminum chloride, dry anhydrous aluminum chloride, dry terephthalic acid, fertilizer and fertilizer materials, ferric chloride, and liquid coal tar, over irregular routes, from to or between specified points and territories in the states of AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MI, MS, MO, NC, NJ, NY, PA, SC, TN, TX, VA, WV, and WY. Most, but not all commodity descriptions are limited to movement of the commodity in bulk form. Authorities of Producers in lead docket MC 124835 and subs thereunder authoize transportation as a motor *common* carrier of cement over irregular routes to, from and between specified points and territories in AL, GA, KY, MI, NC, SC, TN, VA, and WV. Trimac does not hold authority from this Commission. Howerver, Trimac is affiliated with and controlled by Trimac, Inc., which is in turn controlled by Trimac limited. The latter, through control of Trimac Transportation Group Limited, is in control of H. M. Trimble and Sons Ltd., 736 Eighth Avenue S.W., Calgary, AB T2p 2P9, which is authorized to operate as a motor *common* carrier under authorites in docket MC 123329 and subs thereunder from, to or between ports of entery on the United States-Canada boundary in AK, ID, MT, ND and WA, and points in AK, AR, AZ, CA, CO, FL, IA, ID, IL, KS, KY, LA, MN, MO, MS, MT, ND, NE, NM, NV, OK, OR, PA, SD, TN, TX, UT, WA, WI, and WY. Trimac Transportation Group Limited also controls Soulanges Cartage & Equipment Company, Limited, 736 8th Ave. SW, Calgary, AB T2P 2P9, which is authorized to operate as a motor *contract* carrier under authorites in lead docket MC 125380 and subs thereunder to transport cement from United States-Canada ports of entry in ME, NH, NY, and VT to ME, NH, NY and VT under continuing contracts with one named shipper. Trimac Transportation Group Limited and Stothert Holdings Ltd. jointly control Oil and Industry Suppliers Ltd., 736 8th Avenue, S.W., Calgary, AB, T2P 2P9. Authorities of Oil and Industry Suppliers Ltd. in lead docket MC 119555 to operate as a motor *common* carrier from, to or between ports of entry on the United States-Canada boundary in MI, MN and ND, and points in AR, CO, IA, ID, IL, IN, KS, MN, MO, MT, ND, NE, NM, OK, OR, SD, TX, UT, WA, WI, and WY; and Mercury Tanklines Limited, 736 8th Avenue S.W., Calgary, Alberta T2P 2P9 which is authorized to operate as a motor *contract* carrier under authority in lead docket MC 125420 and subs thereunder from, to or between ports of entry on the United States-Canada boundary in MI, MN, MT, ND, NY and WA, and ponts in CA, IL, KY, MD, MI, NY, OH, PA and VA. Mercury Tanklines is also authorized in MC 133383 Sub 2, to operate as a motor *common* carrier from ports of entry in NW and NI to specified points in PA. Approval of control of these carriers was given by the Interstate Commerce Commission in Docket Nos. MC–F–9553, MC–F–10380 and MC–F–14043F. In addition applications are presently pending in Docket No. MC–F–14015, wherein Trimac Transportation Group Limited and Stothert Holdings, Ltd. are seeking approval of control of Municipal Tank Lines Limited, and in Docket No. MC–F–14120F, wherein Trimac Transportation Group Limited is seeking approval of control of Tank Lines Limited. Condition: The Motion to Dismiss FD–29223F will be consolidated with the related proceedings in MC–F–14279F, FD–29222F, and FD–29223F, pending further determination by the Commission. (Hearing site: Billings, MT, or Washington, DC.)

Notes.—This notice does not purport to be a complete description of the operating rights of the carriers involved.

(2) Dual operations may be involved.

(3) Duplications exist to a certain extent between Liquid Transporters, Inc., and H. M. Trimble & Sons Ltd., and Muncipal Tank Lines Limited.

(4) A directly related application, FD–29222F, has been filed by Liquid Transporters, Inc., seeking authority under 49 U.S.C. 11301 to issue 400 shares of stock to be delivered to Trimac Transportation, Inc., in exchange for shares issued by Trimac Kentucky Corporation.

(5) A directly related application, FD–29223F, has been filed by Trimac Kentucky Corporation, seeking authority under 49 U.S.C. 11301 to issue 400 shares of stock to its parent, Trimac Transportation, Inc., for the purpose of exchanging them for 400 shares of Liquid Transporters, Inc. A Motion to Dismiss the application was also filed by Trimac Kentucky Corporation.

MC–F–14270F, filed December 17, 1979. McCRACKEN MOTOR FREIGHT, INC. (MMF) (3641 N.W. St. Helens Rd., Portland, OR)—merger and consolidation—KLAMATH FALLS FREIGHT, INC. (KFF) (P.O. Box 171, Klamath Falls, OR 97601) McCRACKEN BROS. MOTOR FREIGHT, INC. (MBMF) (P.O. Box 2786, Eugene, OR 97402), and NEHALEM VALLEY MOTOR FREIGHT, INC. (NVMF) (3641 N.W. St. Helens Rd., Portland, OR 97210). Representative: Robert R. Hollis, 400 Pacific Bldg., Portland, OR 97204. Applicants seek to merge NVMF into McCracken Financical Co., (MFC) (3641 N.W. St. Helens Rd., Portland, OR 97210) and to simultaneously consolidate MFC, MBMF, and KFF into MMF, the surviving corporation, through the conversion of common stock. Curtis E. McCracken, M. Lynn McCracken, Leslie J. Kenney, and E. Earl McCracken seek authority to acquire control through the transaction. KFF is a motor common carrier pursuant to MC–134357 which authorizes the transportation of (1) *General commodities,* over regular routes, Between Eugene and Westfir, OR, serving all intermediate points (except Goshen, OR), and the off-route points of Crescent Lake, Odell Lumber Company, Cascade Summit, and Lowell, OR: From Eugene over U.S. Highway 99 to junction Oregon Highway 58, then over Oregon Highway 58 to Oakridge, OR; then over unnumbered highway to Westfir, and return over the same route, and (2) *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, over regular routes, Between Oakridge and Klamath Falls, OR, serving all intermediate points: From Oakridge over Oregon Highway 58 to junction U.S. Highway 97, then over U.S. Highway 97, to Klamath Falls, and return over the same route. MBMF is a motor common carrier pursuant to MC–941 and subnumbers thereunder, which authorize the transportation of (1) *General commodities,* except those of unusal value, high explosives (other than blasting caps in quantities of more than 1,000), household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, over regular routes, Between

Portland and Springfield, OR, serving the intermediate and off-route points of Junction City and Eugene, OR, and those in Lane County, OR: From Portland over U.S. Highway 99E to junction U.S. Highway 99, then over U.S. Highway 99 to junction U.S. Highway 126, then over U.S. Highway 126 to Springfield, and return over the same route, (2) *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, over regular routes, (a) Between Eugene and Salem, OR, serving all intermediate points: From Eugene over U.S. Highway 99 to junction U.S. Highway 99E, then over U.S. Highway 99E to Salem, and return over the same route. (b) Between Eugene and Corvallis, OR, serving all intermediate points: From Eugene over U.S. Highway 99 to junction U.S. Highway 99W, then over U.S. Highway 99W to Corvallis, and return over the same route. (3) *Household goods,* as defined by the Commission, over irregular routes, (a) Between Eugene, OR, on the one hand, and, on the other, points within three miles of Eugene. (b) Between Eugene, OR, on the one hand, and, on the other, points in Washington. (c) Between Eugene, OR, and points within three miles of Eugene, on the one hand, and, on the other, points in Lane County, OR. (4) *Lumber,* over irregular routes, From points in Lane County, OR, to points in Clark County, WA, and (5) *Plastic pipe,* over irregular routes, From Eugene, OR, to points in Clark County, WA. NVMF is a motor common carrier pursuant to MC–39395 and sub-numbers thereunder, which authorize the transportation of (1) *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, over regular routes, (a) Between Portland and Vernonia, OR, serving the intermediate points of Gales Creek, Glenwood, Timber and McPherson, OR, from Portland over Oregon Highway 6 via Forest Grove, OR, to Glenwood, OR, then over unnumbered Hwy via Timber, OR, to junction OR, Hwy 47, and then over Oregon Highway 47 to Vernonia, and return over the same route, (b) Between Portland and Seaside, OR, serving the intermediate points of Astoria, Skipanon, Camp Clatsop, Gearhart, and Columbia Beach, OR, and all intermediate points between Portland and Astoria, OR, and the off-route points of Tongue Point, Warrenton, Fort Stevens, and Cannon Beach, OR, From Portland over U.S. Highway 30 to Astoria, OR, and then over U.S. Highway 101 to Seaside, and return over the same route, and (c) Between Astoria and Cannon Beach, OR, serving all intermediate points, and the off-route points of Tolovana Park, Warrenton, Hammond, and Fort Stevens, OR, and points within one mile of the following-described route: From Astoria over U.S. Highway 101 to Cannon Beach, and return over the same route. (2) *General commodities,* except those of unusual value, Class A and B explosives, and commodities in bulk, over regular routes, Between Sunset Camp and Seaside, OR, serving all intermediate points, and the off-route points of Cochran and Camp McGregor, OR, and points within three miles of the specified route: From Sunset Camp over U.S. Highway 26 (formerly Oregon Highway 2) to Necanicum, OR, then over U.S. Highway 26 (formerly U.S. Highway 101) to junction U.S. Highway 101, and then over U.S. Highway 101 to Seaside, and return over the same route. (3) *General commodities,* except those of unusual value, Class A and B explosives, and commodities in bulk, over regular routes, Between junction Oregon Highway 53 and U.S. Highway 101, and Arch Cape, OR, serving the intermediate points of Cannon Beach and Tolovana Park, OR: From junction Oregon Highway 53 and U.S. Highway 101 over U.S. Highway 101 to Arch Cape, and return over the same route. (4) *General commodities,* except liquids in bulk, in tank vehicles, Between Portland and Astoria, OR, serving the intermediate point of Rainier, OR, and all intermediate points between Rainier and Astoria, OR, and the off-route point of the site of the Beaver Ammunition Storage Plant, located approximately four miles northwest of Clatskanie, OR, From Portland over U.S. Highway 30 to Astoria, and return over the same route, and (5) *General commodities,* except those of unusual value, classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment, over irregular routes: Between points in Clatsop County, OR, and that part of Columbia County, OR, which is both west of Rainier, OR, and within 5 air-miles of U.S. Highway 30. (Hearing site: Portland or Eugene, OR.)

Notes.—(1) The fifth listed authority of NVMF involved herein, has been modified to exclude the transportation of classes A and B explosives, since that portion of the authority expired November 22, 1979.

(2) Applicant intends to tack the regular route authority.

(3) A directly related securities application, FD–29210F, has been filed. MMF, the surviving corporation, will issue 4,500 shares of common stock with no par value, 4,500 shares of Class A preferred stock with a par value of $100, and 1,500 shares of Class B preferred stock with a par value of $100. No public sale or other disposition of the securities is proposed. The proposed securities will be issued directly to individual shareholders in exchange for surrender and cancellation of their respective holdings in the merging and consolidating corporations.

MC–F–14267F, filed December 14, 1979. TROMBLY MOTOR COACH SERVICE, INC. (Trombly) (Route 125 By-Pass, North Andover, MA 08145)—PURCHASE (PORTION)—THE GRAY LINE, INC. (Gray) (620 Statler Office Bldg., 20 Providence St., Boston, MA 02116). Representative: Daniel C. Sullivan, 10 S. LaSalle, Suite 1600, Chicago, IL 60603. Trombly seeks authority to purchase a portion of the interstate operating rights of Gray. Francis J. Trombly, Sr., James F. Trombly, Francis J. Trombly, Jr., and Michael J. Trombly, persons in control of Trombly, seek to acquire control of said rights through the transaction. Trombly is purchasing those portions of the interstate operating rights of Gray that are contained in MC–69394 and MC–69394 (Sub-No. 8) which authorize the transportation, over irregular routes, of (1) *passengers and their baggage,* in round-trip or one-way charter operations, with no seasonal restriction, beginning and ending at those points in Essex, Suffolk, and Middlesex Counties, MA, which are north of U.S. Hwy 20 and within 20 miles of the State House, Boston, MA (except Boston, Cambridge, Chelsea, and Winthrop), and extending to points in ME, NH, RI, CT, NY, and DC, and the ports of entry on the International Boundary line between the United States and Canada in VT; and (2) *passengers and their baggage,* restricted to traffic originating at the points indicated, in round trip or one-way charter operations, beginning and ending at those points in Essex, Suffolk, and Middlesex Counties, MA, which are north of U.S. Hwy 20 and within 20 miles of the city limits of Boston, MA (except Boston, Cambridge, Chelsea, and Winthrop), and extending to points in CT, NH, NY, PA, RI, and VT. Gray is retaining those portions of MC–69394 and MC–69394 (Sub-No. 8) which authorize the transportation, over irregular routes, of (1) *passengers and their baggage,* in round-trip or one-way charter operations, with no seasonal restriction, beginning and ending at Boston, Cambridge, Chelsea, and Winthrop, MA, and extending to points in ME, NH, RI, CT, NY, and DC, and the ports of entry on the International Boundary line between the United States and Canada in VT; and (2) *passengers and their baggage,* restricted to traffic originating at the points

indicated, in round trip or one-way charter operations, beginning and ending at Boston, Cambridge, Chelsea and Winthrop, MA, and extending to points in CT, NH, NY, PA, RI, and VT. Trombly is a motor common carrier of passengers and their baggage, over regular and irregular routes, pursuant to certificates in MC–116313 and sub-numbers thereunder. (Hearing site: Boston, MA, or Chicago, IL.)

Notes.—(1) Application for temporary authority has been filed. (2) This proceeding involves an illegal split and will be referred for further processing.

MC–F–14235F, filed November 28, 1979. EDWARD SEGALL (Segall) (an individual)—CONTINUE IN CONTROL—CONSOLIDATED TRUCK SERVICE, INC. (Consolidated) and C.S.T., INC. (CST) (all of One Scout Avenue, South Kearny, NJ 07032). Representative: Thomas J. Beener, One State Street Plaza, New York, NY 10004. Segall seeks to continue in common control and management of Consolidated and CST, upon the institution by CST of operations, in interstate or foreign commerce, as a motor common and contract carrier. Consolidated holds motor contract carrier authority in MC–129950 to serve Pioneer Industries from Carlstadt, NJ, to points in PA, OH, MD, DE, WV, and DC. Consolidated also holds motor common carrier authority in MC–117685 to transport *tea,* from New York, NY, to Cleveland, OH, *cocoa beans,* from New York, NY, to Chicago, IL, *nuts,* from New York, to Chicago, IL, and Kansas City, MO, and *coffee beans,* from New York, NY, to Jacksonville and Miami, FL, Indianapolis, IN, Wichita, KS, Grand Rapids, MI, St. Paul, MN, Kansas City and St. Louis, MO, Greensboro, NC, Buffalo, Elmira, and Utica, NY, Chattanooga, TN, Milwaukee, WI, and points in IL, OH, and PA. CST presently holds emergency temporary authority and temporary authority as a contract carrier in MC–147235. CST also has pending an application for temporary authority as a common carrier. Condition: Approval is conditioned upon CST receiving approval of its application to become a carrier and institution of such operations. (Hearing site: New York, NY.)

Notes.—(1) Dual operations may be involved. (2) Application for temporary authority has been filed.

MC–F–14225F, filed November 23, 1979. FREDRICKSON MOTOR EXPRESS CORPORATION (Fredrickson) (3400 North Graham Street, Charlotte, NC 28206)—PURCHASE (Portion)—MORVEN FREIGHT LINES, INC. (Morven) (P.O. Box 718, Wadesboro, NC 28170). Representative: Robert D. Hoagland, 1204 Cameron Brown Bldg., Charlotte, NC 28204. Fredrickson seeks authority to purchase a portion of the interstate operating rights of Morven. Martha Fredrickson, Executrix u/w of Everette W. Fredrickson, Winsal & Company, Nominee of First Union National Bank, Executor of the Estate of William G. Fredrickson, and Sonab and Company, Nominee of Southern National Bank of North Carolina, Trustee of the Fredrickson Motor Express Corporation Employees' Profit Sharing Trust, join in the application, and seek authority to control said rights. Fredrickson is purchasing a portion of the interstate operating rights contained in Morven's certificate No. MC–120307 (Sub-No.4). The rights to be transfrred are: (1) *general commodities* (except commodities in bulk, commodities requiring special equipment, cotton in bales, fertilizer materials, and household goods as defined by the Commission), over irregular routes, between points in Henderson, McDowell, Rutherford, Cleveland, Caldwell, Wilkes, Catawba, Gaston, Iredell, Mecklenburg, Rowan, Cabarrus, Union, Forsyth, Davidson, Stanly, Anson, Rockingham, Guilford, Montgomery, Richmond, Alamance, Durham, Vance, Wake, Johnston, Lee, Cumberland, and New Hanover Counties, NC; (2) *prefabricated steel, reinforcing bars, steel pipe, steel windows, finished lumber, and construction machinery* (except commodities the transportation of which because of size or weight require the use of special equipment), over irregular routes, between points in NC; and (3) *fertilizer materials* (except commodities in bulk), between points in NC. Morven is retaining a portion of the interstate operating rights contained in MC–120307 (Sub-No. 4). The rights to be retained are: (1) *wood chips,* over irregular routes, (a) from points in Montgomery County, NC, to points in Florence County, SC, and (b) from points in Anson County, NC, to points in Florence and Darlington Counties, SC; (2) *limestone,* in bulk, over irregular routes, from points in Cherokee County, SC, to points in Anson, Stanly, Montgomery, Moore, Richmond, Scotland, Robeson, Hoke, and Union Counties, NC; (3) *household goods* as defined by the Commission, over irregular routes, between points in Henderson, McDowell, Rutherford, Cleveland, Caldwell, Wilkes, Catawba, Gaston, Iredell, Mecklenburg, Rowan, Cabarrus, Union, Forsyth, Davidson, Stanly, Rockingham, Guilford, Montgomery, Richmond, Alamance, Durham, Vance, Wake, Johnston, Lee, Cumberland, and New Hanover Counties, NC; (4) *prefabricated steel, reinforcing bars, steel pipe, steel windows, finished lumber, and construction machinery,* the transportation of which because of size or weight requires the use of special equipment, between points in NC; (5) *cotton* in bales and *such commodities* (except cement in bulk) as are usually transported in dump trucks, between points in NC; and (6) *household goods* as defined by the Commission, between points in Anson County, NC, on the one hand, and, on the other, points in NC. Fredrickson holds authority to operate as a motor common carrier pursuant to certificates in NO. MC–28307 and sub-numbers thereunder. (Hearing site: Charlotte, NC, or Washington, DC.)

Note.—Application for temporary authority has been filed.

Dated: February 12, 1980.

By the Commission Review Board Number 5. Members Krock, Taylor and Freidman (In MC–F–14254. Board Member Taylor dissents in part and would require the IRS to join in the application as a party in interst prior to publication.)

MC–F–14254, filed December 10, 1979. GRAHAM SHIP BY TRUCK COMPANY (Graham) (721 South Packard, Kansas City, KS 66105)—PURCHASE (PORTION)—B.T.L., INC. (BTL) (631 Santa Fe, Kansas City, MO 64101). (INTERNAL REVENUE SERVICE—CREDITOR). Representative: Richard R. Arnold, 721 South Packard, Kansas City, KS 66015. Graham is seeking authority to purchase a portion of the operating rights of BTL. Richard R. Arnold, the majority stockholder of Graham, seeks to acquire control of the said rights through the transaction. Graham is purchasing the interstate operating rights of BTL that are contained in certificates MC–9644 (Sub-Nos. 3G, 4, 5, 6), and MC–9644 (Sub-No. E1) which authorize the transportation in interstate or foreign commerce, as a motor common carrier as follows: (1) Irregular routes: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), Between Kansas City and North Kansas City, Mo., Kansas City, Kans., and points within 15 miles of the named points, on the one hand, and, on the other, points in that part of Kansas on and north of U.S. Highway 40 and on and east of U.S. Highway 77. (2) 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 commodities requiring special equipment, Between Wilber, Nebr., and Omaha, Nebr., serving the intermediate points of Crete and Lincoln, Nebr., and

serving the off-route points of Clatonia, DeWitt, Roca, Martell, Sprague, Hallam, Denton and Kramer, Nebr., and Council Bluffs, Iowa: From Wilber over Nebraska Highway 103 (formerly Nebraska Highway 82) to Crete, Nebr., thence along Nebraska Highway 33 to junction U.S. Highway 77, thence along U.S. Highway 77 to Lincoln, Nebr., thence along U.S. Highway 6 to junction Nebraska Highway 31, thence along Nebraska Highway 31 to Millard, Nebr., thence along unnumbered Highway to junction Nebraska Highway 38 to Omaha, and return over the same route. (3) Regular routes: *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment) between Kansas City, Mo., and Roca, Nebr., from Kansas City over Interstate Highway 29 to St. Joseph, Mo., thence over U.S. Highway 36 to Marysville, Kans., thence over U.S. Highway 77 to its junction with Nebraska Highway 33, thence over unnumbered highway to Roca, and return over the same route, serving no intermediate points. (4) Regular routes: *General commodities* (except articles of unusual value, classas A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Kansas City, Mo. and Omaha, NE: from Kansas City, over Interstate Hwy 29, to junction Interstate Hwy 80, then over Interstate Hwy 80 to Omaha, and return over the same route, serving no intermediate points, as an alternative route for operating convenience only. (5) *Irregular routes: General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commisison, commodities in bulk, and those requiring special equipment), (1) between Kansas City and North Kansas City, Mo., Kansas City, Kans., and points within 15 miles of the points named, on the one hand, and, on the other, points in that part of Kansas on, east, and north of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 59 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction Kansas Highway 116, thence along Kansas Highway 116 to junction Kansas Highway 16, thence along Kansas Highway 16 to Blaine, thence along Kansas Highway 13 to junction Kansas Highway 177, thence along Kansas Highway 177 to Manhattan thence along Kansas Highway 18 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line; (2) between Kansas City and North Kansas City, Mo., Kansas City, Kans., and points within 15 miles of the points named, on the one hand, and, on the other, points in that part of Nebraska, on, south and east of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to Lincoln, thence along Nebraska Highway 2 to the Nebraska-Iowa State line; and (3) between Kansas City and North Kansas City, Mo., Kansas City, Kans., and points within 15 miles of the points named, on the one hand, and, on the other, points in that part of Missouri south and west of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 36 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Missouri Highway 16, thence along Missouri Highway 116 to junction U.S. Highway 71, thence along U.S. Highway 71 to Kansas City, Mo. Graham presently holds authority pursuant to certificates issued in MC–47038 and sub-numbers thereunder, which authorize the transportation of (1) *general commodities,* usual exceptions, over regular routes, in MO and KS, and (2) *general commodities,* usual exceptions, over irregular routes, between points in the Kansas City, MO-KS Commercial Zone as defined by the Commission, restrictred against the transportation of combines (harvester-threshers) and parts thereof, in truck-loads, to or from Independence, MO. (Hearing site: Kansas City, MO.)

Notes.—(1) Graham intends to join the authority sought with his regular-route authority in MC–47038 and sub-numbers thereunder. (2) BTL has not joined as a party in this application. The rights being sold have been seized by the IRS and are being sold for nonpayment of internal revenue taxes due. BTL has the right to redeem until the time of final transfer. BTL has indicated to the Commission that it plans to redeem such property.

Dated: February 15, 1980.

By the Commission Review Board Number 5, Members Krock, Taylor and Friedman. (In MC–F–14274F, Member Taylor dissents stating that the Control and Merger application was filed on the wrong form) (In MC–F–14219, MC–F–14277, and MC–F–14278F, Member Friedman not participating).

MC–F–14278F, filed December 31, 1979. Applicant: EARL A. SCHMIDT (Schmidt) (1 Clyde Avenue, Litchfield Industrial Park, Litchfield, IL 62056)—CONTROL—A.G.S. ENTERPRISES, INC. (AGS) AND SCHMIDT TRUCK SERVICE, INC. (Schmidt Truck) (both of 1 Clyde Avenue, Litchfield Industrial Park, Litchfield, IL 62056). Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Schmidt seeks to control AGS and Schmidt Truck by increasing his control in each company to 100% stock ownership. Schmidt Truck is a motor common carrier, in interstate or foreign commerce, pursuant to certificates in MC–87566 and sub-numbers thereunder, which authorize the transportation of (1) *general commodities,* usual exceptions, over regular routes, between Litchfield, IL, and St. Louis, MO: from Litchfield over U.S. Hwy 66 to Edwardsville, IL, then over IL Hwy 159 to junction U.S. Hwy 40, and then over U.S. Hwy 40 to St. Louis, and return over the same route, serving the intermediate and off-route points of Mt. Olive, Staunton and Hillsboro, IL, and points within five miles of Hillsboro and those within five miles of Litchfield, IL; (2) *canned milk,* over irregular routes, from Litchfield, IL, to points in IL and IN; (3) *general commodities,* usual exceptions, serving the St. Louis, MO-East St. Louis, IL Commercial Zone as defined by the Commission (except St. Louis, MO), as intermediate or off-route points in connection with carrier's presently authorized regular-route operations to or from St. Louis; and (4) *aluminum sash, doors, windows, siding, awnings, canopies, and extrusions, hardware, materials and supplies* used in the installation of aluminum sash, doors, windows, siding, awnings, canopies, and extrusions, and *scrap metal,* from Litchfield, IL, to points in KY, WI, MO, IN, OH, and AR. AGS is a motor common carrier, in interstate or foreign commerce, pursuant to certificates in MC–141459 and sub-numbers thereunder, which authorized the transportation of (1) *plastic products,* from the facilities of International Paper Company, at Litchfield, IL, to points in IN, IA, KS, MI, MN, MO, OH, PA, and WI, restricted against service to points in MO within the St. Louis, MO, Commercial Zone as defined by the Commission; (2) *sheet metal products,* from Salisbury, MO, and Hollins, VA, to points in the United States (except AK and HI); and (3) *materials, equipment and supplies* used in the manufacture of sheet metal products (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from points in the United States (except AK and HI), to Salisbury, MO, and Hollins, VA. (Hearing site: Chicago, IL.)

MC–F–14219F, filed November 15, 1979. Applicant: AMTRUK TRANSPORT, INC. (Amtruk) (Box 4327 Bergen Station, Jersey City, NJ 07304)—CONTROL—I.B.H. TRANSPORTATION, INC. (I.B.H.) (P.O. Box 8, Clinton, MA 01510). Representative: Eric Meierhoefer, Suite

423, 1511 K Street, N.W., Washington, DC 20005. Amtruk acquiring control of I.B.H. through purchase of its stock. John T. Hildeman, from Jersey City, NJ, who controls Amtruk through 100% stock ownership, also acquiring control of I.B.H. through the transaction. Amtruk holds authority pursuant to its certificates in No. MC–123922 and sub-numbers thereunder, to operate as a motor common carrier, in interstate or foreign commerce. I.B.H.'s authority to be controlled is contained in its certificate No. MC–11698, to operate as a motor common carrier, in interstate or foreign commerce, the transportation of (1) *acoustical tile,* from Portsmouth, NH, to Boston, MA, (2) *printed matter, chemicals, plywood, metal, buildings, materials, auto parts, oil burners, and machinery,* from Boston, MA, to points in RI, (3) *gas stoves, machinery, electric refrigerators, and acoustical stock,* from Boston, MA, to points in CT, (4) *building material, acoustical stock, asphalt in containers, tools, advertising matter, and chemicals,* from Boston, MA, to Manchester and Nashua, NH, and (5) *household goods,* between Boston, MA, and points within 20 miles of Boston, on the one hand, and, on the other, points in NY, RI, NH, CT, and NJ. (Hearing site: Newark, NJ.)

Notes.—(1) Application for temporary authority has been filed.

(2) The commodity descriptions have been changed to reflect current commission policy.

MC-F-14274F, filed December 18, 1979. R–W SERVICE SYSTEM, INC. (R–W) (20225 Goddard Road, Taylor, MI 48180)—CONTROL AND MERGER—OGDEN & MOFFET COMPANY, (Ogden) (1515 Busha Highway, Marysville, MI 48040). Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. R–W seeks authority to acquire control of Ogden and for merger of the operating rights and property into R–W for ownership, management, and operation. McLouth Steel Corporation who controls R-W through ownership of its capital stock, seeks to acquire control of Ogden through this transaction. The operating rights to be acquired by R-W are contained in Ogden's certificates issued in No. MC-58152 and sub-numbers thereunder which authorize the transportation as follows: (1) *general commodities,* with usual exceptions, over regular routes between points in MI including routes between Detroit, MI and Port Huron and Harbor Beach; MI; Detroit, MI and Romeo, Pontiac, Livonia and Romulus, MI, Detroit, MI and Battle Creek and Kalamazoo, MI; Detroit, MI and Lansing and Grand Rapids, MI; Lansing, MI and Clare, Cadillac and Manistee, MI; Grand Rapids, MI and Muskegon and Ludington, MI; Kalamazoo, MI and Muskegon, Ludington and Manistee, MI; (2) *salt,* in bulk, (a) from St. Clair and Marysville; MI, to points in IL, IN, and OH, and (b) from Detroit, MI; to port of entry at Port Huron, MI on the International Boundary line between the United States and Canada, (3) *salt,* (a) from the port of entry at Detroit, MI, on the International Boundary line between the United States and Canada, to points in MI, OH, IN, and IL, and (b) from ports of entry on the International Boundary line between the United States and Canada at or near Port Huron, St. Clair, and Marine City, MI, to points in MI, and (4) *materials and supplies* (except in bulk), used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when transported at the same time and in the same vehicle with salt and salt products (a) from ports of entry on the International Boundary line between the United States and Canada at or near Detroit and St. Clair, MI, to points in MI, OH, IN, and IL; (b) from ports of entry on the International Boundary line between the United States and Canada at or near Port Huron and Marine City, MI, to points in MI, and (c) from Marysville, MI, to points in OH. R–W operates as a motor common carrier in interstate or foreign commerce pursuant to certificate No. MC-55896 and sub-numbers thereunder, transporting general commodities, with usual exceptions, over regular and irregular routes in OH, MI, IN, IL, MO, PA, WI, and WV, R–W owns all of the stock of Ivory Van Lines, Inc., a household goods carrier holding authority as issued in MC 72235 and sub-numbers thereunder. Ivory Van Lines Inc., controls Ivory Forwarding, Inc. which holds freight forwarding authority in FF 469, and Ivory International, Inc. (Hearing site: Detroit, MI or Chicago, IL.)

Note.—R–W Service System, Inc. filed a directly related application in FD 29213F undr 49 U.S.C. 11301 and 11302 on December 17, 1979, seeking authority to issue six promissory installment notes totaling $3,995,200 to the stockholders of Ogden and Moffett Company based on their pro rata share of the total consideration for all of the common capital stock of Ogden and Moffett Company, subject to adjustments arising from purchase of all of the capitol stock of Ogden.

MC–F–14277F, filed December 28, 1979. CAPITAL TRANSIT, INC., d/b/a CONCORD COACH LINES (Capital) (South Maine Street, Concord, NH 03301)—PURCHASE (PORTION)—TRAILWAYS OF NEW ENGLAND, INC., d/b/a TRAILWAYS (Trailways) (230 West 41st Street, New York, NY 10036). Representatives: J. G. Dail, Jr., P.O. Box IL, McLean, VA 22101, for transferee, and George W. Hanthorn, Suite 422, 1500 Jackson Street, Dallas, TX 75201, for transferor. Capital seeks authority to purchase a portion of the interstate operating rights of Trailways. Harry W. Blunt, Jr., the sole stockholder of Capital, seeks to acquire control of such rights through the transaction. The operating rights to be acquired by Capital are contained in Trailway's certificates issued in No. MC–1940 and sub-numbers thereunder which authorize the transportation as follows: (Sub-No. 37) transporting *passengers and their baggage, express and newspapers* in the same vehicle with passengers, over regular routes, (1) Between Boston, MA, and Concord, NH, serving all intermediate points; From Boston over U.S. Hwy 3 to junction MA Hwy 3A, at Billerica, MA, then over MA Hwy 3A via Lowell, MA, to junction U.S. Hwy 3, at North Chelmsford, then over U.S. Hwy 3 via Hooksett, NH to Concord (also from Hooksett over Hooksett Village Road and former Daniel Webster Hwy via Suncook, NH to junction U.S. Hwy 3, then over U.S. Hwy 3 to Concord), and return over the same routes. (2) Between Concord, NH, and Laconia, NH, serving all intermediate points; From the intersection of U.S. Hwy 4 at Everett Toll Highway, in Concord, over U.S. Hwy 4 to the intersection of NH Hwy 106, then over NY Hwy 106 to Laconia, and return over the same route. (3) Between Concord, NH, and Littleton, NH, serving all intermediate points; From Concord over U.S. Hwy 3 to junction NY Hwy 18 then over NH Hwy 18 to junction U.S. Hwy 302, then over U.S. Hwy 302 to Bethlehem, NH, and then over U.S. Hwy 302 to Littleton, and return over the same route. (4) Between North Woodstock, NH, and junction unnumbered Hwy and U.S. Hwy 3, serving the intermediate point of Lincoln, NH; From North Woodstock over unnumbered Hwy via Lincoln to junction U.S. Hwy 3, and return over the same route. (5) Between Bethlehem, NH, and Bretton Woods, NH serving all intermediate points; From Bethlehem over U.S. Hwy 302 to Bretten Woods, and return over the same route. (6) Between Littleton, NH, and Colebrook, NH, serving all intermediate points; From Littleton over New Hampshire Hwy 116 to junction U.S. Hwy 3, then over U.S. Highway 3 to Colebrook, and return over the same route. (7) Between Manchester, NH, and Portsmouth, NH, serving the intermediate points of Epping, Raymond, Candia, and Exeter, NH, and the intermediate points

between Exeter and Portsmouth, NH, however, express shall not be transported over that portion of the route between Manchester and Exeter, NH, including authorized points of service: From Manchester over NH Hwy 101 to junction unnumbered Hwy (formerly portion NH Hwy 101), then over unnumbered Hwy via Epping, NH, to junction NH Hwy 101 then over NH Hwy 101 via Exeter, NY to Portsmouth, and return over the same route. (8) Between Berlin, NH, and Sanbornville, NH, serving all intermediate points; From Berlin over NH Hwy 16 via Conway and Chocorua, NH, to junction unnumbered Hwy north Sanbornville, then over unnumbered Hwy to Sanbornville, and return over the same route. (9) Between Conway, NH, and Chocorua, NH, serving all intermediate points; From Conway over NH Hwy 113 to Chocorua, and return over the same route. (10) Between Alton Bay, NH, and Laconia, NH, serving all intermediate points; From Alton Bay over NH Hwy 11 to Laconia, and return over the same route. Alternate routes for operating convenience only: Passengers and their baggage, and express, mail and newspapers in the same vehicle with passengers, Between junction Massachusetts Highway 3–A and U.S. Highway 3, in North Chelmsford, MA, and junction MA Hwy 3–A and U.S. Hwy 3 in Billerica, MA, serving no intermediate points; From junction MA Hwy 3–A and U.S. Hwy 3 over U.S. Hwy 3 to junction MA Hwy 3–A, and return over the same route. The above-described authority to transport passengers was issued pursuant to an application filed on or before January 1, 1967, and therefore incidental charter operations in interstate or foreign commerce may be conducted under rules and regulations prescribed by the Commission pursuant to section 208(c) of the Interstate Commerce Act, as amended November 10, 1966. No. MC–1940 (Sub 34) (1) Between junction NH Hwy 16 and NH Hwy 28, and junction unnumbered Hwy and NH Hwy 16 (near North Wakefield, NH), serving all intermediate points; From Junction NH Hwy 16 and 28 over NY Hwy 28 to Ossipee, NH, then over unnumbered Hwy to junction NH Hwy 16, and return over the same route. (2) Between Chocorua, NH, and Laconia, NH, serving all intermediate points; From Chocorua over NH Hwy 113 to Center Sandwich, NH, then over NH Hwy 109 to Moultonboro, NH, then over NH Hwy 25 to Meredith, NH, and then over U.S. Hwy 3 to Laconia, and return over the same route. (3) Between junction NH Hwy 133 and NH Hwy 25 (near South Tamworth, NY), and Moultonboro, NH, serving all intermediate points; From junction New Hampshire Highways 113 and 25 over NH Hwy 25 to Moultonboro, and return over the same route, No. MC–1940 (Sub 41) Passengers and their baggage, in seasonal operations during the season extending from the 15th of June to the 15th of September, both inclusive, of each year. (1) Between Manchester, NH, and Hampton Beach, NH serving no intermediate points; From Manchester over NH Hwy 101 to Exeter, NH, then over NH Hwy 101–C to Hampton, NH, then over NH Hwy 101–E to junction NH Hwy 1A, then over NH Hwy 1A to Hampton Beach, and return over the same route. (2) Between Manchester, NH, and Bedford Grove (Bedford), NH, serving no intermediate points; From Manchester over NH Hwy 101 to junction unnumbered Hwy, then ove unnumbered Hwy to Bedford Grove, and return over the same route. Capitol operates as a regular-route common carrier of passengers under Certificate No. MC–116140 and subnumbers thereunder.

Note.—An application for temporary authority has been filed. (Hearing site: Washington, DC.)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–6220 Filed 2–27–80; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Operating Rights Applications Decision-Notice

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where

specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* the following operating rights applications directly related thereto filed on or before March 31, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: February 14, 1980.

By the Commission, Review Board Number 5. Members Krock, Taylor and Friedman. (Member Friedman not participating).

MC-F-14245F, filed November 27, 1979. NORTHWEST TRANSPORT SERVICE, INC. (Northwest) (5231 Monroe Street, Denver, CO 80216)—Purchase (Portion)—WESTWAY MOTOR FREIGHT, INC. (Westway) (5231 Monroe Street, Denver, CO 80216). Northwest seeks to purchase a portion of the operating rights of Westway. NW Transport Service, Inc., a holding company, which owns all of the stock of Northwest, and in turn Donn D. McMorris and Jerry McMorris which own all of the stock of NW Transport Service, Inc., seek to continue control of the rights through the transaction. Representative: Leslie R. Kehl, 1660 Lincoln Street, Suite 1600, Denver, CO 80264. The interstate operating rights to be acquired by Northwest are contained in Westway certificate, which authorizes operations, in interstate or foreign commerce, over irregular routes, issued in No. MC-99234 (Sub-No. 2) as follows: The transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Denver, Broomfield, and Littleton, CO, and points in that part of Jefferson County, CO, on and north of U.S. Hwy. 285 and (2) Between Denver, Broomfield, and Littleton, CO, and points in that part of Jefferson County, CO, on and north of U.S. Hwy. 285, on the one hand, and, on the other, points in CO. Westway will retain authority from its Sub-No. 2 as follows: *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), over regular routes, (1) Between Denver, CO, and Golden, CO, serving all intermediate points; (a) from Denver over CO Hwy 58 to Golden, and return over the same route, (b) from Denver over U.S. Hwy 6 to Golden, and return over the same route, (c) from Denver over U.S. Hwy 40 to junction U.S. Hwy 6, then over U.S. Hwy 6 to Golden, and return over the same route, and (d) from Denver over unnumbered highway (26th Avenue) to Golden, and return over the same route, and (2) Between Denver, CO, and Watkins, CO, serving all intermediate points (except Aurora, CO); from Denver over U.S. Hwy 36 to Watkins, and return over the same route. Northwest holds authority as a motor common carrier in MC-1977 and sub-numbers thereunder. Northwest and Westway are presently under common control approved in MC-F-9760 and MC-F-9396. (Hearing site: Denver, CO)

Note.—A directly related gateway application has been filed in MC-1977 (Sub-No. 40F), published in this same Federal Register issue.

MC 1977 (Sub-40F), filed November 27, 1979, Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln Street, Suite 1600, Denver, CO 80264. 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), between points in CO (except Denver and its commercial zone), on the one hand, and, on the other, Cortez and Trinidad, CO, Salt Lake City, UT, and points within 50 miles of Salt Lake City, and points in Ada, Bannock, Bear Lake, Bingham, Boise, Bonneville, Cassia, Canyon, Caribou, Elmore, Franklin, Fremont, Gem, Gooding, Power, Twin Falls, and Washington Counties, ID. (Hearing site: Denver, CO)

Notes.—(1) The purpose of this application is to eliminate the gateway of Denver, CO, in order to provide a through service. (2) This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC-F-14245F, published in this same Federal Register issue.

Dated: February 14, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Friedman. (In MC-F-14242F, Member Taylor Dissents, stating that the proposed split of operating rights is objectionable, since Elida is within eight miles of Vaughnsville, OH, and the split would result in the sale and retention of duplicating rights.) (In MC-F-14243F, Member Taylor dissents on the directly related gateway application in MC-125708 (Sub-No. 187F), stating that some of the authorities proposed to be tacked are not subject to joinder due to different commodity descriptions.) (In MC-F-14261F, Member Friedman not participating).

MC-F-14242F, filed November 30, 1979. THE KAPLAN TRUCKING COMPANY (Kaplan) (2900 Chester Avenue, Cleveland, OH 44114)—PURCHASE (PORTION)—LYONS TRANSPORTATION LINES, INC. (Lyons) (138 East 26th Street, Erie, PA 16512). Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Kaplan seeks to purchase a portion of the operating rights of Lyons. The Kaplan-Halpert Foundation, Inc., A non-carrier, (Suite 1800, 100 East Broad Street, Columbus, OH 43215), the sole stockholder of Kaplan, also seeks to acquire control of the rights of Lyons through the transaction. Kaplan seeks to purchase that portion of MC-7166 (Sub-No. 15) which authorizes the transportation, over irregular routes, as a common carrier, of *general commodities* (usual exceptions), between Elida, OH, on the one hand, and, on the other, points in Ohio. Lyons will retain that portion of MC-7166 (Sub-No. 15) which authorizes the transportation, over irregular routes, as a common carrier, of *general commodities* (usual exceptions) between Vaughnsville, OH, and points within 8 miles thereof, on the one hand, and, on the other, points in OH, restricted against the transportation of traffic from, to, or through Elida, OH. The Kaplan Trucking Company, a motor common carrier, is authorized to operate in interstate or foreign commerce, under authority issued in MC-2304 and sub-numbers thereunder, throughout the states of CT, DE, IL, IN, KY, MD, MA, MI, MO, NJ, NY, OH, PA, RI, TN, and WV. Dan's Transit, Inc., a subsidiary of

Kaplan, is a motor common carrier, operating in interstate or foreign commerce, under authority issued in MC–135306 and sub-numbers thereunder, in the states of CT, VT, MA, NH, NJ, NY, PA, RI, and VA. Condition: The Kaplan-Halpert Foundation, Inc., shall continue to be deemed a carrier within the meaning of 49 U.S.C. 11348 and subject to filing any special reports that may be required by the Commission under 49 U.S.C. 11145 as provided in our decision in docket No. MC–F–13714F. (Hearing site: Washington, DC, or Columbus, OH)

Notes.—(1) In MC–F–12062, Lyons was granted authority to control the operating rights contained in MC–7166 (Sub-No. 15). (2) A directly related gateway application has been filed in MC–2304 (Sub 35F), published in this same **Federal Register** issue.

MC 2304 (Sub 35F), filed November 30, 1979. Applicant: THE KAPLAN TRUCKING CO., 2900 Chester Avenue, Cleveland, OH 44114.—GATEWAY ELIMINATION Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. To operate as a common carrier, by motor vehicle, 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), between points in OH, on the one hand, and, on the other, points in IL, IN, and those in MI on and south of MI Hwy 21. (Hearing site: Washington, DC, or Columbus, OH)

Notes.—(1) The purpose of this application is to eliminate the gateway of Elida, OH, in order to provide a through service. (2) This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC–F–14242F, published in this same **Federal Register** issue.

MC–F–14243F, filed November 30, 1979. THUNDERBIRD MOTOR FREIGHT LINES, INC. (Thunderbird) (425 W. 152nd Street, East Chicago, IN 46312) —PURCHASE—A–1 TRANSPORTATION COMPANY (A–1) (4800 Palisades, Godfrey, IL 63025). Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. Thunderbird sseks to purchase the operating rights of A–1. By the same application, Specialized Transportation, Inc., a non-carrier and sole stockholder of Thunderbird, and in turn, Leon Barnard, the majority stockholder of Specialized Transportation, Inc., seek to acquire control of said operating rights. Thunderbird is purchasing the interstate operating rights of A–1 which are contained in MC–119897 and sub-numbers thereunder, which authorize the transportation as a motor common carrier, over irregular routes, of: (1) *mine and oil field machinery and supplies* (except Classes A and B explosives), between points in MO, KS, OK, and that part of IL within 150 miles of St. Louis, MO; (2) *machinery, materials, supplies and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum* (a) between points in LA and TX, (b) between Iowa Park, TX, and points within 100 miles of Iowa Park, on the one hand, and, on the other, points in OK and those in Lea and Eddy Counties, NM; (3) *machinery, equipment, materials and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage,* restricted to the transportation of shipments moving to or from pipeline rights of way, (a) between points in MO, KS, OK, and that part of IL within 150 miles of St. Louis, (b) between points in LA and TX, (c) between Iowa Park, TX, and points within 100 miles of Iowa Park, on the one hand, and, on the other, points in OK and points in Lea and Eddy Counties, NM, (d) between points in OK, KS, AR, TX, and Lea and Eddy Counties, NM, on the one hand, and, on the other, points in IL and MO; (4) *machinery, equipment, materials 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 *machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof,* between points in OK, KS, AR and TX, and points in Lea and Eddy Counties, NM, on the one hand, and, on the other, points in IL and MO; (5) *machinery, equipment, materials and supplies used in or in connection with the drilling of water wells,* between points in OK, KS, AR, TX, and Lea and Eddy Counties, MN, on the one hand and on the other, points in IL an MO; (6) *corrosion-inhibiting compounds, emulsion-breaking compounds, paraffin solvents, scale-inhibiting compounds, water treating and softening compounds, and chemicals and compounds used in the processing of crude oil,* liquid, in bulk, in tank vehicles (except petroleum and petroleum products), when moving as a material or supply to be used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and petroleum products and by-products, (a) between Wichita Falls, TX, and points in CO, MT, NM, UT and WY, (b) between Ellingwood and Plainville, KS, on the one hand, and, on the other, points in CO, MT, NE, ND, SD, and WY, (c) between points in IL (except East St. Louis and points within 25 miles thereof), on the one hand, and, on the other, points in KS, MT, NE, ND, SD and WY, (d) between Ruston, LA, and points in IN and KY; (6) *well point equipment, machinery, materials and supplies* (except commodities in bulk and *Mercer* commodities), between the facilities of Moretrench America Corp., at Houston, TX, on the one hand, and, on the other, points in AL, AZ, AR, CO, FL, KS, LA, MS, NM, OK, TN, and TX, restricted to the transportation of traffic originating at or destined to the named facilities and destined to or originating at points in the above-described territory; (7) *plastic pipe,* from Houston, TX, to points in US (except AK, HI and TX); (8) *petroleum pitch,* in bulk, in tank vehicles, from the plant site of Koppers, CO, at or near Houston, TX, to the plant site of Consolidated Aluminum Company, at or near Harbor, LA; (9) *Liquid coal tar and liquid coal tar products* (except commodities derived from petroleum) in bulk, in tank vehicles, from Houston, TX, to points in AR, LA, OK and TX; and (10) *machinery, equipment, materials and supplies* used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum (except Classes A and B explosives), from points in TX to points in OK, KS, AR, and Lea and Eddy Counties, NM. Thunderbird is also purchasing the authority in MC–119897 (Sub-No. E1) which authorizes the transportation of (1) *machinery, equipment, materials, 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, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas,

petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline right of way, over irregular routes, throughout various points in AR, IL, KS, LA, MO, NM, OK, and TX. Thunderbird is authorized pursuant to MC-125708 and subnumbers thereunder to operate as a motor common carrier of specified commodities, over irregular routes, throughout some 30 States. Condition: Specialized Transportation, Inc., the non-carrier parent of Thunderbird, shall be considered a motor carrier within the meaning of 49 U.S.C. 11348 of Subtitle IV. Therefore, it will be subject to the applicable provisions of 49 U.S.C. subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities. (Hearing site: St. Louis, MO)

Notes.—(1) Applicant states that some duplications do exist. (2) Application for temporary authority has been filed. (3) A directly related gateway application has been filed in MC-125708 (Sub-No. 187F), published in this same **Federal Register** issue.

MC 125708 (Sub-187F), filed December 28, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC.—Gateway Elimination, 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, Esq., 1307 Dolley Madison Blvd., McLean, VA 22101. To operate as a *common carrier* by motor vehicle, over irregular routes, in the transportation of: *(1) Water well pipe and casing, pipe fittings and protectors and sheet steel,* (a) From MO, KS, OK, and points in that part of IL within 150 miles of St. Louis, MO *to* IN, IA, KY, NJ, OK, NY, VA, WV, NE, IL, and points in OH and IN north of US Hwy 40 (Gateways Eliminated—Centralia, IL, and Louisiana, MO), (b) From that part of IL beyond 150 miles of St. Louis, MO, *to* MO, KS, and OK, Lea and Eddy Counties, NM (Gateway Eliminated—that part of MO west of US Hwy 67 from Crystal City to MO-AR State Line), (c) From AR, TX and points in Lea and Eddy Counties, NM *to* WI, IN, MN, IA, KY, OH, NE, IA, MI, NY, PA, TX, VA, WV (Gateways Eliminated—Centralia, IL, and Louisiana, MO), *(2) Steel,* (a) From FL *to* MO, KS, OK, that part of IL within 150 miles of St. Louis, MO, AR, TX, Lea and Eddy Counties, NM (Gateway Eliminated—Greenville, IL), (b) From WI, PA, TN, NY, WV, FL, and that part of IN in the Chicago, IL, commercial zone as defined by ICC, *to* LA (Gateway Eliminated—Springfield, Ridgedale and Sweet Springs, MO, and Randolph, Perry and White Counties, IL), *(3) Steel and materials and supplies,* From NY and that part of OH on and south of US Hwy 40, *to* MO, KS, OK, AR, TX, that part of IL within 150 miles of St. Louis, MO, and Lea and Eddy Counties, NM (Gateway Eliminated—Greenville, IL), *(4) Steel,* (except commodities which because of size or weight require the use of special equipment), (a) From NC, ND, SC, SD, VA, and WV *to* MO, OK, that part of IL within 150 miles of St. Louis, MO, KS, Lea and Eddy Counties, NM, AR, TX (Gateway Eliminated—Greenville, IL), (b) From KS *to* those parts of IN and OH on and north of US Hwy 40, IA, KY, TN (Except Shelby County), and Jefferson County, AL (Gateway Eliminated—Macoupin County, IL), (c) From that part of IL on, north, and east of US Hwy 150, and on, north and west of a line beginning at the Illinois-Wisconsin State line, thence along IL Hwy 47 to junction US Hwy 6, thence along US Hwy 6 to junction IL Hwy 29, then along IL Hwy 29 to Peoria, *to* OK, KS, AR, and Lea and Eddy Counties, NM (Gateway Eliminated—TX), *(5) iron and steel articles,* (a) From those parts of IN (except Kokomo) and OH (except Warren) on and north of US Hwy 40, AL, AR, IA, KS, KY (except Boyd County), MS, MN, MO, TN, TX, WI, MI, PA, *to* MO, KS, OK, AR, that part of IL within 150 miles of St. Louis, MO, and Lea and Eddy Counties, NM (Gateway Eliminated—Carlinville, IL), (b) From MO, KS, OK and that part of IL within 150 miles of St. Louis, MO, *to* AL, LA, MS, MO, TN, AR, those parts of IN and OH south of US Hwy 40, MN, TX, WI, MI, and PA (Gateway Eliminated—Carlinville, IL), (c) From AR, TX, points in Lea and Eddy Counties, NM, *to* AL, LA, MS, Shelby County, TN (Gateway Eliminated—Carlinville, IL), (d) From those parts of IN and OH south of US Hwy 40, *to* OK, KS, AR, TX, Lea and Eddy Counties, NM (Gateway Eliminated—Carlinville, IL), (e) From LA and OK (except Ottawa, Craig, Mayes, Nowata, and Delaware Counties, OK) *to* OK, S, AR, TX, Lea and Eddy Counties, NM, and that part of IL within 150 miles of St. Louis, MO (Gateway Eliminated—St. Louis, MO), (f) From AL, PA, MI, that part of KY on and east of US Hwy 31 (except Boyd County) *to* that part of LA bounded by a line beginning at the AR-LA State line and extending along US Hwy 79 to Minden, thence along LA Hwy 7 to Coushatta, thence along US Hwy 71 to Alexandria, thence along US Hwy 167 and US Hwy 90 to Morgan City, thence along the Lower Atchafalaya River to the Gulf of Mexico, thence along the Gulf of Mexico the LA-TX State line, thence along the LA-TX State line to the AR-LA State line, thence along the AR-LA State line to the points of beginning (Gateway Eliminated—St. Louis, MO), *(6) Iron and steel articles,* except commodities which because of size or weight require the use of special equipment, From Cabell and Wayne Counties, WV, *to* KS, MO, OK, AR, TX, that part of IL within 150 miles of St. Louis, MO, Lea and Eddy Counties, NM (Gateway Eliminated—points in MO, except Louisiana and St. Louis, MO), *(7) Iron and steel articles,* except scrap, water-well pipe and casing, pipe fittings, protectors and sheet steel, (a) From AR *to* that part of IN on and north of US Hwy 40, IA, KY, MI, MN, PA, TN (except Shelby County), and WI (Gateway Eliminated—Macoupin County, IL), (b) From Lea and Eddy Counties, NM, *to* AR, IN, IA, KS, KY, MO, MI, MN, OH, OK, PA, TN (except Shelby County), TX, and WI (Gateway Eliminated—Macoupin County, IL), (c) From TX *to* IN, IA, KY, MI, MN, OH, PA, and WI (Gateway Eliminated—Macoupin County, IL), *(8) Wooden posts, poles, beams and pillars,* (a) From Waukegan, IL, Louisville, KY, Bethel, Chillicothe, Fayettville, Joplin, Louisiana, Palmyra, and St. Louis, MO, AR *to* OK, KS, AR, TX, Lea and Eddy Counties, NM (Gateways Eliminated—points in IL and MO, including Granite City, IL, and St. Louis, MO), (b) From OK, KS, TX, AR and Lea and Eddy County, NM *to* WI, IA, IN, MN, MO, KY, OH, AR (Gateway Eliminated—Granite City, IL), (c) From KS, OK, AR, TX, Lea and Eddy Counties, NM, and those in that part of IL within 150 miles of St. Louis, MO, *to* IL, IN, MI, CO, KS, KY, MD, MN, NE, NY, NC, ND, PA, SC, SD, VA and WV (Gateways Eliminated—Bethel, Chillicothe, Edina, Fayettville, Joplin, Louisiana, Palmyra, and St. Joseph, MO), *(9) Plywood, veneer and wood paneling,* From Oshkosh, WI, *to* Lea and Eddy Counties, NM (Gateway Eliminated—points in MO and IL), *(10) Building and roofing materials,* From Waukegan, IL, *to* OK, KS, AR, TX, Lea and Eddy Counties, NM (Gateway Eliminated—St. Louis, MO). Restricted in (1) through (10) above to the transportation of commodities 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 further restricted to the transportation of commodities used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof. (Hearing site: St. Louis, MO, or Washington, DC.)

Notes.—(1) The purpose of this application is to eliminate the gateways indicated resulting from joinder of applicant's existing irregular-route authority with those sought to

be purchased from A–1 Transportation in order to provide a through service. This through service has been broadened and is supported by shipper certifications of support. (2) This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC–F–14243F, published in this same **Federal Register** issue.

MC–F–14261F, filed December 10, 1979. OCHROCH TRANSPORTATION CO., INC. (Ochroch) (Northeast Corner Second and Erie Avenue, Philadelphia, PA 19140)—PURCHASE—CHARLES E. MORRIS d.b.a. MORRIS TRUCKING (Morris) (P.O. Box 537, Southampton, PA 18966), and in turn Charles Ochroch and Albert Ochroch, both of Philadelphia, PA, acquiring control of such rights through the transaction. Representative: Chester A. Zylbut, 1030 Fifteenth St., NW, Suite 366, Washington, DC 20005. Ochroch is purchasing the interstate operating rights contained in Morris's Certificate No. MC–124495, which authorizes the transportation, as a motor common carrier, over irregular routes, of (1) *Soap, soap products, washing, cleaning, and bleaching compounds, soda ash, carbonate of soda,* and *laundry supplies,* except in bulk, in tank vehicles, between Philadelphia, PA, on the one hand, and, on the other, Providence, RI, New Haven and Watertown, CT, Wilmington, DE, Baltimore, MD, New Brunswick, NJ, and Washington, DC; Restriction: The operations authorized above are subject to the following conditions: No transportation is authorized for persons who operate retail stores, the business of which is the sale of food, between Philadelphia, Pa., on the one hand, and, on the other, New Brunswick, N.J., Wilmington, Del., Baltimore, Md., and Washington, D.C. No right, power or privilege is granted to transport such commodities as authorized above which are included within the terms "groceries and grocery supplies" from Philadelphia, Pa., to Baltimore, Md., and New Brunswick, N.J. (2) *Office furniture,* between Philadelphia, Pa., on the one hand, and, on the other, Baltimore, Md., and Washington, D.C. (3) *Frozen berries,* from Baltimore, Md., to New York, N.Y., with no transportation for compensation on return except as otherwise authorized. Ochroch holds authority to operate as a motor common carrier in MC–119821. (Hearing site: Philadelphia, PA.)

Notes.—(1) Application has been filed for temporary authority under 49 U.S.C. 11349. (2) a directly related gateway application has been filed in MC–119821 (Sub-No. 2F), published in this same **Federal Register** issue.

MC 119821 (Sub-2F), filed January 31, 1980. Applicant: OCHROCH TRANSPORTATION CO., INC., Northeast Corner Second and Erie Avenue, Philadelphia, PA 19140. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery stores, from Baltimore, MD, to New York, NY, those points in PA on and east of U.S. Hwy 15, those in NJ on and north of NJ Hwys 70 and 34, and points in Kent and New Castle Counties, DE. This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC–F–14261F published in this same Federal Register. Condition: To the extent that the related application requests new and additional authority, it is not directly related. Therefore an additional filing fee of $350 will be required before an effective notice will be issued. (Hearing site: Philadelphia, PA)

Notes.—The purpose of this application is to eliminate the gateway of Phildelphia, PA, and to broaden the authority commodity wise and territorially. Applicant has filed shipper support.

Dated: February 11, 1980.

By the Commission, Review Board Number 5. Members Krock, Taylor, and Friedman. (Member Friedman not participating).

MC–F–14263F, filed December 11, 1979. STOTT & DAVIS MOTOR EXPRESS, INC. (Stott) (18 Garfield Street, Auburn, NY 13021)—Purchase (Portion)—TIDEWATER INLAND EXPRESS, INC. (Tidewater) 58 Rehoboth Blvd, Milford, DE 19901, and in turn Jack N. Davis of Auburn, NY, and Richard N. Davis of Zephyrhills, FL, acquiring control of such rights through the transaction. Representatives: Martin Werner, 888 7th Avenue, New York, NY 10019), for transferee, and Leonard A. Jaskiewicz, 1730 M Street NW, Washington, DC 20036, for transferor. Stott is purchasing a portion of the interstate operating rights contained in Tidewater's Certificate in No. MC–87109 (Sub-No. 24), authorizing the transportion as a common carrier, in interstate or foreign commerce, over regular and irregular routes of *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), A. Regular Routes: Between Syracuse, N.Y., and Oswego, N.Y., serving all intermediate points and the off-route points of Geddes, DeWitt, Salina, Pennellville, and Nedrow, N.Y.: From Syracuse over New York Highway 57 to Oswego, and return over the same route. From Syracuse over New York Highway 48 to Oswego, and return over the same route. From Syracuse over New York Highway 370 to junction New York Highway 31, thence over New York Highway 31 to junction New York Highway 48, thence over New York Highway 48 to Oswego, and return over the same route. Between Cortland, N.Y., and Elmira, N.Y., serving all intermediate points, and the off-route points of Etna, McLean, Peruville, Virgil, Elmira Airport, Freeville, Homer, and McGraw, N.Y.: From Cortland over New York Highway 13 to Elmira, and return over the same route. From Cortland over New York Highway 13 to junction New York Highway 14, thence over New York Highway 14 to Elmira, and return over the same route. B. Irregular Routes: Between points in Cortland County, N.Y., on the one hand, and, on the other, points in Cayuga, Onondaga, Tompkins, and Yates Counties, N.Y. From points in Tompkins County, N.Y., to points in Broome County, N.Y., with no transportation for compensation on return except as otherwise authorized. From points in Onondaga County, N.Y., to points in Cayuga County, N.Y., with no transportation for compensation on return except as otherwise authorized. Tidewater will retain authority from its Certificate in No. MC 87109 (Sub-No. 24), authorizing the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over irregular routes: Between points in Broome and Cortland Counties, N.Y. Between points in Cortland County, N.Y., on the one hand, and, on the other, points in Chenango, and Tioga Counties, N.Y. Stott is a motor common carrier which holds authority pursuant to its Certificate of Registration and Certificate of Public Convenience and Necessity issued in MC 99569 and sub-numbers thereunder which authorize the transportation of general commodities with usual exceptions within the state of NY. (Hearing site: Syracuse, NY)

Note.—A directly related application has been filed in No. MC 99569 (Sub-No. 5F), published in this same **Federal Register** issue.

MC 99569 (Sub-No. 5F), filed December 11, 1979. Applicant: STOTT & DAVIS MOTOR EXPRESS, INC., 18 Garfield Street, Auburn, NY 13021, Representative: Martin Werner 888 Seventh Avenue, New York, NY 10019. To operate as a *common carrier,* over regular and irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in

bulk, and those requiring special equipment), A. Regular routes: Between Syracuse, NY, and Cortland, NY, over Interstate Hwy 81, for purposes of joinder only, and B. Irregular routes: between points in Tompkins County, NY, on the one hand, and, on the other, points in Broome County, NY. (Hearing site: Syracuse, NY)

Note.—(1) Part A of this application is directly related to a proceeding to 49 U.S.C. 11343 in MC–F–14263F, published in this same **Federal Register** issue. (2) The authority granted in part A was reduced in order to avoid duplications. Condition: Part B of this application is authorizing a new service and not directly related to MC–F–14263F. Therefore an additional filing fee of $350 will be required before an effective notice will be issued.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–6216 Filed 2–27–80; 8:45 am]

BILLING CODE 7035–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Expansion Arts Panel (Arts Exposure and Challenge Grants); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Panel (Arts Exposure and Challenge Grants) to the National Council on the Arts will be held March 17, 1980 from 9:00 a.m.–5:30 p.m.; March 18, 1980 from 9:00 a.m.–5:30 p.m.; March 19, 1980 from 9:00 a.m.–5:30 p.m.; and March 20, 1980 from 9:00 a.m.–5:30 p.m., Room 1340, Columbia Plaza Office Building, 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 Operations, National Endowment for the Arts.

February 20, 1980.

[FR Doc. 80–6098 Filed 2–27–80; 8:45 am]

BILLING CODE 7537–01–M

Special Projects (Centers and Festivals); Meeting

Pursuant to Section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Special Projects Panel (Centers and Festivals) to the National Council on the Arts will be held March 20, 1980, from 9:00 a.m.–5:30 p.m., Room 1426, Columbia Plaza Office Building, 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 Operations, National Endowment for the Arts.

February 20, 1980.

[FR Doc. 80–6096 Filed 2–27–80; 8:45 am]

BILLING CODE 7537–01–M

Special Projects (Special Projects); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Special Projects Panel (Special Projects) to the National Council on the Arts will be held March 17, 1980 from 9:00 a.m.–5:30 p.m., Room 1422, Columbia Plaza Office Complex, 2401 E St., N.W., Washington, DC.

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 subsections (c) (4), (6) and 9 (B) of Section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 20, 1980.

[FR Doc. 80–6099 Filed 2–27–80; 8:45 am]

BILLING CODE 7537–01–M

Special Projects Panel (Policy); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Special Projects Panel (Policy) to the National Council on the Arts will be held March 18, 1980, from 9:00 a.m.–5:30 p.m. and March 19, 1980, from 9:00 a.m.–5:30 p.m., Room 1422, Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C.

This meeting will be open to the public on a space available basis. The topic for discussion will be Policy.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 20, 1980.

[FR Doc. 80–6097 Filed 2–27–80; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 80–9]

Safety Recommendations and Responses; Availability

Aviation Safety Recommendation Letter

A–79–91.—Information recently provided to the National Transportation Safety Board indicates that technical data provided in paragraph four of the letter of transmittal to the Federal Aviation Administration of safety

recommendation A–79–91, which was issued last November 28 (44 FR 70242, December 6, 1979), could be construed to imply that a single point failure could cause the propeller to reverse pitch. In order to preclude any misinterpretation and to clarify the meaning of that paragraph, the Safety Board on February 15 forwarded to FAA a revised recommendation letter. The only revisions (shown in italics) occur in paragraph four, as follows:

Failure mode analyses by the aircraft manufacturers have shown that if this linkage should fail or become disengaged, the propeller can go into reverse pitch *if all of the following conditions also exist: (1)* A relatively low airspeed, typical of approach aispeeds, *with a flight idle power setting selected; (2) the propeller operating in an underspeed condition against the low pitch stop;* and *(3)* a mechanical failure of or a nullification by the pilot *(i.e., appropriate circuit breaker deactivated)* of the beta backup systems. Since this sequence would result in a potentially hazardous situation to the aircraft and its occupants, the Safety Board believes that corrective action is required.

Recommendations A–79–91 urged FAA to issue an Airworthiness Directive to require a special inspection of the propeller reversing interconnect linkage of all aircraft equipped with Pratt & Whitney Aircraft of Canada Ltd., PT6–6A, –6C/20 and –20 series turboprop to assure that these installations conform to the aircraft manufacturer's propeller reversing linkage rigging specifications. The Safety Board issued this recommendation during investigation of the crash last September 30 of a West Coast Air Service, Ltd., deHavilland DHC–6–200 Twin Otter, Canadian Registry C–FWAF. The crash occurred on final approach to Porpoise Bay, British Columbia, Canada. The accident was investigated by the Aviation Safety Bureau of Transport Canada, with a Safety Board representative observing at the invitation of the Aviation Safety Bureau.

Responses to Safety Recommendations

Aviation

A–79–85.—The Federal Aviation Administration on February 15 responded to a recommendation issued last November 19 following Board investigation of a Sikorsky S–61L helicopter crash at Newark International Airport, Newark, N.J., April 18, 1979. (See 44 FR 68540, November 29, 1979.)

The recommendation called on FAA to issue an Airworthiness Directive to require a one-time ultrasonic inspection of tail rotor blades installed on S–58 and S–58T model helicopters for evidence of spar cracks and, if necessary, establish a recurring spar inspection based on an appropriate number of operating hours.

FAA does not concur with this recommendation for these reasons:

1. An Airworthiness Directive should not be issued based on similarity of design because the loads and stresses imposed on the S–58 tail rotor blades are less than those for the S–61 helicopter.

2. Service difficulty reports on the S–58 tail rotor blades do not indicate that an unsafe condition exists. The only indication of a possible fatigue failure of a tail rotor blade that FAA received was based upon the outboard section of a blade found in the sea after the helicopter had capsized. FAA has no information as to whether there was foreign object damage of the blade. This report is the only indication of a possible fatigue failure of the spar in over 20 years of service.

3. Tail rotor blades, because they are likely to be struck by debris thrown up by the main rotor air flow and because they are turning rapidly, are subject to foreign object damage. Sikorsky has issued service bulletins to specify and to emphasize daily visual and, if a crack is suspected, dye penetrant inspections of the S–58 tail rotor blades.

