U.S. GOVERNMENT INFORMATION GPO

3-6-80
Vol. 45 No. 46
Pages 14531-14830

federal register

Thursday
March 6, 1980

Highlights

14774 **Urban Air Quality Planning Grants** EPA and DOT announce availability of remaining grant funds (Part II of this issue)

14720 **Research in Prisons** Justice/NIJ announces a competitive research grant/cooperative agreement to study relationship between learning deficiency and inmate education; apply by 5–9–80

14720 **Bail Bondsman** Justice/NIJ announces a competitive research solicitation; apply by 4–22–80

14651 **Indian Health Scholarships** HEW/PHS authorizes determination of specific health professions for which awards will be made

14822 **Congregate Housing Services** HUD/FHC announces fund availability to provide meals and other services for elderly, handicapped; apply by 3–21–80

14616 **Privacy Act** Commerce/Sec'y publishes a document affecting the systems of records

14725 **Privacy Act** OMB publishes report of agency systems of records

CONTINUED INSIDE



Highlights

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

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

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

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

Area Code 202–523–5240

14826 **Housing** HUD/FHC proposes to report and certify records and other background data necessary for housing program; comments due 5–5–80 (Part VII of this issue)

14605 **Misleading Techniques in Mailing** PS proposes to amend regulations dealing with solicitations in the guise of bills, invoices, or statements of account; comments by 4–5–80

14810 **Abandoned Mine Land** Interior/SMO publishes final guidelines to interpret and apply the general reclamation requirements for individual programs; effective 3–6–80 (Part V of this issue)

14533 **Nondiscrimination** NRC amends regulations making it unlawful for recipients of Federal financial assistance to discriminate against qualified handicapped persons on basis of handicap in employment; effective 5–20–80

14595, 14596 **Improving Government Regulations** Justice/Prisons Bureau and IDCA publishes semiannual agenda of regulations; (2 documents)

14648 **Lead Content in Ambient Air** EPA's/Office of Research and Development designates three manual equivalent monitoring methods

14651 **Environmental Policy** HEW/Office of the Secretary issues proposed supplemental procedures for conducting environmental reviews; comments by 4–7–80

14607 **Wild and Scenic River Areas** Interior/BLM proposes procedure under which the Secretary may establish rules for use of land and water areas; comments by 5–5–80

14581 **Pacific Fishery Conservation Zone** Commerce/NOAA issues final regulations to govern foreign longline fishing of some species; effective 4–1–80

14802 **Takeoff and Landing Minimums** DOT/FAA issues a proposal which clarifies conditions under which a pilot may land in inclement weather; comments by 5–6–80 (Part IV of this issue)

14751 **Sunshine Act Meetings**

Separate Parts of This Issue

14774 **Part II, EPA/DOT**
14780 **Part III, DOT/FAA**
14802 **Part IV, DOT/FAA**
14810 **Part V, Interior/SMO**
14822 **Part VI, HUD/Asst. Sec'y/FHC**
14826 **Part VII, HUD/FHC**

Contents

Federal Register
Vol. 45, No. 46
Thursday, March 6, 1980

Agency for International Development
PROPOSED RULES
Improving Government regulations:
14595 Semiannual agenda
NOTICES
Authority delegations:
14719 Zambia; Principal Officer; contracting authority

Agricultural Marketing Service
RULES
Organization, functions, and authority delegations:
14532 Field offices in Springfield, Ill. and Sterling, Va. location change; Rates and Registrations Branch establishment
14531 Oranges (Navel) grown in Ariz. and Calif.
14531 Oranges (Valencia) grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Soil Conservation Service.

Arts and Humanities, National Foundation
NOTICES
Meetings:
14720 Music Panel

Census Bureau
NOTICES
14614 Population censuses, special; discontinuation during conduct of 1980 census

Coast Guard
RULES
Drawbridge operations:
14549 Cerritos Channel, Calif.
14550 White River, Ark.
Great Lakes pilotage:
14576 Rates and services; increase and interest charge on past due accounts; correction
PROPOSED RULES
Drawbridge operations:
14600, 14601 Maine (2 documents)
NOTICES
14739 Vessels, inspected; workplaces; memorandum of agreement with OSHA

Commerce Department
See also Census Bureau; Foreign-Trade Zones Board; International Trade Administration; Maritime Administration; National Oceanic and Atmospheric Administration.
NOTICES
14616 Privacy Act; systems of records

Commodity Futures Trading Commission
NOTICES
Futures contracts, proposed; availability:
14618 Commodity Exchange, Inc.
14751 Meetings; Sunshine Act

Defense Department
RULES
14549 Dependents schools; policy and operation; correction
NOTICES
Meetings:
14619 DIA Advisory Committee
14619 Senior executive service Performance Review Board; membership

Education Office
NOTICES
Grant applications and proposals, closing dates:
14651 Women's Educational Equity Act Program

Energy Department
See Federal Energy Regulatory Commission.

Environment Protection Agency
RULES
Air quality control regions; criteria and control techniques:
14569 Iowa
Air quality implementation plans; delayed compliance orders:
14568 Connecticut
14551 Delaware
14559 Guam
14561 Iowa
14560 New York
Water pollution control:
14575 National pollutant discharge elimination system (NPDES); permit application signatory requirement; suspension of regulation
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
14605 Delaware
Water pollution; effluent guidelines for point source categories:
14606 Leather tanning and finishing; extension of time
NOTICES
Air pollution; ambient air monitoring reference and equivalent methods applications, etc.:
14648 Flame atomic absorption spectrometry, etc.
14648 MASS–CO Model 1 carbon monoxide analyzer
Grants; State and local assistance:
14774 Urban air quality planning
Pesticides; experimental use permit applications:
14649 Uniroyal Chemical
Toxic and hazardous substances control:
14649 TSCA Interagency Testing Committee report to EPA; priority list for chemical substances testing; extension of time

Federal Aviation Administration
RULES
Airworthiness directives:
14542 AVCO Lycoming; correction
14542 Cessna
14541 EON Corp.
14540 Hughes

14540 McDonnell Douglas
14544 Jet routes
14545 Standard instrument approach procedures
14543 Transition areas
14544 Transition areas; correction (2 documents)
PROPOSED RULES
Air traffic operating and flight rules:
14802 Takeoff and landing minimums
14590, 14594 Restricted areas (2 documents)
14590 Rulemaking petitions; summary and disposition
14590–14594 Transition areas (5 documents)
NOTICES
14780 Discrete Address Beacon System (DABS); proposed aviation standard
Meetings:
14739 Air Traffic Procedures Advisory Committee
Organization and functions:
14739 Air Traffic Control Tower, Martha's Vineyard, Mass.; commission as part-time facility

Federal Deposit Insurance Corporation
NOTICES
14751, 14752 Meetings; Sunshine Act (4 documents)

Federal Election Commission
NOTICES
14752 Meetings; Sunshine Act

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
14620 Callon Petroleum Co.
14620 Columbia Gas Transmission Corp.
14621 Consumers Power Co. (2 documents)
14623 Earl McCarley Service Station
14621 Edison Sault Electric Co.
14622 Hungerford, Richard J.
14622 Klickitat County Public Utility
14623 Mississippi River Transmission
14624 Mt. Wheeler Power, Inc.
14624 Nucor Corp.
14624 Rudi's Kwik Gas N' Wash
14625 Southwest Gas Corp.
14625 Texas Eastern Transmission Corp. (2 documents)
Natural Gas Policy Act of 1978:
14626, 14634 Jurisdictional agency determinations (2 documents)

Federal Highway Administration
NOTICES
Environmental statements; availability, etc.:
14740 Highway projects, Illinois, et al.

Federal Housing Commissioner—Office of Assistant Secretary for Housing
PROPOSED RULES
Low income housing:
14826 Housing programs; previous participation, review, and clearance
NOTICES
14822 Congregate housing services program; funds availability, 1980 FY

Federal Maritime Commission
NOTICES
14752 Meetings; Sunshine Act

Federal Mine Safety and Health Review Commission
NOTICES
14752 Meetings; Sunshine Act

Federal Reserve System
RULES
Truth in lending (Regulation Z):
14539 Right of rescission; open end credit plans; extension of effective date
NOTICES
Applications, etc.:
14650 American Bancorporation of Muskogee, Inc.
14650 Banco Exterior de Espana

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
14608 Mud Turtle, Illinois; reproposal of critical habitat
NOTICES
Pipeline applications:
14668 Aransas National Wildlife Refuge, Tex.

Foreign-Trade Zones Board
NOTICES
Applications, etc.:
14614 Portland, Oreg.

General Accounting Office
NOTICES
14650 Regulatory reports review; proposals, approvals, etc. (FCC)

General Services Administration
NOTICES
Authority delegations:
14650 Defense Department Secretary

Health, Education, and Welfare Department
See also Education Office; Health Services Administration.
NOTICES
14651 National Environmental Policy Act; proposed implementation

Health Services Administration
NOTICES
Grants; availability:
14651 Indian health scholarship programs

Historic Preservation, Advisory Council
NOTICES
14611 Meetings

Housing and Urban Development Department
See also Federal Housing Commissioner—Office of Assistant Secretary for Housing.
RULES
Low income housing:
14548 Public housing programs; development phase; prototype cost limits; Michigan

Interior Department
See Fish and Wildlife Service; Land Management Bureau; National Park Service; Surface Mining Office.

International Development Cooperation Agency
See Agency for International Development

International Trade Administration
NOTICES
Antidumping:
14615 Clams in airtight containers from Canada
14615 Fresh winter vegetables from Mexico; correction

International Trade Commission
NOTICES
14753 Meetings; Sunshine Act

Interstate Commerce Commission
RULES
Railroad car service orders; various companies:
14578 Kansas City Terminal Railway Co.
NOTICES
14673 Long and short haul applications for relief
14753 Meetings; Sunshine Act
Motor carriers:
14673 Permanent authority applications
Railroad car service orders; various railroads:
14671, 14672 Kansas City Terminal Railway Co. (2 documents)
14671 Railroad car service rules, mandatory exemptions (2 documents)
Rerouting of traffic:
14669 Atchison, Topeka & Santa Fe Railway Co.
14670 Denver Rio Grande Western Railroad Co.

Justice Department
See National Institute of Justice; Prisons Bureau.

Labor Department
See Occupational Safety and Health Administration.

Land Management Bureau
PROPOSED RULES
14607 Wild and scenic rivers; land and water surface management procedures
NOTICES
Authority delegations:
14665 New Mexico; Albuquerque District Area Managers
Closure of public lands:
14666 Oregon
Coal leases:
14665 Wyoming; correction
Meetings:
14665 Arizona, Safford District Grazing Advisory Board; correction
Wilderness areas; characteristics, inventories, etc.:
14667 Wyoming
Withdrawal and reservation of lands, proposed, etc.;
14666 Nevada

Libraries and Information Science, National Commission
NOTICES
14753 Meetings; Sunshine Act

Management and Budget Office
NOTICES
14726 Agency forms under review
14725 Privacy Act; reports of agency systems of records

Maritime Administration
NOTICES
Applications, etc.:
14616 American Heavy Lift Shipping Co.

National Credit Union Administration
NOTICES
14753 Meetings; Sunshine Act

National Highway Traffic Safety Administration
RULES
Motor vehicle safety standards:
14577 Lamps, reflective devices, etc.; correction
NOTICES
Meetings:
14749 Calendar of public meetings; two year list

National Institute of Justice
NOTICES
Grants solicitation, competitive research:
14720 Bail bondsman, role analysis
14720 Inmate education; learning deficiencies, relationships

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
14581 Foreign fishing; Pacific Ocean billfish, oceanic sharks, wahoo, and mahimahi

National Park Service
PROPOSED RULES
Special regulations:
14601 Glacier Bay National Monument; humpback whale protection
NOTICES
Concession permits, etc.:
14668 Colonial National Historical Park
Environmental statements; availability, etc.:
14668 John D. Rockefeller Junior Memorial Parkway
Meetings:
14669 Obed Wild and Scenic River park land acquisition program
14668 Santa Monica Mountains National Recreation Area; land acquisition

National Transportation Safety Board
PROPOSED RULES
14608 Railroad accidents; notification requirements
NOTICES
14720 Accident reports, safety recommendations and responses; availability

Nuclear Regulatory Commission
RULES
Nondiscrimination:
14533 Handicapped in federally assisted programs
PROPOSED RULES
Source material domesic licensing:
14589 Uranium or thorium medicinals; deletion from general license for small quantities
NOTICES
Applications, etc.:
14723 Gulf Mineral Resources Co.
14725 Pacific Gas & Electric Co.
14724 Westinghouse Electric Corp.

Occupational Safety and Health Administration
NOTICES
14739 Vessels, inspected; workplaces; memorandum of agreement with Coast Guard

Postal Service
PROPOSED RULES
Organization and administration:
14605 Solicitations in guise of bills, invoices or account statements

Prisons Bureau
PROPOSED RULES
Improving Government regulations:
14596 Regulatory agenda
NOTICES
Meetings; Sunshine Act

Railroad Retirement Board
NOTICES
14753 Meetings; Sunshine Act

Research and Special Programs Administration, Transportation Department
RULES
Organization, functions, and authority delegations:
14577 Associate Directors for Pipeline Safety Regulation and Hazardous Materials Regulation
PROPOSED RULES
Hazardous materials:
14609 Radioactive materials; highway routing of; hearings

Securities and Exchange Commission
RULES
14547 Mutual and subsidiary service companies; annual reports
PROPOSED RULES
14595 Registration statements and reports; guides for preparation and filing; extension of time
NOTICES
Hearings, etc.:
14728 Boston Stock Exchange, Inc.
14729 Chrysler Corp.
14730 Granite State Electric Co., et al.
14731 Middle South Utilities, Inc., et al.
14731 Mississippi Power & Light Co.
14737 Pioneer Fund, Inc., et al.
14737 State Mutual Life Assurance Co. of America
Self-regulatory organizations; proposed rule changes:
14729 Boston Stock Exchange, Inc. (2 documents)
14733, 14734 New York Exchange, Inc. (3 documents)
14735 Philadelphia Stock Exchange, Inc. (2 documents)

Small Business Administration
NOTICES
Disaster areas:
14738, 14739 California (2 documents)

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
14611 Delta County Critical Area Treatment RC&D Measure, Tex.
14611 Madison Recreation Park RC&D Measure, Ala.
14612 Murderkill River Watershed, Del.
14613 Plymouth Park Water-Based Recreation Development RC&D Measure, N.C.
14612 Riverside Flood Prevention and Land Drainage RC&D Measure, S.C.
14613 Truthful Valley Land Drainage RC&D Measure, N.C.
14613 Warfield School Land Drainage RC&D Measure, Ky.
14614 West Shore Community College Public Water-Based Recreation and Critical Area Treatment RC&D Measure, Mich.

Surface Mining Office
PROPOSED RULES
Permanent program submission; various States:
14598 Iowa
14599 Oklahoma
NOTICES
14810 Abandoned mine land reclamation program; guidelines

Tennessee Valley Authority
NOTICES
14753 Meetings; Sunshine Act

Textile Agreements Implementation Committee
NOTICES
Cotton, man-made and wool textiles:
14617 Haiti
Cotton textiles:
14616 Dominican Republic

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration; Transportation Department.
RULES
Organization, functions, and authority delegations:
14576 Reseach and Special Programs Administration, Administrator
NOTICES
Grants:
14774 Urban air quality planning

MEETINGS ANNOUNCED IN THIS ISSUE

DEFENSE DEPARTMENT
Office of the Secretary—
14619 Defense Intelligence Agency Advisory Committee, 4–1–80

INTERIOR DEPARTMENT
National Park Service—
14669 Obed Wild and Scenic River, various dates

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES
14720 Music Panel, Opera-Musical Theater Challenge Grants, 3–28 and 3–29–80

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
14739 Air Traffic Procedures Advisory Committee, 4–8 through 4–11–80
National Highway Traffic Safety Administration—
14749 Calendar of meetings, various dates

RESCHEDULED MEETINGS

HISTORIC PRESERVATION ADVISORY COUNCIL

14611 Public Information, Wannemaker House Highrise Apartment, rescheduled from 2–20–80 to 3–24–80

HEARING

TRANSPORTATION DEPARTMENT

Research and Special Programs Administrastion—

14609 Highway Routing of Radioactive Materials; various dates

CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR
907..... 14531
908..... 14531

9 CFR
204..... 14532

10 CFR
4..... 14533

Proposed Rules:
40..... 14589

12 CFR
226..... 14539

14 CFR
39 (5 documents)..... 14540–14542
71 (3 documents)..... 14543, 14544
75..... 14544
97..... 14545

Proposed Rules:
Ch. I..... 14590
1..... 14802
71 (6 documents)..... 14590–14594
73 (2 documents)..... 14590, 14594
91..... 14802
121..... 14802

17 CFR
250..... 14547
259..... 14547

Proposed Rules:
231..... 14595
241..... 14595

22 CFR

Proposed Rules:
209..... 14595
214..... 14595

24 CFR
841..... 14548

Proposed Rules:
200..... 14826

28 CFR

Proposed Rules:
Ch. V..... 14596

30 CFR

Proposed Rules:
Ch. VII (2 documents)..... 14598, 14599

32 CFR
69..... 14549

33 CFR
117 (2 documents)..... 14549, 14550

Proposed Rules:
117 (2 documents)..... 14600, 14601

36 CFR

Proposed Rules:
7..... 14601

39 CFR

Proposed Rules:
111..... 14605

40 CFR
52 (4 documents)..... 14551, 14559–14561
65..... 14568
81..... 14569
122..... 14575

Proposed Rules:
52..... 14606
425..... 14607

43 CFR

Proposed Rules:
8350..... 14607

46 CFR
401..... 14576

49 CFR
1..... 14576
106..... 14577
571..... 14577
1033..... 14578

Proposed Rules:
173..... 14609
177..... 14609
840..... 14609

50 CFR
611..... 14581

Proposed Rules:
17..... 14608

Rules and Regulations

Federal Register
Vol. 45, No. 46
Thursday, March 6, 1980

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 483]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 7–13, 1980. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: March 7, 1980.

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

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

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

The committee met again publicly on March 4, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is very active on all sizes.

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

§ 907.783 Navel Orange Regulation 483.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period March 7, 1980 through March 13, 1980, are established as follows:

(1) District 1: 1,440,000 cartons;

(2) District 2: 160,000 cartons;

(3) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

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

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

Dated: March 5, 1980.

D. S. Kuryloski,

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

[FR Doc. 80–7260 Filed 3–5–80; 11:56 am]

BILLING CODE 3410–02–M

7 CFR Part 908

[Valencia Orange Regulation 635]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period March 7–13, 1980. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: March 7, 1980.

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

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

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

The committee met again publicly on March 4, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is not yet stabilized.

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

§ 908.935 Valencia Orange Regulation 635.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period March 7, 1980 through March 13, 1980, are established as follows:

(1) District 1: Unlimited;

(2) District 2: Unlimited;

(3) District 3: 114,010 cartons.

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

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

Dated: March 5, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-7259 Filed 3-5-80; 11:55 am]

BILLING CODE 3410-02-M

---

9 CFR Part 204

Organization and Functions; Delegations of Authority

AGENCY: Packers and Stockyards, Agricultural Marketing Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document updates regulations on agency organization and delegations of authority to reflect the fact that two field offices have been moved, and two branches in the headquarters have been combined into one.

DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: Jack W. Brinckmeyer, Livestock Marketing Division, P&S, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4366.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been determined to be exempt from those requirements. The undersigned made this determination because it relates to agency management. The location of the field office in Springfield, Illinois has changed. Also, the Sterling, Virginia office has been relocated to Bedford, Virginia. Also, on February 24, 1980, the Rates, Services, and Facilities Branch, and the Registrations, Bonds, and Reports Branch, in the Livestock Marketing Division, were combined into a single branch, named the Rates and Registrations Branch.

Accordingly, 9 CFR 204.2(e)(2) is hereby revised to read as follows:

§ 204.2 Organization.

* * * * *

(e) * * *

(2) The locations of these offices, which are under officers in charge, are as follows:

Atlanta—Rm. 640, 1720 Peachtree St., NW., Atlanta, Georgia 30309.
Bedford—Turnpike Road, Bedford, Virginia 24523.
Denver—208 Livestock Exchange Building, Denver, Colorado 80216.
Fort Worth—Rm. 8A36, Federal Building, 819 Taylor Street, Fort Worth, Texas 76102.
Indianapolis—Suite 24, 537 Turtle Creek South Drive, Indianapolis, Indiana 46227.
Kansas City—828 Livestock Exchange Building, Kansas City, Missouri 64102.
Lawndale—Rm. 2W6, Federal Office Building, 15000 Aviation Boulevard, Lawndale, California 90260.
Memphis—Rm. 459, Federal Building, 167 North Main Street, Memphis, Tennessee 38103.
North Brunswick—525 Milltown Road, North Brunswick, New Jersey 08902.
Omaha—435 Livestock Exchange Building, Omaha, Nebraska 68107.
Portland—Suite E, 9370 SW Greenburg Road, Portland, Oregon 97223.
South St. Paul—208 Post Office Building, Box 8, South St. Paul, Minnesota 55075.
Springfield—975 Durkin Drive, Suite G, Springfield, Illinois 62704.

* * * * *

Also, 9 CFR 204.3(d) is amended by deleting subparagraph (4), by renumbering subparagraph (5) as (4), and by revising subparagraphs (1) and (2) to read as follows:

§ 204.3 Delegations of authority.

* * * * *

(d) Branch Chiefs:

(1) The Chief of the Rates and Registrations Branch; the Chief of the Marketing Practices Branch; the Chief of the Scales and Weighing Branch of the Livestock Marketing Division; the Chief of the Livestock Procurement Branch; the Chief of the Meat Merchandising Branch; and the Chief of the Poultry Branch of the Packer and Poultry Division are hereby individually delegated authority under the provisions of section 402 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 222), to issue special orders pursuant to the provisions of subsection 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) and, with respect thereto, to issue notices of default provided for in section 10 of the Federal Trade Commission Act (15 U.S.C. 50).

(2) The Chief of the Rates and Registrations Branch of the Livestock Marketing Division is hereby delegated authority to perform all acts, functions, and duties with respect to suspending the operation of schedules of rates and charges of stockyard owners and market agencies and extending the time of such suspensions as prescribed in subsection 306(e) of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 207(e)), all acts, functions and duties as prescribed in section 1.133 of Part I of title 7 (7 CFR 1.133) with respect to the investigation and disposition of information furnished concerning apparent violations involving rates or charges or the application of regulations of stockyard owners and market agencies, or the alleged failure of such persons to furnish reasonable stockyard services as required by section 304 of the same Act (7 U.S.C. 205); all acts, functions, and duties with respect to the posting and deposting of stockyards pursuant to the provisions of subsection 302(b) of the same Act (7 U.S.C. 202(b)), and perform all acts, functions, and duties of the Deputy Administrator, Packers and Stockyards, with respect to the execution of bonds and trust fund agreements under §§ 201.27 through 201.38 of this chapter, including the power to determine that a bond is inadequate under § 201.30(f) of this chapter and to determine the amount of bond needed under such paragraph.

* * * * *

This document relates to agency management. On that basis 5 U.S.C. 553 does not apply to it.

Done at Washington, D.C. February 29, 1980.

(Reorganization Plan No. 2 of 1953, 5 U.S.C., 1976 Ed., App. p. 764, 7 U.S.C., 1976 Ed., p. 1434, 7 CFR 2.17(e), 2.50(a)(8), 42 FR 65223)

James L. Smith,

Acting Deputy Administrator, Packers and Stockyards, Agricultural Marketing Service.

[FR Doc. 80-6960 Filed 3-5-80; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 4

Nondiscrimination in Federally Assisted Commission Programs; Application to the Handicapped

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to implement the requirements of section 504 of the Rehabilitation Act of 1973, as amended. The amendment makes it unlawful for any recipient of Federal financial assistance to discriminate against a qualified handicapped person, on the basis of handicap, in employment or the receipt of services.

EFFECTIVE DATE: The amendment becomes effective on May 20, 1980.

FOR FURTHER INFORMATION CONTACT: Jay W. Maynard, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone: 301–492–8668).

SUPPLEMENTARY INFORMATION: On May 8, 1979, the NRC published for a 60-day comment period a proposed rule (44 FR 26887) to amend its regulations in 10 CFR Part 4. The proposed rule implements section 504 of the Rehabilitation Act of 1973, as amended, by prohibiting discrimination in federally assisted Commission programs on the basis of a physical or mental handicap.

In Executive Order 11914, "Nondiscrimination with Respect to the Handicapped in Federally Assisted Programs," dated April 28, 1976, the President directed that all Federal agencies empowered to provide Federal financial assistance issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health, Education, and Welfare (HEW). The rule is consistent with that directive and the HEW Guidelines published in the Federal Register, January 13, 1978 (43 FR 2131), codified at 45 CFR Part 85.

The amendments restructure 10 CFR Part 4 into two subparts. Except for minor changes, Subpart A reflects those regulations previously promulgated by the Commission to implement Title VI of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974, which relate to nondiscrimination with respect to sex, race, color, or national origin in any program or activity receiving financial assistance from the NRC. The new Subpart B implements section 504 of the Rehabilitation Act of 1973, as amended, and is devoted exclusively to prohibiting discrimination against qualified handicapped persons in employment and in the operation of programs and activities receiving financial assistance from the NRC.

The NRC currently provides financial assistance in the form of training programs for state personnel. The training is performed pursuant to section 274 of the Atomic Energy Act of 1954, as amended, which provides for state assumption of certain areas of NRC regulatory activity. This "Agreement States Program" is designed to improve the state employees' technical and administrative skills as well as develop an understanding and ability to apply regulatory concepts and procedures. NRC also provides financial assistance through programs designed to train state and local government personnel in developing or improving their radiological emergency response plans. More recent authorization for NRC involvement in financial assistance derives from the Uranium Mill Tailings Radiation Control Act of 1978, Pub. L. 95–604, 92 Stat. 3021. Section 207 of the Act authorizes the NRC to provide grants in Fiscal Year 1980 to eligible Agreement States to aid in the development of state regulatory programs which implement certain provisions of the Act.

Thirteen comment letters were received from state and Federal agencies, educational institutions, and public interest groups. Eight comment letters, primarily from state recipients of NRC financial assistance, contained no objections to the adoption of the rule as proposed. The remaining commenters made a number of suggestions which have been adopted in the final rule. Following is a summary of the principal substantive revisions to the regulations.

The term "responsible NRC official" is used in Subparts A and B of Part 4. To more accurately reflect the present responsibilities within NRC for assuring compliance with Part 4, § 4.3(i) of the General Provisions has been revised to define "responsible NRC official" as the Director for Equal Employment Opportunity or any other NRC official to whom the Executive Director for Operations has delegated the authority to act under Part 4 of the Commission's regulations.

The requirement found in § 4.123 that recipients make "reasonable accommodation" to the limitations of the handicapped unless the recipient can demonstrate "undue hardship" has been clarified. Subsections (b) and (c) have been added which set forth examples of "reasonable accommodation" and factors to be considered in determining whether an accommodation would impose an "undue hardship" on the operations of a recipient's program. Subsection (d) also has been added to state explicitly that employment may not be denied to a qualified handicapped employee or applicant if the basis for denial is the need to make reasonable accommodation.

Section 4.124, "Employment Criteria," also has been clarified. Subsection (a) now states that job-related employment tests or criteria which screen out handicapped persons may not be used unless alternative job-related tests or criteria that do not have that effect are not available. Subsection(b) requires recipients to ensure that employment tests administered to handicapped applicants or employees accurately reflect aptitude or other factors the tests purport to measure, rather than reflect the applicant's or employee's handicap (except where those imparied skills are the factors that the tests seek to measure).

Subsection (b) of § 4.128 is a new provision. It states that the American National Standards Institute specification ANSI A117.1–1961 (R1971) may be utilized in complying with the requirement in subsection (a) that new facilities and, to the maximum extent feasible, alterations to existing facilities be constructed so that they are readily accessible to and usable by handicapped persons. Federal financial assistance which the NRC currently provides does not include assistance for construction or alteration of facilities by recipients. Should NRC fund such assistance in the future, recipients will be required to comply with the provisions of Section 504 as well as the Architectural Barriers Act (42 U.S.C. 4151 et seq.), as implemented by the Architectural and Transportation Barriers Compliance Board.

Section 4.231 has been divided into six subsections. Subsections (a) and (b) clarify that the assurance of compliance submitted by a recipient will obligate the recipient for the period during which financial assistance is extended and allow the assurance to be incorporated by reference in a subsequent application for assistance. Subparagraph (c) makes clear a recipient's responsibility to take remedial action when the responsible NRC official finds a violation of section 504 or Subpart B of Part 4 of the Commission's regulations. Where another recipient exercises control over the recipient that has discriminated, the responsible official may require either or

both recipients to take remedial action. Remedial action may be required with respect to former participants in the recipient's program or persons who would have been participants had the discrimination not occurred. Subsection (d) clarifies that a recipient may voluntarily undertake action to overcome effects of limited participation of handicapped persons in the recipient's program without a formal finding of discrimination by the responsible NRC official. Subsection (e) adds the requirement that the records of self-evaluations conducted by recipients shall be maintained for public and NRC inspection for a period of three years and specifies the contents of those records. Subsection (f) requires each recipient to designate at least one person to coordinate its efforts to comply with Subpart B of Part 4.

The notice requirement of § 4.231 of the proposed rule has been expanded and relocated in § 4.232. Those who must be notified that the recipient does not discriminate on the basis of handicap now include participants in federally assisted programs, applicants, and unions or professional organizations holding collective bargaining or professional agreements with recipients. The section also sets forth approved methods for providing notice; certain provisions which must be included in the notice; and guidance with respect to certain materials published by recipients of Federal assistance.

Several comments were made which did not result in changes to the final rule. One commenter urged that the self-study requirements in the proposed regulations be met by prior self-studies completed for other Federal agencies. The NRC will accept prior self-studies completed for other Federal agencies to the extent they encompass the programs and activities which receive NRC financial assistance and otherwise satisfy NRC requirements. It was not believed necessary to change the rule to incorporate the comment because the rule does not prohibit the use of such self-evaluations.

Another commenter recommended that the proposed 504 regulations not be finalized until they "reflect the requirements of the 1978 amendments" to the Rehabilitation Act, which according to the commenter, applies section 504 to employment discrimination only where the primary objective of Federal financial assistance is to provide employment. The commenter cited as authority for its objection the ruling of the Fourth Circuit Court of Appeals in "Trageser v. Libbie Rehabilitation Center, Inc." 590 F. 2d 87 (4th Cir. 1978), cert. denied —— U.S. ——, 99 S.Ct. 2985 (1979).

Congress amended section 504 in 1978 to state that the "remedies, procedures, and rights set forth in Title VI of the Civil Rights Act of 1964 shall be available to any person aggrieved (under section 504)." The court in "Trageser" observed that the 1978 amendments made section 504 coextensive with Title VI of the Civil Rights Act. The court held that since Title VI limits relief in the area of employment discrimination to circumstances where a primary objective of the Federal assistance is to provide employment, relief under the coextensive section 504 must be similarly limited.

This comment and similar comments made to other Federal agencies have been considered by the former Department of Health, Education, and Welfare (HEW) (now the Department of Health and Human Services). HEW has advised in a recently written opinion that it considers the "Trageser" decision "poorly reasoned and should not be followed outside the Fourth Circuit * * *." HEW argues that the legislative history of the 1978 amendments to section 504 clearly demonstrates that Congress intended to establish only procedural rights of persons aggrieved by violations of section 504. It does not believe that this amendment to the Act demonstrates Congressional intent to curtail the substantive rights of handicapped persons under section 504. In light of the lead role granted to that agency by Executive Order 11914, the NRC has decided not to change its regulations in this area from those which were originally proposed.

Changes to the proposed regulations are summarized as follows:

1. The definition of "Responsible NRC official" in § 4.3 has been amended.

2. Subsections (b), (c), and (d) have been added to § 4.123.

3. Section 4.124 has been revised and divided into two paragraphs.

4. The language of subsections 4.125(b) and 4.127 (b) and (d) has been clarified.

5. A new paragraph (b) has been added to § 4.128.

6. Section 4.231 has been expanded and divided into six subsections.

7. The notice provision formerly found in § 4.231 has been revised and renumbered as § 4.232.

8. Section 4.232 in the proposed rule regarding enforcement procedures has been renumbered and appears as § 4.233 in the final rule.

9. Appendix A has been revised to reflect NRC financial assistance which is granted under the authority of the Uranium Mill Tailings Radiation Control Act of 1978.

The final rule has been reviewed by the Office of Civil Rights, HEW; Office of Interagency Coordination, Equal Employment Opportunity Commission; and the Architectural and Transportation Barriers Compliance Board.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 522 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 4, are published as a document subject to codification.

1. In 10 CFR Part 4 the table of contents and citation of authority are revised to read as follows:

PART 4—NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS

General Provisions

Sec.
4.1 Purpose and scope.
4.1a Subparts.
4.2 Application of this part.
4.3 Definitions.
4.4 Communications and reports.

Subpart A—Regulations Implementing Title VI of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974

Discrimination Prohibited

4.11 General prohibition.
4.12 Specific discriminatory actions prohibited.
4.13 Employment practices.
4.14 Medical emergencies.

Assurances Required

4.21 General requirements.
4.22 Continuing State programs.
4.24 Assurances from institutions.

Compliance Information

4.31 Cooperation and assistance.
4.32 Compliance reports.
4.33 Access to sources of information.
4.34 Information to beneficiaries and participants.

Conduct of Investigations

4.41 Periodic compliance reviews.
4.42 Complaints.
4.43 Investigations.
4.44 Resolution of matters.
4.45 Intimidatory or retaliatory acts prohibited.

Means of Effecting Compliance

4.46 Means available.
4.47 Noncompliance with § 4.21.
4.48 Termination of or refusal to grant or to continue Federal financial assistance.
4.49 Other means authorized by law.

Opportunity for Hearing

4.51 Notice of opportunity of hearing.

Hearings and Findings

4.61 Presiding officer.
4.62 Right to counsel.
4.63 Procedures, evidence, and record.
4.64 Consolidated or joint hearings.

Decisions and Notices

4.71 Initial decision or certification.
4.72 Exceptions and final decision.
4.73 Rulings required.
4.74 Content of orders.
4.75 Post termination proceedings.

Judicial Review

4.81 Judicial review.

Effect on Other Regulations; Forms and Instructions

4.91 Effect on other regulations.
4.92 Forms and instructions.
4.93 Supervision and coordination.

Subpart B—Regulations Implementing Section 504 of the Rehabilitation Act of 1973, as amended.

4.101 Definitions.

Discriminatory Practices

4.121 General prohibitions against discrimination.
4.122 General prohibitions against employment discrimination.
4.123 Reasonable accommodation.
4.124 Employment criteria.
4.125 Preemployment inquiries.
4.126 General requirement concerning program accessibility.
4.127 Existing facilities.
4.128 New construction.

Enforcement

4.231 Responsibility of applicants and recipients.
4.232 Notice.
4.233 Enforcement procedures.

Appendix—A Federal Financial Assistance to Which This Part Applies

Authority: Sec. 161, Pub. L. 83–703, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 207, Pub. L. 95–604, 92 Stat. 3033; sec. 201, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841); Subpart A also issued under secs. 602–605, Pub. L. 88–352, 78 Stat. 252, 253 (42 U.S.C. 2000d–1–2000d–4) and sec. 401, Pub. L. 93–438, 88 Stat. 1254 (42 U.S.C. 5891); Subpart B also issued under sec. 504, Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794); sec. 111(a), Pub. L. 93–516, 88 Stat. 1619 (29 U.S.C. 706); sec. 119, Pub. L. 95–602, 92 Stat. 2982 (29 U.S.C. 794); and sec. 122, Pub. L. 95–602, 92 Stat. 2984 (29 U.S.C. 706(6)).

2. Section 4.1a is added and §§ 4.1, 4.2, and 4.3(i) are revised to read as follows:

General Provisions

§ 4.1 Purpose and scope.

The regulations in this part implement: (a) The provisions of Title VI of the Civil Rights Act of 1964, Pub. L. 88–352, and Title IV of the Energy Reorganization Act of 1974, Pub. L. 93–438, which relate to nondiscrimination with respect to race, color, national origin or sex in any program or activity receiving Federal financial assistance from NRC; and (b) the provisions of section 504 of the Rehabilitation Act of 1973, as amended, Pub. L. 93–112, Pub. L. 95–602, which relates to nondiscrimination with respect to the handicapped in any program or activity receiving Federal financial assistance.

§ 4.1a Subparts.

Subpart A sets forth rules applicable to Title VI of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974. [The Acts are collectively referred to in Subpart A as the "Act"). Subpart B sets forth rules applicable specifically to matters pertaining to section 504 of the Rehabilitation Act of 1973, as amended.

§ 4.2 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by NRC. The programs to which this part applies are listed in Appendix A of this part; Appendix A may be revised from time to time by notice published in the **Federal Register.** This part applies to money paid, property transferred, or other Federal assistance extended under any program or activity, by way of grant, loan, or contract by NRC, or an authorized contractor or subcontractor of NRC, the terms of which require compliance with this part. If any statutes implemented by this part are otherwise applicable, the failure to list a program in Appendix A does not mean the program is not covered by this part. This part does not apply to:

(a) Contracts of insurance or guaranty; or

(b) Procurement contracts; or

(c) Employment practices under any program or activity except as provided in § 4.13 and § 4.122.

§ 4.3 Definitions.

* * * * *

(i) "Responsible NRC official" means the Director of the Office of Equal Employment Opportunity or any other officer to whom the Executive Director for Operations has delegated the authority to act.

* * * * *

3. Immediately following § 4.4, a Subpart A head is added to read as follows:

Subpart A—Regulations Implementing Title VI of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974

4. Section 4.47 is revised to read as follows:

§ 4.47 Noncompliance with § 4.21.

If an applicant fails or refuses to furnish an assurance required under § 4.21 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of § 4.48.

§§ 4.11–4.13, 4.21–4.22, 4.31–4.34, 4.41–4.46, 4.48–4.49, 4.51, 4.63–4.64, 4.73–4.75, 4.91–4.93 [Amended]

5. Sections 4.11, 4.12, 4.13, 4.21, 4.22, 4.31, 4.32, 4.33, 4.34, 4.41, 4.42, 4.43, 4.44, 4.45, 4.46, 4.48, 4.49, 4.51, 4.63, 4.64, 4.73, 4.74, 4.75, 4.91, 4.92 and 4.93, are amended by changing "this part", wherever it appears, to "this subpart".

Appendix A [Relocated]

6. Appendix A, which now follows § 4.93, is relocated to follow § 4.233.

7. Immediately following § 4.93, a new Subpart B is added to read as follows:

Subpart B—Regulations Implementing Section 504 of the Rehabilitation Act of 1973, as amended

§ 4.101 Definitions.

As used in this subpart:

(a) "Handicapped person" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Such term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

(b) As used in paragraph (a) of this section, the phrase:

(1) "Physical or mental impairment" means (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genitourinary; hemic and lymphatic; skin; and endocrine; or (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease,

diabetes, mental retardation, and emotional illness.

(2) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) "Is regarded as having an impairment" means (i) has a physical or mental impairment that does not substantially limit major life activities but is treated by a recipient as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (iii) does not have a physical or mental impairment but is treated by a recipient as having such an impairment.

(c) "Qualified handicapped person" means (1) with respect to employment, a handicapped person who, with reasonable accommodation, can perform essential functions of the job in question and (2) with respect to services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

(d) "Section 504" means section 504 of the Rehabilitation Act of 1973, Pub. L. 93–112, as amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub. L. 95–602 (29 U.S.C. 794).

Discriminatory Practices

§ 4.121 General prohibitions against discrimination.

(a) No qualified handicapped person, shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity that receives or benefits from Federal financial assistance.

(b)(1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons than is provided to others unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to any agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program;

(vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) A recipient may not deny a qualified handicapped person the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) A recipient may not directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons, or (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same state.

(4) A recipient may not, in determining the site or location of a facility, make selections (i) that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or Executive order to a different class of handicapped persons is not prohibited by this subpart.

(d) Recipients shall administer programs and activities in the most integrated setting appropriate to the needs of qualified handicapped persons.

(e) Recipients shall take appropriate steps to ensure that communications with their applicants, employees, and beneficiaries are available to persons with impaired vision and hearing.

§ 4.122 General prohibitions against employment discrimination.

(a) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity that receives or benefits from Federal financial assistance.

(b) A recipient shall make all decisions concerning employment under any program or activity to which this subpart applies in a manner which ensures that discrimination on the basis of handicap does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(c) The prohibition against discrimination in employment applies to the following activities:

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(d) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this paragraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

§ 4.123 Reasonable accommodation.

(a) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

(b) Reasonable accommodation may include: (1) Making facilities used by employees readily accessible to and usable by handicapped persons, and (2) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions. This list is neither all-inclusive nor meant to suggest that an employer must follow all the actions listed.

(c) In determining pursuant to paragraph (a) of this section whether an accommodation would impose an undue hardship on the operation of a recipient's program, factors to be considered include:

(1) The overall size of the recipient's program with respect to number of employees, number and type of facilities, and size of budget;

(2) The type of the recipient's operations, including the composition and structure of the recipient's workforce; and

(3) The nature and cost of the accommodation needed.

(d) A recipient may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

§ 4.124 Employment criteria.

(a) A recipient may not make use of any employment test or other selection criterion that screens out or tends to screen out handicapped persons or any class of handicapped persons unless:

(1) The test score or other selection criterion as used by the recipient is shown to be job-related for the position in question, and

(2) Alternative job-related tests or criteria that do not screen out or tend to screen out as many handicapped persons are not available.

(b) A recipient shall select and administer tests concerning employment so as best to ensure that, when administered to an applicant or employee who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

§ 4.125 Preemployment inquiries.

(a) Except as provided in paragraphs (b) and (c) of this section, a recipient may not conduct a preemployment medical examination or may not make preemployment inquiry of an applicant as to whether the applicant is a handicapped person or as to the nature of severity of a handicap. A recipient may, however, make preemployment inquiry into an applicant's ability to perform job-related functions.

(b) When a recipient is taking remedial action to correct the effects of past discrimination, or when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity, or when a recipient is taking affirmative action pursuant to section 503 of the Rehabilitation Act of 1973, the recipient may invite applicants for employment to indicate whether and to what extent they are handicapped: *Provided,* That:

(1) The recipient makes clear to the applicant that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts; and

(2) The recipient makes clear to the applicant that the information is being requested on a voluntary basis, that it will be kept confidential as provided in paragraph (d) of this section, that refusal to provide it will not subject the applicant to any adverse treatment, and that it will be used only in accordance with this subpart.

(c) Nothing in this section shall prohibit a recipient from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty: *Provided,* That:

(1) All entering employees are subjected to such an examination regardless of handicap, and

(2) The results of such an examination are used only in accordance with the requirements of this subpart.

(d) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

(1) Supervisors and managers may be informed regarding restrictions on the work or duties that may be assigned to handicapped persons and regarding necessary accommodations;

(2) First aid and safety personnel may be informed, where appropriate, if the condition associated with the handicap might require emergency treatment; and

(3) Government officials investigating compliance with the Rehabilitation Act of 1973 shall be provided relevant information upon request.

§4.126 General requirement concerning program accessibility.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.

§4.127 Existing facilities.

(a) *Program accessibility.* A recipient shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not necessarily require a recipient to make each of its existing facilities or every part of an existing facility accessible to and usable by handicapped persons.

(b) *Methods.* A recipient may comply with the requirements of paragraph (a) of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aids to beneficiaries, home visits, delivery of health, welfare or other social services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements of § 4.128 or any other methods that result in making its program or activity accessible to and usable by handicapped persons. A recipient is not required to make structural changes in existing facilities

where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

(c) *Time period.* A recipient shall comply with the requirement of paragraph (a) of this section within 60 days of the effective date of this subpart except that where structural changes in facilities are necessary, the changes are to be made within three years of the effective date of this subpart, but in any event, as expeditiously as possible.

(d) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section, a recipient shall develop, within 6 months of the effective date of this subpart, a transition plan setting forth the steps necessary to complete the changes. The plan is to be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, and the plan is to meet with the approval of the NRC. A copy of the transition plan is to be made available for public inspection. At a minimum, the plan is to:

(1) Identify physical obstacles in the recipient's facilities that limit the accessibility and usability of its program or activity to handicapped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible to and usable by handicapped persons;

(3) Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period or the transition plan is longer than 1 year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the person responsible for implementation of the plan.

(e) *Notice.* The recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information concerning the existence and location of services, activities, and facilities that are accessible to, and usable by, handicapped persons.

§4.128 New construction.

(a) New facilities shall be designed and constructed to be readily accessible to and usable by handicapped persons. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by handicapped persons.

(b) Design, construction, or alteration of facilities in conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI A117.1–1961(R1971)), which is incorporated by reference in this subpart, shall constitute compliance with paragraph (a) of this section. Departures from particular requirements of those standards by the use of other methods shall be permitted when it is clearly evident that equivalent access to and use of the facility or part of the facility is thereby provided.

Enforcement

§4.231 Responsibility of applicants and recipients.

(a) *Assurances.* An applicant for Federal financial assistance for a program or activity to which this subpart applies shall submit an assurance, on a form specified by the responsible NRC official, that the program will be operated in compliance with the subpart. An applicant may incorporate these assurances by reference in subsequent applications to the NRC.

(b) *Duration of obligation.* The assurance will obligate the recipient for the period during which Federal financial assistance is extended.

(c) *Remedial action.* (1) If the responsible NRC official finds that a recipient has discriminated against persons on the basis of handicap in violation of section 504 or this subpart, the recipient shall take such remedial action as the responsible NRC official deems necessary to overcome the effect of the discrimination.

(2) Where a recipient is found to have discriminated against persons on the basis of handicap in violation of section 504 or this subpart and where another recipient exercises control over the recipient that has discriminated, the responsible NRC official, where appropriate, may require either or both recipients to take remedial action.

(3) The responsible NRC official may, where necessary to overcome the effects of discrimination in violation of section 504 or this subpart, require a recipient to take remedial action (i) with respect to handicapped persons who are no longer participants in the recipient's program but who were participants in the program when such discrimination occurred or (ii) with respect to handicapped persons who would have been participants in the program had the discrimination not occurred

(d) *Voluntary action.* A recipient may take steps, in addition to any action that is required by this subpart, to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity by qualified handicapped persons.

(e) *Self-evaluation.* (1) A recipient shall as soon as practicable:

(i) Evaluate, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, its current policies and practices and the effects thereof that do not or may not meet the requirements of this subpart;

(ii) Modify, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, any policies and practices that do not meet the requirements of this subpart; and

(iii) Take, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to those policies and practices.

(2) A recipient shall, for at least three years following completion of the evaluation required under paragraph (e)(1) of this section, maintain on file, make available for public inspection, and provide to the responsible NRC official upon request:

(i) A list of the interested persons consulted, (ii) a description of areas examined and any problems identified, and (iii) a description of any modifications made and of any remedial steps taken.

(f) Designation of responsible employee. A recipient shall designate at least one person to coordinate its efforts to comply with this subpart.

§ 4.232 Notice.

(a) A recipient shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of section 504 and this subpart. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs and activities. The notification shall also include an identification of the responsible employee designated pursuant to § 4.231

(f). A present recipient shall make the initial notification required by this paragraph within 90 days of the effective date of this subpart. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publications, and distribution of memoranda or other written communications.

(b) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

§ 4.233 Enforcement procedures.

The enforcement and hearing procedures set forth in §§ 4.41–4.75 of Subpart A with respect to discrimination based on sex, race, color or national origin shall be used for the enforcement of the regulations in subpart B with respect to discrimination based on handicap.

APPENDIX A—FEDERAL FINANCIAL ASSISTANCE TO WHICH THIS PART APPLIES

* * * * *

(e) The Uranium Mill Tailings Radiation Control Act of 1978, section 207, Pub. L. 95–604, 92 Stat. 3033, authorizes grants to eligible Agreement States to aid in the development of state regulatory programs to implement those provisions of the Act which amended section 274 of the Atomic Energy Act of 1954, as amended.

Dated at Washington, D.C. this 28th day of February 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-6655 Filed 3-5-80; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; Docket No. R-0202]

Truth in Lending; Right of Rescission

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Extension of effective date.

SUMMARY: On September 19, 1979, the Board revoked an amendment to Regulation Z (Truth in Lending) that created an alternative in certain circumstances to the three-day cancellation right otherwise applicable to each individual advance under open-end credit accounts secured by consumers' residences. The revocation, which also included the revocation of related Board and Official Staff Interpretations, was to become effective on March 31, 1980. This action delays, implementation of the revocation action for two months until May 31, 1980, pending Congressional action similar to that of the Board's revoked amendment as part of the proposed Truth in Lending Simplification legislation. The Board's action also prohibits creditors from offering new plans or expanding existing plans during the extended time period.

EFFECTIVE DATE: This action, which delays until May 31, 1980, the revocation of the open-end rescission amendment to Regulation Z and related Board of Official Staff Interpretations, is effective February 29, 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: On September 19, 1979, the Board revoked § 226.9(g)(6) of Regulation Z (12 CFR Part 226), Board Interpretation § 226.904, and Official Staff Interpretation FC–0159 (44 FR 55553–54), effective March 31, 1980, which relate to the application of the Truth in Lending rescission rules to advances under open-end credit plans secured by consumers' principal residences. In order to provide ample time for the orderly modification or termination of the limited number of such open-end credit plans, the Board delayed the effective date of its action until March 31, 1980. During this time period, however, creditors were not to offer new plans or to expand existing plans (44 FR 61587).