A–79–86 and 87.—On February 12 FAA responded to recommendations issued last November 15 as a result of investigation of the crash on March 3, 1979, of a Beech Travel Air into mountains east of Elko, Nev. (See 44 FR 67255, November 23, 1979.)

In response to recommendation A–79–86, which called on FAA to require all terminal facilities located in designated mountainous areas to install and use emergency obstruction video radar maps, FAA states that before deciding on adoption of the recommendation, with which it agrees in principle, the impact on FAA's terminal radar facilities (e.g., the loss of an existing video map slot) and the National Ocean Survey's personnel resources must be determined. FAA says it is the latter organization which would be tasked to produce the approximately 60 emergency obstruction video maps (EOVM) that would be required. FAA will respond further within 90 days.

Recommendation A–79–87 asked FAA to design future ARTCC NAS Stage A radar systems to include the capability of incorporating EOVM's and require those facilities servicing designated mountainous areas be provided with and use the feature as the new systems are installed. FAA notes that the Safety Board refers to the use of an EOVM as outlined in the Facility Management Handbook. However, FAA notes, NAS Stage A does not use a *video* map—the map is a digitized geographic display. NAS Stage A has a center map consisting of up to 400 logical maps. There are a maximum of 2,048 words of storage available to design each logical map. Each straight line on a map consists of three words regardless of its length, and each curve on a map consists of many lines. Additionally, the only method of displaying alphanumeric characters on a logical map is through straight lines.

FAA further notes that the map selected on an air route traffic control center Plan View Display (PVD) is a logical map, and to attempt to display contour lines and terrain elevation information in mountainous areas would be impractical because of the limited amount of storage available (2,048 words per map). Additionally, if it were practical, the map would be highly complex and confusing. The Denver Center presently has the mountains west of Denver contoured on their displays in the critical climb and descent areas. However, this is in 2,000-foot intervals without elevation information. The elevation information is derived from overhead charts. Attempts to expand on this found the displays to be too complex and confusing. FAA notes that the Safety Bard staff uses the terminal radar facilities in Seattle, Wash., and Tucson, Ariz., as examples of facilities using an EOVM. The terminal facilities have this capability because the map display is derived from a *video* mapper, unlike the digitized geographic display used in NAS Stage A radar system.

FAA is now developing the En Route Minimum Safe Altitude Warning (E–MSAW) which will be a function of the NAS Stage A computer. E–MSAW will aid the controller by alerting him when a tracked Mode C equipped aircraft is below or is predicted by the computer to go below minimum IFR altitudes as prescribed in 14 CFR Part 91. FAA concludes that it is not feasible, with existing automation resources, to develop an EOVM which displays contour lines and terrain elevations in the NAS Stage A system. Although FAA believes that it is making every effort in this area with the development of E–MSAW, nevertheless FAA will consider an EOVM capability in the design of the next generation en route automation system.

Highway

H–76–11.—Letter of February 12 from the Federal Highway Administration is in response to the Safety Board's inquiry of January 18 regarding FHWA's study, "Evaluation of the Effectiveness of Measures for Reducing Accidents and Accident Severity at Highway Narrow Bridge Sites." The Board noted that this study had been cited in FHWA's 1976 and 1977 responses to this recommendation but was not mentioned in FHWA's response of last December 4

(44 FR 2117, January 10, 1980) to H–76–11 and three other recommendations concerning bridge guardrail systems.

FHWA reports that the study is still under contract, with completion anticipated in early 1981. Environment and accident data at bridge sites in five States are being studied to determine the extent of the accident problem associated with narrow bridges. Accident frequency and severity at bridge sites are being examined for relationships with design, geometrics, and conditions of the bridges and their approaches. A cost-effectiveness analysis of safety countermeasures is to be made along with suggested countermeasure warrants. Also, a limited number of indepth investigations of accidents involving bridges will be made to assess the relationships between accident and injury severity. FHWA states that some difficult problems have been encountered by the contractor in preparing the necessary computer files of accident, bridge, and roadway data which resulted in considerable delay in the study. This spring, a sample of the bidge population file is expected to be reviewed indepth to verify and refine the assembled data. Complete analysis of the bridge population file is expected to begin at that time.

Pipeline

P–78–44.—Letter of January 28 from the Research and Special Programs Administration, U.S. Department of Transportation, is in response to a recommendation issued to RSPA's Material Transportation Bureau after investigation of the natural gas explosion, followed by fire, which destroyed a house in Cherokee, Ala., July 30, 1977. The recommendation asked MTB to amend 49 CFR 192.741 to require that pipeline monitoring equipment be installed on single-gate pressure regulating distribution systems and the information be transmitted to a continuously manned location. (See 43 FR 35564, August 10, 1978.)

While on November 17, 1978, MTB advised the Safety Board that an advance notice of proposed rulemaking would be issued in 1979 to invite public comment on amending 49 CFR 192.741, as recommended, to facilitate the detection of leaks downstream from single-district pressure regulating stations, the letter of January 28 states that MTB does not believe it would be appropriate at this time to require telemetering or recording pressure gages on single-district pressure regulating stations because (1) the cost cannot be justified; (2) the number of accidents that would be prevented would be small; (3) existing regulations (§ 192.755) deal directly with preventing incidents to cast-iron pipelines, such as the Cherokee incident which gave rise to recommendation P–78–44; (4) the Office of Pipeline Safety Regulations has other ongoing rulemaking projects which will aid in reducing this type of incidents; and (5) MTB does not believe it would be technically feasible, reasonable, and economically practicable to require telemetering equipment or recording pressure gages at single-gate distributing systems.

P–79–27.—RSPA's February 5 letter is in response to a recommendation issued last September 6 following investigation of the natural gas explosion and fire on January 19, 1979, in North Richland Hills, Texas. The recommendation called on RSPA, in conjunction with the Texas Railroad Commission (TRC), to determine if the type of main/service line connection with threaded couplings installed by the Lone Star Gas Company constitutes a hazard to life and property, and take appropriate action under section 3(b) of the Natural Gas Pipeline Safety Act of 1968. (See 44 FR 52064, September 6, 1979.)

RSPA reports that MTB has been in contact with TRC who in turn has been in contact with the Lone Star Gas Company in regard to their main/service line connections made with threaded couplings. Lone Star plans to submit to TRC a written report of the results of the program in which Lone Star excavated a number of these connections to determine their condition. Also, the metallurgical report of the failed pipe involved in the subject accident is scheduled to be released by Metallurgical Consultants in the near future. MTB and TRC will meet as soon as practical after these reports are available for review to discuss appropriate actions regarding recommendation P–79–27.

Railroad

R–72–26; R–72–32.—Under date of February 14 the Federal Railroad Administration advised the Safety Board that the minimum safety requirements for installation of certified glazing materials in the windows of locomotives, passenger cars, and cabooses were published in 49 CFR Part 223 at 44 FR 77348, on December 31, 1979. This regulation requires that all new and most existing railroad equipment have improved safety glazing materials installed. Also, to facilitate the method of exit or entry by emergency personnel, passenger cars must be equipped with a minimum of four emergency windows. While minimum performance standards must be met within established time frames, the improved glazing materials will help to reduce the risk of death or serious injury resulting from flying objects.

FRA states that these safety requirements were issued after FRA conducted extensive research and fully considered recommendation R–72–26, issued following investigation of the Atchison, Topeka and Santa Fe Passenger Train No. 212 collision with Stillwater Milling Company motortruck near Collinsville, Okla., April 5, 1971, and recommendation R–72–32, issued in connection with the investigation of the derailment of Amtrak Train No. 1 while operating on the Illinois Central Railroad near Salem, Ill., June 10, 1971.

Recommendation R–72–26, issued May 24, 1972, recommended that FRA review fatal passenger train accidents to determine the relationship between fatalities and window design and, to the extent practicable, promulgate regulations that will require correction of the window design and other injury causing features in passenger cars built or rebuilt in the future. FRA says this is covered in the Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses (SGS), Subpart A, § 223.5; and Subpart B, §§ 223.9 and 223.15.

Recommendation R–72–32, issued August 30, 1972, recommended that FRA, in establishing near-future safety standards for railroad and rail rapid-transit passenger cars, give priority to the problem of ejection of passengers through large side windows. The Safety Board stated that regulations should be promulgated on realistic performance tests and that this source of fatalities, even though small in number, is of such a large proportion among passenger fatalities as to warrant action prior to the issuance of the Mechanical Standards. FRA states that this is covered in the SGS, Subpart A, § 223.5; Subpart B, §§ 223.9 and 223.15.

R–76–52, 53, and 55; R–78–35.—FRA's letter of February 6 provides the Safety Board with a copy of FRA's revised Railroad Freight Car Safety Standards (RFCSS), published in 49 CFR Part 215 at 44 FR 77328, December 31, 1979. FRA states that these rules update, consolidate, and clarify the old rules and eliminate certain rules no longer considered necessary for safety. Minimum performance standards must also be met for these freight car safety rules within established timeframes.

FRA believes that the implementation of these actions fully responds to recommendations R–76–52, 53, and 55, issued November 16, 1976, following investigation of the May 5, 1976, derailment of Auto-Train Corporation's

northbound train No. 4 near Jarratt, Va., and to recommendation R–78–35, issued June 29, 1978, as a result of the Safety Board's 3-day public hearing on railroad derailments and the carriage of hazardous materials, held in April 1978.

With respect to R–76–52, which asked FRA to establish national standards for the inspection of railroad wheels that will insure detection of critical conditions in wheels before in-service failures occur, FRA states in its February 6 letter that this is covered in the RFCSS, Subpart A, § 215.3, Application; § 215.5, Definitions; § 215.11, Designation of qualified persons; and § 215.13, Predeparture inspection, and Subpart B, § 215.103, Defective wheel.

Concerning R–76–53, which asked FRA to review the methods employed in marking wheels and determine if the present method of marking wheel rims is detrimental to the service life of railroad wheels, FRA states that in accordance with recent procedures established by the Association of American Railroads (AAR), railroad wheels are marked on the wheel hub. FRA considers marking of the hub only to be non-detrimental to the service life of the wheel.

With reference to R–76–55, which recommended that FRA revise the Code of Federal Regulations to insure that wheels exposed or suspected of being exposed to critical temperatures are removed from service, FRA states that this is covered in the RFCSS, Subpart A, § 215.3, Application; § 215.5, Definitions; § 215.13, Predeparture inspection, and Subpart B, § 215.103, Defective wheel.

Recommendation R–78–35 asked FRA to identify critical car component failure rates and assure that they are properly addressed either by regulation or emergency order as required, and expand communication channels with the AAR to facilitate this program. FRA states that this is covered in the RFCSS, Subparts B and C. Also, in the preamble to the notice of proposed rulemaking for RFCSS, published at 44 FR 1419, January 5, 1979, FRA outlined the results of the analyses of available accident data. FRA states that it will rely heavily on the voluntary cooperation of the railroad industry and its employees to identify critical safety problems. Further, FRA will strive to utilize its resources effectively in the solution of these problems.

In connection with recommendations R–76–52 through 55, the Safety Board last April 30 provided comments on FRA's previous response of April 6, 1979 (44 FR 31333, May 31, 1979). The Safety Board took note of FRA's various research activities relating to the early detection of critical conditions in railroad car wheels, recognizing the experimental nature and complexities of such research. As to FRA's suggestion that R–76–52 and other related recommendations be closed due to the long-term pursuit of the wheel studies, the Safety Board could not concur, stating, "Indeed, in view of the continuing derailments attributable to wheel failures, we have very positive feelings that wheel research activities should be pursued in a vigorous manner." FRA's response indicated a target date of late 1980 before the completion of preliminary wheel studies, and the Board said it would maintain R–76–52 in an open status pending receipt of interim results of the studies as the information is developed.

The Safety Board's April 30, 1979, letter concerning recommendation R–76–53 noted FRA's observation that the stress phenomenon of wheel markings is "understood to an extent that no further research is required to permit appropriate action to be taken in this area." The Board asked for further information, particularly in regard to the remedial actions which have resulted, so that evaluation may be completed. Further, with reference to recommendation R–76–55, the Board noted that FRA has indicated that wheel temperature studies will continue, with preliminary research scheduled for completion in late 1980. The Board said it would not be appropriate to close out the recommendation simply because of the long-term nature of the studies.

With respect to recommendation R–78–35, concerning critical car component failure rate identification and action, the Safety Board last September 5 commented on FRA's response of July 27 (44 FR 49535, August 23, 1979), noting that the first objective of the recommendation will be ultimately fulfilled when the Hazard Analysis and Priority Determination System (HAPDS) becomes operational. Logically, the HAPDS may become the primary means of early detection of unacceptable failure rates of components.

Note.—Copies of Safety Board recommendation letters, responses and related correspondence are available free of charge. All requests for copies must be in writing, identified by recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

February 25, 1980.

[FR Doc. 80–6235 Filed 2–27–80; 8:45 am]

BILLING CODE 4910–58–M

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50–247 and 50–286]

Consolidated Edison Co. of New York (Indian Point, Unit No. 2) and Power Authority of the State of New York (Indian Point, Unit No. 3); Order Extending Comment Period

Pursuant to 10 CFR 2.772, the time within which comments may be filed on the February 11, 1980 Director's decision regarding the Indian Point nuclear facility is hereby extended to March 10, 1980. The time within which the Commision may exercise its authority to review the Director's decision is herby extended until March 17, 1980.

Dated at Washington, D.C., this 22nd day of February 1980.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80–6196 Filed 2–27–80; 8:45 am]

BILLING CODE 7590–01–M

[Dockets Nos. 50–387 and 50–388]

Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc. (Susquehanna Steam Electric Station, Units 1 and 2); Order Setting Prehearing Conference

February 22, 1980.

On February 4, 1980, the Applicants in this operating license proceeding filed three motions which, if granted, would result in the dismissal of Citizens Against Nuclear Dangers (CAND) from this proceeding and would limit the participation of the Environmental Coalition on Nuclear Power (ECNP) and Susqhehanna Environmental Advocates (SEA) with respect to certain contentions. Given the severity of the sanctions requested and the effect on the proceeding which would ensue should we grant the motions in their entirety, we desire to hear oral argrument on these motions.

Please take notice that a prehearing conference will be held for this purpose, as well as to consider other matters (such as future scheduling) which may be pertinent to the course of this proceeding. (Parties that wish to raise other specific matters are requested to advise us and other parties; such advice must be received by Monday, March 17, 1980.) All parties except Ms. Marsh are directed to appear; Ms. Marsh, as well as the Commonwealth of Pennsylvania are welcome to do so if they wish. The conference will commence at 9:30 a.m.

on March 20, 1980, in Courtroom No. 2, U.S. Federal Building and Courthouse, 197 South Main Street, Wilkes-Barre, PA 18701.

Following the conclusion of the formal business of the conference, the Board will hear oral limited appearance statements pursuant to 10 CFR 2.715(a). The Board will give preference to those who have heretofore requested the opportunity to make such a statement but, to the extent that time is available, will hear others who are present and wish to make statements. It is expected that statements will be received the afternoon of March 20. (Further opportunity to make statements will be offered at later sessions of this proceeding.) Those who wish to make oral statements are requested (if they have not already done so) to inform the Secretary of the Commission, ATTN: Docketing and Service Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Bethesda, Md., this 22nd day of February 1980.

It is so ordered.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman.

[FR Doc. 80-6194 Filed 2-27-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272 (Proposed Issuance of Amendment to Facility Operating License No. DPR-70)]

Public Service Electric & Gas Co. (Salem Nuclear Generating Station, Unit No. 1); Evidentiary Hearing

February 22, 1980.

An evidentiary hearing by the Atomic Safety and Licensing Board will be held in the above-captioned proceeding on April 22, 1980 at 9:30 a.m. in Courtroom 3, Salem County Courthouse, 92 Market Street, Salem, New Jersey. The parties shall address the following question:

In the event of a gross loss of water from the spent fuel storage pool at Salem 1, what would be the difference in consequences between those occasioned by the pool with the expanded storage proposed by the Licensee and those occasioned by the present pool?

Testimony, in addition to that previously filed on an earlier formulation of this question, shall be filed by March 24, 1980, and objections to all testimony shall be filed in writing by April 4, 1980.

Dated at Bethesda, Md., this 22nd day of February 1980.

So ordered.

For the Atomic Safety and Licensing Board.

Gary L. Milhollin,

Chairman.

[FR Doc. 80-6195 Filed 2-27-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

February 25, 1980.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting document 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 imporvements 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, NW., Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

New Forms

Departmental and other recipient self evaluation requirement
On occasion
Federal assistance recipients
Charles A. Ellett, 395-5080

Economics, Statistics, and Cooperatives Service
Rate of seeding for selected crops
Single time
Farm reporters; 25,000 responses; 2,080 hours
Office of Federal Statistical Policy and Standard, 673-7974

Revisions

Economics, Statistics, and Cooperatives Service
Grape Pesticide Use

Annually
Grape growers; 300 responses; 175 hours
Office of Federal Statistical Policy and Standard; 673–7974

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377–3627

New Forms

Bureau of Economic Analysis
Special Survey of Expenditures for Leased Facilities
Single time
Manufacturing and nonmanufacturing firms; 9,000 responses; 3,000 hours
Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—697–1195

Revisions

Defense Supply Agency
Request for assignment of a commercial and government
Entity (CAGE) code
DD 2051
On occasion
Government contractors/suppliers; 6,200 responses; 6,200 hours
Kenneth B. Allen, 395–3785

Extensions

Departmental and other
Request for verification of manufacturers' part number
DD 1982
On occasion
Contr. which the serv./agen. procure items of supply; 36,000 responses; 18,000 hours
Kenneth B. Allen, 395–3785

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—633–9770

New Forms

Feasibility survey of buildings
EIA–447 D & E
On occasion
Utilities; 10,800 responses; 1,800 hours
Edward H. Clarke, 395–5867

Feasibility survey of buildings
EIA–447A, B, C, F, G, H, & I
Single time
Buildings; 3,884 responses; 2,640 hours
Edward H. Clarke, 395–5867

Revisions

Report of gas supply and requirements
FERC 16
Semi-annually
Natural gas pipeline companies; 104 responses; 1,872 hours
Jefferson B. Hill, 395–5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strnad—245–6511

New Forms

Center for disease control
National hepatitis surveillance survey
Single time
Local health department officials; 150 responses; 60 hours
Richard Eisinger, 395–3214

Office of Human Development
Guidelines for the development of the State child
Welfare services plan
Other (see SF–83)
State public welfare agencies; 55 responses; 10,175 hours
Barbara F. Young, 395–6132

Public Health Service
Demonstration of efficiency payment system for nursing homes
Other (see SF–83)
Description not furnished by agency; 37,912 responses; 16,865 hours
Richard Eisinger, 395–3214

Revisions

Alcohol, Drug Abuse and Mental Health Administration
Collection of data on community support system clients
Using a standard form
Single time
Case managers at local CSS agencies; 2,250 responses; 1,912 hours
Richard Eisinger, 395–3214

Extensions

Office of Human Development
Instructions for applying for HDS grants
On occasion
Gov't agencies and nonprofit organizations; 15,000 responses; 15,000 hours
Barbara F. Young, 395–6132

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755–5184

New Forms

Policy Development and Research
Development Controls and housing costs: Two Surveys
Single time
Residential Developers; local planning officials; 1,076 responses; 1,614 hours
Richard Sheppard, 395–3211

Revisions

Housing production and mortgage credit
Application by Indian Housing Authority for Indian low-income housing program
HUD–52730
On occasion
Statutorily or Tribally created Indian hsg. authorities; 150 responses; 600 hours
Richard Sheppard, 395–3211

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William L. Carpenter—343–6716

New Forms

Bureau of Land Management
Application for Title to wild horse(s) and burro(s)
4710–11
On occasion
Applicants for title to wild horses/burros; 3,000 responses; 1,000 hours
Charles A. Ellett, 395–5080

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Paul Elston—755–2744

New Forms

Form 2C of EPA consolidated application forms EPA 3510–2c
On occasion
Point source dischargers to navigable waters; 7,985 responses; 439,175 hours
Edward H. Clarke, 395–5867

Form 2B of EPA consolidated application forms
EPA 3510–2B
On occasion
Point source dischargers to navigable waters; 500 responses; 3,000 hours
Edward H. Clarke, 395–5867

Form 1, EPA Consolidated Application Forms
EPA 3510–1
On occasion
Fluid injection, water discharges, waste disposal; 24,000 responses; 480,000 hours
Edward H. Clarke; 395–5867

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—254–9515

New Forms

Producer survey questionnaire
OT–8
Single time
Insurance agents; 100 responses; 25 hours
John M. Allen, 395–3785

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—John Anderson—653–6890

New Forms

International trade survey of manufacturing
Single time

National sample of smaller manufacturers; 8,000 responses; 1,333 hours
John M. Allen, 395–3785

Small coal operator survey
Single time
Coal mine operator survey; 500 responses; 100 hours
John M. Allen, 395–3785

Pilot mini-loan program survey
Other (See SF–83)
Mini-loan recipients; 1,000 responses; 250 hours
John M. Allen, 395–3785

Revisions

Export information survey
On occasion
Small firms, primarily manufacturers; 25,000 responses; 6,250 hours
John M. Allen, 395–3785

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2282

Revisions

Consumer Sampling Letter—VA hospitals
FL 27–652A
On occasion
Veterans; 8,000 responses; 667 hours
Laverne V. Collins, 395–3214

C. Louis Kincannon,

Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80–6234 Filed 2–27–80; 8:45 am]

BILLING CODE 3110–01–M

POSTAL RATE COMMISSION

Motion for Waiver of Certain Filing Requirements

February 22, 1980.

On February 20, 1980, the United States Postal Service filed its motion for waiver of Rule 54(f)(2) of the Commission's rules of practice, in the next general rate case.

In pertinent part, rule 54(f)(2) provides that, in formal requests for changes in rates and fees, the Service must set forth its estimate, by function, of total Postal Service accrued costs for a fiscal year "[B]eginning not more than 12 months subsequent to the filing date of the formal request."

In its motion, the Service holds that this requirement precludes the use of a future test year in a general rate case, other than when the request for a recommended decision is filed within the first several weeks of a fiscal year. From this, the Service concludes that much of the test year will probably elapse before the proposed rates take effect because of the time involved in the Commission's decisionmaking process.

The Service has advised that, in order to ensure representativeness of the test year, it intends to construct a test year in its next general rate filing on the basis of a hybrid fiscal year.

The Service further maintains that this hybrid test year is in accord with the purpose and policies of the Act, as recognized both by the Commission and the courts, and that without such a change accumulated operating losses would be unnecessarily increased, thus defeating the Act's central purpose of a self-sustaining Postal Service.

The Commission hereby requests all interested parties to file written responses to the Service's motion. All responses and comments should be filed with the Commission within fifteen days from the date of this notice.

By the Commission.

David F. Harris,

Secretary.

[FR Doc. 80–6124 Filed 2–27–80; 8:45 am]

BILLING CODE 7715–01–M

[Docket No. MC76–5]

Basic Mail Classification Reform Schedule, 1976

February 22, 1980.

Notice is hereby given that pursuant to the "Presiding Officer's Order Rescheduling Conference", dated February 22, 1979, the Conference previously scheduled for March 5, 1980, in Docket No. MC 76–5, is rescheduled to March 12, 1980, at 9:30 a.m., Hearing Room, Postal Commission, 2000 L Street NW., Suite 500, Washington, D.C. Should any party have a problem with this date, please notify the Commission by March 3, 1980.

David F. Harris,

Secretary.

[FR Doc. 80–6125 Filed 2–27–80; 8:45 am]

BILLING CODE 7715–01–M

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services renderd to him during the quarter beginning April 1, 1980, shall be at the rate of 12½ cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning April 1, 1980, 20.3 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 79.7 percent of the taxes collected under such Section 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

By Authority of the Board.

Dated: February 21, 1980.

R. F. Butler

Secretary of the Board.

[FR Doc. 80–6213 Filed 2–27–80; 8:45 am]

BILLING CODE 7905–01–M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 06/06–0226]

Energy Investors, Inc., Amendment to Application for a License To Operate as a Small Business Investment Company

On December 7, 1979, the Small Business Administration (SBA) published a notice in the Federal Register (44 FR 70620) relative to the application of Energy Investors, Inc. for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The address of the Applicant will be changed to 2 Turtle Creek, Suite 800, Dallas, Texas 75219. There will still be two classes of stock. Class A voting stock and Class B non-voting stock. The proposed initial net paid-in capital and paid-in surplus will be approximately $540,000. The officers, directors and shareholders are as follows:

Richard D. Siegal, 343 Forest Avenue, Woodmore, NY 11898, President, Treasurer, Director, and 94 percent Class A stock.
Ronald G. Williams, 9405 Spruce Hollow Drive, Dallas, TX 75243, Vice President, Secretary, Director, General Manager, and 3 percent Class A stock.
Manaheim Siegal, M.D., 270–28 L Grand Central Parkway. Floral Park, NY 11005, Director and 3 percent Class A stock.
The Norwalk Trust (A. D. Mason, Trustee), Washington, D.C., 100 percent Class B stock.

The Norwalk Trust is an irrevocable trust established for the benefit of the three minor grandchildren of Peter J. Galanis. The trustee, A. D. Mason, is a member of the law firm of Dickstein, Shapiro and Morin, 2101 "L" Street, N.W., Washington, D.C. 20037.

Notice is further given that any person may, not later than March 14, 1980, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Dallas, Texas and New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: February 19, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-6224 Filed 2-27-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-5379]

New Oasis Capital Corp.; Issuance of a License To Operate as a Small Business Investment Company

On November 6, 1979, a notice was published in the Federal Register (41 FR 64148), stating that New Oasis Capital Corporation, located at 145 East 52nd Street, Third Floor, New York, New York 10022, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1979), for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business November 26, 1979, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 02/02-5379 to New Oasis Capital Corporation, on February 6, 1980.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 19, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-6225 Filed 2-27-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1801]

Arizona; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Gila, Maricopa and Yavapai Counties and adjacent counties within the State of Arizona constitute a disaster area because of damage resulting from severe storms and flooding beginning on or about February 13, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 21, 1980, and for economic injury until the close of business on November 19, 1980, at: Small Business Administration, District Office, 3030 North Central Avenue, Suite 1201, Phoenix, Arizona 85012, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Date: February 21, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-6226 Filed 2-27-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #1743, Amendment #2]

New Mexico; Declaration of Disaster Loan Area

The above numbered Declaration (See 44 FR 75759) and Amendment #1 (See 45 FR 7666) are amended by adding the following counties:

County, Natural Disaster(s), and Date(s)

Dona Ana, cold weather, April 1, 1979 to October 31, 1979.

Hidalgo, adverse weather conditions, July 1, 1979 to October 22, 1979.

and adjacent counties within the State of New Mexico as a result of natural disasters as indicated; all other information remains the same; i.e., the termination date for filing applications for physical damage is close of business on June 13, 1980, and for economic injury until the close of business on September 15, 1980.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: February 15, 1980.

Edward W. Norton,

Acting Administrator.

[FR Doc. 80-6227 Filed 2-27-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1800]

Oregon; Declaration of Disaster Loan Area

Multnomah County and adjacent Counties within the State of Oregon constitute a disaster area as a result of damage caused by severe snow and ice storms which occurred on January 9–10, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 21, 1980, and for economic injury until the close of business on November 21, 1980, at: Small Business Administration, District Office, Federal Building, Room 676, 1220 S.W. Third Avenue, Portland, Oregon 97204, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 21, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-6228 Filed 2-27-80; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Jacksonville, Florida, will hold a public meeting from 9:00 a.m. to 4:00 p.m., Thursday, March 20, 1980, in the President's Board Room, Building #10, at the University of West Florida, Pensacola, Florida, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and other attending.

For further information, write or call Douglas E. McAllister, District Director, U.S. Small Business Administration, Box 35067, 400 West Bay Street, Jacksonville, Florida 32202—(904) 791-3781.

Dated: February 21, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-6222 Filed 2-27-80; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Denver, Colorado, will hold a public meeting at

9:30 a.m., Wednesday, April 9, 1980, in the Federal Courthouse, Room 503, 1961 Stout Street, Denver, Colorado, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration and others attending.

For further information, write or call Chester B. Leedom, District Director, U.S. Small Business Administration, 721–19th Street, Room 426a, Denver, Colorado 80202—(303) 837–3673.

Dated: February 21, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-6223 Filed 2-27-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 704]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its January 1980 list of US accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV (c) (4) of the guidelines published in the **Federal Register** on August 24, 1978.

Dated: February 12, 1980.

George A. Furness, Jr.,

Acting Director, Office of International Conferences.

U.S. Delegation to the Twenty-Sixth Session of the Committee on Gas, Economic Commission for Europe (ECE) Geneva, January 14–18, 1980

Representative

Lucio D'Andrea
Oil and Natural Gas Supply Development
Resource Applications
Department of Energy

Adviser

Joseph Saltsman
United States Mission
Geneva

Private Sector Advisers

Robert Ebel
Vice President
Enserch Energy, Inc.
Washington, D.C.
John H. Nichols, Jr.
President, Propane Division, Suburban Propane Gas Corporation
Whippany, New Jersey

U.S. Delegation to the Consumers Meeting and 16th Session of the International Tin Council (ITC) January 14 to 18, 1980, London

Representative

Ralph R. Johnson
Deputy Chief, Industrial and Strategic Materials Division
Bureau of Economic and Business Affairs
Department of State

Alternate Representative

Paul P. Pilkauskas
American Embassy
London

Advisers

Robert Cornell
Assistant Commissioner for Stockpile Disposals
General Services Administration
Timothy Dulany
Office of Raw Materials and Oceans Policy
Department of the Treasury
Roy Markon
Commissioner
Federal Property Resources Service
General Services Administration
William Sugg
International Commodities Division
Department of Commerce

Private Sector Advisers

Charles L. Dimmler (Jan. 14–15)
Vice President, Marketing and Sales
MRI Corporation
Clark, New Jersey
George B. Keagel
Purchasing Manager
United States Steel Corporation
Pittsburgh, Pennsylvania
Daniel J. McEvoy
Amalgamet, Inc.
New York, New York
Malcolm Owings
Vice President
Continental Can Company
Chicago, Illinois

U.S. Delegation to the Meeting of Technical Advisory Groups on International Plutonium Storage, International Atomic Energy Agency (IAEA) Vienna, January 21–25, 1980

Representative

Frederick McGoldrick
Policy Planning Adviser
Department of Energy

Advisers

Gary Bray
Non-Proliferation Bureau
Arms Control and Disarmament Agency
Richard Lewis
Office of Nuclear Technology and Safeguards
Department of State

Private Sector Adviser

William Frankhouser
Systems Planning Corporation
Arlington, Virginia

U.S. Delegation to the Twenty-First Session of the Subcommittee on Radiocommunications

Representative

James G. Williams, Commander, USCG
Chief, Telecommunications Management Division
United States Coast Guard
Department of Transportation

Advisers

Richard F. Carlson, Lieutenant, USCG
Telecommunications Management Division
United States Coast Guard
Department of Transportation
Gordon F. Hempton, Captain, USCG (Ret.)
Private Radio Bureau
Federal Communications Commission
Earl J. Holliman
Chief, Frequency Management Staff
United States Coast Guard
Department of Transportation
Robert C. McIntyre
Aviation and Marine Rules Branch
Federal Communications Commission

Private Sector Advisers

Harry Smith
ITT Mackay Marine
Elizabeth, New Jersey
M. Harvey Strichartz
American Radio Association
New York
Kenneth P. Wenthen
Maritime Services Committee, Inc.
New York

U.S. Delegation to the First Session of the Intergovernmental Committee for Science and Technology of the United Nations, New York, New York, January 28–February 2, 1980

Representative

The Honorable
William vanden Heuvel
Ambassador
Deputy United States Representative to the United Nations

Alternate Representative

Frank Kinnelly
Bureau of Oceans and International Environmental and Scientific Affairs
Department of State

Advisers

William Eilers
Agency for International Development
Lawrence Heacock
National Oceanic and Atmospheric Administration
Department of Commerce
Frank Lancetti
Agency for Science and Technology
Bureau for International Organization Affairs
Department of State
Gilda Varatti
United States Mission to the United Nations

Private Sector Adviser

Rodney Nichols
Vice President
Rockefeller University
New York, New York

U.S. Delegation to the Second Meeting of the Aerodrome Reference Code Panel International Civil Aviation Organizations (ICAO) Montreal, January 28–February 8, 1980

Representative

Walter M. Frucht

Civil Engineer, Design Standards Group
Office of Airports Standards
Federal Aviation Administration
Department of Transportation

Advisers

Vincent E. Bonaventure
Assistant Chief, Aviation Planning Division
The Port Authority of New York and New Jersey
New York, New York
Earnest E. Callaway
Chief, Standards Development Branch
Office of Flight Standards
Federal Aviation Administration
Department of Transportation

Private Sector Adviser

Clifford W. Carpenter
Chief, Airport Compatibility Group
Boeing Commercial Airplane Company
Seattle, Washington

U.S. Delegation to the Group of Experts on Standardization Policies, Economic Commission for Europe (ECE), Geneva, January 29–31, 1980

Representative

Howard I. Forman
Deputy Assistant Secretary for Product Standards
Department of Commerce

Adviser

Vincent D. Travaglini
Director, Office of International Finance and Investment
Bureau of International Economic Policy and Research
Department of Commerce

Private Sector Advisers

Donald C. Fleckenstein
Committee on International Standardization
American Society for Testing and Materials
Daniel W. Smith
Director, International Operations
American National Standards Institute
New York, New York

[FR Doc. 80-6123 Filed 2-27-80; 8:45 am]
BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 80-20]

Rules of the Road Advisory Committee; Meeting

Purusant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Rules of the Road Advisory Committee to be held Wednesday and Thursday, March 26 and 27, 1980, beginning at 9:00 a.m. each day in Room 2207, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC.

The agenda for the meeting is as follows:

1. Welcome.
2. Introduction of New Members.
3. Adoption of agenda.
4. Adoption of the minutes of the May 23 and 24, 1979 meeting.
5. Status report on legislation to unify present Inland, Western Rivers, and Great Lakes Rules of the Road.
6. Consideration of need to define "FORWARD" as used to describe positioning of the forward masthead light.
7. Consideration of proposed Annex I (positioning and technical details of lights and shapes), Annex III (technical details of sound signal appliances), and Annex V (interpretations and local pilot rules) to the unified Rules of the Road.
8. Consideration of matters concerning the 72 COLREGS discussed at the February 1980 meeting of the Intergovernmental Maritime Consultative Organization's Subcommittee on the Safety of Navigation.
9. Any other business.

Attendance is open to the public. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify Captain D. B. Charter, Jr., Executive Director, Rules of the Road Advisory Committee, c/o Commandant (G–WLE/11), U.S. Coast Guard, 2100 Second Street SW., Washington, D.C. 20593, (202) 426–4958, not later than the day before the meeting. Information about the meeting and any of the agenda items may be obtained from the above address. A member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., February 13, 1980.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 80-6184 Filed 2-27-80; 8:45 am]
BILLING CODE 4910-14-M

Federal Aviation Administration

[Summary Notice No. PE-80-5]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemptions (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: March 19, 1980.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–24), Petition Docket No. ————, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–24), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on February 22, 1980.

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
18309	Department of Defense (DOD)	14 CFR § 91.81	Petitioner requests an amendment to Exemption No. 2861 to allow use of either standard or local altimeter setting while operating in military operation areas and restricted areas under the exemption.
18718	Flight Safety International	14 CFR §§ 61.58(c) and 61.67(d)(2).	Renewal of Exemption No. 2738 which permits petitioner's trainees to completes a 24-month pilot-in-command and a Category II pilot authorization check in an FAA-approved flight simulator rather than in an appropriate airplane.
20035	T. Baker Smith	14 CFR § 43.3(h)	To allow pilots to remove, check and reinstall magnetic chip detector plugs on Allison 250C series engines, main transmission, and tail rotor gear boxes on Hughes Model 369 helicopters operated by T. Baker Smith and Son, Inc., Aviation Division.
20043	Mr. Roger A. Wood	14 CFR § 61.118	To permit petitioner, a private pilot, to operate a single-place gyroplane in airshows and for public demonstrations for compensation.
20044	Air Transport Association	14 CFR § 121.437	To allow the operation of aircraft by pilots that do not have an appropriate category and class rating for the aircraft being utilized. This new requirement will be effective July 1, 1980.
20045	Mr. John Nicolicchia	14 CFR § 61.155	To permit petitioner to take the airline transport pilot written examination without meeting the prerequisite qualifications.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
Amdt. 39-3224	Flying Tiger Line	14 CFR Part 39	To allow petitioner a nine-month extension of compliance time, March 1, 1980, to December 31, 1980, to accomplish the blue-etch anodize inspection of PWA JT3D first stage fan blades. *Denied 2/04/80.*
11789	Transmeridian Air Cargo, Ltd.	14 CFR Parts 21, 43, 61, 63, and 91.	To amend Exemption No. 2532, as amended, to add the names of certain co-pilot crewmembers who were erroneously listed as navigators in the appendix of Exemption No. 2532F. *Granted 2/1/80.*
16607	Trans Mediterranean Airways, S.A.L. (TMA)	14 CFR Parts 21, 61, and 91	To amend Exemption No. 2405E, as amended, to add four airmen to the appendix so that they may serve on leased, U.S.-registered B-707 aircraft N7095, N7096, N7100, and N7104. *Granted 2/5/80.*
18234	British Airways	14 CFR Parts 21, 61, 63, and 91	Amendment to Exemption No. 2607 to add airmen to the list of flight crewmembers permitted to obtain U.S. airman certificates to operate U.S. registered leased aircraft. *Granted 2/8/80.*
19420	Huntington Beach Police Department (HBPD)	14 CFR §§ 45.27(a)(1) and 45.29(b)(3).	To allow petitioner to delete bottom registration marks from three (3) HBPD Bell 47 helicopters. *Granted 1/31/80.*
19422	Continental Airlines, Inc. (CAL)	14 CFR § 61.39(b)	To amend Exemption No. 2824 whereby CAL pilot Robert G. Nicholson would be included under the terms of that exemption and enable him to take the ATP practical examination more than 24 months after taking the written examination. *Granted 2/20/80.*
19712	Frontier Airlines, Inc.	14 CFR § 121.441 and Appendix F of Part 121.	To permit the petitioner to accomplish all of the proficiency check maneuvers required by Appendix F in a non-visual simulator. *Denied 2/11/80.*
19823	Zenair Atlanta, Inc	14 CFR § 91.27(a)(1)	To permit the petitioner to operate a Canadian-registered experimental homebuilt aircraft for a period of 5 months without an appropriate and current airworthiness certificate. *Granted 2/20/80.*
19832	Pilgrim Airlines	14 CFR §§ 121.61 (c)(1) and (d)(2).	To allow Mr. John K. Rude to serve as Director of Maintenance and allow Mr. Bertrand Labbe to serve as Chief Inspector for them without meeting the experience requirements. *Granted 1/31/80.*
19893	Executive Aviation, Inc	14 CFR §§ 91.116(c) and 135.225(g).	To allow petitioner to operate from Detroit City Airport when the field visibility is one-half mile or greater but below the published one-mile takeoff minimum. *Denied 1/31/80.*
19894	U.S. Air (formerly Allegheny Airlines)	14 CFR § 141.55(a)	To permit the use of an alternate combination of allocated simulator and aircraft training time in lieu of the present stipulation of 5 hours simulator and 5 hours aircraft training time. *Granted 2/12/80.*
19934	Clay Lacy Aviation	14 CFR § 135.171	To allow the operation of Lear Jets without shoulder harnesses installed. *Granted 2/11/80.*
18340	Air Hawaii	14 CFR § 135.113	Extension of the termination date of Exemption No. 2646 to permit a revenue passenger to occupy the co-pilot's seat. *Denied 2/20/80.*
19946	Trans World Airlines	14 CFR §§ 91.32(b)(1)(ii) and 121.333(c)(2).	To provide relief from the requirement for one pilot to wear and use an oxygen mask when operating above Flight Level 410 up to the maximum certificated altitude of the Boeing 747-SP aircraft, that is 45,100 feet. *Granted 2/11/80.*
20019	Air Oregon, Inc	14 CFR § 121.291(a)	To allow petitioner to place in passenger carrying service, DHC-7 aircraft without first conducting a full seating capacity emergency evacuation demonstration. *Withdrawn 2/20/80.*
20037	McDonnell Douglas Corp	14 CFR Parts 21 and 91	To permit use of a DC-9-15 master minimum equipment list in Part 91 operations. *Granted 2/14/80.*

[FR Doc. 80-6107 Filed 2-27-80; 8:45 am]
BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 143—Ground Based Automated Weather Observation Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 143 on Ground Based Automated Weather Observation Equipment to be held on March 19-20, 1980 in RTCA Conference Room 261, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Fourth Meeting held January 31 and February 1, 1980; (3) Review of First Complete Draft Report; (4) Assignment of Tasks; and (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on February 19, 1980.

Karl F. Bierach,

Designated Officer.

[FR Doc. 80–5737 Filed 2–27–80; 8:45 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA); Executive Committee; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held on March 21, 1980 in RTCA Conference Room 261, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Approval of Minutes of Meeting held January 25, 1980; (2) Special Committee Activities Report for January and February 1980; (3) Chairman's Report on RTCA Administration and Management; (4) Report of RTCA Fiscal and Management Committee; (5) Report of Ad Hoc Committee on RTCA Awards; (6) Report of Ad Hoc Committee on the RTCA Digest; (7) Report of Ad Hoc Committee on Applicability of RTCA Minimum Performance Standards and Minimum Operational Performance Standards to Digital Equipment; (8) Report of Ad Hoc Committee on Radio Frequency Spectrum Profiles; (9) Consideration of Revised Terms of Reference for Special Committee 133 on Airborne Radar Systems; (10) Consideration of Establishing New Special Committees; (11) Discussion of International Standards Organization (ISO) Technical Committee 20 Formation of a New Committee for Standards on Air Navigation; and (12) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on February 20, 1980.

Karl F. Bierach,

Designated Officer.

[FR Doc. 80–5736 Filed 2–27–80; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

[FHWA Docket No. 79–9, Notice No. 2]

Highway Cost Allocation Study; Meeting and Request for Comments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA will hold a public meeting on April 11, 1980, to discuss plans for and progress of the Highway Cost Allocation Study required by Section 506 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95–599). This will be the second such meeting on the study. The meeting will focus on the study elements contained in the Department of Transportation's (DOT) report, *Highway Cost Allocation, First Progress Report.* Technical experts in highway cost allocation and representatives of interested groups are invited to attend. Comments to the docket on the *First Progress Report* and related matters are also solicited.

DATE: Meeting—April 11, 1980. Comments to the docket on the *First Progress Report* should be submitted as soon as possible to increase their likelihood of affecting the work of the study.

TIME: Meeting—9:30 a.m.

PLACE: Meeting—Room 4200, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

ADDRESS: Submit comments to and inspect report at FHWA Docket No. 79–9, Room 4205, HCC–10, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590

FOR FURTHER INFORMATION CONTACT: Dr. Anthony Kane, Chief, Highway Cost Allocation Study Team, 202–426–0570; or Mr. S. James Wiese, Attorney, Office of the Chief Counsel, 202–426–0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are Monday through Friday, 7:45 a.m. to 4:15 p.m., ET.

SUPPLEMENTARY INFORMATION:

Background

The 3-year Highway Cost Allocation Study required by Section 506 of Pub. L. 95–599 arose from the concerns of the Congress that (1) the data analysis on which previous cost allocation studies were based needs updating; (2) future highway user taxes should be based on an equitable allocation of costs; and (3) the Federal highway program has changed with regard to the type of programs being financed.

To satisfy Congress concerns, Section 506 requires the Secretary of Transportation to (a) study costs occasioned in the design, construction, rehabilitation, and maintenance of Federal-aid highways by the different classes of vehicles using these roads; (b) to estimate the share of such costs atttributable to each class of motor vehicles; and (c) to assess the need for long-term monitoring of roadway deterioration to determine the relative damage attributable to traffic and environmental factors.

Section 506 further requires the Secretary to submit a final report on the study to Congress by January 15, 1982; two progress reports, by January 15, 1980, and by January 15, 1981, respectively; and a study plan within 180 days of enactment or by May 5, 1979. In addition, Congress required the Congressional Budget Office (CBO) to submit within 90 days of enactment guidelines for the Secretary's use in the preparation of a study plan. CBO's *Guidelines for a Study of Highway Cost Allocation* were submitted to the Congress and the Secretary on February 1, 1979. DOT's *Highway Cost Allocation Study Plan* was transmitted to the Congress on June 27, 1979. Copies of the *Guidelines,* the *Study Plan,* and the *First Progress Report* are available for the public's inspection the Docket Room specified above.

The Act requires that the study look at the allocation of the Federal share of the cost of highway improvements financed from the Highway Trust Fund. The Congress further specified that the method used to allocate costs shall be based on the cost occasioned by each class of user rather than some other basis. The analysis FHWA is undertaking is responsive to these requirements. It will examine the assignment of costs for today's programs and conditions as well as the impact that new programs, vehicles, construction practices, and other developments may have on future costs assignments.

Meeting

The April 11 meeting will be the second public meeting on the cost allocation study. The first was held March 23, 1979, to provide comments to be considered in the preparation of the June 1979 *Study Plan*. The purpose of the second meeting is to comment on the plans for and progress of the study as reflected in the *First Progress Report*.

The April meeting agenda will include, but not be limited to, discussion of the following study elements reported on in the *First Progress Report:* overall analysis scope and methods including the treatment of common costs; estimating highway travel by vehicle class; attribution of revenue to vehicle classes; alternative tax structures for financing Federal-aid highway improvements; development of relationship for assigning specific costs to vehicle classes; estimating obligations; forecasting governmental costs; measuring highway user cost responsibilities aggregated over all levels of government in comparison to aggregate highway user revenues; and development of a system for longterm monitoring of roadway deterioration.

Docket

Comments to the docket established for this study are sought on the *First Progress Report* and other matters related to the plans for and conduct of the study. Comments on the items (listed above) to be discussed at the public meeting are particularly solicited. Comments may be submitted to the docket at any time but should be sent as soon as possible to increase their likelihood of affecting the work of the study.

Issued on: February 20, 1980.

L. P. Lamm.

Executive Director.

[FR Doc. 80-6263 Filed 2-27-80; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Safety, Bumper, and Consumer Information Programs; Public Meetings

The National Highway Traffic Safety Administration (NHTSA) will hold the three remaining NHTSA-Public-Industry Technical Meetings for 1980 on April 16, July 16, and October 8 to answer questions from the public and industry regarding the Agency's safety, bumper, and consumer information programs. They will be held in the Conference Room of the Environmental Protection Agency, Motor Vehicle Environmental Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan, from 10:30 a.m. until 1:00 p.m.; reconvening at 2:00 p.m., if necessary.

Future announcements will be published inviting questions in writing from industry and the public for each of the meetings.

FOR FURTHER INFORMATION CONTACT: Mr. Michael M. Finkelstein, Associate Administrator for Ruelmaking, National Highway Traffic Safety Administration, 400 7th Street, S.W., Washington, D.C., 20590 (202) 426-1810.

Issued on: February 20, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-5730 Filed 2-27-80; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP79-11; Notice 2]

General Motors Corp.; Grant of Petition for Determination of Inconsequentiality

This notice grants the petition by General Motors Corp. of Warren, Michigan ("GM" herein) to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.110, Motor Vehicle Safety Standard No. 110, *Tire Selection and Rims for Passenger Cars.* The basis of the grant is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on August 30, 1979, and an opportunity afforded for comment (44 FR 50945).

Approximately 137 1979 model Chevrolet Malibu passenger cars equipped with bucket seats may carry tire inflation placards (required by Standard No. 110) with an incorrect seating capacity and vehicle capacity weight. The placards indicate that the front seating capacity is three persons when the correct capacity is two, that the occupant capacity is six when actually it is five, and that the total vehicle capacity weight is 1,060 pounds when it is 910 pounds.

GM argued that the incorrect seating capacity noncompliance is inconsequential because it is obvious to anyone comparing the tire placard with the actual front seating accommodations that the placard must be in error. Further, even if the vehicle were loaded with an additional 150 pounds, its tire load limits would not be exceeded, because "they are identical to Malibu series vehicles equipped with bench seats and six-passenger capacity." The vehicles involved are special option police vehicles whose production release inadvertently failed to contain instructions to modify tire placard information. The error has now been corrected.

No comments were received on the petition.

The NHTSA concurs with petitioner's arguments that the noncompliance is inconsequential because the physical limitations of the front seats preclude carrying an extra passenger, and even were one carried, the tire load limits would not be exceeded. Petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby granted.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 20, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-5980 Filed 2-27-80; 8:45 am]

BILLING CODE 4910-59-M

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

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

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition filed by Fiat Motors of North America, Inc. (Fiat) requesting the establishment of a Federal motor vehicle safety standard regarding automobile corrosion. The petition is denied because vehicle corrosion does not appear to be a significant safety problem for the automobile industry as a whole at this time. This agency will, however, monitor information related to vehicle corrosion and take any appropriate steps, including initiating rulemaking proceedings, if supported by the available data.

FOR FURTHER INFORMATION CONTACT: Daniel Cohen, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: Fiat filed a petition on September 25, 1979, requesting the establishment of a Federal motor vehicle safety standard regarding automobile corrosion. Fiat stated that automobile corrosion was a

problem for all cars, and that the problem was susceptible to treatment in a safety standard, and requested the initiation of rulemaking proceedings.

Petitioner Fiat has not precisely defined the scope of the rust problem for which it believes rulemaking to be appropriate. However, the rulemaking petition was submitted in conjunction with a petition for a determination of inconsequentiality and both petitions were in response to an initial determination that a safety-related defect is found in certain Fiat automobiles. that defect determination related to incidents of failures of Fiat vehicles due to rust and corrosion of their structural components, resulting in separation of steering and suspension components, collapse of seats through floor pans, and similar failures of the vehicles' weight bearing undercarriages. The defect determination was based on the results of an investigation (NHTSA Case No. C7–30). During the course of that investigation, the National Highway Traffic Safety Administration received approximately 857 complaints from consumers regarding rust and corrosion on Fiat automobiles subject to the investigation. The investigation covered all of Fiat's 1970–74 model 850's and model 124's, representing about 202,000 vehicles sold in the United States. The agency published a final determination and order regarding safety-related defects in the 1971 Fiat model 850 and the 1970–74 Fiat model 124 automobiles at 45 FR 2134, January 10, 1980. As of that date, the agency had received 430 complaints from consumers regarding structural rust in the vehicles subject to the final determination and order.

By issuing its final order and determination, NHTSA has already indicated that it agrees with the implicit point in Fiat's petition that severe structural rust constitutes a significant safety-related problem in those vehicles. For this reason, NHTSA has not included the complaints received on Fiats subject to the final order and determination of January 10, 1980, in determining whether corrosion presents a safety problem for the other automobile manufacturers and the automobile industry as a whole.

The complaints of rust and corrosion on automobiles received by the agency relate to many different components. It was necessary for the agency to categorize the complaints according to the component affected by the rust or corrosion. The following are the most significant groupings. Structural rust refers to rust of unibody undercarriages, vehicle chassis frames, and floor pans in the area of seatbelt mountings and driver's seats. A second group of complaints referred to rust in weight bearing or vehicle guidance components, the failure of which would affect vehicle safety and which do not normally wear out in service. Such components include tie rods, control arms, and strut rods. Components which do ordinarily wear out in service whose failure might affect safety were grouped in a third category. Examples of these components are tie rod ends, ball joints, U joints, and wheel bearings. Complaints of rust and corrosion in exhaust systems, electrical systems, fuel systems, and brake systems were each placed in separate groups. Finally, complaints of rust which do not affect the safety of the vehicle were grouped according to whether the complaint was for rust to miscellaneous mechanical components or for cosmetic rust of sheet metal, bumpers, roof racks, etc. This cosmetic rust category had the most complaints of any single category examined.

NHTSA has treated this petition by Fiat as seeking rulemaking to cover structural rust in vehicles generally. Accordingly, the agency has searched the sources described below for all instances of reports of structural rust. Because of their possible similarity to the subject of the Fiat defect determination, the agency has also counted the instances of rust and corrosion in components which do not normally degrade in service and whose failure substantially affects safety. Complaints of rust in the other categories were deemed not relevant to this petition. The complaints in these categories have been noted and counted, however.

In gathering information on the safety effects of rust and corrosion, the agency consulted a wide range of sources. Existing computerized files maintained by the National Center for Statistics and Analysis are not coded to provide information on rust and corrosion as a safety factor. Consequently, no information was available from this source. NTHSA requested Indiana University to search its accident files collected as a part of a study into the causes of accidents. These files include 2,258 investigations where teams of technicians responded to accidents at the time of occurrence to determine the cause of the accident. Simultaneously, in 420 of the cases, a multidisciplinary team independently examined the accidents and assigned a cause to each accident. None of the 2,258 cases examined by the technicians listed rust or corrosion as the cause of the accident. However, the closer analysis of the 420 cases showed that rust and corrosion may have caused three of the accidents. One accident involved structural corrosion, another involved corrosion of the exhaust system, and the third involved corrosion of the electrical system. Of these three accidents, corrosion was considered the certain cause of the accident in only one case—the corrosion of the electrical system. It should be noted that the structural corrosion occurred on a 15-year-old pickup truck.

NHTSA also requested the University of North Carolina to search the police reports of all accidents in the State of North Carolina for a part of 1971 and for all of 1973 through the end of 1978. This examination covered 772,816 police reports. Of these accidents, it was reported to NHTSA that rust or corrosion was listed as a possible cause of the accident in only two cases.

Finally, NHTSA's Office of Defect Investigations searched its files for all consumer letters received by this agency that pertain to rust or corrosion problems. A total of 2,726 such letters were found and reviewed. As noted above, these letters do not include any which related to Fiat automobiles subject to the rust investigation. Of these 2,726 complaints, there were 338 complaints of structural rust. Based on an average population of about 100 million cars at any given time, this means that the 338 complaints of structural rust represent one complaint for every 300,000 cars sold. Stated another way, owners complained about structural rust in 0.0003 percent of the vehicles. The agency's examination of this data suggests that structural rust is not a widespread problem, but, instead, that it occurs very infrequently.

Additionally, the agency has received 77 complaints of rust and corrosion in components which do not normally degrade in service, and whose failure might affect safety. By itself, 77 complaints scattered among the various manufacturers of the estimated 100 million cars on the road at any time is plainly insignificant. Added to the 338 complaints of structural rust, this means that NHTSA has received 415 complaints of rust and corrosion similar to the type which resulted in the final determination and order regarding safety-related defects in certain types of Fiat automobiles. Even with the addition of these complaints, the frequency of complaints has been one for every 217,000 vehicles on the road.

Of the 2,726 complaints of vehicle rust and corrosion, 90 cases showed a loss of vehicle control or an accident attributable to the rust or corrosion. This includes rust on all vehicle components, although most of the instances of loss of

control or accidents caused by corrosion were caused by corrosion to the structure (50 of the 90 cases). In this regard, it is noted that 19 of the 50 cases of loss of control or accidents resulting from structural rust occurred on Fiat automobiles not subject to the final determination and order published January 10. Since these 90 instances of loss of control or accident occurred over a ten year period, there is an average of about 9 incidents of loss of control or accident annually as a result of this type of vehicle corrosion. There are about 16 million accidents annually in the United States.

The agency's consideration of all the data outlined above leads it to conclude that vehicle corrosion does not pose a significant safety problem at this time for most or many automobiles. Further, testimony offered at the Legislative Conference on Governmental policies for Corrosion Control, sponsored by the Senate Committee on Commerce, indicates that automobile manufacturers are now taking additional measures to prevent vehicle corrosion. Current advertising and warranties offered by Ford, General Motors, AMC, and Fiat show that increased attention is, indeed, being focused on reducing corrosion. Given the mimimal safety problem shown in current data, and the anti-corrosion activities of the manufacturers, this appears to be a most appropriate area in which to allow the marketplace to function without governmental intervention. If later data suggests that the problem has grown, the government could then take appropriate regulatory steps.

Finally, as a result of Fiat's petition, the agency has decided to enhance its data collection efforts regarding rust and corrosion. NHTSA will also carefully monitor all available data on rust and corrosion as a safety problem.

Based on the foregoing, Fiat's petition for initiation of a rulemaking proceeding to promulgate a safety standard regarding automobile corrosion is denied.

The program official and attorney principally responsible for the development of this position are Daniel Cohen and Stephen Kratzke, respectively.

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

Issued on February 21, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-6118 Filed 2-25-80; 10:00 am]

BILLING CODE 4910-59-M

VETERANS ADMINISTRATION

Clinical Services Addition, Veterans Administration Medical Center, Charleston, S.C.; Planned Action

The Veterans Administration (VA) plans to locate a Clinical Services Addition at the Veterans Administration Medical Center, Charleston, South Carolina. The project will be located within the Ashley River 100-Year Floodplain designated by the HUD-FIA Flood Hazard Boundary Map (FHBM).

The VA has worked in close coordination with the Charleston District Corps of Engineers in defining the limits of existing and probable flood hazard and determining the impact of the proposed project on the floodplain. This coordination reveals that the existing project site is above flood elevations of the base flood. Additionally, it was concluded the project will not adversely impact upon the 100-Year Floodplain. As part of the floodplain management program of the VA facility, consideration has been given to protection of life and property during major flood occurrences. The medical center has both a Hurricane Plan and an Evacuation Plan.

Project alternatives have been considered in the planning process. These considerations, which were identified in the first published project notice include:

1. Renovation of existing space.
2. New construction at other onsite locations.
3. No action.

No viable alternatives to the planned action exist relative to the floodplain. This is because physical building space and facility use relationships have determined that only the proposed layout will achieve the VA program requirements. In addition, only the proposed plan locates the development at a maximum grade (elevation) above the lower areas of the property which are susceptible to flooding. Consequently, any other onsite alternative location would impact to some degree on the base floodplain.

To adequately site the project in the area, the VA limited the clinical expansion to a small vertical addition to the main existing building. Moreover, the physical size does not extend beyond the existing dimensions of the main medical center. No physical intrusion into the base floodplain occurs in the proposed plan.

In view of the above mentioned planned actions and the remote location of the project (500+ ft. away from the river embankment), it is the conclusion of the VA that there will be no significant increase in the elevation of flood waters due to this project. This conclusion is concurred with by the Department of Army, Charleston District Corps of Engineers.

The Veterans Administration is soliciting comments from the State and local levels. The comment period will be open until March 31, 1980. This Notice of Planned Action is in compliance with the announcement requirements of Executive Order 11988, Floodplain Management Guidelines (February 1978). As required, this is the second public notice on this action, and follows the first dated November 9, 1979.

Comments on this proposed action should be postmarked no later than 30 days after publication date and addressed to: Mr. V. P. Miller, Assistant Administrator for Construction (08), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: February 15, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 80-6188 Filed 2-27-80; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on March 5, 1980, at 10:00 A.M., the San Diego Regional Office Station Committee on Educational Allowances shall at Room 501, 2022 Camino del Rio North, San Diego, California 92108 conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in San Diego Aviation, Incorporated, 6819 Curran Street, Bldg. 2048W, Brown Field, San Diego, California 92173, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: February 5, 1980.

Herbert R. Rainwater,

Director, VA Regional Office, 2022 Camino del Rio North, San Diego, Calif. 92108.

[FR Doc. 80-6214 Filed 2-27-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 41
Thursday, February 28, 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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February 25, 1980.

COUNCIL ON ENVIRONMENTAL QUALITY.

TIME AND DATE: 11 a.m., Thursday, March 6, 1980.

PLACE: Conference Room, 722 Jackson Place NW., Washington, D.C. 20006.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Old Business.
2. Council Consideration and action on the Final Revisions to the National Contingency Plan.
3. Briefing on Status of Agencies' NEPA Procedures.

CONTACT PERSON FOR MORE INFORMATION: John F. Shea, III, (202) 395–4616.

[S–394–80 Filed 2–26–80; 1:16 pm]

BILLING CODE 3125–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in time of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the open meeting of the Corporation's Board of Directors scheduled for 2:00 p.m. on Monday, February 25, 1980, was held instead at 2:15 p.m. on Monday, February 25, 1980, in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, N.W., Washington, D.C. No earlier notice of the change in the time of the meeting was practicable.

Dated: February 25, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–389–80 Filed 2–26–80; 1:16 pm]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, February 25, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Bank of Coronado, a proposed new bank, to be located at 1190 Orange Avenue, Coronado, California, for Federal deposit insurance.

Application of Desert Empire Bank, Cathedral City, California, for consent to establish a branch in the 74–000 block of Highway 111 (between Deep Canyon and Portola), Palm Desert, California.

Application of The Northwestern Bank, North Wilkesboro, North Carolina, an insured State nonmember bank, for consent to merge, under its charter and title, with The Bank of Eden, Eden, North Carolina, and to establish the two approved offices of The Bank of Eden as branches of The Northwestern Bank.

Applications of Commonwealth Bank, Hawthorne, California, an insured State nonmember bank, for consent to merge, under its charter and title, with Desert Empire Bank, Cathedral City, California, a State nonmember bank; to establish the one existing office and the proposed new branch office of Desert Empire Bank as branches of the resultant bank; to issue subordinated capital notes as an addition to the bank's capital structure; and, for advance consent to the mandatory retirement provisions of the subordinated capital notes.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable, that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: February 25, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–390–80 Filed 2–26–80; 1:16 pm]

BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, March 3, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.

Schall, Boudreau & Gore, San Diego, California, in connection with the receivership of United States National Bank, San Diego, California.

Memorandum re: Uniform Policy for Classification of Consumer Installment Credit Based on Delinquency Status.

Memorandum re: FDIC Cash Management Policy.

Memorandum and Resolution re: Amendments to Policy Statement on Interest Rate Futures, Forward, and Standby Contracts.

Memorandum and Resolution re: Final Amendments to Part 348 of the Corporation's rules and regulations implementing the Depository Institution Management Interlocks Act.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and

Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Audit Report: Payroll Audit.

Audit Report: Washington Office Cash Activities.

Report of the Controller: Summary of Liquidation Expenses, Estimated Losses and Other Fiscal Data Concerning Active Liquidations—December 31, 1979.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: February 25, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–391–80 Filed 2–26–80; 1:16 pm]

BILLING CODE 6714–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 3, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9))B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Bank of the Midlands, a proposed new bank, to be located at 84th Street and Highway 370, Papillion, Nebraska, for Federal deposit insurance.

First State Bank of Roland, a proposed new bank, to be located near the northeast corner of U.S. Highway 64 and Roland Road, Roland, Oklahoma, for Federal deposit insurance.

Application for consent to establish branches:

Brooklyn Savings Bank, New York (Brooklyn), New York, for consent to establish a branch at 1166 Avenue of the Americas, New York (Manhattan), New York.

Roosevelt Savings Bank, New York (Brooklyn), New York, for consent to establish a branch at Sunrise Highway and Bellmore Avenue, Bellmore, New York, and a public accommodation office at Bellmore Avenue and Royle Street, Bellmore, New York.

Applications for consent to relocate main office:

Midtown State Bank, Milwaukee, Wisconsin, for consent to move its main office from 3405 West Lisbon Avenue to 740 North Water Street, both locations within Milwaukee, Wisconsin.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,245–L—The Drovers' National Bank of Chicago Chicago, Illinois.

Memorandum re: The Monroe Bank and Trust Company Monroe, Connecticut.

Recommendations with respect to the initation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspensions or removal proceedings against certain insured banks or officers of directors thereof:

Name of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exemp from disclosure pursuant to the provisions of subsections (c)(2) and (c0(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b)c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: February 25, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–392–80 Filed 2–26–80; 1:16 pm]

BILLING CODE 6714–01–M

6

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 12353, February 25, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 27, 1980.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

ER–12. EL78–15, ER78–339, ER76–285, and ER80–140, Public Service Co. of New Hampshire.

CP–9 TC–26, Southern Natural Gas Co.

Kenneth F. Plumb,

Secretary.

[S–395–80 Filed 2–26–80; 3:00 pm]

BILLING CODE 6450–85–M

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 12353, February 25, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 27, 1980.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CP–8. CP78–123, *et al.*, Northwest Alaskan Pipeline Co. and CP78–124, Northern Border Pipeline Co.

Kenneth F. Plumb,

Secretary.

[S–396–80 Filed 2–26–80; 3:00 pm]

BILLING CODE 6450–85–M

8

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 12353, February 25, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 27, 1980.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CAG–22. RP 77–54, RP77–55, RP76–10 (PGA77–5), and RP74–61 (PGA77–5), Arkansas Louisiana Gas Co.

ER–11. ER80–113, Central Telephone & Utilities Corp.

Kenneth F. Plumb,

Secretary.

[S–397–80 Filed 2–26–80; 3:00 pm]

Billing Code 6450–85–M

9

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: 10 a.m., March 4, 1980.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Henry Judy (202–789–4734).

MATTERS TO BE CONSIDERED: Adoption of Home Improvement Loan Program Symbol.

No. 320, February 26, 1980.

J. J. Finn,

Secretary.

[S-400-80 Filed 2-26-80; 3:00 pm]

BILLING CODE 6720-02-M

10

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., March 6, 1980.

PLACE: Hearing Room 1, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Classification of controlled carriers pursuant to the Ocean Shipping Act of 1978.
2. Docket No. 79-63: Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States—Proposed final rule.
3. Special Docket No. 690: Application of Maersk Line Agency for the Benefit of Liberty Gold Fruit Company—Consideration of initial decision.
4. Informal Docket No. 566(I): Excam Inc. v. Lykes Lines Agency, Inc. and Costa Line—Consideration of decision of Settlement Officer.
5. Informal Docket No. 574(I): S.C. Johnson & Son, Inc. v. Overseas Shipping Company—Agent, East Asiatic Company, Ltd.—Consideration of decision of Settlement Officer.
6. Informal Docket No. 530(I)—George W. Moore, Inc. v. International Container Express, Inc.—Consideration of decision of Settlement Officer.
7. Informal Docket No. 509(I): General Electric De Colombia, S.A. v. Flota Mercante Grancolombiana—Consideration of decision of Settlement Officer.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523-5725

[S-404-80 Filed 2-26-80; 3:18 pm]

BILLING CODE 6730-01-M

11

[USITC SE-80-13]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Thursday, March 6, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints: (a) Hollow-fiber artificial kidney machines (Docket No. 630).
5. Sugar from Canada (Inv. 731-TA-3 [Final])—briefing and vote.
6. Spun acrylic yarn from Japan and Italy (Inv. 731-TA-1 and -2 [Final])—vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-385-80 Filed 2-25-80; 4:04 pm]

BILLING CODE 7020-02-M

12

[USITC SE-80-12B]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 11297, February 20, 1980 and change in time sent to FR, on February 22, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 1:15 p.m., Wednesday, February 27, 1980.

CHANGES IN THE MEETING: Item No. 5 should read as follows:

5. Investigation 701-TA-1 (Nonrubber Footwear Components from *India*)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-386-80 Filed 2-25-80; 4:09 pm]

BILLING CODE 7020-02-M

13

[USITC SE-80-12B]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 11297, February 20, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 1:15 p.m., Wednesday, February 27, 1980.

CHANGES IN THE MEETING: By action jacket SE-80-07 approved February 26, 1980, Commissioners Bedell, Alberger, Moore, Stern, and Calhoun determined that Commission business requires the rescheduling of the meeting of February 27, 1980, to 2:00 p.m., Tuesday, March 4, 1980, and affirmed that no earlier announcement of the change in the schedule was possible and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-403-80 Filed 2-26-80; 3:15 pm]

BILLING CODE 7020-02-M

14

NATIONAL MEDIATION BOARD.

TIME AND DATE: 2:00 p.m., Wednesday, March 5, 1980.

PLACE: Board Hearing Room, 8th Floor, 1425 K Street NW., Washington, D.C.

STATUS: OPEN.

MATTERS TO BE CONSIDERED:

(1) Ratification of Board actions taken by notation voting during the month of February, 1980.

(2) Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's Office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, Tel: (202) 523-5920.

Date of Notice: February 22, 1980.

[S-387-80 Filed 2-26-80; 8:52 am]

BILLING CODE 7550-01-M

15

NATIONAL RAILROAD PASSENGER CORPORATION (Board of Directors)

Additional agenda item for meeting.

In accordance with rule 4d. of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the following item will be added to the agenda for the Board of Directors meeting of February 27, 1980.

3. *Election of Chairman of the Board.*

Board members Edwards, Boyd, Luna, Head, Lamphier, Nathan, Neel, Quinn and Langdon determined by recorded vote that the business of the Corporation requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the change was possible, and directed the issuance of this notice at the earliest practicable time. Board members Dunlop, Kling, Mills and Goldschmidt were not reached for the vote.

The revised agenda to be discussed at the meeting follows:

Agenda—National Railroad Passenger Corporation

Meeting of the Board of Directors—February 27, 1980

Closed Session (9:30).

1. Litigation matters.
2. Internal personnel matters.

Open Session (10:30).

3. Election of chairman of the board.
4. Approval of minutes of meeting of January 30, 1980.
5. Review of Amtrak's car fleet situation.
6. Commitment approval requests:

80-106 Acquisition of Low-level Passenger Cars.

77-266-S5 Purchase of Lightweight Electric Locomotives.

80-100 Construct "Wye" Track at New Haven, Conn.

7. Resolution modifying management's authority to enter into leases
8. Report: Billing for railroad pass privileges.

9. Board Committee Reports: Equipment, Finance, Legal Affairs, Northeast Corridor Improvement Project, Organization and Compensation.
10. President's report.
11. New business.
12. Adjournment.

Inquiries regarding the agenda for the February 27, 1980 Board meeting should be directed to the Corporate Secretary at (202) 383–3973.

Elyse G. Wander,

Corporate Secretary.

February 26, 1980.

[S–388–80 Filed 2–26–80; 10:15 am]

16

NATIONAL SCIENCE BOARD.

DATE AND TIME:

February 21, 1980, 9–10:30 a.m.—open session.
February 22, 1980, 8:30–9 a.m.—open session.
February 21, 1980, 10:30 a.m.—closed session.
February 22, 1980, 9 a.m.—closed session.

PLACE: National Science Foundation, Room 540, 1800 G Street NW., Washington, D.C.

ADDITIONAL MATTER CONSIDERED AT CLOSED SESSION, FEBRUARY 21: Scientific Exchanges with the Soviet Union.

Because this matter arose during the meeting of the National Science Board, no earlier announcement of this addition to the closed portion of the meeting was possible.

An open meeting on this subject might have disclosed information involving sensitive foreign policy matters. Also, a proposed Resolution (H.J. Res. 487) has been introduced into the Congress suspending US/USSR scientific exchanges. Open deliberation on and formulation of the comments on the proposed legislation would be likely to prematurely disclose these comments before they can be considered by the Administration and made to the Congress, and so would be likely to frustrate significantly any proposed Board action.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 632–5840.

[S–398–80 Filed 2–26–80; 3:00 pm]

BILLING CODE 7555–01–M

17

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, March 6, 1980. [NM–80–11]

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Safety Effectiveness Evaluation*—National Highway Traffic Safety Administration's Rulemaking Process; Volume 4: Analysis, Conclusions, and Recommendations.
2. *Marine Accident Report*—Collision of the M/V STUD with the Southern Pacific Railroad Bridge over the Atchafalaya River in Berwick Bay, Louisiana, April 1, 1978.
3. *Safety Objective Program Plan*—Collisions in Restricted Waters (VTS).
4. *Proposed Special Study*—Postcrash Fires in General Aviation Accidents, 1974–1978.

CONTACT PERSON FOR MORE INFORMATION: Sharon Fleming 202–472–6022.

February 26, 1980.

[S–399–80 Filed 2–26–80; 3:00 pm]

BILLING CODE 4910–58–M

18

POSTAL SERVICE (Board of Governors).

Amendment to notice of meeting.

The Board of Governors of the United States Postal Service recently published a Notice of Meeting to be held on Tuesday March 4, 1980, at Postal Service Headquarters, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260. The Agenda of the matters to be discussed by the Board is hereby amended to add the following item, which will be discussed following the discussion of the first five agenda items.

5a. Modification of temporary change to Domestic Mail Classification Schedule for bulk third-class carrier route presort mail.

(The Board will consider a proposal to amend section 300.030 of the Domestic Mail Classification Schedule as currently in effect on a temporary basis pending Postal Rate Commission reconsideration of the carrier route presort proposal for regular rate bulk third-class mail, so as to enlarge the maximum size limitations to 11½" x 13½" by ¾".)

Louis A. Cox,

Secretary.

[S–401–80 Filed 2–26–80; 3:00 pm]

BILLING CODE 7710–12–M

19

POSTAL SERVICE (BOARD OF GOVERNORS).

Notice of closed meeting.

On February 22, 1980, the Governors of the United States Postal Service unanimously voted to close to public observation a meeting which was commenced on that date, at which the Governors discussed the Opinion and Recommended Decision of the Postal Rate Commission dated December 17, 1979, captioned Electronic Mail Classification Proposal, 1978 (Commission Docket No. MC78–3). The vote to close a meeting followed a determination in accordance with the Government in the Sunshine Act that agency business required consideration of the Rate Commission's Opinion and Recommended Decision without the delay that would be necessary to afford public announcement at least one week before the meeting as described in 5 U.S.C. 552b(e).

The Governors determined that, pursuant to section 552b(c)(10) of title 5, United States Code, and § 7.3(j) of title 39, Code of Federal Regulations, the meeting to be closed was exempt from the open meeting requirement of the Government in the Sunshine Act in that it was likely to specifically concern the participation of the Postal Service in a civil action or proceeding, and that the public interest did not require the discussion of this matter to be open to the public. In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service certified that in his opinion the meeting might properly be closed to public observation pursuant to 552b(c)(10) of title 5, United States Code, and § 7.3(j) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S–402–80 Filed 2–26–80; 3:00 pm]

BILLING CODE 7710–12–M

20

SECURITIES AND EXCHANGE COMMISSION.

STATUS: Closed meeting.

DATE AND TIME: February 26, 1980, 10:00 a.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, February 26, 1980, at 10:00 a.m. to consider the following items.
Freedom of Information Act appeal.
Chapter X proceeding.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4) (8) (9)(A) and (10) and 17 CFR 200.402(a) (8) (9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined to hold the aforesaid meeting in closed session.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: George Yearsich at (202) 272–2178.

February 26, 1980.

[S–393–80 Filed 2–26–80; 1:16 pm]

BILLING CODE 8010–01–M

federal register

Thursday
February 28, 1980

Part II

Department of Transportation

Office of the Secretary

Improving Government Regulations; Regulations Agenda and Review List; Semi-Annual Summary

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Ch. I

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I and III

49 CFR Chs. I–VI

[OST Docket No. 59; Notice 80–2]

Improving Government Regulations, Department Regulations Agenda and Review List; Semi-Annual Summary

AGENCY: Department of Transportation.

ACTION: Department Regulations Agenda and Review List.

SUMMARY: The Regulations Agenda is a semi-annual summary of each proposed and each final regulation that the Department of Transportation expects to publish in the **Federal Register** during the succeeding 12 months or such longer projected period as may be anticipated. The Regulations Review List is a semi-annual summary of the existing regulations that the Department of Transportation has selected for review and possible revocation or revision. The Agenda and the Review List provide the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the Agenda and the Review List are 400 Seventh Street, SW., Washington, D.C. 20590, except for the Federal Aviation Administration and the St. Lawrence Seaway Development Corporation, which are located at 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda or the Review List, in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, 202–426–4723.

Specific

For further information about any particular item on the Agenda or the Review List, contact the individual listed in the column headed "Contact" for that item.

SUPPLEMENTARY INFORMATION:

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Background

Improvement of government regulations has been a prime goal of the Carter Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, and in accordance with Executive Order 12044 ("Improving Government Regulations"; 43 FR 12661; March 24, 1978), the Secretary of Transportation issued the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The Policies and Procedures include a requirement that the Department prepare a semi-annual Department Regulations Agenda for publication in the **Federal Register.** The Agenda summarizes each proposed and each final regulation that the Department expects to publish in the **Federal Register** during the succeeding 12 months or such longer projected period as may be anticipated. The regulatory policies and procedures also include a requirement that the Department prepare a semi-annual list of existing regulations it has selected for review and possible revocation or revision for publication in the **Federal Register.**

The Agendas and Review Lists are based on reports submitted by the intitiating offices by the last working days of June and December each year. After these reports are consolidated for, and reviewed by, the Department Regulations Council, the Department's Regulations Agenda and Review List is prepared and published in the **Federal Register.** The Department's last Regulations Agenda and Review List was published in the **Federal Register** on August 27, 1979 (44 FR 50140). The next one is scheduled for publication in the **Federal Register** on August 25, 1980.

Definitions

The Agenda and the Review List cover all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office or the Secretary or the Deputy Secretary—

(a) Requires a Regulatory Analysis or is otherwise costly;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a significant impact on another operating administration or other parts of the Department or other Federal Agency; or

(d) Otherwise involves important Department policy.

(3) *Emergency regulation* means a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the **Federal Register.**

(4) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

A Regulatory Analysis is required for each proposed regulation that—

(1) Could produce a major effect on the general economy in terms of cost, consumer prices, or production;

(2) Could produce a major increase in costs or prices for individual industries, levels of government, geographic regions, or specific elements of the population; or

(3) The Secretary or head of the initiating office determines deserves such an analysis.

Explanation of Information on the Regulations Agenda

The Regulations Agenda is divided by initiating offices. For each initiating office there is a subdivision for: (1) significant regulations, (2) nonsignificant regulations, and (3) routine and frequent nonsignificant regulations. For each proposed and final regulation expected to be published, the Agenda provides the following information: (1) a short descriptive title; (2) a summary; (3) the earliest expected date for a decision on whether to issue the proposed or final regulation; (4) a contact office official who can provide additional information, including advice on how to obtain documents referenced in the Agenda; and (5) the related regulatory citation in the Code of Federal Regulations. If final action has been taken on an item included on the previous semi-annual Agenda, that item is still contained in this Agenda and the final action is indicated under the "Summary" column of that item.

For a significant regulation, the summary includes: (1) a description of the proposed or final regulation; (2) a brief statement as to why it is considered significant; (3) a statement as to whether a Regulatory Analysis will be required; (4) a brief statement of why the regulation is needed; (5) the legal basis for the action being taken; (6) the past and anticipated chronology of the development of the regulation including any final action taken since the last semi-annual Agenda and (7) the related regulatory citation in the Code of Federal Regulations. It should be noted that, even though a Regulatory Analysis is not required for some items on the Agenda, either because the criteria are not met or because the regulatory project is covered by earlier regulatory requirements, the Department requires an economic evaluation for all of its regulations.

For nonsignificant regulations issued routinely and frequently as part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it is contained in parentheses immediately following the short descriptive title of the regulation. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number. The Federal Highway Administration also provides an FHPM number at this point for easier reference by those who use the Federal-aid Highway Program Manual (FHPM). The numbers following the FHPM represent, respectively, the volume, chapter, section and subsection at which the material is located in the FHPM.

In the "Earliest Expected Decision Date" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a date in this column is not an indication that a proposal or a final rule will be issued on that date; it is the earliest date on which a final decision is expected to be made on whether to issue the document listed. If any document is issued, publication in the **Federal Register** would follow within a few days. These dates are based on current schedules. Subsequently received information could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

It should be noted that some of the items on the Agenda result from programs that were established to review existing regulations and revoke or revise those regulations that the initiating office determined were not achieving their intended purpose. Projects under regulatory development that resulted from a review of existing regulations to determine whether they should be revoked or revised are preceded by the word **"Review"** in the "Title" column. Because some reviews can be large-scale undertakings, and because there are already a number of these in the regulatory development process, the Department thought it would provide the public with valuable information if it indicated not only which regulatory reviews are under consideration but also which reviews have now reached the stage where proposed revisions are being, or have been, prepared. The number of regulatory projects that an initiating office can handle is limited by available resources. Therefore, the number of projects in the regulatory development stage limits the number of reviews that can be added.

Explanation of Information on the Regulations Review List

The Regulations Review List is divided by initiating offices. For each office, it provides the following information: (1) a short description of the existing regulations involved, including the related citation to the Code of Federal Regulations; (2) a brief description of the reasons for each selection; (3) a contact office or official who can provide additional information; and (4) the target date for completing the review and determining the corrective course of action to be taken. The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12044 and the Department Regulatory Policies and Procedures. If final action has been taken on an item included on the previous semi-annual Review List, that item is still contained in this Review List and the final action is indicated under the "Reasons for Selection" column for that item.

General

To allow for easier use of the Agenda and for quick comparison with earlier Agendas, the Department has instituted the following additional procedures in the Agenda: (1) Items listed on the Agenda or Review List retain the same order in each semi-annual publication. (2) New items are added at the end of the appropriate portion of the Agenda or Review List and are identified by an asterisk on the left side of the "Title" when first added. (3) New substantive information added to items that were on an earlier Agenda or Review List is printed in italics.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for copies of regulatory documents, including the Department's Semi-Annual Regulations Agenda, issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's Regulations Agenda, which will be updated and published in the **Federal Register** every year during August and February. By using the Agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the **Federal Register**, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, a new Appendix B has been added to the Agenda. This Appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the Agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, a new Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Our Agenda is intended primarily for the use of the public. In each of the five Agendas that we have issued, we have made modifications and refinements that we believe provide the public with more helpful information as well as make the Agenda easier to use. We have, for example, tried to give as many **Federal Register** and *Code of Federal Regulations* citations as possible so that the public can easily check source documents when they are needed for more information; we also have tried to maintain the same order in the list of the regulations in the Agenda, adding new items at the end and putting new information in italics so that it would be easier for the public to follow the development of a regulation from one Agenda to the next. We would now like to ask you, the public, to make suggestions or comments on how the Agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from Agenda-to-Agenda? Do you find that the format for setting out the information enables you to use the Agenda easily? Do you find that the explanation of the information in the Agenda and the Review List is clearly explained in the preamble to the Agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

In an effort to comply further with the spirit of Executive Order 12044, we are also seeking suggestions on existing regulations that should be included on our Review List; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Address" paragraph above.

Purpose

The Department is publishing this Regulations Agenda and Review List in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible.

This publication in the **Federal Register** does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the Agenda or the Review List. Regulatory action in addition to the items listed is not precluded.

If further information is desired on any of the items listed in the Agenda or the Review List, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the Agenda or the Review List, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, D.C. on February 15, 1980.

Neil Goldschmidt,

Secretary of Transportation

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

OST — Office of the Secretary

Significant Regulations

Title	Summary	Contact	Earliest expected decision date
Title VI Civil Rights Regulation	**A. Description:** The proposed regulations would assemble in one package all DOT procedures and requirements concerning all recipients of financial assistance under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4). **B. Why Significant:** Substantial public interest is anticipated and it will affect all of the DOT elements and the administration of all grant programs. **C. Regulatory Analysis:** Not required. **D. Need:** The Department has an existing Title VI regulation dating from 1970, and a Title VI order promulgated by Secretary Coleman on Jan. 19, 1977, and reaffirmed by Secretary Adams in March of that year. A new regulatory package is being developed to replace the previous layering of regulations. **E. Legal Basis:** 42 U.S.C. 2000d–4. **F. Chronology:** The proposal is currently under review. When the review is completed, it will be submitted to the Department of Justice for approval. **G. Citation:** 49 CFR pt. 21.	Robert J. Coates, (202) 426–4754.	NPRM *March 1980.*
Minority Business Enterprise Program.	**A. Description:** This regulation would implement the requirements of DOT Order 4000.7A for DOT operating elements to take affirmative action to assure that minority business enterprises participate in Departmental procurement and financial assistance programs. **B. Why Significant:** Substantial public interest is anticipated given the proposed action's potential impact on DOT's procurement and assistance programs. **C. Regulatory Analysis:** Not required. **D. Need:** To implement the provisions of the DOT Order 4000.7A by providing detailed instructions for carrying out the affirmative action requirements of the Order. To implement the 1978 amendments to the Small Business Act. **E. Legal Basis:** Executive Order 11625; *Executive Order 12138;* 49 U.S.C. 1730; 45 U.S.C. 803; P.L. 95–599; P.L. 95–507; 4 U.S.C. 471 et seq.; Title 23 of the U.S.C.; 23 U.S.C. 401 et seq.; *Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).* **F. Chronology:** NPRM was published on May 17, 1979 (44 FR 28928). The comment period closed on July 16, 1979. *The Department now expects to issue separate final rules for financial assistance programs (decision expected in February) and direct DOT procurement (decision expected in March).* **G. Citation:** 49 CFR Part 23.	Robert Ashby, (202) 426–4723.	FR *February/March 1980.*
Financial Assistance to Participants in Rulemaking Proceedings (Docket No. 48).	**A. Description:** This proposal would permit, but not require, each agency of the Department to fund eligible members of the public for the reasonable and actual costs of preparing and presenting their views at selected agency rulemaking proceedings. **B. Why Significant:** This issue concerns a matter on which there is substantial public interest and controversy and would have a significant impact on the operating administrations and the Office of the Secretary.	Sam Podberesky, (202) 426–4723.	*Further action to be determined.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

OST **Office of the Secretary**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	C. Regulatory Analysis: Not required. **D. Need:** This rule would substantially increase the number of active, informed, and independent participants at many rulemaking proceedings within the Department, thereby increasing the diversity and balance of views presented to the Department, and enhancing the Department's knowledge of the interests likely to be affected by its proposed rules. **E. Legal Authority:** The Department's rulemaking authority under the Department of Transportation Act, 49 U.S.C. 1651 *et seq.*, and related statutes. **F. Chronology:** On Jan. 13, 1977, the Department published regulations for a one-year demonstration program to provide financial assistance to certain participants in rulemaking proceedings of NHTSA. (42 FR 2863). At the same time, the Department issued an ANPRM, inviting public comments on the feasibility, wisdom, and scope of a permanent Department-wide program of financial assistance. Upon conclusion of the demonstration program, NHTSA evaluated the program and recommended that the Department establish an amended version of the program throughout the Department. On March 16, 1978, the demonstration program in NHTSA was extended until the Secretary decided whether to issue final, permanent Departmental regulations (43 FR 10918). On January 23, 1979, the regulation governing the NHTSA financial assistance demonstration program was revised to improve its administration. *The Department is not in a position at this time to proceed with the issuance of an NPRM in view of the action taken by Congress, on the Department's Fiscal Year 1980 appropriations, to eliminate funding for the demonstration program.* **G. Citation:** 49 CFR pt. 5.		
Public Availability of Information	**A. Description:** This involves a revision of DOT's Freedom of Information Act regulations. Specific areas to be revised may include the fee schedule and the policy on waivers of fees for public interest groups and the press. **B. Why Significant:** Substantial public interest. **C. Regulatory Analysis:** Not required. **D. Need:** Freedom of Information Regulations need periodic revision to keep current with changes in case law, policy, and implementation costs. **E. Legal Basis:** 5 U.S.C. 552 (Freedom of Information Act). **F. Chronology:** The regulations were last revised in 1975. (40 FR 7915) A new revision is currently under internal development. **G. Citation:** 49 CFR pt. 7.	Rebecca Lima Dailey (202) 426-4542.	NPRM *February 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

OST — Office of the Secretary

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Consolidation of Transportation Grants to U.S. Territories.	The regulation would comply with Title V of Pub. L. 95-134 which permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements. NPRM was published on 1/8/79 (44 FR 1765) (49 CFR pt. 29).	Greg Dahlberg, (202) 426-9605.	FR *March 1980.*
Maintenance of and Access to Records Pertaining to Individuals.	Revision of the Department's Privacy Act regulations. Notice of incorporation by reference published on 8/28/78. NPRM published 12/4/78 (43 FR 56682) (49 CFR pt.10).	John Windsor, (202) 426-1887.	FR *October 1980.*
Official Seal	Revision of regulations governing description and use of the Department's seal (49 CFR pt. 3).	Sam Podberesky, (202) 426-4723.	FR *March 1980.*
Rulemaking procedures	Amendments to the Office of the Secretary regulations on notice-and-comment rulemaking. (49 CFR pt. 5).	Sam Podberesky, (202) 426-4723.	NPRM *March 1980.*
Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs.	This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. *NPRM published on October 22, 1979 (44 FR 60946).*	Leslie Baldwin, (202) 426-4388.	FR *March 1980.*
*Amendments to Department Organizational Manual.	These amendments would update the Department's Organizational Manual to reflect changes in the organizational structure, nomenclature, and delegation of the Department.	Jack Lusk, (202) 426-4723.	FR March 1980.
*Part-time Career Employment Program.	This regulation would convert certain full-time positions in the Department to permanent part-time positions, in accordance with the Federal Employees' Part-Time Career Employment Act of 1978.	Bill Parent, (202) 426-2164.	NPRM March 1980.

USCG — U.S. Coast Guard

Significant Regulations

Title	Summary	Contact	Earliest expected decision date
Review: Qualifications of the Person in Charge of Oil Transfer Operations, Tankerman Requirements (Docket No. CGD *79-116 and 79-116a*).	**A. Description:** Would redefine and establish qualifying criteria for certifying individuals engaged in the carriage and transfer of the various categories of dangerous cargoes in bulk. **B. Why Significant:** Considered significant because this is the result of a Presidential initiative. **C. Regulatory Analysis:** Not required..... **D. Need:** Most pollution incidents are the result of personnel error; consequently the minimum qualifications of persons involved in handling pollution substances should be specified. **E. Legal Basis:** 86 Stat. 427, as amended (46 U.S.C. 391a); Sec 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(n)(4). **F. Chronology:** Environmental Analysis and Inflationary Impact Statement completed February, 1977. NPRM published April 25, 1977 (42 FR 21190). Public hearing June, 1977. Extensive comments were received on this NPRM and it was withdrawn on April 30, 1979. A revised NPRM is being prepared. **G. Citation:** 33 CFR pt. 155; 46 CFR pts. 12, 13, 30, 31, 35, 70, 90, 98, 105, 151, 153, and 157.	CDR Hess, (202) 426-2251.	NPRM *May 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

USCG **U.S. Coast Guard**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Review: Revision of Electrical Regulations (Docket No. CGD 74-125).	**Description:** General revision and updating to conform with latest technology and to include steering requirements for vessels other than tank vessels. *This regulation has been reclassified as nonsignificant. It is now listed in the nonsignificant portion of the Agenda.*	LCDR Mowery, (202) 426-2205.	*Supplemental* NPRM *March 1980.*
Review: *Proposed Design Standards for Tank Barges* (Docket No. CGD 75-083). Upgrade Existing Tank Barge Construction (Docket No. CGD 75-083a).	**A. Description:** This action would comprise two regulatory projects centered on tank barge construction standards which resulted from Presidential initiatives of March 17, 1977, directing study of the tank barge pollution problem. One project will address new barge construction while the other will pertain to existing barges. **B. Why Significant:** Considered significant due to substantial Congressional and public interest. **C. Regulatory Analysis:** Required..... **D. Need:** Increased public awareness of the oil pollution problem, as well as international and domestic interest in this area have made increased design standards necessary as a means of reducing the possibility of pollution. **E. Legal Basis:** Sec. 201, 86 Stat 427, as amended (46 U.S.C. 391a). **F. Chronology:** The upgrade of tank barge construction standards was published as a NPRM in the ***Federal Register*** of December 24, 1971 (36 FR 24960). As a result of the 63 written comments received, it was decided that the standards needed to be studied further, especially as they would apply to existing barges. In 1974, the Coast Guard and the Maritime Administration performed a joint study of the tank barge pollution problem which found that certain construction techniques might provide a significant advantage for eliminating oil pollution from tank barges. However, the study had several weaknesses and regulatory action was not taken. In July 1977, the Coast Guard began a reexamination of the tank barge construction standards. It was determined that new construction should be treated separately from existing barges. An ANPRM concerning impacts related to existing barges was published on June 14, 1979 (44 FR 34440). A NPRM on the standards for new construction was published on June 14, 1979 (44 FR 34440). *Public hearings were held on August 2, 1979 (Washington, D.C.), August 15, 1979 (Seattle); August 23, 1979 (New Orleans); September 5, 1979 (Washington, D.C.); and September 7, 1979 (St. Louis). Comment period ended September 30, 1979. The comment period was extended to December 1, 1979. The decision date is scheduled for April, 1980.* **G. Citation:** 46 CFR pts. 32-40.....	LCDR Johnson, (202) 426-4431; *LCDR Rock,* (202) 426-2183.	*Notice of future actions the Coast Guard intends to take* April 1980.
Review: Pollution Prevention, Vessels and Oil Transfer Facilities (Docket No. CGD 75-124a).	**A. Description:** Would reduce accidental or intentional discharge of oil or oily wastes during vessel operations.	LCDR J. Busavage, (202) 426-9578.	NPRM *April 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

USCG **U.S. Coast Guard**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	B. Why Significant: This regulation is the significant part of Docket NO. CGD 75-124. Substantive changes to the NPRM are proposed so that a supplemental NPRM is needed. It is considered significant due to opposition from the owners/operators of offshore marine service vessels and inland waterways vessels to the oil-water separtor requirements of 33 CFR 155.330. Also, considerable expense may be incurred by the towing service to install separators and monitors or alarms, if alternative measures are not used. Without these sections, the remainder of CGD 75-124 is non-significant and moved to that listing.		
	C. Regulatory Analysis: Not required.		
	D. Need: (1) Necessity to reduce the number of oil spills. (2) Clarification of existing rules. (3) Additional requirement for oil-water separators under the 1973 International Convention for the Prevention of Pollution from Ships.		
	E. Legal Basis: Section 311(j)(1) (C) and (D) of the Federal Water Pollution Control Act, as amended; 33 U.S.C. 1321(j)(1) (C) and (D).		
	F. Chronology: NPRM published June 27, 1977 (42 FR 32670). Supplemental NPRM published October 27, 1977 (42 FR 56625). Public Hearing held: New Orleans, LA. 11/22/77, St. Louis, MO. 11/30/77, Wash., D.C., 11/28/77.		
	G. Citation: 33 CDR 155.330 thru 155.410		
Inert Gas System (Docket No. CGD 77-057).	**A. Description:** Requires certain oil tankers of 20,000 deadweight tons and over to be fitted with inert gas system.	Mr. D. Sheehan, (202) 426-2205.	*Action complete.*
	B. Why Significant: This is a result of a Presidential Initiative and meets major cost impact criteria.		
	C. Regulatory Analysis: Required		
	D. Need: As part of the President's initiatives to reduce marine pollution, this regulation will reduce the possibility of in-tank explosions which have been the cause of some pollution incidents.		
	E. Legal Basis: R.S. 4417(a) as amended by section 5, P.L. 95-474, (46 U.S.C. 391a); 49 CFR 1.46(n)(4).		
	F. Chronology: Inflationary Impact Statement completed 5/77. NPRM published May 16, 1977 (42 FR 24874). Public hearings held in Washington, D.C. and San Diego 6/77. Port Tanker and Safety Act (PTSA) of 1978, enacted October 1978. NPRM published February 12, 1979 (44 FR 8984). Hearings were held on March 21, 1979 in Washington, D.C., and March 2, 1979, in San Francisco. *Final Rule published November 19, 1979 (44 FR 66500).*		
	G. Citation 33 CFR *135 and 136*		
Segregated Ballast For Oil Tankers (Docket No. CGD 77-058).	**A. Description:** On March 17, 1977 President Carter directed the Secretary of Transportation to issue new rules for oil tanker standards which were to include segregated ballast on all tankers and double bottoms on all new tankers which call at American ports. The provisions of these proposed regulations have been changed by the February 1978 Intergovernmental Maritime consultative Organization (IMCO) Conference to include Crude Oil Washing (COW) and Clean Ballast Tanks (CBT).	*Mr. J. Angelo,* (202) 426-4431 CDR Ireland, *(202) 426-2167.*	*FR May 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

USCG **U.S. Coast Guard**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	B. Why Significant: This rulemaking is considered significant because of substantial Congressional and public interest. **C. Regulatory Analysis:** Required..... **D. Need:** As part of the President's initiatives to reduce *accidental pollution and operational oil pollution resulting from normal tanker operations.* **E. Legal Basis:** R.S. 4417(a) as amended by section 5, P.L. 95-474, (46 U.S.C. 391a). **F. Chronology:** NPRM was published May 16, 1977 (42 FR 24868). As a result of the IMCO 2/78 Tanker and Pollution Prevention Conference a new NPRM was issued. This rulemaking was also mandated by the Port and Tanker Safety Act of 1978. NPRM published February 12, 1979 (44 FR 8984). Hearings were held on March 21, 1979 in Washington, D.C., and March 28, 1979 in San Francisco. *Interim Final Rule published November 19, 1979 (44 FR 66502).* **G. Citation:** 33 CFR pt. 157		
Steering Gear Design Standards to Provide Redundancy (Docket No. CGD 77-063).	**A. Description:** On March 17, 1977 President Carter directed the Secretary of Transportation to issue new rules to provide for back-up steering systems for all tankers calling at U.S. Ports. **B. Why Significant:** This rulemaking is considered significant because of Congressional and public interest.. **C. Regulatory Analysis:** Not required..... **D. Need:** As part of the President's initiatives to reduce pollution, this regulation is needed to help reduce the possibility of a marine collision due to a loss of steering. **E. Legal Basis:** R.S. 4417(a), as amended by section 5, P.L. 95-474 (46 U.S.C. 391a). **F. Chronology:** NPRM published May 16, 1977 (42 FR 24869). As a result of the IMCO 2/78 Tanker Safety and Pollution Prevention Conference a new NPRM was published February 12, 1979 (44 FR 8984). Hearings were held on March 21, 1979 in Washington, D.C., and March 28, 1979 in San Francisco. *Final Rule published November 19, 1979 (44 FR 66500).* **G. Citation:** 33 CFR pt. 164	*CDR Henn,* (202) 426-2160.	Action complete.
Review: Construction and Equipment; Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (Docket No. 77-069).	**A. Description:** Would amend regulations for existing self-propelled vessels that carry bulk liquefied gases by including the substantive requirements for the "Code for Existing Ships Carrying Liquefied Gases in Bulk" adopted by Intergovernmental Maritime Consultative Organization (IMCO) which would increase safety levels of existing ships carrying gas. **B. Why Significant:** This is significant because it involves a large number of existing U.S. and foreign flag ships which carry liquefied gas and is the subject of substantial public interest. **C. Regulatory Analysis:** Required..... **D. Need:** Increased use of liquefied gases has intensified the problems associated with this product. Since this product has unique properties and dangers, a dedicated set of regulations is needed to address them.	LCDR Pluta, (202) 426-2160.	*ANPRM September 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

USCG **U.S. Coast Guard**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	E. Legal Basis: R.S. 4417(a) as amended by section 5, P.L. 95-474, (46 U.S.C. 391a): See 6(d)(1), 80 Stat 937 (49 U.S.C. 1655(b)(1)). **F. Chronology:** An Advance Notice of Proposed Rulemaking was published *June 30, 1977 (42 FR 33353).* This action is also mandated by the Port and Tanker Safety Act of 1978. *Recent events have created a need for additional information. We intend to publish an additional ANPRM.* **G. Citation:** 46 CFR pts. 31, 34, 38, 40, 54, 98, 154		
Review: Licensing of Pilots (Docket No. CGD 77-084).	**A. Description:** This proposal would require recency of service for each route upon which a pilot is authorized to serve; licenses would be issued with tonnage limitations commensurate with pilot experience; and consideration of shiphandling simulator training for pilots of very large vessels including Very Large Crude Carriers (VLCC). **B. Why Significant:** Considered significant because there is substantial interest among marine personnel on this matter with opposition expected from Federal pilots. **C. Regulatory Analysis:** Not required **D. Need:** Increased ship size has led to unusual handling characteristics with which some pilots may not be familiar. This rule will allow use of simulator training for these kinds of vessels. **E. Legal Basis:** 46 U.S.C. 214, 224, 230, 233, 237; 49 U.S.C. 1655(b)(1). **F. Chronology:** A Regulatory Analysis and Work Plan were completed 10/78. A public hearing will probably be held shortly after the publication of the NPRM. **G. Citation:** 46 CFR pt. 10	CDR Norman, (202) 426-2240.	NPRM *April 1980.*
Tank Vessel Operations Regulations, Puget Sound (Docket No. CGD 78-041).	**A. Description:** This regulation would govern the operation of tank vessels in the Puget Sound area to protect against environmental harm resulting from vessel or structure damage, destruction, or loss. **B. Why Significant:** This is considered a significant rulemaking due to Congressional and public interest. In addition it may generate controversy among the public, environmentalists, and the oil industry. **C. Regulatory Analysis:** Not required **D. Need:** To reduce the possibility of environmental harm resulting from oil spills in Puget Sound by governing the operation of tankers to reduce the risk *of collision or grounding.* **E. Legal Basis:** Port and Waterways Safety Act (33 U.S.C. 1221). **F. Chronology:** Secretary Adams signed 180 day Interim Rule on March 14, 1978 prohibiting entry of oil tankers in excess of 125,000 Deadweight Tons in Puget Sound March 23, 1978 (43 FR 12257). ANPRM published March 27, 1978 (43 FR 12840) with public hearing held April 20-21, 1978. NPRM published April 12, 1979 (44 FR 21974). Public hearings were held in Washington State on June *11-14 1979.* The interim navigation rule will remain in effect until cancelled (44 FR 36174). **G. Citation:** 33 CFR pts. 160, 161	*CDR J. Patterson,* (202) 426-1935.	*FR July 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

USCG **U.S. Coast Guard**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Personnel *Safety and Health* Requirements for Industrial Vessel. (Docket No. CGD 80-15).	**A. Description:** This regulation would develop health and safety requirements for *Industrial vessels.* **B. Why Significant:** This action concerns a matter that is of significant public interest and which will impact on other Federal agencies. Action mandated by Outer Continental Shelf legislation. *To be down graded to nonsignificant pending DOT approval based on a CG/OSHA memorandum of understanding.* **C. Regulatory Analysis:** Not required. **D. Need:** Exploration and development of the offshore resources requires a growing fleet of vessels which perform a variety of industrial functions. The regulations will provide more comprehensive protection for personnel employed on these vessels. **E. Legal Basis:** 43 U.S.C. 1333(e) **F. Chronology:** Work plan prepared 11/78 **G. Citation:** 46 CFR Subchapters I and IA	*LT Cashman,* (202) 471-5150.	*ANPRM October 1980.*
Personnel Job Safety Requirements for Fixed Installations on the Outer Continental Shelf (Docket CGD 79-077).	**A. Description:** This regulation would develop personnel safety and health requirements for artificial island, fixed installations and other devices on the Outer Continental Shelf (OCS). **B. Why Significant:** This action concerns a matter that is of significant public interest and which will impact on other Federal agencies. Action mandated by Outer Continental Shelf legislation. *To be down graded to nonsignificant pending DOT approval based on a CG/OSHA memorandum of understanding.* **C. Regulatory Analysis:** Not required. **D. Need:** More comprehensive requirements will improve personnel working conditions and the level of safety on fixed installations on the OCS. The regulations will also help fulfill the mandates for safety and health in the OCS Land Act Amendments of 1978. **E. Legal Basis:** 43 U.S.C. 1333(e) **F. Chronology:** Work plan prepared 11/78 **G. Citation:** 33 CFR Subchapter N; 46 CFR Subchapters IA and V.	*LT Cashman* (202) 472-5160.	ANPRM *March 1980.*
Revision of 46 CFR 157.20-5, Division into Three Watch Regulation (Docket No. CGD 78-037).	**A. Description:** This revision would require an adjustment in vessel manning requirements, to bring them into line with current legislation. It would change the requirements which identify personnel who must be used on the three watches and personnel who may be employed in a day working status. **B. Why Significant:** Involves a matter that is of significant interest to the public. Also, opposition is anticipated from the maritime labor unions. **C. Regulatory Analysis:** Not required. **D. Need:** The regulations in this section no longer reflect present CG policy and need updating.	CDR McCowen (202) 426-2240.	*Deferred pending legislative action.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

USCG **U.S. Coast Guard**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	E. Legal Basis: R. S. 4463, as amended (46 U.S.C. 222); Section 2 of the Seamen's Act of 1915, as amended (49 Statute 1933; 46 U.S.C. 673). **F. Chronology:** Prepared Work Plan 5/78. *Legislative action affecting this regulation is anticipated in Congress. Pending the outcome of this action, work on this regulation has been suspended.* **G. Citation:** 46 CFR 157.20-5		
Drawbridge Operation Regulations—Newark Bay and Passaic and Hackensack Rivers, New Jersey (Docket No. CGD 78-173).	**A. Description:** Would amend the regulations to provide more equitable balance between the needs of land and marine modes of transportation in scheduling drawbridge openings and generally update the regulations. **B. Why Significant:** Involves coordination with other agencies within DOT and is a matter of significant public interest. **C. Regulatory Analysis:** Not required **D. Need:** Increased use of rail, road, and water transportation in this heavily industrialized and heavily populated area, mariners' complaints of long delays before bridge openings, and a general need to update existing regulations. **E. Legal Basis:** Sec. 5, 28 Stat. 362, 33 U.S.C. 499; 80 Stat. 937, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5). **F. Chronology:** A fact-finding public hearing was held November 17, 1977 to provide the basis for formulating the proposed rule. **G. Citation:** 33 CFR 117.200.	Mr. F. Teuton, (202) 426-0942.	NPRM *March 1980.*
Review: Eight-Hour Day, Voluntary Overtime (Docket No. CGD 78-146).	**A. Description:** Under 46 CFR 157.20-10, no licensed officer or seaman should be required to be on duty more than eight hours in any one day except in extraordinary conditions. The regulations do not address overtime and do not consider any possible "fatigue factor." **B. Why Significant:** Involves a matter that is of public interest. In addition, opposition may be forthcoming from maritime labor unions, or management, or both. **C. Regulatory Analysis:** Not required **D. Need:** In recent years Coast Guard studies have shown that a "fatigue factor" must be recognized as having a profound effect on one's reaction time, judgment, and well being. **E. Legal Basis:** Section 2 of Seaman Act of 1915, as amended. (49 Stat. 1933; 46 USC 673). **F. Chronology:** Prepared Work Plan 1/79. Submission to OST May 1979. **G. Citation:** 46 CFR 157.20-10	CDR McCowen, (202) 426-2240.	*To be withdrawn.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

USCG **U.S. Coast Guard**

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Vessel Traffic Service (VTS), Bervick, Bay, La, (Docket 73-186).	Would codify certain operating procedures now being done under local order. (33 CFR pt. 161).	LTJG Molessa, (202) 426-4958.	NPRM *March 1980.*
Review: Cargo Location Signs and Cargo Information Cards on Barges (Docket No. CGD 73-243).	Would require notification to the vessel's crew of the hazards and locations of dangerous cargoes carried on barges. NPRM published March 29, 1979 (44 FR 18709) *Supplemental NPRM published June 7, 1979. Comment period extended to June 29, 1979.* (46 CFR pt. 35).	Mr. R. Query, (202) 426-1217.	FR *March 1980.*
VTS San Francisco, CA. (Docket No. CGD 73-274).	*Would have made* mandatory a now voluntary vessel traffic service. (33 CFR pt. 161).	Mr. F. Schwer, (202) 426-4958.	*Withdrawn.*
VTS Houston-Galveston, Texas (Docket No. CGD 74-029).	Would make mandatory a now voluntary vessel traffic service. (33 CFR pt. 161).	LTJG Molessa, (202) 426-4958.	NPRM *March 1980.*
Review: Revision of Electrical Regulations (Docket No. CGD 74-125).	Would generally revise and update the electrical regulations to conform with latest technology and to include steering requirements for vessels other than tank vessels. *This project was downgraded from significant.*	LCDR Mowery, (202) 426-2205.	NPRM *March 1980.*
Pilot Ladders and Powered Pilot Hoists (Docket No. CGD 74-140).	Would establish new regulations for pilot hoists and revise regulations for pilot ladders and chain ladders. NPRM published July 23, 1979. (44 FR 43016). *Publication of FR deferred pending evaluation of comments.* (46 CFR pts. 160, 163).	Mr. R. Markle, (202) 426-1445.	FR *August 1980.*
Review: Fixed Fire Extinguishing Systems on Uninspected Vessels (Docket No. CGD 74-284).	Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems *as optional systems for compliance with existing regulations.* (46 CFR 162.029).	Mr. K. Wahle, (202) 426-1444.	NPRM *April 1980.*
Elevators and Dumbwaiters (Docket No. CGD 75-001).	Would adopt the 1978 American National Standards Institute (ANSI) code with certain modifications for vessel construction. NPRM published April 5, 1976 (41 FR 14386). (46 CFR pt. 58).	Mr. B. Jackson, (202) 426-2206.	FR *June 1980.*
Review: Compatibility of Bulk Liquid Cargoes (Docket No. CGD 75-059).	Would establish cargo loading standards to prevent the intermingling of cargo likely to create dangerous conditions. (46 CFR pt. 150).	Mr. R. Query, (202) 426-1217.	NPRM *February 1980.*
Benzene Carriage Requirements, Vapor Exposure Limitations (Docket No. CGD 75-075).	Establishes requirements to prevent exposure of crew to hazardous vapors. NPRM published August 21, 1978 (43 FR 37149). *FR published December 3, 1979 (44 FR 69299).* (46 CFR pts. 151, 153).	LTJG Murray, (202) 426-2192.	*Action complete.*
Review: Ocean Operator (Docket No. CGD 75-178).	Proposed licensing requirements for rank of ocean operator. NPRM published March 14, 1977 (42 FR 13844). An alternate approach is under consideration; this may be withdrawn *pending current legislative activity.* (46 CFR pts. 157 and 186).	CDR McCowen, (202) 426-2240.	*May be withdrawn.*
Helicopter Operations with Tank Vessels (Docket No. 75-221).	*Would have established* guidelines for helicopter operations on tank vessels and Liquefied Natural Gas (LNG) Vessels. *This project has been withdrawn for further evaluation; may be redocketed at a future date.* (46 CFR pts. 32, 34, and 25).	LT Sedlak, (202) 426-2197.	*Withdrawn.*
Review: Advance Notice of Arrival (Docket No. CGD 75-238).	Would require advance notice to Captain of the Port (COTP) of vessel arrivals, departures and hazardous conditions. NPRM published June 15, 1978 (43 FR 25958). Public hearing held October 12, 1978 in Washington, D.C., and October 20, 1978 in Houston, Texas. *Interim Final rules published November 5, 1979 (44 FR 63672).* (33 CFR pt. 161).	LT Dickman, (202) 426-1927.	FR *March 1980.*
Review: *Stability Standards for Towing and Offshore Vessel Hull Forms (Docket No. CGD 76-018).*	Would establish *intact* stability standards *for both towing and free-route modes of subject vessels.* ANPRM published April 12, 1976 (41 FR 15349). (46 CFR pt. 42).	Mr. F. Perrini, (202) 426-2187.	NPRM *April 1980.*

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Title	Summary	Contact	Earliest expected decision date
Review: Tug Assistance in Confined Waters (Docket No. CGD 76-025).	Would have required tug assistance for large vessels operating in confined waters. ANPRM published May 6, 1976 (41 FR 18770). *Notice of Withdrawal published September 4, 1979 (44 FR 51622).* (33 CFR pt. 164).	Mr. F. Schwer, (202) 426-4958.	*Withdrawn.*
Exposure Suits on Great Lakes Vessels (Docket No. CGD 76-033a).	Proposed approval specification and vessel requirements for low-temperature exposure suits. NPRM published June 8, 1978 (43 FR 25000). (46 CFR pts. 33, 35, 71, 75, 78, 91, 94, 97, 99, 160, 189, 192).	Mr. R. Markle, (202) 426-1445.	FR *January 1980.*
Review: Factory Inspection Approval procedures (Docket No. CGD 76-048).	*Establishes* procedures to allow third party inspection of specified equipment. NPRM published October 23, 1978 (43 FR 494440). *FR published December 17, 1979 (44 FR 73055).* (46 CFR pt. 159).	Mr. R. Markle, (202) 426-1445.	*Action complete.*
Review: Factory Inspector, Distress Signal (Docket No. CGD 76-048a).	*Establishes* procedures to allow third party inspection of distress signals. NPRM published October 23, 1978 (43 FR 49445). *FR published December 17, 1979 (44 FR 73055).* (46 CFR pt. 160).	Mr. R. Markle, (202) 426-1445.	*Action complete.*
Minimum Net Bottom Clearance (Docket No. CGD 76-051).	Would have required vessels to maintain a minimum net bottom clearance while transiting certain navigable waters of the United States. ANPRM published May 6, 1976 (41 FR 18770). *Notice of withdrawal published September 14, 1979. (44 FR 51622).* (33 CFR pt. 168).	Mr. F. Schwer, (202) 426-4958.	Withdrawn.
Review: Subdivision of Passenger Vessels (Docket No. CGD 76-053).	Proposes more flexible regulations by allowing alternate compliance with Intergovernmental Maritime Consultative Organization as an alternative to existing requirements. (46 CFR pts. 73, 74).	Mr. J. Howell, (202) 426-2187.	NPRM *February 1980.*
Review: Stability Standards for Hopper Dredges (Docket No. CGD 76-080).	Would improve capability of a dredge to withstand flooding caused by damage to hull or interior piping. *NPRM published December 10, 1979 (44 FR 70791)* (46 CFR pt. 93).	Mr. D. Ewing, (202) 426-2187.	FR *August 1980.*
Requirements for Boat Ventilation (Docket No. CGD 76-082).	*Establishes* requirements for ventilation of fuel and engine compartments on boats. NPRM published July 27, 1978 (43 FR 32606). (33 CFR pt. 183). *FR published December 17, 1979, (44 FR 73025)* (33 CFR pts. 175 and 183).	Mr. L. Granholm, (202) 426-4027.	*Action complete.*
Oil/Water Separator (Docket No. CGD 76-088a).	This rule establishes approval procedures and specifications for oil-water separators, cargo and bilge monitors, and bilge alarms for use on merchant vessels. NPRM published June 27, 1977 (42 FR 32686). *FR 13 September 1979 (44 FR 53352).* (46 CFR pt. 162).	LT McCall, (202) 426-1445.	*Action complete.*
Cargo Monitors on Tank Vessels (Docket No. CGD 76-088b).	Proposed requirements for installation and use of cargo monitors. NPRM published June 27, 1977 (42 FR 32684). (33 CFR pt. 157).	LT Cool, (202) 426-2168.	FR *April 1980.*
Review: Deepwater Port Safety Zone Regulations (Docket No. CGD 76-096).	Would establish regulations for safety zones at U.S. Deepwater Ports. (33 CFR pt. 150).	Mr. F. Martin, (202) 426-2606.	NPRM *February 1980.*
Review: Approval Procedures for Whistles (Docket No. CGD 76-132).	Would have prescribed approval procedures for the manufacture of whistles required by the 72 COLREGS. (33 CFR pt. 87).	LTJG Molessa, (202) 416-4958.	*Withdrawn.*
Review: Casualty Reporting (Docket No. CGD 76-170).	Would update the regulation by changing the monetary and other damage criteria. As a result of numerous comments a revised NPRM was published. NPRM published October 19, 1978 (43 CFR 48982). Correction published October 23, 1978 (43 FR 49316). *NPRM published December 3, 1979 (44 FR 69308).* (46 CFR 4.05).	CDR Blomquist, (202) 426-1455.	*FR July 1980.*

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Title	Summary	Contact	Earliest expected decision date
Visual Distress Signals for Boats (Docket No. CDG 76-183).	*Rule requires* visual distress signals to be carried on boats when operating on coastal waters and on the high seas. NPRM published April 10, 1978 (43 FR 15118). Comment period reopened in conjunction with CGD 76-183a October 23, 1978 (43 FR 49440). *F.R. published December 17, 1979 (44 FR 73021).* (33 CFR pt. 175).	*LCDR Schmect,* (202) 426-4176.	*Action complete.*
Visual Distress Signals for Boats (Docket No. CGD 76-183a).	*Establishes* approval specifications for certain new visual distress signals to be required in CGD 76-183 (above entry). NPRM published October 23, 1978 (43 FR 49451). *F.R. published December 17, 1979 (44 FR 73049).* (33 CFR pts. 175 and 46 CFR pt. 160).	*LCDR Schmect* (202) 426-4176.	*Action complete.*
Review: Radar Observer Endorsement for Personnel (Docket No. CGD 76-193a).	Would require specialized training in use of radar equipment. This will be a supplemental notice based on a document published earlier. (46 CFR pt. 10).	CDR Hess, (202) 426-2251.	NPRM *May 1980.*
Review: Reexamination Procedures for Unlicensed Ratings (Docket No. CGD 76-203).	This rule eliminates confusion about reexamination procedures. NPRM published July 28, 1977 (42 FR 38394). *FR published April 9, 1979 (44 FR 21020).* (46 CFR Pt. 12).	CDR Hess, (202) 426-2251.	*Action complete.*
Review: Shipboard Fumigation Standards (Docket No. CGD 76-206).	Proposed operational requirements for fumigation procedures on vessels. (46 CFR pt. 147a).	LT Norris, (202) 426-1577.	NPRM *March 1980.*
Review: Exemption for Cargo Vessels in Alaska Serving Remote Villages (Docket No. CGD 76-223).	Would allow special uses for specific vessels serving in the Alaskan Trade. (46 CFR pts. 6, 30, 42, 43, 70, 90, and 151; 33 CFR pt. 1).	LTJG Murray, (202) 426-2190.	NPRM *June 1980.*
Requirement to Stop to Permit Boarding (Docket No. CGD 76-232).	Would require boat operators to stop when ordered to do so by CG Boarding Officer. (33 CFR pt. 177).	ENS *Coleman,* (202) 426-4176.	NPRM *July 1980.*
Review: Marine Safety Investigations (Docket No. CGD 77-018).	Would implement investigation authority under Ports and Waterways Safety Act. NPRM published January 25, 1979 (44 FR 5368). (33 CFR pt. 168).	LT Allen, (202) 426-1927.	FR *March 1980.*
Ocean Dumping Surveillance Equipment Requirements, (new Part) (Docket No. CGD 77-029).	Would establish equipment requirements to conduct surveillance to prevent unlawful dumping of material into ocean waters. *NPRM published December 13, 1979 (44 FR 72188).* (33 CFR pt. 158).	LCDR Voyik, (202) 755-7938.	*FR April 1980.*
Review: Suspension & Revocation Proceedings—Consolidation of Regulations (Docket No. CGD 77-037).	Would combine disparate regulations to clarify the appeal process. Certain substantive changes require issuance of a NPRM. (46 CFR pts. 1,5).	LT McDaniel, (202) 426-9776.	*NPRM March 1980.*
Review: Manning of Uninspected Towing Vessels (Docket No. CGD 77-062).	Would have clarified the applicability of the three watch system to towing vessels. NPRM published September 14, 1978 (43 FR 41178). *Withdrawal published March 29, 1979.* (46 CFR pt. 157).	CDR McCowen, (202) 426-2240.	*Withdrawn.*
Review: Designation of Oceanographic Vessels (Docket No. CGD 77-081).	Would *establish standard procedures for designating oceanographic research vessels and allow their exemption from certain manning requirements.* (46 CFR pt. 188).	*CDR McCowen,* (202) 426-*2240.*	NPRM *March 1980.*
Operational Specification for Radar (Docket No. CGD 77-085).	*Would have developed* specifications for radar systems on vessels over 1600 gross tons. (33 CFR pt. 164).	Mr. F. Schwer, (202) 426-4958.	*Withdrawn.*
Vessel Traffic Service (VTS) New York, N.Y. (Docket No. CGD 77-087).	Establishes regulations for vessel traffic service in New York Harbor. NPRM published February 16, 1978 (43 FR 6906). *Final Rule published August 2, 1979 (44 FR 45381). Effective date suspended indefinitely September 24, 1979 (45 FR 50005), (45 FR 2133).* (33 CFR pt. 161).	Mr. F. Schwer, (202) 426-4958.	*Rule published, effective date pending equipment installation.*
Requirement for First Purchaser List Kept by Boat Dealers (Docket No. CGD 77-115).	Would require boat dealers to assist in creating a list of retail purchasers so manufacturers could send notice to alert of safety defects. (33 CFR pt. 179).	Mr. Ellison, (202) 426-1757.	NPRM *March 1980.*

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Title	Summary	Contact	Earliest expected decision date
Review: Optional Numbering Requirements (Docket No. CGD 77-117).	Makes certain vessel numbering requirements applicable to States optional. *Final rule published July 19, 1979 (44 FR 42195).* (33 CFR pts. 173, 174).	Mr. Gauthier, (202) 426-4176.	*Action complete.*
Review: Waterfront Facilities (Docket No. CGD 77-128.	Would revise waterfront facility regulations by consolidating and updating general regulations. ANPRM published April 10, 1978 (43 FR 15108). (33 CFR pts. 126-32).	LT *Allen,* (202) 426-1927.	NPRM *March 1980.*
Review: Barge Loadline Exemptions (Docket No. CGD 77-135a).	*Would have provided* exemptions for barges operating on waters between Chicago and Burns Harbor. (46 CFR pt. 42).	Mr. D. Ewing, (202) 426-2160.	*Withdrawn.*
Review: Barge Loadline exemptions (Docket No. CGD 77-135b).	*Would have provided* exemption for barges operating on waters between St. Markes and Carabelle. (46 CFR pt. 42).	Mr. D. Ewing, (202) 426-2160.	*Withdrawn.*
Review: Amendments to Alternative Compliance (Docket No. CGD 77-136).	Would provide editorial improvement and clarification of existing regulations. (33 CFR pt. 87).	Mr. T. Foley, (202) 426-4958.	FR *April 1980.*
Review: Acceptance of American Society of Mechanical Engineers (ASME) "U" or "UM" vessels (Docket No. CGD 77-147).	Would accept pressure vessels bearing the ASME "U" or "UM" stamp without U.S. Coast Guard inspection. (46 CFR pt. 54).	Mr. H. Hime, (202) 426-2160.	NPRM *May 1980.*
Review: Amendments to Customs Regulations for Boats (Docket No. CGD 77-157).	Would amend the Joint Coast Guard Customs regulations for imported boats. Minor revision to improve administration of the regulations. NPRM completed and forwarded to U.S. Customs Service. (19 CFR pt. 12).	*LTJG* Ziegenfuss, (202) 426-1757.	NPRM *April 1980.*
Damage Stability Information on Cargo Ships (Docket No. CGD 77-161).	*Would have required* masters of vessels to have damage stability information on board. (46 CFR pt. 93).	Mr. J. Howell, (202) 426-2187.	*Withdrawn.*
Review: Appointment to Officer Status (Docket No. CGD 77-165).	*Reflects* changing requirements for commissioning licensed officers of the Merchant Marine. *Incorporated in CGD 79-029. Published May 24, 1979 (44 CFR 3094).* (33 CFR pt. 33).	*Mr. Abrams,* (202) 426-0935.	*Action complete.*
Review: Establishment of Second-Class Ocean Operator (Docket No. CGD 77-176).	Would establish qualification for a second operator on small passenger vessels required to have more than one Ocean Operator on Board. NPRM published March 23, 1978 (43 FR 12218). *This project has been suspended pending current legislative activity.* (46 CFR pts. 157,186 and 187).	CDR McCowen, (202) 426-2240.	*Further action to be determined.*
Review: Amendment to Navigation Safety Regulations (Docket No. CGD 77-183).	Would relax some navigation requirements for Great Lakes and provide editorial corrections. *NPRM published September 4, 1979 (44 FR 51620).* (33 CFR pt. 164).	Mr. T. Foley, (202) 426-2240.	*FR March 1980.*
Designation of Confined or Congested Waters (Docket No. CGD 77-196).	Would establish list of waters to be designated as "Confined or Congested" in accordance with Navigation Safety Regulations. *Comments received in response to the NPRM indicated a need for further study. Additional action on this item will depend upon the outcome of the study being conducted.* NPRM published April 16, 1979 (44 FR 22686). (33 CFR pt. 164).	Mr. *E. La Rue,* (202) 426-4958.	*Future action depends on outcome of special study.*
Lifesaving Systems for Great Lakes Vessels (Docket No. CGD *77-202*).	Would amend regulations for *lifeboats* and other equipment to improve chances of personnel survival following abandonment of vessel. *This project has been redocketed and will apear in future agendas under the number CGD 77-202. Re-docketed from No. CGD 75-033.* (*46* CFR Subchapters D, H, I, T, and Q).	Mr. R. Markle, (202) 426-1445.	NPRM *August 1980.*

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Title	Summary	Contact	Earliest expected decision date
Review: Second Class Operator for Towing Vessels (Docket No. CGD 77-204).	Would allow for able seaman service on ocean going vessels to be credited toward second class towboat license. NPRM published May 25, 1978. *This proposal has been suspended pending current legislative activity* (43 FR 22653). (46 CFR pt. 10).	CDR Norman, (202) 426-2240.	*Further action to be determined.*
Review: Halon 1301 Fire Extinguishing Systems for Merchant Vessels (Docket No. CGD 77-232).	Would allow Halon 1301 for specific types of installations. (46 CFR 164.035).	Mr. R. Eberly, (202) 426-2197.	NPRM *February 1980.*
Navigation Lights for Small Vessels (Docket No. CGD 77-233).	Would specify approval procedures and installation requirements for International Rules navigation lights for small vessels. NPRM published September 7, 1978 (43 FR 39946). (33 CFR pt. 89).	*Mr. L. Gray,* (202) 426-4027.	*Supplemental NPRM February 1980.*
Review: Safety Orientation for Passenger Vessels (Docket No. CGD 78-009).	Would alert passengers to locations and use of safety devices. NPRM published June 29, 1978 (43 FR 28426). (46 CFR pts. 26 and 185).	LCDR Rock, (202) 426-2183.	FR *January 1980.*
Hazardous Substances, Pollution Prevention for Vessels and Marine Transfer Facilities (Docket No. CGD 78-032).	Would establish regulations for pollution prevention for hazardous substances for vessels and marine transfer facilities. (33 CFR pts. 154, 155 and 156).	LCDR Busavage, (202) 426-9578.	ANPRM *June 1980.*
Review: Amendment to Boat Capacity Labels (Docket No. CGD 78-034).	*Makes* information in safe loading capacity labels clearer and easier to use. NPRM published September 21, 1978 (43 FR 43006). Correction to NPRM published November 16, 1978 (43 FR 53471). *Final Rule published January 10, 1980 (44 FR 2028).* (33 CFR pt. 183).	Mr. L. Granholm, (202) 426-4027.	*Action complete.*
Liquefied Natural Gas Waterfront Facility (Docket No. CGD 78-038).	Would establish LNG Waterfront Facility Safety Regulations in accordance with Memorandum of Understanding between USCG and Materials Transportation Bureau, RSPA. ANPRM published August 3, 1978 (43 FR 34362). Will merge with CGD 77-128. Supplemental ANPRM published March 8, 1979 (44 FR 12693). (33 CFR pt. 126).	LT Dickman, (202) 426-1927.	NPRM *February 1980.*
Tows Navigating the Pass Manchac Bridge, LA (Docket No. CGD 78-050).	Would provide for regulation of tows navigating the waters in the vicinity of the Pass Manchac Bridge, LA. NPRM published December 21, 1978 (43 FR 59524). Correction published January 29, 1979 (44 FR 5680). (33 CFR pt. 162).	LTJG Molessa, (202) 426-4958.	FR *March 1980*
Review: International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) Demarcation Line (Docket No. CGD 78-052).	*Corrects* the description of the 72 COLREGS demarcation line in Florida. *Final Rule published December 3, 1979 (44 FR 69297). (33 CFR pt. 82).*	LTJG Molessa, (202) 426-4958.	*Action complete.*
Crane Operator Qualifications and Standards for Offshore Crane Design Inspection, Testing and Operation (Docket No. CGD 79-059).	Would develop required qualifications for crane operators employed on the Outer Continental Shelf *and standards for crane design, inspection and testing. ANPRM published January 10, 1980 (45 FR 2052).* (33 CFR pt. 146 and 46 CFR pt. 92).	LTJG Silka, (202) 472-5160.	NPRM *May 1980.*
Review: Pollution Prevention, Vessels and Oil Transfer Facilities (Docket No. CGD 75-124).	Revises pollution prevention regulations for vessels and oil transfer facilities. NPRM published June 27, 1977 (42 FR 32670). Supplemental NPRM published October 27, 1977 (42 FR 56625). *Final Rule published January 31, 1980 (45 FR 7156).*	LCDR Busavage, (202) 426-9578.	*Action complete.*
Damage Stability, Subchapter "O" Barges (Docket No. CGD 77-027).	Would apply damage stability requirements for chemical vessels to ocean chemical barges. (46 CFR 151.10-10).	Mr. F. Perrini, (202) 426-2187.	NPRM *May 1980.*
Review: Miscellaneous Changes to *46 CFR 56.* (Docket No. CGD 77-140).	Would update Title 46, Subchapter F—Marine Engineering. (46 CFR pt. 56).	LCDR Jenkins, (202) 426-2160.	NPRM *June 1980.*

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Title	Summary	Contact	Earliest expected decision date
Oxygen/Explosive Meter Requirements (Docket No. CGD 78-021).	*Would have required* Oxygen/Explosive Meters in place of flame safety lamps. *Withdrawn pending further technical development.* (46 CFR pts. 35, 96, 160).	LTJG Murray, (202) 426-2183.	*Withdrawn.*
Officers On Uninspected Vessels (Docket No. CGD 78-027).	This amendement would clarify 46 CFR 157.30-10 regarding the number of deck officers and engineers to be on board uninspected vessels.	CMDR McCowen, (202) 426-2240.	NPRM July *1980.*
Review: St. Mary's River, Vessel Traffic Service (Docket No. CGD 78-079).	Would revise and restate existing anchorage and navigation regulations for St. Mary's River, re-promulgating them under the authority of the Ports and Waterways Safety Act. (33 CFR pt. 161).	Mr. T. Foley, (202) 426-4958.	NPRM *March 1980.*
Vessel Traffic Service, New Orleans Amendments (Docket No. 78-080).	*Updates* existing regulations comprising VTS New Orleans to reflect present river practices. NPRM published January 1, 1979 (44 FR 2401). *Final Rule published August 16, 1979 (44 CFR 47932).* (33 CFR pt. 161).	LTJG Molessa, (202) 426-4958.	*Action complete.*
Amendment to Electrical Standard for Overcurrent Protection (Docket No. CGD 78-090).	*Makes* provisions of the standard concerning overcurrent protection more reasonable by allowing use of a jumper conductor under certain conditions. NPRM published December 28, 1978 (43 FR 60850). *Final Rule published November 5, 1979 (44 FR 63523).* (33 CFR pt. 183).	Mr. L. Granholm, (202) 426-4027.	*Action complete.*
Notification of Marine Casualties (Docket No. CGD 78-098).	If approved, would require vessels within a certain distance of United States coasts to notify the Coast Guard of certain casualties. *Further action on this project depends on the outcome of a study suggested in response to the ANPRM.* ANPRM published April 16, 1979 (44 FR 22476). (33 CFR pt. 124 transferred to 161).	*LT Allen,* (202) 426-1927.	Study pending.
Marine Investigation Regulations (Docket No. CGD 78-105).	Would clarify the Coast Guard's subpoena power in marine investigation proceedings. (46 CFR pt. 4).	LT Harden, (202) 426-1455.	NPRM *March 1980.*
Review: Bulk Chemical Tanker Update (Docket No. CGD 78-128).	Would update and revise standards for self-propelled vessels carrying hazardous liquid. (46 CFR pt. 153).	LCDR Trainer, (202) 426-1217.	NPRM *March 1980.*
Review: Accessibility of Fire Extinguishers on Boats (Docket No. CGD 78-137).	Would require boat operators to keep portable fire extinguishers in a readily accessible location. (46 CFR pt. 25).	*ENS Coleman,* (202) 426-4176.	NPRM *July 1980.*
Unregulated Hazardous Working Conditions on the Outer Continental Shelf (OCS) (Docket No. CGD 79-073).	Would identify any presently unregulated hazardous working conditions on the OCS and if necessary regulate such conditions. (33 CFR Subchapter N). *ANPRM published September 20, 1979. (44 FR 54499).*	LCDR Barrett, (202) 472-5160.	*Notice April 1980.*
VTS New Orleans (Docket No. 75-112).	Would make voluntary system mandatory. (33 CFR pt. 161)...	LTJG Molessa, (202) 426-4958.	*To be withdrawn.*
Pilotage Requirements (Docket No. CGD 76-060).	Would clearly delineate when and in what areas pilots are required. (46 CFR 157.20-40).	CDR McCowan, (202) 426-2240.	NPRM *August 1980.*
Aluminum Hatch Covers Aboard Tank Vessels (Docket No. CGD 78-121).	Would prohibit aluminum hatch covers on tank vessels, *because they can melt down in ship-board fires.* (46 CFR 32.60-1).	Mr. R. Eberly, (202) 426-2197:	NPRM *February 1980.*
Review: Private Electronic Aids to Navigation (Docket No. CGD 78-145).	Would delete the prohibition of Private Aids to Navigation to provide uniform regulatory treatment. (33 CFR pt. 66).	LT Johnson, (202) 426-1974.	NPRM *June 1980.*
Review: Tables of Vessels Examined or Inspected under Various Coast Guard Regulations (Docket No. CGD 78-152).	Would update tables in various parts of Title 46 to reflect the new requirements implemented by the recently published Mobile Offshore Drilling Unit Regulations.	LT M. Rolman, (202) 426-2190.	FR *March 1980.*
Review: Survey Period for Oil Lubricated Tailshafts with Mechanical Seals (Docket No. CGD 78-153).	Would extend the drawing interval for oil lubricated tailshafts with mechanical seals. *NPRM published November 1, 1979 (44 FR 62915).* (46 CFR pt. 61).	LT M. Rolman, (202) 426-2190.	FR *February 1980.*