The Senate has approved the Truth in Lending Simplification bill which contains a provision similar to the Board's amendment that was revoked. That provision eases the rescission requirements for open-end credit plans involving advances that are secured by consumers' principal residences. Subsequently, the bill was attached as part of H.R. 4986, which is presently being considered by a Senate-House Conference Committee. House conferees have indicated that they are willing to accept the Senate's open-end credit rescission provision for a three-year trial period. Several petitions have been received requesting that the Board delay the implementation of its revocation action pending Congressional action that would permit the type of credit plans developed under the Board's amendment.

The Board's action delays the effective date of its revocation order until May 31, 1980; and, as before, creditors are prohibited from offering new plans or expanding existing plans during that time period. In taking this action, the Board considered the hardship that would result to both consumers and creditors if substantial modifications were required to be made—and required to be made without delay in order to comply with the March 31, 1980 deadline—in existing open-end credit plans, despite the probable enactment of legislation that provides an exception similar to that allowed by the Board's amendment.

The Board has determined that the delay involved in complying with the provisions of 5 U.S.C. 553 relating to notice, public participation and deferred effective date would be contrary to the public interest, since the disruptive termination of existing open-end credit plans would, in fact, occur during the completion of the general procedures required by § 553. Board action on delaying the effective date of the Board's revocation action was not requested until recently, since the petitioners had, undoubtedly, anticipated the final resolution of the issue by Congress. Therefore, pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3), the Board is publishing this rule without notice and prior opportunity for comment, to become effective immediately.

Pursuant to § 105 of the Truth in Lending Act (15 U.S.C. 1604 (1970)), the Board delays the effective date of the revocation of § 226.9(g)(6) of Regulation Z (12 CFR Part 226), Board Interpretation § 226.904, and Official Staff Interpretation FC–0159 until May 31, 1980.

By order of the Board of Governors, February 29, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-7088 Filed 3-5-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-WE-3-AD; Amdt. 39-3707]

Airworthiness Directives; Hughes Model 269 Helicopters

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive inspections of Hughes Model 269 series helicopters equipped with a certain tail boom center support fitting. The purpose of the AD is to detect cracks and, through corrective action, prevent structural failure of the fitting and attendant loss of the tail boom.

DATES: Effective March 13, 1980. Compliance schedule—Initial compliance required within 25 hours' time in service from the effective date of this AD.

ADDRESSES: The applicable service information may be obtained from: Hughes Helicopters, Division of Summa Corporation, Centinela and Teale Streets, Culver City, California 90230.

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

Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591,
or
Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

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

SUPPLEMENTARY INFORMATION: The FAA has received reports of the crash of a Hughes Model 269C helicopter with preliminary indication of an in-flight separation of the tail boom. This separation occurred at the tail boom center support fitting which was discovered to have an extensive preexisting fatigue crack. The specific failed part (P/N 269A2324-7) represents a design change from the original tail boom center support fitting. The original tail boom center support fitting is subject to mandatory inspections per AD 76-18-01 (Amendment 39-2707). The failed part (P/N 269A2324-7) is not covered by AD 76-18-01.

Since this condition is likely to exist or develop in other products of the same type design (equipped with tail boom center support fitting P/N 269A2324-7), an airworthiness directive is being issued which requires initial dye penetrant and repetitive visual inspections of the center support fittings on Hughes Model 269 helicopters.

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

Adoption of the Amendment

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

Hughes Helicopters: Applies to Model 269 series (including military Model TH-55A) helicopters equipped with tail boom center support (saddle) fitting P/N 269A2324-7, certificated in all categories. Compliance required as indicated, unless already accomplished.

To prevent fatigue failure of the tail boom center support fitting and the resultant loss of the tail boom, accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this AD, unless already accomplished:

(1) Conduct a dye penetrant inspection for cracks on the tail boom center support fitting P/N 269A2324-7 on both attachment lugs (top and bottom) and in the center section area between the lugs in accordance with Part I of Hughes Service Information Notice (SIN) No. N-165, dated February 5, 1980.

(2) Conduct a visual inspection for corrosion, fretting, looseness or cracks on the rest of the fitting and the tail boom skin in the area of the fitting in accordance with Part II of Hughes SIN No. N-165, dated February 5, 1980.

(3) Visually inspect the thickness of the center support fitting P/N 269A2324-7 lugs. The lugs that are near the tail boom should be equal to or thinner than the lugs away from the tail boom.

(b) Within the next 100 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 100 hours' time in service from the last inspection conduct a visual inspection for cracks, corrosion, fretting or looseness in accordance with Part II of Hughes SIN No. N-165, dated February 5, 1980.

(c) If cracks are found as a result of the inspection of (a) or (b) above, replace the cracked tail boom center support fittings P/N 269A2324-7 before further flight.

(d) Repair or replace the tail boom center fitting and/or tail boom if fretting, looseness or corrosion is found per Hughes 269 Series Basic Handbook of Maintenance Instructions before further flight.

(e) If the lug thickness does not comply with paragraph (a)(3) above, remove and replace that fitting with another center support fitting P/N 269A2324-7 within the next 100 hours' time in service from the inspection accomplished per paragraph (a)(3).

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

(g) Alternate 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 13, 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, Calif., on February 25, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-6894 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 80-WE-5-AD; Amdt. 39-3705]

Airworthiness Directives; McDonnell Douglas DC-9 Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and rework, if necessary of certain insulation blankets on McDonnell Douglas DC-9 airplanes equipped with a ventral door. The AD is needed to prevent sagging of the insulation blanket which could result in interference with the elevator control cable and pulley.

DATES: Effective March 10, 1980. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training C1-750(54-60).

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

Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591,
or
Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

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

SUPPLEMENTARY INFORMATION: There have been reports of elevator control stiffness in flight which have been attributed to the migration of an insulation blanket which lodged in the elevator control cable and pulley on McDonnell Douglas DC-9 airplanes equipped with a ventral door. This condition, if uncorrected, could seriously interfere with the pilot's ability to control the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires repetitive inspection of the insulation blanket to ensure security and non-interference and further establishes rework instructions providing a terminating action for the inspections required by this AD.

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

Adoption of the Amendment

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

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9-10, -20, -30, -40, -50 series, and C-9, C-9A, and VC-9 airplanes certificated in all categories, having the cabin aft pressure bulkhead fitted with a ventral door.

Compliance required as indicated unless already accomplished.

To prevent elevator control cable binding resulting from interference with insulation blanket material, accomplish the following:

(a) Within the next 200 hours' time in service from the effective date of this AD, and thereafter at intervals not to exceed 200 hours' time in service since the last inspection, visually inspect the insulation blanket located in the aft entrance stairway area, left side, (looking forward), for security and to establish that there is no interference with the elevator control cable or pulley identified in Part 2 of McDonnell Douglas Service Bulletin 25-222, Revision 1, dated November 6, 1979.

(b) If evidence of insulation blanket sagging and/or interference with the elevator control cables or pulley is detected, rework the blanket as shown in Service Bulletin 25-222, Revision 1, dated November 6, 1979, prior to return to service.

(c) The repetitive inspection of paragraph (a) may be discontinued after accomplishment of the insulation blanket rework per paragraph (b) of this AD.

(d) 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.

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

This amendment becomes effective March 10, 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, Calif., on February 21, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-6892 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 79-WE-32-AD; Amdt. 39-3706]

Airworthiness Directives; EON Corp.—Seat Belt Assembly

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires removal from service of certain EON Seat Belt and harness latches and buckles used in aircraft seat restraint systems. This AD is required because of inadvertent opening of the seat belt.

DATES: Effective March 10, 1980. Compliance schedule—Thirty days after the effective date of this AD.

ADDRESSES: The applicable service information may be obtained from: EON Corporation, 2425 San Fernando Road, Los Angeles, California 90065, Telephone: (213) 223-1241.

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

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

or

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

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

SUPPLEMENTARY INFORMATION: There have been several reports of inadvertent unlatching of the EON Seat Belt and Harness Assemblies equipped with a certain latch or buckle. In at least one of these cases, it is suspected that the restraint system failure contributed to the post-crash injuries of an agricultural helicopter applicator.

During the investigation leading to this amendment it was suggested to the FAA that all EON buckles of similar design bearing the same part number be removed from service. It has been determined that there is insufficient evidence at this time that the other configurations of this restraint system bearing the same part number and similar in some details to the specific configuration covered by this AD are unsafe. The FAA will continue to monitor the service experience of these similar configurations with the objective of correcting any unsafe condition which may be revealed.

The manufacturer has issued a service bulletin which identifies the deficient latch and buckle and recommends immediate replacement with a latch of different configurations.

Since this condition is likely to exist in other restraint systems of the same design, an Airworthiness Directive is being issued which requires the removal from service of the defective latches.

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 thirty (30) days.

Adoption of the Amendment

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

EON Corporation: Applies to EON Model E2900 and E8000 Seat Belts and Harnesses. Compliance required within thirty (30) days from the effective date of this AD.

To prevent inadvertent opening and/or false latching of the seat belt/harness assembly, accomplish the following:

(a) If installed, remove bullet head shaped latch depicted below in plan view as Figure 1 and replace with square shaped latch of Figure 2 or other FAA approved, serviceable latch.

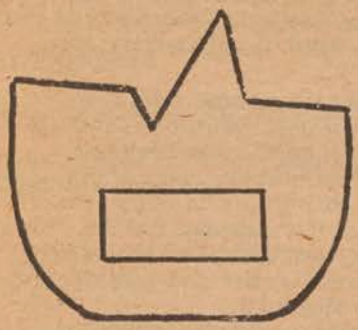


Figure 1

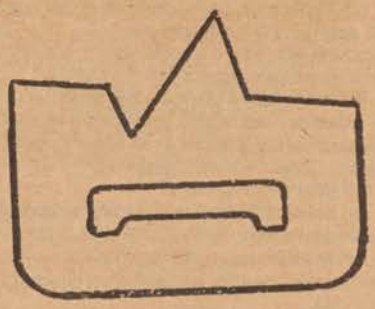


Figure 2

(b) If installed, remove buckle with open-ended cover depicted below in Figure 3 and replace with an E8000 buckle with cover depicted in Figure 4 or other FAA approved, serviceable buckle.

Note.—EON Corporation Service Bulletin No. 1 dated January 22, 1980, refers to this subject.

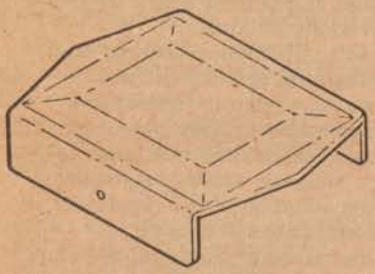


Figure 3

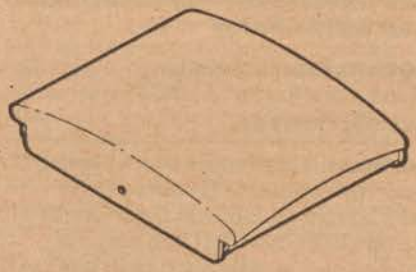


Figure 4

(c) 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 10, 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, Calif., on February 21, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-6883 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 78-EA-68; Amdt. 39-3691]

Airworthiness Directives; AVCO Lycoming

Correction

In the third column of page 11465 in the issue of Thursday, February 21, 1980, there appeared a correction to FR Doc. 80-4301. In the heading of the correction the Docket No. was inaccurately given as "79-EA-68". The Docket No. should have read "78-EA-68".

BILLING CODE 1505-01-M

14 CFR Part 39

[Docket No. 79-CE-8-AD; Amendment 39-3711]

Airworthiness Directives; Cessna Models 401, 401A, 401B, 402, 402A, 402B, 411 and 411A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, revision.

SUMMARY: This amendment revises Airworthiness Directive (AD) 79-10-15, Amendment 39-3473, as amended by Amendment 39-3652, applicable to Cessna Models 401, 401A, 401B, 402, 402A, 402B, 411 and 411A airplanes certificated in all categories, by citing later revisions of Cessna Multi-engine Service Information which is needed to provide the installation of a reinforcement to the front wing spar lower cap as an equivalent method of compliance with AD 79-10-15.

EFFECTIVE DATE: February 27, 1980.

ADDRESSES: Cessna Multi-engine Service Information Letter ME79-16, Revision 3, and Cessna Service Kit Instructions Number SK402-36 and SK411-56, all dated February 8, 1980, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; telephone (316) 685-9111. Copies of the Service Information Letter and Service Kit Instructions are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106, and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Lawrence S. Abbott, Aerospace Engineer, Wichita Engineering and Manufacturing District Office, FAA Central Region, Room 238, Terminal Building, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942-4219.

SUPPLEMENTARY INFORMATION: Amendment 39-3473, as amended by Amendment 39-3652, AD 79-10-15, applicable to Cessna Models 401, 401A, 401B, 402, 402A, 402B, 411 and 411A airplanes, requires periodic inspections of the front wing spar lower cap in accordance with instructions in Cessna Multi-engine Service Information Letter ME79-16, Revision 2, dated October 12, 1979. Subsequent to the issuance of AD 79-10-15, as revised, the manufacturer has developed a reinforcement to the front wing spar lower cap (Service Kits SK402-36 for the 401/402 series airplanes and SK411-56 for the 411 series airplanes) which is incorporated in Cessna Multi-engine Service Information Letter ME 79-16, Revision 3, dated February 8, 1980. Installation of the reinforcement eliminates the need for the mandatory periodic inspections required by Paragraph B) of the AD. In-service experience and evaluation of airplanes so modified may demonstrate a need for additional inspections at a later date. Revision 3 of the service letter also includes the inspections set forth in Revision 2. Therefore, the FAA is revising AD 79-10-15 to incorporate the provisions of Cessna Multi-engine Service Information Letter ME 79-16, Revision 3. Since this amendment is relieving in nature and imposes no additional burden on any person, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days after the date of publication in the **Federal Register.**

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Amendment 39-3473 (44 FR 29438 through 29439) as amended by Amendment 39-3652 (45 FR 2003), AD 79-10-15 of Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended as follows:

§ 39.13 [Amended]

(1) In the third paragraph of Paragraph A), delete the words "Letter ME79-16, Revision 2 dated November 16, 1979" and in lieu thereof add the words "Letter ME79-16, Revision 3, dated February 8, 1980."

(2) In the third paragraph of Paragraph B), delete the words "Letter ME79-16, Revision 2, dated November 16, 1979" and in lieu thereof add the words "Letter ME79-16, Revision 3, dated February 8, 1980."

(3) Add a new Paragrah E) and Note which reads "E) When the front wing spar lower cap is modified by the installation of Cessna Service Kit SK402-36 or SK411-56, as appropriate, per Cessna Multi-engine Service Information Letter ME79-16, Revision 3 dated February 8, 1980, the repetitive inspection made mandatory by Paragraph B) of this AD are no longer required.

Note.—Airplanes so modified may be subject to new mandatory inspection procedures at a later date."

(4) Redesignate present Paragraph "E)" as Paragraph "F)".

(5) Redesignate present Paragraph "F)" as Paragraph "G)".

(6) Move the NOTE presently following Paragraph "F)" so that it follows Paragraph "G)" and delete the words therein "5 of ME79-16, Revision 2" and in lieu thereof substitute the words "5 of ME79-16, Revision 3."

(7) Add a second note following Paragraph B), which reads "NOTE: Inspections previously accomplished in complying with earlier versions of this AD are still valid and Revision 3 to ME79-16 leaves inspection intervals unchanged."

This amendment becomes effective February 27, 1980.

(Secs. 313(a), 601 and 603 of the 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)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Office of the Regional Counsel, Federal Aviation Administration, Central Region, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; telephone (816) 374-5446.

Issued in Kansas City, Missouri on February 27, 1980.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 80-6915 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 79-GL-60]

Designation of Transition Area; Jackson, Ohio

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate controlled airspace near Jackson, Ohio to accommodate a new instrument approach into James Rhodes Airport, Jackson, Ohio established on the basis of a request from the James Rhodes Airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: May 15, 1980.

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 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. 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.

Discussion of Comments

On page 73111 of the **Federal Register** dated December 17, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Jackson, Ohio. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective May 15, 1980, as follows:

In § 71.181 (45 FR 445) the following transition area is added:

Jackson, Ohio

That airspace extending upward from 700 feet above the surface within a seven mile radius of the James Rhodes Airport, Jackson, Ohio (latitude 38°58'47"N, longitude 82°34'41"W).

This amendment is made 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 final evaluation prepared for this document is contained in the docket. Acopy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-60, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on February 22, 1980.

Wm. S. Dalton,

Director, Great Lakes Region.

[FR Doc. 80-6914 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-AL-3]

Establishment of Transition Area; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the **Federal Register** on January 28, 1980, (45 FR 6356), establishing a transition area at Sand Point, Alaska, a small gap appears between the two rectangular transition areas where they meet at the Humboldt Nondirectional Beacon (NDB). This action corrects that omission, thereby conforming to original intent of the Sand Point transition area.

EFFECTIVE DATE: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: 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: **Federal Register** Document 80-2353 was published on January 28, 1980, which designated a transition area at Sand Point, Alaska. However, when the chart for the area was prepared utilizing the description in the rule, a small gap appears between the north and south portions where they touch at the Humboldt NDB. This action corrects that error.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 80-2353 as published in the **Federal Register** on January 28, 1980, is corrected to read as follows:

Under § 71.181 beginning with the eighth line in the Sand Point, Alaska, description: "extending from the NDB to 23.5 miles north of the NDB." is deleted and "extending from the NDB to 23.5 miles north of the NDB and 4.5 miles east of the 165°T and 345°T bearing extending from 2 miles south and 23.5 miles north of the NDB." is substituted therefor.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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 keept 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 29, 1980.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-6909 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-ASW-52]

Alteration of Transition Area: Follett, Tex.; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule; Correction.

SUMMARY: In a rule published in the **Federal Register** on January 21, 1980. Vol. 45, page 3887, altering the transition area at Follett, Texas, the coordinates for the nondirectional radio beacon (NDB) were erroneously described. This action corrects that error; thereby, conforming the location of the NDB to the transition area.

EFFECTIVE DATE: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Manuel R. Hugonett, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: FR Doc. 80-1803, published on January 21, 1980, (45 FR 3887), altered the transition area at Follett, Texas, to encompass an instrument approach procedure based on a newly established NDB. In describing the location of the NDB, incorrect coordinates were used. Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) was published in the **Federal Register** on January 2, 1980 (45 FR 445). Since this correction is a minor matter upon which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

Adoption of the Amendment

In FR Doc. No. 80-1803 as published in 45 FR 3887 on January 21, 1980, under Follett, Texas, delete: "latitude 36°20'37"N.," and substitute therefor: "latitude 36°26'08"N."

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

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

Issued in Fort Worth, Tex., on February 22, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-6604 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 79-WA-15]

Establishment of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes Jet Route J-525 for the jet route segment of HL-525 that enters the United States between Thunder Bay, Ontario, and Miland, Ontario. This action codesignates the jet route segment so as to maintain route continuity for that portion which enters the United States.

EFFECTIVE DATE: May 15, 1980.

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, DC 20591; telephone: (202) 426–8525.

SUPPLEMENTARY INFORMATION:

History

The purpose of this amendment to Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is to codesignate an existing jet route segment of HL–525 and Jet Route J–513 as Jet Route J–525, currently established between Thunder Bay, Ontario, Canada and Midland, Ontario, Canada, via the BONDE Intersection and Gore Bay Nondirectional Beacon (NDB). This action would aid flight planning. Subpart B of Part 75 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1980 (45 FR 732). Since this jet route segment is merely a codesignation of an established jet route and the naming of the segment is an administrative procedure, I find good cause that notice and public procedure thereon are unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (45 FR 732) is amended, effective 0901 GMT, May 15, 1980, as follows:

Under Section 75.100, Add: "Jet Route No. 525 From Thunder Bay, Ontario, Canada, via INT Thunder Bay 102° and Gore Bay, Ontario, Canada, NDB 318° bearing; Gore Bay; to Midland, Ontario. The portions within Canada are excluded."

(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 Washington, D.C., on February 26, 1980.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-6605 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 20059; Amdt. No. 1159]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

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

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

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

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

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

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

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

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

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

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs

is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

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

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

** * * Effective May 15, 1980*

Battle Creek, MI—W.K. Kellogg Regional, VOR Rwy 22 (TAC) Amdt. 10
Benton Harbor, MI—Ross Field, VOR Rwy 9, Amdt. 5
Benton Harbor, MI—Ross Field, VOR Rwy 27, Amdt. 14
Lansing, MI—Capital City, VOR Rwy 6, Amdt. 17
Lansing, MI—Capital City, VOR RWY 24, Amdt. 3
Ruchford, MN—Rushford Muni., VOR/DME-A, Original
Winona, MN—Winona Muni-Max Conrad Field, VOR-A, Amdt. 8
Winona, MN—Winona Muni-Max Conrad Field, VOR Rwy 29, Amdt. 9

** * * Effective April 17, 1980*

Lake Village, AR—Lake Village Muni., VOR—A, Amdt. 4
Lake Village, AR—Lake Village Muni., VOR—B, Amdt. 2
Carlsbad, CA—Palomar—VOR-A, Amdt. 4
Carlsbad, CA—Palomar—VOR/DME-B, Amdt. 1, cancelled
Glasgow, KY—Glasgow Muni., VOR/DME Rwy 7, Amdt. 1
Lafayette, LA—Lafayette Regional, VOR Rwy 1, Amdt. 14
Fulton, MO—Fulton Muni., VOR-A, Amdt. 1
Kirksville, MO—Clarence Cannon Memorial, VOR-A, Amdt. 12
Kirksville, MO—Clarence Cannon Memorial, VOR/DME-B, Amdt. 4
Syracuse, NY—Syracuse Hancock Int'l, VOR Rwy 14, Amdt. 16
Willard, OH—Willard, VOR-A, Amdt. 1
Youngstown, OH—Youngstown Executive, VOR Rwy 11, Amdt. 1
Youngstown, OH—Youngstown Executive, VOR/DME-A, Amdt. 5
Afton, OK—Shangri-La, VOR/DME-A, Amdt. 1
Collegeville, PA—Perkiomen Valley, VOR RWY 9, AMDT. 1
Madison, WI—Dane County Regional/Truax Field, VOR Rwy 13, Amdt. 13
Madison, WI—Dane County Regional/Truax Field, VOR Rwy 31, Amdt. 14
Madison, WI—Morey, VOR-A, Amdt. 4
Madison, WI—Morey, VOR-B, Amdt. 3

** * * Effective February 26, 1980*

Clinton, OK—Clinton-Sherman, VOR Rwy 35L, Amdt. 5

** * * Effective February 14, 1980*

Moab, UT—Canyonlands Field, VOR-A, Amdt. 6
Moab, UT-Canyonlands Field, VOR/DME Rwy 33, Amdt. 1

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

** * * Effective May 15, 1980*

Benton Harbor, MI—Ross Field, LOC BC Rwy 9, Amdt. 4

** * * Effective April 17, 1980*

Glasgow, KY—Glasgow Muni., SDF Rwy 7, Amdt. 3
Houma, LA—Houma-Terrebonne, LOC Rwy 17, Original
Milwaukee, WI—General Mitchell Field, LOC Rwy 25L, Amdt. 4

** * * Effective March 20, 1980*

McGrath, AK—McGrath, LOC/DME Rwy 16, Original

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

** * * Effective May 15, 1980*

Battle Creek, MI—W.K. Kellogg Regional, NDB Rwy 22, Amdt. 9
Benton Harbor, MI—Ross Field, NDB Rwy 27, Amdt. 6
Cadillac, MI—Wexford County, NDB Rwy 7, Amdt. 8
Cadillac, MI—Wexford County, NDB Rwy 25, Amdt. 3
Lansing, MI—Capital City, NDB Rwy 27L, Amdt. 18
Orr, MN—Orr Regional, NDB Rwy 13, Amdt. 3
Juneau, WI—Dodge County, NDB Rwy 2, Amdt. 8
Juneau, WI—Dodge County, NDB Rwy 20, Amdt. 6
Minocqua-Woodruff, WI—Lakeland, NDB Rwy 28, Amdt. 6

** * * Effective April 17, 1980*

Orange City, IA—Orange City Muni., NDB Rwy 34, Original
Orange City, IA—Orange City Muni., NDB Rwy 34, Original, cancelled
Rock Rapids, IA—Rock Rapids Muni., NDB Rwy 16, Original
Glasgow, KY—Glasgow Muni., NDB Rwy 7, Amdt. 4
Houma, LA—Houma-Terrebonne, NDB Rwy 17, Original
Houma, LA—Houma-Terrebonne, NDB Rwy 17, Amdt. 5, cancelled
Fulton, MO—Fulton Muni., NDB Rwy 5, Original
Fulton, MO—Fulton Muni., NDB Rwy 23, Original
New Madrid, MO—County Memorial, NDB Rwy 18, Original
Syracuse, NY—Syracuse Hancock Int'l, NDB Rwy 10, Amdt. 6, cancelled
Syracuse, NY—Syracuse Hancock Int'l, NDB Rwy 28, Amdt. 23
Afton, OK—Shangri-La, NDB Rwy 35, Amdt. 2
Beeville, TX—Beeville Muni., NDB Rwy 30, Original
New Braunfels, TX—New Braunfels Muni., NDB Rwy 22, Amdt. 2, cancelled
Newport News, VA—Patrick Henry Int'l, NDB Rwy 7, Original
Newport News, VA—Patrick Henry Int'l, NDB Rwy 7, Amdt. 18, cancelled
Newport News, VA—Patrick Henry Int'l, NDB Rwy 25, Original
Madison, WI—Dane County Regional/Truax Field, NDB Rwy 36, Amdt. 22

** * * Effective March 20, 1980*

Sand Point AK Sand Point, NDB/DME Rwy 33, Original
Sand Point, AK—Sand Point, NDB/DME-A, Original
Sand Point, AK—Sand Point, NDB-B, Original

** * * Effective February 26, 1980*

Paragould, AR—Paragould Muni., NDB Rwy 4, Amdt. 7
Clinton, OK—Clinton-Sherman-NDB Rwy 17R, Amdt. 5

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

** * * Effective May 15, 1980*

Benton Harbor, MI—Ross Field, ILS Rwy 27, Amdt. 3
Lansing, MI—Capital City, ILS Rwy 9R, Amdt. 4
Lansing, MI—Capital City, ILS Rwy 27L, Amdt. 19

** * * Effective April 17, 1980*

Fort Smith, AR—Fort Smith Muni., ILS Rwy 25, Amdt. 16
Syracuse, NY—Syracuse Hancock Int'l, ILS Rwy 10, Amdt. 2
Syracuse, NY—Syracuse Hancock Int'l, ILS Rwy 28, Amdt. 25
Austin, TX—Robert Mueller Muni., ILS Rwy 12R, Amdt. 4
Newport News, VA—Patrick Henry Int'l, ILS Rwy 7, Amdt. 23
Madison, WI—Dane County Regional/Truax Field, ILS Rwy 36, Amdt. 22

** * * Effective February 26, 1980*

Clinton, OK—Clinton-Sherman, ILS Rwy 17R, Amdt. 1

** * * Effective January 9, 1980*

Columbia, MO—Columbia Regional, ILS Rwy 2, Amdt. 7

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

** * * Effective May 15, 1980*

Lansing, MI—Capital City, RADAR-1, Amdt. 7

** * * Effective April 17, 1980*

Lafayette, LA—Lafayette Regional, RADAR-1, Amdt. 3
New Orleans, LA—Lakefront, RADAR-1, Amdt. 4
Syracuse, NY—Syracuse Hancock Int'l, RADAR-1, Amdt. 3
Madison, WI—Dane County Regional/Truax Field, RADAR-1, Amdt. 7
Madison, WI—Morey, RADAR-1, Amdt. 3

** * * Effective March 20, 1980*

Friday Harbor, WA—Friday Harbor, RADAR-1, Original

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

* * **Effective May 15, 1980*

Cadillac, MI—Wexford County, RNAV Rwy 25, Amdt. 1
Juneau, WI—Dodge County, RNAV Rwy 20, Amdt. 1

* * * *Effective April 17, 1980*

Corning, AR—Corning Muni., VOR/DME–A, Original
Fulton, MO—Fulton Muni., RNAV Rwy 5, Original
Fulton, mO—Fulton Muni., RNAV Rwy 23, Original
Kirksville, MO—Clarence Cannon Memorial, RNAV Rwy 18, Amdt. 5
Kirksville, MO—Clarence Cannon Memorial, RNAV Rwy 36, Amdt. 6
Madison, WI—Morey, RNAV Rwy 13, Original

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

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

Issued in Washington, D.C. on February 29, 1980.

John S. Kern,

Acting Chief, Aircraft Programs Division.

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

[FR Doc. 80-6919 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 250 and 259

[Release No. 35-21447; File No. S7-802]

Annual Reports by Mutual and Subsidiary Service Companies

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission prescribes the use of an amended report form U-13-60, revised to conform to the amended Uniform System of Accounts for Mutual and Subsidiary Service Companies adopted by the Commission on February 2, 1979 (Rel. No. 35-20910) (44 FR 8247) and to extend the filing date for the annual reports by mutual and subsidiary service companies under the Public Utility Holding Company Act of 1935 from April 1 to May 1 of each year. Adoption of these proposals will make the annual report consistent with the system of accounts and (1) simplify the preparation of the annual report, (2) more clearly disclose financial, accounting, and operational information needed by Federal and state authorities which regulate the affiliated public utility companies served by the service companies and (3) facilitiate the conduct of audit and account inspection programs.

EFFECTIVE DATE: The rule and report form published in this release shall be effective not later than January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Robert P. Wason, Division of Corporate Regulation, 500 North Capitol Street, Washington, D.C. 20549. (202) 523-5159.

SUPPLEMENTARY INFORMATION: The Annual Report for Mutual and Subsidiary Service Companies on Form U-13-60 ("Annual Report") [1] was adopted December 29, 1939 and revised on December 30, 1953. Service company activities have increased substantially since then, especially in the last decade, in order to meet the expanding needs of construction and fuel sources for the holding company systems. In 1969 the service companies subject to the Act rendered about $127 million of services, at cost, to the jurisdictional electric and gas operating utilities. In 1978 over $423 million of services were rendered, a 333% increase in ten years. This growth reflects an expansion of service company operations to make use of new management tools, such as computers, and to deal with novel problems of the operating utility companies. When the Commission adopted its present Uniform System of Accounts for service companies, Form U-13-60 became obsolete.

On October 24, 1979, we published release 35-21267 [44 FR 62912] in which we proposed an amended Form U-13-60 [17 CFR 259] and conforming amendments to Rule 94 [17 CFR 250.94]. Interested parties were afforded the opportunity to file comments and suggestions. After careful consideration of the comments submitted, we have concluded that the proposed amendments to the Annual Report and Rule 94 should be adopted. Several modifications and clarifications have, however, been made to the Annual Report in view of the comments and suggestions filed.

Twelve service companies submitted a joint comment letter which reflected general concurrence with the revised Annual Report on Form U-13-60. The service companies were concerned with the need for additions to the general instructions of the Annual Report and specific language changes in certain schedules of the revised Form U-13-60. One comment suggested adoption of the language in Regulation S-X (§ 210.3-01(b)) permitting statements of reported amounts in dollars and cents, whole dollars or thousands of dollars. We have adopted this suggestion.

The amendment to Rule 94 deletes, as no longer possible, the provision for manual correction of a filed report. The change is not intended to preclude correction of an erroneous report by amendment. In view of the misunderstanding, we have revised the general instructions to specify the amendment procedure and to make it clear that an amendment shall consist only of entries that are to be corrected. Such amendments will be cross referenced to the original report insofar as our microfiche filing system permits.

The service companies recommended that we add the words "significant" or "material" to the first footnotes of Schedule II—Service Company Property and Schedule III—Accumulated Provision for Depreciation and Amortization of Service Company Property. These schedules analyze the changes during the year in the property accounts in columnar form, providing columns for normal additions and retirements and a column for other changes, to be explained in footnotes. The instructions have been revised to require footnotes only for "material" changes.

Schedule VI—Fuel Stock Expenses Undistributed and Schedule VII—Stores Expenses Undistributed report expenses attributable to accounts 152 and 163, respectively. These two asset accounts act as clearing accounts on an annual basis for expenses of a service company's fuel department and centralized procurement activities. The service companies requested we delete the column for a balance at the close of year, stating that such clearing accounts could not have a year end balance. We have deleted this column.

The service companies suggested we delete the "by classes" reference in the instructions to Schedule VIII—Miscellaneous Current and Accrued Assets, Schedule IX—Miscellaneous Deferred Debits and Schedule XIII—Current and Accrued Liabilities. The instructions for all three schedules

[1] Filed as part of the original document at the Office of the Federal Register.

specified that "items less than $10,000 may be grouped by classes showing number of items in each class." We have adopted this change for Schedules VIII and XIII since such accrued assets and liabilities of a service company are unlikely to be significant. However, most deferred debits represent unallocated costs of service. The classification required by Schedule IX is needed to identify the types of expenses being deferred.

The service companies also suggested revision of the instruction to Schedule X—Research Development or Demonstration Expenditures. The instruction requires a description of each research or development project as to which the service company incurred costs during the year. The instruction, however, encouraged combining projects of similar nature and purpose. The service companies feared that the instruction required maintenance of detailed, subsidiary ledgers for trivial projects, and extensive descriptions and itemization in the report. They suggested deletion of the word "each" and authorization to omit individual description of projects on which less than $10,000 have been expended.

We have amended the instructions to require description of only "material" projects. The grouping of projects of similar nature and purpose is already provided for and the specification of a $10,000 minimum cost would limit, rather than improve, that authorization. One comment suggested the deletion of the word "par" from the column heading "Total Par Value of Amount Authorized" udner Schedule XI—Proprietary Capital. We have deleted from Schedule XI the column "Total Par Value of Amount Authorized" as superfluous. The other columns sufficiently identify the par value of the issued stock, as required by Section 7(c)(1)(A) of the Act.

The final comment of the service company group was directed to certain expense accounts. Account 930.1—General Advertising Expenses and Account 426.1—Donations contain instructions requiring in general that items in excess of $3,000 to a single payee be identified. Account 930.2—Miscellaneous General Expenses contains a similar requirement for amounts in excess of $5,000. The service companies recommend that these minimums be increased to $10,000. The reports of service companies as to these accounts in recent years have been reviewed to evaluate this recommendation.

Account 930.2—Miscellaneous General Expenses is used extensively and for a variety of items. We have concluded that analysis of the nature of the expenses, as prescribed by the first sentence of the proposed instructions, is the relevant reporting requirement in this area. Accordingly, we have deleted the requirement for identification of payees entirely. The proposed instruction has been amended to state that payments and expenses permitted by Section 321(b)(2) of the Federal Election Campaign Act, as amended by Public Law 94-283 in 1976 (2 U.S.C. 441(b)(2)), shall be separately classified.

The advertising and donations expenses have long been a particular object of rate commission scrutiny. Service companies, in the nature of their business, normally make little use of advertising, except in connection with procurement and employment. The proposed $3,000 test appears to be an appropriate method of identifying exceptional activity.

The Commission believes that the revision of the Annual Report will provide regulatory Commissions with certain information that should facilitate the conduct of audit and account inspection programs.

Rules as Adopted

Pursuant to provisions of the Public Utility Holding Company Act of 1935 (Secs. 13, 15 and 20(a)), 49 Stat. 825, 828, 833; 15 U.S.C. 79m, 79o, 79t), the Commission hereby amends 17 CFR Chapter II as follows:

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

1. By revising § 250.94 to read as follows:

§ 250.94 Annual reports by mutual and subsidiary service companies.

(a) On or before the first day of May in each calendar year, every mutual service company and every subsidiary service company whose organization and method of conducting business the Commission, pursuant to § 250.88, has found sufficient to meet the requirements of section 13(b) (49 Stat. 825; 15 U.S.C. 79m), and every company whose application for approval, or declaration pursuant to § 250.88, is pending, shall file with the Commission a report for the prior calendar year, or any portion thereof during which there was effective as to such company any uniform system of accounts prescribed by any rules of the Commission. Every such report shall be submitted on the Form U-13-60 then in effect and shall be prepared in accordance with the instructions incorporated in such form. For appropriate cause shown, the Commission may extend the time within which any such report is to be filed.

(b) At the time of filing Form U-13-60 (§ 259.313 of this chapter) every mutual service or subsidiary service company filing such Form shall pay to the Commission a fee of $250, no part of which will be refunded.

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

§ 259.313 [Amended].

2. By revising § 259.313 [Form U-13-60, for annual reports pursuant to Rule 94 (§ 250.94 of this chapter) by mutual and subsidiary service companies required by section 13 of the Act] to conform to the amended Uniform System of Accounts for Mutual and Subsidiary Service Companies.

Copies of the revised Form U-13-60 will be forwarded to mutual and subsidiary service companies registered under the Public Utility Holding Company Act of 1935. Copies of the form have been filed with the Office of the Federal Register and additional copies may be requested from the Division of Corporate Regulation.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 22, 1980.

[FR Doc. 80-7047 Filed 3-5-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 841

[Docket No. N-80-983]

Public Housing Program; Development Phase; Prototype Cost Limits for Low-Income Public Housing

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

ACTION: Final Rule; Prototype Cost Determination Under 24 CFR Part 841, Appendix A.

SUMMARY: On June 6, 1979, the Department published a revised schedule of "Prototype Cost Limits for Low-Income Public Housing." After consideration of additional factual data, revisions are necessary to increase per unit prototype cost limits for one area in the State of Michigan.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Jack R. VanNess, Director, Technical Support Division, Office of Public Housing, Room 6248, 451 7th Street S.W., Washington, D.C., 20410 (202) 755–4956 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The United States Housing Act of 1937 requires determination by HUD of the costs in different areas for construction and equipment (prototype costs) of new dwelling units suitable for occupancy by low-income families. The prototype costs constitute a limit on development cost for construction and equipment of new public housing projects including Indian projects.

The schedules in this Notice establish revised per unit prototype cost limits for development of public housing under 24 CFR Part 841 (see § 841.115(b)(2)), and of Indian Housing under 24 CFR Part 805 (see §§ 805.213 and 805.214(b)).

The prototype cost determinations are based on data supplied by the HUD Grand Rapids Service Office and by the public.

Where prototype schedules are established for special Indian prototype cost areas in accordance with 24 CFR 805.213, the prototype cost limits apply only for development of Indian Housing (these special areas are identified by an asterisk(*) on the schedules).

Section 6(b) of the U.S. Housing Act of 1937 provides that the prototype costs shall become effective upon the date of publication in the Federal Register, and this Notice is, therefore, made effective upon publication.

Timely written comments will be considered and additional amendments will be published if the Department determines that acceptance of the comments is appropriate. Comments with respect to cost limits for a given location should be sent to the address indicated above.

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 will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410.

At 44 FR 32546, revise the per unit cost schedules for row and walk-up dwellings, as shown on the prototype per unit cost schedules, Region V, *Manistique, Michigan.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d)); sec. 6(b) U.S. Housing Act of 1937, (42 U.S.C. 1437(d)))

Issued at Washington, D.C., on February 27, 1980.

Lawrence B. Simmons,
Assistant Secretary for Housing—Federal Housing Commissioner.

Region V.—*Michigan*

	Bedrooms						
	0	1	2	3	4	5	6
*Manistique:							
Detached and semidetached	20,000	24,900	30,600	36,400	43,700	48,950	50,300
Row dwellings	19,550	23,650	29,100	34,600	41,500	46,500	47,800
Walkup	17,500	21,150	26,000	30,950	37,150	41,600	42,750
Elevator-structure							

[FR Doc. 80-6997 Filed 3-5-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 69

[DoD Directive 1342.6]

Department of Defense Dependents Schools (DODDS); Correction

AGENCY: Office of the Secretary of Defense

ACTION: Final rule; correction.

SUMMARY: In FR 80–4967 concerning the DoD charter on the DODDS appearing at page 10338 in the issue for Friday, February 15, 1980 second column, change: (a) The line in the heading from [DoD Directive 1304.19] to [DoD Directive 1342.6]; and (b) in the paragraph "EFFECTIVE DATES: The charter [DoD Directive 1304.19] * * *" to "* * * [DoD Directive 1342.6] * * *"

FOR FURTHER INFORMATION CONTACT:
Margarete S. Healy, 202–697–4111.

O. J. Williford,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 3, 1980.

[FR Doc. 80-7014 Filed 3-5-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 79-001]

Drawbridge Operation Regulations; Cerritos Channel, Calif.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising the regulations governing the operation of the Henry Ford Avenue railroad bridge to allow the draw to remain in the open to navigation position except when a train is crossing or when maintenance is being performed. This change is being made because vehicular traffic is now using an adjacent bridge and there are only an average of 2–3 rail crossings daily. Also included in this revision is a proviso that allows for the monitoring and use of already installed radiotelephones by bridge personnel and large vessels transiting the waterway as a precautionary action before entering Cerritos Channel. The final revision changes the acknowledging signal from the draw tender when the draw will not open from two blasts to four blasts, which is a danger signal. These changes are intended to improve safety conditions in this area and eliminate the need for one seldom used bridge to be continually manned.

EFFECTIVE DATE: This amendment is effective on April 7, 1980.

FOR FURTHER INFORMATION CONTACT:
Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G–WBR/TP14), Room 1414, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20593 (202–426–0942).

SUPPLEMENTARY INFORMATION: On May 14, 1979, the Coast Guard published a proposed rule (44 FR 28009) concerning this amendment. Interested persons were given until June 8, 1979 to submit comments.

Drafting Information

The principal persons involved in drafting this rule are: Frank L. Teuton, Jr. Project Manager, Office of Marine Environment and Systems, and Coleman

Sachs, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

Three comments were received and one had no objection. Two objected to changes proposed in opening and closing signals for the two bridges, feeling that the adjustment required by waterway users would be difficult and potentially dangerous. The opening signals for the Henry Ford Avenue bridge that were proposed have been replaced in this final rule by those used in the past. No changes were made in the opening signal for the Schuyler F. Heim Highway bridge. The proposed signal change from two long blasts to four to indicate that the bridges are unable to open immediately has been retained. This conforms to the danger signal found in the pilot rules for inland waters, 33 CFR § 80.1.

Provisions for the monitoring and use of radiotelephones and procedures for the transiting of large vessels have been added to this final rule and are being issued without notice and public procedure, as they merely reflect practices that are presently used in Cerritos Channel vessel passages.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.711 to read as follows:

§ 117.711 Cerritos Channel, Long Beach, Calif.

(a) The draw of the Commodore Schuyler F. Heim Highway bridge shall open on signal except that from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 6 p.m., Monday through Friday except Federal holidays, the draw need not open for the passage of vessels.

(b) The draw of the Henry Ford Avenue bridge shall be maintained in the open to navigation position except when a train is crossing or when maintenance work is being performed.

(c)(1) The opening signal for the Heim bridge is three long blasts. The acknowledging signal is two long blasts followed by one short blast when the draw will open immediately, and four long blasts when the draw cannot open immediately.

(2) If the draw of the Henry Ford Avenue bridge is in the open position, the vessel may go through the open draw with no further signal. If the draw of the Henry Ford Avenue bridge is in the closed position, the opening signal is two short blasts followed by one long blast. The acknowledging signal is two long blasts followed by one short blast when the draw will open immediately, and four long blasts when the draw cannot open immediately.

(d)(1) Radiotelephones are installed to enable the draw tenders at the Heim bridge and the Ford bridge to communicate with vessels on radiotelephone frequency 156.65 megahertz (Channel 13), or such other frequency as may be assigned by the Federal Communications Commission.

(2) Self-propelled vessels over 300 GRT and passenger vessels over 100 GRT and towing vessels should not enter either end of Cerritos Channel until assurance that the draw(s) are able to open promptly on signal has been received by radiotelephone from the draw tender(s). When the Ford bridge is in the open position, vessels need not communicate with it and may pass the open draw. The bridge tender on the Heim bridge can advise vessels if the Ford bridge is open.

(3) Sound signals may be omitted when radiotelephone contact has been satisfactorily established and is maintained until the vessel has passed through the draw. If, for any reason, radiotelephone contact is broken, sound signals shall be used.

(e) The owners of or agencies controlling these bridges shall keep signs showing the opening and acknowledging signals conspicuously posted on the east side of the Commodore Heim bridge and the west side of the Henry Ford Avenue bridge, in such a manner that they can easily be read from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Dated: February 28, 1980.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 80-7012 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-14-M

---

33 CFR Part 117

[CGD 79-150]

Drawbridge Operation Regulations; White River, Ark.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The regulations governing several drawbridges across the White River are being revised to reflect an increase in tonnage, height and number of vessels; and to clarify a lack of uniformity, unrealistic notification periods and inappropriate language in the present regulations. This change will provide uniform and clear guidance in the operation of these drawbridges and will provide for the reasonable needs of navigation at this time.

EFFECTIVE DATE: This amendment is effective on April 7, 1980.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/TP 14), Room 1414, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

SUPPLEMENTARY INFORMATION: On October 29, 1979, the Coast Guard published a proposed rule (44 FR 61978) concerning this amendment. The Commander, Second Coast Guard District, also published these proposals as a Public Notice dated November 5, 1979. Interested persons were given until November 26, 1979 to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

Three comments were received: One concurred, one had no objection and the third had no comment.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

§ 117.560 [Amended]

1. Deleting 33 CFR 117.560(f) (27), (28), (29), (30) and (31)

2. Adding a new § 117.560(f)(27) immediately after § 117.560(f)(26) to read as follows:

§ 117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(27) *White River, Arkansas.* (i) The draws of the following bridges shall open on signal if at least eight hours advance notice is given: St. Louis Southwestern Railway Bridge, mile 98.9 at Clarendon; DeValls Bluff Highway Bridge, mile 121.7, at DeValls Bluff; Chicago, Rock Island and Pacific Railroad Bridge, mile 122.0, at DeValls Bluff; Missouri Pacific Railroad Bridges, miles 196.3 at Augusta and mile 254.8 at Newport, Arkansas.

(ii) When a vessel has given eight hours notice and fails to arrive within two hours after the arrival time specified in the notice, a second eight hours notice is required.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) 33 CFR 1.05-1(g)(3)).

Dated: February 28, 1980.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 80-7017 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1427-7]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Delaware State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to approve, in part, the State Implementation Plan (SIP) revision for Delaware which was submitted to EPA on May 3, 1979. This plan revision, designed to attain the ozone (O_3) standard in New Castle County, was prepared by the State to meet the requirements of Part D (Plan Requirements for Nonattainment Areas) of the Clean Air Act (the Act), as amended in 1977. Because the plan submittal contains several deficiencies, EPA conditionally approves the SIP revision for New Castle County, with respect to ozone. The State of Delaware has initiated the process to correct the deficiencies, and intends to submit these additional SIP revisions. In a separate rulemaking notice, EPA is inviting public comment on the acceptability of deadlines for complying with the conditions for approval.

EFFECTIVE DATE: March 6, 1980.

EPA finds that good cause exists for making this action immediately effective. EPA has a responsibility to take final action on these revisions as soon as possible in order to lift growth sanctions in those areas for which the State of Delaware has submitted adequate plans in accordance with Part D requirements.

ADDRESSES: Copies of the SIP revision and the accompanying support documents are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, PA 19106, ATTN: Ms. Patricia Sheridan.

Delaware Department of Natural Resources and Environmental Control, Air Resources Section, Edward Tatnall Building, Capitol Complex, Dover, DE 19901, ATTN: Mr. Robert R. French.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Harold A. Frankford (3AH12), U.S. Environmental Protection Agency, Region III, Sixth and Walnut Streets, Philadelphia, PA 19106; Phone: 215-597-8392.

SUPPLEMENTARY INFORMATION:

Preface

The information contained in this notice is divided into five sections entitled "Introduction", "Background", "Deficiencies and Remedies", "Public Comments on Proposal", and "EPA Actions". The first section outlines the development of the Delaware SIP revision. The "Background" section describes the ozone nonattainment plan for New Castle County, Delaware. The "Deficiencies and Remedies" section describes where the SIP is in adequate and gives schedules and deadlines to correct these deficiencies. The "Public Comments on Proposal" section summarizes relevant comments received on the proposal and EPA's response to them. The "EPA Actions" section explains EPA's decision to approve or conditionally approve this SIP revision.

Introduction

The Delaware SIP revision was developed and submitted to EPA in response to the requirements of Part D of the Act. In general, this SIP revision is required to provide for attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for all areas which have been designated "nonattainment" under Section 107 of the Act. Specific requirements for an approvable SIP are discussed in the General Preamble published on April 4, 1979, 44 Fed. Reg. 20372 and in the following Supplements:

July 2, 1979, 44 FR 38583
August 28, 1979, 44 FR 50371
September 17, 1979, 44 FR 53761
November 23, 1979, 44 FR 67182

The following list summarizes the basic requirements for nonattainment area plans.

1. Evidence that the proposed SIP revisions were adapted by the State after reasonable notice and public hearing.

2. A provision for expeditious attainment of the standards.

3. A determination of the level of control needed to attain the standards by 1982 and meeting the criteria necessary for approval of any extension beyond that date.

4. An accurate inventory of existing emissions.

5. Provisions for reasonable further progress (RFP) as defined in Section 171 of the Clean Air Act.

6. An identification of emissions growth.

7. A permit program for major new or modified sources, consistent with Section 173 of the Clean Air Act.

8. Use of Reasonably Available Control Technology (RACT) control measures as expeditiously as practicable.

9. Inspection and Maintenance (I/M) if necessary, as expeditiously as practicable.

10. Necessary transportation control measures, as expeditiously as practicable.

11. Enforceability of the regulations.

12. An identification of and commitment to the resources necessary to carry out the plan.

13. State commitments to comply with schedules.

14. Evidence of public, local government, and State involvement and consultation.

A discussion of the conditional approval of certain elements in Delaware's plan and its practical effect appears in Supplement to the General Preamble, 44 FR 38583 July 2, 1979 and in 44 FR 67182, November 23, 1979. The conditional approval requires the State to submit additional materials by the deadlines identified in this notice and proposed elsewhere in today's **Federal Register**. There will be no extensions of conditional approval deadlines when they are made final. EPA will follow the procedures described below when determining if the State has satisfied the conditions:

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

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

3. If the State fails to submit in a timely manner the required materials needed to meet a condition, EPA will publish a **Federal Register** notice shortly

after the expiration of the time limit for submittal. The notice will announce that the conditional approval is withdrawn, the SIP is disappoved and Section 110(a)(2)(I) restrictions on growth are in effect. Moreover, if a State has failed to submit the required data to meet any condition contained in this notice, EPA will at that time consider whether the funding restrictions contained in Section's 176(a) and 316 are also appropriate (see 44 FR 33473, June 11, 1979).