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Title	Summary	Contact	Earliest expected decision date
Review: Mandatory Marking of Obstructions (Docket No. CGD 78-156).	Would clarify and consolidate the requirements for marking of obstructions. (33 CFR pt. 64).	LT Johnson, (202) 426-1974.	NPRM *June 1980.*
Review: Private Aids to Navigation and State Aids to Navigation (Docket No. CGD 78-157).	Would codify and clarify the Aids to Navigation regulations concerning State and Private Aids to Navigation. (33 CFR pt. 66).	LT Johnson, (202) 426-1974.	NPRM *September 1980.*
Review: Mandatory Markings for Artificial Islands Installations, and other Devices (Docket No. CGD 78-158).	Would revise the marking regulations to bring them into agreement with the latest procedures. (33 CFR pt. 67).	LT Johnson, (202) 426-1974.	NPRM *September 1980.*
Review: Aids to Navigation—General Interference with, Damages to and Charges for Aids to Navigation (Docket No. CGD 78-159).	Would codify revise and clarify the existing regulations. (33 CFR pts. 60, 62, 66, 70, 74, and 76).	LT Johnson, (202) 426-1974.	NPRM *September 1980.*
Review: General Revision to Subchapter N (Docket No. CGD 78-160).	Proposed general revisions to Subchapter N, Artificial Islands and Fixed Structures on the Outer Continental Shelf. Revisions to include changes made necessary by new legislation and the Coast Guard Commercial Diving Rules. (33 CFR pt. 140).	LCDR T. Barrett, (202) 472-5160.	NPRM *February 1980.*
Approval of Inflatable Personal Flotation Devices (PFDs) (Docket No. CGD 78-174).	Would establish performance standards for inflatable PFDs and procedures for granting *product* approval to these devices. ANPRM published March 15, 1979 (46 CFR pt. 160).	*Mr. S. Wehr,* (202) 426-1444.	NPRM *April 1980.*
Offshore Oil Lightering (Docket No. CGD 78-180).	Would establish requirements for vessel to vessel transfers of oil or hazardous materials if the cargo is bound for a U.S. port. NPRM published May 31, 1979 (44 FR 31486). (33 CFR pt. 156).	LCDR Busavage, (202) 426-9578.	FR *September 1980.*
Review: Amendment to Hull Identification Requirements (Docket No. CGD 79-013).	Would further delineate responsibility for marking boats with a hull identification number. Would require a second number inside the boat to aid in identification of stolen boats. (33 CFR pt. 181).	LCDR Pettit, (202) 426-1757.	NPRM *April 1980.*
Port and Tanker Safety Act Delegations (Docket NO. CGD 79-024).	*Delegates* authority under the Port and Tanker Safety Act of 1978 to Coast Guard District Commanders and Captains of the Port. Final Rule published November 1, 1979 (44 FR 62891) (33 CFR pt. 160).	LT Dickman, (202) 426-1927.	*Action complete.*
Port and Tanker Safety Act Delegations Under Section 9, Ports and Waterways Safety Act (Docket No. CGD 79-026).	Would delegate to Captains of the Port authority and responsibility to prohibit vessel operations and cargo transfers which may be unsafe. (33 CFR pt. 160). NPRM published December 3, 1979 (44 FR 69306) (33 CFR pt. 160).	LT Dickman, (202) 426-1927.	FR June 1980.
Limited Access Areas (Docket No. CGD 79-034).	Would realign limited access area regulations in 33 CFR. (33 CFR pts. 125, 127, 128, and 165).	LT *Allen,* (202) 426-4958.	FR *February 1980.*
Inland Waters Navigation Regulations—Waters Connecting Lake Huron and Lake Erie (Docket No. CGD 78-151).	Would modernize existing regulations. (33 CFR pt. 162).....	Mr. LaRue, (202) 426-4958.	NPRM *June 1980.*
Opening signals for Drawbridges (Docket No. CGD 75-237).	Would establish uniform signals for opening draw bridges. (33 CFR pt. 117).	Mr. Teuton, (202) 426-1380.	NPRM *December 1980.*
Substitute Licenses/Merchant Documents in Suspension Marine Cases (Docket No. CGD 78-033).	Would allow the issuance of a substitute license/ Merchant Marine Document pending the outcome of a hearing.	LT McDaniel, (202) 426-9776.	*NPRM March 1980.*
Review: Termination of Windsurfer Exemption (Docket No. CGD 78-163).	Would determine whether to continue an exemption that allows operators of Windsurfer boats to not carry Personal Flotation Devices. ANPRM published March 29, 1979.	*ENS Coleman* (202) 426-4176.	NPRM *March 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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USCG **U.S. Coast Guard**

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
*__Review:__ Inspection and Approval Procedures, Distress Signals (Docket No. CGD 76-048b).	Introduces revised inspection procedures for Distress Signals. NPRM published October 23, 1978 (43 FR 49447). Final Rule published December 17, 1979 (44 FR 73055). (46 CFR pt. 160).	Mr. R. Markle, (202) 426-1445.	Action complete.
*Great Lakes Pilot Qualification Standards (Docket No. CGD 78-144b).	Changes requirements for a Great Lakes Registered Pilot rating from the present requirement of an unlimited masters license to the requirement of a master, mate, on pilots license. Final Rule published November 8, 1979 (44 FR 64836) Effective December 10, 1979.	Mr. J. Hartke, (202) 755-8683.	Action complete.
*__Review:__ Stability Subchapter (Docket No. CGD 79-023).	Would bring together all the existing stability regulations and identifiable past practice into a single subchapter including a part pertaining to the carriage of passengers and separate parts pertaining to cargoes, vessel use and special types.	Mr. D. Ewing, (202) 426-2187.	NPRM September 1980.
*Revision of Approval of Cargo Containers (Docket No. CGD 79-027).	Would establish domestic administrative machinery for the implementation and administration of the International Convention for Safe Containers (CSC). NPRM published November 29, 1979 (44 FR 68495).	Mr. C. Hochman, (202) 426-1577.	*FR April 1980.*
*Installation, Maintenance, and Inspection of Pilot, Accommodation and Chain Ladders; and Powered Pilot Hoists (Docket No. CGD 79-032).	Would establish inspection procedures and timetables for embarkation apparatus.	LTJG Murray, (202) 426-2190.	NPRM April 1980.
*Steering Gear; Drills and Test (Docket No. CGD 79-038).	Would require all inspected vessels over 100 gross tons and foreign vessels over 1600 gross tons to have written procedures for loss of steering control, and conduct log emergency steering drills. Docket No. CGD 79-038a incorporates changes to Title 46 CFR and CGD 79-038b incorporates changes to Title 33 CFR.	LT Rolman, (202) 426-1464.	NPRM July 1980.
*Revocation of Sitka and Wrangell, Alaska as Ports of Documentation. (Docket No. CGD 79-0606).	Would revoke the designation of Sitka and Wrangell, Alaska as Ports of Documentation as listed in 46 CFR 66.05-1. NPRM published October 4, 1979 (44 FR 57137).	LTJG Heyl, (202) 426-2299.	FR January 1980.
*46 CFR Subchapter D, Tank Vessels Corrections and Clarifications to conform to Title 33 CFR (Docket No. CGD 79-061).	Would eliminate conflicting requirements in Titles 46 and 33 CFR for minimum bolts per flange on transfer connections, fixed piping. In addition, eliminates confusion in tank barge security and smoking regulations.	LTJG Murray, (202) 426-2190.	NPRM March 1980.
*Marine Personnel Safety Standards (Docket No. CGD 79-065).	Would develop a new Subchapter prescribing general personnel safety standards for inspection vessels and offshore facilities. (Subchapter V).	LT Zedan, (202) 426-2190.	NPRM June 1980.
*COLREGS Demarcation Lines Boston Harbor Entrance (Docket No. CGD79-066).	Would move the Colregs Demarcation Line of Boston Harbor Entrance several NPRM published November 8, 1979. (44 FR 64843) (33 CFR pt. 82).	LTJG Molessa, (202) 426-495.	FR April 1980.
*Stowage of Lifeboats and Liferafts (Docket No. CGD 79-072).	Would amend various subchapters to require inspected vessels under 1600 gross tons, on coastwise voyage and having widely separated accommodation or working spaces, to carry inflatable liferafts in those areas capable of accommodating 50 percent of the people on board. NPRM published December 3, 1979 (44 FR 69311).	LT Zedan, (202) 426-2190.	FR March 1980.
*Vessel Personnel Licensing and Certification Standards of Foreign Counties (Docket No. CGD 79-081(a)).	Would establish procedures for verification of training, qualification and watchkeeping standards of personnel serving on foreign tank vessels.	LCDR D. Struck, (202) 755-8684.	Interim FR March 1980.
*Foreign Tank Vessel Manning Levels (Docket No. CGD 79-081(b)).	Would establish minimum manning levels for foreign tank vessels while operating on U.S. Navigable Waters.	LCDR D. Struck, (202) 755-8684.	NPRM March 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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USCG **U.S. Coast Guard**

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
***Review:** Tank Vent Height (Docket No. CGD 79-083).	Would correct vent height regulations in 46 CFR 56.50-85 to agree with 46 CFR 45.133. NPRM published January 7, 1980, (45 FR 1431) comment due February 21, 1980.	Mr. D. Ewing (202) 426-2187.	FR March 1980.
*Amendment to Application of Vessel Numbers (Docket No. 79-087).	Would delete date of birth and citizenship data from application for vessel number.	ENS Coleman (202) 426-4176.	NPRM September 1980.
*Shipment of Bulk Hazardous Waste by Water (Docket No. CGD 79-095).	Would establish requirements for transportation of bulk hazardous wastes.	Mr. R. M. Query (202) 426-1217.	NPRM May 1980.
*U.S. Coast Guard Reserve (Docket No. CGD 79-105).	Would update the administrative regulations pertaining to the Coast Guard reserve.	CAPT Grover (202) 426-2348.	NPRM June 1980.
***Review:** Elimination of Coast Guard Review of the Designation of Home Port of Certain Vessels. (Docket No. CGD 79-111).	Eliminates a Coast Guard Imposed level of review of the designation of home port of certain vessels. Final Rule published November 29, 1979. (44 FR 68468).	Mr. J. Yglesias, (202) 426-1492.	Action complete.
*Inland Waterways Navigation Thimble Shoals (Docket No. CGD 79-120).	Would make two existing regulations consistent. (33 CFR pts. 128 and 162).	Mr. E. LaRue, (202) 426-4958.	NPRM February 1980.
*Applications for Exemptions for SBT, CBT or COW, for Existing Vessels in Specific Trades (Docket No. CGD 79-126).	Would establish procedures for exemption from Segregated Ballast (SBT), Clean Ballast (CBT), or Crude Oil Washing (COW), for existing vessels in specific trades.	LCDR A. Spackman, (202) 426-4431.	NPRM March 1980.
*Joint U.S. Canada Vessel Traffic Management regulations for the Pacific region (Docket No. CGD 79-131).	Would implement the provisions of an Agreement for a Cooperative Vessel Traffic Management System for the Pacific Region. (33 CFR pt. 161).	CDR Cruickshank, (202) 426-1940.	NPRM March 1980.
***Review:** Inland Waterways Navigation Great Lakes (Docket No. CGD 79-132).	Would update existing regulations in 33 CFR pt. 162. Redocketed in November. Future agendas will list this project under docket CGD 79-151.	LTJG Molessa, (202) 426-4958.	NPRM June 1980.
*Boundary Lines for MSO and VTS Prince William Sound, Seventeenth Coast Guard District (Docket No. CGD 79-133).	Establishes boundary lines that were originally cross referenced to COLREGS Demarcation Lines and deleted in recent rulemaking. (33 CFR pts. 3 and 161). Final Rule published December 10, 1979. (44 FR 70719) (33 CFR pts. 3 and 161).	LTJG Molessa, (202) 426-4958.	Action complete.
*Shipboard Noise Abatement (Docket No. CGD 79-134).	Would develop noise abatement standards (noise levels, hearing conservation program, etc.) for inspected vessels over 100 gross tons. (Will be included in subchapter V).	LT Zedan, (202) 426-2190.	NPRM June 1980.
*Start-in-Gear Protection (Docket No. CGD 79-137).	Would establish a requirement for manufacturers of outboard engines producing more than 115 lbs of thrust to have a feature that would prevent the engine from being started while the transmission was in gear.	Mr. L. Granholm, (202) 426-4027.	NPRM March 1980.
***Review:** Great Lakes Pilotage Regulations (Docket No. CGD 79-138).	Would increase the basic rates for Great Lakes Pilotage by five percent and add a new class to the range of pilotage units. NPRM published January 17, 1980 (45 FR 1431) comment due February 21, 1980.	Mr. J. Hartke, (202) 755-8685.	FR March 1980.
Review: Requirement of Shipping Papers for Unslaked Lime *(Docket No. CGD 79-141).*	Would remove the Coast Guard's requirements for the carriage of shipping papers for bulk shipments of unslaked time.	Mr. J. McAnulty, (202) 426-1578.	NPRM March 1980.
***Review:** Special Service Load Line Vessels, Hurricane Season (Docket No. CGD 79-142).	Would allow manned vessels with special service load lines to be operated during the hurricane season if the provisions of a Coast Guard approved heavy weather plan are followed.	Mr. D. Ewing, (202) 426-2187.	NPRM March 1980.
*Electronic Relative Motion Analyzer (Docket No. CGD 79-148).	Would require an electronic relative motion analyzer to be carried by all tankers of 10,000 gross tons or above.	Mr. F. Schwer, (202) 426-4958.	NPRM March 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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USCG **U.S. Coast Guard**

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
***Review:** Tank Vessels Transferring Outer Continental Shelf Oil (Docket No. CGD 79-152).	Would require vessels transferring Outer Continental Shelf oil from offshore oil exploration or production facilities to have segregated ballast tanks, dedicated clear ballast tanks, or special ballast arrangements.	LCDR R. Tweedie, (202) 426-4431.	NPRM March 1980.
***Review:** Load Line Equivalent Regulations (Docket No. CGD 79-153).	Would rearrange existing regulations in 46 CFR 42, Load Line, to comply with International Maritime Consultative Organization Resolution A.320(IX).	Mr. D. Ewing, (202) 426-2187.	NPRM May 1980.
*Deepwater Port Liability Fund Requirements. (Docket No. CGD 79-158).	Would implement provisions of the Deepwater Port Act of 1974 to establish and administer liability limits and compensation relative to accidental oil spills at deep water port sites. (33 CFR pt. 150).	Mr. F. Martin, (202) 426-2606.	NPRM March 1980.
***Review:** Tank Stop Valves (Docket No. CGD 79-159).	Would amend the regulations for tank stop valves to make them applicable to sluice gates and sluice valves as well as piping systems.	LCDR Jenkins, (202) 426-2160.	NPRM March 1980.
***Review:** Shipment and Discharge of Seamen (Docket No. CGD 79-161).	The DOT Appropriations Act deleted funds for a shipping commissioner. This rule updates various regulations to adjust to this situation. Final Rule published December 6, 1979 (44 FR 70154).	CDR McCowen, (202) 426-2240.	Action complete.
***Review:** Revocation of Obsolete Specifications (Docket No. CGD 79-165).	Would revoke subchapter Q approval specifications for certain obsolete lifesaving appliances.	Mr. F. Thompson, (202) 426-2174.	FR March 1980.
***Review:** Painters for Life Floats and Buoyant Apparatus (Docket No. CGD 79-167).	Would require life floats and buoyant apparatus to have painters that are secured to the vessel.	Mr. R. Markle, (202) 426-1444.	NPRM August 1980.
Launching Devices for Liferafts (Docket No. CGD 79-168).	Proposed specification for approval of devices used for launching inflatable liferafts. This project was revised and redocketed. It will appear in future agendas under the number CGD 79-168. (46 CFR pts. 160 and 163). Redocketed from No. CGD 75-217.	Mr. M. Daniels, (202) 426-1445.	NPRM June 1980.
***Review:** License in Temporary Grades (Docket No. CGD 79-173).	Would provide for licenses in Temporary Grades or Special Endorsements or Licenses to Permit Temporary Service.	LCDR D. Struck, (202) 755-8684.	NPRM March 1980.
*Disclosure of Safety Standards and Country of Registry (No Docket No.).	Would update 46 CFR 80.10 in compliance with 46 U.S.C. 362(b).	LT Zedan, (202) 426-2190.	FR September 1980.
*Shipboard Asbestos Standards (No Docket No.).	Would develop safety standards threshold values, etc., for use of asbestos on inspected vessels. (Will be included in Subchapter V).	LT Zedan, (202) 426-2190.	NPRM September 1980.
*Primary Health Care and Qualifications of Seamen. (No Docket No.).	Would implement health standards and qualifications of seamen and provide for training/experience in medical care for vessels.	CDR Parrow, (202) 472-4242 CDR Deleonardis (202) 426-2183.	ANPRM September 1980.
*Modification to Line Throwing Device Requirements. (Docket No. Pends).	Would modify the regulation requiring a linethrowing device only in cargo vessels over 500 gross tons and passenger vessels on international voyages.	LTJG Olds, (202) 426-2190.	NPRM February 1980.
*Deck Drainage in Welldeck and Cockpit Boats. (Docket No. Pends).	Would have simplified computation of freeing port area and deleted welldeck and cockpit.	LTJG Olds, (202) 426-2190.	Withdrawn.
*Relocation of Boundary Lines (Docket No. Pends).	Would have relocated boundary lines within twelve miles of CONUS.	CDR Deleonardis, (202) 426-2190.	Withdrawn.
*Update of Subchapter O Cargo List (Docket No. CGD 80-001).	Would update the subchapter O cargo table in 46 CFR 151.05.	Mr. J. Jakabcin, (202) 426-2559.	NPRM February 1980.
*Update of the Subchapter D Cargo Lists (Docket NO. CDG 80-002).	Would update the Subchapter D Cargo Lists (46 CFR 30-40).	Mr. C. Payne, (202) 426-2559.	NPRM February 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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USCG — U.S. Coast Guard

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
*Permanently Moored Tank Barges (Docket No. Pends).	Would clarify the inspection and certification standards for permanently moored tank barges.	LTJG Olds, (202) 426-2190.	ANPRM June 1980.

FAA — Federal Aviation Administration

Significant Regulations

Title	Summary	Contact	Earliest expected decision date
Section 30 Regulations—Civil Rights (Docket No. 16419).	**A. Description:** Establishes regulations to implement Section 30 of the Airport and Airway Development Act of 1970, as amended by the Airport and Airway Development Act Amendments of 1976 (Act). The regulations would assure that no person is excluded on the grounds of race, creed, color, national origin, or sex from participating in any project for airport development, airport master planning, or airport system planning conducted with or benefiting from funds received from a grant made under the Act. **B. Why Significant:** The proposed regulations implementing Section 30 are considered significant inasmuch as there is substantial public interest and they involve important Department policy. **C. Regulatory Analysis:** *Not Required* **D. Need:** To assure that minorities and minority businesses are afforded full and equal opportunity with respect to employment contracting, and leasing of concessions on airports operated by sponsors receiving grants from airport development projects. **E. Legal Basis:** Section 30 of the Airport and Airways Development Act of 1970 (49 U.S.C. 1730) and § 1.47(f)(1) of the Regulations of the Office of the Secretary of Transportation (49 CFR § 1.47(f)(1)). **F. Chronology:** The proposed regulations were set forth in a Notice of Proposed Rule Making (Notice No. 77-1) on January 13, 1977 (42 FR 2850). The regulations are proposed to be included in existing Part 152 as new Subpart E—Nondiscrimination in Airport Aid Program. The public was invited to comment on the proposed rule by March 14, 1977, which date was twice extended to May 20, 1977, upon numerous requests from the public. Following consideration of the comments, a proposed Final Rule was submitted to the Secretary on February 4, 1979. The Secretary concurred on February 15, 1979, and transmitted a copy to the Equal Employment Opportunity Commission (EEOC) pursuant to Executive Order 12067, for its review. After submittal to EEOC several discussions were held among representatives of the Office of the Secretary, FAA, and EEOC. *The proposed final rule was revised by the FAA, to incorporate the suggestions made by the EEOC, and returned to the EEOC for approval on November 15, 1979. EEOC approval was received and the final rule was published in the Federal Register on February 14, 1980 (45 FR 10184).* **G. Citation:** 14 CFR Pt. 152.	Paul Galis, (202) 26-3050.	*Action complete.*
Flammability Standard for Crewmember Uniforms (Docket No. 14451).	**A. Description:** Proposed revision to establish flammability specifications for crewmember uniforms that will provide protection against heat and flame.	William J. Sullivan, (202) 755-8716.	NPRM *July 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FAA **Federal Aviation Administration**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	B. Why Significant: This proposal is considered a significant rulemaking project due to substantial public interest and potential cost to airlines. **C. Regulatory Analysis:** Required..... **D. Need:** To establish basic flammability specifications for crewmember uniforms, since clothing now used is made of conventional fabrics which may be ignited under many of the emergency conditions that may result.. **E. Legal Basis:** Secs. 313(a), 601, and 604, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421(a), 1422), Sec. 6(c) DOT Act (49 U.S.C. § 1655(c)). **F. Chronology:** Prior to April 1974, a number of informal conferences were held with members of the public including the Association of Flight Attendants (AFA), regarding flammability of flight attendant uniforms. A project was established to examine AFA claims regarding uniform flammability. National Bureau of Standards (NBS) Center for Fire Research was selected as research contractor. ANPRM No. 75-13 was issued March 16, 1975 (40 FR 11737), to solicit public information and comments. A follow-up contract was established with the NBS to evaluate comments and conduct further testing. the contract was extended through August 1979. *The results of the contractual effort are being used in the development of the NPRM.* **G. Citation:** 14 CFR Part 121.....		
Parts Manufacturer Approvals (Docket No. 17147).	**A. Description:** Proposes to revise the Parts Manufacturer Appoval application and reporting requirements and provisions related to showing identicalness of parts. **B. Why Significant:** The proposed revision is considered to be significant because it is controversial. **C. Regulatory Analysis:** Not required..... **D. Need:** Differences of opinion exist with respect to the methods available for showing identicalness of parts. Also the Parts Manufacturer Approval application and reporting requirements may be unnecessarily burdensome. **E. Legal Basis:** Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, (49 U.S.C 1354(a), 1421, and 1423). **F. Chronology:** Project No. 76-257-R was initiated December 23, 1975. NPRM No. 77-19 was published in the Federal Register (42 FR 43985). Comment period later reopened until January 4, 1978 (NPRM No. 77-19A, 42 FR 61048) and again reopened until May 15, 1978 (NPRM No. 77-19B, 43 FR 15432). Portions of NPRM dealing with other subjects will be handled separately. **G. Citation:** 14 CFR Pt. 21.....	William J. Sullivan, (202) 755-8716.	FR *May 1980.*
Review: Part 91 Upgrade.....	**A. Description:** To upgrade the general aviation standards applicable to the operation of certain large aircraft, when not operated as an air carrier and to revise certain regulations applicable to commercial operators and air travel clubs.	William J. Sullivan, (202) 755-8716.	*FR October 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FAA **Federal Aviation Administration**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	B. Why Significant: This is considered significant due to substantial public interest in the constraints to be proposed for safer operations of large aircraft under the regulations. **C. Regulatory Analysis:** Not required..... **D. Need:** Experience indicates that these proposed regulations are necessary to replace the current regulations with clearer regulations that are based upon safety, rather than economic criteria. **E. Legal Basis:** Secs. 313(a) and 601-610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421-1430) and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)). **F. Chronology:** *The NPRM was published in the Federal Register on 11/11/79 (44 FR 66324). The closing date for comments was 2/19/80.* **G. Citation:** 14 CFR Pt. 91.....		
Aircraft Cabin Ozone Contamination (Docket No. 16854).	**A. Description:** Proposed revision to limit the concentration of high altitude ozone allowed in an aircraft cabin. **B. Why Significant:** The proposal is considered a significant project because it involves an area of substantial public interest and will be controversial. **C. Regulatory Analysis:** Not required..... **D. Need:** To alleviate physical discomfort to crewmembers and passengers, due to ozone gas, on high altitude flights. **E. Legal Basis:** Secs. 313, 601, 603, and 604, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1421, 1423, and 1424); and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). **F. Chronology:** In winter of 1976, FAA became aware of crew and passenger complaints of discomfort on high altitude flights and in March 1977 ozone gas was believed to be probable cause. An Advisory Circular, No. 00-52, Ozone Irritation During High Altitude Flight, was published July 21, 1977, defining ozone, its causes, and its symptoms. On May 26, 1977, FAA initiated a project to study the short and long term health effects of exposure to high altitude ozone. An ANPRM was issued on October 6, 1977 (42 FR 54427), seeking information from all interested persons. An NPRM was issued on September 27, 1978 proposing specific airplane cabin ozone concentration standards and was published in the Federal Register on October 5, 1978 (43 FR 46034). The closing date for comments was Jan. 5, 1979. *The Amendment was published 1/15/80 (45 FR 3881).* **G. Citation:** 14 CFR Pts. 25 and 121.....	William J. Sullivan (202) 755—8716.	*Action complete.*
Review: Operations Review Notice No. 7 (Docket No. 17669).	**A. Description:** Proposes to revise the flight and duty time limitations and rest requirements for flight crewmembers used by domestic, flag, and supplemental air carriers, commercial operators of large aircraft, and air travel clubs. **B. Why Significant:** This proposal is considered a significant regulation because of the controversy associated with the complexity and enforcement problems of the current rules. **C. Regulatory Analysis:** Not required.....	William J. Sullivan, (202) 755-8716.	FR *February 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FAA

Federal Aviation Administration

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	D. Need: This proposal is needed to eliminate the complexity of the current regulations and to assure that flight and duty time limitations are based upon today's operating environment. **E. Legal Basis:** Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c). **F. Chronology:** The proposals contained in this notice are based on related proposals discussed at the December 1975 Operations Review Conference. The notice was published in the Federal Register on February 27, 1978 (43 FR 8070), with a closing date of May 30, 1978, for public comments. The initial comment period was extended by supplemental notice on May 25, 1978 (43 FR 22540), to July 14, 1978, with reply comments allowed on or before August 18, 1978. **G. Citation:** 14 CFR Pts. 121 and 123		
Review: Operations Review Notice No. 14.	**A. Description:** Proposes to establish regulations for flight and duty time limitations and rest requirements for flight attendants used by domestic, flag, and supplemental air carriers, commercial operators of large aircraft and air travel clubs. **B. Why Significant:** This proposal is considered a significant regulation because there is substantial public interest in it. **C. Regulatory Analysis:** Not required **D. Need:** Because flight attendants perform important duties relating to the safety of flight, flight and duty time limitations and rest requirements are necessary to prevent excessive fatigue from adversely affecting the performance of those duties. **E. Legal Basis:** Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). **F. Chronology:** The proposals contained in this notice are based on related proposals discussed at the December 1975, Operations Review Conference. **G. Citation:** 14 CFR Pts. 121 and 123	William J. Sullivan, (202) 755-8716.	NPRM *August 1980.*
Review: Airworthiness Review Amendment No. 8 Miscellaneous Cabin Safety Amendments (Docket No. 14779).	**A. Description:** Proposed amendments to improve and update the airworthiness standards contained in the regulations that apply crewmember seat restraints, flight attendant seat locations, and the use of fire resistant materials. **B. Why Significant:** This group of amendments is considered significant because it includes a number of costly and controversial amendments (dealing generally with cabin safety) that require modification of aircraft in service. **C. Regulatory Analysis:** Not required **D. Need:** The need to update and improve the Federal Aviation Regulations, as covered in this group of amendments, was emphasized at public conferences held in conjunction with the Airworthiness Review Program.	William J. Sullivan, (202) 755-8716.	*Action complete.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FAA **Federal Aviation Administration**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	E. Legal Basis: Secs. 307, 313(a), 502, 601, 603, 604, and 605 of the Federal Aviation Act of 1958. (49 U.S.C. 1348, 1354(a), 1402, 1421, 1423, 1424, and 1425). **F. Chronology:** Notice 75-31 (40 FR 29140) appeared in the Federal Register on July 11, 1975. *The Amendments were published 2/4/80 (45 FR 7750).* **G. Citation:** 14 CFR Parts 23, 25, 29, 91, and 121		
Administrative User Charges. (Docket No. 19110).	**A. Description:** This notice proposes to revise existing FAA fees for aircraft registration and for recording conveyances affecting title to, or any interest in, aircraft. In addition, it proposes to establish fees for FAA certification of pilots, instructors, and other airmen, including medical certification. It is intended that this proposed rule will provide for the recovery of expenses that the FAA incurs in these activities. The proposed action would be in accordance with the sense of the Congress. **B. Why Significant:** This proposal is considered a significant project because it involves an area of substantial public interest and controversy. **C. Regulatory Analysis:** Not required **D. Need:** This proposal will provide for the recovery of expenses that the FAA incurs in these activities and is in accordance with the sense of Congress. **E. Legal Basis:** Secs. 313, 503, 505, 601, 602, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1401, 1403, 1421, and 1422); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), Title V; Independent Offices Appropriation Act of 1952 (31 U.S.C. 483(a)). **F. Chronology:** NPRM published on April 20, 1978 (43 FR 16924). The closing date for comments was July 19, 1978. **G. Citation:** 14 CFR Pts. 47, 49, 61, 63, 65, 67, 143, and 187.	John M. Rodgers, (202) 426-3420.	FR *June 1980.*
Wind Shear. (Docket No. 19110)	**A. Description:** Proposed revision to require all large passenger-carrying aircraft be equipped with a device that will display wind shear information to the pilots. **B. Why Significant:** This action is considered a significant project because it will generate substantial public interest and will be controversial. **C. Regulatory Analysis:** Not required **D. Need:** As a result of several accidents involving wind shear, the FAA believes it is necessary to identify equipment that will enable pilots to identify low level wind shear conditions. **E. Legal Basis;** Secs. 313(a), 601 and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).	William J. Sullivan, (202) 755-8716.	NPRM *March 1980.*

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	F. Chronology: In 1975, the FAA began a two year effort to develop a wind shear program. As part of the program, FAA began work to develop a wind shear warning and pilot aiding device which has achieved encouraging results. Following the initial announcement of this proposal it was determined that a regulatory analysis would not be required; however, an evaluation will be made and docketed. The ANPRM was published on 5/3/79 (44 FR 25807) and comment period closed 8/3/79. **G. Citation:** 14 CFR Pt. 121		
Controlled Visual Flight. (Docket No. 18605).	**A. Description:** Proposed air traffic control of VFR (visual flight rules) aircraft between 10,000 feet (or 12,500 feet) and 18,000 feet, with following actions to add 44 new TCAs (terminal control areas) and raise the tops of 21 existing TCAs. **B. Why Significant:** The proposed revision is considered to be significant because there is substantial public interest. **C. Regulatory Analysis:** Not required **D. Need:** To respond to near midair collision data showing that a high percentage of incidents involving air carriers also involve aircraft that are unknown to air traffic control and that, therefore, cannot be positively separated by air traffic control. **E. Legal Basis:** Secs. 305, 306, 307, 313(a), 601, and 1110 of the Federal Aviation Act of 1958. (49 U.S.C. 1346, 1347, 1348, 1354(a), 1421, and 1522). **F. Chronology:** The proposed regulation was set forth in an NPRM published on Jan. 4, 1979 (44 FR 1322). Comment period was extended until April 4, 1979. *The Withdrawal of the NPRM was published 9/13/79 (44 FR 53416).* **G. Citation:** 14 CFR Pt. 91	William Broadwater, (202) 426-3731.	*Withdrawn.*
*Stage 2 Operating Noise Limits for Airplanes Engaged in Foreign Air Commerce (Dockets 13582 and 14317).	**A. Description:** Proposed amendment to apply the Operating Noise Limits rule to certain currently excepted airplanes to meet present Federal noise standards in accordance with a phased time schedule ending on January 1, 1985. **B. Why Significant:** This proposal is considered significant because it is controversial and there is substantial public interest. Also it involves an important Department policy that bears on international aviation agreements. Under this policy every effort will be made to obtain International Civil Aviation Organization (ICAO) agreement on application of noise standards for existing aircraft in international operations. If it proves impossible to obtain international agreement on adequate aircraft operational noise standards, the United States will develop U.S. national standards applicable to airplanes engaged in foreign air commerce in order to protect public health and welfare. **C. Regulatory Analysis:** Required **D. Need:** To provide further relief and protection to the public from aircraft noise. **E. Legal Basis:** Sec. 611 of the Federal Aviation Act of 1958.	*James Densmore, (202) 755-9468.*	*NPRM February 1980.*

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	F. Chronology: Related proposals were presented in ANPRM 70-44, published 11/4/70 (35 FR 16980), NPRM 74-14, published 3/27/74 (39 FR 11302), and NPRM 75-5, published 2/26/75 (40 FR 8218). **Citation:** 14 CFR Part 91		
*Stage 3 Requirements for Issuance of Standard Airworthiness Certificates.	**A. Description:** Proposed amendment would require all aircraft added to the U.S. domestic fleet after specified dates to meet FAR Part 36, Stage 3 noise limits. **B. Why Significant:** This proposal is considered significant because of its potential to shift production away from older, noisier, and less fuel efficient airplanes. The proposal may involve substantial public interest. **C. Regulatory Analysis:** Required **D. Need:** To provide further relief and protection to the public from aircraft noise. **E. Legal Basis:** Section 611 of the Federal Aviation Act of 1958 (as amended). **F. Chronology:** A related proposal was presented in NPRM 72-19, published 7/25/72 (37 FR 14813). **G. Citation:** 14 CFR Part 36	James Densmore, (202) 755-9468.	ANPRM *February 1980.*
*Metropolitan Washington Airports Policy.	**A. Description:** Develop and implement a comprehensive policy and regulations (1) defining the respective roles of Washington National and Dulles International Airports, and (2) governing the future use, operation, development and maintenance of those airports. **B. Why Significant:** The proposed policy is of substantial interest to the public, potentially affecting State and local governments and the aviation community. **C. Regulatory Analysis:** Not required **D. Need:** The lack of a firm, long-range policy has substantially hindered maximum effective and efficient management of the airports. Planning and funding processes have necessarily been limited to relatively short-term objectives. Efforts to lessen the impact of the airports on surrounding communities continue to be hampered by the absence of well-defined policy goals and guidelines. Aircraft operators using the airports have been similarly disadvantaged with respect to long-term planning and objectives. **E. Legal Basis:** Sections 307 and 611 of the Federal Aviation Act (49 U.S.C. 1348 and 1431); D.C. Code Title 2-1602, Section 2 (54 Stat. 658) and Sections 4 and 8 (64 Stat. 770). **F. Chronology:** A Notice of Proposed Policy was published 3/23/78 (43 FR 12141). The NPRM was published 1/21/80 (45 FR 4314). **G. Citation:** 14 CFR Pt. 152	Charles Erhard, (703) 557-0972.	FR April 1980.

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Title	Summary	Contact	Earliest expected decision date
Third Attitude Gyro, *Ground Proximity Warning System, and Cockpit Voice Recorders.*	Proposed amendment to add instrument and equipment requirements (1) to require a third gyroscopic attitude instrument, independently powered in case of total aircraft electrical failure, on all multiengine turbojet powered airplanes not already required to have a third gyroscopic attitude *and (2) to require a ground proximity warning system and a cockpit voice recorder on all turbojet powered airplanes configured with 6 or more passenger seats.* (14 CFR Pts. 23, 25, 91, and 121).	William J. Sullivan, (202) 755-8716.	NPRM *February 1980.*
Review: Aircraft Engine Regulatory Notice (Docket No. 16919).	Proposed amendment to resolve a number of regulatory issues raised by engine manufacturers and to update those standards. (14 CFR Pts. 23, 25, 27, 29, and 33).	William J. Sullivan, (202) 755-8716.	NPRM *May 1980.*
Instrument Approach Procedures ...	Proposed rule to clarify prescribed conditions for approach and landing under specified weather conditions. (14 CFR Pts. 91 and 121).	William J. Sullivan, (202) 755-8716.	NPRM *February 1980.*
Triennial Aircraft Registration Report (Docket No. 18958).	Proposed rule to establish a requirement that holders of a Certificate of Aircraft Registration file a report with the FAA Aircraft Registry on the current eligibility of the aircraft for registration, whenever three years have elapsed since the Registry has received information indicating registration eligibility. The NPRM was published 4/26/79 (44 FR 24573.) (14 CFR Pt. 47).	Virginia Swimmer, (405) 686-2284.	NPRM *February 1980.*
Controlled Visual Flight (Docket No. 18605).	Proposed revision to provide a means of improving air traffic control separation aircraft above 12,500 feet. The NPRM was published on Jan. 4, 1979 (44 FR 1381). *The Withdrawal of the NPRM was published 9/13/79 (44 FR 53416).* (14 CFR Pt. 91).	Maurice Taylor, (202) 426-3128.	*Withdrawn.*
Airport Noise Regulations (Docket No. 16279).	Environmental Protection Agency's proposed revision to require airport noise certification as a condition for Airport and Airway Development Act funding. The NPRM was published on 11/22/76 (41 FR 51522). (14 CFR Pt. 91).	*Richard Tedrick, (202) 755-9027.*	FR July 1980.
Review: Operations Review Notice No. 11.	Proposed revision to update and improve the rules applicable to mechanic certification, repair stations and aircraft equipment. (14 CFR Pts. 121, 145, and 183).	William J. Sullivan, (202) 755-8716.	NPRM *February 1980.*
Review: Operations Review Notice No. 12.	Proposed extensive revisions to update and improve regulations applicable to aircraft maintenance, preventive maintenance, rebuilding and alteration of aircraft. (14 CFR Pts. 43 and 91).	William J. Sullivan, (202) 755-8716.	NPRM *February 1980.*
Review: Operations Review Notice No. 13.	Proposed miscellaneous revisions and other editorial and clarifying changes to (14 CFR Pts. 43, 63, 65, 91, 105, 121, 123, 127, 143, 145, and 147).	William J. Sullivan, (202) 755-8716.	NPRM *March 1980.*
Review: Operations Review Amendment No. 8 (Docket No. 17897).	Proposed amendment to update and improve airmen and crewmembers rules, training programs, flight operations, dispatching, records and reports of air carriers and commercial operators and scheduled air carriers with helicopters. NPRM published on 5/11/78 with comment period closing on 9/25/78 (43 FR 35518, 8/10/78) (14 CFR Pts. 121 and 127).	William J. Sullivan, (202) 755-8715.	FR *February 1980.*
Review: Operations Review Notice No. 9 (Docket No. 18241).	Proposed revision to update and improve equipment, maintenance, and operating rules of aircraft, airmen certification, certificated operators and agencies, flight attendants and training requirements. The NPRM was published on 8/17/78 (43 FR 36464). (14 CFR Pts. 63, 65, and 121).	William J. Sullivan, (202) 755-8716.	FR *February 1980.*
Review: Operations Review Notice No. 10 (Docket No. 18247).	Proposed revision to update and improve equipment and operating rules of aircraft operated by scheduled air carriers of large aircraft and agricultural aircraft operators. The NPRM was published on 8/24/78 (43 FR 37958) *The amendments were published October 25, 1979 (44 FR 61323).* (14 CFR Pts. 25, 123, 127, and 137).	William J. Sullivan, (202) 755-8716.	*Action complete.*

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Review: Part 91 Notice (Docket No. 16431).	The agency conducted a Regulatory Review Conference of 14 CFR Part 91, Subpart B, in September 1977, in order to update that part. This action will cover all proposals covered by the review except for lost communications. (14 CFR Pt. 77).	William Broadwater, (202) 426-3731.	NPRM *May 1980.*
Review: Part 91 Review Lost Communications (Docket No. 16431).	The FAA conducted a Regulatory Review Conference of 14 CFR Pt. 91 Subpart B, in September 1977, in order to update that part. This action will cover the special proposal on lost communications.	William Broadwater, (202) 426-3731.	NPRM *May* 1980.
Pearson Airpark (Docket No. 18311).	Proposal to exclude persons from the requirement of communicating with Portland Tower while operating in the Pearson Airpark Traffic Pattern. The NPRM was published on Sept. 28, 1978 (43 FR 44549). (14 CFR Pt. 93) Note: Further action suspended pending decision on Portland Terminal control area.	William Broadwater, (202) 426-3731.	FR *February* 1980.
Review: Objects Affecting Navigable Airspace (Docket No. 16920).	Proposal to amend regulations including areas such as notice requirements, obstruction standards, aeronautical studies, determinations, antenna farm areas and discretionary review/petition procedures. Notice of Review was published on 6/19/78 (43 FR 26322). (14 CFR Pt. 77).	O. E. Falsetti, (202) 426-8777.	NPRM *March 1980.*
Reimbursement of Security Screening Costs (Docket No. 17326).	Proposes a procedure for compensating air carriers for certain security screening costs in foreign air transportation. The NPRM was published on 10/31/77 (42 FR 56957). (14 CFR Pt. 121).	R. P. Jones, (202) 426-8409.	FR *March 1980.*
Registration of Aircraft by Resident Aliens (Docket No. 18604).	Proposed revision to comply with Section 14 of P.L. 95-163 enacted by Congress effective November 9, 1977, amended March 8, 1978, which provides for United States registration of aircraft by resident aliens and by corporations which do not qualify for registration as citizens. The NPRM was published on January 2, 1979. (44 FR 63). *The amendment was published October 29, 1979. (44 FR 61937).* (14 CFR Pt. 47).	Florine G. Crockett, (405) 686-2284.	*Action complete.*
Civil Helicopter Noise Certification (Docket No. 13410).	This project would establish noise certification levels and procedures for civil helicopters. An ANPRM was published 12/28/73, (38 FR 35487). *The NPRM was published 7/19/79 (44 FR 42410). The comment period closed 11/19/79.* (14 CFR Pt. 36).	*Richard Tedrick, (202) 755-9027.*	FR *May* 1980.
Designated Manufacturing Inspection Representatives (Docket No. 16622).	Proposed rule to permit designated manufacturing inspection representatives (DMIR's) to conduct evaluation inspections and to perform all of their authorized functions outside the manufacturing plant at which they are employed. The NPRM was published on 4/7/77 (42 FR 18407). *The amendment was published 1/7/80 (45 FR 1415).* (14 CFR Pt. 183).	William J. Sullivan, (202) 755-8716.	*Action complete.*
Identifiation (ID) Plates (Docket No. 15977).	Proposed rule to prohibit the removal, change, or placement of information on identification plates required by the regulation and the removal and installation of ID plates on aircraft, aircraft engines, propellers, and propeller blades and hubs, without the approval of the Administrator. The NPRM was published on 8/12/76 (41 FR 34076). *The amendment was published 8/2/79 (44 FR 45378). Effective 9/4/79.* (14 CFR Pt. 45).	William J. Sullivan, (202) 755-8716.	*Action complete.*
Implementation of OMB Circular A-95 (Docket No. 17337).	Final procedures and regulations implementing OMB Circular A-95 (coordination of Federal assistance programs with State, areawide, and local planning agencies), based on public comment on interim procedures in Special Federal Aviation Regulation 35 (42 FR 59476, 11/17/77). (14 CFR Pt. 152).	*John Gable,* (202) 426-8090.	FR *May 1980.*

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Implementation of Energy Policy (Docket No. 16617).	Implementation of the Energy Policy and Conservation Act. The NPRM was published on 3/31/77. (42 FR 17135). (14 CFR Pt. 11).	Charles M. Hoch, (202) 755-9717.	FR *March 1980.*
Review: Update of Part 139.....	Revision of 14 CFR Part 139 to update and clarify the part including fire-fighting and rescue requirements. (14 CFR Pt. 139).	*Bill Southerland,* (202) 426-3087.	NPRM *March 1980.*
Experimental Certificates (Docket No. 18739).	Proposed revision to 14 CFR Part 21 to allow special airworthiness certificates for air racing, exhibition and amateur built aircraft to be issued for periods in excess of one year. The NPRM was published on 3/5/79 (43 FR 12042). *The Amendment was published 8/9/79 (44 FR 46778).* (14 CFR Pt. 21).	William J. Sullivan, (202) 755-8716.	*Action complete.*
Foreign Airman Certificate (Docket No. 19300).	Proposed revisions to provide for the issuance of special purpose airman certificates to foreign pilots and other flight crew members to permit those persons to operate U.S. registered civil aircraft leased by foreign operators for carriage of persons and property for compensation or hire. The NPRM was published on 7/2/79 (44 FR 38563). The comment period closed 9/25/79. *The Amendments were published 1/24/80 (45 FR 5670).* (14 CFR Parts 61 and 63).	William J. Sullivan, (202) 755-8716.	*Action complete.*
Delayed Landing Flap Procedure for Turbojet-Powered Airplanes (Docket No. 15020).	Proposed regulation which would require that landing flap setting for turbojet-powered airplanes be delayed until at or below 1,000 feet above airport elevation for purpose of noise abatement on approach and landing. The NPRM was published on 11/29/76 (41 FR 52396). (14 CFR Pt. 91).	William J. Sullivan, (202) 755-8716.	FR *March 1980.*
Protective Breathing Equipment.....	Proposed rule to establish minimum performance standards and operating rules for protective breathing equipment. (14 CFR Pts. 25, 29, 37, 91 and 121).	William J. Sullivan, (202) 755-8716.	NPRM *March* 1980.
Supplemental Oxygen.....	Proposed rule to permit certain widebody turbojet airplanes to operate up to flight level of 45,000 feet above sea level without requirements for the pilot to use supplemental oxygen. (14 CFR Pts. 25, 29, 37, 91, and 121).	William J. Sullivan, (202) 755-8716.	NPRM *February 1980.*
Type Certification Standards (Docket No. 17914).	Proposed revision of Special Federal Aviation Regulation 13 as applicable to DC-3 airplanes to provide a basis for approval of the installation of three turbo-propeller engines in place of two reciprocating engines. The NPRM was published on 5/22/78 (43 FR 21900). *The Withdrawal of the NPRM was published 11/23/79 (44 FR 67137).* (14 CFR Pt. 25; SFAR 13).	William J. Sullivan, (202) 755-8716.	*Withdrawn.*
Aircraft Wheels and Wheel-Brake Assemblies (Docket No. 18564).	Proposal to upgrade the requirements for wheels and brakes for small and transport airplanes. The NPRM was issued on 11/29/78 (43 FR 57261, 12/27/78). *The amendments were published 11/29/79 (44 FR 68738).* (14 CFR Pts. 23, 25, and 37).	William J. Sullivan, (202) 755-8716.	*Action complete.*
Aircraft Tires (Docket No. 18887)...	Proposal to determine if aircraft tire standards in the regulations should be upgraded, and, if so, the details of the upgrading. The NPRM was published on 3/19/79 (44 FR 16430). *The amendment was published 11/29/79. (44 FR 68745).* (14 CFR Pt. 37).	William J. Sullivan, (202) 755-8716.	*Action complete.*
Review: Part 135 Regulatory Review Program: Additional Airworthiness Requirements for 10 or More Passenger Small Airplanes Over 12,500 Pounds. (Docket No. 18315).	Proposed amendment to the airworthiness standards for certain turbopropeller powered multiengine small airplanes to allow their certification and operation at weights above 12,500 pounds. The NPRM was issued on September 26, 1978 (43 FR 46734, October 10, 1978). *The Amendment was published on 9/17/79 (44 FR 53723).* (14 CFR Pt. 135).	William J. Sullivan, (202) 755-8716.	*Action complete.*

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Review: Metropolitan Washington Airports Regulations.	Proposed revision to reflect changed operational conditions and policies and to simplify, clarify and consolidate the regulations pertaining to the National Capital Airports. (14 CFR Pt. 159).	Charles Anderson, 703-557-1433.	NPRM *June 1980.*
Miscellaneous Minor Amendments.	Proposed nonsubstantive amendments that are routine, editorial and clarifying in nature. (14 CFR Pts. 23, 25, 37, 45, 61, 63, 65, 91, and 121).	William J. Sullivan, (202) 755-8716.	NPRM *February 1980.*
Aircraft Owners and Pilots Association (AOPA) Petition to Revise Part 91 (Docket No. 18334).	Proposed amendment based upon AOPA petition to revise regulations in a format and language more understandable by pilots. The petition states that the proposed changes are not intended to significantly change the substance of the present regulations. An ANPRM was published on 1/22/79. (44 FR 4571). (14 CFR Pt. 91).	William J. Sullivan, (202) 755-8716.	NPRM *April* 1980.
Review: Airworthiness Review Amendment No. 9 Minimum Equipment Lists (Docket No. 14607).	Proposed amendment to specify the conditions under which multiengine aircraft may be operated under Pt. 91 with certain instruments and equipment inoperable. The NPRM was published on May 20, 1975 (40 FR 22110). *The Amendment was published on 7/26/79 (44 FR 43714).* (14 CFR Part 91).	William J. Sullivan, (202) 755-8716.	*Action complete.*
Procedures for Filing Complaints and Formal Fact Finding Investigations (Docket No. 18884).	Proposed rules and procedures for the filing of formal complaints for orders of compliance and for conducting formal fact-finding investigations under the Federal Aviation Act of 1958, the Airport and Airways Development Act of 1970 and the Hazardous Materials Transportation Act. The NPRM was published 3/19/79 (44 FR 16424). *The Amendment was published 11/5/79 (44 FR 63720). (14 CFR Pt. 13).*	Jonathan Howe, (202) 426-3775.	*Action complete.*
Extension of Time for Radiation Surveys of Airport X-Ray Inspection Cabinets. (Docket No. 18310).	Proposed amendment to extend the time required for surveys of baggage X-Ray Inspection Cabinets from every six months to every twelve months. The proposal is based on an Air Transport Association of America (ATA) petition for rulemaking. The NPRM was published March 15, 1979 (44 FR 15732). *The Amendment was published 9/20/79 (44 FR 54467).* (14 CFR Pt. 199).	Theo Tsacoumis, (202) 755-8715.	*Action complete.*
Foreign Airman Certification.	Proposed amendments to establish priorities for processing applications by foreign airmen for U.S. Airman Certificates. (14 CFR Pts. 61, 63, 65, and 67).	William J. Sullivan, (202) 755-8716.	NPRM *June 1980.*
Aircraft Loan Guarantee Program (Docket No. 18694).	Proposed regulation to comply with Public Law 95-504 which amended the Act relating to the FAA's Aircraft Loan Guarantee Program. The NPRM was published on 1/25/79 (44 FR 5153). *The Amendment was published 7/30/79. Effective 7/30/79.* (44 FR 44800). (14 CFR Part 199).	Richard Smith, (202) 426-3480.	*Action complete.*
Noise Standards for Propeller Driven Agricultural and Firefighting Airplanes (Docket No. 16382).	Proposed regulation to restrict the operation of agricultural and firefighting airplanes which do not comply with the noise limits of Appendix F of 14 CFR Part 36. The NPRM was published on 12/23/76 (41 FR 56065). (14 CFR Parts 21, 36, and 91).	*Richard Tedrick, (202) 755-9027.*	FR *June 1980.*
Recording of Aircraft Titles and Security Documents—Notice of Lien (Docket No. 14236).	Proposed amendment to prescribe specific procedures for filing Noice of Lien with the Aircraft Registry. This proposal would also require release of the Notice filed upon satisfaction of the lien. The NPRM was published January 13, 1975. (40 FR 2445) (14 CFR Part 49).	Virginia Swimmer, (405) 686-2284.	FR *March 1980.*
Lithium Sulfur Dioxide Batteries Technical Standard Order (Docket No. 18889).	This proposed Technical Standard Order (TSO) is intended to provide such tests and mandatory design standards that will preclude the hazards associated with LiSO batteries with respect to leaking, burning, and exploding. The NPRM was published 3/26/79 (44 FR 24778). *The Amendment was published 8/27/79 (42 FR 50314).* (14 CFR Parts 37 and 39).	William J. Sullivan, (202) 755-8716.	*Action complete.*

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Cessna Finance Petition. (Docket No. 17311).	Petition for rulemaking to amend Part 47 to provide all persons who hold a security interest in aircraft the same protection now afforded the seller of an aircraft under a conditional sales contract. The ANPRM was published 10/20/77 (42 FR 55891). (14 CFR Pt. 47).	Virginia Swimmer, (405) 688-2284.	NPRM *February* 1980.
Review: Airport Aid Program. *(Docket No. 19430).*	Revision of 14 CFR Part 152 to update airport aid requirements in accordance with Airport and Airway Development Act Amendments of 1976. *The NPRM was published 8/9/79 (44 FR 46858). The Comment Period closed 10/9/79.* (14 CFR Pt. 152).	Paul Galis, (202) 426-3050.	*FR March 1980.*
Indirect Cost as an Allowable ADAP Project Cost. (Docket No. 19499).	Proposed revision to Section 152.47(c)(6) of FAR Part 152 and Appendix J thereto to make indirect cost an allowable project cost under the ADAP. *The Amendment was published 9/20/79 (44 FR 54467).* (14 CFR Pt. 152).	Jack Cole, (202) 426-3057.	*Action complete.*
Security Requirements Applicable to U.S. Commuter Air Carriers Certificate Holders. (Docket No. 19726).	Proposed rule to implement safety standards mandated by the Airline Deregulation Act of 1978, and insure that commuter air carrier passengers enjoy the same level of security as persons traveling on air carriers holding Certificates of Public Convenience and Necessity from the CAB. *The NPRM was published 11/1/79 (44 FR 63048). Comment period closed 1/28/80.* (14 CFR Pt. 121).	R. P. Jones, (202) 426-8409.	*FR May 1980.*
Heater Air Ducts	Proposed rule to require that ventilating and combustion air ducts be made of fireproof materials whenever such ducts are located near combustion heaters. (14 CFR Pt. 23). *NPRM issued 2/21/80. Comment period closes 4/28/80.*	William J. Sullivan, (202) 426-8716.	*FR September 1980.*
Blood Alcohol Level Tests	Proposed rule which will subject Certificated Flight Crewmembers suspected of being under the influence of alcohol to blood-alcohol tests and establish a specific blood-alcohol content level at which a pilot is considered to be intoxicated. (14 CFR Pts. 61 and 91).	William J. Sullivan, (202) 426-8716.	NPRM *March 1980.*
1980 Winter Olympics Temporary Flight Restriction. (Docket No. 19510).	Proposed Special Federal Aviation Regulation (SFAR) relative to the 1980 Olympic Games covering radio communications requirements and temporary flight restriction in the Clinton County/Plattsburgh area. *This action was issued as an SFAR without prior notice as it was determined that safety in air commerce required immediate adoption. The (SFAR) was published on 9/24/79 (44 FR 54992). (14 CFR Pts. 91 and 93).*	William Broadwater, (202) 426-3731.	*Action complete.*
Review: Airworthiness Review Amendment No. 8 Miscellaneous and Procedural Amendments (Docket No. 14779).	Proposed amendments to improve and update the airworthiness standards contained in the regulations that apply to the type certification of aircraft, engines, propellers, related operating and maintenance rules, and procedural requirements. The NPRM was published July 11, 1975. (40 FR 29140) (14 CFR Pts. 1, 21, 26, 27, 31, 33, 35, 43, and 45).	William J. Sullivan, (202) 755-8716.	FR *February 1980.*
Microwave Landing System (MLS).	Proposed rule to recognize the MLS selected by ICAO and to prescribe measuring standards and procedures for the approval, installation, operation, and maintenance of such systems on non-Federal navigation facilities. (14 CFR Pt. 171).	*William Redeen, (202) 426-8634.*	NPRM *March 1980.*
* Tires Retrofit (Docket No. 19793).	Proposed rule to require installation of improved tires on certain turbojet transport category airplanes. The NPRM was published 11/27/79. (41 FR 68759). The comment period closed 2/27/79. (14 CFR Pt. 91).	William J. Sullivan, (202) 755-8716.	FR June 1980.

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Title	Summary	Contact	Earliest expected decision date
*Updating of References to FAA Environmental Requirements.	Proposed Amendment to require compliance with the revised FAA environmental order that contains policies and procedures for considering environmental impacts. The revised order has been published in the **Federal Register** for comment. Therefore a formal NPRM will not be issued, since it would not result in the receipt of additional useful information. (14 CFR Pts. 152, 154, and 155).	Lynne Pickard, (202) 426-3263.	FR March 1980.
*Revision of Applicability of Part 139.	Proposed amendment to require the certification of airports serving commuter air carriers, as well as air carriers holding certificates of public convenience and necessity from the CAB. This revision would respond to the Airline Deregulation Act of 1978 and ensures that passengers traveling aboard commuter air carriers enjoy the same level of safety as passengers traveling aboard CAB certificated air carriers (14 CFR Part 139).	Jose Roman, Jr., (202) 426-3087.	NPRM March1980.
*Advanced Simulation (Docket No. 19758).	Proposed plan to permit additional flight crew training in advanced flight training simulators. The NPRM was published 11/13/79 (14 FR 65550). The Comment Period was extended until 2/15/80 (45 FR 3324). (14 CFR Parts 61 and 121).	William J. Sullivan, (202) 755-8716.	FR May 1980.
*Technical Standard Orders (TSO's) Revision Program (Docket No. 19589).	Proposed amendment which includes a new procedure to expedite the issuance of standard for materials used on civil aircraft. In accordance with Executive Order 12044, these new procedures would result in less burdensome requirements which will expedite TSO issuance, and will result in the substantial reduction of regulatory material. The NPRM was published 10/1/79 (44 FR 56370). The Comment Period closed 12/3/79. (14 CFR Parts 23 and 37).	Edward P. Faberman, (202) 264-3235.	FR February 1980.
***Review:** Rotorcraft Airworthiness Standards (Docket No. 18689).	Proposed extensive revisions to update and improve regulations applicable to helicopters and their operations. In view of recent technological advances in helicopter design and recent operating experience with new helicopter capabilities, there is a need to upgrade the rules regarding the helicopter airworthiness standards and operating requirements. (14 CFR Parts 1, 27, 29, 33, 43, 45, 61, 91, 121, 127, 133, and 135).	William J. Sullivan, (202) 755-8716.	NPRM May 1980.
***Review:** Light Transport Airplane Airworthiness Standards (Docket No. 18600).	Proposed new Part to establish airworthiness standards for a new light transport category of multiengine airplanes having a maximum seating capacity of 60 and a maximum gross weight of 50,000 pounds to accommodate the future needs of the commuter and air taxi industry. (14 CFR Parts 1, 21, 36, 91, and 135).	William J. Sullivan, (202) 755-8716.	NPRM February 1980.
*Minimum Equipment Lists (MEL)...	Proposed amendment to clarify existing MEL provisions by combining the MEL regulatory authority contained in Parts 91, 121, 133, 135, and 137 into a single regulatory section in Part 91. (14 CFR Parts 91, 121, 133, 135, and 137).	William J. Sullivan, (202) 755-8716.	NPRM April 1980.
*Hang Gliding	Proposed addition to FAR Part 101 to designate general safety rules for hang gliding in order to accommodate increasing hang gliding activity in the National Airspace System. (14 CFR Part 101).	William Broadwater, (202) 426-3731.	NPRM February 1980.
*Notification/Reporting of Parachute Jump Altitudes.	Proposed amendment to require that notification of a parachute jump be made to Air Traffic Control in terms of mean sea-level (MSL) or above ground level (AGL). (14 CFR Part 105).	William Broadwater, (202) 426-3731.	NPRM March 1980.
*Parachute Jumps In Terminal Control Areas (TCA's).	Proposed amendment to FAR Part 105 would require an ATC authorization for a nonemergency parachute jump into, or within, a terminal control area. (14 CFR Part 105).	William Broadwater, (202) 426-3731.	NPRM April 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FAA **Federal Aviation Administration**

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
*Air Traffic Rules for High Density Traffic Airports.	Proposed amendment to deal with the allocation of instrument flight operations (takeoffs and landings) to users of high density traffic airports. (14 CFR Part 93).	William Broadwater, (202) 426-3731.	NPRM February 1980.
*Air Traffic Speed Rule	Proposed amendment to permit departing aircraft at or above 5,000 feet within the confines of the TCA to operate in excess of the present 250-knot limit. (14 CFR Part 91).	William Broadwater, (202) 426-3731.	NPRM June 1980.
*Operations in Airport Traffic Areas.	Proposed amendment to require all aircraft within an airport traffic area to establish and maintain communications with the airport traffic control tower. (14 CFR Part 91).	William Broadwater, (202) 426-3731.	NPRM September 1980.
*Notice of Construction, Alteration, Activation, and Deactivation of Airports.	Proposed amendments to require persons proposing to construct, alter, activate, or deactivate a civil or joint use airport to provide prior notice of such actions to the Administrator. (14 CFR Part 157).	William Broadwater, (202) 426-3731.	NPRM November 1980.
*Terminal Control Areas (TCA's): Honolulu (Docket No. 18605 APC-1).	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. The NPRM was published 12/17/79 (44 FR 73114). The comment period closes 3/17/80. (14 CFR Part 71).	William Broadwater, (202) 426-3731.	FR July 1980.
*Terminal Control Areas (TCA's): Phoenix.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	William Broadwater, (202) 426-3731.	NPRM March 1980.
*Terminal Control Areas (TCA's): Tampa.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71). *NPRM published 2/4/80 (45 FR 7559). Comment period closes 5/5/80.*	William Broadwater, (202) 426-3731.	FR August 1980.
*Terminal Control Areas (TCA's): San Diego (Docket No. 18605 AWE-17).	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. The NPRM was published 12/6/79 (44 FR 70177). The Comment Period closed 2/5/80.	William Broadwater, (202) 426-3731.	FR June 1980.
*Terminal Control Areas (TCA's): Fort Lauderdale.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	William Broadwater, (202) 426-3731.	NPRM July 1980.
*Terminal Control Areas (TCA's): Orlando.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	William Broadwater, (202) 426-3731.	NPRM August 1980.
*Terminal Control Areas (TCA's): Memphis.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	William Broadwater, (202) 426-3731.	NPRM November 1980.
Terminal Control Areas (TCA's): Portland.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	William Broadwater, (202) 426-3731.	NPRM December 1980.
*Dulles Access Road	Proposed Amendment to implement the Secretary's decision to permit four-person carpools to use the Dulles Airport Access Highway. The NPRM was published 1/14/80 (45 FR 2661). The comment period closes 2/29/80. (14 CFR Part 152).	Edward Faggen, (703) 557-8123.	FR May 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FAA — Federal Aviation Administration

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
*Update List of Advisory Circulars..	Spot Amendment to update the list of advisory circulars contained in Appendix I which include certain programming, design, and construction standards for airport development projects submitted for approval under the Airport Aid Program. (14 CFR Part 152).	James Burnett, (202) 426-3057.	FR April 1980.
*Metropolitan Washington Airport: Solicitation of funds and Distribution of Literature.	Development of constitutionally acceptable standards controlling the solicitation of funds and the distribution of literature. Such control may be exercised only to the extent required to permit the agency to operate the airports safely and efficiently without infringing on the First Amendment rights of the people involved in these activities. (14 CFR Pt. 159).	Edward Faggen, (703) 557-8123.	NPRM February 1980.
*Implementation of EPA JT3D Smoke Standards for In-Use Engines.	Proposed amendment is required to implement and enforce EPA revision to their smoke standards for JT3D Airplane Engines. (14 CFR Part 11).	E. M. Ballenzweig, (202) 755-8933.	NPRM March 1980.
*Implementation of EPA 1981 Gaseous Emissions Standards and Revised Test Procedures.	Proposed amendment would implement expected major revision in EPA standards for aircraft engine emissions.	E. M. Ballenzweig, (202) 755-8933.	*NPRM April 1980.*
	Approximate Number		
Other Items:			
Part 95 Instrument Flight Rules Altitudes.	2500	William J. Sullivan, (202) 755-8716.	*Jan. 1, 1980-Dec. 31, 1980*
Airworthiness Directives	300	William J. Sullivan, (202) 755-8716.	*Jan. 1, 1980-Dec. 31, 1980*
Standard Instrument Approach Procedures.	2800	William J. Sullivan, (202) 755-8716.	*Jan. 1, 1980-Dec. 31, 1980*
Airspace Actions	525	William Broadwater, (202) 426-3731.	*Jan. 1, 1980-Dec. 31, 1980*

FHWA — Federal Highway Administration

Significant Regulations

Title	Summary	Contact	Earliest expected decision date
Review: Outdoor Advertising Control and Acquisition.	**A. Description:** This regulation would provide a definition of "effective control" of outdoor advertising *as required by* 23 U.S.C. 131. It would also set further requirements for signs exempt from control under the statute and establish the basic framework for State development of police power regulations and procedures. The regulation would also outline the requirements for Federal participation in the acquisition of compensable nonconforming outdoor advertising devices. **B. Why Significant:** This proposal may involve substantial public interest, is controversial and involves important Departmental policy. **C. Regulatory Analysis:** Not required..... **D. Need:** This regulation is necessary for the maintenance of national uniformity in the outdoor advertising control program. Since 23 U.S.C. 131 is regulatory in nature, it is necessary to establish and maintain minimum Federal program requirements. **E. Legal Basis:** 23 U.S.C. 131, 148, and 315; 49 CFR 1.48....	Richard Moeller, (202) 245-0021.	NPRM *September 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA

Federal Highway Administration

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: The proposal involves the consolidation of two existing regulations, 23 CFR pt. 750, subpts. D and G, and one interim regulation 23 CFR pt. 750, subpt. E. The regulations have been in effect since September 16, 1975 and July 29, 1974, respectively. The interim regulations have been in effect since October 18, 1976. The proposed consolidation will be issued as an NPRM. An ANPRM published April 30, 1979 (44 FR 25387) and a Notice published May 17, 1979 (44 FR 28946) announced public hearings as part of an overall review of the Highway Beautification Program. These currently proposed regulations may be modified as a result of this review. *A Notice published June 15, 1979 (44 FR 34516) announced a hearing site change and a change in hearing procedures. On June 25, 1979 (44 FR 37100), a Notice announced amendments to the Highway Beautification Act by the Surface Transportation Assistance Act of 1978. A Notice published on July 12, 1979 (44 FR 40781) announced the establishment of a National Advisory Committee on Outdoor Advertising and Motorist Information. On July 23, 1979 (44 FR 43236), a Notice announced the availability of a report on Directional and Informational Sign Standards and Systems. This report is to be considered as part of the reassessment of the Highway Beautification Program.* **G. Citation:** 23 CFR pt. 750, subpt. C. (FHPM 7-6-2)		
Review: Air Quality Guidelines	**A. Description:** The regulation would establish administrative procedures *regarding:* (1) conformity of highway plans, programs, and projects with air quality implementation plans, and (2) priority to highway improvements with air quality benefits. This regulation would be *a revision of* existing FHPM 7-7-9, Air Quality Guidelines. **B. Why Significant:** This Regulation is considered significant because it affects another Federal agency and may be controversial. **C. Regulatory Analysis:** Not Required **D. Need:** Currently, *permanent* administrative procedures on funding sanctions, priority of highway improvements with air quality benefits, and conformity of highway plans, programs, and projects with air quality implementation plans are lacking *even through the existing Air Quality Guidelines were amended on November 19, 1979 (44 FR 66193) to provide interim procedures.* These regulations are a result of the Clean Air Act Amendments of 1977 which became law in August 1977. **E. Legal Basis:** Clean Air Act Amendments of 1977. (42 U.S.C. 7401). **F. Chronology:** A joint EPA/FHWA Notice on Sec. 176(a) of the Clean Air Act Amendments, which covers only project approval sanctions, was published June 11, 1979 (44 FR 33473). An NPRM proposed for *June 1980.* would provide regulations on Sections 176(c) (conformity with air quality implementation plans), and 176(d) (priority to improvements with air quality benefits). *Interim procedures were published November 19, 1979 (44 FR 66193).* **G. Citation:** 23 CFR pt. 770. (FHPM 7-7-9)	Harter M. Rupert, (202) 426-4836.	NPRM *June 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA **Federal Highway Administration**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Employee Safety and Health Standards (Docket No. MC–64).	**A. Description:** This regulation would provide safety and health standards to govern employees engaged in the operation, maintenance, and loading and unloading of motor vehicles, designed to eliminate uncertainty with regard to the jurisdictional authority of the Occupational Safety and Health Administration (OSHA). **B. Why Significant:** This proposal may have a significant impact on OSHA. **C. Regulatory Analysis:** Not Required **D. Need:** These standards are designed to eliminate uncertainty with regard to the jurisdictional authority of the OSHA and to improve safety and health standards for employees of motor carriers. **E. Legal Basis:** 49 U.S.C. 304 and 1655 **F. Chronology:** An NPRM was issued March 2, 1978 (43 FR 8566) and the closing date for the comment period was May 31, 1978. A Notice on June 9, 1978 (43 FR 25145) extended the comment period to June 30, 1978. **G. Citation:** 49 CFR pt. 399	Gerald J. Davis, (202) 426–9767.	FR *March 1980.*
Minimum Cab Space Dimensions (Docket No. MC–79).	**A. Description:** this regulation would specify minimum size for the cab portion of the regulated commercial vehicles manufactured after a certain date. **B. Why Significant:** This proposal has the potential of being costly if extensive changes to cab configuration become necessary. **C. Regulatory Analysis:** Required **D. Need:** Changes in truck technology and maximum limitation on size by States have led to the development of reduced cab space in favor of increased cargo space to remain within State length limitations, possibly having negative impact on safe operations and driver work place. **E. Legal Basis:** 49 U.S.C. 304 and 1655 **F. Chronology:** An ANPRM was issued on February 14, 1978 (43 FR 6273). Comment period closed on July 14, 1978. **G. Citation:** 49 CFR pt. 393	*Gerald J. Davis, (202) 426–9767.*	NPRM *May 1980.*
Review: Construction Contract Equal Opportunity Compliance Procedures.	**A. Description:** This regulation would prescribe policies and procedures to standardize the implementation of the equal opportunity contract compliance program, including compliance reviews, consolidated compliance reviews, and the administration of areawide plans. **B. Why Significant:** There is substantial public interest relative to this regulation. **C. Regulatory Analysis:** Not Required **D. Need:** To standardize the implementation of the equal opportunity contract compliance program. **E. Legal Basis:** Executive Order 11246, as amended; 23 U.S.C. 112(b) and 140(a).	Edward W. Morris, Jr., (202) 426–0471.	NPRM *April 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA **Federal Highway Administration**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: *DOT/FHWA recently received a signed Memorandum of Understanding from the Department of Labor/Office of Federal Contract Compliance Programs relative to our responsibilities pertaining to Executive Order 11246 and Title 23.* **G. Citation:** 23 CFR pt. 230, subpt. D. (FHPM 2-2-3)		
Geometric Design Criteria for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways (Docket No. 78-10).	**A. Description:** This regulation would contain criteria intended to provide additional flexibility in some of the basic geometric features of design, primarily those in which modification would result in appreciable savings in costs and other impacts while improving safety. **B. Why Significant:** This regulation is considered significant because the adoption of new design criteria specifically for RRR projects has proven to be controversial. **C. Regulatory Analysis:** Required **D. Need:** To implement the 1976 amendment to 23 U.S.C. 101 redefining "construction" to include resurfacing, restoration, and rehabilitation. Geometric design criteria are needed to effectively administer a RRR program for preservation work on the Federal-aid highway systems. **E. Legal Basis:** 23 U.S.C. 101, 109, 315, and 402; 49 CFR 1.48(b). **F. Chronology:** An ANPRM published August 25, 1977, (42 FR 42876) offered three alternatives. A Notice published October 28, 1977 (42 FR 56751) extended the comment period for the ANPRM to November 22, 1977. A notice of withdrawal of the ANPRM was published January 9, 1978 (43 FR 2734). Because of the adverse comments, all alternatives were rejected and FHWA decided to develop a new set of criteria for Resurfacing, Restoration, and Rehabilitation (RRR) projects. An NPRM was published on August 23, 1978 (43 FR 37556). A correction to the NPRM was published September 12, 1978 (43 FR 40539). A Notice published on October 19, 1978 (43 FR 48658) extended the comment period for the NPRM to January 4, 1979. On May 23, 1979 (44 FR 29921) FHWA published as a Notice a status report on the creation of an internal task force appointed to evaluate comments received on the NPRM and make recommendations to the Administrator. **G. Citation:** 23 CFR pt. 625	Alvin R. Cowan or Seppo Sillan, (202) 426-0312.	*NPRM March 1980.*
Certification of Motor Vehicle Size and Weight Enforcement (Docket No. 77-21).	**A Description:** This is a proposed revision of existing regulations dealing with annual certifications by the States that all size and weight laws are being enforced. Anticipated is a requirement for an annual enforcement program against which the States' efforts could be measured at the end of the year. **B. Why Significiant:** The regulation is significant because failure on the part of the State is cause for the withholding of Federal-aid highway project approval. **C. Regulatory Analysis:** Required **D. Need:** This regulation is needed to implement 23 U.S.C. 141, Enforcement of Requirements, as amended by the Surface Transportation Assistance Act of 1978. **E. Legal Basis:** 23 U.S.C. 141	Wm. F. Bauch, (202) 426-1993.	FR *April 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA **Federal Highway Administration**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: A NPRM was issued January 16, 1978, (43 FR 2683) with comments due April 15, 1978. Thirty comments were received. A NPRM was published March 14, 1979 (44 FR 15639), with comments due by June 12, 1979. **G. Citation:** 23 CFR 658.9 (FHPM 6-8-5)		
Withdrawal of Interstate Segments and Substitution of Alternative Projects. (Docket No. 77-9).	**A. Description:** This regulation would implement Sections 103(e)(2) and 103(e)(4) of Title 23 U.S.C., as amended by the Federal-Aid Highway Act of 1976 and the Surface Transportation Assistance Act of 1978 (STAA). Section 103(e)(2) provided for the withdrawal of nonessential Interstate routes and the substitution of alternative Interstate routes, however, the STAA amended this Section to prohibit the designation of any Interstate routes or portions thereof under the authority of this paragraph after the date of enactment of STAA. Section 103(e)(4) provides for the withdrawal of nonessential Interstate routes and the substitution of other transportation projects, both highway and non-highway by dates specified in the Surface Transportation Assistance Act of 1978. **B. Why Significant:** There is substantial public interest and controversy concerning this proposal. **C. Regulatory Analysis:** Required **D. Need:** This regulation is needed to implement the provisions of 23 U.S.C. 103 enacted in the 1976 Federal-Aid Highway Act, as amended by the Surface Transportation Assistance Act of 1978. **E. Legal Basis:** 23 U.S.C. 103(e)(2) and 103(e)(4) **F. Chronology:** The current substitution regulations were issued on June 12, 1974. The Federal-Aid Highway Act Amendments of 1974 and the Federal-Aid Highway Act of 1976 amended the original statutory provisions enacted by the Federal-Aid Highway Act of 1973. Provisions of the Surface Transportation Assistance Act of 1978 were incorporated prior to issuing the NPRM. *NPRM published January 10, 1980 (45 FR 2296).* **G. Citation:** 23 CFR pt. 476 subpt. D and pt. 450	FHWA L. A. Staron, (202) 426-0404 or F. Calhoun, (202) 426-0762; UMTA Richard White, (202) 472-6991.	FR *June* 1980.
Hours of Service of Drivers (Docket No. MC-70-1).	**A. Description:** The Federal Highway Administration (FHWA) is proposing a revision of the regulations pertaining to hours of service limitations for commercial vehicle drivers engaged in interstate or foreign commerce. **B. Why Significant:** This proposal may be controversial and could have a major cost impact on the motor carrier industry. **C. Regulatory Analysis:** Required **D. Need:** This action is being taken in response to numerous petitions and requests from public interest groups, labor organizations, and individual drivers for the revision of these regulations. **E. Legal Basis:** 49 U.S.C. 304 and 1655	Gerald J. Davis, (202) 426-9767.	NPRM *May 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA **Federal Highway Administration**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: An ANPRM which stated that FHWA was considering an extensive review of the Hours of Service of Drivers regulation was published on February 12, 1976 (Docket MC–70, Notice 76–14, 41 FR 6275). A second ANPRM was issued on May 22, 1978 (43 FR 21905) setting forth three plans for comments. A notice of public hearings was published August 29, 1978 (43 FR 38608). Public hearings were held in 7 major cities..		
	G. Citation: 49 CFR pt. 395		
Commercial Motor Vehicle Inspection, Repair and Maintenance (Docket No. MC–48).	**A. Description:** FHWA has amended the regulation on Commercial Motor Vehicle Inspections, Repair and Maintenance to reduce vehicle defect related accidents caused by inadequate inspection and maintenance procedures.	*Gerald J. Davis, (202) 426–9767.*	Action complete.
	B. Why Significant: This proposal has generated substantial public interest.		
	C. Regulatory Analysis: Required		
	D. Need: Roadside inspections of vehicles in operation in interstate commerce, supported by safety survey inspections at carrier facilities, indicate that carrier maintenance practices are less than satisfactory. This regulation will provide guidance for systematic vehicle inspection and maintenance by carriers and drivers in order to assure vehicle condition is satisfactory for safe operations.		
	E. Legal Basis: 49 U.S.C. 304 and 1655		
	F. Chronology: This amendment was issued as an NPRM on April 5, 1977 (42 FR 18105). Based upon review of public comments and data submitted as a result of the NPRM, the FR was modified to eliminate the potential of a major cost impact on the motor carrier industry. The Final Rule was published July 2, 1979 (44 FR 38523), to be effective August 31, 1979. *On August 28, 1979 (44 FR 50041), effective date and comment period were extended to December 31, 1979. A further amendment, which extended the effective date to April 1, 1980 and clarified certain language in this regulation, was published December 27, 1979 (44 FR 76525).*		
	G. Citation: 49 CFR pt. 396		
Review: Environmental Impact and Related Statements.	**A. Description:** This regulation would implement the National Environmental Policy Act and Section 138 of the Federal-Aid Highway Act. It would specify the procedures to be used by FHWA in the preparation and processing of Environmental Impact and Section 4(f) statements.	FHWA Dale Wilken, (202) 426–4093; UMTA John Collins, (202) 426–1908.	FR *April 1980.*
	B. Why Significant: These regulations will involve substantial public interest and controversy and will implement important Departmental policy.		
	C. Regulatory Analysis: Not Required		
	D. Need: Executive Order 11991 authorizes the Council on Environmental Quality (CEQ) to issue regulations to implement the National Environmental Policy Act.		
	E. Legal Basis. These revisions are required because of regulations which were promulgated by CEQ.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA — **Federal Highway Administration**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: The CEQ regulations were published for public comment in the Federal Register on June 9, 1978. (43 FR 25230). Final CEQ regulations were published November 29, 1978 (43 FR 55978). *An NPRM was published October 15, 1979 (44 FR 59438). On November 19, 1979, the original deadline for comments of November 14, 1979 was extended to December 3, 1979 (44 FR 66213). A Notice published December 31, 1979 (44 FR 77293) contained interim instructions to FHWA field offices for compliance with the CEQ regulations and DOT Order 5610.1C of September 18, 1979 which was published October 1, 1979 (44 FR 56420).*		
	G. Citation: 23 CFR pt. 771. (FHPM 7-7-2)		
Review: Urban Transportation Planning Process; **Review:** Transportation Improvement Program.	**A. Description:** Revisions to these regulations would implement the provisions of Section 169 of the Surface Transportation Assistance Act of 1978, accommodate simplifying recommendations made by FHWA's Regulations Reduction Task Force, and implement the transportation planning aspects of the 1977 Clean Air Act Amendments.	FHWA *Sam Rea,* (202) 426-2961; UMTA Bob Kirkland, (202) 426-4991.	*Decision deferred.*
	B. Why Significant: These are significant regulations since they significantly impact the Urban Mass Transportation Administration (UMTA) and involve important Department policy.		
	C. Regulatory Analysis: Not Required		
	D. Need: Continuing review has identified areas where added flexibility will not impair effectiveness. Air quality planning must be included in accordance with the DOT-EPA Memorandum of Understanding.		
	E. Legal Basis: 23 U.S.C. 104(f)(3), 134 and 315		
	F. Chronology: The recommendations of the FHWA Regulations Reduction Task Force were adopted in October 1977. Following agreement with UMTA and EPA, insofar as air quality is concerned, proposed regulatory changes will be prepared. *Further efforts toward the development of regulatory changes are deferred pending the results of the ANPRM on Transportation Planning and Environmental Process Guidelines (Action Plans).*		
	G. Citation: 23 CFR pt. 450, subpt. A and C. (FHPM 4-4-2 and 4-4-6).		
Equal Employment Opportunity on Federal-aid Highway Construction Contracts.	**A. Description:** This regulation would simplify procedures relating to Equal Employment Opportunity on Federal-aid highway construction contracts.	K. L. Ziems, (202) 426-4847.	NPRM *August 1980.*
	B. Why Significant: The regulation concerns a matter on which there is substantial public interest.		
	C. Regulatory Analysis: Not Required		
	D. Need: This regulation is needed to achieve administrative effectiveness and efficiency.		
	E. Legal Basis: 23 U.S.C. 140 and 315		
	F. Chronology: An NPRM will be published in *August 1980*		
	G. Citation: 23 CFR pt. 230, subpt. A. (FHPM 6-4-1-2)		
Non-Urbanized Area Public Transportation (Docket No. 78-40).	**A. Description:** Proposed regulation would finalize procedures for the administration of a continuing program of non-urbanized area public transportation including operating subsidies.	FHWA Sheldon G. Strickland, (202) 426-0153; UMTA Kay Regan, (202) 427-7037.	NPRM *March 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA **Federal Highway Administration**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	B. Why Significant: The proposed new program involves FHWA and UMTA and impacts State and local transportation programs. **C. Regulatory Analysis:** Not Required **D. Need:** The proposed regulation would finalize procedures for the administration of the non-urbanized area public transportation assistance program. **E. Legal Basis:** Section 18 of the Urban Mass Transportation Assistance Act of 1964, as amended. **F. Chronology:** A DOT Rural and Small Urban Working Group has summarized the policy issues for the Section 18 program. Interim operating procedures were issued as an emergency regulation December 13, 1978 (43 FR 58308), and a 90-day comment period was established. **G. Citation:** 23 CFR pt. 825		
Major Urban Transportation Investment (Docket No. 78–21).	**A. Description:** The proposed regulation requires that State and local transportation officials conduct an analysis of alternatives for all major urban transportation investments for highway or public transportation. **B. Why Significant:** The proposed rule involves important Departmental policy and major urban investments of the Urban Mass Transportation Administration and the Federal Highway Administration. **C. Regulatory Analysis:** Not Required **D. Need:** The increased flexibility in the use of Federal-aid highway funds for mass transit-related activities has led to the need for a single investment policy for both Federal Highway Administration and Urban Mass Transportation projects to ensure that Federal funds are used effectively. **E. Legal Basis:** 23 U.S.C. 134 and 315 and 49 U.S.C. 1601 et seq. **F. Chronology:** An NPRM was published in the Federal Register on December 7, 1978 (43 FR 57478). *The Department of Transportation will make a later determination concerning what action to take with respect to this rulemaking.* **G. Citation:** 23 CFR pt. 455, subpt. A and B, and 49 CFR pt. 620.	FHWA V. Paparella, (202) 426–0215; UMTA Joel Ettinger, (202) 426–2360.	*Further action to be determined.*
Certification of Speed Limit Enforcement (Docket No. 78–41).	**A. Description:** *The regulation would revise the procedure used by the States: (1) in monitoring speeds on highways with a 55 mile per hour speed limit, (2) in calculating a statewide value for the percentage of all traffic exceeding 55 miles per hour on such highways and (3) certifying annually that they are enforcing the 55-mile per hour National Maximum Speed Limit.* **B. Why Significant:** *These regulations would have substantial impact on state and local governments and on NHTSA programs.* **C. Regulatory Analysis:** Not Required **D. Need:** This regulation is needed to implement the modified 55 mph enforcement provisions of the Surface Transportation Assistance Act of 1978. **E. Legal Basis:** 23 U.S.C. 141, 154	William F. Bauch, (202) 426–1993.	*FR September 1980.*

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Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: *An NFRM was published in the Federal Register November 5, 1979. (44 FR 63680). While this rulemaking is underway, the States are meeting the requirements of 23 U.S.C. 141 and 154 by following the instructions contained in two Federal Register notices published as an emergency rule and an extension to an emergency rule: 43 FR 59464, December 20, 1978 and 44 FR 55592, September 27, 1979 respectively. Comment period closed January 9, 1980.* **G. Citation:** 23 CFR 658.7		
Buy America Requirements (Docket No. 78–35).	**A. Description:** This regulation would establish provisions for the protection of domestic structural steel on construction projects with an estimated cost of $450,000 or more. **B. Why Significant:** This regulation involves a matter which may become controversial or arouse significant public interest. **C. Regulatory Analysis:** Required **D. Need:** This regulation is required to implement the provisions of Section 401 of the Surface Transportation Assistance Act of 1978. **E. Legal Basis:** Section 401 of the Surface Transportation Assistance Act of 1978; P.L. 95–599. **F. Chronology:** An emergency regulation was issued on November 17, 1978 (43 FR 53717). FHWA asked for comments, and the comment period closed on January 17, 1979. **G. Citation:** 23 CFR 635.410	K.L. Ziems, (202) 426–4847.	NPRM *March 1980.*
Interstate Maintenance Guidelines (Docket No. 78–43).	**A. Description:** This regulation would establish guidelines describing criteria applicable to the Interstate system to ensure that the conditions of these routes are maintained at the level required by the purposes for which they were designed. Each State must certify each year to the FHWA that it has a maintenance program for the Interstate system to meet these guidelines once they are established. **B. Why Significant:** These guidelines may involve substantial public and State highway agency interest. **C. Regulatory Analysis:** Required **D. Need:** This regulation is necessary to insure the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic control devices as are necessary for its safe and efficient utilization. Since 23 U.S.C. 116 is regulatory in nature, it is necessary to establish Federal maintenance guidelines or level of service. **E. Legal Basis:** 23 U.S.C. 109(m), 315; 49 CFR 1.48(b) **F. Chronology:** An ANRPM was published on January 2, 1979 (44 FR 69). NPRM published August 9, 1979 (44 FR 46882). **G. Citation:** 23 CFR pt. 635	Paul E. Cunningham, (202) 426–0436.	*FR March 1980.*

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FHWA — Federal Highway Administration

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
*Transportation Planning and Environmental Process Guidelines (Action Plans).	**A. Description:** This ANPRM requests comments on the need for revisions to the urban transportation planning requirements (23 CFR 450, Subparts A and C and 49 CFR 613, Subpart B, the Major Urban Mass Transportation Investment Policy (41 FR 41512, September 22, 1976), and the Environmental Process Guidelines (23 CFR 795). **B. Why Significant:** The ANPRM covers areas of substantial public interest and important Department policies. **C. Regulatory Analysis:** Not required..... **D. Need:** Concerns have been raised over the complexity of these requirements and the relationship between planning and other program areas. Further, national concerns such as air quality and energy are not fully reflected in present regulations. **E. Legal Basis:** 23 U.S.C. 104(f)(3), 109(h), 134, 307, and 315, and the Urban Mass Transportation Act of 1964 as amended. **F. Chronology:** The FHWA Regulations Reduction Task Force recommended changes to the Urban transportation planning requirements. Discussion of potential areas for changes have been initiated between FHWA and UMTA. **G. Citation:** 23 CFR 450, Subparts A and C, 49 CFR 613, Subpart B, and 23 CFR 795.	FHWA Sam Rea, (202) 426-2961; UMTA Bob Kirkland, (202) 426-4991.	ANPRM March 1980.

FHWA — Federal Highway Administration

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Review: New Research and Development (R&D) Studies and Work Programs (Docket No. 79-21).	This regulation would cover the starting of new R&D studies and the programming of R&D work funded with Federal-aid highway funds. *An NPRM was published September 27, 1979 (44 FR 55766).* (23 CFR pts. 530 and 540; FHPM 5-4-1).	Harry H. Hersey, (703) 557-5257.	*FR May 1980.*
Review: R&D Management—General.	This regulation would have covered the management of R&D studies using Federal-aid highway funds. It will be withdrawn because the content is covered by other regulations. *An NPRM was published September 27, 1979 (44 FR 55766)* (23 CFR pt. 520; FHPM 5-2-1).	Harry H. Hersey, (703) 557-5257.	To be withdrawn *May 1980.*
Review: R&D Reports and Implementation Activities (Docket No. 79-21).	This regulation would cover documentation of the results of R&D studies funded with Federal-aid highway funds without State matching to finance pooled fund studies. *An NPRM was published September 27, 1979 (44 FR 55766).* (23 CFR pt. 544; FHPM 5-4-3).	Harry H. Hersey, (703) 557-5257.	*FR May 1980.*
Review: Federal-Aid Funds Without State Matching (Docket No. 79-21).	This regulation would cover the use of Federal-aid highway funds without State matching to finance pooled fund studies. *An NPRM was published September 27, 1979 (44 FR 55766)* (23 CFR pt. 560; FHPM 5-6-1).	Harry H. Hersey, (703) 557-5257.	*FR May 1980.*
Review: R&D Management Option (Docket No. 79-21).	This regulation would provide alternate administrative procedures for State highway agencies which meet specified management standards. *An NPRM was published September 27, 1979 (44 FR 55766).* (23 CFR pt. 524; FHPM 5-2-4).	Harry H. Hersey, (703) 557-5257.	*FR May 1980.*

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Title	Summary	Contact	Earliest expected decision date
Review: Administration of Negotiated Contracts (Docket No. 78-17).	The existing three regulations (23 CFR Parts 170; Part 420, Subpart B; and Part 620, Subpart C) would be combined to coordinate and minimize requirements and to bring FHWA contracting procedures in conformance with Office of Management and Budget (OMB) Circular No. A-102, specifically Attachment O, which deals with procurement standards for use by grantees. NPRM was published November 7, 1978 (43 FR 51040). *The NPRM proposed modification of 23 CFR Part 173. To align the internal FHWA numbering system of directives more closely with Title 23, Code of Federal Regulations, the final rule citation for this regulation is 23 CFR Part 172 and the directive is FHPM 1-7-2. Final rule published December 20, 1979 (44 FR 75552). Correction of minor errors published January 7, 1980 (45 FR 1418). (23 CFR Part 172; FHPM 1-7-2).*	R. B. Puckett, (202) 426-0175.	*Action complete.*
Review: Program Approval and Authorization (Docket No. 78-24).	This regulation would reflect recent policy changes in management of the highway planning and research program, *e.g., allowing separate projects for components of the program (urbanized area planning, statewide planning, research and development), and applying matching rates to time periods rather than a fiscal year fund, etc.* NPRM was published January 11, 1979 (44 FR 2400). As a result of comments received to the Docket, as well as internal FHWA coordination, it was decided to combine 23 CFR Part 450, Subpart B, Metropolitan Planning Funds with this regulation since both deal with program administration. This will delay publication of the final rule by approximately 6 months (23 CFR Part 420, Subpart A and Part 450, Subpart C; FHPM 4-1-2-1).	R. B. Puckett, (202) 426-0175.	FR *July 1980.*
Review: Public Road Mileage for Apportionment of Highway Safety Funds, Safer Off-System Roads Funds and Hazard Elimination Funds.	The revised regulation would expand the existing one, which includes only Highway Safety Funds, to include the other listed programs in the revised title. (23 CFR pt. 460; FHPM 4-5-3).	D. W. Briggs, (202) 426-0199.	NPRM *February 1980.*
Review: Procedures for Abatement of Highway Traffic Noise and Construction Noise (Docket No. 78-33).	This revision would make substantial reductions in the detailed procedures and interpretive information in the existing regulation. This is being done pursuant to the FHWA Regulation Reduction Task Force recommendations. An ANPRM was published December 6, 1978 (43 FR 57161). (23 CFR pt. 772; FHPM 7-7-3).	H. M. Rupert, (202) 426-4836.	NPRM *March 1980.*
Review: General Policy and Definitions.	This regulation would prescribe the general policy of FHWA regarding the acquisition of real property for highway and related purposes and defines certain terms used in FHWA right-of-way acquisition regulations. (23 CFR pt. 710; FHPM 7-1-1).	Douglas A. Wubbels, (202) 426-0142.	To be withdrawn *August 1980.*
Review: State Highway Department Responsibilities (Docket No. 76-7).	This regulation would prescribe the general responsibility of a State highway department in the acquisition of rights-of-way for the Federal-aid highway systems. An amendment to the existing regulation was published on August 31, 1978, eliminating the requirement for State highway agencies to submit the annual Real Property Acquisition Report (43 FR 38818). (23 CFR pt. 710; FHPM 7-1-2).	Douglas A. Wubbels, (202) 426-0142.	NPRM *April 1980.*
Review: Reimbursement Provisions.	This regulation would set forth provisions governing reimbursement to a State highway department for right-of-way costs incurred in connection with Federal or Federal-aid highway projects. (23 CFR pt. 710; FHPM 7-1-3).	Douglas A. Wubbels, (202) 426-0142.	NPRM *April 1980.*
Review: Civil Rights	This regulation would prescribe the general policy of the FHWA in the area of civil rights relative to the right-of-way acquisition function. (23 CFR pt. 710; FHPM 7-1-4).	Dougals A. Wubbels, (202) 426-0142.	To be withdrawn *August 1980.*

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Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Review: The Real Property Acquisition Function-Policy.	This regulation would prescribe FHWA policy regarding the real property acquisition function. (23 CFR pt. 712; FHPM 7-2-1).	Tom Johns, (202) 426-0142.	NPRM *April 1980.*
Rewiew: The Acquisition Function—General Provisions and project Procedures.	This regulation would prescribe FHWA project provisions and procedures regarding the acquisition of real property for highway and highway related projects. (23 CFR pt. 712; FHPM 7-2-2).	Tom Johns, (202) 426-0142.	NPRM *April 1980.*
Review: The Acquisition Function—General Provisions and Project Procedures—Functional Replacement Of Real Property in Public Ownership.	This regulation would prescribe FHWA policies on functional replacement of real property in public owership. (23 CFR pt. 712; FHPM 7-2-2-1).	Tom Johns, (202) 426-0142.	NPRM *April 1980.*
Review: The Acqusition Function—Negotiations.	This regulation will be combined with the regulation on general acquisition policy (FHPM 7-2-1). (23 CFR pt. 712; FHPM 7-2-3).	Tom Johns, (202) 426-0142.	To be withdrawn *August 1980.*
Review: The Acquisition Function—Administrative Settlements, Legal Settlements, and Court Awards.	This regulation will be combined with the regulation on reimbursement provisions (FHPM 7-1-3). (23 CFR pt. 712; FHPM 7-2-4).	Tom Johns, (202) 426-0142.	To be withdrawn *August 1980.*
Review: Appraisal and Appraisal Review Policy.	This regulation would establish FHWA requirements for the preparation and review of appraisal reports for the acquisition of lands necessary for Federal-aid highway projects. (23 CFR pt. 720; FHPM 7-3-1).	*Gerald Kennedy, (202) 426-0142.*	NPRM *June 1980.*
Review: Property Management	This regulation would prescribe FHWA policies and procedures for the management of real property acquired in connection with Federal-aid highway projects. (23 CFR pt. 713; FHPM 7-4-1).	Tom Johns, (202) 426-0142.	NPRM *May 1980.*
Review: Disposal of Right-of-Way..	This would prescribe FHWA policies and procedures for disposal of portions of highway right-of-way no longer needed for highway purposes. (23 CFR pt. 713; FHPM 7-4-2).	Tom Johns, (202) 426-0142.	NPRM *May 1980.*
Review: Junkyard Control and Abatement.	This regulation would provide definition of "effective control" of junkyards per 23 U.S.C. 136. It would identify alternative methods for abating nonconforming junkyards and establish the basic framework for State development of police power regulations and procedures. It would also identify items which are eligible for Federal participation in the various abatement techniques such as screening, removal, and relocation. An ANPRM published April 30, 1979 (44 FR 25387) and a Notice published May 17, 1979 (44 FR 28946) announced public hearings as part of an overall review of the Highway Beautification Program. These currently proposed regulations may be modified as a result of this review. (23 CFR pt. 751; FHPM 7-6-4).	Richard Moeller, (202) 245-0021.	NPRM *March 1980.*
Review: Relocation Assistance—General.	This regulation would prescribe the general provisions and procedures for the uniform implementation and conduct of the nationwide relocation assistance program to assure the fair and equitable treatment of persons displaced by highway programs. (23 CFR pt. 740; FHPM 7-5-1).	R. G. King, (202) 426-0116.	NPRM *March 1980.*
Review: Relocation Assistance—Relocation Services.	This regulation would set forth the requirement for that portion of the relocation program dealing with the services and assistance to be made available to persons displaced by or adversely affected by highway and related projects. (23 CFR pt. 740; FHPM 7-5-2).	R. G. King, (202) 426-0116.	NPRM *March 1980.*

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Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Review: Relocation Assistance—Moving Payments.	This regulation would prescribe the moving payments and other benefits available to individuals, families, businesses, farm operations, nonprofit organizations, and owners of outdoor advertising devices forced to relocate due to highway activities. (23 CFR pt. 740; FHPM 7-5-3).	R. G. King, (202) 426-0116.	NPRM *March 1980.*
Review: Relocation Assistance—Replacement Housing Payments.	This regulation would prescribe the payments and eligibility requirements for home owners and tenants forced to vacate their dwellings located on lands needed for highway purposes. (23 CFR pt. 740; FHPM 7-5-4).	R. G. King, (202) 426-0116.	NPRM *March 1980.*
Review: Relocation Assistance—Mobile Homes.	This regulation would set forth the special provisions for payments and benefits applicable to owners and occupants of mobile homes located on lands required for highway purposes. (23 CFR pt. 740; FHPM 7-5-5).	R. G. King, (202) 426-0116.	NPRM *March 1980.*
Review: Relocation Assistance—Replacement Housing As Last Resort.	This regulation would implement Section 206 of Public Law 91-646 and prescribe the procedures and methods for providing replacement housing "as a last resort" when it is determined that a Federal or Federal-aid project cannot proceed to actual construction because comparable replacement housing is not available for persons to be displaced from their dwellings because of such construction. (23 CFR pt. 740; FHPM 7-5-6).	R. G. King, (202) 426-0116.	NPRM *March 1980.*
Review: Land Service Facilities.....	This regulation would establish FHWA policy on participation in costs of facilities to provide or restore access to affected real property. (23 CFR pt. 712; FHPM 7-2-2-2).	Tom Johns, (202) 426-0142.	NPRM *May 1980.*
Review: Right-of-Way Revolving Fund.	This regulation would prescribe FHWA policy on acquisition of right-of-way with funding pursuant to 23 U.S.C. 108(c). (23 CFR pt. 712; FHPM 7-2-7).	Tom Johns, (202) 426-0142.	NPRM *April 1980.*
Review: Management of Airspace.	This regulation would prescribe FHWA policy on the use of airspace on Federal-aid highways for nonhighway purposes. (23 CFR pt. 713; FHPM 7-4-3).	Tom Johns, (202) 426-0142.	NPRM *May 1980.*
Review: State Audit Expense—Contract Costs.	This regulation would establish (a) the State's responsibility for the audit of costs incurred by "third parties" pursuant to a State/claimant contract on Federal-aid and other highway projects undertaken cooperatively with the FHWA and (b) the reimbursement criteria for Federal participation in audit expense to be incurred. *Final rule published October 15, 1979 (44 FR 59232). (23 CFR pt. 410; FHPM 1-4-2-3).*	J. E. Lewis, (202) 426-0562.	*Action complete.*
Review: State Legal Expense—Contract Claims.	This regulation would establish the basis of eligibility for reimbursement of administrative settlement costs, and other legal expenses, including attorney salaries and fees, in the defense of contract claims on Federal-aid projects, including any Federal projects performed by a State under Federal-aid procedures. *Final rule published October 15, 1979 (44 FR 59232).* (23 CFR pt. 140; FHPM 1-4-2-4).	J. E. Lewis, (202) 426-0562.	*Action complete.*
Review: Bond Issue Projects.....	This regulation would prescribe policies and procedures for the use of Federal funds in aiding the States in the retirement of the principal of bonds, pursuant to 23 U.S.C. 122. (23 CFR pt. 140; FHPM 1-4-8).	J. E. Lewis, (202) 426-0562.	FR *June 1980.*
Review: Advance Construction of Federal-aid Projects.	This regulation would prescribe procedures for the construction by a State of projects on any of the Federal-aid systems, in advance of apportionment of Federal-aid funds, or in lieu of apportioned funds for the Interstate System only, and for the subsequent reimbursement to the State of the Federal share of the cost of the project, pursuant to 23 U.S.C. 115 as amended. (23 CFR pt. 630; FHPM 6-3-2-7).	K. C. Kippley, (202) 426-0673.	FR *June 1980.*

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FHWA — Federal Highway Administration

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Review: Reimbursement for Employment of PUblic Employees on Federal-aid Projects.	This regulation would prescribe policies and procedures governing the extent to which Federal funds may participate in the cost of salaries and wages and related labor costs, incurred by public forces of State highway departments, counties, cities, or other political subdivisions. (23 CFR pt. 140; FHPM 1-4-5).	J. E. Lewis, (202) 426-0562.	FR *June 1980.*
Review: Disqualifying Offenses, Drugs.	The FHWA is considering amending the Disqualification of Drivers regulation (49 CFR 391.15) by reviewing and enlarging that group of substances and drugs, whose use by drivers, operating commercial motor vehicles, is forbidden and is considered a disqualifying offense. (49 CFR pt. 391).	Gerald J. Davis, (202) 426-9767.	NPRM *April 1980.*
Review: Visual Acuity	The FHWA is considering amending the Physical Qualification for Drivers regulation (49 CFR 391.41) by reviewing and determining minimum visual acuity in each eye separately as well as binocular acuity for commercial vehicle drivers. (49 CFR pt. 391).	Gerald J. Davis, (202) 426-9767.	NPRM *September 1980.*
Review: Indian Reservation Roads.	This regulation would contain procedures implementing 23 U.S.C. 208 and the FHWA-Bureau of Indian Affairs (BIA) (Department of Interior) Interagency Agreement covering FHWA overview of BIA Highway Projects. *Rulemaking has been discontinued. A Notice was published on November 19, 1979 to advise the public of an interagency agreement between FHWA and BIA (44 FR 66272). (FHPM 6-3-2-8).*	George Hutzelmann, (202) 426-0460.	*Withdrawn.*
Review: Public Lands Development Roads and Trails.	This regulation would contain procedures implementing 23 U.S.C. 214 and the FHWA-Bureau of Land Management (BLM) (Department of Interior) Interagency Agreement covering FHWA overview of BLM highway projects. *Rulemaking has been discontinued. A Notice will be published advising the public of an interagency agreement between FHWA and BLM.* (FHPM 6-9-4-2).	George Hutzelmann, (202) 426-0460.	*Withdrawn.*
Review: Forest Highways	This regulation would contain administrative procedures applicable to Forest Highway projects administered by direct Federal Offices and State highway agencies. (23 CFR pt. 660; FHPM 6-9-2-1).	R. C. Coles, (202) 426-0460.	NPRM *April 1980.*
Review: Highway Bridge Replacement *and Rehabilitation Program.*	This regulation prescribes the policies and procedures for project eligibility, application filing and evaluation and project funding for the FHWA Special Bridge Replacement Program. Final regulations published on August 8, 1978 (43 FR 35031). The Surface Transportation Assistance Act of 1978 expanded the program to include all public roads and allowed rehabilitation as well as replacement. Final Rule published March 15, 1979 (44 FR 15665). *As a result of comments received on the final rule, an amendment to that rule was published and the rule became effective December 13, 1979 (44 FR 72109).* (23 CFR pt. 650; Subpt. D; FHPM 6-7-4-1).	L. A. Herr, (202) 426-0426 or Stanley Gordon, (202) 472-7697.	*Action complete.*
Review: Location and Hydraulic Design of Encroachments on Flood Plains (Docket No. 78-9).	This regulation would establish FHWA policy and procedures to assure good flood-plain management practices are followed in the Federal-aid highway programs. NPRM published on December 27, 1978 (43 FR 60298). *Final Rule published November 26, 1979 (44 FR 67578).* (23 CFR pt. 650; FHPM 6-7-3-2).	Frank L. Johnson,or Philip L. Thompson, (202) 472-7690.	*Action complete.*
Review: Erosion and Sediment Control on Highway Construction Projects.	This regulation would prescribe practices for the prevention and abatement of erosion and sediment damage on highway projects. (23 CFR pt. 650; FHPM 6-7-3-1).	Frank L. Johnson, (202) 472-7690.	FR *March 1980.*
Review: Permits for Highway Work in or Adjacent to Streams.	This regulation would contain procedures dealing with permits and include memoranda of understanding with the Coast Guard and the Corps of Engineers as appendices. (23 CFR pt. 650; FHPM 6-7-1-1).	Frank L. Johnson, (202) 472-7690.	FR *June 1980.*

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Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Review: Coordination of Water Resources Development Projects.	This regulation would prescribe policy and procedures for the coordination and financing of highway—water resources development projects. (FHPM 6-1-1-4).	Edward D. Johnson, (202) 426-0334 or Frank L. Johnson, (202) 472-7690.	FR *March 1980.*
Fracture Control Plan (for Bridges Containing Fracture-Critical Members).	This regulation would have superseded provisions of materials and welding specifications published by the American Association of State Highway and Transportation Officials (AASHTO) and the American Welding Society (AWS), where the materials and welding are to be used in tension components of a bridge whose failure could result in the collapse of the bridge. *FHWA has now determined that this matter can be handled through nonregulatory means.* (23 CFR pt. 650).	L. A. Herr or C. E. Hartbower, (202) 426-0426.	*Withdrawn.*
Review: Required Contract Provisions—Federal-aid Contracts.	This regulation would update and clarify the required contract provisions for Federal-aid construction contracts. (23 CFR pt. 633; FHPM 6-4-1-1).	K. L. Ziems, (202) 426-4847.	FR *March 1980.*
Review: Contract Procedures (Docket No. 78-16).	This regulation would simplify Federal-aid contract procedures. NPRM was published on August 18, 1978 (43 FR 36685). (23 CFR pt. 633; FHPM 6-4-1-6).	K. L. Ziems, (202) 426-4847.	FR *March 1980.*
Review: Contract and Force Account, Justifications Required for Force Account Work.	This regulation would simplify procedures relating to Federal-aid construction work performed by other than competitively awarded contract. (23 CFR pt. 635; FHPM 6-4-1-14).	K. L. Ziems, (202) 426-4847.	*FR March 1980.*
Review: General Materials Requirements.	This regulation would simplify procedures relating to general material requirements for Federal-aid construction work. (23 CFR pt. 635; FHPM 6-4-1-16).	K. L. Ziems, (202) 426-4847.	NPRM *March 1980.*
Review: Authorization to Proceed to Physical Construction.	This regulation would update procedures relating to authorization of physical construction. (23 CFR pt. 635; FHPM 6-4-2-1).	K. L. Ziems, (202) 426-4847.	FR *March 1980.*
Review: Landscape and Roadside Development (Docket No. 78-2).	This regulation would prescribe policies and procedures relating to highway landscaping and plant establishment, safety rest areas and information centers and systems, and scenic strips in connection with Federal-aid Highway Projects. Interim Final Regulations published May 5, 1978 (43 FR 19390). (23 CFR pt. 752; FHPM 6-2-5-1).	Ken Rickerson, (202) 426-0314.	FR *June 1980.*
Resurfacing, Restoration and Rehabilitation (RRR) Work.	This regulation would set forth policy and project procedures for implementing RRR program as it relates to pavement design practices. (FHPM 6-2-4-2).	Leon M. Noel, (202) 426-0327.	FR *June 1980.*
Review: Skid Resistant Surface Design.	This regulation would set forth pavement design policy as it pertains to skid resistance on Federal-aid highway projects. (FHPM 6-2-4-3).	Leon M. Noel, (202) 426-0327.	NPRM *March 1980.*
Pavement Type Selection and Alternate Bids.	This regulation would set forth policy for the selection of pavement type on Federal-aid projects, and procedures to be used for bidding on more than one alternate. (FHPM 6-2-4-4).	Leon M. Noel, (202) 426-0327.	NPRM *June 1980*
Review: Traffic Control Devices on Federal-aid and Other Streets and Highways.	This regulation would prescribe the policies and procedures of FHWA relative to obtaining basic uniformity in the visible features and functioning of traffic control devices on all highways open to public travel in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways. *An NPRM was published September 27, 1979 (44 FR 55598).* (23 CFR pt. 655; FHPM 6-8-3-1).	Donald P. Ryan, (202) 426-0411.	FR *February 1980.*
Review: Motorists Aid Systems.....	This regulation would provide policies and procedures relating to motorist-aid systems on Federal-aid highways. (23 CFR pt. 655; FHPM 6-8-3-3).	Robert Harp, (202) 426-0411.	FR *March 1980.*

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Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Review: Traffic Surveillance and Control.	This regulation would establish policies and procedures relating to the expenditure of Federal-aid funds for traffic surveillance and control measures and equipment to reduce congestion, improve traffic flow and increase safety. (23 CFR pt. 655; FHPM 6-8-3-4).	Robert Harp, (202) 426-0411.	FR *March 1980.*
Review: Relinquishment of Highway Facilities.	This regulation would prescribe Federal Highway Administration procedures relating to relinquishment of highway facilities. (23 CFR pt. 620; FHPM 6-1-1-8).	R. J. Kreklau, (202) 426-0334.	NPRM *June 1980.*
Review: Reimbursement for Railroad Work.	This regulation would prescribe policies and procedures on reimbursement to the States for railroad work done on projects undertaken pursuant to the provisions of 23 CFR pt. 646 B. (23 CFR pt. 140; FHPM 1-4-3).	J. A. Carney, (202) 426-0104.	NPRM *March 1980.*
Review: Utility Relocation and Adjustment.	This regulation would prescribe the policies and procedures for the adjustment and relocation of utility facilities on Federal-aid highway projects and projects under the direct supervision of the Federal Highway Administration. An ANPRM was published March 8, 1979 (44 FR 12209). (23 CFR pt. 645; FHPM 1-4-4).	J. A. Carney, (202) 426-0104.	NPRM *March 1980.*
Review: Accommodation of Utilities.	This regulation would prescribe policies and procedures for accommodating utility facilities on the rights-of-way of Federal and Federal-aid highway projects. *The FHWA has determined that issuance of an ANPRM would not benefit this rulemaking process.* (23 CFR pt. 645; FHPM 6-6-3-2).	J. A. Carney, (202) 426-0104.	NPRM *March 1980.*
Review: Railroad Highway Projects.	This regulation would prescribe policies and procedures for advancing Federal-aid projects involving railroad facilities. *The FHWA has determined that issuance of an ANPRM would not benefit this rulemaking process.* (23 CFR pt. 646; FHPM 6-6-2-1).	J. A. Carney, (202) 426-0104.	NPRM *April 1980.*
Review: Project Agreements.....	This regulation would prescribe the forms and procedures for the preparation and execution of the project agreements required by 23 U.S.C. 110(a) for Federal-aid projects. *ANPRM published December 6, 1979 (44 FR 70191).* (23 CFR pt. 630; Subpt. C; FHPM 6-3-1-1).	L. Pettigrew, (202) 426-0334.	NPRM *December 1980.*
Review: Exemption from Preparing Driver's Daily Logs for Operations Between Certain Fixed Locations (Docket No. MC-70-2).	This regulation would propose to exempt certain drivers from preparing the driver's log when they operate between specified fixed locations or over the same route day after day within the allowable hours of service. ANPRM published on November 9, 1978 (43 FR 58418). (23 CFR pt. 395).	Gerald J. Davis, (202) 426-9767.	NPRM *March 1980.*
Review: Rear End Underride Protection (Docket No. MC-77).	This regulation would propose to provide improved rear end protection on heavy motor vehicles manufactured after a certain date to prevent the underriding of vehicles which impact the rear of those vehicles. (49 CFR pt. 393).	*Gerald J. Davis, (202) 426-9767.*	NPRM *May 1980.*
Review: 100-Mile Exemption-Driver's Logs (Docket No. MC-78).	This regulation would propose to increase the present 50-mile radius exemption from the daily log requirement to a radius of 100-miles. NPRM published on October 13, 1978 (43 FR 55109). (49 CFR pt. 395).	Gerald J. Davis, (202) 426-9767.	FR *February 1980.*
Toxic Gases in Truck Cabs (Docket No. MC-80).	This regulation would set maximum toxic gas levels in truck cabs. ANPRM published January 1978 (43 FR 120). NPRM published June 18, 1979 (44 FR 34992). (49 CFR pt. 392).	Gerald J. Davis, (202) 426-9767.	FR *July 1980.*
Ambient Temperature in Heavy Duty Truck Cabs (Docket No. MC-81).	This regulation would set maximum permissible ambient temperatures in truck cabs. ANPRM published on February 8, 1978 (43 FR 5397). (49 CFR pt. 399).	Gerald J. Davis, (202) 426-9767.	NPRM *September 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FHWA — **Federal Highway Administration**

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Review: Relocation Assistance-Moving Payments-Moving Expense Schedules.	This regulation would set forth the FHWA approved moving expense schedules which are applicable to all residential moves necessitated by all Federal programs administered by all Federal agencies. These schedules are reviewed and updated by each State highway agency on a semiannual basis and approved by FHWA prior to final publication in the Federal Register semiannually. (49 CFR pt. 25; FHPM 7-5-3).	R. G. King, (202) 426-0116.	*FR July 1980.*
Roadway Drainage.....	This regulation would provide FHWA policy and procedures for the design of roadway drainage systems for conveying runoff from highways. (23 CFR pt. 650).	Frank L. Johnson or Philip L. Thompson, (202) 472-7690.	NPRM *June 1980.*
Uniform Criteria for Warning Devices at Railroad-Highway Grade Crossings (Docket No. 78-13).	This regulation would issue uniform nationwide criteria for the selection of various types of warning devices to be installed at railroad-highway grade crossings. ANPRM published August 10, 1978 (43 FR 35491). (23 CFR pt. 646).	J. A. Carney, (202) 426-0104.	*ANPRM March 1980.*
Review: Bikeway Design and Construction Standards (Docket No. 79-3).	This regulation establishes design and construction standards for bikeways. ANPRM published on February 8, 1979 (44 FR 7979). (23 CFR pts. 652 and 663).	Ken Rickerson, (202) 426-0314.	NPRM *March 1980.*
Review: The General Part of the Federal Motor Carrier Safety Regulations.	The FHWA is considering amending Part 390 in the first step of a general revision of the FMCSR. The purpose of the revision is to improve and simplify the regulations (49 CFR pt. 390).	Gerald J. Davis, (202) 426-9767.	NPRM *February 1980.*
Appalachian Highway Procedures...	This regulation revision would reflect the recent legislative change in the participation percentage for Appalachian funds and would make several minor changes to existing procedures. (23 CFR pt. 633, subpt. B; FHPM 6-9-10-1).	*R. B. Puckett,* (202) 426-0175.	NPRM *July 1980.*
Carpool and *Van Pool Projects*.....	This regulation revision would reflect the required changes brought about by the Surface Transportation Assistance Act of 1978 plus related program modifications. *NPRM published December 10, 1979 (44 FR 70753)* (23 CFR pt. 656; FHPM 4-8-3).	Barbara Reichart, (202) 426-0210.	*FR March 1980.*
National Bridge Inspection Standards.	This regulation provides guidance and establishes procedures concerning the national bridge inspection standards in accordance with Section 124 of the Surface Transportation Assistance Act of 1978. Final Rule published May 1, 1979 (44 FR 25434). *Comments received on the final rule are being reviewed, and it is anticipated that a revision to this rule will be published.* (23 CFR pt. 650 Subpt. C).	Stanley Gordon, (202) 472-7697.	*FR March 1980.*
State Highway Safety Agency (Docket No. 79-10).	This rule would replace the existing Joint FHWA/NHTSA Orders on State agencies with a new Part 1251, *State Highway Safety Agency* in Title 23, Code of Federal Regulations. It proposes to establish new requirements for the authority and function of State highway safety agencies. *NPRM published June 21, 1979 (44 FR 36204) and a revised NPRM published December 6, 1979 (44 FR 70192).* (23 CFR 1251).	FHWA J. L. Rummel, (202) 426-2131 NHTSA John Tartaglino, (202) 426-1760.	*FR March 1980.*
State Matching of Planning and Administration Cost.	This Notice proposes to establish NHTSA and FHWA policy on State planning and administration costs associated with carrying out a highway safety program under the Highway Safety Act with a new Part 1252, *State Matching of Planning and Administration Costs* in Title 23, Code of Federal Regulations. It would define planning and administration costs, describe the expenditures that may be used to satisfy the State matching requirement, prescribe how the requirement will be met, and specify when the State will have to comply with the requirement. NPRM was published on July 16, 1979 (44 FR 41244). *An Amendment to the NPRM was published August 28, 1979 (44 FR 50063).* (23 CFR pt. 1252).	FHWA J. L. Rummel, (202) 426-2131 NHTSA *Steve Brummel, (202) 426-9511.*	FR *February 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA **Federal Highway Administration**

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Innovative Project Grants	*This rule would provide criteria, procedures, and policies for administration of Innovative Project Grants under 23 U.S.C. 407 when funds are appropriated.* ANPRM published July 19, 1979 (44 FR 42233). *NHTSA has primary responsibility for this action.* (23 CFR pt. 1217).	FHWA J. L. Rummel, (202) 426-2131 NHTSA George Reagle, (202) 426-0068.	NPRM *February 1980.*
Equal Employment Opportunity on Federal-aid Highway Construction Contracts.	This rule replaced existing Forms PR 1391 and PR 1392 with revised Forms PR 1391 and PR 1392 to conform with the standard racial/ethnic categories set forth by the Office of Management and Budget Circular A-46 for statistical reporting of employment data in Federal agencies. *Final Rule published August 9, 1979 (44 FR 46831). (23 CFR pt. 230, subpt. A; FHPM 6-4-1-2).*	K. L. Ziems, (202) 426-4847.	*Action complete.*
Program Approval and Project Authorization Procedures.	This rule focused attention on the statutory provisions of 23 U.S.C. 109 and highlights a provision added by Section 141(g) of the Surface Transportation Assistance Act of 1978 ensuring continued travel routes for mopeds, bicycles and pedestrians. *Final Rule published August 9, 1979 (44 FR 46835).* (23 CFR pt. 630; FHPM 6-3-2-2).	V. Ciletti, (202) 426-0450.	*Action complete.*
Bicycle Grant Program	This rule would revise *existing procedures for the* Bikeway Demonstration Program to include the bicycle grants program authorized under Section 141 of the Surface Transportation Assistance Act of 1978. The FHPM title will be changed to Bicylce Grant Program. *NPRM published January 3, 1980 (45 FR 952).* (23 CFR pt. 663; FHPM 6-9-14).	Ken Rickerson, (202) 426-0314.	*FR April 1980.*
Seat Belts for Buses	This ANPRM would have requested comments on a proposal to require seat belts for passengers on buses for the two frontseats and the unprotected center aisle back seat. *FHWA has determined that there is not a need for this regulation.* (49 CFR pt. 393).	*Gerald J. Davis, (202) 426-9767.*	*Withdrawn.*
Retread Tires for Trucks	This ANPRM would have requested comments on a proposal to extend the prohibition from buses to trucks on using retreaded or regrooved tires on the front wheels of these vehicles. *FHWA has determined that there is not a need for this regulation.* (49 CFR pt. 393.75).	*Gerald J. Davis, (202) 426-9767.*	*Withdrawn.*
Accessibility of Highway Rest Area Facilities to Handicapped Persons.	*This proposed rule would require that rest area facilities on Interstate highways be made totally accessible to handicapped persons.* The proposal would conform the language of the FHWA rule to the requirements of the Department's Section 504 regulation, which establishes requirements for handicapped accessibility. (23 CFR pt. 752).	Ken Rickerson, (202) 426-0314.	NPRM *June 1980.*
Manual on Uniform Traffic Control Devices.	The Manual on Uniform Traffic Control Devices (MUTCD) contains the national standards for traffic control devices erected on all streets and highways open to public travel. These standards are constantly under review and revisions of individual standards are published from time to time. This Agenda will now *provide notice of* the standards which are currently under review. *An ANPRM on January 3, 1980 (45 FR 982) requested comments on revisions of approximately 40 standards contained in the MUTCD.)* 23 CFR pts. *625, 655,* and 1204).	J. C. Partlow, (202) 426-0411.	
	(1) Color of Type III Object markers. *NPRM published January 24, 1980 (45 FR 5750).*	.....	*FR June 1980.*
	(2) Use of a black border around the periphery of RR crossbuck signs. *NPRM published January 24, 1980 (45 FR 5729).*	.....	*FR June 1980.*
	(3) Addition of a bicycle parking sign. *NPRM published January 24, 1980 (45 FR 5750).*	.....	*FR June 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA

Federal Highway Administration

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	(4) Color of pedestrian signal walk lenses. *NPRM published January 24, 1980 (45 FR 5750).*	.....	*FR June 1980.*
***Review:** Water Supply and Sewage treatment at Safety Rest Areas.	This regulation would update policy for providing safe and adequate water supply and sewage treatment at safety rest areas. (23 CFR pt. 650, subpt. E; FHPM 6-7-3-3).	F. Johnson or R. Baumgardner, (202) 472-7690.	FR March 1980.
*Traffic Safety in Highway and Street Work Zones; Separation of Opposing Traffic.	This regulation requires physical operation of opposing traffic in work zones where two-way traffic is maintained on one roadway of a normally divided highway. This action was taken as a result of 17 major accidents of this type in the last 16 months resulting in 44 fatalities. An emergency final rule was published September 17, 1979 (44 FR 53739). (23 CFR pt. 630).	K. L. Ziems (202) 426-4847.	Action complete.
*Delegations of Authority Relating to Motor Carrier Safety.	This regulation removes certain limitations on the delegation of authority in the Motor Carrier Safety Program to the Regional Administrators and gives the Associate Administrator for Safety and Regional Administrators equal authority to proceed in civil forfeiture actions. Final rule was published October 15, 1979 (44 CFR 59239). (44 CFR pt. 301.60).	Warren J. Vibbard, (202) 426-0748.	Action complete.
*Application for and Obligation of Federal-Aid Funds for Education and Training.	This regulation would increase the Federal share available for tuition and direct educational expenses, 23 U.S.C. 321(b). Public Law 96-106 increased the allowable Federal Share from 70 percent to 75 percent.	Jack T. Coe, (202) 426-9141.	FR March 1980.
*Review: Federal-Aid Highway Systems.	This regulation would prescribe policy regarding Federal-aid Highway Systems to reflect amendments contained in the 1976 and 1978 Highway Acts.	R. B. Puckett, (202) 426-0175.	NPRM March 1980.
*Design Standards for Highways	This regulation would amend the existing geometric design standards for highways for new construction and major reconstruction of Federal-aid highways by replacing several publications incorporated by reference in 23 CFR Part 625 with a single new publication. Public comments will be requested on the geometric design criteria as presented in a draft of the new publication *A Policy on Geometric Design of Highways and Streets* prepared by the American Association of State Highway and Transportation Officials. (23 CFR Part 625, FHPM 6-2-1-1).	Wilson B. Harkins, (202) 426-0131.	NPRM February 1980.
*Design and Construction Requirements for Highway Pedestrian Overpasses and Underpasses.	The intent of this regulation is to develop standards for the design and construction of pedestrian overpasses and underpasses for accessibility and usability by physically handicapped persons (per March 7, 1979, Agreements with Architectural and Transportation Barriers Compliance Board).	Ali Sevin and Larry King, (202) 426-0306 or Lee Burstyn, (202) 426-0761.	NPRM March 1980.
*Assignment of Motor Carrier Safety Ratings.	The Federal Highway Administration is responsible for determining and reporting to the ICC a safety rating for each carrier applicant seeking operating authority from the ICC. This regulation formalizes current procedures. NPRM published November 23, 1979 (44 FR 67193). (49 CFR pt. 385).	James Jeglum, (202) 426-1724.	FR June 1980.
*Payback Regulation Amendments.	Federal Highway Administration regulations in 23 CFR Part 480 prescribe the circumstances under which states must repay the Federal Government for the Federal contribution to the purchase of property for Interstate highway projects that are later withdrawn. Congress, in Public Law 96-106, amended 23 U.S.C. 103(e) to change the circumstances under which repayment must be made. This regulation would incorporate the legislative changes in 23 CFR Part 480.	L. A. Staron, (202) 426-0404.	NPRM April 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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NHTSA — National Highway Traffic Safety Administration

Significant Regulations

Title	Summary	Contact	Earliest expected decision date
Light Truck and Van Fuel Economy Rulemaking (Docket No. FE 78-01).	**A. Description:** Would set average fuel economy standards for Model Years 1982-1985 light trucks. **B. Why Significant:** The rule is considered significant because of the impact on the automotive industry, the public, and energy consumption. **C. Regulatory Analysis:** Required. **D. Need:** Conservation of petroleum. **E. Legal Basis:** Motor Vehicle Information and Cost Savings Act, as amended, 15 USC 2002. **F. Chronology:** *NPRM issued 12/31/79. (44 FR 77199). Final Rule, Model Years 1983-85, will be issued after completion of the final Rule, Model Year 1982.* **G. Citation:** 49 CFR pt. 533.	Richard Strombotne, (202) 426-0846.	*Model Year 1982, FR March 1980.*
Passenger Automobile Fuel Economy Rulemaking.	**A. Description:** Reevaluates average fuel economy standards for model years 1984 and 1985 passenger automobiles and would set average fuel economy standards for model year 1986 passenger automobiles. **B. Why Significant:** The rule is considered significant because of the impact on the automotive industry, the public, and energy consumption. **C. Regulatory Analysis:** Required. **D. Need:** Conservation of petroleum. **E. Legal Basis:** Motor Vehicle Information and Cost Savings Act, as amended 15 USC 2002. Because of the recent decision to maintain the 1981-85 passenger car fuel economy standards, this rule was withdrawn. **F. Chronology:** Because of the recent decision to maintain the 1981-85 passenger car fuel economy standards, further action on this rule is pending further review. *This action will not appear in subsequent Agenda unless determination is made to continue it.* **G. Citation:** 49 CFR pt. 581.	Richard Strombotne, (202) 426-0846.	Further action to be determined pending review.
Confidential Business Information (Docket No. 78-10).	**A. Description:** Would codify existing method of processing confidential information from manufacturers. **B. Why Significant:** This rule considered significant because of the controversial nature of confidential business information. **C. Regulatory Analysis:** Not required. **D. Need:** To assure the manufacturer a more predictable process of information gathering and to streamline and speed up NHTSA use of data. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, and the Motor Vehicle Information and Cost Savings Act, as amended, 15 USC 1381; 15 USC 2002.	Frank Berndt, (202) 426-9511.	*Further action to be determined.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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NHTSA **National Highway Traffic Safety Administration**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: NPRM issued 5/25/78. (43 FR 22412). *The Agency is reconsidering the regulation in light of recent court decisions in this area and recent proposals by other agencies for similar regulations. Further action postponed indefinitely pending further analysis.* **G. Citation:** 49 CFR pt. 512		
Heavy Duty Vehicle Brake Systems (Docket 79-03). (Formerly Air Brake System).	**A. Description:** *Would establish a* new Air Brake Standard (No. 130) for trucks, buses, and trailers *over 10,000 pounds gross vehicle weight rating* to replace Air Brake Standard No. 121 including reinstatement, without a no wheel lock-up requirement, of a stopping distance requirement to replace the one invalidated by the Ninth Circuit Court of Appeals decision. *This new standard will include requirements for hydraulically braked heavy trucks and buses.* **B. Why Significant:** The rule is considered significant because of the level of public and Congressional interest. **C. Regulatory Analysis:** Not required **D. Need:** To prevent degradation of current braking performance as a result of the Court's action, *and to include hydraulically braked heavy trucks and buses not previously included.* **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended. **F. Chronology:** ANPRM issued 2/15/79. (44 FR 9783). Comment period closed 4/16/79. *Research is being conducted.* **G. Citation:** 49 CFR 571.121	A. Malliaris, (202) 426-0842.	NPRM September 1980.
Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems).	**A. Description:** Would establish long term agency interest in such advanced braking systems concepts as antilock systems, automatic brake adjustors for heavy trucks and buses, and disc brakes for heavy trucks and buses. **B. Why Significant:** This rule is considered significant because of the level of public and Congressional interest. **C. Regulatory Analysis:** Required **D Need:** To establish long term plans for truck braking regulations. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended. **F. Chronology:** None yet **G Citation:** 49 CFR 571.121, 49 CFR 571.105-75	A. Malliaris, (202) 426-0842.	ANPRM *March 1980.*
Multipiece Rims on Trucks and Buses. *(Docket No. 71-19).*	**A. Description:** NHTSA is examining the need to issue a *performance* requirement *for* multipiece rims because of their potential for explosive separation. *The requirement could result in the elimination of the multipiece rims on new vehicles.* **B. Why Significant:** This rulemaking is considered significant because of the level of interest shown by users and manufacturers of these rims, and because of the cost impacts. **C. Regulatory Analysis:** Required	A. Malliaris, (202) 426-0842.	Further action to be determined.

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NHTSA **National Highway Traffic Safety Administration**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	D. Need: Balance the safety hazards associated with the use of these rims against the added costs of using safer single-piece rims. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended. **F. Chronology:** ANPRM issued March 5, 1979. (44 FR 12072). Comments *received* June 4, 1979. *Cost and impact study currently being conducted.* **G. Citation:** 49 CFR 571.120		
Bumper Standard	**A. Description:** NHTSA released an updated cost-benefit analysis on the bumper standard on June 1, 1979. It concluded that an amendment to the existing standard is not warranted at this time. **B. Why Significant:** This rulemaking is considered significant because of the level of interest shown by Congress and bumper manufacturers, and because of the cost impacts to consumers. **C. Regulatory Analysis:** Not required **D. Need:** Congress has asked for a cost-benefit study analyzing the merits of 2.5 mph bumpers vs. 5.0 mph bumpers. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, *and Motor Vehicle Information and Cost Savings Act, as amended.* **F. Chronology:** ANPRM issued 3/1/79. (44 FR 11569). Comment period closed 4/30/79. Task Force organized and contractor began work on Bumper Study, April 2, 1979. Final report published June 1, 1979. **G. Citation:** 49 CFR pt. 581	Michael Brownlee, (202) 426-1740.	Further action to be determined.
*Information Gathering Powers (Docket 78-01).	**A. Description:** Would codify the Agency's information gathering powers under its various authorizing statutes and set forth the rights of respondents to that process. **B. Why Significant:** This rule is considered significant because of *interest shown by manufacturers.* **C. Regulatory Analysis:** Not required **D. Need:** To inform the public of the procedures to be followed by this Agency in connection with its information gathering efforts and of the rights they have with respect to those information gathering powers. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, and Motor Vehicle Information and Cost Savings Act, as amended. **F. Chronology:** Interim FR published 12/27/77. (42 FR 64628). **G. Citation:** 49 CFR Part 410	Frank Berndt, (202) 426-9511.	FR *March* 1980.
*Pedestrian Protection	**A. Description:** Would reduce adult pedestrian lower torso and leg injuries and child injuries through modification of the bumper, grille, and hood edges. (49 CFR 571).	A. Malliaris, (202) 426-0842.	NPRM May 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	B. Why Significant: The rule is considered significant because of the design impact on the automotive industry, and cost and other impacts. Preliminary reviews indicate that the rule would be costly as defined by Executive Order 12044. **C. Regulatory Analysis:** Required..... **D. Need:** To develop a countermeasure to reduce a portion of the pedestrian fatalities and injuries resulting from pedestrian involvements with passenger cars. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended. **F. Chronology:** None yet ..... **G. Citation:** 49 CFR Part 571.....		

NHTSA — **National Highway Traffic Safety Administration**

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Seat Belt Assemblies (Docket No. 74-14).	Would improve seat belt comfort, convenience, reliability and effectiveness by prescribing parameters for performance of seat belt assemblies. (49 CFR 571.208). *NPRM issued 12/20/79 (44 FR 77210).*	A. Malliaris, (202) 426-0842.	*FR November 1980.*
Child Restraint Systems (Docket No. 74-9).	Upgrade performance of all child restraints by *requiring* dynamic tests using child and infant dummies; regulate infant restraints. NPRM issued 5/18/78 (49 CFR 571.213). *FR issued 12/13/79 (44 FR 77131).*	A. Malliaris, (202) 426-0842.	*Action complete.*
School Bus Crash Protection (Docket No. 73-03).	Would amend *49 CFR* 571.3 definitions to include a subclassification for "School Activities Bus" and amend FMVSS 222 as it would apply to this vehicle class. (49 CFR 571.222). *Further action postponed indefinitely pending further analysis.*	A. Malliaris, (202) 426-0842.	*Further action to be determined.*
Test Dummies Representing 6-Month Old and 3-Year Old Children (Docket No. 78-09).	Would provide specifications for dummies to be used in testing for compliance with FMVSS 213, Child Restraint Systems, in conjunction with proposal to amend that standard to provide for dynamic testing and to extend its applicability. NPRM issued 5/18/78. (43 FR 21490). (49 CFR pt. 572). *FR issued 12/27/79 (44 FR 76527).*	A. Malliaris, (202) 426-0842.	*Action complete.*
Adjudicative Procedures Fuel Economy.	Would establish procedures and rules of practice for adjudications to enforce the fuel economy provisions in Title V of the Motor Vehicle Information and Cost Savings Act. This was issued as an interim *final rule* 10/16/78 (43 FR 47507-28). Public comments *were* invited. (49 CFR pt. 511).	Stephen Wood, (202) 426-2992.	FR *April 1980.*
Low Volume Manufacturers Fuel Economy Rulemaking (Docket No. FE 76-04).	Streamlines the requirements regarding the contents of and procedures for disposition of petitions from low volume automobile manufacturers (gasoline and diesel) for exemption and for establishment of alternative standards. NPRM issued 4/9/79. (44 FR 21051). *FR issued 9/27/79. (44 FR 55578).* (49 CFR pt. 525).	Richard Strombotne, (202) 426-0846.	*Action complete.*

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NHTSA **National Highway Traffic Safety Administration**

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Occupant Protection in Interior Impacts.	Extends to trucks, buses, and multi-purpose vehicles of 10,000 pounds or less, the current standard for passenger cars designed to cushion impact of passengers striking interior vehicle structures. NPRM issued 11/9/78. (43 FR 52264-68). (49 CFR 571.201). *FR issued 11/29/79. (44 FR 68470).*	A. Malliaris, (202) 426-0842.	*Action complete.*
Energy Absorbing Steering Column.	Extends to trucks, buses, and multi-purpose passenger vehicles of 10,000 pounds or less, the current standard for passenger cars designed to protect drivers striking the steering column. NPRM issued 11/9/78. (43 FR 52264-68). (49 CFR 571.203). *FR issued 11/29/79. (44 FR 68470).*	A. Malliaris, (202) 426-0842.	*Action complete.*
Steering Control Rearward Displacement.	Extends to trucks, buses, and multi-purpose passenger vehicles of *4,000* pounds or less, the current standard for passenger cars designed to limit the rearward movement of the steering assembly to reduce the likelihood of death and injury to the driver. NPRM issued 11/9/78. (43 FR 52264-68). (49 CFR 571.204). *FR issued 11/29/79. (44 FR 68470).*	A. Malliaris, (202) 426-0842.	*Action complete.*
Door Locks and Door Retention Components.	This technical amendment would clarify existing test procedures and extend the applicability of FMVSS 206 such that present side door requirements cover transverse rear doors. (49 CFR 571.206).	A. Malliaris, (202) 426-0842.	NPRM *March 1980.*
Gross Coupling Weight Rating (Docket No. 73-15).	An amendment to the regulations on certification (49 CFR pt. 567) and of vehicles manufactured in two or more stages (49 CFR pt. 568) would require labeling of the gross coupling weight rating for semi-trailers. *Withdrawn so that the Agency resources can be devoted to higher priority actions.*	A. Malliaris, (202) 426-0842.	*Withdrawn.*
Fields of Direct View (Docket No. 70-7).	This proposal would establish requirements for the maximum allowable size of obstructions in the field of view of drivers, the luminous transmittance of glazing, and the location and functional characteristics of sun visors. NPRM issued 11/6/78. (43 FR 51677).	A. Malliaris, (202) 426-0842.	FR *July* 1980.
Rear View Mirrors (Docket No. 71-3a).	This proposal would amend FMVSS 111 to: a) reduce the blind areas by upgrading mirror visability using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter resistant and breakaway or fold-away tests, c) set specifications for day-night reflectance requirements to reduce headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. NPRM issued 11/6/78. (43 FR 51657). (49 CFR 571.111).	A. Malliaris, (202) 426-0842.	FR *July* 1980.
Hydraulic Brake Systems (Docket No. 70-27).	This proposal would *extend the applicability of* FMVSS 105-75 from passenger cars to cover on a general basis, multi-purpose *passenger* vehicles, buses, and trucks *with a Gross Vehicle Weight Rating (GVWR) of 10,000 lbs. or less. The notice proposes extending the standard on a limited basis to trucks, buses, and MPVs (Motor Passenger Vehicles) with a GVWR of more than 10,000 lbs. NPRM issued 10/18/79, (44 FR 60113). (49 CFR 571.105-75).*	A. Malliaris, (202) 426-0842.	FR *December 1980.*
Brake System Inspectability.....	Would require vehicle modifications in order to inspect for certain levels of brake degradation in accordance with proposed test procedures and criteria for measurement.	A. Malliaris, (202) 426-0842.	NPRM *July* 1980.