Although public comment is solicited on the deadlines, and the deadlines may be changed in light of comment, the State remains bound by its commitment to meet the proposed deadlines, unless they are changed.

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

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

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear Congressional intent to construe Part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under Part D.
> (123 Cong. Rec. H11958, daily ed. November 1, 1977).

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.* In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations.

Decisions on the incompatibility of requirements will be made on a case-by-case basis.

"Inspection/Maintenance" (I/M) refers to a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes can be included as well. Operation of non-complying vehicles must be prohibited. This can be accomplished by requiring proof of compliance to purchase license plates or to register a vehicle. In certain cases, a windshield sticker system can be used, much like many safety inspection programs. Section 172 of the Clean Air Act requires that SIP for States which include nonattainment areas must meet certain criteria. For areas which demonstrate that they will not be able to attain the ambient air quality standards for ozone or carbon monoxide by the end of 1982, despite the implementation of all reasonably available measures, an extension to 1987 may be granted. In such cases Section 172(b)(11)(B) requires that: "the plan provisions shall establish a specific schedule for the implementation of a vehicle emission control inspection and maintenance program * * *"

EPA issued guidance on February 24, 1978, on the general criteria for SIP approval including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these items are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking, 44 FR 20372 (1979). Though the July 17, 1978, guidance should be consulted for details, the key elements for I/M SIP approval are as follows:

Legal Authority. States or local governments must have adopted the necessary statutes, regulations, ordinances, etc., to implement and enforce the inspection/maintenance program. (Section 172(b)(10).)

Commitment. The appropriate governmental unit(s) must be committed to implement and enforce the I/M program (Section 172(b)(11)).

Resources. The necessary finances and resources to carry out the I/M program must be identified and committed (Section 172(b)(7)).

Schedule. A specific schedule to establish the I/M program must be included in the State Implementation Plan (Section 172(b)(11)(b)). Interim milestones are specified in the July 17, 1978, memorandum in accordance with the general requirements of 40 CFR 51.15(c).

Program Effectiveness. As set forth in the July 17, 1978 guidance memorandum, the I/M program must achieve a 25% reduction in passenger car exhaust emissions of hydrocarbons and a 25% reduction for carbon monoxide. This reduction is measured by comparing the levels of emission projected to December 31, 1987, with and without the I/M program. This policy is based on Section 172(b)(2) which states that "the plan povisions * * * shall * * * provide for the implementation of all reasonably available control measures * * *"

Specific detailed requirements of these five provisions are discussed below.

To be acceptable, I/M legal authority must be adequate to implement and enforce effectively the program and must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision making to an appropriate regulatory body. For example, a State Department of Environmental Protection or Department of Transportation may be charged with implementing the program, selecting the type of test procedure as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which must include I/M (i.e., a plan which establishes an attainment date beyond December 31, 1982) unless an approved extension to certify legal authority is granted by EPA. The granting of such an extension however, is an exceptional remedy to be utilized only when a State

*See General Preamble for Proposed Rulemaking, 44 FR 20373–74 (April 4, 1979).

legislature has had no opportunity to consider enabling legislation. Written evidence is also required to establish that the appropriate governmental bodies are "committed to implement and enforce the appropriate elements of the plan." (Section 172(b)(10)). Under Section 172(b)(7), supporting commitments for the necessary financial and manpower resources are also required.

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

To be acceptable, an I/M program must achieve the requisite 25% reductions in both hydrocarbon and carbon monoxide exhaust emissions from passenger cars by the end of calendar year 1987. The Act mandates "implementation of all reasonably available control as expeditiously as practicable." (Section 172(b)(2)) At the time of passage of the Clean Air Act Amendments of 1977, several inspection/maintenance programs were already operating, including mandatory programs of New Jersey and Arizona operating at about a 20% stringency. (The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet had not previously undergone I/M. Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicles failing is usually a smaller number than the stringency of the program.) Depending on program type (private garage or centralized inspection) a mandatory I/M program may be implemented as late as December 31, 1982 and the attainment date may be as late as December 31, 1987. Based on an implementation date of December 31, 1982 and a 20% stringency factor, EPA predicts that 25% reductions of both CO and HC exhaust emissions can be achieved by December 31, 1987. Earlier implementation of I/M will produce greater emission reductions. Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because New Jersey and Arizona have effectively demonstrated practical operation of I/M programs with 20% stringency factors, it is EPA policy to use a 25% emission reduction as the criterion to determine compliance of the I/M portion with Section 172(b)(2).

Background

On March 3, 1978, 43 FR 8962, and September 12, 1978, 43 FR 40502, pursuant to Section 107 of the Clean Air Act, the Administrator designated the New Castle County, Delaware, portion of the Metropolitan Philadelphia Interstate Air Quality Control Region (AQCR) as a nonattainment area for ozone (O_3). As a consequence, the State of Delaware was required to develop, adopt, and submit to EPA revisions to its SIP for this nonattainment area by January 1, 1979. The revisions must conform to requirements of Part D of the Clean Air Act and provide for the attainment of the NAAQS as expeditiously as practicable. In accordance with these requirements, Austin P. Olney, Secretary, Department of Natural Resources & Environmental Control acting on behalf of Governor Pierre S. DuPont, 4th, submitted a revised SIP on May 3, 1979.

The State of Delaware held public hearings concerning the provisions of the SIP on December 12, 1978 and December 14, 1978, in accordance with Section 110 of the Clean Air Act.

The State has also demonstrated that attainment of the NAAQS for ozone by December 31, 1982 is not possible, despite the implementation of RACT for the VOC stationary source categories and the implementation of reasonably available transportation control measures, including a motor vehicle inspection and maintenance (I/M) program. Therefore, the State has requested an extension to achieve the ozone standard, until December 31, 1987.

On June 11, 1979, 44 FR 33437, EPA published a Notice of Availability of the Delaware SIP revision and invited the public to inspect the plan.

On July 25, 1979, 44 FR 43494, the Regional Administrator announced receipt of Delaware's Part D nonattainment SIP, proposed conditional approval of the submittal as a revision of the Delaware SIP, and provided for a 30-day public comment period, ending August 25, 1979.

In the following sections of this notice there are several references to the terms "design value" and "rollback." To avoid confusion or misunderstanding, these terms are defined below:

Design Value—the level of existing air quality used as a basis for determining the amount of change of pollutant emissions necessary to attain a desired air quality level.

Rollback—a proportional model used to calculate the degree of improvement in ambient air quality needed for attainment of a national ambient air quality standard.

A. Stationary Source Control Measures

For ozone nonattainment areas, EPA requires the adoption of RACT for eleven VOC source categories. Delaware's Regulation XXIV regulates sources in 10 of these categories: Solvent metal cleaning; tank-truck gasoline loading terminals; cutback asphalt paving; bulk gasoline plants; gasoline service stations—Stage I controls; storage of petroleum liquids in fixed-roof tanks; surface coating of coils, paper, fabrics, automobiles, and light duty trucks; surface coating of large appliances; surface coating of metal furniture; and petroleum refinery sources. Delaware does not include regulations for surface coating for cans and insulation of magnet wire because no sources within this category are located in New Castle County.

B. Preconstruction Review

The State of Delaware submitted a recently enacted regulation (Regulation XXV) governing requirements for preconstruction review. The provisions of this regulation are applicable to any person responsible for any proposed new major source or group of sources with allowable VOC emissions exceeding 50 tons per year or 1,000 pounds per day or 100 pounds per hour, whichever is more restrictive.

C. Transportation Control Measures

On March 30, 1978, the Governor certified the Wilmington Metropolitan Area Planning Coordinating Council (WILMAPCO) as the Section 174 agency to develop the transportation component of the nonattainment plan revision.

Based on a regional ozone design value of 0.22 ppm for the Metropolitan Philadelphia Interstate Air Quality Control Region and allowing for transported ozone, the plan using modified linear rollback predicts that the level of control necessary for sources of volatile organic compounds to meet the .12 ppm standard is 50%. The rollback technique predicts that an additional reduction of approximately 15% will be needed to attain the NAAQS after 1982, despite the application of RACT on stationary sources, the Federal Motor Vehicle Control Program, and implementation of transportation control measures. The inability to achieve the ozone standard by 1982 necessitates a schedule for the implementation of a motor vehicle inspection and maintenance (I/M) program and an analysis and subsequent implementation of transportation control

measures necesssary for attainment of the NAAQS. The Delaware submittal describes commitments to implement the following transportation control measures: a motor vehicle inspection and maintenance (I/M) program a rideshare program, a Delaware Authority for Regional Transit (DART) service standards study, a DART marketing study, a coordinated signalization demonstration project, staggered and flexible work hours, a land use plan, bicycle measures, and controls on extended idling. A more detailed description of these measures appeared in the July 25, 1979 notice of proposed rulemaking 44 FR 43490.

D. Inspection/Maintenance

On November 3, 1978, the Governor of Delaware submitted a schedule to EPA for the implementation of a motor vehicle inspection and maintenance (I/M) program in New Castle County. This program will be in full operation by January 1, 1982. The Governor cited the authority of the Motor Vehicle Emissions portion of the Delaware Code (Title 7, Chapter 67) as the enabling legislation for this action. A certification by the Attorney General's Office that the State has basic authorizing legislation for the program is included in the SIP based on Title 7, Chapter 67 and Title 21, Chapter 21 of the Delaware Code.

E. Additional Commitments

WILMAPCO has commited to conduct an analysis of 32 measures which relate to the applicable reasonably available control measures described in Section 108(f) of the Clean Air Act. (Analysis of the VOC stationary source control measures program will remain the State's responsibility. Similarly, actions for I/M are the State's responsibility, although WILMAPCO will cooperate in this effort). WILMAPCO developed a detailed description elaborating on some of these tasks in its Fiscal Year 1980 Integrated Planning Work Program's application for an Urban Air Quality Planning Grant under Section 175 of the Clean Air Act. This has been reviewed by EPA and the U.S. Department of Transportation, specifically the Urban Mass Transit Administration (UMTA). Subsequently, on November 29, 1979, UMTA awarded WILMAPCO a $95,000 Section 175 grant to perform the initial phase of this analysis.

Deficiencies and Remedies

This section contains a discussion of deficiencies identified by EPA in the July 25, 1979 proposed rulemaking notice, 44 FR 43490, and during the public comment period, and includes deadlines and schedules to correct them. The following discussion summarizes EPA's comments on various elements of the Delaware SIP:

(1) *Adoption After Reasonable Notice and Hearing.* The State of Delaware has adequately satisfied the requirements of this section (see INTRODUCTION).

(2) *Attainment Date.* EPA approves the request for extension, until December 31, 1987, of the date for attaining the NAAQS for ozone.

(3) *Control Strategy and Demonstration of Attainment.* The Delaware SIP was developed on the basis of the .12 ppm ozone standard. A commitment to attain the ozone standard by 1987 was provided.

(4) *Emission Inventory.* Delaware has submitted both a 1976 emission inventory and a 1977 emission inventory. The mobile source portion of the inventory is broken down by emissions from type of vehicle.

EPA can approve this emission inventory. However, EPA will require adequate source-specific emission inventory updates in the annual report associated with the RFP requirement.

(5) *Reasonable Further Progress (RFP).* The State of Delaware has provided a satisfactory RFP presentation in the ozone SIP. Therefore, the RFP schedule is approved.

(6) *Margin for Growth.* Source category growth projections were adequately incorporated into the Delaware SIP demonstration. In addition, Delaware intends to track emission growth rates through its ongoing reporting requirements required by Section 172(b)(4) of the Clean Air Act and reinforced in the Administrator's February 24, 1978 memo. Delaware's preconstruction review regulation (Regulation XXV) also requires the tracking of emission growth rates.

(7) *Preconstruction Review.* The provisions of Section 2.3E of Regulation XXV satisfy the requirements of Section 172(b)(11)(A) of the Clean Air Act, and are therefore approvable. In addition, those components of Regulation XXV pertaining to offsets, owner and control are considered by EPA to be enforceable. The State of Delaware has announced its intention to correct deficiencies in Regulation XXV cited by EPA in the July 25, 1979 notice of proposed rulemaking, 44 FR 43490. These revisions would redefine the terms "reconstruction" and "lowest achieveable emission rate" (LAER). The State scheduled and held public hearings on December 11 and 12, 1979 and intends to submit updated regulations to EPA no later than February 29, 1980. EPA approves this part of the SIP on the condition that Delaware submit acceptable revisions to the above-mentioned deficiencies by February 29, 1980. EPA has also subsequently determined that provisions related to interstate pollution, originally cited as a deficiency in the July 25, 1979 notice of proposed rulemaking, are now judged to be approvable.

(8) *RACT as Expeditiously as Practicable.* The Control Techniques Guidelines (CTG) documents provide information on available air pollution control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTG's, EPA believes that the regulations submitted by Delaware represent RACT, except for the following:

(a) In Section 9.2 of Regulation XXIV, any coating line having an emission rate of less than 40 pounds per day is exempted from the control requirements of this regulation. Delaware intends to revise this regulation so that the 40 pounds per day exemption would apply to an entire facility, rather than an individual coating line. If adopted, the State intends to submit the revised regulation by February 29, 1980.

The revised regulation, if adopted and submitted to EPA, would be consistent with the CTG recommendations and could be approved by EPA. Based on the State's agreement to revise the regulation, EPA conditionally approves the current Section 9.2 of Regulation XXIV as a revision of the Delaware SIP.

(b) Delaware's SIP includes a provision in Section 1.1b of its regulations which exempts sources of methyl chloroform (1, 1, 1, trichloroethane) and methylene chloride from the provisions of Regulation XXIV. These volatile organic compounds, while not appreciably affecting ambient ozone levels, are potentially harmful. Both methyl chloroform and methylene chloride have been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possibility of human mutagenicity and/or carcinogenicity. Furthermore, methyl chloroform is considered one of the slower reacting VOC's which eventually migrates to the stratosphere where it is suspected of contributing to the depletion of the ozone layer. Since stratospheric ozone is the principal absorber of ultraviolet light (UV), the depletion could lead to an increase of UV penetration resulting in a worldwide increase in skin cancer. In Section 1.2 of its regulations, however, Delaware has included a requirement that "no person shall substitute either methyl chloroform or methylene chloride for any other VOC for any solvent metal cleaning purpose on or after the

effective date of the regulation". EPA endorses Delaware's approach to prohibit possible substitution of these compounds in place of other more photochemically reactive degreasing solvents, since substitution has already resulted in the use of methyl chloroform in amounts far exceeding that of other solvents. However, in view of the fact that EPA does not consider Delaware's substitution prohibition as applicable to the control of ozone, EPA will take no action on approving or disapproving the substitution prohibition as part of the SIP. However, State officials and sources are advised that there is a strong possibility of future EPA regulatory action to control these compounds.

(c) The State intends to propose for public hearing and, if adopted, submit to EPA additional amendments to Section 9.3 (surface coating operations) and Section 11 (solvent metal cleaning). These amendments would serve to correct typographical errors that EPA does not consider substantive. Thus, EPA approves, rather than conditionally approves, these amendments. The State intends to submit these amendments no later than February 29, 1980.

(9) *Inspection/Maintenance Program.* In its SIP, Delaware included provisions for an I/M program. Legislative authority exists for all vehicle categories, but specific exemptions are not yet identified. Inspections would be carried out annually by the State. An idle mode inspection test is planned. Vehicles failing inspection must be repaired and reinspected. Non-complying vehicles will be subject to fines and denial of vehicle registration.

The cut-off date or model year for exemption from the inspection program, as well as any waiver provisions, will be specified in the regulations.

Based on the information in this SIP revision, the program will achieve a 25 percent reduction in hydrocarbons (HC) from light duty vehicles by December 31, 1987. By June 30, 1980, the State intends to adopt emission standards in order to support its commitment to this 25% reduction in HC emissions. Therefore, EPA is conditionally approving the I/M portion of Delaware's SIP, contingent on the State' adoption of these emission standards. The July 25, 1979, notice of proposed rulemaking noted that the Governor's commitment to implementation of I/M was contingent upon cost effectiveness and new automotive technology. EPA determined that such a contingent commitment was not acceptable under Section 172(b)(10) of the Clean Air Act, and that such contingencies should be removed from the SIP. In response to EPA's citation of this deficiency, the Governor submitted an October 5, 1979, letter in which he reconfirmed his commitment to proceed with the SIP schedule for implementation of an I/M program in New Castle County. He noted that any decision by the State concerning modification of the I/M portion of the SIP, including the State's commitment to the program, would be carried out in accordance with the regulatory procedures for a SIP revision. EPA considers the Governor's October 5, 1979, letter to be a fully approvable commitment to implementation and enforcement of an I/M program, removing the unacceptable contingencies in the initial SIP submittal.

(10) *Transportation Control Measures.* The following sub-section presents a summary of the salient portions of the transportation component of Delaware's Part D nonattainment plan:

(a) The submittal contains an estimate of emissions reductions that includes documentation of current and future travel demand estimates. The estimated vehicle miles travelled (VMT) increases from the base year 1976 were approximately 13.8% by 1982 and 25.3% by 1987. However, through the application of the Federal Motor Vehicle Control Program and through new car replacement, a negative growth in emissions from motor vehicles is projected. These estimates are approved.

(b) The certification of WILMAPCO as the Section 174 lead agency for New Castle County, Delaware, is approved. Also, on December 27, 1978, the Governor of the State of New Jersey certified WILMAPCO as the Section 174 agency to coordinate an analysis of transportation measures for the Salem County, New Jersey, nonattainment area for future submittals. For the purpose of the 1979 submittal, the WILMAPCO certification is approved.

(c) The identification of tasks and responsibilities for agencies participating in the development of the proposed submittal is generally approved. WILMAPCO and Delaware are reassessing their joint and individual responsibilities for the 1982 SIP. The submittal contains a description of the integration of transportation control measures within the area's transportation planning and programming process. However, the plan does not describe of the process for determining consistency and conformity of transportation plans and programs with the SIP. Criteria for determining conformity should be developed in accordance with forthcoming U.S. Department of Transportation (U.S. DOT) and EPA guidance on this subject. Based on WILMAPCO's assurance that it shall not give its approval to any project, program, or plan which does not conform to the SIP, EPA conditionally approves this portion of Delaware's transportation component as part of the SIP. Appended to the May 3, 1979 Delaware SIP submittal to EPA is a Draft Fiscal Year 1980 Integrated Planning Work Program (IPWP) for WILMAPCO which generally describes the tasks and budget allocation for continuing transportation/air quality planning under funds provided by Section 175 of the Clean Air Act. Subsequently WILMAPCO has responded to the comments by Federal agencies through the Region III Intermodel Planning Group and finalized its Fiscal Year 1980 IPWP. WILMAPCO also submitted to EPA and the Urban Mass Transportation Administration (UMTA) a supplemental application detailing the tasks in FY 1980 to be performed under an Urban Air Quality Planning Grant funded by money authorized by Section 175 of the Clean Air Act. Finding this application to be acceptable, EPA has authorized, and UMTA has funded, $95,000 for a FY 1980 Section 175 grant for Urban Air Quality Planning in New Castle County, Delaware and Salem County, New Jersey.

WILMAPCO has submitted a rationale for deleting from further consideration two transportation measures apparently considered reasonably available; namely, a traffic signal preemption study and reversible traffic lanes.

(d) While the extent of public participation is adequate, EPA expects a more extensive involvement from public and elected officials during development of an alternatives analysis funded by Section 175 of the Clean Air Act. Pursuant to EPA guidelines, WILMAPCO is conducting an inventory assessment and work program development for public participation leading up to the 1982 SIP. Also, WILMAPCO is using the Delaware League of Women Voters contract for the mobile source air pollution control information program for I/M. This public participation program will be expanded through the use of supplemental Section 175 funds.

(e) Provisions for progress reporting should include quarterly reports to the Urban Mass Transportation Administration under Section 175 requirements. Progress reporting will also provide information for annual reports of the State's annual assessment of reasonable further progress.

(f) A specific commitment to use available grants and funds to establish, expand, and improve public transportation to meet basic transportation needs, although discussed, is not included in the SIP submittal. This commitment should be submitted to EPA as part of the SIP. The State expects to submit this commitment no later than February 29, 1980. Based on this understanding, EPA conditionally approves this commitment.

(g) Section 172(b)(9) of the Act requires identification and analysis of air quality, health, welfare, economic, energy and social effects of the plan revisions required by section 172 and a summary of the public comment on such analysis. The analysis for the transportation component is acceptable at this time therefore, EPA approves this analysis as submitted for the 1979 SIP. However, a more thorough analysis is to be done in preparing the plan to be submitted by July 1, 1982.

(h) The July 25, 1979, notice of proposed rulemaking noted that the transportation control measures included in the SIP did not include adequate compliance schedules or commitments by implementation agencies, as required by Section 172(b)(10) of the Act. The State has corrected these deficiencies in an October 23, 1979, letter from the Secretary of Delaware Department of Transportation and an October 24, 1979, letter from the Executive Director of WILMAPCO (which incorporated by reference portions of the final Fiscal Year 1980 Integrated Planning Work Program). These documents include commitments by these agencies and further information on compliance schedules for TCM's, and with the inclusion of these documents in the SIP, this portion of the plan in now approvable.

(11) *Enforceability.* In the notice of proposed rulemaking, 44 FR 43490, EPA noted certain enforceability concerns pertaining to: (a) the lack of test methods for delivery vessels, bulk gasoline terminals, cold cleaning facilities, open top vapor degreasers and conveyorized degreasers; (b) the lack of categorical compliance schedules for future effective regulations; and (c) the definition of "vapor-tight". Delaware has proposed for public hearing, amendments designed to correct all of the above-mentioned deficiencies, and if adopted, intends to submit these revisions to EPA no later than February 29, 1980. Based on submittal of these revisions EPA conditionally approves Regulation XXIV, Section 1 and Sections 4 through 11. Full approval may be considered once Delaware has officially submitted these changes.

(12) *State Commitments and Resources to Implement and Enforce Adopted Measurers.* The State of Delaware has made an acceptable commitment to devote its existing financial and manpower resources to the implementation of this SIP revision and to seek additional resources as may be required.

(13) *State Commitments To Comply With Schedules.* EPA has published additional Control Techniques Guideline (CTG) documents for the control of stationary source categories of VOC's. The State of Delaware has made an acceptable commitment to develop and adopt legally enforceable regulations for all appropriate stationary source categories of VOC's subsequent to EPA's issuance of these guideline documents. As noted in the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas, 44 FR 20376 (April 4, 1979), the minimum acceptable level of stationary source control for ozone SIPs includes RACT requirements for VOC sources covered by CTGs the EPA issued by January 1978 and schedules to adopt and submit by each future January additional RACT requirements for sources covered by CTGs issued by the previous January. The submittal date for the first set of additional RACT regulations was revised from January 1, 1980 to July 1, 1980 by **Federal Register** notice of August 28, 1979, 44 FR 50371. Today's approval of the ozone portion of the Delaware plan is contingent on the submittal of the additional RACT regulations which are due July 1, 1980 (for CTGs published between January 1978 and January 1979). In addition, by each subsequent January beginning January 1, 1981, RACT requirements for sources covered by CTGs published by the preceding January must be adopted and submitted to EPA. The above requirements are set forth in the "Approval Status" section of the final rule. If RACT requirements are not adopted and submitted to EPA according to the time frame set forth in the rule, EPA will promptly take appropriate remedial action.

(14) *Evidence of Public, Local Government and State Involvement and the Analysis of Effects.* The Clean Air Act specifies that a SIP should include evidence of involvement and consultation with public, local government, legislature, and all other interested parties. The State of Delaware, in conjunction with the Wilmington Metropolitan Area Planning Coordinating Council (WILMAPCO), has satisfied this requirement through a series of public hearings, fair displays, workshops, presentations, and various news media announcements.

Public Comments on Proposal

(1) National Comments

Comment and Response: One commenter submitted extensive comments which it requested be considered part of the record for each State plan. Each of the points raised by the commenter and EPA's response follow. Although some of the issues raised are not relevant to provisions in Delaware's submittal, EPA is notifying the public of its response to these comments at this time.

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

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

3. The commenter noted that the recent court decision on EPA's regulations for Prevention of Significant Deterioration (PSD) of air quality affects EPA's New Source Review (NSR) requirements for Part D plans as well. The decision is *Alabama Power Co. v. Costle,* 13 ERC 1225 (D.C. Cir., June 18, 1979). In the commenter's view, the court's rulings on the definition of "source," "modification," and "potential to emit" should apply to Part D as well as PSD programs. In addition, the commenter believes that the court decision precludes EPA from requiring Part D review of sources located in designated clean areas.

The preamble to the Emission Offset Interpretative Ruling, as revised January 16, 1979, explains that the interpretations, in the Ruling of the terms "source," "major modification," and "potential to emit," and the areas in which NSR applies, govern State plans under Part D. (44 Fed. Reg. 3275 col. 3 through 3276 col. 1, January 16, 1979.) In

proposed rules published in the Federal Register on September 5, 1979, 44 FR 51924, EPA explained its views on how the *Alabama Power* decision affects NSR requirements for State Part D plans. The September 5, 1979 proposal addressed some of the issues raised by the commenter. To the extent necessary, EPA will respond in greater detail to the commenters' concerns in its response to comments on the September 5, 1979, proposal and/or its response to comments on the Offset Ruling.

As part of the September 5, 1979 proposal, EPA proposed regulations for Part D plans in 40 CFR 51.18(j). EPA also proposed, for now, to approve a SIP revision if it satisfies either existing EPA requirements, or the proposed regulations. Prior to promulgation of final regulations, EPA proposed to approve State-submitted relaxations of previously-submitted SIPs, as long as the revised SIP meets all proposed EPA requirements. To the extent EPA's final regulations are more stringent than the existing or proposed requirements, States will have nine months, as provided in Section 406(d) of the Act, to submit revisions after EPA promulgates the final regulations.

In some instances, EPA's approval of a State's NSR provisions, as revised to be consistent with EPA's proposed or final regulations, may create the need for the State to revise its growth projections and provide for additional emission reductions. States will be allowed additional time for such revisions after the new NSR provisions are approved by EPA.

4. The commenter questioned EPA's alternative emission reduction options policy (the "bubble" policy). As the commenter noted, EPA has set forth its proposed "bubble" policy in a separate Federal Register publication, 44 FR 3720 (January 18, 1979). EPA responded to the comments on the "bubble" approach in the final "bubble" policy statement published on December 11, 1979, 44 FR 71780.

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

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

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

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

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

9. The commenter suggested that if a State fails to submit a Part D plan, or the submitted plan is disapproved, EPA must promulgate a plan under Section 110(c), which may include restrictions on construction as provided in Section 110(a)(2)(I). In the commenter's view, the Section 110(a)(2)(I) restrictions cannot be imposed without such a federal promulgation. EPA has promulgated regulations which impose restrictions on construction on any nonattainment area for which a State fails to submit an approvable Part D plan. *See* 44 FR 38583 (July 2, 1979). Section 110(a)(2)(I) does not require a complete federally-promulgated SIP before the restrictions may go into effect.

Another commenter, a national environmental group, stated that the requirements for an adequate permit fee system (Section 110(a)(2)(K) of the Act), and proper composition of State boards (Sections 110(a)(2)(F)(vi) and 128 of the Act) must be satisfied to assure that permit programs for nonattainment areas are implemented successfully. Therefore, while expressing support for the concept of conditional approval, the commenters argued that EPA must secure a State commitment to satisfy the permit fee and State board requirements before conditionally approving a plan under Part D. In those States that fail to correct the omission within the required time, the commenters urged that restrictions on construction under Section 110(a)(2)(1) of the Act must apply. To be fully approved under Section 110(a)(2) of the Act, a State plan must satisfy the requirements for State boards and permit fees for all areas, including nonattainment areas. Several States have adopted provisions satisfying these requirements, and EPA is working with other States to assist them in developing the required programs. However, EPA does not believe these programs are needed to satisfy the requirements of Part D. Congress placed neither the permit fee nor the State board provision in Part D. While legislative history states that these provisions should apply in nonattainment areas, there is no legislative history indicating that they should be treated as Part D requirements. Therefore, EPA does not believe that failure to satisfy these requirements is grounds for conditional approval under Part D, or for application of the construction restriction under Section 110(a)(2)(I) of the Act.

Another commenter, a nationwide manufacturer's trade association, recommended on the basis of extended discussions with producers nationwide, that the State specifications on asphalt emulsion solvent content generally be regarded as RACT for a State and as representative of the current technology and not as an interim specification. The commenter's main point is that no general rule regarding solvent content of emulsified asphalt for the nation is possible because of varying conditions. The commenter also concludes that EPA has been using a figure of five percent as nationwide RACT for maximum solvent content in emulsified asphalt. EPA recognizes that varying conditions may require different solvent content asphalts. RACT for asphalt should be determined on a case-by-case basis in order to take varying conditions into account. Therefore, EPA has not set a nationwide standard for the solvent content of emulsified asphalt. However, EPA has accepted a seven percent maximum solvent content regulations where a State has chosen to submit an

across-the-board regulation for emulsified asphalt, rather than develop case-by-case RACT. The intent of EPA guidance has been for States to specify in the regulations, and justify, those emulsions and/or applications where addition of solvent is necessary. Since RACT can be determined on a case-by-case basis, States are free to specify necessary solvent contents on the basis of application or asphalt grade. Where a State demonstrates that these are RACT, EPA will approve the regulations.

The following maximum solvent contents for specific emulsified asphalt applications have appeared in EPA guidance are based on American Society of Testing Materials, American Association of State, Highway and Transportation Officials, and State specifications and on information recently received from the Asphalt Institute.

Use:	*Maximum solvent content (percent)*
Seal coats in early spring or late fall	3
Chip seals when dusty or dirty aggregate is used	3
Mixing w/open graded aggregate that is not well washed	8
Mixing w/dense graded aggregate	12

EPA wishes to emphasize that these are maximum solvent contents and if States are using emulsified asphalt with less solvent for these applications, they should continue to do so. These are only the maximum solvent contents which the Agency believes current technology supports. Many emulsified asphalt manufacturers are successfully using less solvent and achieving the same acceptable results. The chemistry of emulsified asphalt and the non-uniformity of the technology across the country prevents EPA from specifying anything more than upper limits on solvent content. Lower limits are certainly achievable in many States but must be determined on a case-by-case basis.

(2) *Comments Specific to the Delaware SIP Revision.* During the public comment period, EPA received relevant comments from three Federal agencies. The Department of Housing and Urban Development (HUD) finds the SIP revision to be generally consistent with good land use and transportation planning practices. The Urban Mass Transit Administration (UMTA) also finds the SIP revision acceptable. The Federal Highway Administration (FHWA) questions the use of the Somerville, N.J. monitor site as the representative downwind monitor on which the ozone level used to determine required reductions is based. However, all major jurisdictions comprising the Metropolitan Philadelphia Interstate AQCR recognize the Somerville monitor as the proper downwind monitor. The FHWA also questioned the 0.06 ppm ozone concentration considered to represent transport/background levels. However, the 0.06 ppm ozone level was recorded at Bivalve, N.J., the monitor site considered upwind of the Metropolitan Philadelphia Interstate AQCR.

EPA Actions

1. EPA approves the request for extension submitted by Delaware. Attainment of the ozone standard must be achieved by December 31, 1987.

2. In accordance with the procedures described in the "Introduction" Section of this notice, EPA conditionally approves the nonattainment SIP revision submitted by Delaware for New Castle County. The State held public hearings on December 11 and 12, 1979 with regard to proposed changes designed to correct deficiencies cited by EPA in Regulations I, XXIV and XXV, as well as deficiencies in schedules, milestones and commitments for implementing the transportation control measures. It should be noted that Section 13 of Regulation XXIV is acceptable as is and would need no further revision. The remainder of the regulation may be considered for full SIP approval if the following actions are taken by February 29, 1980:

1. The definition of "vapor-tight", "reconstruction", and "lowest achievable emission rate" are revised.

2. Section 9.2 of Regulation XXIV is revised to state that the 40 pounds per day exemption (VOC emissions) refers to the entire source and not each individual coating line.

3. Test procedures for determining compliance with Sections 5.1, 7.1, 11.1A(3)(iv), 11.2B(3)(iv), and 11.3B(1)(ii) of Delaware's regulations are referred in the SIP. Respectively, these sections cover delivery vessels, bulk gasoline terminals, cold cleaning facilities, open top vapor degreasers and conveyorized degreasers.

4. Categorical compliance schedules for future effective regulations are adopted and submitted.

5. A specific commitment to use available grants and funds to establish, expand, and improve public transportation to meet basic transportation needs are submitted by Delaware to EPA by February 29, 1980.

6. A specific asphalt emulsion solvent content is adopted and submitted by February 29, 1980.

In addition, the inspection/maintenance emission standards must be adopted by June 30, 1980 to support Delaware's commitment to a program adequate to provide a 25% overall reduction in hydrocarbon emissions from light duty vehicles by December 31, 1987. Similarly, a commitment by WILMAPCO not to give its approval to any project, program, or plan which does not conform to the SIP must be submitted by June 30, 1980.

A notice soliciting comments on the acceptability of the deadlines by which Delaware must fulfill conditionally approved items appears elsewhere in today's **Federal Register.**

In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January. Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(42 U.S.C. 7401–7642)

Dated: February 27, 1980.

Douglas M. Costle,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTION PLANS

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

In §52.420 paragraph (c) (13) is added as follows:

§52.420 Identification of plan.

* * * * *

(c) * * *

(13) On May 3, 1979, the Governor submitted the nonattainment area plan for New Castle County with respect to ozone.

2. Section 52.422 is revised to read as follows:

§52.422 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Delaware's plan for the attainment and maintenance of the national standards under Section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements

of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

3. Section 52.427 is added as follows:

§52.427 Extensions.

The Administrator hereby extends to December 31, 1987, the attainment date for ozone in New Castle County.

4. In Section 52.428 the table is revised as follows:

§52.428 Attainment dates for national standards.

* * * * *

Air quality control region	Pollutant*						
	Particulate matter		Sulfur oxides		NO_2	CO	O_3
	Primary	Secondary	Primary	Secondary			
Metropolitan Philadelphia Interstate							
Wilmington	d	d	a	c	d	c	e
Portions of Newark as defined in 40 CFR Part 81	d	d	a	c	d	c	e
Remainder of AQCR	a	b	a	c	d	c	e
Southern Delaware Intrastate	d	d	d	d	d	d	d

a. January 1972.
b. January 1973.
c. January 1974.
d. Below Secondary Standards or Unclassifiable.
e. Dec. 31, 1987.

*Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Amendments remain obligated to comply with those requirements by the earlier deadlines. (40 CFR 52.428, 1978.)

5. Section 52.433 is added as follows:

§ 52.433 Control strategy: Ozone (hydrocarbons)—The Delaware Plan is approved provided that the following conditions are satisfied.

(a) The definitions of "vapor-tight", "reconstruction", and "lowest achieveable emission rate" are revised.

(b) Section 9.2 of Regulation XXIV is revised to state that the 40 pounds per day exemption (VOC emissions) refers to the entire source and not each individual coating line.

(c) Test procedures for determining compliance with §§ 5.1, 7.1, 11.1A(3)(iv), 11.2B(3)(iv), and 11.3B(1)(ii) of Delaware's regulations are adopted. Respectively, these sections cover delivery vessels, bulk gasoline terminals, cold cleaning facilities, open top vapor degreasers and conveyorized degreasers.

(d) Categorical compliance schedules for future effective regulations are adopted and submitted.

(e) Inspection/Maintenance emission standards are adopted to support Delaware's commitment to a program adequate to provide a 25% overall reduction of hydrocarbon emissions from light duty vehicles by December 31, 1987.

(f) A specific commitment to use available grants and funds to establish, expand, and improve public transportation to meet basic transportation need is submitted.

(g) An asphalt emulsion solvent content is specified.

(h) A commitment by WILMAPCO not to give its approval to any project, program, or plan which does not conform to the SIP is submitted.

[FR Doc. 80-6824 Filed 3-5-80; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1416-5]

Guam Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, takes no action on changes to the Guam Implementation Plan submitted by the Governor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the implementation plan.

EFFECTIVE DATE: April 7, 1980.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105, Attn: Douglas Grano, (415) 556-2938.

SUPPLEMENTARY INFORMATION: On December 14, 1979 (44 FR 72614) EPA published a Notice of Proposed Rulemaking for revisions to the Guam Air Pollution Control Standards and Regulations submitted on October 12, 1979 by the Governor's designee for inclusion in the Guam Implementation Plan. This notice only concerns Chapter 13 of the regulations. Action will be taken on the remaining revisions in a separate **Federal Register** notice.

Chapter 13, Control of Sulfur Dioxide Emission, consists of Rules 13.1, 13.2, 13.3, and 13.4. This Chapter provides emission limits for sulfur dioxide emissions from such sources as fuels, flue gases, and fossil-fuel fired steam generators.

The December 14, 1979 Notice of Proposed Rulemaking provided 30 days for public comment. No comments were received during the comment period.

Under Section 110 of the Clean Air Act as amended and 40 CFR Part 51, the Administrator is required to approve or disapprove regulations submitted as implementation plan revisions. The revisions have been evaluated in accordance with the Clean Air Act, 40 CFR Part 51, and EPA policy. It is the purpose of this notice to take final action as discussed below.

EPA approves Rules 13.3 and 13.4 and incorporates them into the implementation plan, as they are consistent with EPA requirements. Rule 13.3 is similar to the previously approved rule except that it has been renumbered. Rule 13.4 is new rule which provides more stringent emission limits for sulfur dioxide. In addition, EPA approves the deletion of the previously approved Rule 13.3 since the deletion will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards.

No action is being taken on Rules 13.1 and 13.2. Action will be taken in a separate **Federal Register** notice.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." 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.

The Territory of Guam has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110, 301(a), Clean Air Act as amended (42 U.S.C. 7410 and 7601(a))

Dated: February 28, 1980.

Douglas M. Costle,

Administrator.

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

Subpart AAA—Guam

1. Section 52.2670 is amended by adding paragraph (c)(2) as follows:

§ 52.2670 Identification of plan.

* * * * *

(c) * * *

(2) Amendments to the Guam Air Pollution Control Standards and Regulation submitted on October 12, 1979 by the Governor's designee.

(i) Chapter 13—*Control of Sulfur Dioxide Emission*, 13.3, 13.4.

(ii) Deleted without replacement Rule 13.3 (submitted January 25, 1972).

[FR Doc. 80-7020 Filed 3-5-80; 8:45 am]

BILLING CODE 6560-01-M

---

40 CFR Part 52

[FRL 1414-4]

Approval and Promulgation of Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA) is approving a revision to the New York State Implementation Plan. This action has the effect of approving the State issuance of a "special limitation" to allow a temporary relaxation of the fuel oil sulfur content limitation applicable to the Long Island Lighting Company's Glenwood Generating Station, Units 4 and 5, in Glenwood Landing, New York, and its E. F. Barrett Generating Station, Units 1 and 2, in Oceanside, New York. This "special limitation" will permit the use of fuel oil with a maximum sulfur content of 1.0 percent, by weight, for the Glenwood units, and 1.54 percent, by weight, for the Barrett units. These facilities are currently limited by State regulation to the use of fuel oil with a maximum sulfur content of 0.37 percent, by weight. The "special limitation" will be in effect for a period of three years from the date of EPA's approval. Receipt of the revision request from New York State was announced in the **Federal Register** on January 4, 1980 at 45 FR 1108, where a full description of the proposed revision is contained.

DATE: This action becomes effective March 6, 1980.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007, (212) 264-2517.

SUPPLEMENTARY INFORMATION: On October 24, 1979, New York State submitted to the Environmental Protection Agency (EPA) a proposed revision to its State Implementation Plan (SIP). The State's revision request was submitted in accordance with all EPA requirements under 40 CFR Part 51, including a public hearing which was held by the State on June 16 and July 6, 1977 as part of an earlier SIP revision request for the same facilities. (Because it was withdrawn by the State, no official EPA action was taken on that previous submittal.)

EPA's approval of the State's "special limitation," issued under the provisions of Part 225.2 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, will have the effect of allowing the Long Island Lighting Company to temporarily use fuel oil with higher sulfur contents than currently allowed at its Glenwood Generating Station, Units 4 and 5, in Glenwood Landing, New York, and its E. F. Barrett Generating Station, Units 1 and 2, in Oceanside, New York. This "special limitation" will allow the use of fuel oil with a maximum sulfur content of 1.0 percent, by weight, for the Glenwood units, and 1.54 percent, by weight, for the Barrett units. It will be in effect for a period of three years from the date of publication of this notice.

The proposed revision to the SIP was announced in the **Federal Register** on January 4, 1980 (45 FR 1108), where a detailed description of the revision is provided. In this notice EPA advised the public that comments would be accepted as to whether the proposed revision to the New York State Implementation Plan should be approved or disapproved. None were received.

The only comments received were from the Long Island Lighting Company (LILCO), which urged approval of the proposed SIP revision. LILCO's first comment related to the potential for air quality degradation which was discussed in the proposed rulemaking. It stated that this analysis reflected the worst-case condition which could only occur when a new source and the subject power plants are aligned with the wind direction. EPA concurs with this assessment.

LILCO's second comment pointed out that the potential impact of this proposed SIP revision on the air quality of the State of Connecticut is limited both in magnitude and geographic extent. This is confirmed by EPA's analysis.

In its last comment LILCO stated that, because of its retirement of the Glenwood Generating Station's Units 2 and 3, the air quality impact of the proposed SIP revision would be offset to some extent. EPA has not evaluated this comment since it does not pertain directly to the immediate issues of the proposed SIP revision.

Based on EPA's review of the State's technical support documents and hearing officer's report and agreement with the State's conclusion that, if implemented, the proposed plan revision would not be expected to cause or exacerbate contraventions of any national ambient air quality standard or applicable Prevention of Significant Deterioration increments, EPA finds this revision to the New York State Implementation Plan consistent with the requirements of Section 110(a) of the Clean Air Act and EPA regulations found at 40 CFR Part 51. Accordingly, EPA approves this revision. Furthermore, this action is being made effective immediately because it imposes no hardship on the affected source, and no purpose would be served by delaying its effective date.

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

Dated: February 28, 1980.

(Secs. 110, 301, Clean Air Act, as amended (42 U.S.C. 7410, 7601))

Douglas M. Costle,

Administrator, Environmental Protection Agency.

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

Subpart HH—New York

1. In § 52.1670, paragraph (c) is amended by adding new subparagraph (45) as follows:

§ 52.1670 Identification of plans.

* * * * *

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

* * * * *

(45) Revision submitted on October 24, 1979 by the New York State Department of Environmental Conservation which grants a "special limitation" under Part 225. This "special limitation" relaxes, until (three years from the date of publication), the sulfur in fuel oil limitation to 1.0 percent, by weight, for the Long Island Lighting Company's Glenwood Generating Station (Units 4 and 5), and 1.54 percent, by weight, for its E. F. Barrett Generating Station (Units 1 and 2).

[FR Doc. 80-7019 Filed 3-5-80; 8:45 am]
BILLING CODE 6560-01-M

---

40 CFR Part 52

[FRL 1427-5]

Approval and Promulgation of State Implementation Plans: Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Part D (Sections 171–178) of the Clean Air Act, as amended in 1977, requires states to revise their State Implementation Plans (SIP) for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). The State of Iowa submitted revisions to its SIP on June 22, 1979. Receipt of the Iowa revisions was announced in the **Federal Register** of July 17, 1979, (44 FR 41468) and public comment was requested at that time. Proposed rulemaking (PRM) on the Iowa submission was published September 7, 1979, (44 FR 52263). This notice takes final action on this plan submission. Many of the plan requirements discussed in the proposal were either satisfactory at the time of submission or have since been satisfied by the state. These items are approved without conditions in this notice. Other items, for various reasons, must be approved with conditions. The conditions are discussed in detail. In some cases, it is not possible at this time to approve certain portions of the state submission. Final action on these items is deferred until it is possible to make an approval/disapproval decision. In one case it is necessary to disapprove a portion of the state plan.

DATES: This action is effective March 6, 1980.

ADDRESSES: Copies of the state submission, all comments received, and the EPA-prepared evaluation report are available during normal business hours at the following locations:

Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, SW., Washington, D.C. 20460.
Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50316.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler, Air Support Branch, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, Telephone: 816–374–2880 (FTS 758–2880).

SUPPLEMENTAL INFORMATION:

A. Background

The Clean Air Act Amendments of 1977 added requirements to the Act for revising SIPs to attain the NAAQS in areas that have not done so. These requirements are found in Part D of the Act. The actual listing of requirements of an approvable nonattainment plan is found in Section 172.

Each SIP is also subject to a number of general requirements that are not necessarily related to the Part D requirements. Section 110 contains general requirements for all SIPs. Section 120 requires penalties on sources which are not in compliance with appropriate limits. Section 121 requires the state to consult with local governments on certain matters. Section 123 limits the availability of dispersion techniques for certain sources. Section 126 relates to interstate pollution abatement. Section 127 requires public notification when health-related air quality standards are violated. Section 128 imposes requirements on conflicts of interest. Part C (Sections 160–169) requires plans to prevent significant deterioration of air quality.

To avoid the statutory restriction on new sources (see 44 FR 38471, July 2, 1979) and to avoid the possibility of limitations on federal assistance as discussed in Section 176, a plan must meet the requirements of Part D. In order for the plan to be fully approvable, it must meet all of the requirements discussed above.

For general background, the reader may refer to the **Federal Registers** of April 4, 1979 (44 FR 20362), July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371) and September 17, 1979 (44 FR 53761) and November 23, 1979 (44 FR 67182). These registers contain the general preamble to the proposed rulemaking for all nonattainment plan submissions. They describe in greater detail the requirements for an approvable nonattainment plan.

The Iowa Department of Environmental Qualtiy (IDEQ), at the request of the Governor, submitted to EPA on June 22, 1979, a package of SIP revisions pertaining to nonattainment areas in Iowa. The submission contained a package of proposed redesignations of attainment status under Section 107 of the Act and plans to attain standards in four cities. The requests for redesignation are acted upon in another notice in this issue of the **Federal Register.**

For a background discussion of the Iowa submission, the reader should refer to the proposed rulemaking on the submission which was published on September 7, 1979 (44 FR 52263).

Public comments received on the Notice of Proposed Rulemaking (PRM) generally indicated support for approving the Iowa plan without conditions or changes. Most of the commentors favored the fugitive dust "allowance" as proposed by the Iowa Air Quality Commission (IAQC). This is discussed in the notice taking final action on the attainment status designations published elsewhere in this issue of the **Federal Register.** Designations are required by Section 107 of the Act, and are codified at 40 CFR Part 81.

Other significant public comments are discussed in the specific topic commented on. All comments are addressed in the rationale for approval available at the state and federal offices noted above.

Based on the final attainment designations, Iowa must have plans to attain the primary particulate standards in Mason City, Cedar Rapids, Des Moines and Davenport. It must have secondary attainment plans for those four cities plus Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, and Waterloo. The state must also have a sulfur dioxide plan for Dubuque, an ozone plan for Cedar Rapids, and a carbon monoxide plan for Des Moines. The following discussions will compare the Iowa SIP with each of the requirements of the Act and state the approval status of the Iowa plan with respect to each of these requirements.

In some cases EPA is taking final action to conditionally approve portions of the SIP. A discussion of conditional approval and its practical effect appears in the July 2, 1979, supplement to the General Preamble. The conditions require the state to submit additional materials by the deadlines specified in today's notice. There will be no extensions of the conditional approval deadlines promulgated. EPA will follow the procedures described below when

determining if the state has satisfied the conditions.

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

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

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

In some cases additional information has been submitted by the state in response to the PRM. Much of this information was submitted by IDEQ, which is the state pollution control agency, and the Governor's designated representative in this matter. However, many of the commitments were made by the IAQC. This is acceptable to EPA because IAQC is the rulemaking body which has the authority to adopt the necessary plan provisions.

Certain deadlines for satisfying conditions being promulgated today are different from those in the PRM. In general, these revised deadlines are the result of comments by the IAQC and IDEQ. EPA finds that notice and comment on these revised deadlines is unnecessary since the public has had opportunity to comment on the conditional approvals and on what deadlines should apply for these conditions. In addition, the state is the party responsible for meeting the deadlines and has agreed to them.

B. Nonattainment Plan Provisions

The state has submitted plan revisions designed to attain the primary particulate standards in four cities: Mason City, Davenport, Cedar Rapids, and Des Moines. The state has also submitted plans addressing attainment of the ozone standard in Cedar Rapids and the carbon monoxide standard in Des Moines.

The state has not submitted a plan to attain the sulfur dioxide standard in Dubuque, nor has it submitted secondary particulate attainment plans for any of the primary or secondary nonattainment areas.

The following sections discuss each of the requirements of Section 172 and give the final approval status of the Iowa SIP with respect to that requirement. Public comments are addressed in each section addressed by each commentor. The various requirements are addressed in the order that they appear in the Act.

(1) *Demonstration of Attainment.* Section 172(a)(1) requires the plan to provide for attainment of NAAQS as expeditiously as practicable. Primary standards are to be met no later than December 31, 1982.

a. *Carbon Monoxide and Ozone.* The submissions demonstrate that the carbon monoxide standard will be attained in Des Moines by 1982, and that the ozone standard will be attained in Cedar Rapids before 1982.

EPA proposed to approve the SIP as meeting this requirement. No comments were received on this proposal.