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AGENDA

NHTSA **National Highway Traffic Safety Administration**

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Theft Protection (Docket No. 1-21).	Would amend existing standard to require separate keys for doors and ignition, door lock modifications, internal control of hood latch, modification in ignition wiring and ignition key alarm. Would apply to passenger cars, light trucks and vans. NPRM issued 5/1/78. *(43 FR 18577).* (49 CFR 571.114).	A. Malliaris, (202) 426-0842.	FR *May* 1980.
Lamps, Reflective Devices, and Associated Equipment (Docket No. 69-19).	This proposal would revise the minimum size requirement of lenses used on moped stop lamps. It is in response to a petition that the current requirements are excessively stringent. *Interim final rule issued 8/31/78. (43 FR 38831), Comment period closed 10/30/78. Three comments received and reviewed for consideration in issuisng of final rule.* (49 CFR 571.108).	A. Malliaris, (202) 426-0842.	*FR March 1980.*
Consumer Information—Wet Stopping Distance.	Develop a new rule for consumer information if tests indicate that there are significant differences in wet stopping distances among different models of cars on asphalt or concrete road surfaces. (49 CFR *575.105).*	Michael Brownlee, (202) 426-1740.	NPRM April 1980.
Bumper Standard	Extend the bumper height requirements to all vehicles under 10,000 lbs. GVWR. Increase the extent to which the vehicle population has matching bumpers, thereby reducing the underride/override problem in vehicle to vehicle accidents involving a light truck, van or multipurpose vehicle. (49 CFR pt. 581). *Further action postponed indefinitely pending further analysis..*	Michael Brownlee, (202) 426-1740.	*Further action to be determined.*
Rear Lighting and Signalling	Would establish requirement for the separation of function of rear lighting and signalling and establish requirements for the location of brake lights. (49 CFR 571.108).	A. Malliaris, (202) 426-0842.	ANPRM *July* 1980.
Battery Explosions	Would establish performance requirements and labeling of batteries to reduct the incidence of battery explosions while jump starting. (49 CFR 571).	A. Malliaris, (202) 426-0842.	NPRM *May* 1980.
Interior Noise Levels	Would establish maximum allowable interior noise levels in all heavy trucks by extending the current Bureau of Motor Carrier Safety requirement to new vehicles. *NPRM was not issued in September 1979 as originally planned and is postponed indefinitely pending further analysis.*	A. Malliaris, (202) 426-0842.	*Further action to be determined.*
Controls & Displays (Docket No. 1-18).	Responds to petitions for reconsideration by making minor clarifications. *FR issued 9/27/79. (44 FR 55579). (49 CFR 571.101).*	A. Malliaris, (202) 426-0842.	*Action complete.*
Controls & Displays (Docket No. 1-18).	*Would* amend the standard to include several symbols adopted by the International Standards Organization (ISO). *(49 CFR 571.101).*	A. Malliaris, (202) 426-0842.	NPRM *August 1980.*
Speedometers and Odometers. *(Docket No. 76-06).*	*A* final rule *issued 3/22/79* responded to petitions for reconsideration by deleting the 10% limit on distance between graduation on speedometer scales, increasing the leadtime for speedometer accuracy and odometer tamper resistance and clarifying the irreversibility option for odometers. (44 FR 17500). An NPRM was issued 3/22/79 (44 FR 17532) to amend FMVSS 127 with regard to replacement odometers and proposing refinements in irreversibility option for odometers. *(49 CFR 571.127)* .	A. Malliaris, (202) 426-0842.	FR *March 1980.*
Air Brake Systems. *(Docket No. 75-16).*	This final rule eases the compliance burden by allowing parking brakes to be applied by air pressure. It finalizes a portion of an NPRM issued 9/78. *FR issued 8/9/79. (44 FR 46850). (49 CFR 571.121)* .	A. Malliaris, (202) 426-0842.	*Action complete.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

NHTSA **National Highway Traffic Safety Administration**

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Truck Rear Underride Protection	Would require protective devices to eliminate vehicle penetration under the rear-ends of heavy trucks and trailers and to dissipate crash force, thus reducing accident severity. *The Agency has decided to issue a second ANPRM rather than an NPRM as indicated in the previous Agenda.*	A. Malliaris, (202) 426-0842.	ANPRM *March* 1980.
Fuel System Integrity (Docket No. 73-20).	*Would* establish specific performance requirements in Safety Standard No. 301-75 for non-metallic fuel tanks (plastic tanks) used in motor vehicles. ANPRM issued 6/2/79. (44 FR 33441). *Further action postponed indefinitely pending further analysis.*	A. Malliaris, (202) 426-0842.	*Further Action to be determined.*
Tire Identification and Recordkeeping.	Would require ID on outward facing sidewall of motor vehicle tires. *(49 CFR pt. 574).*	A. Malliaris, (202) 426-0842.	*NPRM October* 1980.
Consumer Information—Acceleration and Passing Ability and Tire Reserve Load.	Would amend the Consumer Information Regulations by deleting the acceleration and passing ability items and modify the class of vehicles to which the tire reserve load provisions apply. NPRM issued 3/15/79. (44 FR 15748).	Michael Brownlee, (202) 426-1740.	FR *March* 1980.
Motorcycle Helmets	This technical amendment would increase the percentage of helmet sizes covered by FMVSS 218 by testing large and extra-large helmets with the medium (size "C") headform. Currently, only medium size helmets are covered. *NPRM issued 9/27/79. (44 FR 55612).* (49 CFR 571.218).	A. Malliaris, (202) 426-0842.	*FR March 1980.*
Windshield Retention and Windshield Zone Intrusion.	This technical amendment would change the crash test requirements for FMVSS 212 and 219 for trucks manufactured in more than one stage. *NPRM issued 8/2/79. (44 FR 45426).* (49 CFR 571.212, 571.219).	A. Malliaris, (202) 426-0842.	*FR March 1980.*
Side Door Strength	This technical amendment would change the test requirements for FMVSS 214 to allow the seats to remain in the car during the side door crush test. The seats currently must be removed. NPRM issued 6/2/79 (44 FR 33444). (49 CFR 571.214).	A. Malliaris, (202) 426-0842.	FR *April 1980.*
Glazing Materials	This technical amendment would delete the abrasion resistance requirements for certain types of glazing used on side windows of light trucks and vans. *NPRM issued 9/27/79. (44 FR 55610). (49 CFR 571.205).*	A. Malliaris, (202) 426-0842.	FR *August 1980.*
Vehicle Speed Control *(Docket No. 79-06).*	Trailways Bus Company petitioned for a FMVSS to require road speed governors for all commercial vehicles. A request for comments was published in the Federal Register on 3/19/79 with a closing date of 8/17/79. *(44 FR 16461).* Further Agency action will await results from research.	A. Malliaris, (202) 426-0842.	Further action to be determined.
New Pneumatic Tires	Amendment *would* delete Appendix A (Tire Tables) of FMVSS 109 to ease introduction of new tire concepts and to add criteria to insure compatibility of new concepts with existing tire types. *(49 CFR 571.109). The originally planned ANPRM will not be issued; instead, the Agency is proceeding with a less comprehensive NPRM.*	A. Malliaris, (202) 426-0842.	*NPRM April 1980.*
Odometer Disclosure	Would amend disclosure requirements to allow the States to use an abbreviated disclosure statement on all State-supplied transfer documents, as well as on certificates of title. NPRM issued 5/14/79. (44 FR 28032).	John Womack, (202) 426-1834.	FR *March 1980.*
State Highway Safety Agencies	This Joint NHTSA-FHWA rule would replace the existing Joint FHWA/NHTSA Orders on State agencies with a new Part 1251, *State Highway Safety Agency* in Title 23, Code of Federal Regulations. It proposes to establish new requirements for the authority and function of State highway safety agencies. *NPRM published June 21, 1979 (44 FR 36204) and a revised NPRM published December 6, 1979 (44 FR 70192).* (23 CFR pt. 1251).	George Reagle, (202) 426-0068.	*FR March 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

NHTSA — National Highway Traffic Safety Administration

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
State Matching of Planning and Administration Costs *(Docket 79-12).*	This joint FHWA-NHTSA notice proposes to establish NHTSA and FHWA policy on State planning and administration costs associated with carrying out a highway safety program under the Highway Safety Act with a new Part 1252, *State Matching of Planning and Administration Costs* in Title 23, Code of Federal Regulations. It would define planning and administration costs, describe the expenditures that may be used to satisfy the State matching requirement, prescribe how the requirement will be met, and specify when the State will have to comply with the requirement. NPRM was published on July 16, 1979 (44 FR 41244) *An Amendment to the NPRM was published August 28, 1979 (44 FR 50063).* (23 CFR pt. 1252).	George Reagle, (202) 426-0068.	*FR March 1980.*
Innovative Project Grants *(Docket 79-11).*	*This joint FHWA-NHTSA rule would provide criteria, procedures, and policies for administration of Innovative Project Grants under 23 U.S.C. 407 when funds are appropriated.* ANPRM published July 19, 1979 (44 FR 42233). *NHTSA has primary responsibility for this action.* (23 CFR pt. 1217).	Charles Livingston, (202) 426-0837.	*NPRM March 1980.*
*Low Tire Pressure Warning	Would require installation of a tire low pressure warning indicator to warn drivers when inflation pressure drops below recommended pressure.	A. Malliaris, (202) 426-0842.	NPRM July 1980.
*Commercial Vehicle Conspicuity	Would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commercial vehicles (excluding headlights). (49 CFR 571.108).	A. Malliaris, (202) 426-0842.	ANPRM March 1980.
*Side Door Strength	Would upgrade and extend FMVSS 214 requirements to light trucks, vans and MPVs. ANPRM issued 12/6/79. (44 FR 70204).	A. Malliaris, (202) 426-0842.	Further action to be determined.
*Child Restraint Tether Anchorages.	Would require anchorages for use with child restraint systems equipped with a top tether strap.	A. Malliaris, (202) 426-0842.	Further action to be determined.
*Rear View Mirrors	Would require rearview mirrors in vans equipped with rear windows. (49 CFR 571.111).	A. Malliaris, (202) 426-0842.	NPRM February 1980.
*New Pneumatic Tires	Amendment to FMVSS 110 would specify a minimum tire reserve load. (49 CFR 571.110).	A. Malliaris, (202) 426-0842.	NPRM August 1980.
*Heavy Duty Vehicle Brake Systems.	Requires brakes on all wheels of heavy duty trucks and buses. NPRM issued 10/29/79. (44 FR 60120).	A. Malliaris, (202) 426-0842.	FR April 1980.
*Lamps, Reflective Devices, and Associated Equipment.	This proposal would require the headlights and taillights of motorcycles to be illuminated at all times when the engine is running. This action resuslts from a granted rulemaking petition.	A. Malliaris, (202) 426-0842.	NPRM September 1980.
*Lamps, Reflective Devices, and Associated Equipment.	This proposal would remove the dimensional specifications for headlamp retaining rings. This action results from a granted rulemaking petition.	A. Malliaris, (202) 426-0842.	NPRM June 1980.
Fuel Economy Exemptions			
Exemption from and Establishment of Fuel Economy Standards (Docket No. LVM 77-01).	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Avanti Motor Corp. (49 CFR pt. 525).	R. Strombotne, (202) 426-0846.	NPRM *February 1980,* FR *April 1980.*
Exemption from and Establishment of Fuel Economy Standards (Docket No. LVM 77-03).	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Checker Motors. NPRM issued 10/23/78. (43 FR 49336). (49 CFR pt. 525).	R. Strombotne, (202) 426-0846.	FR *February 1980.*
Exemption from and Establishment of Fuel Economy Standards (Docket No. LVM 77-02).	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Rolls-Royce Motors, Inc. (49 CFR pt. 525).	R. Strombotne, (202) 426-0846.	NPRM March 1980, FR May 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

NHTSA — National Highway Traffic Safety Administration

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Exemption from and Establishment of Fuel Economy Standards (Docket No. LVM 77-04).	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Aston Martin Lagonda. (49 CFR pt. 525).	R. Strombotne, (202) 426-0846.	NPRM March 1980, FR May 1980.
Exemption from and Establishment of Fuel Economy Standards (Docket No. LVM 77-05).	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Excalibur Automobile Corp. (49 CFR pt. 525).	R. Strombotne, (202) 426-0846.	NPRM March 1980, *May* 1980.
Exemption from and Establishment of Fuel Economy Standard.	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Lamborghini, S.p.A. (49 CFR pt. 525).	R. Strombotne, (202) 426-0846.	NPRM *March 1980.* FR. *May 1980.*
Exemption from and Establishment of Fuel Economy Standard.	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Maserati, S.p.A. (49 CFR pt. 525).	R. Strombotne, (202) 426-0846.	NPRM *March 1980.* FR. *May 1980.*

FRA — Federal Railroad Administration

Significant Regulations

Title	Summary	Contact	Earliest expected decision date
Strobe Lights on Locomotives (Docket No. RSGC-2).	**A. Description:** Lighted warning devices that include strobe lights have been shown to be more readily visible than normal lighting devices. FRA is considering requiring the installation of strobe lights on locomotives. **B. Why Significant:** Degree of controversy reflected by response to ANPRM. **C. Regulatory Analysis:** Required..... **D. Need:** Grade crossing accidents represent the single largest group of railroad related fatalities each year. Available data indicate that the conspicuity of locomotives may be a factor in many of these accidents. Limited research with one railroad has indicated that equipping locomotives with strobe lights will improve their conspicuity and may lead to a reduction in these accident statistics. **E. Legal Basis:** The Federal Railroad Safety Act of 1970 (45 U.S.C. 431); Locomotive Inspection Act (45 U.S.C. 22 et seq.). **F. Chronology:** The ANPRM was published March 7, 1978 (43 FR 9328). NPRM was published June 18, 1979 (44 FR 34982). **G. Citation:** Will be 49 CFR pt. 222.....	John A. McNally, (202) 426-9178.	FR *March 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FRA

Federal Railroad Administration

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Final Station Program Cost Sharing Determination (FRA Intercity Passenger Docket No. 1).	**A. Description:** Title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act) (45 U.S.C. 851 et seq.) provides for the upgrading by the Secretary of Transportation of the passenger railroad system between Washington, D.C. and Boston, Massachusetts, including the funding of certain station improvements. Non-Federal parties will have to bear one-half of the cost of the nonoperational portions of stations (as determined by the Secretary) used in intercity passenger service and of related facilities. This notice would set forth the Department's determination as to what will constitute a "nonoperational portion" of a station and a "related facility" for purpose of allocating station project costs between the Federal government and other participating entities. **B. Why Significant:** Great interest on the part of State and local transportation agencies due to the shared cost implication of the Secretary's determination. **C. Regulatory Analysis:** Not required. **D. Need:** Required by statute. **E. Legal Basis:** Sec. 703(1)(B) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 853(1)(B)). **F. Chronology:** NPRM was published on April 28, 1978 (43 FR 19394) *FR published on February 13, 1979 (44 FR 53335).* **G. Citation:** No CFR citation as yet.	Jeff Godwin (202) 426-7710.	*Action complete.*

FRA

Federal Railroad Administration

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Railroad Bridge Safety Standards...	The proposed rule would establish safety standards for inspection and rating of load capacity for railroad bridges.	William R. Paxton, (202) 426-0912.	ANPRM *March 1980.*
Railroad Noise Emission Compliance Regulations (Docket No. RNE-1.	The proposed rule would amend FRA Railroad Noise Emission compliance Regulations to reflect EPA Standards for fixed railroad facilities that *were published on January 4, 1980; 45 FR 1252* (49 CFR pt. 210).	John A. McNally, (202) 426-9178.	NPRM *June* 1980.
Rules, Standards, and Instructions for Railroad Signal Systems.	The proposed rule would seek to make miscellaneous technical amendments to the signal inspection rules (49 CFR pt. 236). To be included in general revision of Part 236 after completion of General Safety Inquiry; see FRA Reviews Under Consideration.	William R. Paxton, (202) 426-0912.	Action deferred pending completion of general safety inquiry.
Safety Standards for Cabooses (Docket No. RSC-76-6).	The proposed rule would seek to establish comprehensive safety standards for cabooses.	Robert E. Abbott, (202) 426-9186.	NPRM *April* 1980.
Rail Services Assistance to States Under Section 5 of the DOT Act (FRA Economic Docket No. 4).	This action would amend 49 CFR pt. 266 to implement proposals offered by the grantees at a recent public meeting, and to make changes necessitated by the enactment of the Local Rail Services Assistance Act of 1978. *Interim regulations published on August 30, 1979 (44 FR 51128).*	Larry A. Friedman, (202) 426-7737.	FR *February 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FRA **Federal Railroad Administration**

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Improved Glazing Materials for Railroad Rolling Equipment (Docket No. RSGM-1).	Formerly classified as significant regulation. NPRM published October 16, 1978 (43 FR 47579) proposing minimum safety requirements for glazing materials in windows of locomotives, passenger cars and cabooses to increase protection against bullets and other projectiles. Public hearing held November 29, 1978 (49 CFR pt. 223). *Final rule published December 31, 1979 (44 FR 77348).*	Robert E. Abbott, (202) 426-9186.	*Action complete.*
Review: Freight Car Safety Standards (Docket No. RSFC-6).	Outgrowth of regulatory review in general safety inquiry. NPRM published January 5, 1979 (44 FR 1419) proposing to revise Part 215. *Final rule published December 31, 1979 (44 FR 77328).*	Robert E. Abbott, (202) 426-9186.	*Action complete.*
Review: Locomotives (Docket No. LI-6).	Outgrowth of regulatory review in general safety inquiry. Revision and updating of regulations to reflect technological advances and eliminate requirements that are no longer necessary for safety (49 CFR pt. 230). NPRM published May 21, 1979 (44 FR 29604).	Arthur T. Ireland, (202) 426-9186.	FR *February 1980.*
Review: Track Safety Regulations.	Outgrowth of regulatory review in general safety inquiry. Revision and updating of current requirements (49 CFR pt. 213). NPRM published September 6, 1979 (44 FR 52104).	William R. Paxton, (202) 426-0912.	FR *March* 1980.
Review: Safety Appliance Standards.	Outgrowth of regulatory review in general safety inquiry. Revised standards for new and existing equipment (49 CFR pt. 231).	Ralph R. Smith, (202) 426-9187.	NPRM *March 1980.*
Review: Power Brake Rules.....	Outgrowth of regulatory review in general safety inquiry. Revision and updating of current requirements (49 CFR pt. 232).	Ralph R. Smith, (202) 426-9187.	NPRM *April 1980.*
Review: Signal and Communication Systems.	Outgrowth of regulatory review in general safety inquiry. Revision and updating of current requirements of Parts 235 and 236.	S.H. Stotts, (202) 426-0912.	NPRM *May 1980.*
* Amendments to Regulations Implementing Section 905 of the 4R Act.	The amendments to 49 CFR pt. 265 would implement section 905 of the Railroad Revitalization and Regulatory Reform Act of 1976 for contracts on the Northeast Corridor Improvement Project by supplementing P.L. 95-507 to provide coverage for smaller contracts, for women-owned businesses, and for verification of a contractor's status.	Gregory B. McBride, (202) 472-5438.	FR February 1980.

FRA **Federal Railroad Administration**

Routine and Frequent Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Rules for Use of Radio in Train Operations (Docket No. RSOR-5).	This final rule would establish penalty schedules for violations of radio rule requirements (49 CFR pt. 220).	John A McNally, (202) 426-9178.	FR *February 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

UMTA — Urban Mass Transportation Administration

Significant Regulations

Title	Summary	Contact	Earliest expected decision date
Withdrawal of Interstate Segments and Substitution of Alternative Projects (Docket No. 77-9).	The regulation is being jointly developed by UMTA and FHWA and is summarized elsewhere in this agenda by the Federal Highway Administration.	Richard White, (202) 472-6991.	*FR June 1980.*
Private Enterprise Participation in Federally-Assisted Programs.	**A. Description:** Pursuant to Sections 3(e) and 8(e) of the UMT Act, as amended, UMTA plans to publish procedures regarding the involvement of private mass transit operators in federally-assisted programs. **B. Why Significant:** While these regulations would implement statutory requirements, this is a controversial issue for both the transit industry and private operators. **C. Regulatory Analysis:** Not required. **D. Need:** To resolve an area of continuing controversy. **E. Legal Basis:** Sections 3(e)(1) and (2), and Section 8(e) of the UMT Act, as amended. **F. Chronology:** 8(e) was added to the Urban Mass Transportation Act by the Federal Public Transportation Act of 1978. NPRM to be prepared by *April 1980.* **G. Citation:** 49 CFR pt. 619.	Edward Gill, (202) 426-1908.	NPRM *April 1980.*
Paratransit Policy.	**A. Description:** UMTA will publish a policy regarding the availability of federal assistance for public and private operators in the provision of paratransit services. In addition, an ANPRM will be issued seeking comments on development of more specific guidelines concerning paratransit and the involvement of private operators in the planning and provision of service. Paratransit services addressed in the policy are meant to encompass those forms of collective passenger transportation which provide flexible, shared-ride service to the general public, or to special categories of users (such as elderly or handicapped persons) on a regular and predictable basis, but which do not necessarily operate on fixed schedules or over prescribed routes. **B. Why Significant:** The regulation is expected to have a direct or indirect effect on competition. **C. Regulatory Analysis:** Not required. **D. Need:** To provide uniform guidance to public and applicant. **E. Legal Basis:** The UMT Act, 49 U.S.C. *1602 & 1604.* **F. Chronology:** ANPRM to be prepared and issued by *May 1980.* **G. Citation:** None.	Douglas Birnie, (202) 426-4060.	ANPRM *May 1980.*
Urban Transportation Planning Process/Transportation Improvement Program.	The regulation is being jointly developed by UMTA and FHWA and is summarized elsewhere in this agenda by the Federal Highway Administration.	Bob Kirkland, (202) 426-4991.	NPRM *July 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

UMTA — Urban Mass Transportation Administration

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Environmental Procedures	**A. Description:** These regulations *would* prescribe UMTA procedures for environmental assessments and preparation of environmental impact statements on major agency actions significantly affecting the quality of the human environment. **B. Why Significant:** UMTA policy in this area may be expected to be of substantial interest to both UMTA grantees and the public. **C. Regulatory Analysis:** Not required **D. Need:** To provide uniform guidance to the public and applicants. **E. Legal Basis:** National Environmental Policy Act; DOT Order 5610.1; Section 14 of UMT Act; Council on Environmental Quality Regulations implementing NEPA (40 CFR pts. 1500–1508 (43 FR 55978)). **F. Chronology:** *An NPRM was issued on October 15, 1979 (44 FR 59438). Comments were originally invited through November 14, 1979. The comment period was extended to December 3, 1979 in a notice in the Federal Register on November 19, 1979 (44 FR 66213).* **G. Citation:** 49 CFR pt. 622	John Collins, (202) 426–1908.	*FR April 1980.*
Public Transportation fo Non-Urbanized Areas.	The regulation is being jointly developed by UMTA and FHWA and is summarized elsewhere in this agenda by the Federal Highway Administration.	Kay Regan, (202) 472–7037.	NPRM *March 1980.*
Major Urban Transportation Investment.	The regulation is being jointly developed by UMTA and FHWA and is summarized elsewhere in this agenda by the Federal Highway Administration.	Joel Ettinger, (202) 426–2360.	*Further action to be determined.*
"Buy America" Requirements of Surface Transportation Assistance Act of 1978.	**A. Description:** These regulations implement section 401 of the Surface Transportation Assistance Act of 1978, which provides, with exceptions, that funds authorized may not be obligated for urban mass transportation projects unless materials and supplies are of United States origin. These regulations were issued as a final rule but comments were solicited until February 15, 1979 and changes will be made based on the comments received. **B. Why Significant:** There is substantial public interest concerning these regulations because of their impact in urban mass transportation projects. **C. Regulatory Analysis:** Not required **D. Need:** These regulations implement section 401 of the Surface Transportation Assistance Act of 1978. **E. Legal Basis:** 49 U.S.C. 1602 note; P.L. 95–599, Section 401. **F. Chronology:** The statute creating this provision was signed by the President on November 6, 1978 and required immediate implementation. The emergency final rule was published on December 6, 1978. (43 FR 57144) Comments were invited through February 15, 1979. UMTA is currently analyzing the comments received and will issue revised final regulations in *April 1980.* **G. Citation:** 49 CFR pt. 660	John Collins, (202) 426–1908.	Revised FR *April 1980.*
Regulation Implementing the Nondiscrimination Section of the Urban Mass Transportation Act.	**A. Description:** The proposed regulations would unify the civil rights regulations that recipients of funds under the Urban Mass Transportation Act must meet.	Edward Gill, (202) 426–1906.	NPRM *May 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

UMTA **Urban Mass Transportation Administration**

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	B. Why Significant: Substantial public interest is anticipated. **C. Regulatory Analysis:** Not required..... **D. Need:** Regulations are needed to implement a new statutory provision which consolidates UMTA's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation. **E. Legal Basis:** Section 19 of the UMT Act (49 U.S.C. § 1615). **F. Chronology:** Section 19 was added to the UMT Act in November 1978 by the Federal Public Transportation Act of 1978. **G. Citation:** 49 CFR Chapter VI.....		
*Minority Business Enterprise Requirements—Transit Vehicle Manufacturers.	**A. Description:** The recently issued DOT Notice of Proposed Rulemaking Concerned Participation by Minority Business Enterprises (May 17, 1979, 44 FR 28928) contains a provision that transit vehicle manufacturers are required to have an UMTA-approved MBE program in order to be eligible to bid on UMTA-assisted transit vehicle procurements. UMTA is proposing guidelines for these MBE programs which will become part of the DOT regulations. Once the guidelines are finalized, transit vehicle contracts would be exempted from the MBE program of UMTA recipients. This regulation would be part of the DOT MBE regulations..... **B. Why Significant:** Substantial public interest is anticipated given the potential impact on transit vehicle manufacturers. **C. Regulatory Analysis:** Not required..... **D. Need:** To implement the DOT MBE requirements for application to transit vehicle manufacturers. **E. Legal Basis:** 49 U.S.C. 1615; E.O. 11625..... **F. Chronology:** DOT NPRM issued on May 17, 1979 (44 FR 28928); UMTA NPRM to be issued by March 1980. **G. Citation:** 49 CFR pt. 23.....	Irvin Bromall, (202) 426-2285.	NPRM March 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

UMTA — Urban Mass Transportation Administration

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Charter and School Bus Regulations.	These regulations provide more detailed information regarding the restrictions placed on charter and school bus operations in section 3(f) and 3(g) of the UMT Act, 49 U.S.C. 1601. UMTA received considerable comments as a result of an ANPRM dated December 29, 1976 (41 FR 56680) and a hearing held thereafter and it is now planning to issue an NPRM for comment. (49 CFR pt. 604 and pt. 605).	*Ernesto Fuentes,* (202) 426–1906.	NPRM *March 1980.*
Innovative Techniques and Methods Set-Aside.	These regulations would prescribe policies and procedures for administering the grant programs for projects using innovative techniques and methods in the management and operation of public transportation services.	Joseph Goodman, (202) 426–4984.	NPRM *February* 1980.
Rail Transit Car Testing.....	These regulations would prescribe policy guidance for the testing of rail transit cars, the test schedule to be followed and requirements of the tests to be performed.	Robert Haught, (202) 426–9545.	NPRM *February 1980.*
Regulations Governing Formula Assistance to Urbanized Areas.	A formula assistance grant program for urbanized areas (areas whose population exceeds 50,000) was created by statute in 1974 as Section 5 of the Urban Mass Transportation Act (49 U.S.C. 1604). The policies and procedures governing this program are described in UMTA Order 9050.1. In November of 1978, this Section 5 program was amended by P.L. 95–599 to modify the formula mechanism, to define new terms, to change the maintenance of effort provision, and to require public hearings prior to fare changes. Furthermore, Sections 304 and 319(a) of P.L. 95–599 required UMTA to collect new types of data to administer this modified Section 5 program. On December 18, 1978, UMTA published changes to 49 CFR pt. 630 which describe the types of data that must be submitted to UMTA. These changes were amended on May 3, 1979 (44 FR 26850). The purpose of the new regulation that is proposed here is to streamline the policies and procedures that were described in UMTA Order 9050.1 and to modify and expand those procedures to meet the new statutory mandates. The changes made in December to 49 CFR pt. 630 will be reviewed to lessen the reporting burden to local public bodies. (49 CFR pt. 630). A proposed regulation governing the public hearing requirements has been published separately and is described elsewhere in this document. A proposed regulation governing maintenance of effort requirements has been published separately and is described elsewhere in this document. *Separate proposed regulations governing capital grants and formula operating grants are described elsewhere in this document. They will replace the above described proposal.*	Peter Benjamin, (202) 472–2435.	*Withdrawn.*
Miscellaneous Amendments—Organization, Functions, and Procedures.	These amendments will reflect modifications in the organization and distribution of functions as well as changes in the delegations of authority within the Urban Mass Transportation Administration (49 CFR pt. 401).	Patricia Colbert, (202) 426–4011.	FR *February 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

UMTA — Urban Mass Transportation Administration

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Public Hearing Requirements	UMTA is proposing regulations to implement Section 5(i)(3) of the Urban Mass Transportation Act of 1964, as amended. This section requires a public hearing or an opportunity for a public hearing prior to increases in general levels of transit fares or substantial changes in service. A notice of proposed rulemaking was published on July 16, 1979 (44 FR 41272). Comments *were* invited through August 30, 1979.	Charlotte Adams, (202) 472-6997.	FR *February 1980.*
Standardized Specification for Rail Rapid Transit Cars.	These regulations would require UMTA grantees to use standard specifications for rapid transit cars. The emphasis in the specifications would be placed on standardizing performance requirements and subsystems rather than in the area of dimensions. *UMTA has concluded that nonregulatory means of addressing rapid rail car specifications are more appropriate at this time.*	Stephen Teel, (202) 426-0090.	*Withdrawn.*
Investigation of Safety Hazards in Urban Mass Transportation Systems.	These regulations would establish the policy and proceedings to be followed in the implementation of Section 107 of the National Mass Transportation Assistance Act of 1974, including the investigation of an unsafe condition, the requiring of a plan for correcting an unsafe condition, and the withholding of financial assistance until such a plan is approved or implemented.	William Rhine, (202) 426-9545.	NPRM *March 1980.*
Human Resource Needs in Transit Industry.	Section 20 of the Urban Mass Transportation Act of 1964, as amended, provides that the Secretary of Transportation, through UMTA, may provide financial assistance for national and local programs that address human resource needs as they apply to public transportation activities. It is intended that the number of minority and female employees in the public transportation field will be increased and that the quality of opportunities will be increased through outreach, training, and management development. The proposed regulations would set out the types of potential eligible projects and the requirements that a project must meet to receive Section 20 funds.	Irvin Bromall, (202) 426-2285.	NPRM *July 1980.*
*Maintenance of Effort Requirements.	These regulations would implement Section 5(f) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604(f)), which deals with maintenance of effort by designated recipients of Federal mass transportation funds. The maintenance of effort requirement is imposed to ensure that state and local support and mass transportation non-farebox revenues will be maintained for provision of mass transportation services. The proposed regulations would implement 1978 legislative changes giving recipients of funds greater flexibility in meeting the requirements. A Notice of Proposed Rulemaking was published on August 27, 1979 (44 FR 50068). Comments *were* invited through October 11, 1979.	Candace Noonan, (202) 472-6997.	FR February 1980.
*Standards and Procedures for Thirty Party Contracts.	These standards and procedures would provide guidance on third party contracting by recipients of Federal assistance from UMTA. They would implement OMB Circular A-102, Attachment B and Attachment O. A Notice of Proposed Rulemaking was published on September 20, 1979 (44 FR 54513). Comments were invited through November 15, 1979. The comment period was extended to January 3, 1980 in a notice published in the ***Federal Register*** on November 1, 1979 (44 FR 62918).	Arlan Eadie, (202) 426-2710.	FR May 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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UMTA — Urban Mass Transportation Administration

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
*Capital Assistance Grants to Meet Special Needs of Elderly and Handicapped (16(b)(2) Program).	UMTA is proposing regulations governing the administration of Section 16(b)(2) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1612(b)(2)). This program provides assistance in meeting the transportation needs of elderly and handicapped persons, where existing transportation services are unavailable, insufficient, or inappropriate. The regulations would set application procedures, and detail the role of the States in the program.	Al Lim, (202) 472-6997.	NPRM *April 1980.*
* Bus Rehabilitation Program	UMTA is proposing regulations to implement a policy in which it will participate in the rehabilitation of older buses. The regulations would set out the guidelines for eligibility and participation in the program.	Charlotte Adams, (202) 472-6997.	NPRM *February 1980.*
* Regulations Governing Formula Operating Assistance Grants to Urbanized Areas.	These regulations would streamline the policies and procedures governing the Operating Grant Program of Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604). Included in the regulations would be application procedures, general program requirements, and project management requirements.	Candace Noonan, (202) 472-6997.	NPRM *April 1980.*
* Project Management Guidelines for Grantees.	These regulations would provide grantees with guidelines and procedures to be applied in administering UMTA grants, cooperative agreements, and loans. These guidelines are intended to assist grantees in meeting various grant management responsibilities and reporting requirements.	Timothy Wolgast (202) 426-4011.	NPRM *March 1980.*
* Guidelines for Preparation and Submission of Transportation Improvement Program (TIP).	These regulations would provide external guidance for the preparation and submission of the Transportation Improvement Program (TIP) pursuant to Joint Planning Regulations of UMTA and FHWA (23 CFR pt. 450; 49 CFR pt. 631). The information contained in these regulations presents current statutory and UMTA requirements pertaining to TIP. The intent of the regulations is to clarify and facilitate the preparation and submission of the TIP.	Timothy Wolgast, (202) 426-4011.	NPRM July 1980.
* Application Instructions for Capital Assistance Projects.	These regulations would provide program information and application instructions and procedures for capital assistance under Sections 3 and 5 of the Urban Mass Transportation Act of 1964, as amended, and for assistance for Interstate Substitution and Federal-Aid Urban Systems (FAUS) non-highway Public Mass Transit Projects under the Federal-Aid Highway Act of 1973.	Timothy Wolgast, (202) 426-4011.	NPRM July 1980.
* Stockpiling of Buses	These regulations would provide guidance concerning the evaluation of requests by grantees for permission to stockpile older buses being replaced with UMTA assistance.	Charlotte Adams, (202) 472-6997.	NPRM February 1980.

SLSDC — Saint Lawrence Seaway Development Corporation

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Tariff of Tolls Amendment	Incorporation of surcharge provisions of Seaway Closing Procedures into 33 CFR Part 402.	Robert D. Kraft, (202) 426-3574.	February 1980.
Operational Regulations	Periodic update of 33 CFR Part 401 operational regulations developed, for the most part, jointly with the Seaway Authority of Canada.	Frederick A. Bush, (315) 764-0271.	March 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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RSPA **Research and Special Programs Administration**

Significant Regulations

Title	Summary	Contact	Earliest expected decision date
Highway Routing of Radioactive Materials (Docket No. HM-164).	**A. Description:** This regulation would establish routing requirements for the highway carriage of radioactive materials. **B. Why Significant:** There is substantial public interest and controversy over the regulation and it would have a significant impact on the Federal Highway Administration. **C. Regulatory Analysis:** Not required. **D. Need:** To provide a basis for deciding whether Federal routing requirements are necessary for the highway transportation of hazardous materials. **E. Legal Basis:** 49 U.S.C. 1803, 1804, 1808. **F. Chronology:** Administrative ruling on Federal pre-emption: Published a public notice and invitation to comment on Aug. 15, 1977 (42 FR 41202): Public hearing (New York) was held on Nov. 10, 1977 (42 FR 64487); Ruling published April 20, 1978 (42 FR 16945); Rulemaking: ANPRM issued Aug. 17, 1978 (43 FR 36492); Public hearing (Washington) was held on Nov. 29, 1977. *NPRM issued January 31, 1980 (45 FR 7140).* **G. Citation:** 49 CFR pt. 177.	D. Crockett, (202) 426-2075.	FR *November 1980.*
Development of New Standards for Transportation of Hazardous Waste Materials (Docket No. HM-145A).	**A. Description:** Would establish new standards and procedures for the transportation of hazardous waste materials. **B. Why Significant:** This regulation would have a significant impact on the operating administrations and the Environmental Protection Agency (EPA). **C. Regulatory Analysis:** Not required. **D. Need:** These standards are necessary to govern the transportation of hazardous waste materials and to provide consistency with the hazardous waste materials regulations to be promulgated by EPA under the Resource Conservation and Recovery Act. **E. Legal Basis:** 49 U.S.C. 1803, 1804, 1808. **F. Chronology:** NPRM jointly developed with EPA; public hearing held on Oct. 26, 1977 (42 FR 51625); NPRM issued May 25, 1978 (43 FR 22626); public hearing on NPRM held on June 20, 1978 (43 FR 22626). **G. Citation:** 49 CFR pts. 171, 172, 173, 174, 175, 176, and 177.	A. Roberts, (202) 426-0656.	FR *March 1980.*
Development of New Standards for Liquefied Natural Gas (LNG) Facilities (Docket No. OPSO-46).	**A. Description:** Comprehensive new standards would be proposed for the siting, design, construction, operation, and maintenance of LNG facilities. **B. Why Significant:** Major rulemaking, due to substantial public interest and controversy, and due to potential danger of large-scale LNG spills. **C. Regulatory Analysis:** Not required. **D. Need:** The concerns of Federal, State, and local agencies over LNG safety. **E. Legal Basis:** 49 U.S.C. 1672.	L. Furrow, (202) 426-0135.	*Action Complete for Siting, Design, and Construction; FR August 1980 for Operation and Maintenance.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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RSPA — Research and Special Programs Administration

Significant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: ANPRM April 21, 1977 (42 FR 20076); NPRM (siting, design, and construction): February 8, 1979 (44 FR 8142); NPRM (operation and maintenance): *Published February 11, 1980 (45 FR 9220);* Final Rules (siting, design, and construction): *Published February 11, 1980 (45 FR 9184)).* Final rules (operation and maintenance): *August 1980.* **G. Citation:** 49 CFR pt. 193 (new)		

RSPA — Research and Special Programs Administration

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Intermodal Portable Tanks (Docket No. HM-167).	Proposed standards for new specifications for portable tanks and procedures for use of these portable tanks for certain hazardous materials. NPRM published Dec. 11, 1978 (43 FR 58050). (49 CFR 107.400-.407, 178.271, 178.272).	E. Altemos, (202) 426-0656.	FR *March 1980.*
Review: Recodification of Radioactive Requirements (Docket No. HM-169).	Proposed consolidation, simplication and recodification of the existing requirements applicable to the transportation of radioactive materials to make them compatible with latest revised international standards as promulgated by the International Atomic Energy Agency. NPRM published Jan. 8, 1979 (44 FR 1852). (New pt. 127 to 49 CFR).	R. Rawl, (202) 426-*2311.*	FR *October 1980.*
Transportation of Asbestos (Docket No. HM-160).	Establishes standards to control asbestos emissions during transportation (49 CFR 172.101, 173.1090). NPRM published Mar. 2, 1978 (43 FR 8562); FR published Dec. 4, 1978 (43 FR 56664). *Responsive to petitions for reconsideration, a new FR was published Aug. 16, 1979 (44 FR 47937) that accommodated packaging methods of some parts of the industry not considered in the original final rule.*	A. Roberts, (202) 426-0656.	*Action complete.*
Safety Improvement Program for DOT 105 Tank Cars (Project 264-78).	Consideration of possible changes to current safety performance standards of DOT 105 tank cars (49 CFR pt. 179).	W. Black, (202) 426-2748.	NPRM *March 1980.*
Detonators and Detonating Primers (Docket No. HM-161).	Establishes standards for appropriate shipping descriptions and hazard classifications for many detonators which are currently used in commercial service: NPRM issued May 4, 1978 (43 FR 19242). (49 CFR 172.101). *FR published Dec. 10, 1979 (44 FR 70721).*	C. Schultz, (202) 426-*2311.*	*Action complete.*
Cryogenic Liquids (Docket No. HM-115).	Proposed standards and procedures for the transportation of cryogenic liquids, (NPRM published Mar. 8, 1979). (44 FR 12826) (49 CFR 172.101, 173.316). Hearing (Washington, D.C.) held on April 17, 1979. Comment period extended to *October 9, 1979* to permit further consideration of issues raised in hearing.	P. Seay, (202) 755-4906.	FR *May 1980.*
Hazardous Materials Aboard Aircraft (Docket No. HM-168).	Proposed standards for the safe operation of aircraft having certain hazardous material aboard. NPRM published Dec. 11, 1978 (43 FR 57928). (49 CFR pts. 107, 171, 175).	E. Mazzullo, (202) 426—*2075.*	FR *February 1980.*
Availability of Shipping Papers to Emergency Response Personnel (Project 259-78).	Proposal to require shipping papers covering hazardous materials to be made available by train crew to emergency personnel. This proposal has been reconsidered and has become a part of Project 289-79, Miscellaneous Hazardous Materials Communications Regulations (49 CFR pts. 171-177).	J. Horning, (202) 426-*2075.*	NPRM *June 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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RSPA **Research and Special Programs Administration**

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Use of United Nations Materials Shipping *Descriptions (Docket No. HM-171).*	Proposed incorporation of shipping descriptions and serial numbers from United Nations regulations covering the transport of dangerous goods. NPRM published July 26, 1979 (44 FR 43864). (49 CFR 172.102).	E. Altemos, (202) 426-0656.	FR *March 1980.*
Definition of a Flammable Solid (Docket No. HM-118).	Proposed new standards for classifying a material as a flammable solid (49 CFR 173.150). Action deferred pending further review.	C. Schultz, (202) *426-2311.*	Review *April 1980.*
Radiation Exposure for Transportation Workers (Project 263-78).	Consideration of methods which will reduce radiation exposure levels to transportation workers (New Sections). *Proposal converted to ANPRM to permit development of basic data.*	R. Rawl, (202) 426-*2311.*	*ANPRM December 1980.*
Requirements for Radioactive Materials (Docket No. HM-152).	Proposed revisions of certain sections of pt. 175 which will reduce the exposure to radioactive materials for passengers aboard aircraft (49 CFR pt. 175). NPRM published June 21, 1977 (42 FR 37427).	R. Rawl, (202) 426-*2311.*	FR *February 1980.*
Forbidden Materials (Docket No. HM-159).	Proposed standards to add the names of materials to the Hazardous Materials Table that are known to be too hazardous to be permitted in commercial transportation. NPRM published July 26, 1979 (44 FR 43861). (49 CFR 172.101).	C. Schultz, (202) *426-2311.*	FR *March 1980.*
Review: Reclassification of Operating Procedures For Motor Vehicles (Project 261-78).	Proposed simplification and recodification of the existing operating procedures for transportation of hazardous materials by motor vehicles as prescribed in Part 177 (49 CFR pt. 177).	*D. Morrison,* (202) 426-1700.	NPRM *November 1980.*
Hazardous Polluting Substances (Docket No. HM-145B).	Proposed new classification for materials designated as hazardous polluting substances by EPA under the Clean Water Act. NPRM published Feb. 22, 1979 (44 FR 10676). (49 CFR pts. 171-177).	L. Metcalfe, (202) 426-0656.	FR *March 1980.*
Use of Interested Inspectors for Cylinder Inspections (Docket No. HM-74A).	Proposal would result in ending of "Interested" inspectors to perform inspections and testing of domestically manufactured low pressure gas cyclinders (NPRM published Mar. 17, 1976 (44 FR 11179). (49 CFR pt. 178).	H. Mitchell, (202) *426-2075.*	NPRM *August 1980.*
Hazardous Materials Communications Regulations *(Docket No. HM-126B).*	Development of changes to shipping papers, marking, labeling, and placarding requirements (49 CFR pts. 171-177). *NPRM published Nov. 8, 1979 (44 FR 65020).*	A. Roberts, (202) 426-0656.	*FR March 1980.*
Cylinders Mounted on Motor Vehicles (Project 284-74).	Proposed protection for devices and appurtenances on cylinders mounted on motor vehicles (49 CFR pt. 173). *Insufficient data available to support a rulemaking action.*	A. Mallen, (202) 755-4906.	*Withdrawn.*
Display of Hazardous Materials Identification Numbers (Docket No. HM-126A).	Development of numerical identification code for hazardous materials for use in emergencies. NPRM published June 7, 1979 (44 FR 32972). *Supplemental NPRM published on July 26, 1979 (44 FR 43858).* (49 CFR pt. 172).	L. Metcalfe, (202) 426-0656.	FR *March 1980.*
Development of Training Requirements for Drivers of Cargo Tank Motor Vehicles (Project 270-78).	Development of minimum driver training requirements necessary to prevent unintentional releases of hazardous materials. (49 CFR pt. 177).	*D. Morrison,* (202) 426-1700.	ANPRM *February 1980.*
Specification for 55-gallon Plastic Drum (Project 278-78).	Proposal to authorize *use of* 55-gallon capacity plastic drums *with* authorization for use with certain hazardous materials. (49 CFR pt. 178).	M. Gigliotti, (202) 755-4906.	NPRM *November 1980.*
Development of Standards and Requalification Tests for Cargo Tank Hoses (Project 271-78).	Development of standards and periodic tests to prevent rupture of hoses used to load and unload cargo tanks. (49 CFR pts. 173, 177).	*D. Morrison,* (202) 426-1700.	ANPRM *July 1980.*

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RSPA **Research and Special Programs Administration**

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel (Project 279–78).	Proposed consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode. (49 CFR pt. 176).	L. Gibson, (202) 426–1577.	NPRM *April 1980.*
Oxidizing Materials Definition, Criteria and Proposed Regulations (Project 160–71).	Development of new standards for classifying a material as an oxidizing material. (49 CFR pt. 173).	C. Schultz, (202) *426–2311.*	ANPRM *September 1980.*
Attendance of Cargo Tanks During Transportation (Project 272–78).	Proposed revision of attendance requirements to include transportation activities other than loading and unloading. (49 CFR pt. 178).	*D. Morrison,* (202) 426–1700.	NPRM *August* 1980.
Consolidation of Specifications and Establishment of Performance Standards for Specification Bags *(Docket No. HM–153).*	*Consolidation of specifications and* development of performance standards for specification bags. *Sufficient data have been developed to proceed with publication of NPRM.*	M. Gigliotti, (202) 755–4906.	*NPRM June 1980.*
Organic Peroxide Requirements (Project 186–72).	Proposed listing of and packaging requirements for organic peroxides. (49 CFR Parts 172, 173). May be combined with Project 160–71, *Oxidizing Materials Definition, Criteria and Proposed Regulations.* (49 CFR pt. 173).	C. Schultz, (202) *426–2311.*	ANPRM *September 1980.*
Odorization of Gas (Project 277–78).	Proposed odorization requirements for certain compressed gases. This proposal has been reconsidered and will become a part of *Project 289–79, Miscellaneous Hazardous Materials Regulations.* (49 CFR pt. 173).	A. Roberts, (202) 426–0656.	NPRM *June 1980.*
Inspection and Testing of Compressed Gas Cylinders (Project 235–74).	Proposed revision and simplification of requirements concerning the inspection, testing, requalification and use of compressed gas cylinders (49 CFR pts. 173, 178). *Action may be renewed following development of supportive information for a major revision to this section 173.34.*	A. Mallen, (202) 755–4906.	*Withdrawn.*
Aluminum Cylinder Specification (Project 228–73).	Development of specifications for aluminum cylinders. (49 CFR pts. 173, 178).	A. Mallen, (202) 755–4906.	NPRM *June 1980.*
Matches (Project 281–78)	Proposed revision and simplification of requirements concerning matches (49 CFR pts. 172, 173).	H. Mitchell, (202) *426–2075.*	NPRM *September 1980.*
Marking and Record Retention for Cylinders (Project 284–79).	Proposed revision and clarification of cylinder marking requirements; deletion of approval for changes to owner markings, user markings, and serial numbers; deletion of submission requirements for cylinder test reports and substitute record retention requirement. (49 CFR pts. 173, 178).	H. Mitchell, (202) *426–2075.*	NPRM *February 1980.*
* Fusion Welding of Multi-Unit Tank Car Tanks (Project 252–77).	Proposed requirements to authorize fusion welding of multi-unit tank car tanks. (49 CFR pt. 178).	A. Mallen, (202) 755–4906.	NPRM November 1980.
* Etiologic Agents (Docket No. HM–142).	Proposed new standards and procedures for the transportation of etiologic (ie. disease-causing) agents. (49 CFR pt. 173).	C. Schultz, (202) *426–2311.*	NPRM November 1980.
Standards to Reduce Spill size Risks Associated with Pipeline Transportation of Highly Volatile Liquids such as Liquid Petroleum Gas (Docket No. PS–53).	Proposal would require valve spacing or other requirements to minimize the amount of commodity or vapor that can spread into populated areas in event of a spill, NPRM published September 5, 1978, (43 FR 39402). Amended NPRM published September 13, 1979. (44 FR 53187). (49 CFR pt. 195).	F. Robinson, (202) 426–*2392.*	FR *April 1980.*
Standards to Reduce Pipeline Failure Rates in Piplines carrying Highly Volatile Liquids (LPG/NH_3) (Docket No. PS–55).	Testing or operating requirements would be proposed to assure the safe operation of existing pipelines transporting highly volatile liquids. NPRM Published November 7, 1978, (43 FR 52500). (49 CFR pt. 195).	*K. Minhas,* (202) 426–*2082.*	FR *February 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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RSPA **Research and Special Programs Administration**

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Corrosion Control (Docket No. PS-52).	Specifies a sampling procedure for inspecting cathodic protection on transmission lines. NPRM issued Sept. 5, 1978 (43 FR 39401). (49 CFR pt. 192), *Final rule published Dec. 20, 1979.* (44 FR 75384).	P. Cory, (202) 426-2392.	*Action complete.*
Requirements for Reporting Gas Incidents (Docket No. OPS-49).	The present reporting forms would be revised to provide additional and more appropriate information about gas safety problems and to require reports from certain systems not now covered. NPRM issued June 5, 1978 (43 FR 24478). Comment period was extended to July 7, 1978 (43 FR 30590). Supplemental Notice to NPRM of June 5, 1978, published March 5, 1979. (44 FR 12070). (49 CFR pt. 191).	R. Langley, (202) 426-2082.	FR *June 1980.*
Design and Construction of Pipelines Carrying Hazardous Volatile Liquids (Docket No. PS-56A).	Additional or more stringent design and construction standards would be proposed for pipelines carrying highly volatile liquids. ANPRM published February 5, 1979, (44 FR 6961). Proposed NPRM would permit the addition of water to ammonia in pipelines. (49 CFR pt. 195).	*K. Minhas,* (202) 426-2082.	MPRM *February 1980.*
Retention of Radiographic Film.....	Recordkeeping requirement for radiographic film would be revoked for hazardous liquid pipelines (49 CFR pt. 195).	F. Robinson, (202) 426-2392.	NPRM *October 1980.*
Offsetting Longitudinal Weld Seams on Adjacent Pipe Lengths (Docket No. OPSO-48).	Construction requirement for offsetting weld seams on adjacent pipe lengths in hazardous liquid pipelines would be revoked (49 CFR pt. 195). *NPRM published September 26, 1977. (42 FR 48900).*	F. Robinson, (202) 426-2392).	FR *June 1980.*
Time Required to Hydrostatically Test a Hazardous Liquids Pipeline.	An 8-hour minimum time period would be proposed for hydrostatically testing hazardous liquid pipelines.	*K. Minhas,* (202) 426-2082.	FR *February 1980.*
Placing Longitudinal Weld Seams in Upper Pipe Half.	Proposal would require location of longitudinal weld seams in the upper half of pipe during construction of hazardous liquid pipe lines. (49 CFR pt. 195).	F. Robinson, (202) 426-2392.	ANPRM *February 1980.*
Heat Treatment of Hard Spots in Steel Pipe.	Allowable temperature for heat treating hard spots in steel pipe would be increased. *NPRM published September 13, 1979,* (44 FR 53185). (49 CFR pt. 192).	P. Cory, (202) 426-2392.	FR *September 1980.*
Qualifying Components for Use in Gas Pipelines.	General criteria would be proposed for qualifying the use of pipeline components other than the pipe itself. (49 CFR pt. 192).	P. Cory, (202) 426-2392.	NPRM *February 1980.*
Transportation of Natural and Other Gas by Pipeline (PS-57).	Requirements for procedures and instrumentation for use in monitoring gas for odorants would be proposed. NPRM published February 22, 1979 (44 FR 10604). (49 CFR pt. 192).	P. Cory, (202) 426-2392.	FR *June 1980.*
Leak Survey.....	Present leak survey requirements would be amended in accordance with practices necessary for safety. (49 CFR pt. 192). *NPRM published December 13, 1979 (44 FR 72201).*	P. Cory, (202) 426-2392.	FR *November 1980.*
Interior Piping.....	The adequacy of existing standards with regard to safety problems concerning interior piping would be examined and new standards may be proposed. (49 CFR pt. 192).	R. Langley, (202) 426-2082.	ANPRM *February 1980.*
Monitor Pressure Regulating Station.	Monitoring equipment would be required for systems served by a single district pressure regulating station. (49 CFR pt. 192). *Proposed rulemaking reconsidered and withdrawn due to technical infeasibility.*	R. Simmons, (202) 426-2082.	*Withdrawn.*
Procedures To Guard Against Blasting Effects in Gas Pipelines.	Proposed standards requiring gas pipeline operators to have procedures to protect facilities affected by blasting. (49 CFR pt. 192).	R. Langley, (202) 426-2082.	NPRM April 1980.

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RSPA — Research and Special Programs Administration

Nonsignificant Regulations—Continued

Title	Summary	Contact	Earliest expected decision date
Location, Size, and Operating Pressure of Pipelines.	Operators would be required to maintain maps and records to identify the location, size, and operating pressure of all pipelines. *ANPRM published November 29, 1979 (44 FR 68493).* (49 CFR pt. 192).	R, Langley, (202) 426-2082.	NPRM *April 1981.*
Hot Taps in Gas Pipelines	Operators would be required to identify a pipeline by pressure monitoring or other means before performing a hot tap on it. (49 CFR pt. 192). *NPRM published November 29, 1979 (44 FR 68491).*	R. Langley, (202) 426-2082.	FR *October 1980.*
Excavation Damage	Operators would be required to participate in a program to prevent excavation damage to underground pipelines (49 CFR pts. 192 and 195). *NPRM published Noverber 15, 1979 (44 FR 65792).*	R. Simmons, (202) 426-2082.	FR *November 1980.*
*Reporting Abnormal Operations at LNG Facilities.	Requirements for reporting abnormal operations at LNG facilities would be proposed. (49 CFR pt. 193).	W, Dennis, (202) 426-2392.	NPRM December 1980.
*Change to Incorrect Reference	An incorrect reference in Section 192.711(b) to Section 197.717(c) has been changed to read Section 197.717 a (3), and published January 17, 1980 (45 FR 3272).	R. Simmons (202) 426-2082.	*Action complete.*
***Review:** Line Markers on Navigable Waterways.	The required number, size, and location of line markers along navigable waterways, including definition of "navigable waters" would be made more appropriate. (49 CFR pt. 192).	R. Simmons, (202) 426-2082.	NPRM June 1980.
*Cargo Tank Corrosion (Project 285-79).	Consideration of the effects of corrosion to the structural integrity of cargo tanks. Would establish a prescribed test for the degree of corrosion of cargo tanks (49 CFR pt. 178).	A. Mallen, (202) 755-4906.	NPRM August 1980.
*Miscellaneous Hazardous Materials Communications Regulations (Project 289-79).	Development of miscellaneous proposals dealing with the communications regulations such as odorization of gas and availability of shipping papers to emergency response personnel. (49 CFR pt. 172).	L. Metcalfe, (202) 426-0656.	NPRM June 1980.

RSPA — Research and Special Programs Administration

Routine and Frequent Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Conversion of Individual Exemptions to Regulations of General Applicability (Docket No. HM-139).	NPRM approximately every *four* months; with FR targeted approximately two months thereafter.	D. Raines, (202) *472-2726.*	1/80-1/81.
Minor Regulatory Adjustments to Regulations of General Applicability (Docket No. HM-166).	NPRM approximately every four months; with FR targeted approximately two months thereafter.	D. Raines, (202) *472-2726.*	1/80-1/81.
Matter Incorporated by Reference (Docket No. HM-22).	NPRM every six months; with FR targeted two months thereafter.	J. Horning, (202) *426-2075.*	1/80-1/81.
Withdrawal of Certain Delegations of Authority to the Bureau of Explosives (Docket No. HM-163).	Prior responsibilities delegated to the Bureau of Explosives would be withdrawn in series of rulemaking actions. NPRM every three months; with FR targeted two months thereafter. *The final rule under this docket is expected to be published in the first half of 1980.*	D. Raines, (202) *472-2726.*	1/80-6/81.
Matter Incorporated by Reference	Documents incorporated by reference would be updated to later published editions. NPRM every six months, with FR three months later.	*R. Langley, (202) 426-2082.*	1/80-1/81.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

USCG — U.S. Coast Guard

Regulations selected for review	Reasons for selection	Contact	Target date
Charges for Duplicate Medals and Sales of Personal Property, Equipment or Services and Rental (33 CFR 1.26).	Length of time since last evaluated: changing economic factors.	Mr. A. Bell, (202) 426-1863.	May 1980.
Agency regulations regarding the Coast Guard Reserve Program (33 CFR pt. 8).	Length of time since last evaluated and need to reflect changed procedures.	CAPT Grover, (202) 426-2348.	July 1979.
Boating Safety: Equipment Requirement Personal Flotation Devices (33 CFR 175.15).	Length of time since last evaluated; Research and Development project initiated to determine need for carriage regulations revision.	*LCDR Schmect, (202) 426-4176.*	August 1980.
Boats and Associated Equipment: Safe Loading (33 CFR pt. 183, subpart C).	Length of time since last evaluated; standards may not be effective for all boats to which these regulations apply.	Mr. L. Gray, (202) 426-4027.	January 1981.
Boats and Associated Equipment: Safe Powering (33 CFR pt. 183, subpart D).	Length of time since last evaluated; standards may not be effective for all boats to which these regulations apply.	Mr. L. Gray, (202) 426-4027.	July 1980.
Boats and Associated Equipment: Flotation Standards (33 CFR pt. 183).	Length of time since last evaluated; standards may be limited in applicability.	Mr. L. Gray, (202) 426-4027.	August 1980.

FAA — Federal Aviation Administration

Regulations selected for review	Reasons for selection	Contact	Target Date
Rotorcraft Review. (Docket No. 18689).	These regulations were selected for review to determine the need for (1) developing instrument flight rules airworthiness standards for rotorcraft certification and (2) improving and updating the rotorcraft airworthiness requirements and operating regulations. *The Review Conference was held 12/9-14/79. The NPRM based on this Review is not under development and this action is now included in the nonsignificant portion of the agenda.*	William J. Sullivan, (202) 755-8716.	*NPRM May 1980.*
Light Transport Airplane—Airworthiness Review (Docket No. 18600).	These regulations were selected for review to determine the need for developing airworthiness standards for small airplanes carrying 10 or more passengers. *The Review Conference was held 9/19—9/21/79 to develop airworthiness standards for airplanes configured with 30 or less passenger seats. A conference was also held in November 1979 to discuss additional airworthiness standards for airplanes configured with 30 to 60 passenger seats. The NPRM based on this Review is now under development and this action is now included in the non-significant portion of the agenda.*	William J. Sullivan, (202) 755-8716.	*NPRM February 1980*

NHTSA — National Highway Traffic Safety Administration

Regulations selected for review	Reason for selection	Contact	Target date
Air Brakes (49 CFR 571.121)	Cost, Safety Benefits and Public Interest	Frank Ephraim, (202) 426-1574.	*Contractor final report completed October 1979.*
Hydraulic Brakes (49 CFR 571.105).	Cost and Safety Benefits	Frank Ephraim, (202) 426-1574.	December 1980.
Lamps, Reflective Devices and Associated Equipment (49 CFR 571.108).	Cost, Safety Benefits	Frank Ephraim, (202) 426-1574.	December 1980.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

NHTSA — National Highway Traffic Safety Administration

Regulations selected for review	Reason for selection	Contact	Target date
Head Restraints (49 CFR 571.202).	Costs	Frank Ephraim, (202) 426-1574.	*April 1980.*
Seating Systems (49 CFR 571.207).	Costs	Frank Ephraim, (202) 426-1574.	December 1980.
Child Seating Systems (49 CFR 571.213).	Public Interest	Frank Ephraim, (202) 426-1574.	Preliminary Review *March 1980.*
Occupant Protection (49 CFR 571.208).	Cost, Safety Benefits and Public Interest	Frank Ephraim, (202) 426-1574.	Automatic Belts, Air Cushion Restraints or other Automatic Systems Preliminary Review FY-85.
Side Door Strength (49 CFR 571.214).	Public Interest	Frank Ephraim, (202) 426-1574.	*Published 8/30/79. (44 FR 50878).*
Exterior Protection (49 CFR 571.215) and 49 CFR pt. 581).	Cost and Public Interest	Frank Ephraim, (202) 426-1574.	August 1980.
Fuel System Integrity (49 CFR 571.301).	Cost, Safety Benefits and Public Interest	Frank Ephraim, (202) 426-1574.	*July 1980.*
School Bus Protection (49 CFR 571.220).	Public Interest	Frank Ephraim, (202) 426-1574.	Preliminary Review December 1980.
School Bus Body Joint Strength (49 CFR 571.221).	Public Interest	Frank Ephraim, (202) 426-1574.	Preliminary Review December 1980.
School Bus Seating System (49 CFR 571.222).	Public Interest	Frank Ephraim, (202) 426-1574.	December 1980.
Tire Reserve Load (49 CFR 575.102).	Public Interest	Michael Brownlee, (202) 426-1740.	*March 1980.*
Acceleration and Passing Ability (49 CFR 575.106).	Public Interest	Michael Brownlee, (202) 426-1740.	*March 1980.*

FRA — Federal Railroad Administration

Regulations selected for review	Reasons for selection	Contact	Target date
General Safety Inquiry	FRA has initiated a General Railroad Safety Inquiry to obtain information from the public to assist in evaluating and improving its safety program. A series of public hearings, each focused on a single regulatory topic, have been scheduled as indicated below.		
Topic: Power Brakes (49 CFR pt. 232).	Hearing notice published August 8, 1978 (43 FR 36659). Hearing held on September 13 and 14, 1978. Rulemaking to be initiated; see listing under Nonsignificant Regulations.	R. Mowatt-Larssen (202) 426-0924.	Completion *April 1980.*
Topic: Signal and Communication Systems (49 CFR pts. 235 and 236).	Hearing notice published December 12, 1978 (43 FR 58100). Public hearing rescheduled for February 21 and 22, 1978. Notice of change in hearing dates published in Federal Register on January 3, 1979 (44 FR 925). Hearing held February 22 and 23, 1979. Rulemaking to be initiated; see listing under Nonsignificant Regulations.	R. Mowatt-Larssen (202) 426-0924.	Completion *May 1980.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

RSPA — Research and Special Programs Administration

Regulations selected for review	Reasons for selection	Contact	Target date
Shippers-General Requirements for Shipments and Packagings (49 CFR pt. 173) (includes the following items):			
Electric Storage Batteries Wet (49 CFR 173.260).	Due to inquiries requesting an interpretation of this section and to eliminate the possibility of noncompliance based on a misunderstanding of the requirements, there is a need to simplify and clarify present standards.	J. Horning, (202) *426-2075.*	*April 1980.*
Charcoal (49 CFR 173.162)	.....do	J. Horning, (202) *426-2075.*	*September 1980.*
Flammable solid; definitions criteria (49 CFR 173.150).	Inquiries; lack of objective regulatory standard	J. Horning, (202) *426-2075.*	*April 1980.*
Toxic materials; definitions, criteria, and proposed regulations (49 CFR 173.326, 173.343).	Need for quantitative criteria	J. Horning, (202) *426-2075.*	*December 1980.*
Welding of steel in Gas Pipelines (49 CFR pt. 192. subpt. E).	Present requirements to be examined in light of changes in technology.	L. Furrow, (202) *426-2392.*	*Action complete.*
Maintenance of Gas Pipelines (49 CFR pt. 192, subpt. M).	The performance required by the maintenance standards needs clarification as indicated by extent of interpretations generated by these standards.	L. Furrow, (202) *426-2392.*	*Action complete.*
Line Markers (49 CFR 195.410)	The requirement of installation of markers at navigable waterways needs clarification as indicated by extent of interpretations. *NPRM scheduled in June 1980.*	F. Robinson, (202) 426-2392.	*Action complete.*
Hydrostatic Testing (49 CFR pt. 195, Subpart E).	There is a need to clarify present standards as indicated by extent of interpretation.	F. Robinson, (202) 426-2392.	*November 1980.*
Welding Requirements (49 CFR pt. 195, Subpart D).	Present requirements to be examined in light of changes in technology.	F. Robinson, (202) 426-2392.	*November 1980.*
Petroleum Gas Systems (49 CFR pt. 192.11).	There is a need to eliminate inappropriate regulations	W. Dennis, (202) 426-2392.	*November 1980.*
* Master Meter and LPG Distribution Systems (49 CFR pt. 192).	There is a need to simplify current standards for small systems such as master meter systems.	R. Langley, (202) 426-2082.	*December 1980.*

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

United States Coast Guard (USCG)

Anyone desiring a copy of a USCG regulatory document listed in the Agenda should write to: U.S. Coast Guard, G—CMC/81, 400 7th Street, SW., Washington, D.C. 20590.

The request should reference the name of the document and the associated regulatory docket (CGD) number which can be found in this Agenda together with the listing of the document. Persons wishing to be placed on mailing lists for all notices and rules to be issued by the USCG or for notices and rules dealing with a particular area should indicate this clearly for proper handling.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain Parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-426-8058 or by writing to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591

Federal Highway Administration (FHWA)

The FHWA is in the process of establishing a consumer mailing list for individuals and agencies wishing to routinely receive Federal-aid highway related rulemaking actions. Persons may selectively choose to receive rulemaking materials in a number of separately identified program categories from the Code of Federal Regulations, Title 23. Those wishing to take advantage of the FHWA consumer mailing list may obtain additional information by writing to: Consumer Affairs Representative, Office of Public Affairs, Room 4208, Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590.

Persons who desire to obtain a copy of any regulatory document to be issued by the FHWA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person). Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590.

Federal Railroad Administration (FRA)

Persons who desire to obtain a copy of any regulatory document to be issued by the FRA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person). Federal Railroad Administration, 400 7th Street, SW., Washington, D.C. 20590.

National Highway Traffic Safety Administration (NHTSA)

Persons who desire to obtain a copy of any other regulatory document to be issued by the NHTSA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person). National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-0679.

Urban Mass Transportation Administration (UMTA)

Persons who desire to obtain a copy of any regulatory document to be issued by UMTA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person). Urban Mass Transit Administration, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-1909.

Saint Lawrence Seaway Development Corporation (SLSDC)

Persons who desire to obtain a copy of any regulatory document to be issued by SLSDC that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the appropriate address specified below: *For contact persons with (202), telephone area code:* (name of contact person), Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, SW., Washington, D.C. 20591. *For contact persons with (315) telephone area code:* name of contact person), Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662.

Research and Special Programs Administration (RSPA)

Persons wishing to be placed on mailing lists for regulatory documents to be issued by RSPA should contact: Mrs. Marge J. Sands, Information Services Division, DMT-43, Materials Transportation Bureau, 2100 2nd Street, S.W., Washington, D.C. 20590.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Regulations Agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590, (202) 426-4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired.

Appendix B—General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG—Bruce Novak, Marine Safety Council, USCG Headquarters Building, Room 2418, 2120 2nd Street, S.W., Washington, D.C. 20593. Telephone: 202/426-1477.

FAA—Edward Faberman, Office of Chief Counsel, Regulation and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Telephone: 202/426-3644.

FHWA—Dennis Judycki, Office of the Administrator, 400 7th Street, S.W., Room 4218, Washington, D.C. 20590. Telephone: 202/426-0848.

FRA—Mike Haley, Office of Chief Counsel, 400 7th Street, S.W., Room 8211, Washington, D.C. 20590. Telephone: 202/472-9042.

NHTSA—Roger Tilton, Office of Chief Counsel, 400 7th Street, S.W., Room 5219, Washington, D.C. 20590. Telephone: 202/426-9511.

UMTA—Ed Gill, Office of Chief Counsel, 400 7th Street, S.W., Room 9320, Washington, D.C. 20590. Telephone: 202/426-1906.

SLSDC—Bob Kraft, Office of Chief Counsel, 800 Independence Ave., S.W., Room 814, Washington, D.C. 20591. Telephone: 202/426-3574.

RSPA—Joe Nalevanko, Office of Program Support, 400 7th Street, S.W., Room 8434, Washington, D.C. 20590. Telephone: 202/472-2698.

OST—Neil Eisner, Office of Regulation and Enforcement, 400 7th Street, S.W., Room 10421, Washington, D.C. 20590. Telephone: 202/426-4723.

Appendix C—Public Rulemaking Dockets

The following is a list of Rules Docket locations for the various operating administrations where the public may review regulatory dockets and hand deliver comments on advance notices and notices of proposed rulemaking:

USCG—Marine Safety Council, 2100 2nd Street, S.W., Room 2418, Washington, D.C. 20593. Working Hours: 7:00–5:00 (Monday–Thursday).

FAA—Rules Docket, Office of Chief Counsel, Regulation and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Working Hours: 8:30–5:00.

FHWA—Docket Room, 400 7th Street, S.W., Room 4205, Washington, D.C. 29590. Working Hours: 7:45–4:15.

FRA—Docket Clerk, 400 7th Street, S.W., Room 8211, Washington, D.C. 20590. Working Hours: 8:30–5:00.

NHTSA—Docket Room, 400 7th Street, S.W., Room 5108, Washington, D.C. 20590. Working Hours: 7:45–4:15.

UMTA—Docket Clerk, 400 7th Street, S.W., Room 9320, Washington, D.C. 20590. Working Hours: 8:30–5:00.

SLSDC—800 Independence Ave., S.W., Room 814, Washington, D.C. 20591. Working Hours: 8:30–5:00.

RSPA—Docket Branch, 400 7th Street, S.W., Room 8426, Washington, D.C. 20590. Working Hours: 8:30–5:00.

OST—Docket Clerk, 400 7th Street, S.W., Room 10421, Washington, D.C. 20590. Working Hours: 9:00–5:30.

[FR Doc. 80-5355 Filed 2-22-80; 8:45 am]

BILLING CODE 4910-62-M

federal register

Thursday
February 28, 1980

Part III

Office of Management and Budget

Updated List of Federal Agencies Responsible for Approval of Cost Allocation Plans and Other Cost Proposals of State and Local Governments

OFFICE OF MANAGEMENT AND BUDGET

Federal Agencies Responsible for Approval of Cost Allocation Plans and Other Cost Proposals of State and Local Governments

February 19, 1980.

SUMMARY: This notice transmits an updated list of Federal agency assignments for administering OMB Circular 74–4, "Cost Principles Applicable to Grants and Contracts With State and Local Governments."

OMB Circular 74–4 established principles and standards for determining the allowable costs of programs administered by State and local governments. The Circular also provides instructions and guidance for the negotiation, approval, and audit of cost allocation plans, and indirect cost proposals.

The following list shows the responsible Federal agency assigned to carry out these provisions of the Circular.

This list does not provide cognizant agency assignments for carrying out the provisions of Attachment P, Circular A–102, "Audit Requirements for State and Local Governments." Such a list is currently under development and will be issued in the near future.

FOR FURTHER INFORMATION CONTACT: Jack Sheehan, Financial Management Branch, Office of Management and Budget, Washington, D.C. 20503 (202) 395–3993.

John J. Lordan,

Chief, Financial Management Branch.

Federal Agencies Responsible for Audit and Approval of Cost Allocation Plans and Other Cost Proposals of State and Local Governments

A Listing by States

Table of Contents

Part I—General Information
Part II—Federal Agencies Responsible for the Audit and Approval of Statewide Cost Allocation Plans
Part III—Federal Agencies Responsible for the Audit and Approval of State Agency and Local Government Cost Allocation Plans
Part IV—Federal Agencies Responsible for the Audit and Approval of Cost Allocation Plans for School Districts and Special Districts
Part V—Addresses of Federal Offices to Contact Regarding the Requirements of OMB Circular 74–4

Part I—General Information

OMB Circular 74–4 establishes uniform principles for determining costs of federally assisted programs carried out by State and local governments. It provides for recognition of central service costs, identifies the major types of costs normally incurred, and classifies them as to allowability. It also provides for the development of necessary instructions related to the determination of indirect costs and makes it possible for indirect costs to be charged against a Federal program without a transfer of funds between the grantee departments involved. It requires States and localities charging indirect costs to substantiate them through the preparation of cost allocation plans.

All States, the District of Columbia, Puerto Rico, and other territories are required to submit their cost allocation plans to a designated Federal agency for prior approval. Local governments are not required to submit their cost allocation plans for approval unless asked to do so by the designated Federal agency. It is, however, the responsibility of the local government seeking reimbursement of its indirect costs to prepare and retain a plan even though not asked to submit one.

Circular 74–4 provides that a listing of Federal agencies assigned responsibility for the audit and approval of State and local cost plans be maintained by the Federal Government. Parts II, III, and IV constitute that listing. All States are included, as are all State agencies, school districts, and those special districts that are expected to have substantial dealings with the Federal government. Counties, municipalities, and townships that had populations in excess of 50,000 are also included.

Part V contains the addresses of Federal offices that should be contacted for additional information and guidance. Those State departments and local units of government not listed should contact the Federal agency providing them the most funds for information and guidance. In the determination of what Federal funds should be considered for this purpose do not include Federal funds which are not normally burdened with overhead, such as major subcontracts, funds received by a State but immediately passed through to a local government, and funds received by a local government which are immediately passed through to a subgrantee.

Part II—Federal Agencies Responsible for the Audit and Approval of Statewide Cost Allocation Plans

50 States, The District of Columbia and Puerto Rico; Department of Health, Education, & Welfare
American Samoa; Department of Interior
Guam; Department of Interior
Trust Territory of the Pacific Islands; Department of Interior
Virgin Islands; Department of Interior

Part III—Federal Agencies Responsible for the Audit and Approval of State Agency and Local Government Cost Allocation Plans

Legend of Federal Agency Abbreviations Used in the Listings That Follow

Department of Agriculture	AGRI
Department of Commerce	COMM
Community Services Administration	CSA
Defense Contract Audit Agency	DCAA
Defense Civil Preparedness Agency	DCPA
Department of Energy	DOE
Department of Transportation	DOT
Equal Employment Opportunity Commission	EEOC
Environmental Protection Agency	EPA
Department of Health, Education and Welfare	HEW
Department of Housing and Urban Development	HUD
Department of Interior	INT
Department of Justice	JUST
Department of Labor	LABOR
Law Enforcement Assistance Agency	LEAA
National Foundation on the Arts and Humanities	NFAH
National Science Foundation	NSF
Veterans Administration	VA

NOTE.—The assignments shown for HEW and DCPA will be changed in the future when their successor agencies are fully operational. Assignments shown for NFAH are reassigned to its successor agencies: National Endowment for the Arts and National Endowment for the Humanitities.

Alabama

State Agency

CSA Advisory Committee for Economic Opportunity
HUD Alabama Development Commission
JUST Alabama Law Enforcement Agency
NFAH Alabama State Council on the Arts and Humanities
DCPA Civil Defense Department
HEW Commission on Aging
AGRI Dept. of Agriculture and Industries
INT Dept. of Archives & History
INT Dept. of Conservation and Natural ResourcesDepartment of Education
HEW Department of Education
HEW Dept. of Education-Voc. Rehab. Sevices
LABOR Dept. of Industrial Relations
LABOR Dept. of Labor
HEW Dept. of Mental Health
HEW Dept. of Pensions and Security
HEW Dept. of Public Health
HUD Office of the Governor
AGRI State Forestry Commission
DOT State of Alabama Highway Department
HEW Water Improvement Commission

Counties

HEW Calhoun
HEW Dallas
HEW Etowah
HEW Houston
EPA Jefferson
HEW Lauderdale
HEW Madison
HEW Mobile
EPA Montgomery
HEW Morgan
HEW Talladega
LABOR Tuscaloosa
HEW Walker

Municipalities

HEW Birmingham
HEW Gadsden

LABOR Huntsville
EPA Mobile
LABOR Montgomery
HUD Tuscaloosa

Alaska

State Agency

NFAH Alaska State Council on the Arts
DCPA Alaska Division of Emergency Services
HEW Board of Vocational Rehabilitation
DOT Dept. of Commerce
LABOR Dept. of Community & Regional Affairs
COMM Dept. of Economic Development
HEW Dept. of Education
EPA Dept. of Environmental Conservation
INT Dept. of Fish and Game
HEW Dept. of Health and Social Services
LABOR Dept. of Labor
DCAA Dept. of Military Affairs
INT Dept. of Natural Resources
DOT Dept. of Public Safety
LABOR Office of the Governor
CSA Rural Community Action Program
DOT Dept. of Transportation and Public Facilities

Counties

HEW Greater Anchorage

American Samoa

State Agency

INT All Departments

Arizona

State Agency

NFAH Arizona Commission on the Arts and Humanities
INT Arizona Game & Fish Department
HEW Dept. of Economic Security
HEW Dept. of Education
HEW Dept. of Health Services
JUST Dept. of Public Safety
DCPA Division of Emergency Services
AGRI Egg Inspection Board
LABOR Governor's Office
LABOR Industrial Commission
AGRI Livestock Sanitary Board
INT Outdoor Recreation Coor. Comm.
DOT Dept. of Transportation
HEW State Hospital Board
AGRI State Land Department
HEW State School for the Deaf and Blind
INT Arizona State Parks

Counties

HEW Chochise
LABOR Maricopa
HEW Pima
HEW Pinal

Municipalities

EPA Phoenix
EPA Tucson

Arkansas

State Agency

AGRI Dept. of Commerce
HEW Dept. of Education
LABOR Dept. of Labor
EPA Dept. of Pollution Control and Ecology
HEW Dept. of Human Services
HEW Dept. of Disability Det.
INT Game & Fish Commission
NFAH Office of Arkansas State Arts and Humanities
DCPA Office of Emergency Services
COMM Office of the Governor
HEW State Cancer Commission
DOT Arkansas State Highway and Transportation Dept.
HEW State Hospital Board
HEW Dept. of Higher Education
HEW Dept. of Health

Counties

HEW Jefferson
HEW Mississippi
HUD Pulaski
EPA Sebastian
HEW Washington

Municipalities

EPA Fort Smith
HUD Little Rock
EPA North Little Rock

California

State Agency

HEW Air Resources Board
DOT Dept. of Transportation
NFAH California Arts Commission
JUST Calif. Council on Criminal Justice
HEW Coord. Council for Higher Education
HEW Dept. of Social Services
HEW Dept. of Corrections
AGRI Dept. of Conservation
HEW Dept. of Education
LABOR Dept. of Employment Development
INT Dept. of Fish and Game
AGRI Dept. of Food and Agriculture
HEW Dept. of Health
LABOR Dept. of Human Resources
LABOR Dept. of Industrial Relations
JUST Dept. of Justice
INT Dept. of Parks & Recreation
HEW Dept. of Rehabilitation
VA Dept. of Veterans Affairs
EEOC Division of Human Rights
HEW Dept. of Mental Health
HEW Dept. of Developmental Services
HEW Dept. of Alcohol and Drug Abuse
HEW Dept. of State Wide Health Planning & Development
DCPA Office of Emergency Services
HUD Office of Planning and Research
HUD State Department of Finance
DOT State Highway Department
DCPA State National Guard
HEW State Scholarship and Loan Comm.
HEW Dept. of Youth Authority
EPA Water Resources Control Board

Counties

HEW All Counties

Municipalities

HUD Alameda
HEW Alhambra
HEW Anaheim
EPA Bakersfield
HUD Berkeley
HEW Burbank
HUD Compton
HEW Downey
HUD Fresno
HEW Fullerton
HEW Garden Grove
HEW Glendale
HEW Hayward
HEW Inglewood
HEW Lakewood
DOL Long Beach
HEW Los Angeles
HEW Norwalk
HEW Oakland
EPA Palo Alto
HEW Pasadena
HEW Pomona
LABOR Richmond
HEW Riverside
LABOR Sacramento
HUD San Bernardino
EPA San Diego
EPA San Jose
HEW San Leandro
EPA San Mateo
HEW Santa Ana
HUD Santa Barbara
HEW Santa Clara
HEW Santa Monica
HEW South Gate
LABOR Stockton
HEW Sunnyvale
HEW Torrance
HUD Vallejo
HEW West Covina

Colorado

State Agency

DCPA Adjutant General—Disaster Emergency Services
NFAH Colorado Council on the Arts and Humanities
AGRI Dept. of Agriculture
HEW Dept. of Education
INT Division of Wildlife
HEW Dept. of Higher Education
HEW Dept. of Institutions
LABOR Dept. of Labor and Employment
INT Dept. of Natural Resources
HEW Dept. of Public Health
HEW Dept. of Social Services
COMM Div. of Comm. and Development
DOE Office of the Governor
DOT State Dept. of Highways
HEW Western Inter. Comm. for High Education

Counties

HEW Adams
HEW Aranahoe
HEW Boulder
HEW El Paso
HEW Jefferson
HEW Larimer
HEW Mesa
HEW Pueblo
HEW Weld
HEW

Municipalities

EPA Colorado Springs
HEW Denver
HUD Pueblo

Connecticut

State Agency

AGRI Agriculture Expt. Station
HEW Comm. on Services for Elderly Persons
NFAH Connecticut Commission on the Arts
COMM Connecticut Development Commission
INT Connecticut Historical Comm.
HUD Dept. of Community Affairs

AGRI Dept. of Consumer Protection
HEW Dept. of Education
EPA Dept. of Environmental Protection
HEW Office Policy & Management
HEW Dept. of Health
LABOR Dept. of Labor
HEW Dept. of Mental Health
HEW Dept. of Welfare
DCAA Military Dept.
DOT Dept. of Transportation

Municipalities

LABOR Bridgeport
LABOR Hartford
EPA Meriden
HEW New Britain
LABOR New Haven
HEW Norwalk
EPA Stamford
HUD Waterbury

Townships

HEW Greenwich
HEW West Hartford

Delaware

State Agency

EPA Air and Water Resources Commission
HEW Board of Vocational Education
NFAH Delaware State Arts Council
HEW Dept. of Education
HEW Dept. of Community Affairs
HEW Dept. of Health & Social Services
LABOR Dept. of Labor
EPA Dept. of Natural Resources & Environmental Control

Delaware

State Agency

LABOR Employment Security Comm.
CSA Office of Economic Opportunity
AGRI State Board of Agriculture
DOT Dept. of Transportation
DCAA State National Guard

Counties

HEW Kent
EPA New Castle
EPA Sussex

Municipalities

EPA Wilmington

District of Columbia

State Agency

HUD Asst. to the Comm. for Housing Prog.
HEW Asst. to the Comm. for Juvenile Delinquency Prog.
NFAH D.C. Comm. on the Arts and Humanities
JUST Dept. of Corrects
EPA Dept. of Environmental Services
DOT Dept. of Transportation
HEW Dept. of Human Resources
LABOR Dept. of Manpower
DOT Dept. of Motor Vehicles
INT Dept. of Recreation
COMM Mayor's Econ. Devel. Comm.
JUST Metropolitan Police
DCAA Office of Civil Defense
HUD Office of Community Services
JUST Office of the Directors, Public Safety
HEW Public Library
HEW Public Schools

Municipalities

HEW Washington, D.C.

Florida

State Agency

HUD Dept. of Administration
AGRI Dept. of Agriculture and Consumer Services
LABOR Dept. of Commerce
HEW Dept. of Education
HEW Dept. of Health & Rehab. Services
DCPA Dept. of Military Affairs
INT Dept. of Natural Resources
EPA Dept. of Pollution Control
DOT Dept. of Transportation
DCPA Division of Disaster Preparedness
LABOR Employment Security Commission
NFAH Fin Arts Council of Florida
LABOR Dept. of Community Affairs
INT Game & Fresh Water Fish Commission

Counties

HEW Alachua
HEW Bay
LABOR Brevard
HEW Broward
EPA Dade
HEW Duval
LABOR Escambia
HEW Hillsborough
HEW Lake
LABOR Lee
LABOR Leon
LABOR Manatee
HEW Marion
HEW Akaloosa
LABOR Orange
LABOR Palm Beach
LABOR Pasco
HEW Pinellas
LABOR Polk
LABOR Sarasota
LABOR Seminole
LABOR Volusia

Municipalities

EPA Fort Lauderdale
HEW Hialeah
EPA Jacksonville
HEW Miami
HEW Miami Beach
EPA Orlando
EPA Pensacola
LABOR St. Petersburg
EPA Tallahassee
HUD Tampa
HUD West Palm Beach

Georgia

State Agency

DCPA Adjutant General—State Civil Defense
HEW Board of Regents
HEW Commission on Aging
DOT Coordinator of Highway Safety
AGRIC Dept. of Agriculture
HUD Dept. of Community Development
JUST Dept. of Correction
HEW Dept. of Education
HEW Dept. of Family and Children Services
HEW Dept. of Human Resources
HUD Dept. of Industry & Trade
LABOR Dept. of Labor
EPA Dept. of Natural Resources
HEW Dept. of Public Health
JUST Dept. of Public Safety
VA Dept. of Veterans Services
NFAH Georgia Council for the Arts
HEW Higher Education Asst. & State School Comm.
CSA Office of Economic Opportunity
AGRI State Forestry Comm.
DOT Dept. of Transportation
HUD State Planning Bureau

Counties

HEW Bobb
HEW Chatham
EPA Cobb
LABOR DeKalb
HEW Dougherty
LABOR Fulton
HEW Floyd
HEW Muscogee
LABOR Richmond

Municipalities

HUD Albany
HUD Atlanta
EPA Augusta
HEW Columbus
LABOR Macon
HUD Savannah

State Agency

INT All Departments

Hawaii

State Agency

DCPA Adjutant General—Civil Defense
AGRI Dept. of Agriculture
HEW Dept. of Budget & Finance
HEW Dept. of Education
HEW Dept. of Health
LABOR Dept. of Labor and Industrial Relations
INT Dept. of Land & Natural Resources
HEW Dept. of Social Services and Housing
DOT Dept. of Transportation
NFAH Hawaii State Foundation on Culture & the Arts
JUST Office of the Governor

Counties

EPA Hawaii

Municipalities

LABOR Honolulu

Idaho

State Agency

DCPA Adj. General & Bureau of Disaster Services
HUD Association of Idaho Cities
AGRI Dept. of Agriculture
HEW Dept. of Education
LABOR Dept. of Employment
HEW Dept. of Environmental and Community Services
INT Dept. of Fish and Game
LABOR Dept. of Labor
INT Dept. of Parks and Recreation
EPA Dept. of Water Resources
HEW Disability Determination Unit
INT Idaho Historical Society
NFAH Idaho State Commission on Arts and Humanities
LABOR Industrial Commission
CSA Office of Economic Opportunity
HEW Office of the Governor
HEW Office of Voc. Rehabilitation Services

AGRI State Board of Land Comm.
DOT State of Idaho Transportation Dept.

Counties

HEW Ada
HEW Canyon

Illinois

State Agency

EPA Air Pollution Control Board
HEW Board of Voc. Education & Rehab.
DCPA Civil Defense Agency
AGRI Dept. of Agriculture
HEW Dept. of Children & Services
INT Dept. of Conservation
HEW Dept. of Education
LABOR Dept. of Labor
HEW Dept. of Mental Health
HEW Dept of Public Aid
HEW Dept. of Public Health
DOT Dept. of Transportation
EPA Environmental Protection Agency
NFAH Illinois Arts Council
LABOR Industrial Commission
CSA Office of Economic Opportunity
HUD State Housing Board
EPA State Sanitary Board

Counties

HEW Adams
HEW Champaign
HEW Cook
EPA Dekalb
HEW DuPage
HEW Kane
HEW Kankakee
HEW Knox
LABOR Lake
HEW LaSalle
HEW Macon
HEW Madison
HEW McHenry
HEW McLean
HUD Peoria
HEW Rock Island
HEW Sangamon
HEW St. Clair
HEW Tazewell
HEW Vermilion
HEW Whiteside
HEW Will
HEW Winnebago

Municipalities

HEW Aurora
HEW Berwyn
HUD Chicago
HEW Cicero
HEW Decatur
HUD E. St. Louis
HEW Evanston
EPA Joliet
HEW Oak Park
HEW Peoria
HUD Rock Island
HUD Rockford
HEW Skokie
EPA Springfield
EPA Waukegan

Townships

HEW Aurora
HEW Berwyn
HEW Breman
HEW Bloom
HEW Capital
HEW Decatur
HEW Downers Grove
HEW E. St. Louis
HEW Elgin
HEW Evanston
HEW Joliet
HEW Leyden
HEW Lyons
HEW Maine
HEW Milton
HEW New Trier
HEW Niles
HEW Oak Park
HEW Proviso
HEW Rockford
HEW Thornton
HEW Waukegan
HEW Wheeling

Indiana

State Agency

HEW Board of Health
HEW Board of Voc. & Tech. Education
AGRI Dept. Of Agriculture
DCPA Dept. of Civil Defense
HEW Dept. of Mental Health
INT Dept. of Natural Resources
HEW Dept. of Public Institutions
HEW Dept. of Public Welfare
HEW Dept. of Voc. Rehab.
LABOR Employment Security Division
NFAH Indiana Arts Comm.
LABOR Labor Division
DCAA State Adjutant General
HUD State Dept. of Commerce
DOT State Highway Commission
HEW Stream Pollution Control Board

Counties

HEW Allen
HUD Clark
HEW Delaware
HEW Elkhart
HEW Floyd
HEW Grant
HEW Howard
HEW Lake
HEW La Porte
HEW Madison
HEW Marion
HEW Monroe
HEW Porter
HUD St. Joseph
HEW Tippecanoe
HEW Vanderburgh
HEW Vigo
HEW Wayne

Municipalities

HEW E. Chicago
HEW Evansville
EPA Fort Wayne
HUD Gary
EPA Hammond
HUD Indianapolis
HEW Muncie
HUD South Bend
HUD Terre Haute

Townships

HEW Anderson
HEW Calumet
HEW Center-Muncie
HEW Center-Kokomo
HEW Gary
HEW Harrison
HEW Knight
HEW North-Hammond
HEW Pigeon
HEW Portage
HEW Warren
HEW Washington
HEW Wayne-Ft. Wayne
HEW Wayne-Indianapolis
HEW Wayne-Richmond

Iowa

State Agency

HEW Board of Control of State Institutions
HEW Board of Vocational Education
DCPA Office of Disaster Services
HEW Commission for the Blind
HEW Commission on Aging
LABOR Employment Security Commission
AGRI Dept. of Agriculture
HEW Dept. of Education
EPA Dept. of Environmental Quality
HEW Dept. of Health
HEW Dept. of Social Welfare
DOT Dept. of Transportation
NFAH Iowa State Arts Council
INT Iowa State Historical Dept.
HEW Mental Health Authority
CSA Office of Economic Opportunity
HEW Office of Planning & Programs
CSA Office of the Governor
HEW Office of Vocational Rehabilitation
HEW State Board of Regents
INT State Conservation Commission
HUD State Development Commission
DCAA State National Guard

Counties

HEW Black Hawk
HEW Clinton
HEW Dubuque
HEW Johnson
EPA Linn
HEW Polk
HEW Pottawattamie
HEW Scott
HEW Woodbury

Municipalities

EPA Cedar Rapids
HEW Council Bluffs
HEW Davenport
LABOR Des Moines
EPA Dubuque
EPA Sioux City
HEW Waterloo

Kansas

State Agency

HEW Dept. of Social & Rehabilitation Services
DOT Dept. of Transportation
HEW Board of Vocation Rehabilitation
DCPA Division of Emergency Preparedness
HEW Crippled Children's Commission
HEW Dept. of Education
HEW Dept. of Health
AGRI Dept. of Grain and Inspection
LABOR Employment Security Division
INT Forestry, Fish & Game Commission
NFAH Kansas Cultural Arts Commission
INT Kansas State Historical Society
HEW Legislative Council
AGRI State Board of Agriculture
HUD State Dept. of Economic Development
DCAA State National Guard
INT State Park & Research Authority

CSA State Technical Assistance Program

Counties

HEW Johnson
HEW Reno
HEW Saline
HEW Sedgwick
HEW Shawnee
HEW Wyandotte

Municipalities

EPA Kansas
HEW Topeka
HUD Wichita

Kentucky

State Agency

LABOR Dept. of Employment
AGRI Dept. of Agriculture
HUD Dept. of Commerce
HEW Dept. of Education
INT Dept. of Fish & Wildlife Resources
HEW Dept. of Human Resource
LABOR Dept. of Labor
INT Dept. of Parks
AGRI Dept. of Natural Resources & Environmental Protection
DOT Dept. of Transportation
DCPA Division of Disaster and Emergency Services
NFAH Kentucky Arts Commission
INT Kentucky Heritage Commission
CSA Office of Economic Opportunity
HUD Office of the Governor
DCAA State Adjutant General

Kentucky

Counties

HEW Boyd
HEW Campbell
HEW Christian
HEW Daviess
HEW Fayette
HEW Hardin
HEW Harlan
EPA Jefferson
HEW Kenton
HEW McCrack
HEW Pike

Municipalities

HUD Covington
EPA Lexington
EPA Louisville

Louisiana

State Agency

AGRI Dept. of Agriculture
HEW Dept. of Education
LABOR Dept. of Labor
HUD Dept. of Public Works
LABOR Division of Employment Security
AGRI Dept. of Natural Resources
HEW Dept. of Health & Human Resources
DOT Dept. of Transportation and Development
NFAH Louisiana State Arts Council
CSA Office of Economic Opportunity
DCPA Office of Emergency Preparedness
INT State Parks & Recreation Comm.
EPA Stream Control Commission
INT Wildlife & Fisheries Commission
HEW Attorney General

Counties

HEW Bossier
HEW Caddo
HEW Calcasieu
HEW Iberia
LABOR Jefferson
HEW Lafayette
HEW Lafourche
HEW Ouachita
HEW Rapides
HEW St. Landry
HEW Tagipahoa
HEW Terrebonne

Municipalities

LABOR Baton Rouge
EPA Lake Charles
EPA Monroe
LABOR New Orleans
EPA Shreveport

Maine

State Agency

DCPA Bureau of Civil Emergency Preparedness
LABOR Bureau of Labor Industry
DOT Dept. of Aeronautics
AGRI Dept. of Agriculture
AGRI Dept. of Conservation
HUD Dept. of Economic Development
HEW Dept. of Educational & Cultural Services
EPA Dept. of Environmental Protection
HEW Dept. of Health & Welfare
INT Dept. of Inland Fisheries & Wildlife
HEW Dept. of Human Services
DOT Dept. of Transportation
CSA Division of Economic Opportunity
LABOR Employment Security Commission
INT Maine Historic Preservation Commission
LABOR Manpower Affairs
HUD Office of the Governor
DOT State Highway Dept.
DCAA State National Guard

Maine

Counties

HEW Androscoggin
HEW Cumberland
HEW Kennebec
HEW Penobscot
HEW York

Municipalities

HUD Portland

Maryland

State Agency

AGRI Dept. of Agriculture
HUD Dept. of Economic & Community Development
HEW Dept. of Education
INT Dept. of Natural Resources
DCPA Dept. of Public Safety and Correctional Services
HEW Dept. of Employment & Social Services
HUD Dept. of State Planning
DOT Dept. of Transportation
LEAA Executive Dept.
DCAA Military Dept.
EPA Maryland Environmental Services

Counties

HEW Allegany
EPA Anne Arundel
EPA Baltimore County
EPA Carroll
EPA Frederick
EPA Harford
LABOR Montgomery
EPA Prince Georges
EPA Washington

Municipalities

EPA Baltimore

Massachusetts

State Agency

DCPA Civil Defense Agency and Office of Emergency Preparedness
HEW Commission for the Blind
HEW Commission on Aging
AGRI Dept. of Agriculture
COMM Dept. of Commerce & Development
HUD Dept. of Community Affairs
HEW Dept. of Education
LABOR Dept. of Labor & Industries
HEW Dept. of Mental Health
INT Dept. of Natural Resources
HEW Dept. of Public Welfare
DOT Dept. of Public Works
CSA Executive Department
HEW Executive Office of Administration and Finance
NFAH Massachusetts Council on the Arts and Humanities
INT Mass. Historical Commission
EPA N. E. Interstate Water Pollution Control Commission
LABOR Office of Manpower Affairs
HEW Rehabilitation Commission
HUD State Dept. of Commerce
DCAA State National Guard
COMM Office of State Planning

Counties

HEW Barnstable
HEW Berkshire
HEW Bristol
HEW Essex
HEW Franklin
HEW Hampden
HEW Hampshire
HEW Middlesex
HEW Norfolk
HEW Plymouth
HEW Worcester

Municipalities

HEW Boston
HEW Brockton
HUD Cambridge
EPA Chicopec
EPA Fall River
HUD Holyoke
HUD Lawrence
HUD Lawrence
HEW Lowell
HUD Lynn
HEW Malden
HEW Medford
EPA New Bedford
HEW Newton
EPA Pittsfield
HEW Quincy
HEW Somerville
LABOR Springfield
HEW Waltham
LABOR Worcester

Townships

HEW Brookline

Michigan

State Agency

AGRI Dept. of Agriculture
EEOC Dept. of Civil Rights
COMM Dept. of Commerce
HEW Dept. of Education
LABOR Dept. of Labor
HEW Dept. of Mental Health
DCAA Dept. of Military Affairs
INT Dept. of Natural Resources
HEW Dept. of Public Health
HEW Dept. of Social Services
DOT Dept. of State Highways and Transportation
DOT Dept. of State Police
HEW Dept. of the Attorney General
LABOR Employment Security
JUST Executive Office of the Governor
NFAH Michigan Council for the Arts
DCPA State Civil Defense—Emergency Service Div.
EPA Water Resources Commission

Counties

HEW Allegan
HEW Bay
EPA Berrien
HEW Calhoun
LABOR Genesse
HEW Ingham
HEW Jackson
HEW Kalamazoo
EPA Kent
HEW Lenawee
HEW Macomb
EPA Madison
HEW Marquette
HEW Midland
LABOR Monroe
HEW Muskegon
LABOR Oakland
EPA Ottawa
EPA Saginaw
EPA St. Clair
HEW Shiawasse
HEW Washtenaw
HEW Wayne

Municipalities

HUD Ann Arbor
EPA Bay City
HEW Dearborn
HEW Dearborn Heights
LABOR Detroit
HEW Flint
EPA Grand Rapids
HEW Jackson
EPA Kalamazoo
HUD Lansing
HEW Lincoln Park
HEW Livonia
HUD Pontiac
HEW Roseville
HEW Royal Oak
EPA Saginaw
HEW St. Clair Shores
HEW Warren
HEW Westland

Townships

HEW Dearborn
HEW Redford

Minnesota

State Agency

JUST Bureau of Criminal Apprehension
DOT Dept. of Aeronautics
EPA Dept. of Agriculture
COMM Dept. of Business Development
INT Dept. of Natural Resources
HEW Dept. of Education
LABOR Dept. of Employment Services
HEW Dept. of Health
EEOC Dept. of Human Rights
LABOR Dept. of Labor and Industry
HEW Dept. of Public Welfare
DOT Dept. of Transportation
DCPA Division of Emergency Services
HEW Governor's Citizen's Council
CSA Office of Economic Opportunity
EPA Pollution Control Agency
NFAH State Arts Council
HUD State Historical Society
HUD State Planning Agency

Counties

HEW Anoka
HEW Dakota
HEW Hennepin
HEW Olmsted
HEW Ramsey
HEW St. Louis
HEW Sterns
HEW Washington

Municipalities

HEW Bloomington
HEW Duluth
HUD Minneapolis
EPA St. Paul

Mississippi

State Agency

COMM Agriculture/Industrial Board
EPA Air and Water Pollution Comm.
HEW Board for Vocational Education
HEW Board of Health
HEW Board of Trustees of Mental Institutions
DCPA Civil Defense Council
AGRI Dept. of Agriculture and Commerce
HEW Dept. of Education
HEW Dept. of Public Welfare
HEW Division for the Blind
LABOR Employment Security Commission
INT Game & Fish Commission
NFAH Mississippi Arts Commission
CSA Office of Economic Opportunity
COMM Office of the Governor
INT Mississippi Bureau of Outdoor Recreation
HEW Office of Vocation Rehabilitation
AGRI State Forestry Commission
DOT State Highway Dept.
INT State Park System
HUD State Research & Development Center

Counties

HEW Bolivar
HEW Forrest
HEW Harrison
HEW Hinds
HEW Jackson
HEW Jones
HEW Lauderdale
HEW Washington

Municipalities

EPA Jackson

Missouri

State Agency

DCPA Adjutant General Disaster Planning & Operations Office, Civil Defense
HEW Air Conservation Commission
EPA Clean Water Commission
AGRI Dept. of Agriculture
HUD Dept. of Community Affairs
INT Dept. of Conservation
HEW Dept. of Education
INT Dept. of Natural Resources
HUD Division of Commerce & Industrial Development
LABOR Division of Employment Security
HEW Division of Health
HEW Division of Welfare
LABOR Division of Workmen's Compensation
NFAH Missouri State Council on the Arts
COMM Office of State and Regional Planning
COMM Office of the Governor
DOT State Highway Dept.

Counties

HEW Boone
HEW Buchana
HEW Clay
HEW Greene
HEW Jackson
HEW Jasper
HEW Jefferson
HEW St. Charles
HEW St. Louis

Municipalities

HEW Kansas City
HEW University City
HUD Independence
HUD Springfield
HUD St. Joseph
EPA St. Louis

Montana

State Agency

DCPA Adjutant General—Division of Disaster and Emergency Service
DOT Aeronautics Commission
HEW Boulder River School and Hospital
HEW Children's Center
HEW Commission on Aging
AGRI Dept. of Agriculture
INT Dept. of Fish and Game
HEW Dept. of Health
DOT Dept. of Highways
LABOR Dept. of Labor and Industry
AGRI Dept. of Natural Resources
HEW Dept. of Social & Rehabilitation Services
LABOR Employment Security Commission
DOT Highway Patrol
HEW Library Commission
NFAH Montana Arts Council
INT Montana Historical Society
HEW Montana State Prison
HEW Mountain View School
LABOR Office of the Governor
HEW Pine Hills School
HEW Swan River Youth Camp
HEW Veteran's Home
HEW Warm Springs State Hospital
INT Water Resources Board

Counties

HEW Cascade

HEW Yellowstone

Municipalities

HEW Billings
HEW Great Falls

Nebraska

State Agency

DCPA Adjutant General—Civil Agency
HEW Advisory Committee on Aging
AGRI Dept. of Agriculture
HUD Dept. of Economic Development
HEW Dept. of Education
EPA Dept. of Environmental Control
HEW Dept. of Health
LABOR Dept. of Labor
HEW Dept. of Public Institutions
HEW Dept. of Public Welfare
INT Game and Parks Commission
NFAH Nebraska Arts Council
INT Nebraska State Historical Society
HEW Office of Rehabilitation Services
HUD Planning & Zoning Commission
CSA Technical Assistance Agency
DOT State Highway Dept.
DCAA State National Guard
AGRI State Railway Commission

Counties

HEW Douglas
HUD Lancaster

Municipalities

HUD Lincoln
HUD Omaha

Nevada

State Agency

DCPA Civil Defense & Disaster Agency
AGRI Dept. of Agriculture
INT Dept. of Conservation & Natural Resources
CSA Dept. of Economic Opportunity
HEW Dept. of Education
LABOR Dept. of Employment Security
INT Dept. of Fish and Game
DOT Dept. of Highways
HEW Dept. of Human Resources
NFAH Nevada State Council on the Arts
DCAA State National Guard
HUD State Planning Board

Counties

EPA Clark
HEW Washoe

Municipalities

EPA Las Vegas
HUD Reno

New Hampshire

State Agency

DOD Adjutant General—Civil Defense Agency
HEW Committee for the Older American's Act
AGRI Dept. of Agriculture
HEW Dept. of Education
LABOR Dept. of Employment Security
INT Dept. of Fish & Game
HEW Dept. of Health & Welfare
LABOR Dept. of Labor
DOT Dept. of Public Works and Highways
INT Dept. of Resources & Economic Development
NFAH New Hampshire Commission on the Arts
COMM New Hampshire State Technical Services
CSA Office of Economic Opportunity
HEW State Cancer Commission
DCAA State National Guard
EPA Water Supply & Pollution Control Commission

Counties

HEW Hillsborough
HEW Merrimack
HEW Rockingham
HEW Strafford

Municipalities

EPA Manchester

New Jersey

State Agency

DCPA Civil Defense & Disaster Control
EPA Delaware River Basin Commission
AGRI Dept. of Agriculture
HEW Dept. of Community Affairs
HUD Dept. of Conservation and Economic Development
HEW Dept. of Education
EPA Dept. of Environmental Protection
INT Dept. of Environmental Protection, Division of Fish, Game and Shell Fisheries
HEW Dept. of Human Services
LABOR Dept. of Labor and Industry
HEW Dept. of Higher Education
DOT Dept. of Transportation
NFAH New Jersey Council on the Arts
DCAA State National Guard
HEW Dept. of Health

Counties

HEW Atlantic
EPA Bergen
HEW Burlington
HEW Camden
HEW Cumberland
HEW Essex
HEW Gloucester
HEW Hudson
HEW Hunterdon
HEW Mercer
EPA Middlesex
HEW Monmouth
HEW Morris
HEW Ocean
LABOR Passaic
HEW Salem
HEW Somerset
HEW Union
HEW Warren

Municipalities

HUD Atlantic City
HEW Bayonne
HEW Bloomfield
HEW Camden
HEW Clifton
HUD East Orange
HEW Elizabeth
HEW Irvington
HUD Jersey City
LABOR Newark
HEW Passaic
HUD Paterson
HUD Trenton
HEW Union City

Townships

HEW Hamilton
HEW Union
HEW Woodbridge

New Mexico

State Agency

DCPA Adjutant General—Office of Emergency Preparedness
LABOR Apprenticeship Council
AGRIC Dept. of Agriculture
HEW Dept. of Education
HEW Dept. of Finance and Administration
HEW Dept. of Health & Environment
INT Dept. of Game and Fish
HEW Dept. of Human Services
INT Dept. of Natural Resource
AGRI Dept. of State Forestry
LABOR Employment Security Commission
EPA Environment Improvement Comm.
LABOR Manpower Planning
NFAH New Mexico Arts Commission
INT New Mexico Historic Preservation Program
CSA State Division of Economic Opportunity
INT State Game Commission
DOT State Highway Dept.
AGRI State Livestock Board
INT State Planning Office

Counties

HEW Bernalillo
HEW Chaves
HEW Dona Ana
HEW Eddy
HEW San Juan

Municipalities

EPA Albuquerque

New York

State Agency

JUST Crime Control Council
AGRI Dept. of Agriculture & Markets
COMM Dept. of Commerce
HEW Dept. of Education
EPA Dept. of Environmental Conservation
HEW Dept. of Health
LABOR Dept. of Labor
DOT Dept. of Motor Vehicles
HEW Dept. of Social Services
DOT Dept. of Transportation
EEOC Division of Human Rights
HEW Office Alcoholism and Substance Abuse
HEW Division for Youth
HEW State Consumer Protection Board
HEW Office of Mental Retardation and Developmental Disabilities
DCAA Division of Military and Naval Affairs
JUST Division of State Police
HEW Health Planning Commission
HEW Higher Education Assistance Corporation
JUST Identification and Intelligence System
DOT Metropolitan Transportation Authority
NFAH New York State Council on the Arts
CSA Office of Economic Opportunity
HEW Office for the Aging
JUST Office of Crime Control Planning
HUD Office of Local Government
INT Office of Parks and Recreation
HUD Office of Planning Coordination

EPA Pure Waters Authority
EPA St. Lawrence—E. Ontario Commission
HEW Office of Mental Health

Counties

HEW Albany
HEW Broome
HEW Cattarongus
HEW Cayuga
EPA Chenung
HEW Clinton
HEW Dutchess
HEW Erie
HEW Fulton
HEW Genesse
HEW Herkimer
HEW Jefferson
HEW Madison
HEW Monroe
HEW Montgomery
HEW Nassau
HEW Niagara
LABOR Oneida
HEW Onondoga
HEW Ontario
HEW Orange
HEW Oswego
HEW Otsego
HEW Rennselaer
HEW Rockland
HEW Saratoga
HEW Schenectady
HEW Steuben
HEW St. Lawrence
HEW Suffolk
HUD Tomplins
HEW Cortland
HEW Ulster
HEW Wayne
HEW Westchester

Municipalities

HEW Albany
EPA Binghamton
HUD Buffalo
HUD Mount Vernon
HEW New Rochelle
HEW New York
HEW Niagara Falls
LABOR Rochester
HEW Rome
HEW Schnectady
HEW Syracuse
HEW Troy
HEW Utica
HUD White Plains
HUD Yonkers

Townships

HEW Amherst
HEW Babylon
HEW Brookhaven
HEW Cheektowaga
HEW Colonie
HEW Greenburgh
HEW Hempstead
HEW Huntington
HEW Irondequiot
HEW Islip
HEW North Hempstead
HEW Oyster Bay
HEW Smithtown
HEW Tonawanda
HEW Union

North Carolina

State Agency

DCPA Coordinator, Division of Civil Preparedness
HUD Dept. of Administration
AGRI Dept. of Agriculture
HEW Dept. of Correction
INT Dept. of Cultural Resources, Div. of Archives and History
HEW Dept. of Education
HEW Dept. of Human Resources
LABOR Dept. of Labor
DCAA Dept. of Military & Veterans Affairs
EPA Dept. of Natural and Community Development Resources
DOT Dept. of Transportation
EPA Dept. of Water and Air Resources
LABOR Employment Security Commission
NFAH North Carolina Arts Council
INT Wildlife Resources Commission

Counties

HEW Alamance
LABOR Buncombe
HEW Burke
HEW Cabarrus
HEW Cataw
HEW Cleveland
HEW Craven
LABOR Cumberland
LABOR Davidson
HEW Durham
HEW Edgecombe
HEW Forsyth
LABOR Gaston
LABOR Guilford
HEW Halifax
HEW Iredell
HEW Johnston
HEW Lenoir
EPA Mecklenburg
HEW Nash
HEW New Hanover
LABOR Onslow
HEW Onslow
HEW Pitt
HEW Randolph
HEW Robeson
HEW Rockingham
HEW Rowan
LABOR Wake
HEW Wayne
HEW Wilson

Municipalities

HUD Asheville
HUD Charlotte
EPA Durham
HEW Greensboro
HUD High Point
EPA Raleigh
LABOR Winston Salem

North Dakota

State Agency

HEW Board for Vocational Education
HUD Bureau of Government Affairs
DCPA Disaster Emergency Services
LABOR Employment Security Bureau
INT Game and Fish Dept.
NFAH North Dakota Council on the Arts and Humanities
CSA Office of Economic Opportunity
HEW Office Vocational Rehabilitation
HEW Public Welfare Board
HEW State Board of Administration
DOT State Highway Dept.
DCAA State National Guard
INT State Govts. and Outdoor Recreation Dept.
HUD State Planning Agency
AGRI State Poultry Improvement Board
INT State Water Commission

Counties

HEW Cass

Ohio

State Agency

DCPA Adjutant General—Disaster Services Agency
HEW Agricultural Research and Development Center
LABOR Bureau of Employment Services
CSA Bureau of Urban Affairs
HEW Bureau of Vocational Rehabilitation
AGRI Dept. of Agriculture
HUD Dept. of Development
HEW Dept. of Education
HEW Dept. of Health
LABOR Dept. of Industrial Relations
HEW Dept. of Mental Hygiene & Correction
INT Dept. of Natural Resources
HEW Dept. of Public Welfare
DOT Dept. of Transportation
EPAS Environmental Protection Agency
NFAH Ohio Arts Council
EPA Ohio River Valley Water Sanitation Commission

Counties

HEW Allen
HEW Ashtabula
HEW Belmont
HEW Butler
HEW Clark
HEW Clermont
HEW Columbiana
HEW Cuyahoga
HEW Erie
HEW Fairfield
HEW Franklin
HEW Greene
HEW Hamilton
HEW Hancock
EPA Jefferson
HEW Lake
HEW Lawrence
HEW Licking
EPA Lorain
HEW Lucas
HEW Mahoning
HEW Marion
EPA Medina
HEW Miami
EPA Montgomery
HEW Muskingum
EPA Portage
HEW Richland
HEW Ross
HEW Sandusky
EPA Scioto
HEW Seneca
HEW Stark
EPA Summit
LABOR Trumbull
HEW Tuscarawas
HEW Warren
HEW Washington
HEW Wayne
HEW Wood

Municipalities

HEW Akron
HEW Canton
HEW Cincinnati
HEW Cleveland
HEW Cleveland Heights
HUD Columbus
EPA Dayton
HEW Euclid
HEW Hamilton
HEW Kettering
HEW Lakewood
HEW Lima
EPA Lorain
HEW Parma
HEW Springfield
HEW Toledo
HUD Warren
LABOR Youngstown

Townships

HEW Canton
HEW Madison
HEW Perry
HEW Plain
HEW Springfield
HEW Sycamore

Oklahoma

State Agency

AGRI Dept. of Agriculture
HEW Dept. of Education
EPA Dept. of Environmental Control
HEW Dept. of Health
LABOR Dept. of Human Resources
HEW Dept. of Institutions, Social and Rehabilitative Services
HEW Dept. of Mental Health
DOT Dept. of Transportation
CSA Division of Economic Opportunity
LABOR Employment Security Commission
LABOR Manpower Planning
DCPA Office of Civil Defense
NFAH Oklahoma Arts and Humanities Council
HEW State Board of Vocational Education
DCAA State National Guard
INT Dept. of Wildlife Conservation
EPA Conservation Commission
EPA Water Resources Board
INT Oklahoma Tourism and Recreation Dept.

Oklahoma

Counties

HEW Comanche
HEW Garfield
HEW Kay
EPA Muskogee
HEW Oklahoma
EPA Tulsa

Municipalities

HUD Lawton
HEW Oklahoma City
EPA Tulsa

Oregon

State Agency

AGRI Dept. of Forestry
JUST Corrections Division
AGRI Dept. of Agriculture
HEW Dept. of Education
LABOR Dept. of Employment
EPA Dept. of Environmental Quality
HEW Dept. of Human Resources
DOT Dept. of Transportation
INT Fish and Wildlife Dept.
HUD Office of the Governor
NFAH Oregon Arts Commission
HEW State Board of Control
DCPA State Executive Dept.—Emergency Services Division
INT State Parks Superintendent
HEW State System of Higher Education

Counties

HEW Clackamas
HEW Coos
HEW Douglas
HEW Jackson
HEW Lane
HEW Linn
HEW Marion
HEW Washington

Municipalities

HUD Eugene
HEW Portland

Pennsylvania

State Agency

DCPA Civil Defense, State Council of Civil Defense
AGRI Dept. of Agriculture
COMM Dept. of Commerce
HUD Dept. of Community Affairs
HEW Dept. of Education
EPA Dept. of Environmental Resources
HEW Dept. of Health
DOT Dept. of Highways
JUST Dept. of Justice
LABOR Dept. of Labor and Industry
HEW Dept. of Public Welfare
DOT Dept. of Transportation
INT Fish Commission
INT Game Commission
LABOR Governor's Office
INT Historical and Museum Comm.
DCAA Military Affairs
HEW Office for the Blind
JUST Penn. Board of Probation & Parole
NFAH Penn. Council on the Arts
HEW Penn. Higher Education Assistance
DOT Penn. State Police
DCAA State National Guard
INT State Planning Board

Counties

HEW Adams
LABOR Allegheny
HEW Armstrong
HEW Beaver
HEW Berks
HEW Blair
HEW Bradford
EPA Bucks
HEW Butler
HEW Cambria
HEW Carbon
HEW Centre
HEW Chester
HEW Clearfield
HEW Columbia
HEW Crawford
HEW Cumberland
HEW Dauphin
HEW Delaware
HEW Erie
HEW Fayette
HUD Franklin
HEW Indiana
EPA Lackawanna
LABOR Lancaster
HEW Lawrence
HEW Lebanon
HEW Lehigh
HEW Luzerne
HEW Lycombing
HEW McKlean
HEW Mercer
HEW Montgomery
HEW Northampton
HEW Morthumberland
HEW Schuylkill
HEW Somerset
LABOR Washington
HEW Westmoreland
HEW York

Municipalities

HEW Allentown
HUD Altoona
HEW Bethlehem
HUD Chester
LABOR Erie
HUD Harrisburg
HUD Johnstown
EPA Lancaster
HUD Philadelphia
LABOR Pittsburgh
LABOR Reading
EPA Scranton
LABOR Westmoreland City
HUD Wilkes Barre
HEW York

Townships

HEW Abington
HEW Bristol
HEW Haverford
HEW Lower Merion
HEW Penn Hills
HEW Upper Darby

Puerto Rico

State Agency

EPA Aqueduct & Sewer Authority
DOT Authority of Metro Autobuses
COMM Coop. Development Administration
JUST Crime Commission
HEW Dept. of Health
LABOR Dept. of LABOR
INT Dept. of Natural Resources
HEW Dept. of Education
HEW Dept. of Social Services
DOT Dept. of Transporation and Public Works
COMM Economic Development Administration of Puerto Rico
EPA Environmental Quality Board
COMM Industrial Development Corp.
NFAH Institute of Puerto Rican Authors
DC Office of Civil Preparedness & Defense
INT Office of Cultural Affairs
HUD Planning Board
DOT Ports Authority
HUD Puerto Rico Housing & Urban Development Corp.
DCAA Puerto Rico National Guard
INT Puerto Rico Recreational Development Company
LABOR Right to Employment Administration
HEW Dept. of Addiction Services

Rhode Island

State Agency

DCPA Adjutant General—DCPA
HEW Corrections
AGRI Dept. of Agriculture
HEW Dept. of Community Affairs
HEW Dept. of Education
LABOR Dept. of Employment Security
HEW Dept. of Health
LABOR Dept. of Labor
INT Dept. of Natural Resources
DOT Dept. of Transportation
HEW Division of Services for the Blind
CSA Executive Chamber
HEW Executive Dept., Division on Aging
HEW Mental Health, Retardation and Hospitals
NFAH Rhode Island State Council on the Arts
HEW Social and Rehabilitative Services
HUD State Development Council
DCAA State National Guard

Municipalities

HEW Cranston
EPA Pawtucket
HUD Providence
EPA Warwick

South Carolina

State Agency

COMM Coastal Zone Management Council
HEW Agency of Vocation Rehabilitation
HEW Board of Health
HEW Commission for the Blind
HEW Dept. of Education
DOT Dept. of Highways and Public Transportation
LABOR Dept. of Labor
HEW Dept. of Mental Health
INT Dept. of Parks, Recreation and Tourism
HEW Dept. of Public Welfare
INT Dept. of Wildlife and Marine Resources
DCPA Disaster Preparedness
LABOR Employment Security Commission
HEW Interagency Council of Aging
CSA Office of Economic Opportunity
HEW Pollution Control Authority
HEW Retarded Children's Habitation Center Board
NFAH South Carolina Arts Commission
HEW South Carolina Commission on Alcoholism
EPA South Carolina Pollution control Authority
AGRI State Agriculture Marketing Commission
INT State Archives Dept.
AGRI State Commission of Forestry
COMM State Development Board
EPA Land Resources & Conservation Commission

Counties

HEW Aiken
HEW Anderson
HEW Charleston
HEW Darlington
HEW Florence
HEW Greenville
HEW Horry
HEW Lexington
HEW Orangeburg
LABOR Richland
HEW Spartanburg
HEW Sumter
HEW York

Municipalities

LABOR Charleston
HUD Columbia
LABOR Greenville

South Dakota

State Agency

HEW Board of Charities and Corrections
HEW Commission on Mental Health and Retardation
HEW Division of Vocational Education
HEW Division of Vocational Rehabilitation
AGRI Dept. of Agriculture
EPA Dept. of Environmental Protection
INT Dept. of Game, Fish and Parks
HEW Dept. of Health
HEW Dept. of Public Instruction
HEW Dept of Public Welfare
DOT Dept. of Transportation
LABOR Employment Security Department
NFAH South Dakota State Fine Arts Council
DCPA Division of Emergency & Disaster Services
DCAA State National Guard
INT State Planning Agency

Counties

HEW Minnehaha
HEW Pennington

Municipalities

EPA Sioux Falls

Tennessee

State Agency

DCPA Civil Defense Military Dept.
HEW Commission on Aging
AGRI Dept. of Agriculture
INT Dept of Conservation
HEW Dept. of Education
LABOR Dept. of Employment Security
HEW Dept. of Health
LABOR Dept. of Labor
HEW Dept. of Mental Health
HEW Dept. of Public Health
HEW Dept. of Public Welfare
DOT Dept. of Transportation
INT Wildlife Resources Agency
HUD Government Industry & Law Center
CSA Office of the Governor
COMM Office of Urban and Federal Affairs
HEW Office of Vocational Rehabilitation
EPA Pollution Control Commission
HUD State Planning Commission
NFAH Tennessee Arts Commission
INT Tennessee Historical Commission
EPA Tennessee River Basin Water

Counties

HEW Anderson
HEW Blount
LABOR Davidson
LABOR Hamilton
HEW Knox
HEW Madison
HEW Montgomery
HEW Rutherford
HEW Shelby
HEW Sullivan
HEW Washington

Municipalities

LABOR Chattanooga
HEW Knoxville
HEW Memphis
HUD Nashville

Texas

State Agency

EPA Air Control Board
HEW Commission for the Blind
AGRI Dept. of Agriculture
LABOR Dept. of Community Affairs
HEW Texas Education Agency
HEW Dept. of Mental Health and Retardation
INT Dept. of Parks and Wildlife
HEW Dept of Human Resources
DCPA Division of Disaster Emergency Services
HEW Governor's Committee on Aging
COMM Lower Rio Grande Valley Development Council
CSA Office of the Governor
INT Parks and Wildlife Commission
HUD Planning Agency Council
COMM State Commission for Indian Affairs
LABOR State Employment Commission
DOT State Department of Highways and Public Transportation
NFAH Texas Commission on the Arts and Humanities
HEW Texas Rehabilitation Commission
INT Texas State Historical Commission
EPA Dept. of Water Resources
HEW Texas Youth Council
HEW Dept. of Health Resources
HEW Texas Advisory Commission on Intergovernmental Relations

Counties

LABOR Bell
HEW Bexas
HEW Bowie
HEW Brazoria
HEW Cameron
HEW Dallas
HEW Ector
HEW El Paso
HEW Galveston
HUD Grayson
HEW Gregg
EPA Harris
LABOR Hidalgo
HEW Jefferson
HEW Lubbock
HEW McLennan
HEW Midland
HEW Nueces
HUD Orange
HUD Potter
HEW Smith
HEW Tarrant
HEW Taylor
HEW Tom Green
HEW Travis
LABOR Webb
HEW Wichita

Municipalities

HEW Abilene
LABOR Amarillo
HUD Austin
HEW Beaumont
LABOR Corpus Christi
LABOR Dallas
EPA El Paso

HUD Forth Worth
HUD Galveston
EPA Houston
HUD Laredo
EPA Lubbock
HEW San Angelo
EPA San Antonio
HEW Tyler
EPA Waco
EPA Wichita Falls

Trust Territory of the Pacific Islands

State Agency

INT All Departments

Utah

State Agency

LABOR Apprenticeship Council
HEW Board for Higher Education
AGRI Dept. of Agriculture
LABOR Dept. of Employment Security
DOT Dept. of Transportations
INT Dept. of Natural Resources
HEW Dept. of Social Services
DCAA National Guard
HUD Office of Community Affairs
DCPA Office of Emergency Services
HUD Office of the Governor
JUST Public Safety
HEW School for Deaf and Blind
HEW State Board of Education
HUD State Building Board State Planning
HEW State Library
NFAH Utah State Division of Fine Arts

Counties

HEW Davis
EPA Salt Lake
HEW Utah
HEW Weber

Municipalities

HEW Ogden
HUD Salt Lake City

Vermont

State Agency

INT Agency for Environmental Conservation
AGRI Dept. of Agriculture
HEW Dept. of Education
LABOR Dept. of Employment Security
INT Dept. of Fish and Game
LABOR Dept. of Labor and Industry
DOT Dept. of Motor Vehicles
DCPA Dept. of Public Safety, Civil Defense Division
DOT Dept. of Transportation
HEW Free Public Library
HEW Interdepartmental Council on Aging
HUD Office of Local Affairs
CSA Office of the Governor
HUD Planning Council
HEW Rehabilitation Center
VA Soldier's Home
DCAA State National Guard
NFAH Vermont Council on the Arts
INT Vermont Div. for Historic Preservation
HEW Vermont Agency for Human Services

Counties

HEW Chittenden

Virgin Island

State Agency

INT All Departments

Virginia

State Agency

HEW Committee for the Visually Handicapped
HEW Commission on the Aging
AGRI Dept. of Agriculture and Commerce
DOT Dept. of Conservation and Economic Development
HEW Dept. of Education
HEW Dept. of Health
LABOR Dept. of Labor and Industries
DOT Dept. of Highways and Transportation
HEW Dept. of Mental Hygiene and Hospitals
DCAA Dept. of Military Affairs
HEW Dept. of Vocational Rehabilitation
HEW Dept. of Welfare and Institutions
HUD Division of State Planning and Community Affairs
COMM Marine Resources Commission
HUD Office of Administration
CSA Office of Economic Opportunity
DCPA Office of Emergency Services
EPA State Air Pollution Control Board
EPA State Water Control Board
INT Virginia Commission of Game and Inland Fisheries
INT Virginia Commission of Outdoor Recreation
NFAH Virginia Commission on the Arts and Humanities
LABOR Virginia Employment Commission
HEW Virginia State Library
INT Virginia Historic Landmarks Commission

Counties

LABOR Arlington
EPA Chesterfield
LABOR Fairfax
HEW Henrico
HEW Pittsylvania
EPA Prince William
HEW Roanoke

Municipalities

EPA Alexandria
HEW Chesapeake
EPA Hampton
HEW Lynchburg
HUD Newport News
HEW Norfolk
HEW Portsmouth
EPA Richmond
EPA Roanoke
HEW Virginia Beach

Washington

State Agency

EEOC Board Against Discrimination
AGRI Dept. of Agriculture
COMM Dept. of Commerce and Economic Development
EPA Dept. of Ecology
HEW Dept. of Education
DCPA Dept. of Emergency Services
LABOR Dept. of Employment Security
INT Dept. of Fisheries
INT Dept. of Game
HEW Dept. of Health
HEW Dept. of Institutions
LABOR Dept. of Labor and Industries
AGRI Dept. of Natural Resources
HEW Dept. of Public Assistance
DOT Dept. of Transportation
INT Dept of Water Resources
HEW Division of Vocational Education
HEW Higher Education Facilities Commission
INT Interagency Committee for Outdoor Recreation
JUST Law Enforcement Officers Training Commission
DCAA Military Department
JUST Office of Attorney General
CSA Office of Economic Opportunity
HEW Office of Vocational Rehabilitation
LEAA Planning and Community Affairs
INT State Historic Preservation Officer
EPA State Water Pollution Control Commission
NFAH Washington State Arts Commission
HEW Washington State Library
DOT Washington Traffic Safety Commission

Counties

HEW Benton
HEW Clark
HEW Cowlitz
HEW Grays Harbor
HEW King
HEW Kitsap
HEW Pierce
HEW Skagit
HEW Snohomish
HEW Spokane
HEW Thurston
HEW Watcom
HEW Yakima

Municipalities

HEW Seattle
HEW Spokane
HUD Tacoma

West Virginia

State Agency

HEW Air Pollution Control Commission
HEW Board of Vocational Education
HEW Commission Aging
AGRI Dept. of Agriculture
DCPA Dept. of Civil and Defense Mobilization
INT Dept. of Culture & History
HEW Dept. of Education
LABOR Dept. of Employment Security
HEW Dept. of Social and Health Services
DOT Dept. of Highways
LABOR Dept. of Labor
HEW Dept. of Mental Health
INT Dept. of Natural Resources
HEW Dept. of Welfare
CSA Economic Opportunity Agency
LABOR Federal State Relations Office
HEW Health Planning Agency
DCPA Office of Emergency Services
HEW Office of Vocational Rehabilitation
DCAA State National Guard
NFAH West Virginia Arts and Humanities Council

Counties

HEW Cabell
HEW Fayette
HEW Harrison
EPA Kanawha

HEW Logan
HEW Marion
HEW McDowell
HEW Mercer
HEW Monongalia
EPA Ohio
HEW Raleigh
HEW Wood

Municipalities

EPA Charleston
HUD Huntington
HUD Wheeling

Wisconsin

State Agency

DCPA Administrative Division of Emergency Government
HEW Board of Vocational, Technical and Adult Education
AGRI Dept. of Agriculture
HEW Dept. of Health and Social Services
LABOR Dept. of Industry, Labor and Human Relations
HUD Dept. of Local Affairs and Development
DCAA Dept. of Military Affairs
INT Dept. of Natural Resources
HEW Dept. of Public Instruction
DOT Dept. of Transportation
NFAH Wisconsin Arts Board
COMM State Planning Agency

Counties

HEW Brown
HEW Dane
HEW Dodge
HEW Eau Claire
HEW Fond du Lac
HEW Jefferson
HEW Kenosha
HEW LaCrosse
HEW Manitowoc
HEW Marathon
HUD Milwaukee
HEW Outagamie
HEW Racine
HEW Rock
HEW Sheboygan
HEW Walworth
HEW Waukesha
HEW Winnebago
HEW Wood

Municipalities

HEW Green Bay
HEW Kenosha
HEW Madison
HEW Milwaukee
EPA Racine
HEW Wauwatosa
HEW West Allis

Wyoming

State Agency

HEW Board of Charities and Reform
AGRI Dept. of Agriculture
HUD Dept. of Economic Planning & Development
HEW Dept. of Education
EPA Dept. of Environmental Quality
HEW Dept. of Health and Social Services
DCPA Disaster and Civil Defense Agency
LABOR Employment Security Commission
INT Game and Fish Dept.
LABOR Labor and Statistics
LABOR Manpower Planning
CSA Office of State-Federal Relations
INT Recreation Commission
DOT Highway Department
AGRI State Land Board
DCAA State National Guard
LABOR Workmen's Compensation
NFAH Wyoming Council on the Arts

Counties

HEW Laramie

Part IV—Federal Agencies Responsible for the Audit and Approval of Cost Allocation Plans of School District and Special Districts

Federal Agency and School Districts

Department of Health, Education, & Welfare—All
Special Districts
Department of Health, Educations, & Welfare—School Building, Hospital, Library, and Health
Department of Transportation—Highway and Airport
Environmental Protection Agency—Sewerage
Department of the Interior—Park and Recreation
Department of Housing and Urban Development—Housing and Urban Renewal
Department of Commerce—Economic Development (Districts established by the Economic Development Administration)
Department of Labor—CETA Consortiums Rural Concentrated Employee Programs

Part V—Addresses of Federal Offices to Contact Regarding The Requirements of OMB Circular 74–4

Each Federal agency responsible for auditing and approving cost allocation plans, indirect cost proposals and other cost center proposals prepared by States and localities under OMB Circular 74–4 has designated an office or offices which will carry out that responsibility. The offices and addresses for each agency are:

Community Services Administration

Office of the Comptroller; Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506

Department of Agriculture

Director, Office of Management and Finance, U.S. Department of Agriculture, Room 102A, Administration Bldg., 14th and Independence Avenue SW., Washington, D.C. 20250

Department of Commerce

Office of the Inspector General, Office of Audits, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230

Department of Defense

DOD–DCAA: Defense Contract Audit Agency, Policy Formulation Division, Cameron Station, Alexandria, Virginia 22314
DOD–DCPA: Defense Civil Preparedness Agency, COMP/AUD, Department of Defense, 1055 CWB, The Pentagon, Washington, D.C. 20301

Department of Health, Education, and Welfare

Attn: Director, Division of Cost Allocation, RASC

For State and Local Agencies

Rm. 1512, John Fitzgerald Kennedy Federal Bldg., Government Center, Boston, MA 02203; Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
Rm. 3838, Federal Office Bldg., 26 Federal Plaza, New York, NY 10007; New Jersey, New York, Puerto Rico
Rm. 11300, Gateway Bldg., 3535 Market Street, Philadelphia, PA 19101; Delaware, Maryland, Washington, D.C., West Virginia, Virginia
Rm. 1504, Peachtree-Seventh Bldg., 101 Marietta Towers, Atlanta, GA 30323; Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
29th Floor, 300 South Wacker Drive, Chicago, IL 60606; Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Rm. 930, 1200 Main Tower Bldg., Dallas, TX 75202; Arkansas, Louisiana, Texas, New Mexico, Oklahoma
Rm. 540, Federal Office Bldg., 601 East 12th Street, Kansas City, MO 64106; Iowa, Kansas, Missouri, Nebraska
Rm. 1015, 19th Stout Street, Denver, CO 80294; Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Rm. 411, Federal Office, Bldg., 50 United National Plaza, San Francisco, CA 94102; Arizona, California, Hawaii, Nevada
Rm. 8523; Arcade Plaza Bldg., 1312 Second Avenue, Seattle, WA 98101; Alaska, Idaho, Oregon, Washington

Department of Justice

Director, Office of Internal Audit, Department of Justice, Chester A. Arthur Bldg., Rm. 5031, 425 Eye Street NW., Washington, DC 20530

Department of Housing and Urban Development

Attn: Regional Administrator, HUD Regional Office
Region:
I Room 405, John F. Kennedy Federal Building, Boston, MA 02203
II 26 Federal Plaza; New York, NY 10007
III Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106
IV 211 Pershing Point Plaza, 1372 Peachtree St. NE.
V 300 South Wacker Drive, Chicago, IL 60606
VI New Dallas Federal Building, 1100 Commerce Street, Dallas, TX 75202
VII Federal Office Bldg., Room 300, Walnut Street, Kansas City, MO 64106
VIII Federal Building, 1961 Stout Street, Denver, CO 80202
IX 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102
X Room 226, Arcade Plaza Building, Seattle, WA 98101

Department of the Interior

Eastern Region Audit Manager, Office of Audit and Investigation, Department of the Interior, Ballston Towers #1, 800 N. Quincy Street, Rm. 401, Arlington, VA 22207

Central Regional Audit Manager, Office of Audit and Investigation, Department of the Interior, 1841 Wadsworth, Lakewood, CO 80215

Western Regional Audit Manager, Office of Audit And Investigation, Department of the Interior, Federal Office Building, Rm. W2400, 2800 Cottage Way, Sacramento, CA 95825

Government Comptroller for Guam/Trust Territory of the Pacific Islands, U.S. Department of the Interior, P.O. Box BJ, Agana, Guam 96910

Government Comptroller for the Virgin Islands, U.S. Department of the Interior, P.O. Box 7730, Charlotte Amalie, St. Thomas, Virgin Islands 00801

Department of Labor

Assistant Director, Office of Cost Determination, U.S. Department of Labor, Room 5030, 200 Constitution Avenue NW., Washington, DC 20210

Department of Transportation

Office of Installations and Logistics, M–60, Room 9100 Nassif Building, Department of Transportation, 400 7th Street SW., Washington, DC 20590

Environmental Protection Agency

Chief, Cost Review and Policy Branch, Environmental Protection Agency, 401 M Street SW., Room 711, Crystal Mall #2, Washington, DC 20460

Law Enforcement Assistance Administration

Comptroller, Law Enforcement Assistance Administration, Department of Justice, 633 Indiana Avenue NW., Room 300, Washington, DC 20530

National Endowment for the Arts

Audit Officer, National Endowment for the Arts, Rm. W–729, 2401 E Street NW., Washington, DC 20506

National Endowment for the Humanities

Aduit Officer, Shoreham Building, 15th & H Streets, Rm. 807, Washington, DC 20506

Veterans Administration

Assistant Director for Accounting Systems (047D), Finance Service, Office of Controller, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420

Department of Energy

Financial Assistance Policy, Procurement and Contracts Directorate, Department of Energy, Mail Stop 1J030, Washington, DC 20584

[FR Doc. 80–6144 Filed 2–27–80; 8:45 am]

BILLING CODE 3110—01—M

federal register

Thursday
February 28, 1980

Part IV

Federal Election Commission

Filing Date for Pennsylvania Special General Election

FEDERAL ELECTION COMMISSION

[Notice 1980-5]

Filing Date for Pennsylvania Special General Election

AGENCY: Federal Election Commission.