Action

EPA approves the Iowa plan as demonstrating attainment for carbon monoxide and ozone.

b. *Annual Primary Particulate Standard.* The PRM discussed problems with the attainment demonstration for Mason City. The state has now indicated that all areas predicted to exceed the primary standard in 1982 are located on the plant property of the sources causing these concentrations. Since the general public does not have access to this parcel of land, the air above it is not considered ambient air and the NAAQS do not apply (See 40 CFR 50.1(e)). The state submission does indicate that primary standards will be attained in all areas to which the general public has access in Mason City, as well as the other three primary nonattainment areas in the state.

The proposal was to approve the submission with the condition that additional supporting material be submitted. Since this supporting material has now been submitted and evaluated as adequate, this item can be approved without conditions.

Other than the information submitted by the state, no comments were received on this item.

Action

EPA approves the Iowa plan as demonstrating attainment for the annual primary standard for total suspended particulate (TSP) by 1982.

c. *Twenty-four Hour Primary TSP Standard.* The state submission addressed only attainment of the annual primary standard. The state has now submitted a demonstration that indicates the annual primary standard is more stringent than the short-term primary standard. Therefore, the plan is also approvable as demonstrating attainment of the short-term standard.

EPA proposed approval with the condition that the demonstration be submitted. Since the demonstration has now been submitted, the condition is unnecessary. Other than the state information, no comments were received.

Action

EPA approves the Iowa submission as demonstrating attainment of the 24-hour primary TSP standard in the four primary attainment areas.

d. *Secondary TSP Standard.* As discussed in the proposed rulemaking, Iowa did not submit secondary attainment plans. The state has committed to submitting such plans as soon as possible.

EPA proposed granting an extension of time for the state to submit the secondary attainment plans. Most commentors believed that the plans are not necessary because of the fugitive dust issue. As discussed in the accompanying Part 81 notice, secondary plans are required. The IAQC has now committed to submitting such plans before July 1, 1980.

The granting of an extension to July 1, 1980, lifts the growth restriction which automatically went into effect when the Iowa plan was not approved on July 1, 1979.

While new sources will now be allowed, they are subject to the emission offset interpretative ruling published January 16, 1979 (44 FR 3274). The ruling will apply until January 1, 1981, or until final action is taken on the state plan, whichever comes first. Following approval, new sources may be allowed as provided for in the approved SIP in accordance with Section 173 of the Act. Following submittal by the state and approval by EPA of the secondary attainment plan, emission offsets would no longer be required for any new source locating in or impacting a nonattainment area dominated by agricultural and related fugitive dust sources if offsets from industrial sources are not reasonably available.

Action

Under the authority of Section 110(b), the Administrator has determined it is necessary to extend the date of

submission of secondary attainment plans for the particulate nonattainment areas in Iowa for a period of eighteen months. These plans are now required to be submitted before July 1, 1980.

e. *Attainment of the Sulfur Dioxide Standard.* The state did not submit a plan revision for this area. EPA expects the state will request redesignation to attainment status in the next few months based on air quality monitoring data. EPA will evaluate that request considering both monitoring and modeling. Until it does, the area is officially considered as nonattainment and there is no approved plan. New sources of sulfur dioxide cannot be allowed in the Dubuque area.

Action

None at this time.

f. *Maintenance.* The PRM pointed out the concern that regulations which apply only in nonattainment areas may go out of effect once an area has been designated attainment. No public comments were received on this issue. The State of Iowa has submitted additional information indicating that it expects the regulations will force the installation of permanent controls which will not be removed once attainment has been achieved. This does not impose a legal requirement on sources that control systems be maintained so that NAAQS will be maintained.

EPA proposed conditional approval with a date of April 1, 1980, for submission of the necessary measures to assure that NAAQS will be maintained. It now appears that substantially more time will be needed than was thought originally. Therefore, the submission date is set at February 1, 1981. This is the only change from the PRM.

Action

EPA approves the Iowa plan with respect to maintenance of standards on the condition that legally enforceable measures to assure maintenance are submitted by February 1, 1981.

(2) *Public Participation.* The plan is required to be adopted after reasonable notice and public hearing. This state submission was subject of a public hearing in Des Moines, Iowa, on March 18, 1979. It was formally adopted by the Iowa Air Quality Commission at a public meeting on June 14, 1979. The public hearing was announced in several newpapers during January, and many individuals took the opportunity to make comments and suggestions on the proposed plan. EPA finds that this procedure satisfies the requirements of public participation in adoption of the plan.

No comments were received on this proposed approval.

Action

EPA approves the Iowa submission as meeting the participation requirements of Section 172(b)(1).

(3) *Reasonably Available Control Measures.* Section 172(b) requires implementation of all reasonably available control measures as expeditiously as practicable.

a. *Particulate matter.* The state has submitted one regulation reflecting reasonably available control technology (RACT) as applied to fugitive sources of particulate matter in primary nonattainment areas. The state has also stated that existing regulations represent RACT on existing stationary sources.

A concern has arisen that the fugitive dust regulation does not prescribe exactly the measures sources are expected to take. The state has agreed to remedy this minor problem by submitting a description of the controls to be implemented by various types of sources.

One comment was received challenging the particulate emission regulations for fossil-fuel fired boilers on the grounds that the emission limits contained in the regulation do not represent RACT and that the state has not made a case-by-case determination of what RACT is for each of the sources subject to this regulation. EPA has requested additional information from the state on this issue but the information has not yet been submitted. The state has committed to demonstrate that state rules require RACT for fuel burning sources. Because attainment of the TSP standard in Iowa will be achieved through control of nontraditional sources, lack of this demonstration is a minor deficiency which can be conditionally approved.

This provision was proposed to be unconditionally approved, but will not be, due to public comment. Therefore, the deadline for satisfying the condition is being promulgated without prior notice and comment. EPA finds that notice and comment on this deadline are unnecessary since the action is being taken as a result of public comment and, since the PRM requested comments on what items should be conditionally approved and what deadlines should apply. The state is responsible for meeting the deadline and has agreed to the deadline.

Action

EPA approves the Iowa SIP as meeting the requirements of Section 172(b)(2) for sources of particulate matter with the condition that the following be submitted by February 1, 1981:

1. An enforcement procedures manual describing what sources are to take what measures under the fugitive dust regulation.

2. A demonstration that, as of that date, state regulations require RACT on existing fuel burning sources of particulate.

b. *Carbon Monoxide.* The state has not submitted RACT regulations for stationary carbon monoxide sources. EPA proposed approval when Iowa certified that major sources are controlled. In a letter dated September 27, 1979, the IAQC stated that there are no major stationary sources of carbon monoxide in the Des Moines nonattainment area. Since there are no sources, there is no need for RACT regulations.

Action

EPA approves the Iowa plan with respect to the requirement that stationary sources of carbon monoxide apply RACT.

c. *Volatile Organic Compounds (VOC).* Plans for ozone nonattainment areas must include regulations requiring RACT on those sources of VOC for which EPA has issued a control technique guideline (CTG) prior to January 1, 1978, and a commitment to adopt RACT for other categories in the future. For areas under 200,000 population EPA believes RACT is mandatory only for large stationary sources (over 100 tons per year). See 44 FR 20376, Footnote 22 (April 4, 1979). The CTGs provide information on available air pollution control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT. There are 11 categories for which CTGs were issued prior to January 1, 1978. The submittal date for the second group of RACT regulations was revised from January 1, 1980 to July 1, 1980 by the **Federal Register** notice of August 28, 1979 (44 FR 50371). Today's approval of the ozone portion of the plan is contingent on the submittal of the additional RACT regulations by July 1, 1980. The State of Iowa has indicated it will probably need more time. EPA will consider this situation if, in fact, regulations are not submitted by July 1, 1980.

In addition, by each subsequent January beginning January 1, 1981, RACT requirements for sources covered by CTGs published by the preceding January must be adopted and submitted to EPA. If RACT requirements are not adopted and submitted according to this

schedule, EPA will promptly take appropriate remedial action.

Although the Iowa submission contains no RACT requirements, EPA proposed conditional approval, because the plan demonstrates expeditious attainment before 1982 even without the RACT requirements.

The plan demonstrates that an 11 percent reduction in VOC emissions is needed for attainment, 14 percent is expected from the Federal Motor Vehicle Control Program, and the RACT requirements now due would result in only a minor additional reduction. Because emissions from existing VOC sources in the first 11 categories are minimal RACT requirements would reduce emissions only about 200 tons per year (tpy) out of a total inventory of approximately 17,000 tpy. RACT is needed despite the demonstration of attainment, because the demonstration does not employ photochemical dispersion modeling. See 44 FR 200376, Col. 3 (April 4, 1979). However, the plan is sufficiently complete now to warrant conditional approval.

EPA proposed conditional approval if the state comitted to adopt regulations by July 1, 1980, for certain categories of sources, and certify that there are no large sources in the Linn County nonattainment area in categories for which regulations will not be adopted.

In a letter dated October 8, 1979, the Iowa DEQ confirmed that there are no major sources in Linn County in other categories than those for which RACT regulations will be adopted. In its letter of November 16, 1979, the IAQC stated that the submission date for legally enforceable RACT rules should be revised to December 31, 1980 considering the time needed for administrative procedures. No other comments were received on the proposal. Therefore, EPA grants the conditional approval as proposed except that the required submission date will be December 31, 1980, rather than July 1, 1980.

Action

EPA approves the Iowa SIP for ozone with respect to Section 172(b)(2) with the condition that regulations representing RACT for the following categories be submitted to EPA by December 31, 1980: cutback asphalt, and degreasing.

(4) *Reasonable Further Progress (RFP).* Section 172(b)(3) requires a demonstration of reasonable further progress toward attainment until the standard is attained. EPA proposed approval on the grounds that the state has demonstrated it will make RFP for all pollutants in areas in which it has submitted plans. No comments were received on this proposal.

Action

EPA approves the state submission with respect to Section 172(b)(3).

(5) *Emission Inventory.* Section 172(b)(4) requires the plan to include a comprehensive and accurate current inventory from all sources for each pollutant for which as area has been designated nonattainment. EPA proposed to approve the plan with respect to this requirement on the basis that Iowa has submitted adequate inventories for each nonattainment area and pollutant and has comitted to provide updates of emission information. No comments were received with respect to this requirement.

Action

EPA approves the Iowa submission with respect to Section 172(b)(4).

(6) *Emission Growth.* Section 172(b)(5) requires the plan to expressly define and quantify the emissions, if any, which will be allowed to result from the construction and operation of major new or modified stationary sources in a nonattainment area.

For particulate matter Iowa has provided for growth by an emission offset rule whereby new sources cannot be allowed to be built unless there are corresponding reductions in emissions from existing sources. For carbon monoxide and VOC the margin of attainment is such that new sources are accommodated without source specific offsets. This accommodation for new sources is provided because existing emissions will be reduced more than needed for attainment of these two pollutants.

Action

EPA approves the Iowa submission with respect to Section 172(b)(5).

(7) *Permit Requirements.* Section 172(b)(6) requires a permit program for the construction and operation of new and modified major stationary sources in accordance with Section 173 (relating to permit requirements).

(a) *Particulate Matter.* The offset provision mentioned above contains the requirements of Section 173 for TSP nonattainment areas. It requires offsets, requires that all sources owned or operated by the applicant or by any entity controlling, controlled by, or under common control by the applicant, in Iowa shall be in compliance or on schedule for compliance and requires new sources to emit at the lowest achievable emission rate. It also details the ways of obtaining offsets and authorizes banking of excess offsets. EPA proposed to approve this section, and no comments have been received on the proposal.

Action

EPA approves the submission as meeting the requirements of Section 172(b)(6) for particulate sources.

(b) *Carbon Monoxide (CO) and Volatile Organic Compounds (VOC).* As noted in the proposal, the state submission does not contain permit requirements for CO or VOC. The Iowa plan does not contain them because there are no stationary source emission standards for VOC and CO in the plan. The Air Quality Commission (AQC) in its letter of September 27, 1979, states that the Department of Environmental Quality does have the authority to require permits for such new or modified sources. However, the state must evaluate such permits against an emission standard. For some sources of VOC, emission standards are not practical. These sources would require equipment standards or other requirements for which the state has no authority.

In the PRM a number of possible courses were discussed and comments were requested on all aspects of this issue. The state has now committed to adopt and submit permit provisions for sources of CO and VOC. This cannot be for VOC done before December 31, 1980, because legislation is needed for VOC controls to be adopted.

A possible problem, discussed in the PRM, is that of insuring that sources meet the requirements of Section 173 in the time between conditional approval and final approval. Because the state has no adequate means of preventing new sources of CO and VOC from constructing in violation of Section 173 of the Clean Air Act, it is necessary for EPA to disapprove the SIP in this respect.

New source construction is now prohibited under Section 110(a)(2)(I) of the Act. This growth restriction is explained in detail in the Federal Register of July 2, 1979, (44 FR 38471). The growth restriction went into effect on July 1, 1979, and remains in effect until the SIP is approved.

Action

EPA disapproves the Iowa SIP as not complying with the requirements of Sections 172(b)(6) and 173 for sources of CO in the Des Moines nonattainment area and VOC in the Cedar Rapids nonattainment area.

(8) *Resources.* The identification of resources required by Section 172(b)(7) was noted as a deficiency in the PRM.

The state has submitted identification of the resources being committed and the specific functions to be performed. EPA finds that this additional information has satisfied the requirement of the Section 172(b)(7).

This action is as proposed. Other than the additional information submitted by the state, no comments were received regarding the proposed action.

Action

EPA approves the Iowa plan with respect to Section 172(b)(7).

(9) *Schedules.* Section 172(b)(8) requires emission limitations, schedules of compliance and other such measures as may be necessary. The currently adopted emission limitations were discussed in Section (3), *Reasonably Available Control Measures.* The approvability of the already adopted regulations is discussed in that section. Future emission limitations may be adopted as the result of the nontraditional particulate source studies to be conducted by the state. This is discussed below.

The state submitted no schedules of compliance. This is not an approvability issue as it means that sources subject to any new regulation must be in compliance immediately upon effective date of that regulation.

The "other measures as necessary" in this case means a commitment to conduct nontraditional source studies in the Iowa nonattainment areas. The state has submitted a list of the studies to be performed. It has committed to complete these studies by July 1980, and to adopt the measures shown to be effective by November 1980.

In the PRM, EPA noted a similar need for information on proposed studies with respect to carbon monoxide. As with the particulate information, the carbon monoxide information has also now been submitted.

EPA proposed conditional approval if all necessary information were submitted by a specified date. No comments were received on this proposal. The information has now been submitted, evaluated, and determined to be approvable.

Action

EPA approves the Iowa Plan as meeting Section 172(b)(8).

(10) *Public, Local Government, and State Legislative Involvement.* Section 172(b)(9) requires evidence of public, local government, and state legislative involvement and consultation in accordance with Section 174. It requires an identification and analysis of air quality, health, welfare, economic, and other effects of the plan and it requires a summary of the public comment of such analysis.

The original submission contained the required report but no discussion of the comments on it. This was because it was not available to the public until it was officially submitted to EPA. The state informed EPA that no public comments have been received with respect to the analysis.

EPA proposed to approve the plan as meeting the requirement if the state fully satisfies the requirements. The state has now fully complied with the requirement of Section 172(b)(9). No public comment was received by EPA with respect to this proposal.

Action

EPA approves the Iowa SIP as meeting the requirements of Section 172(b)(9).

(11) *Commitments.* Section 172(b)(10) requires evidence that the state, local governments or regional agencies have adopted, by legally enforceable document, the necessary requirements and are committed to implement and enforce the plan. The state has adopted and is committed to enforce the two additional regulations in this plan. The state and several local planning agencies are committed to conduct the studies that will result in the majority of the reductions to be attained by this plan. Therefore, the plan at this time satisfies this requirement of the Act. When the deficiencies in the plan are corrected the state will have to submit similar evidence for any new plan provisions.

This section was proposed for approval. No comments were received with respect to this proposal.

Action

EPA approves the Iowa plan with respect to Section 172(b)(10).

C. Other Provisions

This section discusses each requirement, other than those in Part D, that a State Implementation Plan must meet in order to be fully approvable under the Clean Air Act as Amended. In some cases where EPA guidance is not yet available, it is not yet possible to take final approval or disapproval action.

(1) *New Source Review.* Section 110(a)(2)(D) requires the plan to include a program for the enforcement of limitations on emissions due to modification, construction or operation of stationary sources including a permit program for new major sources. This permit, described in Section 110(a)(4), requires among other things, a preconstruction review of the proposed source. As noted in the PRM, the state does not have adequate legal authority to conduct the required preconstruction review, but issues permits at the time equipment is installed in sources already under construction.

EPA previously approved the state new source review procedures as meeting the requirements of Section 110(a)(4). Therefore, in the PRM, EPA did not propose an approval or disapproval action with respect to new source review. Because this refers to a provision which has been previously approved, EPA proposed that the state be notified officially of this deficiency and given time to correct the deficiency. No comments from the public were received on this proposal. The Iowa Air Quality Commission has committed to correct this deficiency by December 31, 1980.

If the state submits an approvable regulation, EPA will immediately begin procedures to approve it. If the state submits an unapprovable regulation or does not submit a regulation by December 31, 1980, EPA will disapprove this aspect of the state plan. This will have the effect of prohibiting new sources in the nonattainment areas. In the interim, the state will continue to issue permits using the present procedure.

EPA proposed this action with a date of July 1, 1980, for submitting the needed rules. Based on comments of the IAQC, the date is set at December 31, 1980, due to the time required to make the statutory changes. This is the only change from the PRM.

Action

EPA hereby officially notifies the State of Iowa, in accordance with the requirements of Section 110(a)(2)(H) of the Clean Air Act and 40 CFR 51.6, that the state authority for construction permits is inadequate to provide the review required by Section 110(a)(2)(D) of the Act. The state is required to correct this deficiency by submitting legally enforceable preconstruction review requirements by December 31, 1980.

(2) *Interstate Pollution.* As noted in the PRM, the state submission did not address the requirements of Section 110(a)(2)(E). No action was proposed with respect to this requirement. No comments were received on this issue.

Action

None.

(3) *State Boards.* Section 128 requires that any state board which approves or enforces permits have a majority of members representing the public interest. Members with any potential

conflict of interest must disclose the fact. The PRM did not propose any specific action with respect to this requirement because the state does not yet have this authority. The authority is pending in the state legislature.

A letter was received from a public interest group suggesting that this conflict of interest requirement was directly related to the nonattainment plan provisions and should be subject to the sanctions of the Part D requirements. EPA has responded that this requirement is not contained in Part D and the legislative history does not indicate that it is intended to be closely related. When the Part D plan requirements have been satisfied, EPA will prepare informational guidance with respect to this issue.

Action

None.

(4) *Permit Fees.* The State of Iowa does not have the authority required by Section 110(a)(2)(K). As noted in the PRM, this authority is pending in the state legislature. Therefore no action was proposed. As above, a letter has been received suggesting that the permit fee is so essential to the proper operation of the permit program that it should be considered a Part D requirement. Again, there is no evidence that this was intended to be and this requirement is found in Part A rather than in Part D.

Action

None.

(5) *Non-compliance Penalties.* Section 120 requires the owners or operators of sources not in compliance with the SIP to pay a penalty based on the economic benefit gained by not installing control equipment. It also provides that the state may develop a plan to collect this penalty. If the state does not do so, the EPA will collect the penalty. EPA believes it is to the state's advantage to assess and collect these required penalties.

The PRM proposed no action on this provision. No comments were received on the proposal.

Action

None.

(6) *Consultation.* As noted in the PRM, a plan revision meeting the requirements of Section 121 was required to be submitted by December 18, 1979. The June 22, 1979, submission did not address this issue.

No action was proposed in the PRM. No comments were received on this issue.

Action

None.

(7) *Stack Heights.* Section 123 requires that the degree of emission limitation to be required of any air pollution source not be affected by so much of the stack height which exceeds Good Engineering Practice or any other dispersion technique. The state did not identify any method to limit credit for use of dispersion techniques. This authority is currently pending in the state legislature.

In the PRM no action was proposed on this issue. No comments were received.

Action

None.

(8) *Public Notification.* Section 127 requires measures to notify the public when health related standards are exceeded. The state did not submit any information in this area.

EPA proposed approval in the belief that the current Iowa public notification system would meet the requirements of Section 127. Information since available within EPA indicates the guidance to be given to the states will require a more extensive procedure than Iowa currently employs. This guidance has not yet been made final. Therefore, it is not appropriate to take any action at this time.

Action

None.

(9) *Prevention of Significant Deterioration (PSD).* Section 161 requires measures to prevent significant deterioration of air quality in each region which is designated attainment or unclassified under Section 107. Provisions for the state PSD program are contained in pending legislation. As noted in the PRM, until the state has approved PSD procedures the source owners must apply to EPA for PSD permit for new facilities in the State of Iowa.

No action was proposed at this time, and no comments were received.

Action

None.

(10) *Excess Emissions.* The SIP commits the state to submit a revision of the state rule regarding emissions which exceed applicable limits. The state has been notified that its rule defining what is allowable in excess emissions is not approvable because if certain procedures are followed then emissions exceeding applicable limits are not considered violations. EPA policy requires that all emissions exceeding applicable limits be defined as violations of the SIP. If the state does not submit an approvable rule, EPA will be forced to disapprove the state plan in this regard.

EPA did not propose any action in the PRM. No comments were received with respect to this item.

Action

None.

D. Conclusion

The Administrator's decision to approve or disapprove the proposed SIP revisions is based on the determination of whether or not the revisions meet the requirements of Part D and Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

The revisions submitted by the State of Iowa were proposed in the **Federal Register** and public comments solicited. The major comments received were addressed in the relevant sections of this notice. All comments on EPA's proposal are addressed in the support document which is available at the addresses in the front of the notice.

After a careful evaluation of the state submittal, the public comments received and the additional information and commitments submitted by the state, the Administrator has determined that the actions taken in this notice are necessary and proper.

These actions amount to a general approval of the Iowa SIP revisions as meeting the requirements of Part D of the Act. No action is taken with respect to a number of non-Part D requirements. The plan is disapproved with respect to Section 173 permit requirements for VOC and CO sources. The state has been notified that it must correct its new source review authority under Section 110. Conditional approvals have been issued requiring the state to submit demonstrations that NAAQS will be maintained and RACT is required on existing sources of particulate, by February 1, 1981; and also to submit RACT requirements for VOC and CO sources by December 31, 1980.

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

Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for sources to comply with new requirements. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements.

Sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.

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

EPA finds that good cause exists for making these amendments effective immediately for the following reasons:

1. The approvals, conditional approvals and extension granted today lift the construction restriction which went into effect on July 1, 1979; and

2. The immediate effectiveness enables sources to proceed with certainty in conducting their affairs and persons seeking judicial review of the amendments may do so without delay.

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

This rulemaking is issued under Sections 110, 172, 173, and 301 of the Clean Air Act, as amended.

Dated: February 27, 1980.

Douglas M. Costle,

Administrator.

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

Subpart Q—Iowa

1. Section 52.820 is amended by adding paragraphs (c)(27), (c)(28) and (c)(29) as follows:

§ 52.820 Identification of plan.

* * * * *

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

(27) Nonattainment plan provisions as required by the Clean Air Act Amendments of 1977 were submitted on June 22, 1979, by the Department of Environmental Quality. The submission included amended rule 4.3(2) relating to fugitive dust and new rule 4.5 relating to offsets for particulate matter. The revisions included attainment plans for particulate in Mason City and Davenport, particulate and ozone in Cedar Rapids and particulate and carbon monoxide in Des Moines. The submission was disapproved in part for failure to meet the requirements of Section 173 and was conditionally approved with respect to several requirements.

(28) On October 8, 1979, the Iowa Department of Environmental Quality submitted additional information to support the June 22, 1979, submission.

(29) On November 16, 1979, the Iowa Air Quality Commission submitted additional information and commitments to allow approval or conditional approval of portions of the June 22, 1979, submission.

2. Section 52.822 is revised to read as follows:

§ 52.822 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Iowa's plan for the attainment and maintenance of the national standards. Further, the Administrator finds the plan satisfies all requirements of Part D, Title I, of the Clean Air Act as amended in 1977, except as noted below.

(b) Continued satisfaction of the requirements of Part D for the ozone portion of the Iowa plan depends on the adoption and submittal by July 1, 1980, of regulations requiring Reasonably Available Control Technology for sources covered by Control Techniques Guidelines issued between January 1978 and January 1979 and on the adoption and submittal by each subsequent January of additional Reasonably Available Control Technology requirements for sources covered by Control Techniques Guidelines issued by the previous January.

3. Section 52.823 is revised to read as follows:

§ 52.823 Legal authority.

The requirements of Section 173 are not met since statutory authority to prevent construction of sources violating Section 173 is not adequate for sources of carbon monoxide in the Des Moines carbon monoxide nonattainment area and for sources of volatile organic compounds in the Linn County zone nonattainment area.

4. Section 52.824 is revised to read as follows:

§ 52.824 Extension.

The Administrator hearby extends the date for submission of plans to attain the secondary standard for total suspended particulate matter until July 1, 1980, for the following particulate nonattainment areas, identified by the largest city in the area: Sioux City, Council Bluffs, Fort Dodge, Marshalltown, Des Moines, Waterloo, Cedar Rapids, Davenport, Clinton, Muscatine, Keokuk and Mason City.

5. Section 52.826 is revised to read as follows:

§ 52.826 Conditions of approval.

Various portions of the Iowa State Implementation Plan where there are minor deficiencies have been approved subject to the submission of additional material. These conditional approvals are granted only with respect to Part D requirements. The conditions include that approvable material be submitted by a certain date. If there is no submission, EPA will publish a **Federal Register** notice announcing that the conditional approval is withdrawn, the plan is disapproved and the Section 110(a)(2)(I) growth restrictions are in effect. If material is submitted EPA will publish a notice extending the conditional approval period until a determination of approvability has been made. At that time the plan will be finally approved or disapproved.

(a) Reasonably Available Control Measures for Sources of Particulate in Nonattainment Areas. The state must submit by February 1, 1981, the following:

(1) An enforcement guidance manual detailing the requirements on sources subject to the Iowa Administrative Code, subparagraph (2), *Nonattainment Areas*, of Rule 4.3(2)C, *Fugitive Dust* (IAC 400–4.3(2)C.(2)).

(2) A demonstration that the state requires all major fuel burning sources of particulate in nonattainment areas to be controlled to a level representing reasonably available control technology.

(b) Reasonably Available Control Measures for sources of Volatile Organic Compounds. The state must submit approvable regulations requiring

reasonably available control technology on all major sources of volatile organic compounds in the Linn County nonattainment area in the following categories: cutback asphalt, solvent metal cleaning. These regulations are to be submitted no later than December 31, 1980.

(c) Maintenance of Particulate Standards. The State must submit, by February 1, 1981, all legally enforceable measures necessary to ensure maintenance of the primary standard for Total Suspended Particulates in these nonattainment areas, identified by the largest city: Des Moines, Cedar Rapids, Mason City, and Davenport.

6. Section 52.827 is revised to read as follows:

§ 52.827 Attainment dates for national standards.

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

§ 52.827 Attainment dates for national standards.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Metropolitan Omaha-Council Bluffs Interstate:							
a. Council Bluffs	*a*	e	b	*a*	c	c	c
b. Remainder of AQCR	*a*	*a*	b	*a*	c	c	c
Metropolitan Sioux Falls Interstate	b	*a*	c	c	c	c	c
Metropolitan Sioux City Interstate:							
a. Sioux City	b	e	c	c	c	c	c
b. Remainder of AQCR	b	*a*	c	c	c	c	c
Metropolitan Dubuque Interstate:							
a. Dubuque	*a*	*a*	*d*	*d*	c	c	c
b. Remainder of AQCR	*a*	*a*	c	c	c	c	c
Metropolitan Quad Cities Interstate:							
a. Davenport	d	e	c	c	c	c	c
b. Clinton	*a*	e	c	c	c	c	c
c. Muscatine	*a*	e	c	c	c	c	c
d. Remainder of AQCR	*a*	*a*	c	c	c	c	c
Burlington-Keokuk Interstate:							
a. Keokuk	*a*	e	*a*	*a*	c	c	c
b. Remainder of AQCR	*a*	*a*	*a*	*a*	c	c	c
Northwest Iowa Intrastate	c	c	c	c	c	c	c
North Central Iowa Intrastate:							
a. Fort Dodge	*a*	e	c	c	c	c	c
b. Mason City	d	e	c	c	c	c	c
c. Remainder of AQCR	*a*	*a*	c	c	c	c	c
Northeast Iowa Intrastate:							
a. Cedar Rapids	d	e	c	c	c	c	d
b. Waterloo	*a*	e	c	c	c	c	c
c. Remainder of AQCR	*a*	*a*	c	c	c	c	c
Southwest Iowa Intrastate	c	c	c	c	c	c	c
South Central Iowa Intrastate:							
a. Des Moines	d	e	c	c	c	d	*a*
b. Marshalltown	*a*	e	c	c	c	c	*a*
c. Remainder of AQCR	*a*	*a*	c	c	c	c	*a*
Southeast Iowa Intrastate	c	c	c	c	c	c	c

NOTE.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. July 1975.
b. Air quality levels presently below primary standards.
c. Air quality levels presently below secondary standards.
d. December 31, 1982.
e. 18-month extension granted.

Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.827 (1978).

7. Section 52.829 is revised to read as follows:

§ 52.829 Review of new sources and modifications.

Approval of the preconstruction review program will no longer be in effect after December 31, 1980, if the state has not submitted a regulation providing for preconstruction review.

§ 52.830 [Revoked and Reserved]

8. Section 52.830 is revoked and reserved.

[FR Doc. 80-6822 Filed 3-5-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 65

[FRL 1416-6]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Delayed Compliance Order for Pervel Industries, Inc., Plainfield, Conn.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA issues an administrative order to Pervel Industries, Inc. (hereinafter "Pervel"), pursuant to Section 113(d)(4) of the Clean Air Act, 42 U.S.C. § 7413(d)(4) (hereinafter the "Act"). The Order requires Pervel to bring air emissions from its manufacturing processes into compliance with a regulation contained in the federally approved Connecticut State Implementation Plan (hereinafter the "SIP"). Because Pervel is currently unable to comply with this regulation, the Order will establish an expeditious schedule requiring final compliance by May 1, 1980. Pervel's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violations of the SIP regulation covered by the Order during the period the Order is in effect.

DATE: This rule takes effect March 6, 1980.

FOR FURTHER INFORMATION CONTACT: Michael J. Parise, attorney, or Steven P. Fradkoff, engineer, United States Environmental Protection Agency, Region I, Room 2103, J.F.K. Federal Building, Boston, MA 02203, (617) 223-5600.

ADDRESSES: The Delayed Compliance Order and supporting material are available for public inspection and copying (for appropriate charges) during normal business hours at EPA, Region I, Room 2103, J.F.K. Federal Building, Boston, MA 02203.

SUPPLEMENTARY INFORMATION: Pervel Industries, Inc. conducts urethane coating of fabric as one of its manufacturing processes. The Order addresses emissions from the drying of urethane resins, which are subject to Section 19-508-20(f)(4) of the Connecticut Department of Environmental Protection Regulations for the Abatement of Air Pollution. This regulation limits emissions of organic solvent, and is part of the federally approved Connecticut State Implementation Plan. Pervel is unable to

immediately comply with this regulation.

The Order places Pervel on a schedule to bring its fabric coating process into compliance with the regulation. The Order requires compliance by May 1, 1980, imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and imposes emission monitoring and reporting requirements. Pervel has consented to the terms of the Order.

The Order satisfies the applicable requirements of Section 113(d) of the Act. Compliance with the Order will preclude federal enforcement action under Section 113 of the Act against Pervel for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against Pervel under the citizen suit provisions of the Act (Section 304) will be similarly precluded. However, source compliance with the Order will not preclude assessment of any non-compliance penalties under Section 120 of the Act, unless the source is otherwise entitled to an exemption under Section 120 (a)(2)(B) or (C).

On December 11, 1979, the Regional Administrator of EPA Region I published a notice of proposed rulemaking in the **Federal Register**, 44 Fed. Reg. 71436, which set out the provisions of this Order. The notice invited public comment and offered the opportunity to request a public hearing on the proposed rulemaking. No comments were received and no requests for a hearing were submitted in response to the proposal notice.

Therefore, a delayed compliance order effective this date is issued to Pervel Industries, Inc. by the Administrator of EPA pursuant to Section 113(d)(4) of the Clean Air Act, 42 U.S.C. § 7413(d)(4).

EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place Pervel Industries, Inc. on a schedule for compliance with the applicable requirements of the Connecticut State Implementation Plan.

(42 U.S.C. §§ 7413(d), 7601)

Dated: February 28, 1980

Douglas M. Costle,

Administrator.

In consideration of the foregoing, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding the following entry to the table set out in § 65.110:

§ 65.110 Federal delayed compliance orders issued under section 113(d) (1), (3), and (4) of the act.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
*	*	*	*	*	*
Pervel Industries, Inc.	Plainfield, Conn	A-SS-76-206	12/11/79	19-508-20(f)(4)	5/1/80
*	*	*	*	*	*

[FR Doc. 80-7039 Filed 3-5-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 81

[FRL 1427-4]

Designation of Areas for Air Quality Planning Purposes; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document is the final redesignation of attainment/nonattainment area classifications for the State of Iowa. The original Iowa designations were published in the **Federal Register** on March 3, 1978 (43 FR 8962). Proposed revisions to these designations were submitted by the State of Iowa on June 22, 1979. In many cases EPA has accepted the state's proposals and the redesignations in this document reflect those proposals. In other areas the state proposals cannot be approved for reasons which will be discussed in the notice.

An attainment designation means that air pollution levels in a certain area are below the National Ambient Air Quality Standards (NAAQS) and therefore nothing need be done under Part D of the Clean Air Act as amended in 1977. In some cases attainment areas may be required to develop plans to assure maintenance of NAAQS.

Nonattainment areas are required to develop attainment plans under Part D of the Clean Air Act.

DATES: These designations are effective March 6, 1980.

ADDRESSES: Copies of the state submission, the comments received on the proposed rulemaking and an evaluation report explaining in detail the reasons for the actions in this notice are available at the following locations:

Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri.
Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, SW., Washington, D.C.
Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler at 816-374-2880/2879 (FTS 758-2880).

SUPPLEMENTARY INFORMATION:

A. General Discussion

Section 107 of the Clean Air Act as amended in 1977 requires that all areas be designated as having attained the National Ambient Air Quality Standards (NAAQS), as having not attained the NAAQS or as being unclassifiable with respect to attainment for each pollutant for which there is a standard. The designations are recommended by the state and approved or revised as necessary by EPA.

The original designations for the State of Iowa were published in the **Federal Register** on March 3, 1978 (43 FR 8962) and were codified in the Code of Federal Regulations at 40 CFR 81.316.

On June 22, 1979, the State of Iowa submitted a number of redesignation requests as part of the State Implementation Plan (SIP) revision required by the 1977 Clean Air Act Amendments. The receipt of the requested redesignations and the plan revisions was announced in the **Federal Register** of July 17, 1979 (44 FR 41488) and public comment was requested at that time. A notice of Proposed Rulemaking (PRM) containing a detailed discussion of the proposal appeared in the **Federal Register** on September 7, 1979 (44 FR 52263).

In the PRM the following designations were proposed:

1. To remain nonattainment for primary and secondary total suspended particulate standards: Mason City, Cedar Rapids, Des Moines, and Davenport.

2. To remain nonattainment for secondary total suspended particulate standards but no longer to be

nonattainment for primary total suspended particulate standards: Keokuk, Council Bluffs, Fort Dodge, and Sioux City.

3. To remain nonattainment for secondary total suspended particulate (TSP): Clinton, Marshalltown, Muscatine, and Waterloo.

4. To remain nonattainment for primary and secondary sulfur dioxide standards: Dubuque.

5. To remain nonattainment for primary ozone standard: Cedar Rapids.

6. To be redesignated from nonattainment to attainment for ozone: Des Moines and Council Bluffs.

7. To be redesignated from nonattainment to unclassified for ozone: Davenport.

8. To remain nonattainment for carbon monoxide: Des Moines.

In many cases the boundaries for the designated areas were adjusted to reflect more recent information than that available at the time of the original designation. The adjustments were generally to make the areas smaller, but in some cases some land was designated nonattainment that had not been before or was designated primary nonattainment where it had only been designated for secondary standards.

Public comments have now been received on these designations. This notice makes final the proposals discussed above. Final actions on the SIP revisions mentioned previously are taken in a rulemaking relating to 40 CFR Part 52 elsewhere in this issue of the **Federal Register.**

B. Discussion of Comments

Ninety-four comment letters were received in response to the Notice of Availability and the Proposed Rulemaking. Most of the commentors made one or more comments relating to the attainment/nonattainment designations. Most of the commentors were primarily concerned with the fugitive dust policy. In particular the commentors believed that the dust subtraction rule adopted by the IAQC should be approved.

The comments centered on the belief that, without the Dust Subtraction Rule, it would be necessary to control fugitive dust from all seventy-eight thousand miles of unpaved roads in Iowa and from all 34 million acres of farmland. Many commentors indicated belief that attainment of the secondary standards would be impossible without the fugitive dust subtraction rule. It was frequently stated that secondary attainment is impossible without paving all roads and covering all farmlands. It was also stated that it is not feasible to pave all of the unpaved roads and all of the farm fields in Iowa in order to meet the secondary standards. The implication of these comments is that because rural dust cannot be controlled, the urban areas should be designated attainment or unclassified so that additional controls are not required.

Because of the nature of the fugitive dust problem and its solution, EPA does not consider these comments to be the corrective assessment of the impact of the EPA Fugitive Dust Policy. Most of the dust-caused nonattainment problems are very localized. Virtually all of the rural farm-to-market roads could be paved without affecting the particulate levels in urban nonattainment areas. Ambient particulate levels in urban areas will be reduced by controlling sources of fugitive emissions in and around those urban areas. While the exact strategies to be implemented in Iowa's urban areas have not yet been determined, it is obvious that these control strategies will not disrupt rural Iowa. This is more fully discussed under, *"C. Fugitive Dust Policy."*

Commentors also noted that the secondary attainment plan must be submitted six months before completion of now scheduled fugitive dust studies. This is necessary because the Clean Air Act only allows extension of time for eighteen months after the originally mandated submission date. This means that the original date of January 1, 1979, can be extended only as late as July 1, 1980. However, the studies need not be complete in order to submit a secondary attainment plan. The currently submitted primary attainment plan, which is generally approvable, contains a number of proposed nontraditional source studies. EPA expects that the secondary plans will also propose similar studies in the secondary nonattainment area. An approvable plan does not have to detail which measures will be implemented. It need only commit to studying control measures and to implement whatever measures are shown to have the greatest chance of success.

Many comments urged approval of the state submission in general or addressed very specific issues. Comments discussing some aspect of a particular designation will be discussed specifically for that area.

Two issues were raised that apply to all designations. One is the consideration of nontraditional sources of particulates which may be transported into urban areas from rural areas.

The other general issue has to do with the amount of data needed to redesignate an area. When an area has been designated nonattaiment, EPA policy generally requires eight calendar quarters of data showing no violations of air quality standards before that area can be designated attainment. The State of Iowa has adopted criteria allowing redesignation based on 18 months of data. Many commentors suggested that EPA approve redesignation requests that do not meet the EPA requirements if they meet the state criteria.

The purpose of the EPA policy is to insure that some rare circumstance does not cause an incorrect designation. For example, an unusually warm winter could mean less fuel burning and, therefore, lower particulate and sulfur dioxide levels for that one year. Requiring two years means that a single unusual condition will not cause a false indication of attainment since a second, more normal year may again result in violations.

The exception to this policy is where the improved air quality of a single year can be correlated with the occurrence of enforceable emission reductions. In this situation, redesignation can be approved with less than two years of data, if there is at least one year.

C. Fugitive Dust Policy

The most controversial portion of the state's redesignation request has to do with the interpretation of the fugitive dust policy. This policy was referenced in the preamble to the original designations (March 3, 1978) and was further discussed in the General Preamble for Proposed Rulemaking on Nonattainment Plan Revisions (44 FR 20362, April 4, 1979). It was developed so that rural areas affected by uncontrollable concentrations of rural wind blown dust would not be unfairly penalized by air pollution control requirements. The policy emphasizes the greater environmental impact of fugitive dust in urban areas when compared to the impact in rural areas. Because of this impact urban areas should receive the highest priority for developing programs to control fugitive dust. Dust control in rural areas should center on control of man-made fugitive sources such as mining operations, or tailing piles.

The basis for the policy is that particulate matter found in rural areas without the impact of man-made sources, is typically native soil. Urban fugitive dust normally contains combinations of industrial pollutants from a variety of sources making it potentially more harmful to health. In addition, the problem is more pronounced within the urbanized areas, therefore more conducive to the development of a control program.

For purposes of implementing the fugitive dust policy in Iowa, rural areas

are determined by the following criteria: (1) The lack of major industrial development or absence of significant industrial particulate emissions, and (2) low urbanized population (25,000–50,000). Areas of the state meeting these two requirements may discount air quality data showing violations of an NAAQS for particulates. Areas not meeting one or the other of these criteria need and are required to have particulate control strategies.

The policy adopted by the Iowa Air Quality Commission (IAQC) provides for the subtraction of a certain portion of the monitored values once the primary standard has been attained. This differs from the federal policy in two ways: (1) The state policy provides for discounting a portion of the numerical monitoring results rather than discounting the data from the monitoring site, and (2) the state policy allows the discounting of urban as well as rural fugitive dust.

D. Areas To Be Redesignated

EPA has evaluated each of the state's requested redesignations. In some cases it has been necessary for EPA to modify the state recommendation. The final disposition of the areas to be redesignated is discussed in this section.

(1) *Total Suspended Particulates (TSP).* Originally eight primary particulate nonattainment areas were designated in the State of Iowa. In its June 22, 1979, submission the State of Iowa requested that four of these areas be redesignated. One area was requested to be redesignated as attainment based on the IAQC fugitive dust policy. Three other areas were requested to be designated as unclassified. In each case air quality data indicated that the primary standard has been attained. In the PRM, EPA proposed that each of these areas be designated as secondary nonattainment based on monitored violations of the secondary standards. In this notice, EPA formally redesignates each of these areas as having attained the primary standard for total suspended particulates, but retains the designation of nonattainment with respect to secondary standards.

a. *Keokuk (Lee County).* Measured air quality data over the past two years indicate that the primary TSP standards have been attained in Keokuk but that the secondary standards have not. The Iowa submission indicates that, with the primary standard attained, Keokuk is eligible to be considered unclassified based on the deduction of rural fugitive dust from monitored data under the interpretation of the IAQC.

Because Keokuk has significant industrial sources of particulate matter, it is not eligible to be considered a rural area for purposes of the fugitive dust policy. Therefore, the secondary nonattainment designation must be retained for Keokuk. The primary nonattainment designation is no longer valid and is deleted. The boundaries of the designated nonattainment area are adjusted to coincide with the area modeled by the Iowa Department of Environmental Quality (IDEQ) to exceed secondary standards. This action is the same as proposed. No comments relating directly to the Keokuk designation were received.

b. *Council Bluffs (Pottawattamie County).* Kane Township, the central portion of the Council Bluffs area was originally designated as nonattainment for primary and secondary particulate standards. Three sampling stations were operated in 1977 and 1978. Although some state stations did not have enough samples collected to calculate valid annual geometric means, all of the samplers recorded violations of the secondary standard which is based on a 24-hour sample. One station also recorded violations of primary standards. However, this station has been determined to be unrepresentative of air quality in the area, therefore data from this site have been discounted. The state submission stated that the primary and secondary standards were attained after an allowance for rural fugitive dust was subtracted from measured air quality. However, Council Bluffs is part of the metropolitan Omaha area which exceeds 500,000 population; therefore, it does not meet the requirements of a rural area.

Because the SIP submission did not include a description of the area exceeding secondary standards, EPA proposed the area of Kane Township to remain as the nonattainment area. Information now submitted indicates that some portions of eastern Kane Township can be classified as attainment. The western portion of previously unclassified Lewis Township must be nonattainment. No other comments received directly addressed Council Bluffs.

c. *Fort Dodge (Webster County).* An area in and around Fort Dodge was originally designated nonattainment for primary and secondary particulate standards. The most recent two years of air quality monitoring data indicate no violations of primary standards. Violations of secondary standards have been monitored and air quality modeling by the state predicts an area of secondary violations.

The state recommendation to designate part of the area as unclassified was based on the IAQC fugitive dust criteria. EPA cannot approve the state recommendation because there are significant sources of particulate emissions in the area. Since air quality data does indicate attainment of primary standards, the primary nonattainment designation is removed. Because there are monitored violations of secondary standards the secondary nonattainment designation remains. The size of the nonattainment area is adjusted and conformed to that recommended by the state to be considered unclassified.

This action is identical with that proposed. No comments were received on this specific action.

d. *Sioux City (Woodbury County).* The City of Sioux City was originally designated as exceeding both primary and secondary particulate standards. Monitoring data for 1977 indicated that primary standards were being violated. In 1978, air quality improved due to the completion of construction work in the vicinity of the monitors which recorded the violations. This improvement in air quality was confirmed by air quality simulation modeling. Therefore, while two years of data showing attainment of primary standards are not available, this improvement, and attainment, is considered permanent and warrants redesignation with respect to the primary standards.

Monitored data does show violations of the secondary standard. The state has requested that the area be considered unclassified because of the rural fugitive dust policy. However because of the population of the area and the presence of significant industrial sources, this area does not qualify for consideration as a rural area. Therefore, the designation of secondary nonattainment with respect to Sioux City remains. The size of the area is adjusted to conform to the area described in the state's June 22, 1979, submission.

This action is as proposed. One comment was received from the Sioux City area, but it referred to the fugitive dust policy in general. No comments specifically discussing Sioux City were received.

(2) *Ozone.* The reason for redesignating areas with respect to ozone is that the ambient air quality standard for ozone has been revised from 160 micrograms per cubic meter one hour average (.08 ppm) oxidants to 235 micrograms per cubic meter (.12 ppm) ozone. For two areas of the state, the air quality data which was above the old standard is clearly below the new standard. For another area, some

previous data have been invalidated so that we do not know yet whether or not it is an attainment area.

a. *Council Bluffs.* Pottawattamie County was originally designated as nonattainment for oxidants based on the air quality monitoring in adjacent Omaha, Nebraska. There are no ozone oxidant monitors in Council Bluffs. Since the standard has changed, the Omaha area air quality is now below NAAQS for ozone and both states have requested that their portions of the area be redesignated to attainment. Although final action has not been taken on Omaha, this action relates solely to the change in standard, therefore this action can be taken now. This notice formally redesignates Pottawattamie County attainment with respect to ozone.

b. *Des Moines.* Polk County was originally designated nonattainment for oxidants because monitored data in Des Moines exceeded the then allowable concentrations. Since the standard has been revised, the data for the Des Moines area is now within acceptable limits. Therefore, this notice formally redesignated Polk County as attainment for ozone.

c. *Davenport.* Scott County, Iowa, was originally designated nonattainment for oxidants based on data from a monitoring site in nearby Illinois. An ozone monitor operated by the State of Iowa in Davenport does not record violations of the standard. Violations of the standard were monitored at an Illinois site. However, some of this data have been determined to be invalid. In addition, this monitor has been relocated to an area that will be more sensitive to high ozone concentrations. It is not yet known what levels this monitor will now record. Because of this uncertainty, the Davenport area cannot now be considered attainment or nonattainment. Therefore, EPA concurs with the state's request that Scott County be redesignated to unclassified. This notice officially redesignates Scott County from nonattainment to unclassifiable.

E. Areas With Only Minor Changes

This section discusses those areas originally designated nonattainment which are not being redesignated. In some cases, no change has been requested by the state. In other cases, the state has requested redesignations which cannot be approved. For some of the other areas the state chose to adjust the size and shape of the nonattainment area.

(1) *Primary Particulate Nonattainment Areas.* Of the eight originally designated primary nonattainment areas, the state requests that four of them be redesignated as discussed above. For the other four areas the state has requested that the boundaries of the primary nonattainment area be adjusted based on additional information not previously available.

In addition the state has generally proposed areas of unclassified status around the primary nonattainment areas. The reasons for the areas being unclassified is the application of the IAQC fugitive dust policy. In general, EPA believes that these areas around the primary nonattainment areas should logically be designated as secondary nonattainment.

a. *Mason City (Cerro Gordo County).* Mason City was designated nonattainment based on air quality data showing violations of both primary and secondary standards. More recent air quality monitoring and air quality simulation modeling indicate that the primary nonattainment area is not as large as had been originally believed. The modeling and monitoring also indicate areas of secondary nonattainment generally around the primary nonattainment area.

The state has requested that the primary nonattainment area be reduced to a small area of central and northern Mason City. It further requested that an area of unclassified status be established to the east, south and northwest of the primary nonattainment area. EPA is adjusting the size of the primary nonattainment area in Mason City. The area recommended by the state to be unclassified is designated as secondary nonattainment.

This action is the same as was proposed. No comments relating specifically to Mason City were received.

b. *Cedar Rapids (Linn County).* The City of Cedar Rapids was originally designated nonattainment based on air quality data exceeding the primary and secondary particulate standards. While some of the monitoring stations still exceed the primary standard, other stations do not. The state conducted air quality modeling which indicates that the primary standards are violated in an area smaller than that which has been designated. The state submission also indicates an area of secondary nonattainment surrounding the primary nonattainment area. The state has recommended this area be designated as unclassifiable under the IAQC fugitive dust policy.

As with the other areas, the proposed unclassified area is designated secondary nonattainment. EPA does accept the state recommendation on the primary nonattainment area.

This means that parts of Cedar Rapids which were primary nonattainment are now considered only secondary nonattainment or attainment.