ACTION: Notice of Filing Date for Pennsylvania Special General Election.

SUMMARY: Committees required to file 12 day pre-election reports in connection with the special general election to be held in the 11th Congressional District of Pennsylvania on April 9, 1980, must file such reports by March 28, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Corley, Public Information Office, 1325 K Street, N.W., Washington, D.C. 20463, Tel: (202) 523-4068, Toll-free: (800) 424-9530.

Notice of Filing Date for Special Genreal Election in 11th Congressional District, Pennsylvania

The Governor of Pennsylvania has designated April 9, 1980, as the date of a special general election to be held in the 11th Congressional District of Pennsylvania. Pursuant to section 304(a)(9) of the Federal Election Campaign Act Amendments of 1979 (Public Law 96-187), the Commission hereby establishes the following reporting date for this special general election.

All principal campaign committees of candidates in this special election and all other quarterly filing political committees supporting candidates in this special election shall file a 12 day pre-election report due on March 28, 1980, with coverage dates through March 20, 1980.

The 12 day pre-nomination report is waived because the parties are nominating candidates in caucus/convention within 20 days of the setting of the election date.

Dated: February 21, 1980.

Robert O. Tiernan,

Chairman, Federal Election Commission.

[FR Doc. 80-6266, Filed 2-27-80; 8:45 am]

BILLING CODE 6715-01-M

federal register

Thursday
February 28, 1980

Part V

Department of Energy

Federal Energy Regulatory Commission

High-Cost Natural Gas Produced from Tight Formations; Interim Rule and Proposed Rulemaking

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 271, 273, and 274

[Docket No. RM79-76]

Interim Rule Covering High-Cost Natural Gas Produced From Tight Formations

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Interim Rule and Request for Further Comment.

SUMMARY: The Federal Energy Regulatory Commission hereby adopts interim rules implementing section 107(b) and (c)(5) of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3317). Section 107 of the NGPA permits the Commission to identify gas which is produced under extraordinary risk or cost and to establish the maximum lawful price "necessary to provide reasonable incentives for the production" of such gas. This interim rule establishes gas produced from certain wells in tight formations as a category of high-cost natural gas subject to incentive pricing and establishes the procedures for identifying such gas. In a proposed rule document published elsewhere in this Part of the **Federal Register**, the Commission seeks further comment on whether incentive prices should be extended to most other tight formation gas.

DATES: This rule will be effective March 21, 1980. Written comments must be submitted by March 28, 1980.

ADDRESS: Written comments should reference Docket No. RM79-76 and should be sent to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Teresa Ponder, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8151, or

Howard Kilchrist, Director, Division of NGPA Compliance, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8585.

February 20, 1980.

I. Introduction and Summary

The Federal Energy Regulatory Commission firmly supports the national policy to encourage production of natural gas from unconventional sources. Such gas typically can be discovered and produced only at extraordinary risk or cost. One such source of unconventional gas is a fairly common geological structure known as a "tight formation" or "tight sands."

The interim regulations promulgated by this order implement the Congressional authorization to the Commission in section 107(b) of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3317) to set a "special price" which is "necessary to provide reasonable incentives for the production of * * * high-cost natural gas."

In these interim regulations, the Commission has set an incentive price for certain natural gas produced from tight formations. The regulations contain guidelines for identifying and formally designating tight formations and define which wells drilled into such formations will qualify for the incentive price. Under the interim rule most new wells drilled into designated tight formations will be eligible for the incentive price.

A "tight formation" is a sedimentary layer of rock composed of very fine and irregularly shaped grains of sand cemented together in a way which greatly hinders the flow of gas through the rock. Hence, the formation is characterized by low permeability and wells drilled into gas-bearing formations of this kind generally produce at very low rates.

In order to stimulate production from these formations, producers must use expensive enhanced recovery techniques. The most common of these techniques involves massive hydraulic fracturing to create a system of cracks permitting trapped gas to flow into the wellbore more easily.

It is estimated that 200 trillion cubic feet of natural gas is trapped in tight formations within the United States. If the proper incentive is established, gas from tight sands could double the 200 trillion cubic feet of proven conventional domestic gas reserves. Most tight sands gas will come from reservoirs located west of the Mississippi. A substantial portion of these reserves are concentrated in three major basins: the Greater Green River Basin in Wyoming, the Piceance Basin in Colorado, and the Uinta Basin in Utah.

This rulemaking was initiated as a result of comments received in response to the Commission's Notice of Inquiry (Docket No. RM79-44, 44 FR 34969, June 18, 1979) which indicated that an incentive price was necessary to stimulate commercial development of tight sands gas. President Carter, in his energy address to the nation on July 19, 1979, also urged the Commission to set such an incentive. A Notice of Proposed Rulemaking was issued August 29, 1979 (Docket No. RM79-76, 44 FR 52255, September 7, 1979). Public hearings were held in Washington, D.C. on September 24th and in Denver, Colorado, on September 27, and numerous written comments were received. In addition, input was solicited from the jurisdictional agencies that will participate in administration of these regulations and from other expert groups and individuals.

These interim regulations reflect a full and careful analysis of the comments received on the proposed regulations. Several changes to the proposed regulations were suggested in the comments, and a number of these suggestions have been adopted in the interim regulations. The most important changes were made in the procedure for designating tight formations eligible for the section 107 price. The procedure set forth in these interim regulations is based on nomination of specific formations by appropriate jurisdictional agencies. The procedure was instituted in order to utilize more fully the information and expertise available to jurisdictional agencies and to make the rules easier to administer.

The interim regulations provide that the appropriate agency in each State may recommend formations within that State which meet Commission specifications and therefore may be eligible to be designated by the Commission as tight formations. With the recommendations, the agency must submit supporting geological and engineering data, information locating all wells which have produced from the recommended formation, and other relevant data. After public comment, the Commission will formally designate eligible formations.

The guidelines for identifying tight formations set forth in these interim regulations include limits on permeability, gas productivity and production of associated oil. Eligibility of a formation under the permeability and production standards need not be proven on a well-by-well basis. Formal designation of a specific tight formation will be based on a jurisdictional agency's and the Commission's assessment of the general characteristics of the formation.

The Commission has set a permeability limit of an average of .1 millidarcy throughout the "pay" or gas-producing section of the formation. Permeability is an indicator of the difficulty and expense involved in producing gas from a given formation. The permeability of many formations is reasonably uniform and the average permeability can be reasonably estimated. The .1 millidarcy figure will encompass most recognized tight formations and is the lowest

permeability that can be measured without expensive pressure tests.

The costs of drilling and completing gas wells increase exponentially with the depth of the well, so deeper wells must produce more to be economical. As a result, the Commission has set a gas productivity standard to be applied to tight formations before application of enhanced recovery techniques that varies with the depth of the formation.

In addition, a recommended tight formation may not be expected to produce more than five barrels of crude oil per day from each well. This limit has been imposed because the presence of oil in greater quantities should, in itself, provide an incentive for the development of the formation, obviating the necessity for additional incentives.

In order to qualify for the incentive price a well drilled into a designated tight formation must have been commenced on or after July 16, 1979. This date was selected in recognition of the President's policy initiative on tight sands.

The requirements in the proposed rule that tight sands status would not be granted to a formation if field rules have been established or use of enhanced recovery techniques is not required have not been included in the interim regulations. The Commission also considered but has rejected a one-mile spacing requirement for wells drilled into designated tight formations. These constraints were dropped either because they would be inconsistent with the need to provide production incentives or because they imposed unreasonable administrative requirements.

The Commission has decided initially to set the maximum lawful price for natural gas produced from new wells in tight formations at 150 percent of the Congressional ceiling price for gas from new conventional onshore production wells (as set forth in section 103 of the NGPA). This tight formation gas price is $3.26 per MMBtu in February 1980, and will be adjusted monthly for inflation. The Commission is soliciting further comments on the incentive price for this tight formation gas. If comments or further information shows that higher prices are necessary to encourage development of tight formations, the Commission will increase the price ceiling. As a general matter, the ceiling price for tight formation gas produced from new wells will not be decreased below 150 percent of the section 103 price.

The interim rules apply to new wells. However, substantial amounts (at least 100 trillion cubic feet) of tight formation gas may be trapped "behind-the-pipe", in reservoirs penetrated by old wells but never tapped. Although new wells would not have to be drilled to produce this gas, production is not entirely without risk. Accordingly, the Commission is considering a proposal to create a special incentive price for production of this gas. The price would equal the incentive price which the Congress fixed for conventional development under section 103. The Commission is also soliciting comments on this proposal.

A Staff task force has prepared an environmental assessment, finding that little impact on the environment will follow from development of tight formations. The Commission will continue to evaluate potential impacts as specific formations are designated.

These interim regulations will become effective on March 21, 1980.

II. Background

This rulemaking was initiated as a result of comments received in response to a Notice of Inquiry issued in Docket No. RM79–44 (44 FR 34969, June 18, 1979) and statements made by the President and the Secretary of Energy indicating a need to encourage development of this gas. A Notice of Proposed Rulemaking and Public Hearing was issued August 29, 1979, (44 FR 52255, September 7, 1979) in this docket.

The proposed rule preliminarily identified certain formations as candidates for designation as tight formations and outlined the following guidelines for identifying tight formations:

(1) An estimated average *in situ* gas permeability of 0.03 millidarcy per foot or less;

(2) Expected production without application of an enhanced production technique of 200 Mcf or less per day;

(3) Production expected to improve substantially after application of an enhanced recovery techniques; and

(4) No field rules established or requested for the formation or any portion thereof.

The proposal also specified what information would be required in order to determine whether a formation qualified as tight formation, and specified requirements for each individual well. The surface drilling of the well was to have begun on or after August 17, 1979; the well was to have qualified as a new, onshore production well; an appropriate enhanced production technique was to have been applied; and finally, the well was to have been drilled into a designated tight formation. The proposal also established filing requirements for applicants seeking such a well category determination. Finally, the maximum lawful price proposed was 150 percent of the maximum lawful price for section 103 gas.

The Commission invited comments on the proposal from interested persons and held informal public hearings in Washington, D.C. (on September 24th) and Denver, Colorado (on September 27th). The staff also circulated a subsequent draft of the rule among jurisdictional agencies and accepted comments on it at conferences with those agencies. Informal conferences were also held with members of the public who requested an opportunity to submit comments to Commission staff on that draft. In addition, representatives from the Commission attended a meeting of the Tight Gas Reservoirs Task Group of the National Petroleum Council's Committee on Unconventional Gas Sources in Las Vegas, Nevada, on January 9, 1980. Transcripts or minutes of the various conferences and meetings may be found in the public file on Docket No. RM79–76. In response to the comments received, the interim rule has been substantially changed from the proposal.

The interim rule promulgated in this order does not identify any formations which qualify as tight formations. It simply sets forth the guidelines for identifying tight formations and establishes the procedures whereby a jurisdictional agency may recommend (and the Commission may approve) the designation of a formation as a tight formation. The ceiling for the interim maximum lawful price is the same as that contained in the proposal; however, a price higher than the otherwise applicable maximum lawful price is not permitted unless a negotiated contract price is effective. A negotiated contract price is a price which is established by a fixed rate or a fixed escalator clause which is higher than the otherwise applicable maximum price, or a clause which specifically refers to the Commission's incentive pricing authority under section 107 of the NGPA. Thus, the maximum lawful price for the first sale tight formation gas is the lesser of the negotiated contract price or 150 percent of the section 103 maximum lawful price. The Commission requests further comment on the ceiling of 150 percent of the section 103 maximum lawful price and the negotiated contract price ceiling.

As in the proposal, the rule establishes production qualifications. First, such gas must have been produced from a designated tight formation. Second, the surface drilling date of the well has been changed to July 16, 1979. Therefore the surface drilling of any

well producing gas which qualifies under this rule may not have begun prior to July 16, 1979. Third, the gas must qualify as new natural gas or be produced through a new onshore production well. Finally, the gas must be sold pursuant to a negotiated contract price. The rule limits the categories of tight formation gas which may obtain an incentive price to such gas. That category is identified as "new tight formation gas."

The Commission is considering (and requests further comment on) a proposal to establish a special incentive price for "recompletion tight formation gas." Such gas would include gas produced from a well which was not completed for production from the designated tight formation before July 16, 1979, if it were subject to a negotiated contract price. The maximum lawful price proposed for such gas would be the lesser of the negotiated contract price or the section 103 maximum lawful price.

III. Discussion of Comments

A. Procedure for Designating Tight Formations

The proposal listed possible tight formations, described the characteristics of tight formations and listed the information that would be required in considering further recommendations. The presumption underlying the proposal was that the Commission would identify tight formations pursuant to a rulemaking procedure based on information submitted to it by jurisdictional agencies and other interested parties.

One commenter contested the Commission's authority to make such substantive determinations relating to formation qualification. That comment argued that the Commission only has the authority to establish guidelines for identifying tight formations, but may not engage in determining which formations qualify. According to the comment the Commission's authority regarding identification of tight formations is limited to reviewing jurisdictional agencies' determinations pursuant to section 503 of the NGPA; *i.e.*, the Commission could reverse a jurisdictional agency's determination only if it were not supported by substantial evidence.

Other commenters suggested as a matter of policy that the jurisdictional agencies, not the Commission, should identify tight formations. These commenters suggested that the jurisdictional agencies have better access than the Commission to the information and expertise required to evaluate the geological and other physical characteristics of the local areas, as well as information on the extent and type of development that has already occurred in tight formations. These comments were buttressed by other comments which informed the Commission that some of the formations listed in the proposed rule contain areas which are already fully developed and that others were incorrectly identified. Other comments suggested that only portions of formations should be designated since many tight formations contain areas which may be or have been commercially developed without incentive pricing.

The Commission does not believe that its authority to engage in the formation identification process is limited to a section 503 review of jurisdictional agencies' determinations. Section 503 describes the Commission's review authority only with respect to well category determinations. Moreover, pursuant to section 501 of the NGPA, the Commission has the authority to engage in any activity and to issue any rules it finds necessary to carry out its functions under the NGPA. One of the Commission's functions under section 107 is to identify gas which is produced under extraordinary risk or cost. Given that function, and its authority under section 501, the Commission is not constrained by section 503 as the commenter suggested.

Nonetheless, the Commission is convinced that the jurisdictional agencies have the best access to the production history and geological information relating to potential tight formations within each State's jurisdiction. Therefore this rule does not specifically identify tight formations. Instead, it establishes guidelines for identification of tight formations. (Those guidelines are discussed *infra.)*

Tight formations or portions thereof in any basin, field, or field area will be determined according to procedures similar to those adopted for approving alternate filing requirements which appear in § 274.207. Jurisdictional agencies will establish procedures for and conduct their own investigations to identify tight formations and will submit their written recommendations to the Commission for approval. The recommendations will be submitted in the form and with the information required by this rule. Upon receipt of a recommendation the Commission will publish it in the **Federal Register** and will hold public hearings and accept written and oral comments on the recommendation. After the comments have been solicited and reviewed, the Commission will prescribe a rule approving or disapproving the recommendation. If the formation is approved, the Commission will incorporate the formation into the list of qualifying formations in a new § 271.706 of the regulations. The Commission's designation may represent a modification of the recommendation. However, such a modification will not be made until the jurisdictional agency has been consulted. Grounds for disapproving a recommendation may be based, among other things, on the Commission's determination that the formation does not satisfy the guidelines or that the information submitted with the recommendation does not fulfill the requirements contained in § 271.705(c). The Commission may also request additional information from the jurisdictional agencies.

Jurisdictional agencies should limit their recommendations to those geographical areas of a formation, and those strata which meet the guidelines. The jurisdictional agency should clearly identify the correct strata or geological formation if two or more formations, not all of which are tight, overlap each other.

The information which must be submitted with the recommendation is essentially the same type of information that was suggested in the proposal, namely: geological and engineering data to support the recommendation and the source of that data; a map which clearly locates all wells which have produced from the recommended tight formation or a list locating all wells that have produced natural gas from the recommended tight formation; a report of the extent to which existing State or Federal regulations will assure that development of the recommended tight formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply; and any other information which the jurisdictional agency deems relevant. Additional information is required if the formation is recommended pursuant to the guidelines at § 271.705(b)(2). (Those guidelines are discussed *infra.*) Such information includes the types and extent of enhanced production techniques which are expected to be necessary to increase production from a well producing from the recommended tight formation, the estimated expenditures necessary for employing those techniques, the degree of increase in production to be expected from use of such techniques, and engineering and geological data to support that estimate. As previously mentioned, the

Commission may request additional information.

B. Guidelines for Designating Tight Formations

The Notice of Proposed Rulemaking suggested the following guidelines:

(1) The formation must have an estimated average *in situ* gas permeability, throughout the pay section, of 0.03 millidarcy per foot or less;

(2) A well drilled into the formation must be expected to produce, with no production stimulation, an average of 200 Mcf per day or less;

(3) Production from such a well must be expected to be increased substantially after the completion of an appropriate enhanced production technique; and

(4) No field rules for development of the formation or portion thereof have been established by or requested of a jurisdictional agency.

The comments convinced the Commission to either change or eliminate each of these guidelines.

1. *The permeability standard.* An overwhelming majority of comments protested the permeability standard of 0.03 millidarcy as unreasonably low. Suggested permeability guidelines ranged from 0.05 millidarcy to 2 millidarcies. Some of the commenters suggested the permeability guideline should be tied to the depth of the formation or the pay thickness. Others insisted that permeabilities are so hard to measure that a permeability guideline should not be adopted.

During the course of meetings held with jurisdictional agencies some of the States expressed particular concern that the existence of a permeability guideline would effectively disqualify many areas which they feel should be subject to incentive pricing. They explained that the permeability of many tight formations is so variable that estimating the "average" permeability would be meaningless since permeability and productivity vary greatly from one location to the next. They also expressed concern that some formations with very low production capability would be excluded under the permeability guideline. Because of these difficulties, it was suggested the rule should focus on low production capability and should not include a specific permeability guideline.

The Commission recognizes the difficulties of adopting a permeability guideline. However, the objective of this rule is to identify and provide incentives for the development of tight formations, not to provide incentives to develop formations merely because they have low production rates. The problem presented by formations of extremely variable characteristics is certainly not evident in many tight formations. In fact, the permeability of many formations is reasonably uniform and estimations regarding average permeability may reasonably represent the permeability which will be encountered from one location to the next. Under these circumstances, a permeability limit may appropriately be imposed. If the formation's average permeability can be reasonably estimated by a jurisdictional agency and that permeability falls within the standard established in this rule, the Commission can rely on the jurisdictional agency's recommendation to a greater extent than if the average permeability could not reasonably be estimated. However, in order to respond to the various situations with maximum flexibility, the Commission has adopted alternative guidelines, differing in the permeability limit contained in each. The first incorporates a special permeability limit; the second does not, but provides for more extensive review of the recommendation.

The first alternative contains a permeability limit of 0.1 millidarcy, and oil and gas productivity limits. (See *infra.*) A permeability limit of an average of 0.1 millidarcy throughout the pay section has been adopted in the first set of guidelines because it would include most recognized tight formations.[1] It is also the lowest permeability which can be reasonably measured without engaging in highly expensive pressure build-up and drawdown tests. Data regarding matrix permeability alone will not be sufficient to qualify a formation,[2] because formations with very low matrix permeabilities may be economic to develop if fractures have developed naturally. Therefore, to fulfill the guideline containing the specific permeability limit, the formation's average effective or *in situ* permeability throughout the pay section must be expected to be 0.1 millidarcy, or less.

Permeability need not be proven on a well-by-well basis, but should be determined based on the jurisdictional agency's reasonable geological expectations regarding the formation. Such an expectation should be based on geological evaluations founded on the best information available.

None of the suggestions to tie the permeability limit to the depth of the formation or its pay thickness have been adopted. While the Commission recognizes that the depth of the formation affects the economics of developing a tight formation, that factor has been reflected in the production rate limit applicable under both alternative guidelines. (Discussed *infra.*) Adopting a ratio which reflects a permeability-pay thickness relationship would not substantially aid in the identification of tight formations.

With respect to permeability, the second alternative guideline requires only that the jurisdictional agency make an adequate showing that the incentive price is necessary for production of the formation because the formation is high-risk and high-cost and the formation has low permeability characteristics. It also contains the same oil and gas productivity limits as are applicable to the first alternative guideline.

The Commission notes that it will give greater deference to recommendations in which the jurisdictional agency is satisfied that the expected average permeability of the formation does not exceed 0.1 millidarcy. Recommendations regarding tight formations in which the average permeability cannot be reasonably estimated or the average permeability does not fall within the 0.1 guideline will be subject to more extensive review than those in which the specific permeability guideline is met. In this case, the Commission cannot be as confident that the recommended formation should be subject to incentive pricing and will thus engage in more extensive factual inquiry concerning the qualification of the formation as a designated tight formation.

2. *The gas productivity standard.* Both alternative guidelines incorporate a gas productivity standard. However, in response to the proposal, several of the commenters stated that the 200 Mcf or less per day production limitation was too low and that it should be adjusted upward to account for the greater risks and costs encountered in drilling deeper wells. Four commentors suggested formulas to calculate the production limit for any given depth. Although the formulas varied, all but one would have allowed the same general range of production per depth of the formation.

The Commission recognizes that costs of drilling and equipping gas wells do

[1] *See,* Department of Energy, *Enhanced Recovery of Unconventional Gas, The Program,* Volume II (of 3 Volumes), October, 1978, Lewin & Associates, pp. 1–20, contained in the Public File in Docket No. RM79–76.

[2] Matrix permeability is the permeability of the rock itself, disregarding any natural fractures or other factors that may affect average permeability throughout the pay section.

increase exponentially as well depths increase. The deeper wells must have much higher production rates in order to be economical. As a result, the Commission is convinced that the limitation on expected production rates should be tied to the depth of the formation. The formula adopted in this rule generally conforms to the range of production rates suggested by the commenters for various depths. It also closely parallels the exponent of increase in costs of drilling and equipment gas wells with depth, as demonstrated in the 1977 Joint Association Survey on drilling costs.[3]

The jurisdictional agency must reasonably expect that absent stimulation the wells completed in the recommended tight formation would not sustain production against atmospheric pressure on a daily basis in excess of the production rate determined in accordance with the following table:

If the average depth to the top of the formation (in feet)		The maximum allowable production rate (in Mcf/day)
exceeds	but does not exceed	may not exceed
0	1,000	44
1,000	1,500	51
1,500	2,000	59
2,000	2,500	68
2,500	3,000	79
3,000	3,500	91
3,500	4,000	105
4,000	4,500	122
4,500	5,000	141
5,000	5,500	163
5,500	6,000	188
6,000	6,500	217
6,500	7,000	251
7,000	7,500	290
7,500	8,000	336
8,000	8,500	388
8,500	9,000	449
9,000	9,500	519
9,500	10,000	600
10,000	10,500	693
10,500	11,000	802
11,000	11,500	927
11,500	12,000	1,071
12,000	12,500	1,238
12,500	13,000	1,432
13,000	13,500	1,655
13,500	14,000	1,913
14,000	14,500	2,212
14,500 [4]	15,000	2,557

[4] Any completion locations deeper than 15,000 feet which qualify under this rule are deregulated pursuant to section 107 of the NGPA; therefore this rule is not applicable to those wells.

The table is derived from the following formula: [5]

$$Q = 33e^{.29D(000)}$$

Where:

Q = Production rate (Mcf/day)
D = The average depth to the top of the formation (in thousands of feet)
e = Base of natural logarithms (2.71828)

The comments also expressed concern that the productivity limit did not specify the time period in which the average flow rate is to be measured. The comments were concerned that many wells initially enjoy a high flow rate, but that the flow rate falls rapidly and drastically after the gas immediately surrounding the well bore is produced.

We do not believe it would be helpful to specify a time period during which the flow rate should be expected. The flow rate is to be based on what would be expected on a sustained basis against atmospheric pressure if no enhanced technique were applied. The jurisdictional agency itself should determine what expected flow rate would represent such sustained production.

It should also be emphasized that this guideline is not to be applied on a well-by-well basis. It applies to the production rate *expected* from untreated wells drilled in the recommended formation, and is to be based on geological evaluations founded on the best information available.

3. *Guidelines regarding increase of production after application of an enhanced recovery technique; and field rules.* The comments overwhelmingly objected to the adoption of the field rules guideline and the requirement that production should be expected to increase substantially after application of an appropriate enhanced production technique. These guidelines were suggested with the objectives of aiding in the identification of formations that (1) could not be economically developed without being subjected to expensive production techniques, and (2) are not already economic under presently available maximum lawful prices. Neither of these guidelines is being included in the interim rule.

As has been pointed out by the commenters, "substantially" increased production does not provide a meaningful guideline. The Commission does not feel it would be productive to quantify the standard, however, and has eliminated it as a guideline.

The field rules guideline is inappropriate for several reasons. First, many States have adopted state-wide field rules. All formations in those States would be disqualified if we were to retain the guideline. Second, field rules are often established for a whole formation even though only a specific area within the formation can be economically developed. The Commission does not intend to disqualify an entire formation if parts of that formation are tight and would not be developed without incentives. Those parts which are tight and would not be developed may qualify under this rule. Third, some States do not establish field rules even when formations have been extensively developed. Thus, the application of the field rules guideline to a given formation has proven to be irrelevant in determining whether a formation would be economic to develop without a special, incentive price and has been omitted in the interim rule.

The Commission's objectives still consist of identifying and including tight formations that could not be commercially developed absent application of enhanced production techniques, and excluding the types of development activities that could occur under the otherwise applicable maximum lawful prices. The Commission's original approach was to disqualify developmental (as opposed to exploratory) production from tight formations. Several alternative means of excluding such development were considered, including the proposed guidelines regarding enhanced recovery techniques and field rules, omitted from this rule. The Department of Energy (DOE) suggested disqualification of all wells located within one mile of the nearest marker well. Such a rule would have disqualified virtually all infill drilling. Additionally, under the proposal all behind-the-pipe gas was disqualified by the spud date requirement.

However, information contained in the comments indicated a need to extend incentives to developmental production. Many of the comments emphasized that much of the current development in tight formations is inadequate to produce the recoverable reserves. More importantly, they indicate that further development will not occur unless incentive prices are permitted for the first sales of such gas. Similarly, the comments emphasized that an incentive price is necessary to encourage the reworking of old wells so they will produce from tight formations which will be bypassed absent the availability of an incentive price. According to the comments a large amount of producible but economically unattractive reserves exist behind-the-pipe and in partially developed formations. Further development of these reserves may not occur under

[3] American Petroleum Institute, February 1979 edition.

[5] See Appendix A for a graph. Appendix A is filed with the office of the Federal Register as part of the original document.

presently available prices because the costs of completing wells in the tight formations when considered with the low production rates, are too high. While they will not be produced at otherwise available prices, they could be the first tight formation gas on line and could supply significant volumes of tight formation gas until deregulation in 1985 under section 121, were an incentive extended to them.

Since such reserves are substantial, the public interest dictates that such production should not be discouraged. Developmental production of known reserves will not continue unless the benefits expected to be incurred as a result of such production are at least as attractive as the benefits expected to be incurred as a result of exploratory drilling. The risks and costs associated with exploratory and infill drilling are approximately the same since the locations of most tight, gas-bearing formations are already known, and the drilling and fracturing costs are equivalent for the two types of wells. While some differences may exist, the difference is not quantifiable given the Commission's current information base. It is obvious, however, that behind-the-pipe gas and gas obtained by deeper drilling require substantially fewer expenditures for drilling and pipeline hook-up facilities. Because the risks and costs associated with such production are less, the incentive need not be as great as the incentive for infill and exploratory drilling for new tight formation gas.

For purposes of the interim rule, the Commission has extended the interim ceiling of 150 percent of the section 103 maximum lawful price to "new tight formation gas", that is natural gas produced through new exploratory and new infill drilling. "New tight formation gas" is gas sold pursuant to a negotiated contract price, produced from a designated tight formation from a well the surface drilling of which began on or after July 16, 1979, and which either qualifies as section 102 gas or is produced from a section 103 well.

While new infill wells are not excluded from qualification under this rule, jurisdictional agencies should be sensitive to the fact that some portions of tight formations have been developed to such an extent as to indicate that the incentive maximum lawful price is not necessary to encourage full production of that portion of the formation. If the agency has information which indicates such portions can be developed without the incentive price, such portions should be excluded from the jurisdictional agency's recommendation.

Although it has not done so in the interim rule, the Commission is considering establishing a separate incentive price for qualifying behind-the-pipe production and gas produced from new deeper drilling, and requests comments on the proposal. Such gas is identified as "recompletion tight formation gas" and includes gas produced from a tight formation from a well that was not completed for production in the tight formation before July 16, 1979. (See discussion at pages 51 and 52 for a description of the Commission's proposal.)

4. *Production of crude oil.* The guidelines required that wells drilled into the recommended tight formation may not be expected to produce more than 5 barrels of crude oil per day. This requirement has been added to the guidelines to ensure that the gas is not produced in asssociation with any more than a *de minimus* amount of oil. When gas is produced in association with oil, the presence of the oil, in itself, creates incentives for the development of the formation.

C. Production Qualifications

The Notice of Proposed Rulemaking contained the following well requirements:

(1) The surface drilling had to have begun on or after August 17, 1979,

(2) The well must qualify as a new, onshore production well,

(3) The well has been subject to an appropriate enhanced production technique, and

(4) The well must be drilled into a designated tight formation.

1. *Spud date requirement.* A spud date of August 17, 1979, was adopted in the proposal because the Statement on the Part of the Managers [6] indicates that the Commission's authority under section 107 (b) and (c)(5) is to be exercised in order to create incentives for development of gas reserves and therefore, is to be exercised in advance of such development.

Several commenters requested that an earlier spud date be allowed. Most requested that we adopt a date of February 19, 1977, since that is the cut-off date for new onshore production wells (section 103 wells), as well as new natural gas qualifying under section 102. The commenters argued that the February 19, 1977, spud date is the pivotal date in the wellhead pricing scheme under the NGPA. Other commenters suggested that the spud date be tied to the date the President first addressed Congress regarding the need to create incentives for development of gas from tight formations. Still others argued that we should qualify old wells reentered and reworked after the spud date, or wells spudded before the spud date, but not subjected to an enhanced recovery technique at the designated formation at that time.

While the February 19, 1977, spud date is an important date under the NGPA, page 88 of the Statement on the Part of the Managers expresses Congress' intention that the pivotal date for section 107(c)(5) gas is the date the Commission exercises its authority under section 107(c)(5). The Commission has clearly been given the responsibility of encouraging increased development of high-cost or high-risk gas. We are not free to make available special prices for gas whose development was encouraged by previously available prices.

In the proposal we suggested a spud date which coincided with the date the Commission voted on the proposal so that drilling activity in tight formations would not be delayed until this rule was issued. However, in recognition of the fact that this rule gives effect to a policy initiated by the President's July 16th speech, the spud date for wells drilled into designated tight formations has been changed from August 17, 1979, to July 16, 1979.[7]

2. *Section 103 requirement.* A few commenters objected to the proposed requirement that tight formation gas must be produced through wells which qualify under section 103 of the NGPA. They objected to such a requirement because it would require them to satisfy the well-spacing and proration unit requirements contained in section 103. Some of the comments noted that some wells qualifying under section 102 might not qualify under section 103. Others noted that the requirements applicable to section 103 gas conflict with the proposed guideline that no field rules are applicable to the well. Because the Commission has dropped the field rule guideline, its conflict with section 103 is now irrelevant.

The requirement was proposed specifically for the purpose of ensuring that this rule does not encourage the drilling of unnecessary wells. When the proposal was issued, only production from new wells was envisioned as

[6] "This authority is intended by the conferees to be exercised in advance of drilling activity in order to create price incentives." Joint Explanatory Statement of the Committee on Conference Natural Gas Policy Act of 1978, Pub. L. 95-621, S. Rep. No. 95-1126, August 16, 1978, at page 88.

[7] If the Commission adopts its new proposal to permit an incentive price for recompletion tight formation gas, certain tight formation gas produced from wells spudded before July 16, 1979, will also be eligible for an incentive price, albeit lower than that available for wells spudded after July 16, 1979.

becoming eligible for incentive pricing. The incorporation of the requirements under section 103, which include well-spacing requirements, appeared to be a simple way of providing that no unnecessary wells qualify under this rule. It was not actually intended that gas qualifying under section 102 should not be eligible for the incentive price, as long as it meets the other requirements of this rule. Therefore, production qualifications for new tight formation gas have been modified to reflect that gas may either qualify under section 102 or be produced from a well which qualifies under section 103.

If the proposal to extend incentives to recompletion tight formation gas is adopted, fulfillment of State and Federal requirements regarding drilling and production will also be applied to such production. However, the requirement that the gas qualify under section 103 would not be applied to such gas.

3. *Enhanced production technique requirement.* The comments generally did not support the proposed requirement that all qualifying wells must have been subject to an appropriate enhanced production technique to be specified by the Commission for each designated tight formation. The commenters made the following objections to the requirement.

First, under the proposal an "appropriate" technique would have been a technique which the Commission had identified as requiring extraordinary expenditures and employed in order to substantially increase the production from the tight formation. The comments were concerned that limiting the appropriate techniques to those identified by the Commission would impede development of new technologies. They argued that the characteristics of each formation are so different that the rule must be flexible enough to allow experimentation and adoption of previously unrecognized techniques. Some of the comments suggested that the need for flexibility could be accommodated by allowing the jurisdictional agencies to identify appropriate techniques.

Second, several comments argued that application of an appropriate technique should not be required at all. They argued that the incentive price should be made available simply to encourage more production of gas from tight formations. They argued that, if, by chance, a well were drilled next to a natural fracture, the producer should nevertheless receive the incentive price because he had assumed the risk of attempting to produce such gas. Several of the comments pointed out that if the guideline parameters were drawn narrowly enough and the fields were correctly identified there would be very few instances in which a producer would not have to engage in enhanced production techniques.

Finally, commenters emphasized that the enhanced production technique requirement would reduce the extent to which a producer could know in advance of drilling whether or not the well would qualify for the incentive price. If the well were drilled and no fracturing were required or it became apparent that no available technique could be used without damaging the productivity of the field, the producer would lose the incentive price. Commenters insisted that unless producers can be sure that the wells will qualify in advance of drilling, they will have little incentive to develop tight formations.

The Commission has reassessed the well requirement requiring application of an appropriate enhanced production technique based on the comments received. We have decided that application of an enhanced production technique should not be required in order for a well to qualify for the incentive price. However, because we continue to believe that formations which will not require extensive application of enhanced production techniques should not qualify under this rule, the guideline parameters are intended to eliminate all formations that will not require extensive application of enhanced production techniques for almost every well. We have attempted to draft the guidelines to eliminate most formations for which use of such techniques will not be necessary.

4. *Designated tight formation requirement.* As previously discussed, many comments were received concerning which formations should be identified as tight, and how such identification should be made. The proposed procedure has been substantially changed, because the Commission does not have the information needed to accurately identify qualifying tight formations. The Commission will rely on recommendations by jurisdictional agencies, and will approve or disapprove such recommendations after the public has been notified of such recommendation and has had the opportunity to comment.

The Commission has adopted this procedure so that it may fully utilize the information and expertise available to jurisdictional agencies without unduly delaying identification of tight formations. Once a formation has been designated, the incentive price may be applied retroactively with respect to all gas which meets the production qualifications of this rule.

5. *Negotiated contract price.* A requirement that the sale of the gas must be subject to a "negotiated contract price" has been added to the production qualifications. A "negotiated contract price" is defined as any price established by a contract which specifically refers to the Commission's incentive pricing authority under section 107 of the NGPA, or which contains a fixed rate or fixed escalator clause. Pursuant to this requirement gas may not qualify as new tight formation gas unless the contract contains a fixed rate or escalator clause which would result in a price higher than the otherwise applicable maximum lawful price, or an escalator clause which specifically references the Commission's incentive pricing authority under section 107 of the NGPA. Moreover, the incentive price for gas which does qualify is the lesser of the negotiated contract price or 150 percent of the section 103 maximum lawful price.

This requirement serves the purpose of insuring that the incentive maximum lawful price is extended as an incentive for the production of additional new tight formation gas, rather than just as a windfall to the sellers. Contracts which do not presently contain a negotiated contract price may be amended. The Commission expects that purchasers will pay a higher price in return for increased production.

The Commission wishes to clarify the distinction between the requirement that there be a negotiated contract price and the Commission's position in Order No. 23, concerning the interpretation of area rate clauses. By requiring a negotiated contract price the Commission has imposed two limitations on the maximum lawful price. First, the maximum lawful price for the first sale of tight formation gas is determined by the otherwise applicable maximum lawful price unless the contract contains an effective negotiated contract price. Second, the maximum lawful price which may be collected if the contract contains an effective negotiated contract price may not exceed the lower of 150 percent of the section 103 price or the negotiated contract price. The Commission must limit the application of the incentive ceiling to those contracts which specifically refer to it (or to the extent permitted under a fixed rate or a fixed escalator clause) because its pricing authority is limited to setting incentive prices "necessary" to encourage additional production. However, the Commission emphasizes that the negotiated contract price

requirement in no way constitutes an interpretation of an area rate clause.

The "negotiated contract price" requirement is reflected both in the definition of "new tight formation gas" in § 271.703(b)(3) and in the maximum lawful price established under § 271.702(b)(1). The Commission requests further comment on this provision.

D. The Incentive Pricing Ceiling

The response to the proposed basis for setting an incentive price for tight formations varied greatly. However, most commenters, including the Council on Wage and Price Stability and the Environmental Protection Agency (EPA) suggested that the ceiling should be tied to the price of imported Mexican or Canadian gas, or to the price of OPEC oil imports. The commenters argued that the proposed price ceiling did not reflect the value of such comparable, alternative fuels, especially given the rapid increase of imported oil prices in the last months of 1979. They would have us adopt a commodity value price-setting approach for section 107(b).

These commenters seem to argue that high cost gas is "worth" the Btu equivalent price of oil.[8] Therefore, according to this view, the section 107(b) price should be indexed to oil.

The incentive price ceiling originally proposed by the Commission in August 1979 was 150 percent of the section 103 maximum lawful price. One hundred and fifty percent of the section 103 price ($3.1035 per MMBtu) was at that time approximately equivalent to the then current price of Saudi Arabian benchmark crude oil, so that, when proposed, the Commission's determination of a "necessary" price would have been close to the price that would have been set under a commodity value basis. Events since that time in the oil market have led to 150 percent of the section 103 price being substantially below the "value" of gas as measured by its Btu equivalence with oil.

It is not clear that the NGPA permits the Commission to adopt a commodity value approach. In attempting to set a price ceiling for tight formation gas, the Commission must adhere to the language of section 107(b) that mandates that any incentive price allowed by the Commission be "necessary to provide reasonable incentives for the production of such high-cost gas." The Statement on The Part of the Managers states that the prices are "not intended by the conferees to be cost-based in nature and do not require cost-justification."[9] This clarification implies that a section 107 price does not have to be "cost-based" or "cost-justified" in the conventional public utility pricing sense. However, the Statement provides no guidance about the nature of the difference between a "necessary" price and a cost-based or cost-justified price. Even so, both the specific use of the words "necessary" and "reasonable incentives" in the statute as well as the overall context of the statutory language seems to suggest that the Commission is not merely to index the price to some measure of value, such as the Btu price-equivalency of some other fuel, but is instead to set some price that is related to the particular needs of producers of the specific type of gas being accorded section 107 treatment.

The statutory standard appears to allow and even contemplate a price exceeding the price that would be allowed were the price required to be developed by traditional cost of service methodology as long as such a price were "necessary to create reasonable incentives for production" of the gas. Although Congress made a distinction between a cost-based price and a "necessary" price, logic implies a connection between a cost-of-service or cost of production price and "necessary" price because a "necessary" price clearly must at least cover costs.

None of the commenters who recommended a value-related price supported the recommendation with information suggesting that any ceiling higher than 150 percent of the section 103 price was "necessary". Nor do they provide a basis for distinguishing "reasonable" from "unreasonable incentives" for the production of tight formation gas. The Commission has no data or evidence that independently would permit a finding that a price equal to "value", i.e., the Btu price equivalence of oil, would be "necessary" and would not provide "unreasonable" incentives. Our drawing attention to these difficulties in the presentations is not mere bureaucratic fussiness on our part. In the absence of such a record, evidence or data support, the Commission has not been able to find the required basis for making the findings specified by Congress to support the suggested commodity value pricing.

Apart from the legal issues of statutory standards for setting section 107 prices, the Commission must deal with the broader and more worrisome issue of the inconsistency of commodity value ratemaking with the incentive price determinations made by the Congress in the NGPA. This is not just a matter of theoretical consistency; perverse incentives might be created by setting section 107 prices on a commodity value basis. The term "perverse incentive" is used advisedly because there is a potential that a commodity value section 107 rate would lead to less gas, on a nation-wide basis, compared with the production resulting from a price set on a different basis.

NGPA maximum lawful wellhead prices are not indexed to oil prices. Therefore, if commodity value ratemaking yielded a price for tight formation gas that was significantly higher than the price for other NGPA categories of gas, production activities in conventional formations might be diverted to tight formations. Drilling rigs used to explore and develop tight formations are the same as those used in regular formations and entrepreneurs will tend, presumably, to direct rigs to the formations that have the highest expected profit potential.[10] If we were to permit tight formation gas to be priced at its present commodity value (approximately $6.00 per MMBtu) and, assuming that the costs of drilling wells in tight formation are reasonably equivalent, then, even if the production rate for the tight formation well were only half of the production rate of the well in the conventional formation, revenues generated by the tight formation well would be significantly higher than that generated from the well in the conventional formation.

The Commission would not be as concerned about possible perverse incentives for developing tight formation gas if there were ample amounts of unused drilling and production equipment. Increased tight-formation drilling activity could be accommodated by rigs that would otherwise be idle if such spare capacity existed. But the demand for rotary rigs is at record levels. In August 1979, the supply of rigs totaled 3,182. This figure is 331 units, or 11.6 percent, greater than the number of rigs available in August 1978. Demand for drilling rigs and other production-related equipment is expected to increase significantly due not only to the incentive prices established by the NGPA but also to the scheduled phase-out of crude oil price controls. There is little, if any, spare drilling capacity, and it is far from clear that drilling and production equipment manufacturers will be able to fully meet the large and

[8] Since Mexican and Canadian gas are linked to oil, indexing section 107 prices to such imports would in effect link section 107 to oil prices.

[9] See page 88.

[10] On the other hand, deep, high-cost natural gas, which is a deregulated category of gas under sections 107(c)(1) and 121, requires specialized drilling equipment and is usually produced at rates greatly in excess of conventional production rates.

increasing demand for their products in the immediate future. The ability of drilling rig makers to expand capacity at more than 331 units per year remains to be demonstrated.

Because of these overall constraints on equipment supply relative to increasing demand, the Commission is concerned that unnecessary or excessive incentives for drilling and producing tight formation gas might have a negative impact on the development and production of other categories of natural gas, especially gas produced from new onshore development wells, as defined and priced under NGPA section 103.

If the average yield of a year's development efforts in tight formations were as great or greater than the yield from similar development efforts in conventional formations, it might be in the nation's interest to divert drilling activity in this manner. However, the Commission is unable to conclude at this time that the relative near-term production potential is as great or greater in tight formations than in conventional formations. The record in this proceeding suggests that some tight formation development wells that would become attractive for development if the gas were priced significantly higher than other NGPA prices, (as would result from setting prices on a commodity value basis) would have significantly lower yields than typical onshore production wells.

For these considerations, the Commission believes it is in the public interest to be cautious about setting incentive prices for tight formation gas on the basis of oil prices. Because we have no basis upon which to determine that such a ceiling is necessary and would not create perverse incentives and because the price ceiling as proposed in this docket provides a full 50 percent premium over the incentive that Congress provided for conventional development, we will adopt that ceiling until such time as information is available which suggests that a higher ceiling is "necessary" for new tight formation gas and will not have an adverse impact on total gas production. In the meantime, we invite the submission of more data. A study by the Tight Gas Reservoir Task Group of the NPC Committee on Unconventional Gas Sources may provide such information in the near future. While that study may not necessarily establish a basis for changing the price ceiling, we will use its availability to trigger reconsideration of the ceiling.

The interim rule provides that the maximum lawful price for the first sale of new tight formation gas for which a negotiated contract price is applicable is the lesser of (1) the negotiated contract price, or (2) 150 percent of the maximum lawful price specified for section 103 gas. (For an explanation of "negotiated contract price" see pages 34 through 36.)

If the Commission decides that higher prices are appropriate and a higher maximum lawful price is adopted, it will be made effective as of July 16, 1979. In the meantime, the interim prices will be available to encourage production and the jurisdictional agencies may commence proceedings to designate tight formations. Because the Commission wishes to give as much price assurance as is possible to those who must make drilling decisions before a final ceiling is set, the Commission advises, as a general matter, that it will not lower the ceiling for new tight formation gas. However, there may be circumstances in which, because of disproportionate incentives for drilling infill wells, the Commission may find it necessary to reduce the incentive price for infill wells spudded after the effective date of the reduction.

The Commission requests that any comments specifically address the following issues: What ceiling is necessary to encourage production of new tight formation gas? Would too high a price divert production activities from conventional formations? Is the possibility of diversion grounds for establishing a lower price ceiling? Commenters are also requested to address the Commission's authority under section 107 or the NGPA to include tight formation gas as a deregulated category of gas, or to establish as a maximum lawful price, the price arrived at by negotiation between the purchaser and the seller.

The Commission also requests that comments include information regarding the price necessary to provide reasonable incentives for the production of recompletion tight formation gas. (See page 51, *infra*, for the specific proposal.) We propose a price ceiling equivalent to the maximum lawful price applicable to new, onshore production wells.

E. Environmental Impact

A letter was received from the EPA which suggested that the Commission should consider preparing a programmatic environmental impact statement pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969.[11] After meeting with EPA and completing an environmental assessment, Staff has concluded that establishing an incentive price would not constitute a major Federal action significantly affecting the quality of the human environment. The Commission issued a notice to that effect on January 7, 1980,[12] and placed the assessment in the public files. To date, no comment has been received which contests the conclusion reached in the assessment.

The Commission will continue to evaluate the possible environmental effects of the tight formations program and will make a final determination as to environmental impact at such time as the jurisdictional agencies submit their recommendations for tight formations proposed to be designated under the rule. The information required of the jurisdictional agencies when they make their recommendations includes information regarding the identification and location of fresh water aquifers which may be affected by development of the formation.

F. Miscellaneous

1. *Deregulation.* The proposal specifically requested comment on the issue of deregulation of tight formation gas. The Commission was interested in soliciting comments as to whether section 101(b)(5) of the NGPA requires the eventual deregulation of tight formation gas which also qualifies as section 103 gas the price for which is deregulated in 1985 or 1987. Under section 101(b)(5) of the NGPA, "[i]f any natural gas qualifies under more than one provision * * * providing for any maximum lawful price or for any exemption from such a price with respect to any first sale of such natural gas, the provisions which could result in the highest price shall be applicable." Those that responded to this request argued that section 101(b)(5) compels deregulation of tight formation gas when that gas is finally determined to qualify under a deregulated category. The Commission agrees and notes with regard to the change in the interim rule that this argument applies equally to new tight formation gas which qualifies under section 102(c).

2. *Presently deregulated natural gas.* One commenter requested the Commission specifically exclude gas produced from coal seams from the tight formation category. The price for gas produced from coal seams has been deregulated pursuant to sections 107(c)(3) and 121 of the NGPA and the interim rules issued in Docket No. RM79-44 (45 FR 61950, October 29, 1979). Under section 101(b)(5), gas qualifying under one or more categories receives

[11] 42 U.S.C. 4332(2)(c).

[12] See also section 601(b)(1)(E) regarding the affiliated entities limitation and the provisions of Title II applicable to incremental pricing of high-cost gas.

the highest maximum lawful price for which it is eligible, including a deregulated price, if applicable. Therefore, the Commission has no authority to impose the maximum lawful price for tight formation gas, or any other maximum lawful price on any category of gas, including coal seam gas, which has been deregulated.

3. *Definition of non-associated natural gas.* In the proposal the definition of "high-cost natural gas produced from tight formations" required the gas be "non-associated natural gas", meaning natural gas not produced in association with oil. One commenter pointed out that the term "non-associated natural gas" is defined only to the extent it is used in Subpart H of Part 271. A definition of "non-associated natural gas" has not been included in the interim rule; however, the guidelines provide that wells in a designated tight formation should not be expected to produce more than five barrels of crude oil per day. The definition of crude oil found in § 270.102(b)(5) applies to this rule and includes only mixtures of hydrocarbons that are liquid in the underground formations and remain liquid at atmospheric pressure.

4. *Coordination with the Natural Gas Act.* One commenter requested the Commission specifically state in the regulation that any interstate pipeline purchasing natural gas produced from tight formations will be able to roll such costs into its overall gas purchase costs and that such costs will be deemed just and reasonable pursuant to section 601(b) of the NGPA. Section 601(b)(1)(A)(i) states that any amount paid in any first sale of natural gas is "deemed to be just and reasonable" for purposes of sections 4 and 5 of the Natural Gas Act, so long as that amount does not exceed the applicable maximum lawful price for that gas. Further, section 601(c) provides for the passthrough of such just and reasonable prices paid by interstate pipelines for natural gas, "except to the extent that the Commission determines that the amount paid was excessive due to fraud, abuse, or similar grounds." [13] Any statement in these rules could do no more than restate the provisions of the NGPA, which govern these sales on any case. Therefore, we have denied the commenter's request, noting that for purposes of sections 4 and 5 of the Natural Gas Act, section 601(b) of the NGPA deems any amount paid in any first sale just and reasonable if such amount does not exceed the applicable maximum lawful price established under Title I of the NGPA.

5. *Filing requirements.* Little comment was received on the proposed filing requirements. They have been changed to reflect the differences between the interim rule and the proposed rule.

VI. Description of the Interim Rule and Request for Further Comments

A. Summary of the Interim Rule

The interim rule establishes a special maximum lawful price for gas that qualifies as new tight formation gas. The price may not exceed the lesser of the negotiated contract price or 150 percent of the section 103 maximum lawful price. In other words, the price for new tight formation gas may not exceed its otherwise applicable maximum lawful price unless the contract specifically authorizes a higher rate under a fixed price or fixed escalator clause, or a pricing clause that specifically refers to the Commission's incentive pricing authority under section 107 of the NGPA. The price paid under such a contract may not exceed 150 percent of the section 103 maximum lawful price. The retroactive collection provisions at § 273.204(a) are applicable to tight formation gas. Such retroactive collection may apply to deliveries on or after July 16, 1979.

Gas qualifies as new tight formation gas if (1) it is either new natural gas or gas produced through a new onshore production well; (2) it is produced from a designated tight formation through a well the surface drilling of which began on or after July 16, 1979; and (3) a negotiated contract price is effective with respect to its sale.

Designated tight formations include those formations recommended by jurisdictional agencies and approved by the Commission. The Commission will approve any tight formation recommended by a jurisdictional agency if (1) the formation's estimated average *in situ* gas permeability throughout the pay section is not expected to exceed 0.1 millidarcy; (2) the stabilized production rate of wells completed for production in the formation, without stimulation, is not expected to exceed the rate set forth in the table which appears at § 271.705(b)(1)(ii); and (3) wells in the formation are not expected to produce more than 5 barrels of oil per day. The Commission will consider, and may approve recommendations to designate formations in which the average *in situ* gas permeability cannot be reasonably estimated or exceeds 0.1 millidarcy, so long as the stabilized production rate and crude oil production standards are met, and the jurisdictional agency demonstrates that the formation exhibits low permeability characteristics and, due to extraordinary risks or costs, the incentive rate permitted in this rule is necessary to provide reasonable incentive for the production of gas in the recommended formation.

Upon the receipt of a recommendation, including the information required in § 271.704(c) the Commission will publish in the **Federal Register** a notice of proposed rulemaking containing the recommendation. After review of oral and written comments on the proposal the Commission will issue a rule approving or disapproving the recommendation. (A list of designated tight formations will be included in the rules at a new § 271.706.)

A person seeking a determination that gas qualifies as new tight formation gas must submit information required at § 274.205(e).

The Commission has modified the provisions covering deep high-cost gas slightly, and intends to move them to part 272 at such time as the provisions for deregulated gas are issued as final rules.

B. Request for Further Comments

The Commission requests further comments and additional information on the maximum lawful price that should be permitted new tight formation gas and the legal and practical issues surrounding various alternatives, such as deregulating tight formation gas. Such comments should include information indicating what price is "necessary" to provide reasonable incentives for the production of such gas. Comments will be accepted until March 28, 1980, or until such later date as the Commission may prescribe.

In addition, the Commission is considering establishing incentive prices for gas produced from designated tight formations which does not qualify as new tight formation gas but which is produced from wells which were not completed for production in the tight formation prior to July 16, 1979.[14] The following new category (and definition) is proposed:

§ 271.703 *Definitions.*

* * * * *

(c) "Recompletion tight formation gas" is natural gas:

(1) Which is produced from a designated tight formation through a well, the surface drilling of which was begun before July 16, 1979, if such well was not completed for

[13] See also section 601(b)(1)(E) regarding the affiliated entities limitation and the provisions of Title II applicable to incremental pricing of high-cost gas.

[14] This proposal has also been noticed in a Notice of Proposed Rulemaking, published in this issue of **Federal Register.**

production from such formation before July 16, 1979; and

(2) for the first sale of which a negotiated contract price is effective.

The Commission also proposes to permit a price ceiling based on the section 103 maximum lawful price with respect to "recompletion tight formation gas." The proposal would read as follows:

§ 271.702 *Maximum lawful prices.*

* * * * *

(b) *Tight formation gas.*

* * * * *

(2) *Recompletion tight formation gas.* The maximum lawful price, per MMBtu, for recompletion tight formation gas shall be the lesser of:

(i) The negotiated contract price; or

(ii) The maximum lawful price specified for Subpart C of Part 271 in Table I of § 271.101(a).

The Commission requests further comments on these proposals.

V. Public Procedures

Interested persons may submit comments by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before March 28, 1980. Each person submitting a comment should indicate that the comments are being submitted in Docket No. RM79–76, and should give reasons including any supporting data for any recommendations. Comments should also indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, during regular business hours.

A date and location of further hearings on this rulemaking may be announced in the near future. The proposed regulations will not be promulgated as final regulations until the Commission has had an opportunity to receive oral presentation of relevant data, views and arguments.

VII. Effective Date

This rule was originally proposed for comment on August 29, 1979 (44 FR 52255, September 7, 1979). Informal public hearings were held in Washington, D.C., on September 24, 1979, and in Denver, Colorado, on September 27, 1979. Written comments were accepted until January 22, 1980.

By this process the Commission has complied with the provisions of section 502(b) of the NGPA which requires that "[t]o the maximum extent practicable," an opportunity for the oral presentation of data, views, and arguments be afforded for certain regulation under the NGPA. The provisions contained in this order rest upon consideration given to the information received during the above-described notice, comment, and hearing process.

These rules shall become effective as interim regulations on March 21, 1980.

(Department of Energy Organization Act, (42 U.S.C. 7101, *et seq.);* E.O. 12009, 42 FR 46267; Natural Gas Policy Act of 1978, (15 U.S.C. 3301–3432))

In consideration of the foregoing, Subpart G of Part 271, Subpart B of Part 273, and Subpart B of Part 274, of Subchapter H, Chapter I, Title 18, Code of Federal Regulations, are amended as set forth below, effective as interim rules on March 21, 1980.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

1. Part 271 is amended in the Table of Contents under Subpart G to read as follows:

Subpart G—High-Cost Natural Gas

Sec.
271.701 Applicability.
271.702 Maximum lawful prices.
271.703 Definitions.
271.704 Special rule for deep, high-cost natural gas.
271.705 Procedures for designating tight formations.

Authority: Dept. of Energy Organization Act (42 U.S.C. 7101, et seq.); E.O. 12009, 42 FR 46267; Natural Gas Policy Act of 1978 (15 U.S.C. 3301–3432).

2. Subpart G of Part 271 is revised to read as follows:

Subpart G—High-Cost Natural Gas

§ 271.701 Applicability.

This subpart implements section 107 of the NGPA and applies to the first sale of natural gas which a jurisdictional agency determines is new tight formation gas and to interim collection for first sales of deep high-cost natural gas.

§ 271.702 Maximum lawful prices.

(a) *Deep, high-cost natural gas.*—(1) *Interim collection.* In the case of deep, high-cost natural gas, a first seller may charge and collect under §§ 273.202 and 273.203 of this chapter a price not in excess of the price specified for Subpart G of this Part 271 in Table I of § 271.101(a).

(2) *Deregulation.* For deregulation of deep high-cost natural gas after the jurisdictional agency determination becomes final, *see* Part 272 of this chapter.

(b) *Tight formation gas.*—(1) *New tight formation gas.* The maximum lawful price, per MMBtu, for the first sale of new tight formation gas shall be the lesser of:

(i) The negotiated contract price; or

(ii) 150 percent of the maximum lawful price specified for Subpart C of this Part 271 in Table I of § 271.101(a).

(2) *Recompletion tight formation gas.* [Reserved]

(3) *Cross reference.* For the special rule on retroactive collections for new tight formation gas, *see* § 273.204(a) of this chapter.

§ 271.703 Definitions.

For purposes of this subpart:

(a) "Deep, high-cost natural gas" is natural gas which a jurisdictional agency determines, in accordance with Parts 274 and 275 of this chapter, is produced:

(1) From any well, the surface drilling of which began on or after February 19, 1977; and

(2) From a completion location which is located at a depth or more than 15,000 feet.

(b) "New tight formation gas" is natural gas:

(1) Which is new natural gas, or gas produced through a new onshore production well;

(2) Which is produced from a designated tight formation through a well the surface drilling of which began on or after July 16, 1979; and

(3) For the first sale of which a negotiated contract price is effective.

(c) "Recompletion tight formation gas". [Reserved]

(d) A "designated tight formation" is any natural gas formation which is designated a tight formation by the Commission pursuant to § 271.705.

(e) "Negotiated contract price" means any price established by a contract which either specifically references the incentive pricing authority of the Commission under section 107 of the NGPA or contains a fixed rate or a fixed escalator clause.

(f) "Formation" means any geological formation, or portion thereof described by geological as well as geographical parameters.

(g) A "fixed escalator clause" is a provision in a contract for the first sale of natural gas which changes the price

for the gas by a specified amount on a specified date.

(h) For the definition of "crude oil," *see* § 270.102(b)(5) of this chapter.

§ 271.704 Special rule for deep, high-cost natural gas.

For purposes of determining the depth of a completion location under § 271.703(a) and section 107(c)(1) of the NGPA, measurement shall be the true vertical depth from the surface location to the highest perforation point in the completion location.

§ 271.705 Procedures for designating tight formations.

(a) *General.* Upon the written recommendation by a jurisdictional agency, submitted in accordance with the requirements of this section, the Commission may approve a recommendation that a natural gas formation be designated as a tight formation.

(b) *Guidelines.* (1) The Commission will approve the designation of any formation recommended by a jurisdictional agency if the formation meets each of the following guidelines:

(i) The estimated average *in situ* gas permeability, throughout the pay section, is expected to be 0.1 millidarcy or less.

(ii) The stabilized production rate, against atmospheric pressure, of wells completed for production in the formation, without stimulation, is not expected to exceed the production rate determined in accordance with the following table:

If the average depth to the top of the formation (in feet)		The maximum allowable production rate (in Mcf/day) may not exceed
Exceeds	But does not exceed	
0	1,000	44
1,000	1,500	51
1,500	2,000	59
2,000	2,500	68
2,500	3,000	79
3,000	3,500	91
3,500	4,000	105
4,000	4,500	122
4,500	5,000	141
5,000	5,500	163
5,500	6,000	188

If the average depth to the top of the formation (in feet)		The maximum allowable production rate (in Mcf/day) may not exceed
Exceeds	But does not exceed	
6,000	6,500	217
6,500	7,000	251
7,000	7,500	290
7,500	8,000	336
8,000	8,500	388
8,500	9,000	449
9,000	9,500	519
9,500	10,000	600
10,000	10,500	693
10,500	11,000	802
11,000	11,500	927
11,500	12,000	1,071
12,000	12,500	1,238
12,500	13,000	1,432
13,000	13,500	1,655
13,500	14,000	1,913
14,000	14,500	2,212
14,500	15,000	2,557

(iii) No well drilled into the recommended tight formation is expected to produce more than five barrels of crude oil per day.

(2) The Commission will consider and may approve or disapprove a recommendation by a jurisdictional agency to designate as a tight formation any formation which meets the guidelines contained in paragraph (b)(1)(ii) and (iii) of this section, but does not meet the guideline contained in paragraph (a)(1)(i), of this section if the jurisdictional agency makes an adequate showing that the formation exhibits low permeability characteristics and the price established in § 271.702(b) is necessary to provide reasonable incentives for production of the natural gas from the recommended formation due to the extraordinary risks or costs associated with such production.

(c) *Content of recommendations.* A recommendation that a formation should qualify as a designated tight formation shall contain the following information:

(1) Geographical and geological descriptions of the formation which is recommended for classification as a tight formation;

(2) Geological and engineering data to support the recommendation and the source of that data;

(3) A map which clearly locates wells which have produced from the recommended tight formation or a list locating all wells which have produced natural gas from the recommended tight formation;

(4) A report of the extent to which existing State and Federal regulations will assure development of the recommended tight formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply;

(5) If the formation is recommended under paragraph (b)(2) of this section, the types and extent of enhanced production techniques which are expected to be necessary and the estimated expenditures necessary for employing those techniques; and the degree of increase in production to be expected from use of such techniques and engineering and geological data to support that estimate;

(6) Any other information which the jurisdictional agency deems relevant; and

(7) Any other information requested by the Commission.

(d) *Commission review of recommendations.* Upon receipt of a recommendation submitted in accordance with this section, the Commission shall publish in the **Federal Register** a notice of proposed rulemaking containing such recommendation. After review of any oral and written comments, the Commission will prescribe a rule approving or disapproving the recommendation.

PART 273—COLLECTION AUTHORITY; REFUNDS

§ 273.204 [Amended]

3. Section 273.204(a) is amended by inserting "(i)" after "except that" and by inserting before the period at the end thereof the following: "and (ii) in the case of new tight formation gas (as defined in § 271.703(b)), the amount of such excess may be computed, charged, and collected for first sales of such natural gas delivered on or after July 16, 1979".

PART 274—DETERMINATIONS BY JURISDICTIONAL AGENCIES

4. Section 274.205 is amended by adding a new paragraph (e) to read as follows:

§ 274.205 High-cost natural gas.

* * * * *

(e) *Natural gas produced from designated tight formations.*

(1) *New tight formation gas.* A person seeking a determination for purposes of Subpart G of Part 271 that natural gas is new tight formation gas shall file with the jurisdictional agency an application which contains the following items:

(i)(A) If the gas is produced from a well which qualifies as a new, onshore production well, all information requested in § 274.204 (except for the item specified in paragraph (b)(1) of that section); or

(B) If the gas qualifies as new natural gas, the information required in § 274.202;

(ii) A map which locates and identifies the well for which the determination is sought as being within the designated tight formation;

(iii) The heading and pertinent portions of the well log, or a drilling report identifying the designated tight formation; and

(iv) A statement by the applicant, under oath, that:

(A) The surface drilling of the well for which a determination is sought was begun on or after July 16, 1979;

(B) The gas is being produced from a designated tight formation; and

(C) The applicant has no knowledge of any other information not described in the application which is inconsistent with his conclusion.

(2) *Recompletion tight formation gas.* [Reserved]

(Natural Gas Policy Act of 1978, (15 U.S.C. 3301–3432))

[FR Doc. 80–5938 Filed 2–27–80; 8:45 am]

BILLING CODE 6450–85–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76]

High-Cost Natural Gas Produced From Tight Formations

February 20, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission hereby gives notice that in the Interim Rule and Reguest for Further Comment issued on February 20, 1980, in Docket No. RM79-80, entitled High-Cost Natural Gas Produced From Tight Formations, it proposed to establish a special incentive price for certain gas produced from tight formations which do not qualify under the provisions of the Interim Rule. The proposal would extend a special incentive for gas produced from designated tight formations from wells, the surface drilling of which began before July 16, 1979, if, *inter alia,* the well was not completed for production in the designated tight formation before July 16, 1979. *See* the Interim Rule and Request for Further Comment published in this issue of the **Federal Register** for further discussion of the proposal and the interim rule.

DATE: Written comments by March 28, 1980.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Send 14 copies of any comments and reference Docket No. RM79-76.

FOR FURTHER INFORMATION CONTACT:

Teresa Ponder, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357-8151.

or

Howard Kilchrist, Director, Division of NGPA Compliance, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357-8585.

SUPPLEMENTARY INFORMATION:

I. Background

In an Interim Rule and Request for Further Comments issued February 20, 1980, in Docket No. RM79-76, the Commission issued interim rules implementing section 107(b) and (c)(5) of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3317). Section 107 of the NGPA permits the Commission to identify gas which is produced under extraordinary risk or cost and to establish the maximum lawful price "necessary to provide reasonable incentives for the production" of such gas. The interim rule established gas produced from certain new wells in tight formations as a category of high-cost natural gas subject to incentive pricing and established the procedures for identifying such gas. In the Interim Rule and Request for further comment the Commission also sought further comment on whether incentive prices should be extended to most other tight formation gas.

Specifically, the Commission gave notice that it is considering establishing incentive prices for gas produced from designated tight formations which does not qualify as new tight formation gas but which is produced from wells which were not completed for production in the tight formation prior to July 16, 1979. The following new category (and definition) is proposed:

§ 271.703 Definitions.

* * * * *

(c) "Recompletion tight formation gas" is natural gas:

(1) Which is produced from a designated tight formation through a well, the surface drilling of which was begun before July 16, 1979, if such well was not competed for production from such formation before July 16, 1979; and

(2) For the first sale of which a negotiated contract price is effective.

The Commission also proposes to permit a price ceiling based on the section 103 maximum lawful price with respect to "recompletion tight formation gas." The proposal would read as follows:

§ 271.702 Maximum lawful prices.

* * * * *

(b) *Tight formation gas.* * * *

(2) *Recompletion tight formation gas.* The maximum lawful price, per MMBtu, for recompletion tight formation gas shall be the lesser of:

(i) The negotiated contract price; or

(ii) The maximum lawful price specified for Subpart C of this Part 271 in Table I of § 271.101(a).

See the Interim Rule and Request for further comment in this issue of **Federal Register** for further description of the interim rule and the proposal.

II. Public Procedures

Interested persons may submit comments by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 28, 1980. Each person submitting a comment should indicate that the comments are being submitted in Docket No. RM79-76, and should give reasons including any supporting data for any recommendations. Comments should also indicate the name, title, mailing address, and telephone number of one person to whom communications concering the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours.

A date and location of further hearings on this rulemaking may be announced in the near future. The proposed regulations will not be promulgated as final regulations until the Commission has had an opportunity to receive oral presentation of relevant data, views and arguments.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6280 Filed 2-27-80; 8:45 am]

BILLING CODE 6450-85-M

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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.

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List of Public Laws

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This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S. 1452 / Pub. L. 96-195 To extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance. (Feb. 25, 1980; 94 Stat. 63) Price $1.00.