This action is the same as proposed. Of the seven comments received from the Cedar Rapids area, one supported EPA in a general way while the other six generally stated that secondary standards need not be attained. None of the commentors discussed the classification of Cedar Rapids.

c. *Des Moines (Polk County).* A large area of Polk County was originally designated nonattainment based on monitored violations of the primary and secondary standards. The state submitted monitoring and modeling showing primary nonattainment in four areas only. The areas include the central area of Des Moines and suburban areas to the west of downtown including part of the City of West Des Moines, to the south of downtown near the airport, and an area to the north in the City of Ankeny. EPA agrees with each of these designations and they are approved in this notice.

The state also requested an unclassifiable area encompassing most of the City of Des Moines and portions of West Des Moines, Windsor Heights and other suburban areas. The unclassifiable designation was based on indications these areas exceed the secondary standards, but should be allowed credit for deduction of rural fugitive dust.

Metropolitan Des Moines is an area of over 200,000 population with several significant sources of particulate matter. Therefore, a rural fugitive dust explanation is not acceptable. In this notice EPA officially designates the indicated area to be secondary nonattainment.

Because of this realignment, several portions which were designated as exceeding both primary and secondary are now only nonattainment for secondary standards. Other areas which were considered nonattainment are now attainment.

This action is unchanged from the PRM. Of the many comments received from the Des Moines area, none specifically addressed the attainment/nonattainment designations in the area.

d. *Davenport (Scott County).* The original designation for Davenport was nonattainment for a large area including Davenport and several other smaller cities. The state submission indicates that only a small portion in the center of Davenport actually exceeds the primary standard for particulate. The submission also indicates that much of the originally designated area still exceeds the secondary standards along with a small

area outside the originally designated boundaries. The state has proposed to retain the primary nonattainment designation only for the small area in central Davenport. The larger area which is demonstrated to exceed secondary standards was recommended to be unclassified. As discussed in the proposal rulemaking, this area must be designated as nonattainment for secondary standards.

In this final designation, the central portion of Davenport remains nonattainment for both primary and secondary standards. For portions of the City of Davenport, Pleasant Valley Township and Buffalo Township only the secondary designation is retained. Other portions of the townships become attainment. Because of the adjustment of boundaries of the nonattainment area, a portion of Blue Grass Township becomes nonattainment for the secondary particulate standard.

This action is unchanged from the proposal. While the commentors felt that the fugitive dust allowance should be permitted, none of them challenged the technical finding that portions of the area exceed NAAQS.

(2) *Secondary Particulate Nonattainment Areas.* There were originally four cities designated nonattainment only for the secondary particulate standard. The state has requested that these areas be reclassified. It has requested three of them to be designated as unclassifiable and one of them to be redesignated as attainment. In each case, the state suggested designation was based on the IAQC interpretation of the fugitive dust policy. In general, the areas cannot be redesignated because they have measured air pollutant levels exceeding secondary standards and do not qualify as rural areas under EPA's fugitive dust policy.

a. *Waterloo* (*Black Hawk County*). The City of Waterloo was originally designated as nonattainment for the secondary standard based on monitored air quality data. The state has evaluated more recent monitoring data and conducted simulation modeling and determined that much of the City of Waterloo has attained the particulate standards. The state has requested an unclassifiable designation for the central portion of the city which still exceeds the secondary standard. The state's redesignation request is based on subtracting a rural fugitive dust allowance from the measured and modeled air quality. Because of the population of the area, which exceeds 100,000, and the presence of several significant sources of particulate matter, this area is not eligible for consideration as rural. Therefore, the designation of Waterloo as secondary nonattainment is not changed. However in accordance with the state's modeling results, the nonattainment area is reduced in size to the central portion of the City of Waterloo. The area around this area, previously designated nonattainment, is now attainment.

b. *Clinton* (*Clinton County*). The area around Clinton was designated nonattainment based on monitored violations of the secondary particulate standards. The state submission indicates that a large portion of this area is now attainment and that only an area in the central portion of Clinton still exceeds the standard. The state has requested this area be designated unclassifiable in accordance with the state fugitive dust policy. The state has submitted additional information that one monitoring site recording violations of the secondary standard was biased by nearby construction activity. EPA does not find this argument persuasive as two sites in Clinton recorded violations in 1978.

EPA does agree with the state that the area outside the area of modeled violations can be designated attainment. The area indicated by the state submission remains designated as secondary nonattainment.

c. *Marshalltown* (*Marshall County*). Marshalltown is designated as secondary nonattainment because of measured air quality violations of the secondary standard. Data for the past two years indicate the secondary standard is still exceeded. The state has recommended that Marshalltown be designated attainment under the IAQC rural fugitive dust criteria. As discussed in the PRM, Marshalltown does not qualify under federal policy as a rural area.

No comments were received which related specifically to the designation of Marshalltown. The state submitted information demonstrating that a portion of Marshalltown is actually in compliance with the NAAQS. An area in the center of the city is noted by the state to exceed the secondary standard. Only this central portion remains designated secondary nonattainment.

d. *Muscatine* (*Muscatine County*). Muscatine is designated nonattainment for the secondary standard based on monitored air quality. As discussed in the PRM, this original monitoring data has been determined valid and there are still monitored violations of the secondary standard in Muscatine. It was proposed to adjust the size of the nonattainment area to that indicated by the state modeling.

Of the eleven comments received from or concerning Muscatine, nine supported the IAQC position on fugitive dust. This has been previously discussed.

One commentor questioned the location of an air quality sampler and, therefore, the validity of the resulting data. The state has evaluated each of its monitor locations and examined the data obtained from them. In some cases data have been discounted by the state as lying outside of the range of statistically valid samples. In the case of Muscatine, the data remaining after this procedure still indicate violations of the secondary standard. EPA has no evidence that these data are invalid.

Another commentor noted that because EPA accepts agriculturally related offsets, it should accept the IAQC fugitive dust policy. Under a recently announced revision to the EPA offset policy, the state is allowed to determine whether or not industrial offsets are reasonably available, in a secondary nonattainment area which is dominated by the influence of agricultural and related fugitive dust sources. If such offsets are not reasonably available, a new source can be excused from obtaining offsets. EPA does not consider control systems applicable to agricultural practices or to the rural farm-to-market road systems to be either a requirement of the SIP or a practical source of industrial emissions offsets. Accordingly, no actions to require major changes in agricultural practices, such as removal of farmland from production or paving of the farm-to-market road network will be required.

After review of the comments, EPA has determined that the proposal to adjust the boundary of the secondary nonattainment and to retain that designation was correct. Therefore, the final action is as proposed.

(3) *Dubuque.* The only area presently designated nonattainment for SO_2 is in the City of Dubuque. As discussed in the PRM, the original data which showed violations of SO_2 standards have been determined by the state to be valid. The state has requested that the area be designated unclassified because recent monitoring does not show violations but the modeling conducted by the state indicates the possibility of violations. As discussed in the PRM, EPA policy provides that a designated nonattainment area can be redesignated to attainment where there are two years of valid air monitoring data showing no violations. Areas can be redesignated with as little as one year of data if there are enforceable reductions in emissions corresponding to the reduction in ambient pollutant levels. The state has submitted no evidence of emission

reductions in this area. As stated in the PRM, EPA is not changing the designation of Dubuque as nonattainment for SO_2. There were a number of comments that 18 months of data should be enough to support a redesignation. Because of the seasonal nature of some pollutants, EPA policy requires two full years of data.

(4) *Cedar Rapids.* As discussed previously, the state has requested and supported redesignation requests for the Council Bluffs, Des Moines and Devenport nonattainment areas. The state has not requested redesignation of the Cedar Rapids area. Because ozone levels in Cedar Rapids exceed the revised ozone standards, this area remains designated nonattainment.

This action is as proposed. No comments were received on this proposal.

(5) *Des Moines.* A portion of the City of Des Moines is the only carbon monoxide nonattainment area in the State of Iowa at this time. The state has not requested redesignation of this nonattainment area. Therefore, this portion of Des Moines remains designated nonattainment for carbon monoxide.

This action is as proposed. No comments were received on this proposal.

F. Conclusion

The state submittal was reviewed for consistency with the criteria set out in the March 3, 1978, attainment/nonattainment designations. EPA considered all available valid monitoring data and all public comments on the designations.

In some instances, the descriptions of the areas submitted by the state are so lengthy that they cannot be published in the limited space available. Exact descriptions of all areas designated are available from EPA and IDEQ at the addresses given above.

The Administrator finds good cause to make these designations effective immediately as they form the basis for the Iowa nonattainment plan submission on which final action is taken elsewhere in this issue of the **Federal Register.**

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

This notice is published under the authority of Section 107 of the Clean Air Act as amended. (42 U.S.C. 7404).

Dated: February 27, 1980.

Douglas M. Costle,

Administrator.

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107; Attainment Status Designations

1. Section 81.316 is amended by revising the tables for total suspended particulates (TSP), Sulfur Dioxide (SO_2) and Ozone (O_x) to read as follows:

§ 81.316 Iowa.

Iowa—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Central Portion of Waterloo		*X		
Cedar Falls Township			X	
East Waterloo Township			X	
Remainder of Black Hawk County				X
Northern Portion of Mason City including an area about one mile north of the city limits.	X	X		
Central Portion of Mason City including about 1 mile around the above area in the city and about 2 miles northwest of the above area.		*X		
Falls Township			X	
Lake Township			X	
Lincoln Township			X	
Remainder of Cerro Gordo County				X
An area around downtown Clinton		*X		
Camanche Township			X	
Remainder of Clinton County				X
Burlington Township			X	
Remainder of Des Moines County				X
Iowa City Township			X	
Remainder of Johnson County				X
An area in and near Keokuk		*X		
Jackson Township			X	
Jefferson Township			X	
Madison Township			X	
Remainder of Lee County				X
An area of central and southern Cedar Rapids	X	X		
An area about 1 mile outside the above area		*X		
Bertram Township			X	
Clinton Township			X	
College Township			X	
Fairfax Township			X	
Marion Township			X	
Monroe Township			X	
Putnam Township			X	
Remainder of Linn County				X
The central portion of Marshalltown		*X		
Remainder of Marshall County				X
The central and southern portions of Muscatine		*X		
Fruitland Township			X	
Sweetland Township			X	
Montpelier Township			X	
Remainder of Muscatine County				X
Areas in central and southern Des Moines, Ankeny and part of West Des Moines.	X	X		
An area around the above area generally including Des Moines and parts of West Des Moines, Urbandale and Windsor Heights.		*X		
Clay Township			X	
Douglas Township			X	
Jefferson Township			X	
Remainder of Polk County				X
The western portion of Council Bluffs and Carter Lake		*X		
Lake Township			X	
Lewis Township			X	
Remainder of Pottawattamie County				X
The central portion of Davenport	X	X		
Portions of Buffalo, Davenport, Bettendorf and Riverdale		*X		
Remainder of Scott County				X
City of Ames			X	
Remainder of Story County				X
Center Township			X	
Remainder of Wapello County				X
The central portion Fort Dodge		*X		
Otho Township			X	
Remainder of Webster County				X
The central and southern portions of Sioux City		*X		
Liberty Township			X	
Woodbury Township			X	

Iowa—TSP—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Remainder of Woodbury County				X
Remainder of State				X

State of Iowa—SO_2

Designated area	Primary standard exceeded § (d)(1)(B)	Secondary standard exceeded § (d)(1)(C)	Unclassifiable § (d)(1)(D)	Attainment
Julien Township	*X	*X		
Remainder of Dubuque County				X
Remainder of State				X

*EPA designation replaces State designation.

State of Iowa—O_x

Designated area	Primary standard exceeded § (d)(1)(A)	Unclassifiable and/or attainment § (d)(1)(E)
Linn County	X	
Remainder of State		X

* * * * * * *

[FR Doc. 80-6823 Filed 3-5-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 122

[FRL 1412-6]

National Pollutant Discharge Elimination System; Suspension of Signatory Requirement for Permit Application

AGENCY: Environmental Protection Agency.

ACTION: Suspension of regulation.

SUMMARY: The United States Environmental Protection Agency (EPA) today is suspending the signatory requirement of 40 CFR 122.5(a) as it applies to National Pollutant Discharge Elimination System (NPDES) permit applications. This Agency action is based primarily on requests for reconsideration of the signatory requirement. The Agency intends to make a new signatory requirement effective after consolidated permit application forms are published later this year. In the interim, existing approved NPDES permit application forms shall continue to be used and shall be signed in accordance with their instructions.

DATES: Effective date: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: Edward A. Kramer, Office of Water Enforcement (EN-336), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755-0750.

SUPPLEMENTARY INFORMATION: On June 7, 1979, EPA published final rules revising the NPDES permit program (44 FR 32854). Section 122.5(a) of this rule required that all permit applications be signed by a principal executive officer of at least the level of vice president for a corporation, or by an equivalent level official for partnerships or for public facilities. Possible unintended effects of this requirement have been brought to EPA's attention and the Agency has been asked to reconsider the requirement.

On June 14, 1979, EPA proposed regulations establishing minimum requirements for NPDES applications (44 FR 34393) and several parts of a consolidated application form (44 FR 34346). Because the proposals would require significant and extensive testing by permit applicants, the level of responsibility of the signatory and his or her familiarity with the information submitted is important. EPA therefore has concluded that § 122.5(a) should be suspended as it applies to NPDES permit applications until the consolidated permit application forms are published

in final form and their signatory requirement is effective. By that time, the nature of the information needed in the application and the appropriate level of responsibility for signing the application will have been determined. Until then, applicants will continue to be required under § 122.10(a) to sign the certification in existing EPA standard national permit application forms or similarly approved forms, as defined in § 122.3(c). All other reports or requests for information required by the permit issuing authority for permits issued after the effective date of the June 7 regulations shall be signed in accordance with § 122.5.

Statement of Suspension

Accordingly, 40 CFR Part 122, National Pollutant Discharge Elimination System, is amended by suspending the following paragraph as it applies to permit applications: Subpart A, General, Section 122.5(a). The cross-reference to § 122.5(a) contained in § 122.5(d) does not remain in effect. The other reports and requests for information referred to in § 122.5(b) shall be signed by a person designated in § 122.5(a) or by that person's duly authorized representative in accordance with § 122.5(b).

Douglas M. Costle,
Administrator.
February 20, 1980.

[FR Doc. 80-7023 Filed 3-5-80; 8:45 am]
BILLING CODE 6560-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 401

[CGD 79-138]

Great Lakes Pilotage Regulations

Correction

In FR Doc. 80-6262, published at page 13076, on Thursday, February 28, 1980, on page 13077, in the second column "§ 401.410 Basic rates and charges on undesignated waters." is corrected 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.

* * * * *

BILLING CODE 1505-01-M

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-153]

Delegation to the Administrator of the Research and Special Programs Administration

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to delegate to the Administrator of the Research and Special Programs Administration (RSPA), functions vested in the Secretary by Title II of Pub. L. 96-129 (November 30, 1979, 93 Stat. 1003, 49 U.S.C. 2001 et seq.) which relates to the safety regulation of the movement of hazardous liquids by pipeline in or affecting interstate or foreign commerce.

In addition, this amendment deletes all Part 1 references to §§ 831-835 of title 18, United States Code, to reflect the repeal of those sections by Title II of Pub. L. 96-129.

This amendment also makes three editorial changes to Part 1.

EFFECTIVE DATE: This amendment is effective on January 30, 1980.

FOR FURTHER INFORMATION CONTACT: Robert L. Beauregard, Office of the Chief Counsel (DCC-1), RSPA, Department of Transportation, Nassif Building, 400 7th Street, S.W., Room 8420, Washington, D.C. 20590, (202) 755-4972.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in less than 30 days after publication in the **Federal Register.**

Discussion of Delegation

Title II of Pub. L. 96-129, the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA), established a new statutory basis on which the DOT will now rely in carrying out its Federal liquid pipeline safety program. By this amendment, all powers vested in the Secretary by the HLPSA are delegated to the Administrator of the RSPA.

The Transportation of Explosives Act (18 U.S.C. 831-835), on which the DOT relied in the past for carrying out its Federal liquid pipeline and hazardous materials programs, was repealed by section 216(b) of the HLPSA. This amendment reflects that repeal by deleting all references to 18 U.S.C. 831-835 in Part 1. Other than the existing delegation to the RSPA Administrator under § 1.53(b)(3), such references to 18 U.S.C. 831-835 delegate certain hazardous materials program functions to the Federal Highway Administrator under § 1.48(d) and the Federal Railroad Administrator under § 1.49(f).

Notwithstanding the current references to 18 U.S.C. 831-835, the repeal of that law has no substantive impact on the hazardous material program functions of the agencies involved because such functions have been carried out for several years under the authority of the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 1801 et seq.). Appropriate Secretarial powers under the HMTA are currently delegated to the RSPA Administrator under § 1.53(b)(1), the Federal Highway Administrator under § 1.48 (u) and (v), and the Federal Railroad Administrator under § 1.49 (s) and (t).

Discussion of Editorial Amendments

Three nonsubstantive amendments made by this final rule accomplish the following:

1. Properly locate the Secretarial delegation relating to hazardous materials program functions under the Resources Conservation and Recovery Act and the Toxic Substances and Control Act in § 1.53(b), Hazardous Materials. Currently that delegation is improperly located under § 1.53(a), Pipelines.

2. Update paragraph 5 of Appendix A to Part 1 and the introductory language of § 1.53 to reflect past organizational name and title changes.

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Accordingly, Part 1 of Title 49 of the Code of Federal Regulations is amended as follows:

§§ 1.48 and 1.49 [Amended]

1. By revoking and reserving paragraph (d) of § 1.48 and paragraph (f) of § 1.49.

2. By deleting the word "Director" in the introductory language of § 1.53 and inserting the word "Administrator" in lieu thereof.

3. By revising paragraphs (a)(5) and (b)(3) of § 31.53 to read as follows:

§ 1.53 Delegations to the Administrator of the Research and Special Programs Administration.

* * * * *

(a) * * *

(5) Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2001 et seq.).

* * * * *

(b) * * *

(3) Serves as the Department's point of contact and consults with the Environmental Protection Agency on matters arising under section 3003 of the Resources Conservation and Recovery Act (42 U.S.C. 6923) and section 9 of the Toxic Substances Control Act (15 U.S.C. 2608).

* * * * *

4. By deleting from paragraph (5) of Appendix A the words "Director of the Research and Special Programs Directorate" and inserting the words "Administrator of the Research and Special Programs Administration" in lieu thereof.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)))

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

Neil Goldschmidt,

Secretary of Transportation.

[FR Doc. 80-7151 Filed 3-5-80; 8:45 am]

BILLLING CODE 4910-62-M

Research and Special Programs Administration

49 CFR Part 106

[Amendment 106-1; MTB Docket No. 2]

Rulemaking Procedures; Redelegations to the Associate Directors for Pipeline Safety Regulation and Hazardous Materials Regulation

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The purpose of this amendment to Appendix A of Part 106 of Title 49 Code of Federal Regulations is to redelegate from the Director, MTB, to the Associate Director for Pipeline Safety Regulation, certain liquid pipeline safety rulemaking functions under the recently enacted Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA) (Title II of Pub. L. 96-129, November 30, 1979, 93 Stat. 1003, 49 U.S.C. 2001 et seq.).

Additionally, this amendment deletes all Appendix A references to §§ 831-835 of title 18, United States Code to reflect the repeal of those sections by the HLPSA.

EFFECTIVE DATE: This amendment becomes effective on January 30, 1980.

FOR FURTHER INFORMATION CONTACT: Robert L. Beauregard, Office of the Chief Counsel (DCC-1), Department of Transportation, Nassif Building, 400 7th Street, S.W., Room 8420, Washington, D.C. 20590, (202) 755-4972.

SUPPLEMENTARY INFORMATION: Since this amendment relates to MTB management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in less than 30 days after publication in the **Federal Register.**

Discussion of Redelegation

Title II of Pub. L. 96-129, the HLPSA, established a new statutory basis on which the DOT will now rely in carrying out the Federal liquid pipeline safety program. Within the DOT, that program is carried out under a Secretarial delegation of all HLPSA authority by the Administrator of the RSPA. In turn, the Administrator of the RSPA has redelegated that authority to the Director of the MTB. By this amendment, the Director of the MTB, consistent with past and current practice, redelegates to the Associate Director for Pipeline Safety Regulation all his rulemaking authority under the HLPSA, except as it relates to compliance and enforcement matters, the issuance of final rules, and the grant or denial of petitions for reconsideration.

The Transportation of Explosives Act (18 U.S.C. 831-835), under which the Associate Director for Pipeline Safety Regulation and the Associate Director for Hazardous Materials Regulation carried out rulemaking proceedings in the past, was repealed by section 216(b) of the HLPSA. This amendment reflects that repeal by deleting all references to 18 U.S.C. 831-835 in Appendix A of Part 106. Notwithstanding the current redelegation of certain hazardous materials rulemaking authorities under 18 U.S.C. 831-835 to the Associate Director for Hazardous Materials Regulation, the repeal of that law has no substantive impact on the rulemaking functions of that office because such functions have been carried out for several years under the authority of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.).

PART 106—RULEMAKING PROCEDURES

In consideration of the foregoing, Appendix A to Part 106 of title 49, Code of Federal Regulation is amended as follows:

1. By deleting paragraph (a)(1) and redesignating paragraphs (a)(2), (a)(3), and (a)(4) as (a)(1), (a)(2), and (a)(3) respectively.

2. By revising paragraph (b)(1) to read as follows:

Appendix A

* * * * *

(b) * * *

(1) The Hazardous Liquid Pipeline Safety Act of 1979 (Title II of Pub. L. 96-129, 93 Stat. 1003, 49 U.S.C. 2001 et seq.).

* * * * *

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e); 49 CFR 1.45(b), § 1.53(a), and Appendix A of Part 1)

Issued in Washington, D.C., February 28, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80-7150 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 77-1; Notice 4]

Lamps, Reflective Devices, and Associated Equipment; Correction

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Correction.

SUMMARY: This notice corrects a typographical error in the notice of correction published on December 28, 1978 (43 FR 60472). The error appears in the designation of the table, identifying it as "Table III" when the correct designation is "Table II". The effect was to change the heading of the last column in Table III from "Applicable SAE standard or recommended practice" to "Height above road surface measured from center of item on vehicle at curb weight". It is therefore necessary to correct the heading to Table III.

FOR FURTHER INFORMATION CONTACT: W. Marx Elliott, Office of Rulemaking, National Highway Traffic Safety Administration, Washington, D.C. (202-426-2720).

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

§ 571.108 [Amended]

Accordingly, Title 49, Code of Federal Regulations, § 571.108 is amended to read:

Table III.—*Required Motor Vehicle Lighting Equipment*

Item	Applicable SAE standard or recommended practice
* * * * *	

The lawyer and program offical principally responsible for this correction are Z. Taylor Vinson and Marx Elliott, respectively.

(Secs. 103, 112, 114, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on February 28, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-6863 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Directed Service Order No. 1398 (Sub-2)] [1]

Kansas City Terminal Railway Co.—Directed To Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Directed Service Order No. 1398 (Sub-2).

SUMMARY: Pursuant to 49 U.S.C. 11125(b)(1), the Commission is extending Directed Service Order No. 1398 (Sub-No. 1) for an additional 21 days from March 2, 1980, through March 23, 1980.

The Kansas City Terminal Railway Company (KCT) is being retained as the "directed rail carrier" (DRC) under this directed service order.

The purpose of the three-week extension is to facilitate a permanent solution to the Rock Island emergency by affording Congress time to develop labor protection legislation and by granting interested carriers additional time to submit applications to acquire and operate parts of the Rock Island rail system.

Carriers interested in acquiring Rock Island lines are encouraged to file an acquisition application under section 17(b) of the recently enacted "Milwaukee Railroad Restructuring Act" (MRRA), Pub. L. No. 96–101, section 17(b), 93 Stat. 736 (November 4, 1979). Once a section 17(b) acquisition application has been filed with the Commission, the Rock Island bankruptcy court may grant the purchaser temporary authority to operate the involved lines pending the outcome of the acquisition application. Alternatively, where a section 17(b) acquisition application has *not* yet been filed, an emergency service order may be sought from the Commission under section 11123 of the Interstate Commerce Act (49 U.S.C. 11123). These different types of authority are discussed below.

Finally, RI shippers are cautioned that the Commission lacks sufficient funds to direct service beyond March 23, 1980, and that they should therefore prepare for directed service to end March 23, 1980.

DATES: Effective Date—This directed service order will be effective at 12:01 a.m. (central time) on March 3, 1980.

Expiration Date—Unless modified by the Commission, this directed service order shall expire at 11:59 p.m. (central time) March 23, 1980. Ancillary 'cleanup' operations may extend beyond this date.

FOR FURTHER INFORMATION CONTACT:

Richard J. Schiefelbein, (202) 275–0826

or

Joel E. Burns, (202) 275–7849.

SUPPLEMENTARY INFORMATION:

Decision of the Commission

Decided: February 22, 1980.

Background

Directed service over the lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI") was first ordered on September 26, 1979. This action was necessary to prevent the severe transportation and economic disruptions which would have resulted from RI's lack of sufficient cash to operate and meet its common carrier obligations ("cashlessness" within the meaning of 49 U.S.C. 11125(a)(1)). Accordingly, we directed the Kansas City Terminal Railway Company (KCT) to provide service over the RI rail system as a "directed rail carrier" (DRC) under 49 U.S.C. 11125. *See* DSO No. 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.*, 360 I.C.C. 289, 290–292 (1979), 44 FR 56343 (October 1, 1979).

In accordance with 49 U.S.C. 11125(b)(1), the initial directed service order was made effective for only 60 days. Therefore, DSO No. 1398 expired at 11:59 p.m. (central time) December 3, 1979. However, on November 30, 1979, we found good cause to extend directed service for another 90 days, pursuant to section 11125(b)(1). *See* DSO No. 1398 (Sub-No. 1), *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.*, 360 I.C.C. 478 (1979), 44 FR 70733 (December 10, 1979). Directed service under DSO No. 1398 (Sub-No. 1) is currently scheduled to expire at 11:59 p.m. (central time) March 2, 1980.

The issue presently before us is whether we should extend directed service for up to an additional 90 days, as allowed by 49 U.S.C. 11125(b)(1). For the reasons discussed below, we find good cause to extend directed service for an additional 21 days through March 23, 1980.

Continued Directed Service

Need for Additional Extension—In DSO No. 1398 (Sub-No. 1), we thought that a 90-day extension from December 3, 1979, through March 2, 1980, would be sufficient to permit the implementation of long-range solutions to RI's problems. However, certain unforeseen events have occurred which necessitate an additional extension of directed service for three weeks.

When DSO No. 1398 (Sub-No. 1) was issued, we expected the RI Trustee to file a reorganization plan with the RI bankruptcy court by December 10, 1979. However, the reorganization plan was not submitted to the Court until December 28, 1979, and was not scheduled to be transmitted to the Commission until at least January 28, 1980. On January 25, 1980, the bankruptcy court found the Trustee's reorganization plan to be without merit, declined to transmit the plan to the Commission, and directed the Trustee to "commence preparation of a preliminary plan of liquidation." *See* No. 75–B–2697, *In the Matter of Chicago, Rock Island & Pacific Railroad Company, Debtor*, order dated January 25, 1980 (U.S. District Court, Northern District of Illinois, Eastern Division).

The Trustee's liquidation plan has not yet been filed with the Court, and progress in the sale and disposition of RI lines and facilities has been correspondingly encumbered. While certain carriers have expressed interest in acquiring RI line segments, no formal agreements have been reached with the Trustee and no acquisition applications have yet been filed with the RI bankruptcy court or this Commission under section 17(b) of the "Milwaukee Railroad Restructuring Act" (MRRA), Pub. L. No. 96–101, section 17(b), 93 Stat. 736 (November 4, 1979). Accordingly, a limited extension of directed service is warranted to provide additional time for the development of formal acquisition proposals.

[1] This directed service order embraces the Peoria Terminal Company (PTC), a wholly owned subsidiary of RI. All future references to RI shall include PTC.

Additionally, Congress has recently expressed an interest in having a brief extension of directed service so that it may develop employee protection legislation tailored to the RI situation. Such legislation is expected to facilitate the purchase of RI lines and hasten the implementation of long-range solutions for the Rock Island. By permitting employee protection legislation to be developed while directed service is still in effect, our three-week extension will thus assist in the development of private sector solutions to RI's fiscal and operational difficulties.

Further, the U.S. Department of Transportation (DOT) indicates that—while meaningful progress has been made toward providing for post-liquidation operation of essential RI lines—an additional extension of directed service is needed to permit resolution of certain critical issues. More specifically, DOT urges a 30-day extension of directed service to permit enactment of needed labor protection legislation, solidification of labor agreements, and installation of interim operators on RI lines. *See* letter from Transportation Secretary Goldschmidt to ICC Chairman Gaskins (dated February 14, 1980) (Appendix A to this decision).

Finally, we should note that the Rock Island's fiscal and financial emergency still exists. As we found in DSO Nos. 1398 and 1398 (Sub-No. 1), RI suffers from the type of cashlessness described in 49 U.S.C. 11125(a)(1). See *KCT—Operate—CRI&P, supra,* 360 I.C.C. at 290–292, and 360 I.C.C. 478. Since the issuance of our directed service orders, RI's cash position has not materially improved. While directed service has reduced much of the drain on RI's fiscal resources, it is not designed to bring new capital into RI or to solve the basic fiscal problems underlying RI's financial plight, and the Trustee indicates that RI will not be able to resume service after March 2, 1980. Therefore, the same finding of emergency which warranted the issuance of DSO No. 1398 warrants the instant three-week extension.

For all these reasons, therefore, we conclude that a brief extension of directed service is warranted. However, we believe the extension should only be for 21 days from March 2, 1980, through March 23, 1980, in view of funding constraints and related considerations. The Commission's Bureau of Accounts calculates that the proposed 21-day extension will totally exhaust our directed service appropriation of $80 million. Accordingly, we will be financially unable to extend directed service after March 23, 1980, absent the unlikely prospect of additional appropriations.

Operating Plan for Extended Directed Service—In view of the March 23, 1980, cutoff for directed service, we have decided to provide for the following embargo schedule in the interest of an orderly phase-out of directed service operations. KCT–DRC is authorized to embargo inbound traffic effective 11:59 p.m. (central time) March 15, 1980, and outbound traffic effective 11:59 p.m. (central time) March 23, 1980. KCT–DRC shall work closely with the Commission's Railroad Service Board in implementing these embargo schedules and in performing any ancillary "cleanup" operations. By announcing this schedule now, we hope to give full notice to RI shippers that they should immediately prepare for the cessation of directed service operations.

We believe that the scope of directed service during the three-week extension should be the same as that established in DSO No. 1398 (Sub-No. 1). However, we reserve the right selectively to discontinue directed service over any portions of the RI system as to which temporary or permanent operating authority is granted and exercised. A discussion of the different ways in which temporary and permanent operating authority may be obtained is presented below.

We have determined that KCT should be retained as the DRC on the directed service system. For all the reasons stated in DSO No. 1398, KCT is the logical choice for DRC. See *KCT—Operate—CRI&P, supra,* 360 I.C.C. at 295–297. Moreover, since KCT has been the sole DRC during the previous directed service periods, it is most familiar with the present directed service system. The KCT–DRC management team is already in place and is best equipped to avert any interruptions in service between the prior directed service period and the three-week extension.

In directing service for an additional 21 days, we shall retain and extend all the provisions of DSO No. 1398 (Sub-No. 1), except as expressly modified here. Thus, our directions regarding such matters as reimbursement, rates, rehabilitation, and accounting shall continue to be effective during the upcoming 21-day period and are hereby expressly incorporated by reference. Additionally, all supplemental orders and authorizations interpreting DSO Nos. 1398 and 1398 (Sub-No. 1) shall remain in effect during the three-week extension to the extent necessary to effectuate DSO No. 1398 (Sub-No. 2), except to the extent any particular supplemental order or authorization is expressly scheduled to expire on a particular date.

Long-Range Solutions

The Commission has consistently encouraged interested persons and carriers to seek authority to operate portions of the Rock Island rail system. We reiterate our commitment to proceed expeditiously on such requests for authority, and wish to outline the primary ways in which such authority may be sought.

Permanent Authority—Requests to acquire and operate RI line segments must be made under section 17(b) of the MRRA. Section 17(b) of the MRRA permits the RI bankruptcy court, in conjunction with this Commission, to authorize sales and transfers of RI lines.

The first step in initiating a section 17(b) acquisition is to reach a transfer agreement with the RI Trustee. After preliminary approval of the proposed agreement by the RI bankruptcy court, it should be submitted to this Commission along with the other data required by the regulations recently issued by us in Ex Parte No. 282 (Sub-No. 4), *Acquisition Procedures for Lines of Railroads in Reorganization* (served January 23, 1980), 45 FR 6107 (January 25, 1980). If the Commission approves the transaction, the proposal would be subject to final approval by the RI bankruptcy court.

Section 17(b)(3) Temporary Authority—Once a section 17(b) acquisition application has been filed with the Commission, the RI bankruptcy court "may permit the purchasing carrier to operate interim service over the lines to be purchased, and in operating such service, it shall use the employees of the carrier subject to the bankruptcy proceeding to the extent such purchasing carrier deems necessary for the operation of such service." *See* section 17(b)(3) of the MRRA.

Section 11123 Temporary Authority—Alternatively, where a section 17(b) acquisition application has *not* yet been filed, an emergency "service order" may be sought under section 11123 of the Interstate Commerce Act (49 U.S.C. 11123). Under section 11123, the Commission may issue a service order authorizing an applicant to perform temporary emergency operations over the lines of a certain carrier when an emergency situation exists. If the applicant is not a carrier, advice should be sought from the Commission's Railroad Service Board regarding the filing of a related application under 49 U.S.C. 10901 and 49 CFR Part 1120 (1978) for authority to operate a line of railroad.

To assist the Commission in evaluating requests for service orders, the following information should be submitted with applicant's petition for a service order:

(1) Description of the lines to be operated. This should include milepost designations and endpoints or other track designations. It should also indicate whether related branch lines will be operated.

(2) Applicant's intentions regarding the protection of RI employees.

(3) Whether applicant will request government funds either now or later.

(4) A description of the need for the requested service order. This should include a description of:

(a) the emergency warranting a section 11123 service order; and

(b) operational or other benefits to be derived from the service order.

(5) Whether applicant has concluded negotiations with the RI Trustee or others regarding use of lines and facilities. If an application for permanent authority is being compiled, applicant should describe this.

(6) Whether applicant will seek to adopt applicable RI rates and divisions until new tariffs can be filed.

(7) Any other information applicant deems relevant to its petition.

Section 401 Planning Process—Finally, interested parties may also wish to bring their transportation needs and plans to the attention of DOT's Federal Railroad Administration (FRA). Section 401 of the "Railroad Revitalization and Regulatory Reform Act of 1976" (4R Act) (49 U.S.C. 1654) authorizes DOT to develop post-liquidation operating plans for RI lines. Under section 401, FRA is presently accepting "bids" from interested persons to acquire and operate RI lines.

It should, however, be noted that participation in DOT's section 401 planning process does not obviate the need to obtain permanent or temporary operating authority from the Commission and RI bankruptcy court in the manner described above before operations are actually begun over RI lines.

Conclusion

For the foregoing reasons, we have decided to extend the directed service period for an additional 21 days from March 2, 1980, through March 23, 1980. We reserve the right, however, selectively to discontinue directed service over any portions of the RI system as to which temporary or permanent operating authority is granted and exercised.

We find: (1) The Rock Island emergency still exists, and good cause has been shown to warrant an extension of directed service for an additional 21 days pursuant to 49 U.S.C. 11125(b)(1).

(2) Our action in this decision will not result in a violation of 49 U.S.C. 11125(b)(2)(A–B).

(3) In view of the need for expedient action, the Commission is exercising its authority under 49 U.S.C. 11125(a) to act in this matter without advance public notice and hearings.

(4) This action will not significantly affect either the quality of the human environment or conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

(5) Any findings made elsewhere in this decision but not specifically enumerated here are expressly adopted.

49 CFR 1033.1398 (Sub-No. 2): Kansas City Terminal Railway Company—Directed to Operate Over—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

It is ordered: (1) *Extension*—KCT shall continue as sole DRC, unless otherwise ordered, over the directed service system established by DSO No. 1398 (Sub-No. 1) for an additional 21 days from March 2, 1980, through March 23, 1980, in the manner described in this decision.

(2) *Commission filings*—Copies of all submissions in this proceeding should be sent to the following Commission offices in the Commission's headquarters at 12th and Constitution Avenue, NW, Washington, DC 20423:

- Office of the Secretary (Room 2215) (original)
- Section of Finance (Room 5417) Office of Proceedings (3 copies)
- Section of Rail Services Planning (Room 7375) Office of Policy and Analysis (3 copies)
- Railroad Service Board (Room 7115) Bureau of Operations (3 copies)
- Bureau of Accounts (Room 6133) (3 copies)

(3) *Enumeration*—All requirements specified in this decision but not specifically enumerated in these ordering paragraphs shall be followed as though specifically enumerated.

(4) *Modifications*—The Commission retains jurisdiction to modify, supplement or reconsider this order at any time.

(5) *Service on Parties*—This decision shall be served on all parties of record in DSO Nos. 1398 and 1398 (Sub-No. 1), who are hereby made parties in DSO No. 1398 (Sub-No. 2).

(6) *Notice to General Public*—Notice of this decision shall be given to the general public by: (a) Depositing a copy in the Office of the Secretary, Interstate Commerce Commission; and (b) filing a copy with the Director, Office of the Federal Register.

(7) *Effective Date*—This directed service order will be effective at 12:01 a.m. (central time) on March 3, 1980.

(8) *Expiration Date*—Unless modified by the Commission, this directed service order will expire at 11:59 p.m. (central time) March 23, 1980. Ancillary "cleanup" operations are authorized to extend beyond this date.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Vice Chairman Gresham dissenting. Commissioners Stafford and Clapp concurring with separate expressions.

Agatha L. Mergenovich,

Secretary.

Commissioner Stafford, Concurring:

Reluctantly, I vote to approve the issuance of an order extending directed service 21 days (through March 23, 1980).

As I have stated repeatedly, an extension to the full extent of the directed service law, that is, 90 days until June 2, 1980, is fully appropriate. Although much progress is occurring towards a "private solution" to the Rock Island, most of the details still must be resolved. These details range all the way from employee protection to agreement on the terms of sale of portions of the Rock Island, not to mention consideration of the effects the various proposals will have on other carriers. Similarly, on the legislative front, no fewer than four pieces of legislation, all in the last month, have been introduced which would provide various degrees of funding and continued service over the Rock Island. It would seem most desirable to allow Congress a reasonable amount of time in order to consider these bills. Finally, the Secretary of Transportation deems 30 days as a minimum amount of time to complete the restructuring process.

However, to vote against a 21-day extension is to vote against any extension at all, thus making March 2nd the cessation of service date.

Commissioner Clapp, concurring: While I agree that the three week extension will be useful, I continue to believe a longer extension is justified. In order to enhance the possibilities for permanent service solutions, I would have extended directed service for 45 days, or at least for the 30 days requested by Secretary Goldschmidt.

[DSO No. 1398 (Sub-2]

Appendix A

The Secretary of Transportation,

Washington, D.C. 20590
February 14, 1980

Hon. Daruis W. Gaskins, Jr.,
Chairman, Interstate Commerce Commission,
12th & Constitution Avenue NW.,
Washington, D.C. 20423

Dear Mr. Chairman: I am writing to urge the Interstate Commerce Commission (ICC) to continue directed services on the majority of the Rock Island Railroad trackage, without embargo, until April 1, 1980. The Administration will not seek additional extensions of directed service on the Rock Island.

Meaningful progress is being made toward the goal of restructuring both the Milwaukee and the Rock Island Railroads. Bids received February 1 by the two trustees and catalogued by the Department indicate substantial interest from the private sector and from individual states in negotiating purchases of properties of the two railroads. Such acquisitions would enable long-term continuation of essential services that otherwise probably would be abandoned.

Several crucial issues remain to be resolved. At the forefront is the issue of how the employees are to be treated in a transfer of properties and services. While the Milwaukee Railroad Restructuring Act has provided the basis for a settlement on the Milwaukee Road, the labor question has loomed as a stumbling block for an orderly transfer of Rock Island properties.

Recent negotiations arranged by the Department between representatives of Rock Island labor and representatives of management of potential acquiring carriers have established specific issues and a schedule for negotiating those issues that could become the basis for an agreement on the transfer of Rock Island employees. The agreement would provide for the continuation of Rock Island services on an interim basis as well as for a permanent transfer of properties. At the same time, there is a need for legislation to provide assistance to Rock Island employees who are not offered employment by interim operators and acquiring carriers. We will be working with the Congress on an accelerated time schedule to develop an appropriate legislative proposal regarding labor protection.

While substantial progress is being made, an additional 30 days beyond March 2 is required to enact the needed labor protection legislation, solidify labor agreements, and install interim operators. A disruption of service during this period on lines potentially subject to transfer would unnecessarily harm the shipping public and impair an already complex negotiating process.

Therefore, I urge the ICC to extend directed service, with no embargo of traffic, through April 1 on all lines for which meaningful offers to purchase have been made. I also urge the ICC to assure service to locations on other lines where there is a need to continue essential shipping service as determined through normal ICC procedures. Finally, I urge the ICC to continue service on lines where we can expect an offer of purchase during the extension period, as labor issues are resolved. My staff will work with the Commission staff to determine the lines that fit within this last category. During the 30-day period the ICC would be able to grant interim operating rights to potential purchasing carriers as they are ready to assume responsibility for interim operations.

While the precise services to be continued beyond March 2 are being determined, I urge the ICC to rescind its authorization to the Kansas City Terminal Railway Company (KCT) to embargo inbound Rock Island traffic as of February 22, so that the KCT may continue to provide service on the entire railroad through March 2.

Thus while events are progressing toward an orderly transition of the Rock Island services, a lifting of the embargo and a continuation of 30 days of directed service are needed to avoid a serious disruption of service and I urge the ICC to order these actions.

Sincerely,

Neil Goldschmidt.

[FR Doc. 80-1000 Filed 3-5-80; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing for Billfish, Oceanic Sharks, Wahoo, and Mahimahi in the Pacific Ocean; Final Regulations

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Final regulations.

SUMMARY: These final regulations implement the Preliminary Fishery Management Plan for Billfish, Oceanic Sharks, Wahoo and Mahimahi in the Pacific Ocean (PMP). These regulations govern vessels of foreign nations engaged in longline fishing which results in the catching of billfish, oceanic sharks, wahoo or mahimahi in the fishery conservation zone (FCZ) of the Pacific Ocean (excluding the FCZ seaward of Alaska).

EFFECTIVE DATE: April 1, 1980, except that 50 CFR 611.3, which specifies permit requirements for foreign vessels, shall not be effective unitl May 1, 1980.

FOR FURTHER INFORMATION AND COPIES OF THE REGULATORY ANALYSIS CONTACT: Mr Gerald V. Howard, Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, telephone 213–548–2575; or Mr. Doyle E. Gates, Western Pacific Program Office, Southwest Region, National Marine Fisheries Service, Southwest Fisheries Center, P.O. Box 3830, Honolulu, Hawaii 96812, telephone 808–946–2181.

SUPPLEMENTARY INFORMATION:

a. Background

These regulations implement the Preliminary Fishery Management Plan for Billfish, Oceanic Sharks, Wahoo and Mahimahi in the Pacific Ocean, as amended (PMP). The PMP applies to foreign longline fishing, pursuant to a Governing International Fishery Agreement, which results, or can reasonably be expected to result, in the catching of billfish, oceanic sharks, wahoo and mahimahi in the FCZ of the Pacific Ocean (excluding the FCZ seaward of Alaska). The PMP was prepared under the authority of Section 201(h) of the Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801 *et seq.*, "the Act").

A foreign longline fishery for tuna has been conducted in the Pacific Ocean for many years. Although the primary target species is tuna, incidental catches of billfish, sharks, wahoo and mahimahi are unavoidable in this fishery. The Act provides for the management of all "fish." "Highly migratory species," as defined in 50 CFR 611.2(x), are specifically excluded from the definition of "fish." Other pelagic species such as billfish, oceanic sharks, wahoo and mahimahi are not considered highly migratory under the Act. The purpose of the PMP, as amended, is to establish a conservation and management plan for these pelagic species.

A final environmental impact statement (EIS) was filed with the Environmental Protection Agency on June 2, 1978. Proposed implementing regulations and the approved PMP were published on July 21, 1978 for public comment (43 FR 31374). Several of the comments received stated that further recognition should be given to the special social and economic impacts of the plan on various areas of the Pacific, particularly American Samoa. The comments also reflected some misunderstanding about which actions were optional and which actions were mandatory for foreign vessels to comply with the implementing regulations. In response to the comments, the proposed regulations were withdrawn on September 14, 1978 (43 FR 41062). Amendments to the PMP were developed and a draft supplemental EIS/PMP was filed with the Environmental Protection Agency on March 15, 1979. The amendments and proposed regulations were published on June 15, 1979 (44 FR 34607), and the public was invited to comment on the amendments, regulations and draft regulatory analysis until August 12 1979. Only two sets of comments were received on the proposed regulations.

These are addressed in Section (d) below.

The regulations will be implemented April 1, 1980. In the time between the publication of the regulations and their effective date, the U.S. Coast Guard and the National Marine Fisheries Service (NMFS) will inform the affected nations of the regulations. To allow adequate time for Regional Fishery Management Council review and approval of permit requests and for installation of these permits aboard foreign vessels, § 611.3 will not apply until May 1, 1980.

b. The PMP Amendments and Final Regulations

The PMP amendments and implementing regulations incorporate five major changes to the PMP as originally approved and published:

1. The area covered by the PMP has been divided into five regulatory areas. The optimum yield (OY), expected domestic harvest, and total allowable level of foreign fishing (TALFF) for each species has been specified for each of these five regulatory areas: mainland West Coast; Hawaii and Midway Island; American Samoa; Guam and the Commonwealth of the Northern Mariana Islands; and U.S. possessions. The major purposes of this change are (a) to recognize the varying social, economic, and recreational interests in these areas; and (b) to achieve a closer adherence to a major objective of the PMP, which is maintenance of the *status quo* with respect to total catches for the species concerned.

Division of the FCZ into five regulatory areas provides a better basis for determining appropriate restrictions on the foreign retention of billfish, oceanic sharks and associated species based on historical harvest in each area. Under the original PMP, foreign vessels could have harvested the entire TALFF for a particular species in one area covered by the PMP, thus upsetting the historical balance of catch by areas and, depending upon where the fish are harvested, adversely affecting the economic, recreational, or social interests of other areas covered by the PMP.

2. The fishery has been expanded to include wahoo and mahimahi. These species are often taken in conjunction with billfish and oceanic sharks, by the same vessels and gear. They have been included in order that the PMP will address all of the species which are important to domestic vessels and are harvested by tuna longline gear in the FCZ.

3. The management unit includes the Northern Mariana Islands, to which the Act is now applicable.

4. For some species, in certain areas, amounts of fish have been set aside in "reserves" to accomodate the possibility that domestic catches will exceed the estimated levels. The amount of fish which will be harvested by domestic fishermen is dependent in part upon wide fluctuations in availability. This factor, combined with uncertainty about the extent to which U.S. vessels, having the capacity, will actually harvest these species, has led to establishment of reserve amounts to help assure that the OY's will not be exceeded if the amounts of U.S. harvests are underestimated. A reserve for sharks has been established in the Hawaii and Midway Islands area because of indications that a U.S. shark fishery may be developing there.

5. The reporting and inspection requirements have been modified and clarified to avoid misunderstandings reflected in the comments received on the original PMP and the proposed regulations. Reporting requirements have been minimized; the number of ports where the holds of fishing vessels may be sealed has been increased; and provision has been made for the Administrator, Western Pacific Program Office, National Marine Fisheries Service, to authorize alternatives to sealing the holds in special circumstances. Use of logbooks combined with radio reports is one of the alternatives which may be considered in situations where sealing the holds may be impracticable (section d.3. of this preamble).

c. Editorial and Data Changes in the PMP and Amendments

Because of new data developed and typographical errors in the original PMP and amendments, several changes to the original PMP published in the **Federal Register** on July 21, 1978 (43 FR 31374) and in the amendments published on June 15, 1979, (44 FR 34607) are necessary. These changes are listed in this document immediately following the preamble and should be noted in all copies of the original PMP and the amendments to the PMP.

d. Comments on the Proposed Regulations

Only two sets of comments on the proposed regulations were received. A summary of these comments and responses to the comments follows:

1. *Definition of Fishing.* The Government of Japan proposed that Japanese vessels should not be subject to the regulations since they do not make use of these non-tuna species. This proposal cannot be accepted. The Act defines "fishing" to mean: (a) The catching, taking or harvesting of fish; (b) the attempted catching, taking or harvesting of fish; (c) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish * * *" (Section 3(10)). Longline fishing for tuna unavoidably results in the catching of billfish and other non-tuna species; therefore, it is "fishing" as defined in the Act and is covered by these regulations. All Japanese and other foreign longline vessels fishing in the FCZ are subject to these regulations whether or not billfish, oceanic sharks, and other non-tuna species are intended to be retained.

2. *Determination of OY and TALFF.* One commentator indicated that the data used to derive OY and TALFF are skimpy and misleading. He noted also that, as foreign island areas declare their own 200-mile zones, the longliners based in American Samoa may spend more of their time fishing in the waters around American Samoa. The PMP, in his view, does not address this concern. In response, we note that the PMP contains the best and most recent information available on domestic and foreign catches in the FCZ around American Samoa, including a recently completed analysis of foreign catch and effort in the 1971–75 period. We have received no documentation indicating that our information is inaccurate or that American Samoa-based longliners desire or intend to increase their fishing activity in the FCZ. Further, the PMP would limit only the amounts of billfish, oceanic sharks, wahoo, and mahimahi taken and retained in the FCZ. If conditions in the fishery in 1980 are markedly different from those envisioned, we would consider amending the PMP and would work with the Regional Fishery Management Councils to insure full consideration of these new conditions in future fishery management plans' conservation and management measures.

3. *Hold Sealing.* The proposed regulations (§ 611.81(c)(3)) provide that foreign vessels could, but would not be required to, request inspection and sealing of holds to verify the quantity of billfish, oceanic sharks, and other non-tuna species caught outside the FCZ prior to engaging in fishing in the FCZ. This was intended as a means of rebutting the presumption of § 611.13 of the Foreign Fishing Regulations that any prohibited species found on board a foreign fishing vessel were caught and retained in violation of the regulations. A specific alternative to hold sealing which involved segregating prohibited species caught outside the FCZ by covering them with a net, and using

radio reports and log entries to document the catch outside the FCZ, was suggested by the Government of Japan. The proposal is among the alternatives which may be used by NMFS. The proposed regulations provide the necessary flexibility for the Administrator of the Western Pacific Program Office to use "other reasonable means" if warranted by special circumstances, as alternatives to hold sealing. Hold inspection and sealing will not be required of all foreign fishing vessels. No change in the regulations is necessary to respond to the comment.

4. *Radio Reporting.* The Government of Japan noted that some smaller vessels do not have radios, do not have English-speaking radio operators, or do not have radio operators licensed to handle public international communications. Rather than using the reporting requirements of the regulations, Japan proposed that vessels submit to U.S. authorities their operating plans for ten day periods at three-month intervals; or that certain vessels only be required to report when they intend to begin and cease fishing in the FCZ. They further requested that transmissions be allowed to be made through a third party, e.g., the Japanese mainland. The vessel reporting requirements have been amended to allow foreign vessels flexibility in reporting fishing activities within the FCZ in lieu of the § 611.4 requirements of this part. The regulations do not preclude submission of the required vessel reports through a third party, including those on the Japanese mainland.

5. *Observers.* The Government of Japan proposed, in effect, that observers be placed on board foreign vessels and returned to shore at the convenience of the vessel. This proposal would be an exception to the general NMFS policy to retain the discretion to determine where and when observers will be placed on foreign vessels. The decision is based on NMFS data needs, not foreign vessels' convenience or schedules. However, NMFS and Coast Guard resources and the burden imposed on foreign vessels are considered in determining when boarding is to occur. No persuasive reasons have been advanced to change this policy and the proposal will not be adopted.

The comment was also made that where no species regulated under the Act are caught, there is no authority to place observers. We note once again that catching billfish, sharks, mahimahi, and wahoo is unavoidable when longlining for tuna. Therefore, tuna longline boats are "fishing" under the Act, and placement of observers is an appropriate management measure.

6. *Statistical Reports.* Japanese representatives submitted a form with the request that it be used for the quarterly statistical report. We appreciate the submission of the form. It is under consideration as the form to be provided for the reports required by § 611.81(e)(3).

7. *Handling of Prohibited Species.* The Government of Japan proposed that the regulations be modified so that release, when required, could be effected under the general provisions of § 611.13, which allows a vessel to bring the fish on board and then discard the prohibited species. It is contended that in-water release should be required only for fish that are alive. Also, it is contended that release of sharks by cutting the line is dangerous to crew members.

The proposed regulations provided that prohibited billfish and oceanic sharks must be released "by cutting the line * * * without removing the fish from the water." This is intended to achieve the highest possible rate of survival of billfish and oceanic sharks when they are released. It is difficult to determine from visual observation if a billfish in the water is dead or alive. The chance of survival of a fish which is inactive but alive is clearly reduced by removal from the water.

In addition, it appears that bringing a live oceanic shark on board for subsequent release may present as great a hazard to the crew as cutting the line or leader. We note also that the survival of a shark would seem less likely since a gaff probably would have to be used to bring the shark on board the vessel. No new evidence or data are presented to support the position of the Government of Japan. Therefore, the release provisions have not been changed.

8. *Administrative Costs.* One commentator indicated that the cost of administering the program would be excessive to the taxpayer. The commentator apparently believed it is the intent of NMFS to place an observer aboard every foreign longline vessel operating in the FCZ. This is not our intent. We are aware of the practical difficulties associated with any fishery enforcement efforts in such distant areas as American Samoa, Guam, and the Northern Mariana Islands. NMFS and the U.S. Coast Guard will administer the PMP to the best of their ability given available resources. Incremental costs of administering the PMP will be minimal.

9. *Exemption for American Samoa-Based Vessels.* One commentator proposed that vessels in American Samoa be exempted from the regulations on the grounds that the foreign vessels there should be considered as a domestic fleet. We recognize that U.S. canneries are dependent on the foreign vessels, but under the Act and associated regulations, these vessels are "foreign fishing vessels" and will be subject to the PMP and its implementing regulations.

e. Changes from Proposed Regulations

The following changes have been made for this final rulemaking:

1. Section 611.81(a)(2), *Species definitions,* has been expanded to include "billfish" and "wahoo."

2. Section 611.81(d) has been significantly amended. The numerous small vessels engaging in this fishery have limited communication capability. Accordingly, the vessel reporting requirements have been revised so they can be met by all vessels participating in the fishery. Each vessel must submit its scheduled fishing activities in each regulatory area at least a week before it begins fishing. Neither minor deviations from this schedule nor temporary departures from the FCZ need to be reported. Major changes must be reported as soon as practicable. If these relaxed vessel reporting requirements are found, in practice, to fail to supply sufficient and timely data for effective management of the fish stocks, more stringent reporting requirements will be implemented in the future.

3. Section 611.81(e) has been amended to clarify the catch reporting requirements to which foreign vessels are subject.

4. The table specifying reserves and TALFF's has been corrected to cover the remaining portion of the 1980 calendar year.

f. The Implementing Regulations

These regulations apply only to foreign longline vessels "fishing" (as defined in § 611.2(r) of this part) in the FCZ in the Pacific Ocean, excluding the portion of the FCZ seaward of Alaska. Longline vessels, merely in transit through the FCZ (but not fishing) would not be subject to the requirements of this section or the other provisions of Part 611.

Any foreign vessel desiring to engage in longline fishing in the FCZ of the Pacific Ocean must possess a permit for that purpose, whether or not the billfish, oceanic sharks, wahoo, or mahimahi caught will be retained. Permits are required even though the foreign longline vessel is rigged and fishes primarily for the purpose of taking highly migratory species over which the United States does not exercise

exclusive fishery managment authority. Any foreign nation whose vessels wish to retain billfish, oceanic sharks, wahoo, or mahimahi caught in the FCZ also must hold a national allocation from the total allowable level of foreign fishing (TALFF) for the applicable species and fishing area.

The PMP establishes OY's, expected domestic harvests, reserves, and TALFF's for billfish, oceanic sharks, wahoo, and mahimahi, as shown in Table 6 of the PMP, as amended.

The TALFF's are established on an annual basis. The proposed regulations published on June 15, 1979, included TALFF's and reserves for 1979. These have been deleted from the regulations, and TALFF's and reserves for 1980 have been subsituted, because the regulations will not be in force until 1980.

The PMP also provides for reassessment of the OY's and U.S. harvesting and processing capacities in September, 1980, on the basis of updated information on the status of stocks, estimated and actual performance of domestic and foreign fleets, and other relevant factors. Foreign longline vessels holding applicable permits may fish as authorized under these regulations throughout the FCZ beyond 12 nautical miles from the baseline used to measure the U.S. territorial sea. Until the applicable national allocation is reached, foreign vessels holding valid permits will be permitted to fish under those permits and retain oceanic sharks, wahoo, or mahimahi, caught in the applicable fishing area beyond 12 nautical miles from the baseline used to measure the U.S. territorial sea.

The regulations establish retention and non-retention zones for billfish within each fishing area (Table I of § 611.81(b)(2) of the regulations). National allocations for species of billfish must be taken outside non-retention zones. Even if a foreign nation has a billfish allocation, all billfish caught by vessels from that nation within the non-retention zones must be returned to the sea without removing the fish from the water. Billfish caught and returned to the sea in non-retention zones are not counted against national allocations.

When a national allocation, TALFF, or OY for a species of billfish or oceanic sharks is reached in a management area, any additional catch of that species in that area must be returned to the sea without removing the fish from the water. When a national allocation for wahoo or mahimahi is reached, additional catch of these species is treated as a prohibited species and must be returned to the sea immediately, with a minimum of injury, regardless of its condition, in accordance with § 611.13 of this Part.

g. Regulatory Analysis

A draft regulatory analysis of the proposed regulations was prepared. Among the alternatives considered were taking no action, implementing the PMP as originally proposed, prohibiting all retention of billfish in the FCZ, and establishing areas closed to any taking of billfish and associated species. The major reasons for the regulatory approach selected include: (1) Consideration of foreign policy and consistency with U.S. international negotiating positions concerning highly migratory species; (2) recognition of special economic, social, and recreational interests in the management areas of the FCZ; and (3) minimizing reporting and recordkeeping requirements consistent with research and enforcement needs. A final regulatory analysis has been prepared.

In accordance with Executive Order 12044, the Administrator of the National Oceanic and Atmospheric Administration has approved these final regulations and the final regulatory analysis. The final Supplement No. 1 to the EIS will be filed with the Environmental Protection Agency concurrently with the publication of these final regulations.

A copy of the regulatory analysis and the Final Supplement No. 1 to the EIS may be obtained from: Regional Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration/DOC, 300 South Ferry Street, Terminal Island, CA 90731.

Signed in Washington, D.C., this 28th day of February 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

(16 U.S.C. 1801 et seq.)

The following amendments should be made in the PMP for Pacific billfish, oceanic sharks, wahoo, and mahimahi published in the **Federal Register** on July 21, 1978 (43 FR 31374) and in the amendments published on June 15, 1979 (44 FR 34607).

(a) *Original PMP.* (1) p. 31379—II.C.1.a.—end of paragraph 4, delete footnote "5". II.C.1.c.(1)—1st paragraph, change footnote "6" to "5", both in text and at bottom of page. 3rd paragraph, change footnote "7" to "6", both in text and at bottom of page.

(2) p. 31381—change footnote "8" to "7", change footnote "9" to "8", both in text and at bottom of page.

(3) p. 31383—change footnotes "10" and "11" to "9" and "10", both in text and at bottom of page.

(b) *Amended PMP.* (1) p. 34608—3. add "and" between "Wahoo" and "dolphin".

(2) p. 34609—6.(b) add "and" between "Wahoo" and "mahimahi".

(3) p. 34609—9. In II. C.1.c.(2).: (a) at end of 1st paragraph, "(see Table 10)" should read, "(see Table 4)".

(4) p. 34609—10. In II.C.1.c.(3)—delete "Table 3.", and in its place substitute "II.C.2.c.".

(5) p. 34609—14. In II.C.2.c.:(a), delete "is presented in Table 3" and substitute "follows:"—Insert "Table 3" here, but eliminate "Table 3" from the title, leaving "Estimated Average Annual Catch by Portion of the FCZ."

(6) p. 34609—16. In II.C.3., delete "in Table 4." and substitute "as follows:", insert "Table 4" immediately after "as follows:" but eliminate "Table 4" from the title, leaving "OY for billfish, oceanic sharks, and related species, by species, by area."

(7) p. 34609—17. In II.C.4.—delete "Table 1" and substitute "II.C.2.c."

(8) p. 34610—17.(b)—delete "Table 1" and substitute "(see II.C.2.c.)".

(9) p. 34610—17.(b)—delete "In Table 5." and add "as follows:". Insert "Table 5" immediately following "as follows:" but remove "Table 5" from the title leaving "Expected Domestic Harvest, by Species, by Area."

(10) p. 34610—18., last sentence—delete "Table 6." and add "the following table:". Immediately after this, add "Table 6" but delete "Table 6" from the title leaving "OY, Expected Domestic Harvest, and TALFF, by Species, by Area."

(11) p. 34610—22.d.(5)—delete this statement.

(12) p. 34610—23. Delete this statement. Add the following corrections to the tables: Table 3, for American Samoa, in "Domestic" line, add 2.3 under "Blue marlin", add 1.3 under "Sailfish/spearfish", and 2.8 under "Wahoo", and 4.4 under "Mahimahi"; in "Total" line, under "Blue marlin", change 34.9 to 37.2, under "Sailfish/spearfish", change 2.2 to 3.5, under "Wahoo", change 2.0 to 4.8, under "Mahimahi", change 2.0 to 6.4.

(13) p. 34611—Table 4—in "American Samoa" line, under "Blue marlin", change 34.9 to 37.2; under "Sailfish/spearfish", change 2.2 to 3.5; under "Wahoo", change 6.4 to 25.1; under "Mahimahi", change 4.2 to 18.9; in "Total" line, under "Blue marlin" change 788.2 to 790.5; under "Sailfish/spearfish", change 64.0 to 65.3; under "Wahoo", change 297.3 to 318.8; under "Mahimahi", change 111.2 to 130.3.

(14) p. 34611—Table 5—in "West Coast" line, under "Sharks", change 0 to 30.4; in "American Samoa" line, under "Blue marlin", change 0 to 2.3, under "Sailfish/spearfish," change 0 to 1.3, under "Wahoo", change 0 to 2.8, under "Mahimahi", change 2.8 to 4.4; in "Guam and Northern Marianas" line, under "Wahoo", change 7.0 to 27.6; under "Mahimahi", change 4.6 to 20.8; in "Total" column, under "Blue marlin", change 606.4 to 608.7, under "Sailfish/spearfish", change 23.6 to 24.9, under "Sharks", change 0 to 30.4, under "Wahoo", change 324.8 to 348.2, under "Mahimahi", change 120.1 to 140.7.

(15) p. 34611—Table 6—c. Guam and Northern Marianas—in "Wahoo" line, under "OY", change 6.4 to 25.1, under "Expected domestic harvest", change 7.0 to 27.6; in "Mahimahi" line, under "OY" change 4.2 to 18.9, under "Expected domestic harvest", change 4.6 to 20.8; d. American Samoa—in "Blue marlin" line, under "OY", change 34.9 to 37.2, under "Expected domestic harvest", change 0 to 2.3, in "Sailfish/spearfish" line, under "OY", change 2.2 to 3.5, under "Expected domestic harvest", change 0 to 1.3, in "Wahoo" line, under "OY", change 2.0 to 4.8, under "Expected domestic harvest", change 0 to 2.8, in "Mahimahi" line, under "OY", change 2.0 to 6.4, under "Expected domestic harvest", change 0 to 4.4.

The following § 611.81 is added to 50 CFR Part 611, Subpart F:

§ 611.81. Pacific billfish, oceanic sharks, wahoo, and mahimahi fishery.

(a) *Purpose.*—(1) *General.* This section regulates all foreign lingline fishing conducted under a Governing International Fishery Agreement which involves the catching of any species of billfish, oceanic shark, wahoo, or mahimahi (dolphin) in the fishery conservation zone (FCZ) of the United States in the Pacific Ocean, excluding the portion of the FCZ seaward of Alaska.

(2) *Species definitions.* For the purposes of this section, the following terms have the following meanings: (i) "Mahimahi" means "dolphin fish" (*Coryphaena hippurus* and *Coryphaena equisetis*); (ii) "oceanic sharks" means sharks of the families *Carcharhinidae, Alopiidae, Sphyrnidae,* and *Lamnidae;* (iii) "billfish" means broadbill swordfish (*Xiphias gladius*), blue marlin (*Makaira nigricans*), black marlin (*Makaira indica*), striped marlin (*Tetrapturus audax*), sailfish (*Istiophorus platypterus*), and shortbill spearfish (*Tetrapturus angustirostris*); and (iv) "wahoo" means fish of the species *Acanthocybium solanderi.*

(b) *Authorized fishery.*—(1) *Regulatory areas.* For the purposes of this section, the FCZ of the Pacific Ocean (excluding the FCZ seaward of Alaska) is divided into five regulatory areas: West Coast, Guam and the Northern Mariana Islands, Hawaii and Midway Islands, American Samoa, and U.S. Possessions (Table 1).

(2) *Zones.* The regulatory areas are comprised of the following "billfish retention" and "billfish non-retention" zones (each zone is measured from the baseline used to measure the U.S. territorial sea):

Table I

Regulatory area	Billfish retention zones	Billfish nonretention zones
West Coast	Beyond 100 nautical miles	Betwen 12 and 100 nautical miles.
Guam and Northern Mariana Islands.	(1) Beyond 50 nautical miles from Guam, Rota, Tinian, Aguijan, and Saipan; and (2) beyond 12 nautical miles of the remaining islands of the Northern Mariana Islands.	Between 12 and 50 nautical miles from Guam, Rota, Tinian, Aguijan, and Saipan.
Hawaii and Midway Islands	(1) Beyond 100 nautical miles from the islands of Hawaii, Kahoolawe, Kauai, Lanai, Maui, Molokai, Niihau, and Oahu; and (2) beyond 50 nautical miles from the remaining islands of the State of Hawaii and Midway Islands.	(1) Between 12 and 100 nautical miles from the islands of Hawaii, Kahoolawe, Kauai, Lanai, Maui, Molokai, Niihau, and Oahu; and (2) between 12 and 50 nautical miles from the remaining islands of the State of Hawaii and Midway Islands.
American Samoa	Beyond 12 nautical miles from American Samoa.	No nonretention zone.
U.S. Possessions	Beyond 12 nautical miles from any other possession of the United States in the Central and Western Pacific Ocean.	No nonretention zone.

(3) *General.* Foreign vessels subject to this section are authorized to fish in the U.S. FCZ of the Pacific Ocean (excluding the FCZ seaward of Alaska) beyond 12 miles from the baseline used to measure the U.S. territorial sea, subject to the requirements of this section.

(i) *Non-retention fishery.* Except as provided in paragraph (b)(3)(ii) of this section, all billfish, oceanic sharks, wahoo, mahimahi, and other fish caught by foreign vessels in the course of fishing under this section shall be returned to the sea in accordance with the requirements of paragraph (c) of this section.

(ii) *Retention fishery.* Foreign vessels fishing subject to this section may retain billfish, oceanic sharks, wahoo, and mahimahi to the extent that retention is authorized by paragraphs (b)(4) and (5) of this section.

(4) *Total allowable level of foreign fishing (TALFF); national allocations and reserves.*—(i) *TALFF and national allocations.* (A) The total amount of each species of billfish, oceanic sharks, wahoo, and mahimahi which may be caught and retained in each regulatory area by foreign vessels subject to this section is limited to the TALFF set out for each applicable regulatory area in Appendix I of § 611.20, and to the amount of the applicable national allocation.

(B) No foreign vessel subject to this section may catch and retain billfish within the billfish non-retention zones set out in Table I of paragraph (b)(2) of this section.

(ii) *Reserves.*—(A) *Amounts.* The amounts of fish held in reserve are stated in Appendix I of § 611.20.

(B) *Determination.* (*1*) As soon as practicable after September 1 of each year, the Regional Director, Southwest Region, shall determine, for each species for which a reserve has been established, the amount of fish which has been harvested to date by U.S. vessels in each applicable regulatory area.

(*2*) If the Regional Director determines that the amount of fish of a species harvested by vessels of the United States in an area is less than 80 percent of the expected domestic harvest for that species in that area, the Regional Director shall apportion to TALFF the entire amount of the reserve for the applicable species in the applicable regulatory area. No reserve amounts shall be apportioned to TALFF if domestic vessels have harvested 80 percent or more of the expected domestic harvest for that species in the applicable area by the date of this determination.

(C) *Notice.* The Assistant Administrator for Fisheries, NOAA, shall publish in the Federal Register a notice of each determination made under paragraph (b)(4)(ii)(B) of this section.

(5) *Cancellation of authority to retain.* (i) The authority of a foreign vessel to retain an applicable species is cancelled:

(A) When the national allocation for the applicable species is reached; or

(B) At the date and time specified in the notification issued by the Assistant Administrator under paragraph (b)(5)(ii) of this section.

(ii) The Assistant Administrator shall determine, on the basis of the information specified in § 611.15(b), when the TALFF or optimum yield (OY) for a billfish species, oceanic sharks, wahoo, or mahimahi in a regulatory area will be reached. At least forty-eight hours before the applicable TALFF or OY will be reached, the Assistant Administrator shall notify both the affected foreign nation(s) and the designated representative for any affected fishing vessel that authority to retain the applicable species is cancelled.

(iii) Any cancellation under this section shall remain in effect until a new or increased allocation becomes available.

(iv) The closure provisions of § 611.15 do not apply to foreign vessels fishing subject to this section.

(c) *Prohibited species.*—(1) *General.* The following are prohibited species under this section:

(i) All species of fish over which the United States exercises exclusive fishery management authority and for which there is no national allocation;

(ii) All billfish, oceanic sharks, wahoo and mahimahi caught in excess of an applicable OY, TALFF, or national allocation; and

(iii) All billfish caught in a billfish non-retention zone. (See Table I of paragraph (b)(2) of this section.)

(2) *Treatment.* All prohibited species shall be treated in accordance with § 611.13.

(3) *Additional requirements for billfish and oceanic sharks.* Unless otherwise specifically instructed by a U.S. observer or authorized officer, all prohibited billfish and oceanic sharks must be released by cutting the line (or by other appropriate means) without removing the fish from the water.

(4) *Rebuttal of presumption.* Foreign vessels fishing subject to this section may rebut the presumption of § 611.13(c) by: (i) Storing all prohibited species caught outside the FCZ in a separate part of the vessel hold which can be sealed, and arranging inspection and sealing of the vessel hold by U.S. authorities before commencing fishing in the FCZ or in billfish non-retention zones; or (ii) other reasonable means which may be authorized by the Administrator of the Western Pacific Program Office (WPPO) if, in consultation with the U.S. Coast Guard, the Administrator of WPPO, determines that special circumstances warrant alternative arrangements.

(5) *Procedure for hold sealing.* (i) Inspection and sealing of a foreign vessel's hold may be arranged by contacting the Administrator, WPPO (Southwest Region, National Marine Fisheries Service, Post Office Box 3830, Honolulu, Hawaii 96812, telephone: 808–946–2181) at least 48 hours in advance of the date for which inspection is requested.

(ii) Ports at which such inspections may be made are Honolulu and Kahului, Hawaii; Pago Pago, American Samoa; Agana, Guam; Saipan, Northern Mariana Islands; and San Diego, California.

(iii) Additional ports for hold inspections may be arranged with the Administrator, WPPO.

(6) *Other requirements.* The designation of ports for hold inspection and sealing does not modify any port entry arrangements or requirements (if any) of Governing International Fishery Agreements or the notification requirements of any other laws or regulations of the United States.

(d) *Vessel reporting.* (1) In lieu of the vessel reporting requirements of § 611.4, the owner or operator of each foreign fishing vessel engaging in the Pacific billfish, oceanic sharks, wahoo, and mahimahi fishery shall notify the Coast Guard in the manner set forth in paragraph (d)(3) of this section, of:

(i) The date of the Sunday beginning the week during which each vessel intends to *begin* fishing in the FCZ (action code BEGIN), the fishing area and the approximate longitude and latitude where it intends to begin fishing; (see paragraph (d)(5) of this section for use of action codes); and

(ii) The date of the Sunday beginning the week during which each vessel intends to *cease* fishing in the FCZ (action code CEASE) and the fishing area where it intends to cease fishing, with the approximate longitude and latitude.

(2) For purposes of this paragraph (d) of this section, a week shall begin at 0001 G.m.t. each Sunday. The fishing areas are listed in Appendix II to § 611.9.

(3) The vessel reports required by this paragraph (d):

(i) Shall be in English;

(ii) Shall be delivered via commercial facilities to the appropriate Coast Guard commander who will relay them to the appropriate National Marine Fisheries Service Region (see Table I of § 611.4 for appropriate Coast Guard and National Marine Fisheries Service addresses);

(iii) Shall be delivered not later than seven days prior to the Sunday beginning the earliest week included in the report;

(iv) Need not be submitted on temporary departures from the FCZ, such as for port calls (inside the seaward boundary of one of the coastal states) or when operating at and occasionally outside the seaward limits of the FCZ; and

(v) Shall include departure from one fishing area and entry into another fishing area.

(4) Minor modifications in times reported in paragraph (d)(1) of this section, as necessitated by changing fishing conditions, weather, or vessel operating conditions, need not be reported. Major changes should be reported at the earliest practicable date. Examples of major changes include: cancellation of a vessel's previously reported intentions to fish in a fishing area, and changes of more than two weeks in a previously reported time of arrival in, or departure from, a fishing area. The addition of an area to a vessel's fishing intentions requires the basic report of paragraph (d)(1) of this section.

(5) The vessel reports required by this paragraph (d) shall contain the following information: The message identifier "PACREP" to indicate it is a required vessel report in the Pacific billfish, oceanic sharks, wahoo, and mahimahi fishery; vessel name; international radio call sign; the date (month and day) of the Sunday on which the weekly period begins; the fishing area; the approximate longitude and latitude that it will enter and leave a fishing area; and the appropriate action code (BEGIN or CEASE).

(6) Vessel reports are required for each vessel. The vessel reports required by this paragraph (d) should be consolidated, if possible, and submitted for groups of vessels (on a vessel-by-vessel basis) by a designated representative for a foreign nation's fishing vessels. Illustrations of reports follow:

(i) Able Steamship Company, designated representative for Bolivian longliners, wishes to report the vessel *CABLE* (EXRC) which will begin fishing in the Hawaii and Midway Islands FCZ (area code 81) between February 10 and 16, 1980; cease fishing in that FCZ approximately February 26; begin fishing in the Johnston Atoll FCZ (area code 84) about February 28; cease fishing in the Johnston Atoll FCZ between March 2 and 8; begin fishing in the American Samoa FCZ (area code 83) about April 7; and cease fishing in the American Samoa FCZ about May 21. Able Steamship Company also wishes to report the vessel *DABBLE* (EQUP)

which will begin fishing in the American Samoa FCZ on February 19 and cease fishing on March 18. He will then go to Howland and Baker Islands FCZ (area code 85) about March 23 and cease fishing on April 20. The required message must be delivered not later than February 3 to Commander, 14th Coast Guard District. The message would be transmitted as follows:

From: Able Steamship Company
To: Commander, 14th Coast Guard District, Honolulu, Hawaii (Telex: 392401); Southwest Region, NMFS, Terminal Island, CA
PACREP
CABLE/EXRC/0210/2710N/17920W/81/
BEGIN//0224/2210N/16005W/81/
CEASE//0224/1710N/17010W/84/
BEGIN//0302/1705N/17205W/84/
CEASE//0406/1510S/16510W/83/
BEGIN//0518/1435S/16640W/83/
CEASE//DABBLE/EQUP/0217/1405S/
16600W/83/BEGIN//0316/1650S/
16610W/83/CEASE//0323/0510S/
17800W/85/BEGIN//0420/0230N/
17930E/85/CEASE//

(ii) In the above illustration, Able Steamship Company subsequently learns that the vessel *Cable* ceased fishing in the Johnston Atoll FCZ on March 19 (a minor modification which need not be reported) and intends to cease fishing in the American Samoa FCZ about June 27 instead of May 21 (a modification which must be reported). Further, the vessel *Dabble* no longer intends to fish in the American Samoa FCZ (a modification which must be reported). The text of the message would appear as follows:

PACREP
CHANGE CABLE/EXRC/0518/1435S/
16640W/83/CEASE//to 0622/1435S/
16640W/83/CEASE//
CANCEL DABBLE/EQUP/0217/1405S/
16600W/83/BEGIN//0316/1650S/
16610W/83/CEASE//

(e) *Collection and Reporting of Data.* In lieu of the requirements of § 611.9 (d), (e), and (g), the following data collection and reporting requirements shall apply.

(1) *Daily cumulative catch log.* All foreign fishing vessels shall maintain a daily cumulative catch log in English. This log shall contain on a daily and cumulative basis data on all billfish, oceanic shark, wahoo, mahimahi, and other fish caught in the FCZ during the permit period. The log shall be maintained aboard the vessel during the duration of the permit period. Information for each fishing area shall be maintained on a separate page of the log. The log shall contain the following information:

(i) Name and call sign of the vessel;

(ii) Permit number;

(iii) Fishing area and area code number where fishing is conducted (see Appendix II to § 611.9);

(iv) Date;

(v) Noon-day position of vessel, within one-tenth of 1° longitude and latitude;

(vi) Number and round weight (in kilograms) of each species (by species codes) of billfish, oceanic sharks, wahoo, and mahimahi caught and retained each day and cumulatively;

(vii) Number of each species (by species codes) of billfish, oceanic shark, wahoo, mahimahi, and other fish caught and released each day and cumulatively;

(viii) Number of fish of each species released alive, each day and cumulative; and

(ix) Number of hooks set by type of bait.

(2) *Quarterly catch report.* Each foreign nation whose vessels fish under this section shall submit, through the designated representative, a quarterly report containing, on a vessel-by-vessel basis, the following information:

(i) Name of the vessel;

(ii) Permit number;

(iii) Month and day of the last day of the period covered by the report;

(iv) For each fishing area where fishing occurred during the reporting period:

(A) Number and round weight of each allocated species caught and retained to the nearest tenth of a metric ton (0.1 m.t.);

(B) Number of each species of billfish, oceanic shark, wahoo, mahimahi, and other fish caught and released during the reporting period;

(C) Number of fish of each species released alive;

(D) Total number of hooks set, by type and bait;

(E) Number of days fished in the FCZ during the reporting period; and

(F) Average number of hooks set per day fished, by type of bait.

(3) *Quarterly report of marine mammal incidental catch.* Each foreign nation whose vessels fish under this section shall submit, through the designated representative, the report of marine mammal incidental catch required by § 611.9(g) on a quarterly basis in lieu of weekly reports.

(4) *Submission of reports.* The quarterly reports required by this paragraph (e) shall be submitted within 60 days of the end of each calendar quarter to:

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731, Telephone: 213–548–2575.

50 CFR Part 611 is amended as follows:

§ 611.9 [Appendix IB Amended]

(A) Section 611.9, Appendix IB—Species Codes, Pacific Ocean Fishes, under Finfishes:

(1) Add:

Code, Common English Name, and Scientific Name

469—Other sharks (NS)—Squaliformes

(2) Change scientific name for black marlin to *Makaira indica.*

§ 611.9 [Appendix IIB Amended]

(B) Section 611.9, Appendix IIB, Area Codes—Pacific, delete entries with code numbers 81, 82, and 83, and the accompanying footnote, and replace with the following:

	Name	Figure No.
Code No.:		
81	Hawaii and Midway Islands	
82	Guam and Northern Mariana Islands.	
83	American Samoa	
84	Johnston Atoll	
85	Howland and Baker Islands	
86	Kingman Reef and Palmyra Atoll.	
87	Jarvis Island	
88	Wake Island	

§ 611.80 [Amended]

(C) Section 611.80(a), add between the words "fishing" and "conducted", the phrase "for pelagic armorheads and alfonsins."

(D) Section 611.80(b)(3), add to the end of the sentence

* * * * *

(b) * * *

(3) * * * except billfish, oceanic sharks, wahoo, and mahimahi, and other fish caught pursuant to § 611.81.

(E) Section 611.20, Appendix I, is amended by inserting the following into the table:

Appendix 1.—*Section 611.20* [*Amended*]

Species	Species code	Areas	OY—optimum yield (metric tons)	Domestic allowable harvest (DAH) (metric tons)	JVP—estimated joint venture harvest [1] (metric tons)	Reserve	TALFF
3. Western Pacific Ocean fisheries:							
B. Pacific billfish and sharks fishery:							
Swordfish	264	West coast	318.4	350.2		0	0
		Hawaii and Midway Islands	93.6	5.9		8.8	78.9
		Guam and Northern Mariana Islands.	4.1	0.2		0.4	3.5
		American Samoa	2.4	0		0	2.4
		U.S. possessions	28.1	0		0	28.1
Blue marlin	260	West coast					
		Hawaii and Midway Islands	612.0	603.4		8.6	0
		Guam and Northern Mariana Islands.	26.9	3.0		23.9	0
		American Samoa	37.2	2.3		0	34.9
		U.S. possessions	76.3	0		0	76.3
Black marlin	253	West coast					
		Hawaii and Midway Islands	97.7	104.7		0	0
		Guam and Northern Mariana Islands.	0.6	0		0.1	0.5
		American Samoa	5.3	0		0	5.3
		U.S. possessions	6.2	0		0	6.2
Striped marlin	261	West coast	43.2	47.5		0	0
		Hawaii and Midway Islands	223.2	67.9		15.5	139.8
		Guam and Northern Mariana Islands.	5.0	0.3		0.5	4.2
		American Samoa	7.8	0		0	7.8
		U.S. possessions	46.6	0		0	46.6
Sailfish/spearfish	252, 262	West coast					
		Hawaii and Midway Islands	42.7	23.4		1.9	17.4
		Guam and Northern Mariana Islands.	4.8	0.2		0.5	4.1
		American Samoa	3.5	1.3		0	2.2
		U.S. possessions	14.3	0		0	14.3
Sharks	263, 265, 266, 267, 469	West coast	27.6	30.4		0	0
		Hawaii and Midway Islands	1,111.6	0		111.1	1,000.5
		Guam and Northern Mariana Islands.	31.9	0		0	31.9
		American Samoa	101.6	0		0	101.6
		U.S. possessions	651.4	0		0	651.4
Wahoo	255	West coast					
		Hawaii and Midway Islands	288.9	317.8		0	0
		Guam and Northern Mariana Islands.	25.1	27.6		0	0
		American Samoa	4.8	2.8		0	2.0
		U.S. possessions	0	0		0	0
Mahimahi	238, 237	West coast					
		Hawaii and Midway Islands	105.0	115.5		0	0
		Guam and Northern Mariana Islands.	18.9	20.8		0	0
		American Samoa	6.4	4.4		0	2.0
		U.S. possessions	0	0		0	0

[1] JVP is a subset of DAH.

[FR Doc. 80-6798 Filed 3-5-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 46
Thursday, March 6, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

Licensing of Source Material; Deletion of Source Material Medicinals From the General License for Small Quantities of Source Material

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amending its licensing regulations by deleting the provision which authorizes the use of source material* medicinals by physicians, pharmacists and other persons receiving the source material in the form of medicinals or drugs. These medicinals are now recognized as carcinogenic. This proposed action would prohibit any internal or external administration of source material, or the radiation therefrom, to human beings, except where authorized by an NRC specific license.

DATES: Comment period expires May 6, 1980.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the proposed amendment and/or the supporting value/impact analysis to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Single copies of the value/impact analysis may be obtained on request from the Office of Standards Development. Copies of the value/impact analysis and of comments received by the Commission may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

*Source material, as defined in § 40.4(h) of 10 CFR Part 40, means, among other things, uranium or thorium, or any combination thereof, in any physical or chemical form.

FOR FURTHER INFORMATION CONTACT: Deborah A. Bozik, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone 301–443–5860).

SUPPLEMENTARY INFORMATION: Thorotrast, authorized for use by the general license in § 40.22 and used as an X-ray contrast agent, has been the only source material utilized as a medicinal; no other thorium or uranium compounds have been used as source material medicinals. Thorotrast is the colloidal dioxide of thorium-232 which is an alpha/emitting radionuclide. As the radiobiological hazards of these radionuclides became apparent, the carcinogenic potential of Thorotrast was evident, and, in 1965, the production of Thorotrast was stopped. Improvements in X-ray machines and imaging techniques have resulted in Thorotrast being replaced with nonradioactive contrast agents. There is a need for NRC to remove the authorization to use Thorotrast from its regulations.

The Food and Drug Administration terminated the approved New Drug Application (NDA) for Thorotrast on June 13, 1977. NRC and FDA both strive for consistency in their regulations. The proposed action would result in a definite value to NRC's regulatory process because it would be consistent with the NRC policy that no use of radiation should be permitted without indication of benefit.

Because Thorotrast is no longer manufactured, nor recognized as useful by the medical community, and since nonradioactive agents have replaced it in contrast studies, there would be no impact on patients.

The proposed rule would amend the general license provisions in § 40.22 of 10 CFR Part 40 by rewriting paragraph (a) to delete the authorization for the following persons to use and transfer small quantities of source material:

(1) Pharmacists using source material solely for compounding medicinals;

(2) Physicians using source material for medicinal purposes;

(3) Persons receiving possession of source material from pharmacists and physicians in the form of medicinals or drugs.

Commercial and industrial firms; research, educational and medical institutions; and Federal, State and local government agencies would still retain their authorization under this general license to use small quantities of source material for research, development, educational, commercial or operational purposes.

However, a new paragraph would be added to the general license in § 40.22 of 10 CFR Part 40 which would prohibit licensees from administering source material, or the radiation therefrom, either internally or externally, to human beings, except where authorized by an NRC specific license.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that the adoption of the following amendment to 10 CFR Part 40 is contemplated.

1. Section 40.22 of 10 CFR Part 40 is amended by revising paragraph (a), and by adding a new paragraph, (c), to read as follows:

§ 40.22 Small quantities of source material.

(a) A general license is hereby issued authorizing commercial and industrial firms, research, educational and medical institutions and Federal, State and local government agencies to use and transfer not more than fifteen (15) pounds of source material at any one time for research, development, educational, commercial or operational purposes. A person authorized to use or transfer source material, pursuant to this general license, may not receive more than a total of 150 pounds of source material in any one calendar year.

* * * * *

(c) Persons who receive, possess, use or transfer source material pursuant to the general license in paragraph (a) of this section are prohibited from administering source material, or the radiation therefrom, either externally or internally, to human beings except as may be authorized by NRC in a specific license.

(Secs. 62, 63, 161b., Pub. L. 83–703, 68 Stat. 932, 933, 948b. (42 U.S.C. 2092, 2093, 2201b.); sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1242, Pub. L. 94–97, 89 Stat. 413 (42 U.S.C. 5841))

Dated at Bethesda, Md. this 22d day of February 1980.

For the Nuclear Regulatory Commission.
William J. Dircks,
Acting Executive Director for Operations.
[FR Doc. 80-7005 Filed 3-5-80; 8:45 am]
BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-80-5]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials of certain petitions previously received. The purpose of this notice is to improve the public's awareness of 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 be received on or before May 6, 1980.

ADDRESSES: Send comments on the 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 CONTACT: 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), Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) 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.

Docket No.	Petitioner	Description of the rule requested
Petitions for Rulemaking		
20026	Air Transport	*Description of Petition:* Amendment to 14 CFR 21.93(b) so that temporary (less than 90 days) engine/nacelle intermixes for maintenance purposes accomplished on turbojet powered transport category large airplanes would not be classified as acoustic changes and governed by the applicable noise level requirements of 14 CFR Part 36. *Petitioner's Reasons for Amendment:* Petitioner submits that granting of the petition will have a minimal effect on individual airplane noise and an even lesser effect, if at all, on total fleet noise level; that significant cost savings will result in that it will reduce spares inventory, prevent unnecessary engine changes, permit better allocation of manpower resources, reduce industry and government workload, eliminate weight and performance penalties and reduce the federal paperwork burden. *Additional FAA Questions for Comment:* 1. What is the potential cost savings to the operating airlines? 2. What is the potential for the reduction of paperwork for industry and government? *Additional FAA Questions for Comment:* 3. What is the potential noise impact on communities near airports? 4. What aircraft types and models are affected and to which aircraft type certificate would the airplane conform to during the temporary intermix period and after?
Petitions for Rulemaking: Denied		
None during the period from 2/16/80 through 2/22/80.		

FAA NOTE.—Approval of the intermix would still be required from an airworthiness standpoint.

[FR Doc. 80-6606 Filed 3-5-80; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Parts 71 and 73

[Airspace Docket No. 75-WA-21]

Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking (NPRM).

SUMMARY: This action withdraws an NPRM which proposed to (1) redefine Restricted Areas R-4807, Tonopah, Nev., R-4808, Las Vegas, Nev., and R-4809, Tonopah, Nev.; (2) designate a new Restricted Area R-4817, Tonopah, Nev.; (3) designate the redefined segments of R-4807, R-4809 and R-4817 as joint use restricted areas; and (4) designate R-4807, R4809 and R-4817 as controlled airspace. Further review of this proposal has determined that the present configuration of these restricted areas is adequate for current requirements of the using agency and the proposal can be withdrawn.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, 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) 426-3715.

Withdrawal of the Proposal

Accordingly, pursuant to the authority delegated to me by the Administrator, effective March 6, 1980, the proposals to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) specified in Airspace Docket No. 75-WA-21, (41 FR 9558) and amended (41 FR 10448 and 34650), is hereby withdrawn.

(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.

Issued in Washington, D.C., on February 27, 1980.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-6910 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 80-GL-7]

Proposed Alteration of Transition Area; Seymour, Ind.

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 Seymour, Indiana, to accommodate a new instrument approach procedure into the Freeman Municipal Airport, Seymour, Indiana, established on the basis of a request from the local Airport officials to provide that airport with an additional instrument approach procedure. 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 24, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 80-GL-7, 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 7 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-7, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 24, 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, but before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Seymour, Indiana. 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:

Seymour, Ind.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Freeman Field, Seymour, Indiana (latitude 38°55'36"N., Longitude 85°54'20"W.); within 3 miles each side of the 061° bearing from Freeman Field, extending from the 7-mile radius area to 7½ miles northeast of the airport; and within 3 miles each side of the 161° bearing from Freeman Field extending from the 7-mile radius area to 7½ miles southeast of the airport; and within 3 miles each side of the 225° bearing from Freeman Field extending from the 7-mile radius to 13½ miles southwest of the airport.

(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)); § 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 Transporation 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-7, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on Feburary 8, 1980.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 80-6912 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 80-RM-01]

Establishment of Transition Areas; Wahpeton, N. Dak.

ACTION: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This Notice of Proposed Rulemaking (NPRM) proposes to establish a 700' and 1,200' transition area at Wahpeton, North Dakota, to provide controlled airspace for aircraft executing the new nondirectional radio beacon (NDB) standard instrument approach procedure (SIAP) developed for the Breckenridge-Wahpeton Interstate Airport, Wahpeton, North Dakota.

DATES: Comments must be received on or before April 15, 1980.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT: Pruett B. Helm, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM–530), Air Traffic Division, Federal Aviation Administration. Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837–3937.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The Federal Aviation Administration (FAA) is considering an amendment to subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700' and 1,200' transition areas at Wahpeton, North Dakota. This proposal is necessary to provide controlled airspace for aircraft executing the new NDB standard instrument approach procedure developed for the Breckenridge-Wahpeton Interstate Airport, Wahpeton, North Dakota. It is proposed to make the establishment of the transition areas coincide with the effective date of the new standard instrument approach. Accordingly, the FAA proposes to amend subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending subpart G, § 71.181 so as to establish the following transition areas to read:

Wahpeton, N. Dak.

That airspace extending upward from 700' above the surface within an 8.5 mile radus of the Breckenridge-Wahpeton Interstate Airport (latitude 46°14'47" N., longitude 96°36'23" W.); and that airspace extending upward from 1,200' above the surface within a 28-mile arc south of the Breckenridge-Wahpeton Interstate Airport bounded on the east by the Minnesota border and on the west by V–181.

Drafting Information

The principal authors of this document are Pruett B. Helm, Air Traffic Division, and Daniel J. Peterson, office of the Regional Counsel, Rocky Mountain Region.

This amendment is proposed under authority of Section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. a655(c)).

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation, and a comment period of less than 45 days is appropriate.

Issued in Aurora, Colorado on February 27, 1980.

I. H. Hoover,

Acting Director, Rocky Mountain Region.

[FR Doc. 80–6913 Filed 3–5–80; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 80–GL–9]

Proposed Alteration of Transition Area; Winamac, Ind.

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 Winamac, Indiana to accommodate a new Non-Directional Radio Beacon (NDB) Runway 9 Instrument approach procedure into the Arens Field Airport, Winamac, Indiana established on the basis of a request from the Arens Airport officials to provide that airport with an additional instrument approach procedure. 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 April 5, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, ACL–7, Attention: Rules Docket Clerk, Docket No. 80–GL–9, 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 surface to 700 feet above surface for a distance of approximately 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 minutes 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–9, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before April 5, 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 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 C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Winamac, Indiana. 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 Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In Section 71.181 (45 FR 445) the following transition area is amended to read:

Winamac, Ind.

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Arens Airport (latitude 41°05'35"N., longitude 86°36'45"W.); within 2 miles each side of the Knox VORTAC 173° radial extending from the 5 mile radius area to 10 miles south of the VORTAC, and within 3 miles each side of a 265° bearing from the airport extending from the 5 mile radius area to 8 miles week of the airport.

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)).

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–9, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on February 22, 1980.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-6917 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 80-GL-11]

Proposed Alteration of Transition Area; Winchester, Ind.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Winchester, Indiana to accommodate a new instrument approach procedure into the Randolph County Airport, Winchester, Indiana established on the basis of a request from the local Airport officials to provide that airport with an additional instrument approach procedure. 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 April 5, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 80–GL–11, 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 surface to 700 feet above surface for a distance of approximately 3 miles northeast of 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–11, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before April 5, 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 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 Winchester, Indiana. 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 Subsection 71.181 to Part 71 of the Federal Aviation Regulations as follows:

In section 71.181 (45 FR 445) the following transition area is amended to read:

Winchester, Ind.

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Randolph County Airport (latitude 40°10'15"N., longitude 84°55'13"W); within 2.5 miles either side of the 111° bearing extending from the 5 mile radius to 6 miles southeast of the airport, and within 3 miles either side of the 068° bearing from the 5 mile radius to 8 miles northeast of the airport.

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).

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-11, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on February 22, 1980.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-6918 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 79-GL-65]

Proposed Alternation of Transition Area; Cadillac, Mich.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The nature of this federal action is to alter existing controlled airspace near Cadillac, Michigan to accommodate a new instrument approach procedure into the Wexford County Airport, Cadillac, Michigan established on the basis of a request from the Wexford County Airport officials to provide that airport with an additional instrument approach procedure. 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 April 5, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-GL-65, 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.

SUPPLEMENTATY 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 three 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. 79-GL-65, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before April 5, 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 applicant 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 Cadillac, Michigan. 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:

Cadillac, Mich.

That airspace extending upward from 700 feet above the surface within an 8.5 statute mile radius of the Wexford County Airport, Cadillac, Michigan (latitude 44°16'30"N, longitude 85°25'30" 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)); § 11.61 of the Federal Aviation Regulations 914 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-65, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on February 22, 1980.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-6916 Filed 3-5-80; 8:45 am]

BILLLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 78-WE-7]

Proposed Alterations of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This action withdraws a proposal published on June 8, 1978, (43 FR 24854) to amend Part 73 of Federal Aviation Regulations (14 CFR Part 73). Part 73 was republished on January 2, 1980, (45 FR 684). The proposed amendment would have subdivided Restricted Area R-2533, Oceanside, Calif., into R-2533A and R-2533B. Further review indicates that the amendment does not satisfy current operational requirements and the proposal is withdrawn.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, 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) 426-3715.

Withdrawal of the Proposal

Accordingly, pursuant to the authority delegated to me by the Administrator, effective March 6, 1980, the proposal to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73), specified in Airspace Docket No. 78-WE-7 and published in the **Federal Register** on June 8, 1978, (43 FR 24854) is hereby withdrawn.

(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 Exective 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 27, 1980.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Divison.

[FR Doc. 80-6911 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231 and 241

[Release Nos. 33-6191, 34-16615; Filed No. S7-813]

Review of Guides for the Preparation and Filing of Registration Statements and Reports; Extension of Comment Period

AGENCY: Securities and Exchange Commission.

ACTION: Extension of comment period.

SUMMARY: The Commission has extended from February 29, 1980, to March 21, 1980, the date by which comments must be submitted with respect to the re-evaluation of the Guides for the Preparation and Filing of Registration Statements and Reports.

DATE: Comments must be received on or before March 21, 1980.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-813. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Catherine Collins or Bruce S. Mendelsohn (202-272-2589), Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In Release Nos. 33-6163, 34-16405 (December 5, 1979) (44 FR 72604), the Commission solicited public comment to assist in its overall re-evaluation of the Guides for the Preparation and Filing of Registration Statements under the Securities Act of 1933 (15 U.S.C. 77a et seq.) and of the Guides for the Preparation and Filing of Reports and Proxy and Registration Statements under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq. (1976 and Supp. I 1977)). This review of the Guides is being undertaken to monitor their effectiveness and to identify obsolescence or inconsistency with existing rules, regulations and forms.

The Commission has received requests from interested members of the public for an extension of the comment period. In view of these requests, the Commission has extended the comment period until March 21, 1980, to allow additional time for interested persons to complete their review of the Guides and the preparation of comments thereon.

Comment letters received after the termination of the comment period as extended may be considered in the discretion of the Commission. However, because of the timetable anticipated by the Commission, there can be no assurance that late comment letters will in fact be considered in this rulemaking procedure.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 29, 1980.

[FR Doc. 80-7046 Filed 3-5-80; 8:45 am]

BILLING CODE 8010-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Parts 209 and 214

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Agency for International Development.

ACTION: Publication of semiannual agenda of regulations under review.

SUMMARY: This notice contains the semiannual list of existing AID regulations presently under review by the Agency. The regulations discussed are those governing nondiscrimination in Federally-assisted programs of AID and AID advisory committees. The list is published pursuant to Section 2(a) of Executive Order 12044.

FOR FURTHER INFORMATION CONTACT: Joseph R. Ellis, Room 113, SA-8, Office of Management Planning, Agency for International Development, Washington, D.C. 20523, telephone (202) 235-2386.

Semiannual Agenda of Regulations

This agenda of regulations under review by AID is published semiannually pursuant to Section 2(a) of Executive Order 12044. The following regulations are under review:

1. Regulations governing nondiscrimination in Federally-assisted programs of A.I.D. (22 CFR Part 209) are being revised.

Inquiries regarding these Regulations may be directed to: Kenneth E. Fries, Office of the General Counsel, Agency for International Development, Washington, D.C. 20523, Telephone (202) 632-8218.

2. The Regulations governing A.I.D. Advisory Committees (22 CFR Part 214) are under review.

The contact point in A.I.D. is: Gwendolyn Joe, Room 113, SA-8, Office

of Management Planning, Agency for International Development, Washington, D.C. 20523, Telephone (202) 235–2113.

In accordance with the procedural steps outlined in Section 2(c) of Executive Order 12044, AID will give the public full opportunity to comment on proposed revisions of the regulations listed above. The Agency plans to publish its next semiannual agenda in July 1980.

D. G. MacDonald,

Assistant Administrator, Bureau for Program and Management Services.

February 25, 1980.

[FR Doc. 80–7048 Filed 3–5–80; 8:45 am]

BILLING CODE 4710–02–M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Chapter V

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Bureau of Prisons.

ACTION: Publication of semiannual agenda.

SUMMARY: This Semiannual Agenda of Regulations is issued pursuant to the requirements of Executive Order 12044. The purpose of this agenda is to provide the public with information about Bureau of Prisons contemplated rulemaking activity within the next twelve months.

DATES: Effective Date: February 29, 1980.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 910, 320 1st Street, N.W., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is responsible for the care and custody of offenders committed to the custody of the Attorney General of the United States. Bureau rules pertaining to the operation of the agency are contained in a wide variety of Program Statements. In 1977, prior to implementation of the Executive Order, the Bureau began to publish for public comment in the **Federal Register** rules from those Program Statements which affect the public and address the care and custody of inmates. The Bureau is now finalizing some of its proposed and interim rules. For this reason, the Bureau's present agenda primarily consists of rules for which some final action is anticipated.

The Bureau of Prisons does not consider its rules to have major economic consequences as defined within Section 3 of the Executive Order and in Section IV of the Attorney General's order on implementation of the Executive Order. Therefore, no regulatory analysis is planned. As the Bureau has one component specifically assigned responsibility for preparation and publication of proposed and final rules, the persons assigned to this component are considered knowledgeable officials, and will be able to respond directly to inquiries or to obtain requested information.

Semiannual Agenda of Regulations

Research

Discussion of Regulation: No one may conduct research within the Bureau of Prisons without prior approval. Whoever wishes to conduct a research project within the Bureau of Prisons shall submit to the Bureau a request providing specific information on the proposed research project. This rule is intended to ensure that certain uniform guidelines apply to research projects conducted under the auspices of the Bureau of Prisons. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509–510; 28 CFR 0.95–0.99.

* * * * *

Production or Disclosure of Material or Information: FBI Identification Records; FBI Criminal History Records

Discussion of Regulation: The Bureau of Prisons may provide an inmate with a copy of the inmate's FBI Identification Record. Where this record is computerized, staff may provide, at the inmate's request, a copy of the National Crime Information Center Computerized Criminal History record. The rule describes applicable procedures to obtain this information and the method by which an inmate may request record clarification. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

* * * * *

Intake Screening

Discussion of Regulation: Bureau of Prisons staff screen newly arrived inmates to ensure that Bureau health and safety standards are met. The rule provides for a medical evaluation and social interview of each new arrival. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

Transfer of Inmates After Conviction

Discussion of Regulation: The Bureau of Prisons adheres to Rule 38(a)(2) of the Federal Rules of Criminal Procedure. When the court of conviction recommends that the inmate be retained in a place of confinement which will allow the inmate to participate in the preparation of the appeal, the Bureau shall make every effort to accommodate such a request. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

* * * * *

Claims Under the Federal Tort Claims Act

Discussion of Regulation: The Director of the Bureau of Prisons is delegated authority by 28 CFR 0.96, 0.172 to settle those tort claims where the proposed settlement does not exceed $2500. The rule describes information on the procedures for filing, investigating, and determining the merits of a tort claim. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above) plus 28 CFR 0.172.

* * * * *

Minimum Standards for Educational Tests

Discussion of Regulation: The Bureau of Prisons adminsters appropriate educational tests to inmates confined within its institutions. These tests help to obtain a specific measure of the inmate's achievement or aptitude. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

* * * * *

Medical Experimentation and Pharmaceutical Testing

Discussion of Regulation: The Bureau of Prisons does not permit medical experimentation or pharmaceutical testing on inmates. An exception to this rule may be made in individual cases when warranted by the need for specific diagnosis or treatment of a specific inmate and only under conditions approved by the U.S. Department of Health, Education, and Welfare. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

Alcohol Testing

Discussion of Regulation: The Bureau of Prisons maintains a surveillance program in order to deter and to detect

the illegal introduction or use of alcohol in its institutions. The NPRM on Marijuana and Alcohol Testing was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

* * * * *

Pretrial Inmates

Discussion of Regulation: The Bureau of Prisons houses, in addition to convicted inmates, persons awaiting commencement or completion of trial. The rule discusses procedures and practices required for the care, custody, and control of such inmates. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

* * * * *

Hostages

Discussion of Regulation: The Warden of each institution has the authority to resolve a situation in which a hostage is taken in the institution. The rule describes procedures, including negotiation and notification procedures, in the event hostages are taken. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

* * * * *

Parole and Mandatory Release Violator Reports

Discussion of Regulation: The Bureau of Prisons provides the United States Parole Commission with a violator report for use at the revocation hearing of a parole or mandatory release violator. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

* * * * *

Procedures for Implementation of 18 USC § 4204(g)

Discussion of Regulation: The Bureau of Prisons may recommend to the sentencing court that an inmate's minimum sentence be reduced to time served when there is an extraordinary change in an inmate's personal or family situation or if an inmate becomes severely ill. The rule discusses procedures for considering an inmate under the provisions of 18 U.S.C. 4205(g). The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above) plus 18 U.S.C. 4205(g).

* * * * *

Reimbursements by Participants of Community Employment Programs

Discussion of Regulation: Under 18 U.S.C. 4082(c)(2) the Attorney General may require a participant in a community work program to pay appropriate and reasonable costs incidental to the confinement. The rule describes Bureau policy in reference to this provision. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

* * * * *

Visiting

Discussion of Regulation: The Bureau of Prisons encourages visiting by family, friends, and community groups to maintain the morale of the individual inmate and to develop closer relationships between the staff and family members or others in the community. The rule describes visiting procedures and those restrictions that may be necessary to ensure the security and good order of the institution. The NPRM was published in the **Federal Register** May 23, 1977.

Legal Basis: Same as for Research (see above).

* * * * *

Searches of Housing Units, Inmates, and Inmate Work Areas

Discussion of Regulation: In order to further the safe, secure, and ordely running of the institution, the Bureau of Prisons conducts searches of inmates, and of inmate housing and work areas to deter the introduction and movement of contraband. The proposed rule describes the type of searches and the conditions under which they may be conducted. A proposed rule on Body Searches of Inmates was published in the **Federal Register** July 17, 1978. Searches of inmate housing and work areas will be combined with the rule on body search, and the entire rule will be published with a new NPRM.

Legal Basis: Same as for Research (see above).

* * * * *

Inmate Discipline

Discussion of Regulation: So that inmates may live in a safe and orderly environment, it is necessary for institution authorities to impose discipline in cases where inmates' behavior is not in compliance with Bureau regulations. The rule describes Bureau of Prisons disciplinary procedures, including prohibited acts, sanctions, hearings, etc. The Interim Rule on Inmate Discipline was published in the **Federal Register** April 18, 1979.

Legal Basis: Same as for Research (see above) plus 18 U.S.C. 4161–4166.

* * * * *

Correspondence

Discussion of Regulation: The Bureau of Prisons encourages correspondence that is directed to socially useful goals. The rule describes correspondence procedures for Bureau institutions and restrictions that may be necessary for institution security and good order and to protect the public. The Interim Rule on Correspondence was published in the **Federal Register** June 19, 1979.

Legal Basis: Same as for Research (see above).

* * * * *

Recreation Programs, Inmates

Discussion of Regulation: The rules establish guidelines for leisure activity programs within the Bureau of Prisons. The Bureau encourages an inmate to make constructive use of leisure time and offers the interested inmate the opportunity to participate in a wide variety of sports and social activities, as well as arts and hobbycrafts. The NPRM was published in the **Federal Register** December 27, 1979.

Legal Basis: Same as for Research (see above).

* * * * *

Filing Claims for Inmate Accident Compensation

Discussion of Regulation: The Bureau of Prisons recognizes an inmate's right to file a claim for inmate accident compensation when the claim results from a work-related injury incurred while confined in federal custody. The rules describe procedures to ensure that an inmate is advised of this right prior to release from custody. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above) plus 18 U.S.C. 4126, 28 CFR 301.5.

Release of Information

Discussion of Regulation: The rule establishes procedures for release of records in possessin of the Bureau of Prisons to Federal Prison inmates and to the general public. The rule adheres to provisions of the FOIA, the Privacy Act, and the Parole Commission and Reorganization Act. The NPRM was published in the **Federal Register** October 29, 1979.

Legal Basis: 5 U.S.C. 301, 552, 552a; 18 U.S.C. 4001, 4042, 4081; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99, Part 2, Part 16.

* * * * *

Hunger Strikes

Discussion of Regulation: The Bureau of Prisons provides guidelines for the medical and administrative management of inmates who engage in hunger strikes. It is the Bureau's responsibility to monitor the health and welfare of individual inmates, and to ensure that procedures are pursued to preserve life. The NPRM was published in the **Federal Register** October 29, 1979.

Legal Basis: 5 U.S.C. 301; 18 U.S.C. 4001, 4005, 4042, 4081; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Nondiscrimination Toward Inmates

Discussion of Regulation: The rule places into writing the Bureau's own longstanding philosophy prohibiting discrimination against inmates on the basis of race, religion, nationality, sex, or political belief. The NPRM was published in the **Federal Register** October 29, 1979.

Legal Basis: 118 U.S.C. 4001, 4042, 28 CFR 0.95–0.99.

Dated: February 27, 1980.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 80-7044 Filed. 3-5-80; 8:45 am]

BILLING CODE 4410-05-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Receipt of Permanent Program Submission From the State of Iowa

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM)., U.S. Department of the Interior.

ACTION: Notice of Intent: Receipt of program submission from the State of Iowa.

SUMMARY: On February 28, 1980, the State of Iowa submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comments on the completeness of the State Program.

DATES: A public review meeting to discuss completeness of the submission will be held on April 15, 1980, from 1:30 p.m. to 4:30 p.m. and 7:00 p.m. to 8:00 p.m. or until all discussion has been completed. Written comments must be received on or before 8:00 p.m., April 15, 1980.

ADDRESSES: The public review meeting will be held at the Holiday Inn, I–235 and Sixth Avenue, Des Moines, Iowa. Copies of the full text of the proposed Iowa program are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Building, 818 Grand, Kansas City, Missouri 64106.

Iowa Department of Soil Conservation, Mines and Minerals Division, Wallace State Office Building, Des Moines, Iowa 51319.

Written comments should be sent to: Raymond L. Lowrie, Regional Director, Office of Surface Mining, Scarritt Building, 818 Grand, Kansas City, Missouri 64106.

Written comments will be available for public review at the OSM Region IV Office above, on Monday through Friday, 8 a.m.–4 p.m.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Assistant Regional Director, Office of Surface Mining, Scarritt Building, 818 Grand, Kansas City, Missouri 64106, Telephone (816) 374–3920.

SUPPLEMENTARY INFORMATION: On February 28, 1980, OSM received a proposed permanent regulatory program from the State of Iowa. The purpose of this submission is to demonstrate both the State's intent and its capability to assume responsibility for administering and enforcing the provisions of SMCRA and the permanent regulatory program (30 CFR Chapter VII), as published in the **Federal Register** on March 13, 1979 (44 FR 15311–15463).

This notice describes the nature of Iowa's proposed program and sets forth information concerning public participation in the Regional Director's determination of whether or not the submission is complete. The public participation requirements for the consideration of a permanent State program are found in 30 CFR 732.11 and 732.12 (44 FR 15326–15327). Additional information may be found under corresponding sections of the preamble to OSM's permanent program regulations (44 FR 14959–14960).

The receipt of the Iowa submission is the first step in a process which will result in the establishment of a comprehensive program for the regulation of surface coal mining and reclamation operations and coal exploration in Iowa.

If the submission is approved by the Secretary of the Interior, the State of Iowa will have primary jurisdiction for the regulation of coal mining and reclamation and coal exploration on non-Federal lands in Iowa. If the program is disapproved, a Federal program will be implemented and OSM will have primary jurisdiction for the regulation of those activities.

Before OSM and the Secretary formally begin consideration of the substance of the program, the Regional Director must determine that the submission is complete. If the Regional Director determines the submission to be complete, consideration of the adequacy of the program will begin and the public will be informed of the decision and have the right to submit comments on the adequacy of the submission. If the submission is determined to be incomplete, the State will be given the opportunity to submit additional material. If the State fails to provide the missing elements, or the submission is otherwise determined to be inadequate, the program will be initially disapproved. After initial disapproval the State may revise the program. If the resubmitted program is also found to be incomplete after opportunity for supplementing it has passed or is otherwise deficient, the State program will be given a final disapproval, and a Federal program will be implemented.

At this time, OSM is primarily concerned with whether the proposed program constitutes a complete submission. The decision on completeness will be made by Raymond L. Lowrie, Regional Director, OSM Region IV. To assist in obtaining information on the completeness of the Iowa submission, the Regional Director is requesting written comments from the public and will hold a public review meeting on the issue of completeness.

The public review meeting on completeness will be conducted by the Regional Director and will be informal. This will provide members of the public, State and OSM opportunity to openly exchange thoughts concerning program completeness outside the more rigid structure of formal public hearing proceedings. Specific format procedures will be at the discretion of the Regional Director.

Written comments may supplement or be submitted in lieu of oral presentation at the public review meeting. All written comments must be mailed or hand-carried to the Regional Director's Office above or may be hand-carried to the public review meeting at the address above and submitted as exhibits to the proceeding. The comment period will close at the conclusion of the public review meeting or at 8:00 p.m. on April 15, 1980, whichever is later.

Comments received after that time will not be considered in the Regional Director's completeness determination. Representatives of OSM Region IV will be available to meet between March 10,

1980, and April 15, 1980, at the request of the public to receive their advice and recommendations concerning the completeness of the proposed program.

Persons wishing to meet with representative of OSM, Region IV during this period may place such a request with Kerry Cartier, Public Information Officer, Telephone (816) 374–3490, at the Regional Director's Office above.

Meetings may be scheduled between 9 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, at the Regional Director's Office.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Iowa program. Under Section 702(d) of SMCRA (30 U.S.C. Section 1292(c)), approval of State programs does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

The following constitutes a summary of the contents of the Iowa submission: The Iowa Department of Soil Conservation, has been designated by the legislature and the Governor of Iowa to implement and enforce the Iowa Coal Mining Act, Chapter 29, Laws of the 68th General Assembly, 1979 Session, in accordance with the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95–87). The Department of Soil Conservation has developed State regulations to carry out the State mandate.

Contents of the State Program Submission include: (a) State Laws and Regulations.

(b) Other Related State Laws and Regulations.

(c) Regulatory Authority Designation.

(d) Structural Organization—Staffing Functions.

(e) Supporting Agreements Between Agencies.

(f) Narrative Description for: (1) Issuing Exploration and Mining Permits.

(2) Assessing Permit Fees.

(3) Bonding—Insurance.

(4) Inspecting and Monitoring.

(5) Enforcing the Administrative, Civil and Criminal Sanctions.

(6) Administering and Enforcing Permanent Program Standards.

(7) Assessing and Collecting Civil Penalities.

(8) Issuing Public Notices and Holding Public Hearings.

(9) Coordinating with Other Agencies.

(10) Consulting with Other Agencies.

(11) Designating Lands Unsuitable for Surface Mining.

(12) Restricting Financial Interests.

(13) Training, Examining and Certifying Blasters.

(14) Providing for Public Participation.

(15) Providing Administrative and Judicial Review.

(16) Providing a Small Operator Assistance Program (S.O.A.P.).

(g) Statistical Information.

(h) Summary of Staff with Titles, Functions, Job Experience and Training.

(i) Description of Staffing Adequacy.

(j) Projected Use of Other Professional and Technical Personnel.

(k) Budget Information.

(l) Physical Resources Information.

(m) Other Programs Administered by the Regulatory Authority.

Dated: February 29, 1980.

Allyn O. Lockner,

Deputy Regional Director.

[FR Doc. 80-7010 Filed 3-5-80; 8:45 am]

BILLING CODE 4310-05-M

---

30 CFR Chapter VII

Receipt of Permanent Program Submission From the State of Oklahoma

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Notice of Intent: Receipt of program submission from the State of Oklahoma.

SUMMARY: On February 28, 1980 the State of Oklahoma submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comments on the completeness of the State Program.

DATES: A public review meeting to discuss completeness of the submission will be held on April 17, 1980, from 1:30 p.m. to 4:30 p.m. and 7:00 p.m. to 8:00 p.m. or until all discussion has been completed. Written comments must be received on or before 8:00 p.m. April 17, 1980.

ADDRESSES: The public review meeting will be held at the Ramada Inn West, 800 South Meridian, Oklahoma city, Oklahoma. Copies of the full text of the proposed Oklahoma program are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region IV, 5th floor, Scarritt Building, 818 Grand, Kansas City, Missouri 64016.

Oklahoma Department of Mines, 4040 North Lincoln, Suite 107, Oklahoma City, Oklahoma 73105.

Written comments should be sent to: Raymond L. Lowrie, Regional Director, Office of Surface Mining, Scarritt Building, 818 Grand, Kansas City, Missouri 64106.

Written comments will be available for public review at the OSM Region IV Office above, on Monday through Friday, 8 a.m.–4 p.m.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Assistant Regional Director, Office of Surface Mining, Scarritt Building, 818 Grand, Kansas City, Missouri 64106. Telephone (816) 374–3920.

SUPPLEMENTARY INFORMATION: On February 28, 1980, OSM received a proposed permanent regulatory program from the State of Oklahoma. The purpose of this submission is to demonstrate both the State's intent and its capability to assume responsibility for administering and enforcing the provisions of SMCRA and the permanent regulatory program (30 CFR Chapter VII), as published in the **Federal Register** on March 13, 1979 (44 FR 15311–15463).

This notice describes the nature of Oklahoma's proposed program and sets forth information concerning public participation in the Regional Director's determination of whether or not the submission is complete. The public participation requirements for the consideration of a permanent State program are found in 30 CFR 732.11 and 732.12 (44 FR 15326–15327). Additional information may be found under corresponding sections of the preamble to OSM's permanent program regulations (44 FR 14959–14960).

The receipt of the Oklahoma submission is the first step in a process which will result in the establishment of a comprehensive program for the regulation of surface coal mining and reclamation operations and coal exploration in Oklahoma.

If the submission is approved by the Secretary of the Interior, the State of Oklahoma will have primary jurisdiction for the regulation of coal mining and reclamation and coal exploration on non-Federal lands in Oklahoma. If the program is disapproved, a Federal program will be implemented and OSM will have primary jurisdiction for the regulation of those activities.

Before OSM and the Secretary formally begin consideration of the substance of the program, the Regional Director must determine that the submission is complete. If the Regional Director determines the submission to be complete, consideration of the adequacy of the program will begin and the public will be informed of the decision and have the right to submit comments on the adequacy of the submission. If the submission is

determined to be incomplete, the State will be given the opportunity to submit additional material. If the State fails to provide the missing elements, or the submission is otherwise determined to be inadequate, the program will be initially disapproved. After initial disapproval the State may revise the program. If the resubmitted program is also found to be incomplete after opportunity for supplementing it has passed or is otherwise deficient, the State program will be given a final disapproval, and a Federal program will be implemented.

At this time, OSM is primarily concerned with whether the proposed program constitutes a complete submission. The decision on completeness will be made by Raymond L. Lowrie, Regional Director, OSM Region IV. To assist in obtaining information on the completeness of the Oklahoma submission, the Regional director is requesting written comments from the public and will hold a public review meeting on the issue of completeness.

The public review meeting on completeness will be conducted by the Regional Director and will be informal. This will provide members of the public, State and OSM opportunity to openly exchange thoughts concerning program completeness outside the more rigid structure of formal public hearing proceedings. Specific format procedures will be at the discretion of the Regional Director.

Written comments may supplement or be submitted in lieu of oral presentation at the public review meeting. All written comments must be mailed or hand-carried to the Regional Director's Office above or may be hand-carried to the public review meeting at the address above and submitted as exhibits to the proceeding. The comment period will close at the conclusion of the public review meeting or at 8:00 p.m., April 17, 1980, whichever is later.

Comments received after that time will not be considered in the Regional Director's completeness determination. Representatives of OSM Region IV will be available to meet between March 10, 1980, and April 17, 1980, at the request of the public to receive their advice and recommendations concerning the completeness of the proposed program.

Persons wishing to meet with representatives of OSM, Region IV during this period may place such a request with Kerry Cartier, Public Information Officer, Telephone (816) 374–3490, at the Regional Director's Office above.

Meetings may be scheduled between 9 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, at the Regional Director's Office.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Oklahoma program. Under Section 702(d) of SMCRA (30 U.S.C. Section 1292(d)), approval of State programs does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

The following constitutes a summary of the contents of the Oklahoma submission: The Oklahoma Department of Mines has been designated by the Legislature and the Governor of Oklahoma to implement and enforce the Coal Reclamation Act of 1979, in accordance with the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95–87). The Department of Mines has developed State regulations to carry out the State mandate.

Contents of the State Program Submission include: (a) State Laws and Regulations.

(b) Other Related State Laws and Regulations.

(c) State/Federal Law and Regulation Comparison.

(d) Regulatory Authority Designation.

(e) Structural Organization—Staffing Functions.

(f) Narrative Description for: (1) Issuing Exploration and Mining Permits.

(2) Assessing Permit Fees.

(3) Bonding—Insurance.

(4) Inspecting and Monitoring.

(5) Enforcing the Administrative, Civil and Criminal Sanctions.

(6) Administering and Enforcing Permanent Program Standards.

(7) Assessing and Collecting Civil Penalties.

(8) Issuing Public Notices and Holding Public Hearings.

(9) Coordinating with Other Agencies.

(10) Consulting with Other Agencies.

(11) Designating Lands Unsuitable for Surface Mining.

(12) Restricting Financial Interests.

(13) Training, Examining and Certifying Blasters.

(14) Providing for Public Participation.

(15) Providing Administrative and Judicial Review.

(16) Providing a Small Operator Assistance Program (S.O.A.P.).

(g) Statistical Information.

(h) Summary of Staff with Titles, Functions, Job Experience and Training.

(i) Description of Staffing Adequacy.

(j) Projected Use of Other Professional and Technical Personnel.

(k) Budget Information.

(l) Physical Resources Information.

(m) Other Programs Administered by the Regulatory Authority.

Dated: February 29, 1980.

Allyn O. Lockner,

Deputy Regional Director.

[FR Doc. 80-7009 Filed 3-5-80; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 80-07]

Drawbridge Operation Regulations, Taunton River, Maine

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Maine Department of Transportation the Coast Guard is considering amending existing regulations to permit the closure to navigation of the swingspan in the U.S. Route #1 bridge across the Taunton River, mile 4.3, between Hancock and Sullivan, Maine. The amendment is being considered because the last recorded opening of the span was in 1946.

DATE: Comments must be received on or before April 4, 1980.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (obr), First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114 (617–223–0645).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, First Coast Guard District will evaluate all comments received and decide on the final course of action. The proposal regulations may be changed in light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: William J. Naulty, Chief Bridge Branch, First Coast Guard District, and Lieutenant William

B. O'Leary, Project Attorney, Assistant Legal Officer, First Coast Guard District.

Discussion of the Proposed Regulation

These regulations are being considered because the drawspan has not been opened for navigation for 33 years. The fact that the bridge has not been opened for such an extended period of time indicates that vessels anchored above the bridge can and do pass under the closed span. The navigation openings are a vertical clearance of 10 feet, above mean high water, and a horizontal clearance of 82 feet.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.3 to read as follows:

§ 117.3 Taunton River, Maine; Maine Department of Transportation highway bridge between Hancock and Sullivan.

(a) The draw need not open for the passage of vessels.

(b) The draw shall be returned to operable condition within six months after notification from the Commandant to take such action.

(Sec. 5, 28 Stat. 362, as amended; Sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: February 25, 1980.

W. S. Schwob,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 80-7016 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-14-M

---

33 CFR Part 117

[CGD 80-08]

Drawbridge Operation Regulations, Presumpscot River, Maine.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Maine Department of Transportation the Coast Guard is considering amending existing regulations to permit the closure of the drawspan in the U.S. Route #1 bridge over the Presumpscot River, between Portland and Falmouth, Maine. The amendment is being considered because the drawspan has not been opened since 1976.

DATE: Comments must be received on or before April 4, 1980.

ADDRESS: Comments should be submitted to and will be available for examination at the office of the Commander (obr), First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114 (617-223-0645).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and given reasons for concurrence with or any recommended change in the proposal.

The Commander, First Coast Guard District will evaluate all comments received and decide on the final course of action. The proposed regulations may be changed in light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: William J. Naulty, Chief Bridge Branch, First Coast Guard District, and Lieutenant William B. O'Leary, Project Attorney, Assistant Legal Officer, First Coast Guard District.

Discussion of the Proposed Regulation

The proposed amendment is being considered because the drawspan has not been opened for navigation for three years. Prospects for the development of the Presumpscot River between the Martin Point Bridge and the fixed Interstate Route 295 bridge at mile 1.7 are very remote. The land along the west side of the river is isolated by the interstate roadway; the small portion of land to the south is a residential area. The land along the east shore is primarily wet land and is protected; a small portion of land on the southerly end of this shore is a residential area.

The navigation opening provided by the closed span is a vertical clearance of 12 feet, above mean high water, and a horizontal clearance of 50 feet.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.15 to read as follows:

§ 117.15 Presumpscot River, Portland, Maine; highway bridge at Martin Point.

(a) The drawspan of this bridge need not be opened for the passage of vessels.

(b) The draw shall be returned to operable condition within six months after notification from the Commandant to take such action.

(Sec. 5, 28 Stat. 362, as amended, Sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) 33 CFR 1.05-1(g)(3))

Dated: Feburary 25, 1980.

W. S. Schwob,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 80-7015 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Glacier Bay National Monument; Protection of Humpback Whales

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The proposed regulations set forth below are necessary to protect populations of the humpback whale (*Megaptera novaeangliae*) within Glacier Bay National Monument. These regulations have been designed to minimize the effects of vessel-whale interactions and provide greater resource protection by regulating the use of motorized vessels. The National Park Service proposes to reevaluate the regulations in light of any new research findings at the end of three years.

DATES: Written comments, suggestions or objections will be accepted until April 7, 1980.

ADDRESSES: Comments should be directed to: Superintendent, Glacier Bay National Monument, P.O. Box 1089, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: John Chapman, Superintendent, Glacier Bay National Monument, P.O. Box 1089, Juneau, Alaska 99802, Telephone: (907) 586-7127.

SUPPLEMENTARY INFORMATION:

Background

As a result of commercial whaling during the first half of this century, the number of humpback whales (*Megaptera novaeangliae*) in the North Pacific was seriously reduced from former levels. Population levels have declined from an estimated 15,000 in 1905 to a present estimate of 1,000. In 1966, the International Whaling Commission placed a prohibition on the commercial taking of humpback whales. In 1970, the humpback whale was designated an endangered species under the Endangered Species Conservation Act of 1969. Additionally, humpback whales are protected by the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the Marine Mammal Protection Act of 1972, as amended (16

U.S.C. 1361 *et seq.*), and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, March 3, 1973 (T.I.A.S. No. 8249).

It is estimated that between 70 and 100 humpback whales spend the summer months in the territorial-inland waters of Southeastern Alaska. They have been known to frequent these inland waters since before 1900. When humpback whales historically began occupying Glacier Bay is unknown. Their presence in Glacier Bay has been documented by National Park Service personnel since the area was staffed onsite in the 1950's.

Glacier Bay National Monument

Glacier Bay National Monument was established by Presidential Proclamation on August 26, 1925 (43 Stat. 1988), and expanded by subsequent proclamations on April 18, 1939 (53 Stat. 2534), and December 1, 1978 (43 FR 57009). The primary purpose of the monument's establishment and enlargements is the protection and preservation of a wide array of geological and ecological interests to be preserved in their natural condition.

The boundaries of Glacier Bay National Monument include approximately 973 square miles of territorial sea. The Pacific Ocean marine life of the monument is one of the major attractions for the 120,000 visitors using the area annually. Of this marine life, the humpback whale ranks along with the harbor seal as a highpoint in a visitor's experience.

In the years 1967 through 1977, an annual average of 20–25 individual whales were observed to use the Bay for summer feeding, entering in two stages (June and July) and remaining into early fall. Seven years of scientific research and improved photo identification techniques indicate that certain individual whales repeatedly return to feed in Glacier Bay. In 1978, during the first entry stage, the whales entered the mouth of the Bay and several whales successfully moved up Bay into feeding areas. However, the whales of the second entry stage did not stay, but left, accompanied by all but three animals of the first entry phase.

In 1979, only a few humpbacks entered Glacier Bay, and again, only three remained in up Bay feeding areas.

Research Investigations and Findings

Research into the behavioral responses of humpback whales to vessels has been conducted under contract in Glacier Bay since 1976. Preliminary results of this research indicate adverse impacts on humpback behavior from interaction with increasing numbers of vessels using the Bay. Although there is disagreement over the severity of impact caused by each vessel class and method of operation, it is clear that vessels create stress in whale behavior. Consideration is also being given to the hypothesis that conditioned behavior in the form of whale avoidance of the Bay may be developing.

Prior to the 1979 visitor season, vessel operating guidelines were publicized and discussed with boaters. Some of these were similar to the regulations proposed today. Basically, all motorized vessels were asked to remain ¼ mile from any humpback whale, and cruise ships were asked to proceed through designated waters at 10 knots or less. These requests were complied with in most respects, but the number of whales entering the Bay and remaining through their historic use period continued to decline.

When the 1979 procedures appeared to have no beneficial effect on the use of Glacier Bay by humpback whales, the National Park Service requested a formal consultation with the National Marine Fisheries Service in accordance with the provisions of the Endangered Species Act. In their formal response to the consultation process, the National Marine Fisheries Service (NMFS) concluded, "* * * that uncontrolled increase of vessel traffic, particularly of erratically traveling charter/pleasure craft, probably has altered the behavior of humpback whales in Glacier Bay * * *," and, "* * * that continued increase in the amount of vessel traffic * * * is likely to jeopardize the continued existence of the humpback whale population frequenting Southeast Alaska."

NMFS recommended, "* * * that total vessel use of the Bay be restricted to 1976 levels, at the very least * * *" and further, that "* * * regulations should address vessel routing and vessel maneuvering * * *" and, "* * * the system should be flexible enough to accommodate changes of areas of concentrated feeding activity."

The National Park Service and professional marine biologists recognize that a full understanding of marine mammal behavior and habitat processes is a complex problem, and that worldwide research to date has not provided final answers to many issues. However, until such time as additional research yields a more complete picture, the Service must exercise its responsibility to the total environment of the monument it manages. In addition, the Service must comply with the mandate of the Endangered Species Act to take appropriate steps to protect and endangered species and to mitigate any possible adverse impacts resulting from the actions of man. The Service will re-evaluate the regulations proposed today in three years in order to consider any new or relevant information.

Legal Authorities

On February 26, 1925, pursuant to his authority under the Antiquities Act, 16 U.S.C. 431 *et seq.* (1976), President Coolidge established Glacier Bay National Monument and directed the National Park Service to administer it in accordance with the Act of August 25, 1916, 16 U.S.C. 1 *et seq.* (hereinafter "the National Park Service Organic Act"). Proclamation No. 1733 (February 26, 1925), 43 Stat. 1988. Under the same authority, Presidents Roosevelt and Carter subsequently enlarged the monument in 1939 and 1978, respectively. Proclamation No. 2330 (April 18, 1939), 53 Stat. 2534; Proclamation No. 4618 (December 1, 1978), 43 FR 57053. The boundaries of Glacier Bay National Monument encompass approximately 973 square miles of salt water.

The National Park Service Organic Act directs the National Park Service to "promote and regulate the use of the Federal areas known as national * * * monuments," including Glacier Bay National Monument,

> "by such means and measures as conform to the fundamental purpose of the said * * * monuments * * *, which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 16 U.S.C. 1 (1976)

Furthermore, the Organic Act authorizes the Secretary of the Interior to "make such rules and regulations as he may deem necessary or proper for the use and management of * * * monuments * * * under the jurisdiction ot the National Park Service. *Id.* § 3. Particularly relevant to the regulations proposed today, the Organic Act specifically authorizes the Secretary to "promulgate and enforce regulations concerning boating and other activities on or relating to waters within areas of the National Park System." *Id.* § 1a–2(h) (1976).

In addition to the National Park Service Organic Act, both the Endangered Species Act of 1973, as amended, and the Marine Mammal Protection Act of 1972, as amended, provided authority for the regulations proposed today to protect humpback whales. 16 U.S.C. 1531 *et seq.* With respect to the Endangered Species Act, the humpback whale is listed as an

endangered species of whale under the Act. 50 CFR 17.11; *see, also,* Convention on International Trade in Endangered Species of Wild Fauna and Flora, March 3, 1973 (T.I.A.S. No. 8249). The Endangered Species Act directs the Secretary of the Interior to utilize all the programs which he administers in furtherance of the purposes of the Act. It also directs all Federal agencies to "utilize their authorities in furtherance of purposes of this Act by carrying out programs for the conservation of endangered species * * *." 16 U.S.C. 1536(a), 1531(c). By its terms, the Act's purposes

"are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the [listed] treaties and conventions * * *" *Id.* § 1531(b).

The Endangered Species Act defines "conservation" broadly to mean "all methods and procedures which are necessary to bring any endangered species to the point at which the measures provided pursuant to this Act are no longer necessary." *Id.* § 1532(3). The Endangered Species Act also makes it unlawful for any person "to take such (endangered) species within the United States or the territorial sea of the United States * * *." *Id.* § 1538(a)(1)(B). The Act defines "take" broadly to include, *inter alia,* "harass, harm, pursue." *Id.* § 1532(19); *see* 50 CFR 17.3.

The Marine Mammals Protection Act also protects humpback whales. 16 U.S.C. 1361 *et seq.* This Act prohibits, except as specifically permitted, the taking of marine mammals including, by definition, humpback whales. *Id.* § 1382(a); 1362(5). Again taking is defined broadly to include harassing or attempting to harass. *Id.* § 1362(13). As stated in the Act's legislative history,

"The act of taking need not be intentional. The operation of motorized vessels in waters in which these animals are found in a manner prohibited by the proposed rule can clearly constitute harassment." H.R. Rep. No. 707, 92nd Cong., 1st Sess. 23.

The Marine Mammal Protection Act recognizes that "there is inadequate knowledge of the ecology and population dynamics of * * * marine mammals." 16 U.S.C. 1361(3). Nevertheless, the Act directs each federal agency to protect significant habitat for marine mammals from the "adverse effects of man's actions." *Id.* § 1361(2); § 1382(a), (b).

The above proclamations and acts provide the legal authority for the regulations which the National Park Service is proposing today. These regulations are also based on the opinion of the National Marine Fisheries Service quoted above. Both the Endangered Species Act and the Marine Mammal Protection Act confer major responsibility for management of the endangered humpback whales on the National Oceanic and Atmospheric Administration. *See* Reorganization Plan No. 4 of 1970, 35 FR 15627; 16 U.S.C. 1532(10), 1533(a)(2); 50 CFR 17.2, *see, also,* 16 U.S.C. 1362, *et seq.*, and 16 U.S.C. 916, *et seq.*

Summary of Regulatory Provisions

The National Park Service is proposing these regulations in order to mitigate the impact of vessel use on the humpback whales in Glacier Bay National Monument. The regulations fall into two broad categories. The first category consists of regulations that would apply to a specific class of vessel during a specific period of time. The second category of regulations would govern the operation of all vessels at all times.

In an attempt to adequately protect the humpback whale and at the same time mimimize the restrictions imposed by these regulations, the Service has limited the applicability of the majority of these regulations to a specific period of time designated as the "whale season." The whale season is the period of time beginning on June 1 and ending on September 1 of each calendar year. These dates have been designed to encompass the major entering phases and summer feeding period. Seldom, during the last 15 years of data collection, have more than two whales been recorded in Glacier Bay outside of these dates.

Research coducted by the National Park Service indicates there is a direct correlation between the size of a vessel and the resulting adverse behavioral modification that occurs in the humpback whale. Therefore, the Service is proposing to limit to no more than two ships a day, the number of entries into Glacier Bay by vessels over 100 tons in size.

Additional research data demonstrate levels of response by humpback whales to the cruise ship class of vessel, both in frequency and intensity. Limitation of cruise ship entries to a maximum of two on any one day is to minimize the potential for possible adverse interactions with humpbacks, and conforms with the recommendation by the National Marine Fisheries Service to limit traffic to 1976 levels. Approximately 90% of the days during "whale seasons" when cruise ships have entered Glacier Bay where days on which entries numbered two or less. Use of two as a maximum entry number will permit the "normal" use pattern of the past few years to proceed while avoiding days resulting in higher potential impact.

This "normal" use pattern is reflected in a limit on the total entries by cruise ship type vessels. This total limit for cruise ships entering Glacier Bay during the whale season was obtained by averaging entries during this period from 1976 through 1979. While this average of 95 is six entries greater than the 1976 total of 89, it is believed that this average is the first reasonable level at which to impose limit restrictions. Similar data and control measures for smaller vessels is presently unavailable.

While the National Park Service believes that limiting large vessel entries to no more than two cruise ships on any one day is an appropriate and necessary restriction to minimize any adverse behavioral responses in humpback whales, implementation of regulations limiting cruise ship entry into Glacier Bay for the 1980 whale season would adversely affect the plans of numerous visitors. Cruise ship schedules were printed in 1979 and both passengers and the companies involved have been confirming bookings for the 1980 season in good faith. Furthermore, the number of days for entry by three cruise ships in 1980 is lower than in 1979, where one such day occurred each week. With these factors in mind, the National Park Service feels it can permit a limited number of days of entry by three large cruise ships in 1980, and proceed to institute the full requirement of no more than two such entries on any one day in 1980, for which scheduling has not been completed.

In addition to the reduction in the number of entries by cruise ships over the 1979 level, implementation of the remaining regulations governing vessel operation will further mitigate potential cruise ship and whale encounters.

The proposed regulations restrict the operation of larger class vessels to a mid-channel course. With respect to other vessels, research data indicate that vessels under 16 feet in length and commercial fishing vessels operating in patterns and at speeds normal during most types of actual fishing activity are among the least likely to cause reaction responses from humpbacks. Therefore, the Service is proposing less restrictive regulations for vessels under 16 feet and vessels actively fishing. Fixed mid-channel courses cannot be expected to be the most appropriate in all circumstances, nor can all concentrations of fishing vessels and small craft inshore be considered

acceptable in every case, especially where high vessel numbers might occur on occasion. Conditions may arise when the cumulative impact produced by sheer numbers causes adverse interactions to occur. In these cases, therefore, the Superintendent is authorized to require all vessels to maintain a specified mid-channel course while operating between the mouth of Glacier Bay and Strawberry Island.

The proposed regulations provide that no motorized vessel, except those actively fishing, may intentionally position itself within ¼ mile of a whale. The Service has determined that ¼ mile is the distance beyond which it is apparently less likely for a vessel (especially smaller craft) to elicit strong behavioral responses from a whale. This is also a distance which most vessel operators can estimate with normal navigational ability. Finally, this distance is sufficient to allow vessels both to account for most sudden whale movements and to navigate safely away from a closing situation with whales.

The intent is to ensure that any vessel finding itself within ¼ mile of a whale will recognize responsibility to move away, will know how to operate the vessel so as to move away without harassing the whales or otherwise causing other adverse behavioral responses.

Public Comments and Hearings

It is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed regulations to the address noted at the beginning of this rulemaking.

Drafting Information

The following persons participated in the writing of these regulations: John Chapman, Superintendent, Donald D. Chase, Chief of Operations, Gregory Streveler, Research Biologist, Glacier Bay National Monument; William F. Paleck, Alaska Area Office.

Impact Analysis

The National Park Service has made a determination that the proposed regulations contained in this rulemaking are not significant, as that term is defined under Executive Order No. 12044 and 43 CFR Part 14, nor do they require the preparation of a regulatory analysis pursuant to the provisions of those authorities. In addition, the Service has determined that the proposed regulations do not represent a major Federal action significantly affecting the quality of the human environment which would require preparation of an Environmental Impact Statement.

Authority

Presidential Proclamations No. 1733 (43 Stat. 1988), 2330 (53 Stat. 2534), and 4618 (43 FR 57009); Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 1 *et seq.*); 245 DMI (27 FR 6395) as amended; National Park Service Order 77 (38 FR 7478, as amended).

Daniel J. Tobin,

Associate Director, Management & Operations.

In consideration of the foregoing, it is proposed to amend § 7.23 of Title 36 of the Code of Federal Regulations by the addition of paragraphs (b), (c), and (d) for a period of three years from the date of final publication as follows:

§ 7.23 Glacier Bay National Monument, Alaska.

* * * * *

(b) *Definitions.* The following definitions shall apply to the provisions of this section.

(1) The term "whale" means any Humpback Whale, *Megaptera novaengliae.*

(2) The term "whale waters" means any portion of Glacier Bay designated on a map available for public inspection at the office of the Superintendent and published by the U.S. Coast Guard as a "Notice to Mariners."

(3) The term "cruise ship" means any vessel over 100 tons gross carrying passengers for hire.

(4) The term "Glacier Bay" means all marine waters north of a line between Point Gustavus and Point Carolus.

(5) The term "mouth of Glacier Bay" means a line between Point Gustavus and Point Carolus, within the boundaries of Glacier Bay National Monument.

(6) The term "pursue" means to maintain a course, speed, or vessel behavior pattern that intentionally or negligently results in retaining a vessel at less than ¼ nautical mile from a whale.

(7) The term "actively fishing" means the actual process of trolling, pulling crab pots, towing nets or other activities directly leading to the lawful capture of aquatic species.

(8) The term "vessel" includes every type or description of craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water. This definition includes but is not limited to the following: Boat, motorboat, houseboat, rowboat, powerboat, jet boat, fishing boat, tow boat, scow, flatboat, sailboat, cruiser, motor vessels, ship, barge, tug, floating cabana, party boat, charter boat, ferryboat, canoe, raft, or any bouyant device permitting or capable of free flotation.

(9) The term "motorized vessel" means any vessel propelled by machinery (including steam) whether or not such machinery is the principal source of power.

(c) *Whale Season.* The following regulations will be in effect from June 1 to September 1.

(1) Beginning in 1980, cruise ship entries into Glacier Bay will be limited to a total of 95, and to not more than two ships per day, with the exception that one day per week, three vessels a day will be allowed. Beginning in 1981, cruise ship entries into Glacier Bay will be limited to a total of 95, and to not more than two per day during this time.

(2) Entries into Glacier Bay by other vessels exceeding 100 tons gross is permitted, provided a permit to do so has been issued by the Superintendent subject to the following procedures:

(i) Any application for such permit shall set forth the name of the operator, the name and tonnage of the vessel, the dates of proposed entry and exit from Glacier Bay. Such applications must be received by the Superintendent at least twenty (20) days prior to the proposed date of entry.

(ii) The Superintendent shall, without unreasonable delay, issue a permit on proper application unless two entries by vessels exceeding 100 tons gross are scheduled for the same date.

(iii) Vessels owned or operated by the United States or the State of Alaska, while conducting official business, may enter the waters of Glacier Bay without a permit.

(3) All motorized vessels operating within designated whale waters shall maintain constant speeds of less than ten knots and a steady course unless it is necessary to avoid positioning itself within ¼ mile of a whale or endangering other vessels or itself.

(4) The Superintendent shall designate on a map the boundaries of current whale waters where a high probability of whale occupancy exists, based upon recent sightings and/or past patterns. The map shall be available for inspection in the office of the Superintendent and published by the U.S. Coast Guard as a "Notice to Mariners." Maps shall be provided upon approval of the permit.

(5) All motorized vessels underway between the mouth of Glacier Bay and the northern tip of Strawberry Island will maintain speeds of less than ten knots.

(6) All motorized vessels over 16 feet in length, except those actively fishing, will follow designated mid-channel courses between the mouth of Glacier Bay and the northern tip of Strawberry Island, unless such action will result in closing with a whale, endangers other vessels or itself.

(7) Emergency restrictions which require any and/or all vessels to maintain a specified course while operating between the mouth of Glacier Bay and Strawberry Island shall be enacted by the Superintendent for a period not to exceed 10 days when six or more whales are distributed in an area of the bay in such a manner that the risk of interaction between whales and existing vessel traffic is unacceptably high and/or ten or more instances of a whale or whales altering behavior in response to vessels are recorded in any one day. Any emergency restrictions shall be designated on a map which shall be available for public inspection at the Office of the Superintendent and other places convenient to the public; announced in the United States Coast Guard "Notice to Mariners" and distributed to the transient mariners within Glacier Bay in the most expeditious manner available.

(d) *Prohibited Operations.* The following regulations are applicable at all times.

(1) No motorized vessel, except those actively fishing, will intentionally position itself within ¼ mile of a whale.

(2) No vessel will pursue or attempt to pursue a whale.

(3) Motorized vessels positioned within ¼ mile of a whale at any time will slow to a stop, avoiding use of reverse gear unless impact with a whale is otherwise likely. After determination of the whale's course of movement, the vessel will slowly resume speed and proceed as nearly straight away from the whale's course as practicable, until the ¼ mile separation is reestablished.

(4) Vessels engaged on official business of the State or Federal Government, or used in emergency rescue, shall be exempt from the provisions of this section but will operate in accordance with the directions of the Superintendent.

[FR Doc. 80-7079 Filed 3-5-80; 8:45 am]
BILLING CODE 4310-70-M

POSTAL SERVICE

39 CFR Part 111

Solicitations in the Guise of Bills, Invoices, or Statement of Account

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would amend the regulations implementing statutory provisions on the mailing of solicitations in the guise of bills, invoices, or statements of account (39 U.S.C. 3001(d)). The amendments would cause the regulations more clearly to foreclose certain potentially deceptive techniques and formats used recently by some mailers of such solicitations.

DATES: Comments must be received on or before April 5, 1980.

ADDRESS: Written comments should be directed to the Assistant General Counsel, Consumer Protection Division, Law Department, U.S. Postal Service, Washington, D.C. 20260. Copies of all written comments will be available for inspection and photocopying between 9 am and 4 pm, Monday through Friday, in Room 9124, U.S. Postal Service Headquarters, 475 L'Enfant Plaza West, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John F. Ventresco, (202) 245-4385.

SUPPLEMENTARY INFORMATION: Postal regulations that implement 39 U.S.C. 3001(d) make solicitations in the guise of bills, invoices, or statements of account "nonmailable" unless certain warnings are printed on the face of the solicitations making it clear that the solicitations are merely offers and not bills that have to be paid. These warnings are required to be displayed in capital letters of a color prominently contrasting with the background against which they appear. Recently, some solicitations resembling invoices have been mailed using a multiple page format, with the prescribed warning on the face of the first page only. Some have been mailed using a segmented page with the warning appearing only on a portion which may readily be detached by person handling the mail piece before it reaches the employee authorized to issue payment. Others have the warning printed in a color which is not as vivid as other colors on the face of the solicitation, and which does not permit legible reproduction.

Although we believe that such practices can be shown to be deficient under the current regulations and thus to form a basis for challenge under the false representations law (39 U.S.C. 3005), we view the adoption of revised regulations as the most effective method to curtail the proliferation of these and any other practices incompatible with the purpose of 39 U.S.C. 3001(d). The revisions hereby proposed would require that the positioning of the warning be the same whether it is expressed in the terms provided by the statute (39 U.S.C. 3001(d)) or by the regulations (see proposed 123.41b). The revisions would emphasize the requirement of conspicuousness of the warning (proposed 123.41a) and define the term "color prominently contrasting" (proposed 123.41g). They would also specify the manner of displaying the warning when the solicitation consists of more than one page (proposed 123.41e) or employs a segmented-page format (proposed 123.41f).

In view of the considerations discussed above, the Postal Service invited comments on the following proposed revisions of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1.

PART 123—NONMAILABLE MATTER—WRITTEN, PRINTED, AND GRAPHIC

In 123.4, revise .41 to read as follows:

123.4 Nonmailable Written, Printed or Graphic Matter Generally .41 Solicitations in the Guise of Bills, Invoices, or Statements of Account (39 U.S.C. 3001(d); 39 U.S.C. 3005).

Any otherwise mailable matter which reasonably could be considered a bill, invoice, or statement of account due, but is in fact a solicitation for an order, is nonmailable unless it conforms to .41a through .41h below. A nonconforming solicitation constitutes *prima facie* evidence of violation of 39 U.S.C. 3005.

a. The solicitation must bear on its face the disclaimer prescribed by 39 U.S.C. 3001(d)(2)(A) or, alternatively, the notice: This is not a bill. This is a solicitation. You are under no obligation to pay unless you accept this offer. The statutory disclaimer or the alternative notice must be displayed in conspicuous boldface capital letters of a color prominently contrasting (see .41g below) with the background against which it appears, including all other print on the face of the solicitation, and at least as large, bold, and conspicuous as any other print on the face of the solicitation, but not smaller than 30-point type.

b. The notice or disclaimer required by this section must be displayed either:

(1) On the center of the diagonal described by a straight line drawn from the vertex of the lower left corner to the vertex of the upper right corner; or

(2) Overprinting each portion of the solicitation which reasonably could be considered to specify a monetary amount due and payable by the recipient.

c. The notice or disclaimer must not be preceded or followed by words or symbols which introduce, modify, qualify or explain the prescribed text, such as "Legal notice required by law."

d. The notice or disclaimer must not, by folding or any other device, be rendered unintelligible or less prominent than any other information on the face of the solicitation.

e. If a solicitation consists of more than one page, the notice or disclaimer required by this section must be displayed on the face of each page at a location permitted by .41b.

f. Regardless of the number of pages comprising the solicitation, if any page is designed to be separated into portions (e.g., by tearing along a perforated line), the notice or disclaimer required by this section must be displayed in its entirely on the face of each portion that might reasonably be considered a bill, invoice, or statement of account due.

g. For purposes of this section, the phrase "color prominently contrasting" excludes any color, or any intensity of an otherwise included color, which does not permit legible manual, mechanical, electronic, and photographic reproduction, and which is not at least as vivid as any other color on the face of the solicitation. For the purposes of this section the term "color" includes black.

h. Any solicitation which states that it has been approved by the Postal Service or by the Postmaster General or that it conforms to any postal law or regulation is nonmailable.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if this proposal is adopted.

(39 U.S.C. 401, 3001, 3005)

W. Allen Sanders,

Associate General Counsel.

[FR Doc. 80-7004 Filed 3-5-80; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1427-6]

State of Delaware; Proposed Schedules To Correct Deficiencies in Delaware's Nonattainment Area Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: Elsewhere in today's Federal Register, EPA is conditionally approving the Delaware plan where there are deficiencies and the State had provided assurances that it will submit corrections. This notice solicits comments on deadlines for conditionally approved items. Conditional approvals mean that Sections 176 and 316 of the Clean Air Act and new source growth sanctions will not apply in Delaware unless the State fails to submit the necessary SIP revisions by the scheduled dates, or unless the provisions are not approved by EPA.

DATE: Comments must be received on or before April 7, 1980.

ADDRESSES: All comments should be addressed to: Howard Heim (3AH10), Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106. ATTN: AH301 DE.

Copies of the materials submitted by the State of Delaware are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, PA 19106, ATTN: Patricia Sheridan.

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

FOR FURTHER INFORMATION CONTACT: Mr. Harold A. Frankford (3AH12), Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106, Telephone: (215) 597-8392.

SUPPLEMENTARY INFORMATION:

I. Conditional Approval Time Schedules—Stationary Sources

A. The deficiencies discussed elsewhere in today's **Federal Register** and the time schedule by which the State of Delaware must correct them are:

1. *Regulation I (Definitions and Administrative Principles).* The definitions for "lowest achievable emission rate" and "vapor-tight" must be revised.

2. *Regulation XXIV (Control of Volatile Organic Compounds).* a. Section 9.2 (surface coating operations) must be revised to state that the 40 pounds per day exemption (VOC emissions) refers to the entire source and not each individual coating line.

b. Test procedures for determining compliance with Section 5.1 (delivery vessels), 7.1 (bulk gasoline terminals), 11.1A(3)(iv) (cold cleaning facilities), 11.2B(3)(iv) (open top vapor degreasers), and 11.3B(1)(ii) (conveyorized degreasers) must be referenced in the regulations.

c. Categorical compliance schedules for future effective regulations must be adopted and submitted. These regulations include:

1. Section 4—Gasoline Dispensing Facilities—Stage I.
2. Section 5—Delivery Vessels.
3. Section 6—Bulk Gasoline Plants.
4. Section 7—Bulk Gasoline Terminals.
5. Section 8—Petroleum Liquid Storage.
6. Section 9—Surface Coating Operations.
7. Section 10—Miscellaneous Petroleum Refinery Sources.
8. Section 11—Solvent Metal Cleaning.

d. An asphalt emulsion solvent content must be specified.

3. *Regulation XXV—Requirements for Preconstruction Review.* While the provisions of this regulation are acceptable, full approval cannot be granted until the term "lowest achievable emission rate" (LAER) is adequately defined and the term "reconstruction" contains this acceptable definition for LAER. These changes will make the regulation consistent with Section 173 of the Clean Air Act.

B. In order to correct the above-listed deficiencies, the State has submitted the following timetable to EPA: November 7, 1979—Notice of Public Hearing (completed); November 11, 1979—Draft proposed regulations submitted to EPA (completed); December 11 and 12, 1979—Public hearings (completed); February 29, 1980—Adopt new and /or revised regulations and commitments; submit to EPA.

II. Transportation Control Measures

1. A specific commitment to use available grants and funds to establish, expand, and improve public transportation to meet basic transportation needs must be included in the SIP. The State intends to adopt and submit this commitment by February 29, 1980.

2. The transportation control plan submitted by the Wilmington Metropolitan Area Planning Coordinating Council (WILMAPCO) does not describe the process for determining consistency and conformity of transportation plans and programs with the Delaware SIP. WILMAPCO intends to provide assurance that it shall not give its approval to any project, program, or plan which does not conform to the SIP and to submit this commitment to EPA by June 30, 1980.

III. Inspection/Maintenance Program

By June 30, 1980, the State intends to adopt emission standards in order to support its commitment to a 25% reduction in hydrocarbon (HC) emissions from light duty vehicles.

Submittal of Public Comments

The public is invited to submit to the address stated above, comments on whether the schedules submitted by

Delaware to rectify the deficiencies contained in Regulation I, XXIV, and XXV; the transportation commitments, and the schedule for adopting Delaware's I/M emission standards are acceptable. All comments submitted on or before April 7, 1980 will be considered. Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(42 U.S.C. 7401–7642)

Dated: January 10, 1980.

Jack Schramm,

Regional Administrator.

[FR Doc. 80-6825 Filed 3-5-80; 8:45 am]

BILLING CODE 6560-01-M

---

40 CFR Part 425

[FRL 1429-3]

Leather Tanning and Finishing Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: On July 2, 1979, EPA proposed regulations under the Clean Water Act to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from facilities engaged in processing animal hides and skins into finished leather (44 FR 38746–38776). EPA is extending the period for comment on the proposed regulations from February 25, 1980, until April 10, 1980.

DATES: Comments on the proposed regulations for the leather tanning and finishing industry (44 FR 38746) must be submitted to EPA by April 10, 1980.

ADDRESS: Send comments to: Mr. Donald F. Anderson, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attention: Docket Clerk, Proposed Leather Tanning Rules. The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM–213. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Donald F. Anderson (202) 426–2497.

SUPPLEMENTARY INFORMATION: On July 2, 1979, EPA proposed regulations to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from facilities engaged in processing animal hides and skins into finished leather (44 FR 38746–38776). The proposal provides effluent limitations guidelines for "best practicable technology," "best available technology," and "best conventional technology," and establishes new source performance standards and pretreatment standards under the Clean Water Act. The July 2 notice stated that comments on the proposal were to be submitted within 60 days from the date of availability of the technical development document for the proposed regulations. On September 26, 1979, EPA published a Notice of Availability of the technical development document and economic analysis, which stated that the comment period would end on November 26, 1979. See 44 FR 55401.

On December 4, 1979, EPA extended the comment period for an additional 90 days, from November 26, 1979 to February 25, 1980. See 44 FR 69688. This extension was granted to allow for (1) adequate review of supporting data and documentation not made available at the outset of the initial 60-day comment period; (2) joint review by EPA and the Tanners' Council of America (TCA) of the entire technical data base, alleged by TCA to contain serious inaccuracies; (3) submission by TCA of technical and economic modeling information generated by its consultants; and (4) submission of updated economic data which characterizes the current industry situation.

EPA and the TCA have been actively reviewing the entire technical data base to insure its accuracy, and have found that the amount of time necessary to accomplish this task is greater than originally anticipated. In addition, economic modeling information from TCA consultants has not yet been submitted.

Therefore, EPA is extending the comment period for an additional 45 days, until April 10, 1980. This additional extension is intended primarily to allow for completion of a comprehensive review of the data base by EPA and TCA. However, this extension of the period for comment on the regulations proposed on July 2, 1979, is not limited to the Tanners' Council of America. All interested persons may submit comments until April 10, 1980.

Dated: February 29, 1980.

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management.

[FR Doc. 80-7018 Filed 3-5-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 8350

Management Areas; Prohibited Acts in Wild and Scenic River Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking will establish the procedure under which the Secretary of the Interior will exercise the authority granted by the Wild and Scenic Rivers Act to establish rules for the use of the lands and water surface within the boundary of any segment of the Wild and Scenic River System administered by the Bureau of Land Management. This procedure is needed to allow adequate management protection of those segments of the Wild and Scenic River System falling under the administrative control of the Bureau of Land Management.

DATE: Comments by May 5, 1980.

ADDRESS: Comments should be sent to: Director (650), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Larry Young (202) 343–9353,
or
Robert C. Bruce (202) 343–8735

SUPPLEMENTARY INFORMATION: The Bureau of Land Management presently has management responsibility for segments of four rivers in the Wild and Scenic River System. In the next three or four years, this management responsibility is scheduled to grow considerably. Since this management responsibility is relatively new, the Bureau of Land Management has not published rules and regulations establishing procedures for the management and protection of those segments of the wild and Scenic Rivers under its administration. As a result, the Bureau of Land Management has had to depend on the public's good sense and

the use of the power of persuasion to protect the resources and assert any managment control in the areas. This proposed rulemaking will provide the procedures needed to provide management and protection for the Wild and Scenic River System areas under the jurisdiction of the Bureau of Land Management.

The proposed rulemaking permits the Bureau of Land Management official having responsibility for the Wild and Scenic River System area to establish rules for the use of the lands and water surface within the area. The rules can require the users to obtain permits for the use of the area. Any user who violates the rules will be subject to a penalty of a fine of not more than $500 or by imprisonment for a period not to exceed 6 months, or both.

The principal author of this proposed rulemaking is Larry Young of the Division of Recreation and Cultural Resources, Bureau of Land Management, assisted by the staff of the Oregon State Office, Bureau of Land Management.

It is hereby determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

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

Under the authority of section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), it is proposed to amend Subpart 8251, Part 8350, Group 8300, Subchapter H, Chapter II, Title 43 of the Code of Federal Regulations by adding the following new sections as follows:

§ 8351.1 Trails [Reserved]

§ 8351.2 Rivers.

§ 8351.2-1 Special rules.

(a) The authorized officer may issue written orders which close or restrict the use of the lands and water surface within the boundary of any component of the National Wild and Scenic River System administered by the Bureau of Land Management when necessary to carry out the intent of the Wild and Scenic River Act. Each order shall:

(1) Describe the lands, road, trail or waterway to which the order applies;

(2) Specify the time during which the closure or restriction applies;

(3) State each prohibition which is applied; and

(4) Be posted in accordance with paragraph (d of this section.)

(b) A written order may exempt any of the following persons from any of the prohibitions contained in the order:

(1) Persons with written permission authorizing the otherwise prohibited act or omission. The authorized officer may include in any written permission such conditions considered necessary for the protection of a person, or the lands or water surface and resources or improvements located thereon.

(2) Owners or lessees of lands in the area.

(3) Residents in the area.

(4) Any Federal, State, or local government officer or member of an organized rescue or fire suppression force in the performance of an official duty.

(5) Persons in a business, trade or occupation in the area.

(c) The violation of the terms or conditions of any written permission issued under paragraph (b)(1) of this section is prohibited.

(d) Posting is accomplished by:

(1) Placing a copy of an order in each local office having jurisdiction over the lands affected by the order; and

(2) Displaying each order in such locations and manner as to reasonably bring the prohibitions contained in the order to the attention of the public.

(e) When provided by a written order, the following are prohibited:

(1) Going onto or being upon land or water surface;

(2) Camping;

(3) Hiking;

(4) Building, maintaining, attending or using a fire;

(5) Improper disposal of garbage, trash or human waste; and

(6) Disorderly conduct.

(f) Any person convicted of violating any prohibition established in accordance with this section shall be punished by a fine of not to exceed $500 or by imprisonment for a period not to exceed 6 months, or both, and shall be adjudged to pay all costs of the proceedings.

(16 U.S.C. 1281(c); 16 U.S.C. 3).

James W. Curlin,

Acting Assistant Secretary of the Interior.

February 28, 1980.

[FR Doc. 80-6972 Filed 3-5-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reopening of the Comment Period for the Illinois Mud Turtle Reproposal of critical habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reopening of the public comment period on the reproposal of Critical Habitat for the Illinois mud turtle.

SUMMARY: The public comment period on the Service's reproposal of Critical Habitat for the Illinois mud turtle, *Kinosternon flavescens spooneri*, is hearby reopened between March 7, 1980 and March 22, 1980.

DATES: The Service will consider all comments on this reproposal between March 7, 1980, and March 22, 1980.

ADDRESSES: Comments on the reproposal of Critical Habitat for this species should be made to: Director/ Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (Phone: 703–235–2771).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 7, 1979 (44 FR 70680–70682), the Service reproposed Critical Habitat for the Illinois mud turtle, *Kinosternon flavescens spooneri*, and announced the time and place for public meetings on this reproposal in Springfield, Illinois, and Muscatine, Iowa, on January 30 and 31, 1980, respectively. The comment period was extended from February 6, 1980 to March 7, 1980, in order for the Service to receive written comments submitted on the Technical Information presented at the two hearings (45 FR 10386–10387). On March 6, 1980, the Service expects to receive a lengthy report on the status of the Illinois mud turtle from Illinois Gas and Electric Company and Monsanto Chemical Company. The Service agrees that an extension of the comment period is warranted in order to allow full consideration of this report. The public comment period accordingly is reopened between March 7, 1980 and March 22, 1980; information submitted during this time will become part of the public record and will be considered before a final determination of status is made by the Director.

Dated: February 29, 1980.

James W. Pulliam,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-7045 Filed, 3-5-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173 and 177

Highway Routing of Radioactive Materials; Public Hearings

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of public hearings.

SUMMARY: This Notice announces one-day hearings, to be held in five locations, to consider the proposals published in the **Federal Register** on January 31, 1980 (Docket HM-164; Notice 80-1, 45 FR 7140) concerning the highway routing of radioactive materials.

DATES: The hearings are scheduled as follows:

1. March 26, 1980, 9:30 a.m., to 5 p.m. Philadelphia, Pennsylvania
2. April 3, 1980, 9:30 a.m., to 5 p.m. Chicago, Illinois
3. April 8, 1980, 9:30 a.m., to 5 p.m. Atlanta, Georgia
4. April 15, 1980, 9:30 a.m., to 5 p.m. Denver, Colorado
5. April 18, 1980, 9:30 a.m., to 5 p.m. Seattle, Washington

ADDRESSES: The hearings will be held at the following locations:

1. March 26, 1980—Ramada Inn (Meadows Ballroom, Section A & B), 76 Industrial Highway, Essington, PA. 19029
2. April 3, 1980—O'Hare Ramada Inn (Penthouse Ballroom, 9th Floor), 6600 Mannheim Road, Des Plains, Ill., 60018
3. April 8, 1980—Ramada Inn Central (Georgian Ballroom), I-85 at Monroe Drive, Atlanta, GA 30324
4. April 15, 1980—Main Post Office Bldg. (2nd Floor Auditorium, Room 269), 1823 Stout Street, Denver, CO. 80202
5. April 18, 1980—Federal office Bldg. (4th Floor Auditorium), 915 Second Avenue, Seattle, WA. 98174

Any person wishing to present an oral statement at a hearing should notify the Dockets Branch in writing at least five days in advance of the hearing date. Written copies of oral statements should be presented to the hearing officer prior to the oral presentation. Written requests for time to make an oral presentation should be addressed to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Each request must state: (1) the identity of the speaker, (2) the length of the presentation (not to exceed 10 minutes), (3) organization(s) the speaker represents, and (4) a mailing address and a daytime telephone number through which the speaker may be contacted.

Failure to provide this information may result in delayed acknowledgement of the requests. A copy of Docket HM-164 may be obtained by calling or writing the Dockets Branch, or may be reviewed in Room 8426, 400 Seventh Street, S.W., Washington, D.C. between 8:30 a.m. and 5 p.m. weekdays, (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: Marilyn E. Morris, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transporation, 400 Seventh Street, S.W., Washington, D.C. 20590 (202) 426-2075.

SUPPLEMENTARY INFORMATION: These hearings are intended to provide an opportunity for persons affected by or otherwise interested in highway transportation of radioactive materials to present views in an oral statement. The hearings will be informal rather than judicial or evidentiary in nature, and there will be no cross-examination of persons presenting statements. Each statement will be limited to 10 minutes, and time to speak should be requested in writing five days in advance of the hearing date. Written requests for time to speak should be sent to the Dockets Branch at the address shown above. Requests will be acknowledged. It is requested that written copies of each statement be presented to the hearing officer when the oral statement is made.

The proposed rules concern routes used by motor vehicles required to be placarded Radioactive, particularly vehicles carrying large quantity radioactive materials. The proposal also would affect public availability of information concerning such routes, driver training, and State and local regulation of highway carriers. A copy of the proposed rules and the explanatory preamble is available from the Dockets Branch.

Alan I. Roberts,

Associated Director for Hazardous Materials Regulation Materials Transportation Bureau.

[FR Doc. 80-7052 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-60-M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 840

Notification of Railroad Accidents; Proposed Amendment

AGENCY: National Transportation Safety Board.

ACTION: Proposed rule.

SUMMARY: The purpose of the proposed rule is to amend the rule on notification of railroad accidents by establishing a 2-hour time limit for notification of accidents, by clarifying the criteria for damage estimates, and by requiring notification of all passenger train accidents.

DATE: Interested parties are invited to submit written comments on or before April 29, 1980.

ADDRESS: Comments should be sent in triplicate to the General Counsel, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594. Late filed comments will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Elmer Garner, Chief, Railroad Accident Division, 800 Independence Avenue, S.W., Washington, D.C. 20594, (202-472-6091).

SUPPLEMENTARY INFORMATION: Currently, § 840.3(a) provides for notification of specified railroad accidents at the earliest practical moment after their occurrence. The railroads, in complying with this rule, report accidents to the Board by (toll-free) telephone to 800-424-0201, as prescribed by § 840.3(c). The Board intends to retain this one-call system for the convenience of the railroads. However, railroads or rapid transit systems have delayed the reporting of accidents from 8 hours to as much as several days. This may have resulted from waiting for a more concise estimate of the damages, or channeling the reporting process through a central office, or the failure of a railroad employee to properly comply with the reporting requirements. In such instances the lack of prompt notification has unduly delayed the Board's investigations. To correct this problem, the Board proposes to add a requirement in § 840.3(a) that notification shall be no later than 2 hours after the accident occurs.

In § 840.3(a)(2), notification is required of accidents resulting in damage, based

on a preliminary gross estimate, of $150,000 or more to railroad and nonrailroad property. To avoid uncertainty and misunderstanding, it is proposed that the repair or current replacement costs of such property shall be used by the railroads as the standard method of estimating damages.

Finally, the Board proposes to require notification of all passenger train accidents in § 840.3(a)(3) by deleting the provision regarding property damage. Under the present requirement of $10,000 or more of damage to railroad and nonrailroad property, notification has not been made of some passenger train accidents involving important safety problems that are subject to investigation by the Board. The change would conform the notification requirement with the Board's statutory responsibility to investigate all passenger train accidents.

Accordingly, the National Transportation Safety Board proposes to amend Part 840, Chapter VIII, Title 49, Code of Federal Regulations, as follows:

1. By revising the introductory text of § 840.3(a) and paragraphs (a)(2) and (3) to read as follows:

§ 840.3 Notification of railroad accidents.

(a) A railroad shall notify the Board in the manner prescribed by paragraph (c) at the earliest practical time but not later than two hours after the occurrence of an accident which results in—

* * * * *

(2) Damage, based on a preliminary gross estimate, of $150,000 or more of the repair or current replacement cost to railroad and nonrailroad property; or

(3) Involvement of a passenger train.

(49 U.S.C. 1903(a)(1)(C), (a)(6))

Signed at Washington, D.C. on February 28, 1980.

James B. King,

Chairman.

[FR Doc. 80-6999 Filed 3-5-80; 11:03 am]

BILLING CODE 4910-58-M

Notices

Federal Register
Vol. 45, No. 46
Thursday, March 6, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is hereby given that the public information meeting scheduled by the Advisory Council on Historic Preservation for February 20, 1980, in Philadelphia, Pennsylvania to discuss the proposed construction of the 499 unit Wanamaker House Highrise Apartment and the affects to the Wanamaker House Historic District, a property eligible for the National Register of Historic Places, has been rescheduled for a new location and to allow a minimum of 15 days notice to the public. Original notice of the meeting appeared in the *Federal Register* on Friday, February 8, 1980, (Vol. 45, no. 28, P.8688).

Pursuant to Section 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), the meeting is rescheduled for March 24, 1980, at 7:00 p.m., at the First Unitarian Church of Philadelphia, 2135 Chestnut Street, Philadelphia, Pennsylvania.

The meeting is being called by the Executive Director of the Council in accordance with Section 800.6(b)(3) of the Council's regulations. The purpose of the meeting, as stated above, is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed construction of the Wanamaker House Highrise Apartment, an undertaking assisted by the Department of Housing and Urban Development that will adversely affect the Wanamaker House Historic District, a property eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternative courses of action that could avoid, mitigate, or minimize any adverse effect on such properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effect on the property by the Department of Housing and Urban Development.

III. A statement by the Pennsylvania State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statement to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005, attention: Charlene Dwin, 202–254–3495.

Dated: February 29, 1980.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 80-7002 Filed 3-5-80; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

City of Madison Recreation Park RC&D Measure, Alabama; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. William B. Lingle, State Conservationist, Soil Conservation Service, 138 South Gay Street, Auburn, Alabama 36830, telephone 205–821–8070.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the City of Madison Recreation Park RC&D Measure, Madison County, Alabama.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. William B. Lingle, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for developing a 65-acre water-based recreation area. The planned works of improvement include facilities for picnicking, primitive camping, nature walks, parking, and sanitation.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. William B. Lingle, State Conservationist, Soil Conservation Service, 138 South Gay Street, Auburn, Alabama 36830, telephone 205–821–8070. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 7, 1980.

Dated: February 20, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, (16 U.S.C. 590a–f, q))

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 6973 Filed 3-5-80; 8:45 am]

BILLING CODE 3410-16-M

Delta County Critical Area Treatment RC&D Measure, Texas; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, Temple, Texas 76501, telephone 817–773–1711.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental

Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Delta County Critical Area Treatment RC&D Measure, Delta County, Texas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for installation of erosion control practices on privately owned agricultural land. The planned works of improvement include shaping, smoothing, and establishing permanent vegetated cover on about 2,700 acres of separate gullied areas. Small grade stabilization structures, diversions, critical area plantings, fencing, and grassed waterways will be applied where needed to control gully erosion and associated sediment damage.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, Temple, Texas 76501, telephone 816–3–1711. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 7, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, (16 U.S.C. 590a–f, q))

Dated: February 21, 1980.

[FR Doc. 80–6974 Filed 3–5–80; 8:45 am]

BILLING CODE 3410–16–M

Murderkill River Watershed, Del.; Intent To Prepare Environmental Impact Statement

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT: Mr. Otis D. Fincher, State Conservationist, Soil Conservation Service, 204 Treadway Towers, 9 East Loockerman Street, Dover, Delaware 19901, telephone number (302) 678–0750.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the remaining works of improvement in the Murderkill River Watershed, Kent County, Delaware.

The environmental assessment of this federally-assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Otis D. Fincher, State Conservationist, has determined that the preparation and review of the environmental impact statement is needed for the remaining works of improvement in this project. The project concerns a plan for watershed protection, flood damage reduction and adequate agricultural drainage. Alternatives under consideration to reach these objectives include systems for conservation land treatment, nonstructural measures, and channel modification.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites the participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. A meeting will be held at 7:00 p.m. on April 2, 1980, at the Lake Forest Elementary School at Felton, Delaware, corner of Route 12 and U.S. 13, to determine the scope of the evaluation of the proposed action. Further information on the proposed action, or on the scoping meeting may be obtained from Mr. Otis D. Fincher, State Conservationist, 204 Treadway Towers, 9 East Loockerman Street, Dover, Delaware 19901, telephone number 302–678–0750.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83–566, (16 U.S.C. 1001–1008).)

Dated: February 25, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–6975 Filed 3–5–80; 8:45 am]

BILLING CODE 3410–16–M

Riverside Flood Prevention and Land Drainage RC&D Measure, South Carolina; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. George E. Huey, State Conservationist, Soil Conservation Service, 1835 Assembly Street, Room 950, Columbia, South Carolina 29201, telephone 803–765–5681.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Riverside Flood Prevention and Land Drainage RC&D Measure, Lee County, South Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George E. Huey, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for flood prevention and land drainage. The planned works of improvement include 10 miles of channel modification to reduce flooding and improve the drainage outlets for cropland. Existing channels do not presently support significant aquatic or wildlife habitat.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George E. Huey, State Conservationist, Soil Conservation Service, 1835 Assembly Street, Room 950, Columbia, South Carolina 29201, telephone 803–765–5681. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill

single copy requests at the above address.

Implementation of the proposal will not be initiated until April 7, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, (16 U.S.C. 590a–f, q))

Dated: February 27, 1980.

Edward E. Thomas,

Assistant Administrator For Land Resources.

[FR Doc. 80–6976 Filed 3–5–80; 8:45 am]

BILLING CODE 3410–16–M

Town of Plymouth Park Water-Based Recreation Development RC&D Measure, North Carolina; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Office Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Town of Plymouth Park Water-Based Recreation Development RC&D Measure, Washington County, North Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jesse L. Hicks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to provide public water-based recreation facilities for the town, community, and surrounding area. The planned works of improvement include boat launch facilities, parking areas, fishing piers, a bulkhead, picnicking units, and play areas.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on filed and may be reviewed by contacting Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Office Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 7, 1980.

(Catalog of Federal Domestic Assistant Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, (16 U.S.C. 590a–f, q))

Dated: February 21, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80–6977 Filed 3–5–80; 8:45 am]

BILLING CODE 3410–16–M

Truthful Valley Land Drainage RC&D Measure, North Carolina; Finding of no significant impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Office Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Truthful Valley Land Drainage RC&D Measure, Jackson County, North Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jesse L. Hicks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage to relieve serious social and economic conditions caused by extremely wet conditions in the Truthful Valley community. The planned works of improvement include the installation of approximately 1400 linear feet of subsurface plastic drain tile to lower the existing water table to a depth of 3 to 4 feet.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Office Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 7, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, (16 U.S.C. 590a–f, q))

Dated: February 21, 1980.

Edward E. Thomas,

Assistant Administrator.

[FR Doc. 80–6978 Filed 3–5–80; 8:45 am]

BILLING CODE 3410–16–M

Warfield School Land Drainage RC&D Measure, Kentucky; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Glen E. Murray, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, Kentucky 40504, telephone 606–233–2749.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Warfield School Land Drainage RC&D Measure, Martin County, Kentucky.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Glen E. Murray, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage. The planned works of improvement include installation of a surface and underground drainage system to keep seepage out of classrooms and away from the foundation of buildings.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Glen E. Murray, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, Kentucky 40504, telephone 606–233–2749. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 7, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, (16 U.S.C. 590a-f, q).)

Dated: February 21, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80-6979 Filed 3-5-80; 8:45 am]

BILLING CODE 3410-16-M

West Shore Community College Public Water-Based Recreation and Critical Area Treatment RC&D Measure, Michigan; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–372–1910, Ext. 242.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the West Shore Community College Public Water-Based Recreation and Critical Area Treatment RC&D Measure, Mason County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for public water-based recreation and critical area treatment. The planned works of improvement include installing picnic tables, benches, grills, picnic shelter, parking lot, canoe docking and observation platform, foot bridges, nature trails, signs, access road, and an erosion control structure. Total construction cost is estimated to be $136,690; $68,845 RC&D funds and $67,845 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–372–1910, Ext. 242. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 7, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, (16 U.S.C. 590a–f, q))

Dated: February 21, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80-6980 Filed 3-5-80; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Special Censuses

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. However, because of the need to avoid conflicts with activities involving the conduct of the 1980 census, no additional special censuses will be conducted during the period from August 1, 1979 until further notice. The Bureau is, therefore, not accepting requests for cost estimates for special censuses at this time. Notification will appear herein when the Bureau is prepared to resume accepting such requests.

The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the decennial census.

Summary results of special censuses are published semiannually in the *Current Population Reports*—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

According to the results of the special census of the Norris School District, Gage, Lancaster, and Otoe Counties, Nebraska, the population was 5,151 as of July 11, 1979. The tabulations for this census were completed during January 1980. This completes tabluation of special census data collected in the 1970's.

Dated: March 3, 1980.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 80-6950 Filed 3-5-80; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket No. 6–79]

Port of Portland, Oreg. Amended Application for a Foreign-Trade Subzone at the Beall Pipe Tank Corp. Facility in Portland

Notice is hereby given that the Port of Portland, grantee of Foreign-Trade Zone No. 45, Portland, Oregon, has amended its application, filed on May 30, 1979 (44 FR 34182, 6–14–79), for a foreign-trade subzone at the steel pipe manufacturing facility of the Beall Pipe and Tank Corporation (Beall) in Portland.

The original application requested subzone status for Beall's 27-acre plant site in northwest Portland which produces large-diameter steel pipe from imported coiled steel. The proposal was opposed by the domestic steel industry. The application has been amended to include only the firm's export operations within the requested subzone area.

Comments concerning the amended proposal are invited in writing from interested persons and organizations, particularly from parties of record. Comments should be addressed to the Board's Executive Secretary at the

address below and be postmarked on or before April 4, 1980.

A copy of the amendment to the application is available for public inspection at each of the following locations:

Office of the Director, U.S. Dept. of Commerce District Office, 1220 S.W. 3rd Avenue, Room 618, Portland, Oregon 97204.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Dept. of Commerce, Room 6886–B, 14th and E Streets, NW, Washington, D.C. 20230

Dated: February 29, 1980.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 80–7006 Filed 3–5–80; 8:45 am]

BILLING CODE 3510–25–M

International Trade Administration

Clams in Airtight Containers From Canada; Antidumping Proceeding Notice

AGENCY: U.S. Department of Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: This notice is to advise the public that the Department of Commerce has determined that a formal antidumping investigation is warranted for the purpose of determining whether imports of clams in airtight containers from Canada are being, or are likely to be, sold at less than fair value. The U.S. International Trade Commission is being notified of this action so that it may, in accordance with the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979, make a determination, within 45 days of notification, of whether there is a reasonable indication of material injury by reason of imports of this merchandise.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: Roland L. MacDonald, Jr., Office of Investigations, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–566–5492).

SUPPLEMENTARY INFORMATION: On October 12, 1979, and December 19, 1979, information was received by the U.S. Treasury Department from the A. M. Look Canning Co., East Machias, Maine, alleging that clams in airtight containers from Canada were being sold for export to the United States at less than fair value and that those sales were causing injury, likelihood of injury, or the prevention of the establishment of an industry in the United States within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*). An antidumping investigation relating to these allegations was not initiated prior to January 1, 1980, when Title I of the Trade Agreements Act (the "1979 Act") took effect. The 1979 Act replaces the Antidumping Act, 1921, with a new antidumping law which requires simultaneous filing of petitions with the U.S. International Trade Commission ("U.S.I.T.C."). The petitioner has not filed its petition with the U.S.I.T.C. since there was no such requirement at the time it filed. To require the petitioner to refile simultaneously with the U.S.I.T.C. and the Commerce Department would unduly burden the petitioner and would cause an unnecessary delay in initiating the investigation. Rather, the Commerce Department, relying on its authority under section 732(a) of the Tariff Act of 1930 (93 Stat. 162, 19 U.S.C. 1673a(a)) (the "Act"), has decided to initiate an investigation in this case.

Section 732(a) provides for the self-initiation of an antidumping duty investigation whenever sufficient evidence is available regarding the criteria contained in section 731 of the Act (93 Stat. 162, 19 U.S.C. 1673) to warrant a formal investigation.

In this instance, it is hereby determined that the information contained in the A. M. Look petition and information developed by Commerce in reviewing that petition provide all information required in section 732(a) for the self-initiation of a formal antidumping investigation.

For purposes of this investigation, the term "clams in airtight containers" means all clams packaged in airtight containers which are provided for in item numbers 114.0100 and 114.0500, Tariff Schedules of the United States, Annotated (TSUSA).

Pricing information supplied by the A. M. Look Canning Co. for canned clams sold in the United States and in the Canadian home market indicates that there may be less than fair value margins of as much as 65 percent. Evidence has been furnished that the Canadian products are being sold in the United States at prices significantly lower than A. M. Look's prices for merchandise of the same class or kind.

A. M. Look has presented some information to support its allegation that it is being injured, or is likely to be injured by less than fair value imports from Canada. It claims that recent imports are setting standards which are depressing domestic prices and preventing greater utilization of capacity. The data also suggests that there may have been a recent decline in profitability of the A. M. Look firm.

In accordance with section 732(d) of the Act (93 Stat. 163, 19 U.S.C. 1673a(d)), the U.S.I.T.C. is being notified of this determination. A copy of the information on the basis of which the investigation is being initiated is being delivered to the U.S.I.T.C. All nonprivileged and nonconfidential information in the files of the International Trade Administration is being made available to the U.S.I.T.C., and all privileged and confidential information in the files will be made available upon confirmation that the confidentiality of such information will be maintained and that it will not be disclosed, either publicly or under an administrative protective order, without the express written consent of the Assistant Secretary for Trade Administration.

Pursuant to section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673b(a)), the U.S.I.T.C. will make a determination, within 45 days after it receives notice of the initiation of the instant investigation, of whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of clams in airtight containers from Canada. If that determination is negative, this investigation will be deemed terminated and no further notice will be published by the International Trade Administration. Otherwise, the investigation will continue to conclusion.

Section 733(b) of the Act (93 Stat. 163, 19 U.S.C. 1673b(b)), requires that the International Trade Administration normally make a preliminary determination not later than 160 days after an investigation is commenced under section 732(a) of the Tariff Act. Therefore, unless the investigation is terminated or extended, a preliminary determination will be made not later than August 13, 1980.

This notice is published pursuant to section 732 of the Act (93 Stat. 144, 162, 19 U.S.C. 1673a).

John D. Greenwald,

Acting Assistant Secretary for Trade Administration.

February 29, 1980.

[FR Doc. 80–7008 Filed 3–5–80; 8:45 am]

BILLING CODE 3510–22–M

Certain Fresh Winter Vegetables From Mexico—Notice of Antidumping Hearing—Correction

In FR Doc. 80–5699 appearing at page 12276 in the issue of Monday, February 25, 1980, the first five words, which appeared as "A 'Withholding of Appraisement Notice' ", should have read "Initation of Antidumping

Investigation and Tentative Determination of Sales at Not Less Than Fair Value".

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-6969 Filed 3-5-80; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

[Docket No. S-663]

Application for Operating-Differential Subsidy by American Heavy Lift Shipping Co.

Notice is hereby given that American Heavy Lift Shipping Company of 100 West Tenth St., Wilmington, Delaware 19801 has filed an application dated January 11, 1980, as amended, with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171–1183) of the Merchant Marine Act, 1936, as amended, for a long-term Operating-Differential Subsidy Agreement to aid in the operation of two C1–MT–123a heavy lift cargo vessels of 2,730 deadweight tons each, the JOHN HENRY and PAUL BUNYAN.

The vessels will be engaged in the worldwide carriage of heavy lift cargo, cargo ancillary to heavy lift offerings and other cargoes in the foreign commerce of the United States, with some foreign to foreign movement of cargo. For the purposes of this application, heavy lift cargo is defined as any single piece exceeding 25 long tons and ancillary cargo as cargo requested/required by the shipper/consignee to be carried as a portion of an overall heavy lift movement. All carriage of cargo by AHL, whether on the inbound or outbound, will be performed on a contract basis.

In the outbound trades, AHL intends to carry only heavy lift cargo and cargo ancillary to heavy lift offerings, including heavy lift and ancillary cargo subject to the presently existing cargo preference statutes of the United States including, but not limited to, 10 U.S.C. 2631, 46 U.S.C. 1241 and 46 U.S.C. 1241a. In the inbound trades, AHL intends to carry any class of cargo, whether heavy lift or not, which is available, including cargo subject to the presently existing cargo preference statutes of the United States. Cargo preference cargoes intended to be carried by AHL will include cargoes which are usually carried by U.S.-flag vessels at premium rates.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099–B, Department of Commerce Building, 14th and E Streets, N.W., Washington, D.C. 20230.

Pursuant to the provisions of section 605(c) of the Merchant Marine Act, 1936, as amended, any person, firm, or corporation having an interest in such application and who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit such views and comments in writing, in triplicate, to the Secretary, Maritime Subsidy Board, by the close of business on March 17, 1980. The Maritime Subsidy Board will consider such views and comments and take such actions with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.604 Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board.

Dated: February 29, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-6891 Filed 3-5-80; 8:45 am]

BILLING CODE 3510-15-M

Office of the Secretary

Privacy Act of 1974; Adoption of Additional and Amended Systems of Records

The purpose of this notice is to adopt in final form an additional system of records and a proposed revision to an existing system of records.

1. On December 27, 1979, the Department gave notice (44 FR 76662) that it proposed to adopt an additional system of records for the National Oceanic and Atmospheric Administration, entitled Commerce/NOAA–20, Personnel, Payroll, Travel, and Attendance Records of the Regional Fishery Management Councils. The purpose of these systems is to describe the collection and maintenance of personal data in these eight Councils' administrative records.

2. On December 27, 1979, the Department gave notice that it proposed to amend the storage and safeguards sections of the Commerce/Dept–16 system, Property Accountability Files. The amendment reflects a change from manual to automated storage and retrieval of book borrower information at the National Bureau of Standards Library. Book borrowers are primarily Bureau employees; personal name information will remain accessible only to Library personnel responsible for inventory control

Letters dated December 13, 1979, containing a new system report for NOAA–20 and a description of the revision to Commerce/Dept–16 were submitted to the Office of Management and Budget and the Congress, as required by the Privacy Act. Interested persons were invited to submit written data, views, or arguments pertaining to these actions on or before January 26, 1980. No comments were received in response to the notice.

Therefore, the Department adopts the additional system and the amendment to the existing system effective February 11, 1980.

Dated: February 29, 1980.

Authority: 5 U.S.C. 552a, Sec. 3, Privacy Act of 1974 (Pub. L. 93–579, 88 Stat. 1986).

Guy W. Chamberlain,

Acting Assistant Secretary for Administration.

[FR Doc. 80-7050 Filed 3-5-80; 8:45 am]

BILLING CODE 3510-17-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increasing Import Restraint Level for Certain Cotton Apparel Products Exported from the Dominican Republic

March 3, 1980.

AGENCY: Committee for the Implementation of Textile Agreements

ACTION: Increasing the import restraint level established for men's and boys' woven cotton shirts in Category 340, exported from the Dominican Republic during the year which began on June 1, 1979.

Note.—A detailed description of the textile categories in terms of T.S.U.S.A. numbers was publiched in the **Federal Register** on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843), and December 20, 1979 (44 FR 75441).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, between the Governments of the United States and the Dominican Republic provides, among other things, that carry forward up to 7.15 percent may be applied to the current year's category limit and deducted from the corresponding limit in the following year. Pursuant to the cited provision of the bilateral agreement, and at the request of the Government of the Dominican Republic, the import restraint level for Category 340 is being increased from 122,000 dozen to 130,723 dozen during the agreement year which began on June 1, 1979.

EFFECTIVE DATE: March 3, 1980.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, Interational Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230. (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 3, 1979, a letter dated November 28, 1979 was published in the **Federal Register** (44 FR 69317) from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established the levels of restraint applicable to certain specified categories of cotton and man-made fiber textile products, including Category 340, which have been produced or manufactured in the Dominican Republic and exported to the United States during the twelve-month period which began on June 1, 1979, under the terms of a new multifiber bilateral agreement. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to permit entry of cotton textile products in Category 340 at the increased level of restraint of 130,723 dozen during the agreement year which began on June 1, 1979.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 3, 1980.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: On November 28, 1979, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on June 1, 1979 and extending through May 31, 1980, of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Dominican Republic, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979 between the Governments of the United States and the Dominican Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on March 3, 1980, to increase the twelve-month level of restraint for Category 340 to 130,723 dozen.[2]

The action taken with respect to the Government of the Dominican Republic and with respect to imports of cotton textile products from the Dominican Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-6970 Filed 3-5-80; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, between the Governments of the United States and the Dominican Republic which provide, in part, that: (1) specific levels of restraint may be exceeded by designated percentages to account for swing; (2) these levels may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports after May 31, 1979.

Visa Requirement for Cotton, Wool and Man-Made Fiber Textile and Apparel Products Exported From Haiti

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing new export visa requirement for cotton, wool and man-made fiber textiles and apparel from Haiti.

SUMMARY: The Governments of the United States and the Republic of Haiti have exchanged letters establishing an export visa requirement for cotton, wool and man-made fiber textiles and apparel in Categories 300–369, 400–469, and 600–669, produced or manufactured in Haiti, which are subject to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979 between the two governments.

EFFECTIVE DATE: Effective on April 18, 1980, entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool or man-made fiber textile and apparel products, produced or manufactured in Haiti and exported on and after April 18, 1980 for which the Government of the Republic of Haiti has not issued an appropriate export visa will be prohibited. Textile and apparel products exported from Haiti before April 18, 1980 will not be denied entry.

FOR FURTHER INFORMATION CONTACT: Judith L. McConahy, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: The export visa will be an original circular stamp in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice when such form is used) and will be signed by an official of the Government of the Republic of Haiti. In addition, each visa will include its number, the date, and shall state the correct categories and quantities in the shipment in applicable category units. A copy of the export visa is published as an enclosure to the letter set forth below.

The officials authorized by the Government of the Republic of Haiti to issue export visas are the following: Jean Robert Delsoin, Sanite Leonard Desir, Jan Claude Decime.

Interested parties are advised to take all necessary steps to insure that cotton, wool and man-made fiber textile and apparel products, produced or manufactured in Haiti, which are to be entered into the United States for consumption, or withdrawn from warehouse for consumption, will meet the stated visa requirements.

The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishes the new visa mechanism.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 3, 1980.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979, between the Governments of the United States and the Republic of Haiti; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order

11951 of January 6, 1977, you are directed to prohibit, effective on April 18, 1980 and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile and apparel products in Categories 300–369, 400–469 and 600–669, produced or manufactured in Haiti and exported on and after April 18, 1980 for which the Government of the Republic of Haiti has not issued an appropriate export visa, fully described below. Merchandise exported before the effective date of this directive shall be permitted entry without a visa.

The export visa will be an original circular stamp in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice when that form is used) and will be signed by an official of the Government of the Republic of Haiti. It will also include its number, the date, and show the correct categories and quantities in the shipment in applicable category units; otherwise, entry will be denied. However, if the quantity indicated on the visa is more than that of the shipment, entry shall be permitted.

Merchandise for the personal use of the importer and not for resale does not require visa.

You are directed to permit entry into the United States for consmuption and withdrawal from warehouse for consumption of designated shipments of cotton, wool and/or man-made fiber textile products, produced or manufactured in Haiti, notwithstanding the designated shipment or shipments do not fulfill the aforementioned visa requirements, whenever requested to do so in writing by the Committee for the Implementation of Textile Agreements.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843), and December 20, 1979 (44 FR 75441).

In carrying out the above directions, entry into the United States for consmuption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Haiti and with respect to imports of cotton, wool and man-made fiber textile products from Haiti, have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affaris functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Enclosure

Export Visa Used by the Government of the Republic of Haiti for Cotton, Wool and Man-Made Fiber Textiles and Apparel Exported to the United States

VISA No _____



[FR Doc. 80-6971 Filed 3-5-80; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

New Rule of the Commodity Exchange, Inc., Pertaining to Trading in Silver Futures Contracts; Request for Comment on Proposed Contract Market Rule

The Commodity Futures Trading Commission ("Commission"), is requesting public comment on new silver rule 7 submitted by the Commodity Exchange, Inc. for Commission approval, pursuant to section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (1976). The proposed rule, which imposes position limits and reporting requirements on the trading of silver futures contracts, provides as follows:

(a) *Reportable Account*—Each member firm that maintains an account either for itself or for a customer that is the record holder of an aggregate of 100 silver contracts or more ("Reportable Account") shall immediately report that fact in writing to such representative of the Exchange or to such person, firm or corporation as may be designated by the Exchange and shall report each change in the position of a Reportable Account. Such report shall set forth the name, address and business affiliation of the Reportable Account and the beneficial owner of the Reportable Account, and shall describe (in detail) the entire silver position of the Reportable Account by delivery month and number of contracts. For purposes of determining the aggregate number of contracts held by any person, firm or corporation ("Aggregate Contracts") the following rules shall apply: (i) positions shall be evaluated on a net, rather than a gross, basis; and (ii) if a member firm knows, or with the exercise of due care should know, or is advised by the Exchange, that two or more accounts either are controlled by or under common control with the same or related or affiliated persons, or are acting pursuant to an express or implied agreement or understanding, then such accounts shall be aggregated to determine whether a Reportable Account exists any such two or more accounts are called ("Affiliated Accounts").

(b) *Maximum Aggregate Contracts*—No member firm shall allow or permit, itself or any customer, to maintain in excess of 2,000 Aggregate Contracts computed on a net rather than a gross basis ("Overall Position Limit"). If any Reportable Account exceeds the Overall Position Limit, the member firm maintaining the Reportable Account shall immediately take such steps as may be necessary to reduce the position of the Reportable Account below the Overall Position Limit. If any Affiliated Accounts that together constitute a Reportable Account exceed the Overall Position Limit, the member firm maintaining the Affiliated Accounts shall immediately take such steps proportionately among the Affiliated Accounts as may be necessary to reduce the Aggregate Contracts of the Affiliated Accounts below the Overall Position Limit.

(c) *Overall Position Limits at Different Firms*—In the event the Exchange learns that a Reportable Account maintains positions at more than one member firm such that the Aggregate Contracts at all such member firms exceeds the Overall Position Limit, the Exchange shall notify all member firms maintaining an account for the Reportable Account and shall notify each such member firm of the positions of the Reportable Account at all member firms including, if applicable, a listing of Affiliated Accounts and their respective positions. Such notice shall also request each such member firm to reduce the position of the Reportable Account and, if applicable, of each Affiliated Account, proportionately so that the Aggregate Contracts at all member firms of any Reportable Account shall not exceed the Overall Position Limit. Any member firm receiving such notice shall immediately take such steps as may be necessary to reduce the position of the Reportable Account and, if applicable, each Affiliated Account, to the number of contracts requested by the Exchange.

(d) *Monthly Position Limits*—No member firm shall allow or permit, itself or any customer, to maintain a position in silver at any time in the then current month or in the next succeeding month in excess of 500 contracts in each such month computed on a gross rather than

a net basis ("Monthly Position Limit"). Effective January 10, 1980, no person, firm, corporation or Affiliated Accounts may increase a position in January 1980 silver and in February 1980 silver to a position in excess of 50 contracts in each of such months. Any contracts in the then current month with respect to which delivery was previously (made or) received shall be included in counting the number of contracts for that customer in that month. The provisions of Paragraph (c) above relating to positions at several member firms of one Reportable Account and, if applicable, Affiliated Accounts shall apply to Monthly Position Limits.

(e) *Exemption for Bona Fide Hedge Transactions*—A bona fide short hedging transaction in which the short position is offset by physical inventory or by a forward (not a futures) purchase of silver shall not be included in determining Aggregate Contracts except for reporting purposes under Paragraph (a) hereof.

(f) *Effective Date*—The effective date of this Silver Rule 7 is February 18, 1980; *provided, however,* that the monthly position limit as set forth in Paragraph (d) above for January 1980 and February 1980 shall be effective on the opening of business on January 8, 1980. For any accounts that were Reportable Accounts on or before January 7, 1980, and that had Aggregate Contracts in excess of the Overall Position Limit: (i) the Aggregate Contracts of such account may not be increased after January 7, 1980; and (ii) the provisions of Paragraphs (b) & (c) above shall be implemented by determining the extent to which any such accounts have positions in excess of the Overall Position Limit, such excess shall be reduced each month by not less than 10% of the original excess (per month), and the Overall Position Limit shall be complied with by such accounts on or before January 31, 1981. This Rule shall expire, and shall be of no further force or effect, on April 1, 1981. However, such termination shall not, prior to April 1, 1981, alter or vary the position limits set forth in this Rule for maturities commencing April 1981.

Any person interested in submitting written data or views on this proposed rule should send his comments by April 3, 1980 to Ms. Jane Stuckey, Executive Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581.

Issued in Washington, D.C. on March 3, 1980.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80-6949 Filed 3-5-80; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee will be held as follows:

Tuesday, 1 April 1980, NSA, Fort George G. Meade, Maryland

The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on tactical weapons research and development.

O. J. Williford,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

March 3, 1980.

[FR Doc. 80-6946 Filed 3-5-80; 8:45 am]

BILLING CODE 3810-70-M

Membership of the Office of the Secretary of Defense (OSD) Performance Review Board

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of the Membership of the Office of the Secretary of Defense Performance Review Board.

SUMMARY: The Department of Defense announces additional membership of the Office of the Secretary of Defense Performance Review Board for the Office of the Secretary of Defense and its field activities, the Organization of the Joint Chiefs of Staff, and civilian Directors and Deputy Directors of Defense Agencies. The purpose of the Board is to provide fair and impartial review of the Senior Executive Service performance appraisals prepared by the senior executive's immediate and second level supervisor, and make recommendations to the Secretary of Defense regarding acceptance or modification of the performance rating; transfer, reassignment or removal from the SES of any senior executive whose performance is considered to be unsatisfactory; nominations for financial performance awards; and nominations for the rank of Meritorious Executive and Distinguished Executive.

EFFECTIVE DATE: February 26, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Sharon B. Brown, Chief, Senior Executive Service Division, Directorate for Personnel and Security, WHS, Office of the Secretary of Defense, Department of Defense, Pentagon (202) 695-4573 or 695-9313.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4) and DoD Directive 1434.2 (to be published as 32 CFR Part 57), the following are names and titles of the persons who have been appointed to the Office of the Secretary of Defense Performance Review Board. They will serve a 1-year renewable term, effective February 26, 1980.

Name and Title

M. Atkins—Director, Offensive and Space Systems, Office of the Under Secretary of Defense for Research and Engineering.

J. Babcock—Deputy Assistant Secretary of Defense (Intelligence), Office of the Assistant Secretary of Defense (Communications, Command, Control and Intelligence).

T. Brown—Deputy Assistant Secretary of Defense (Strategic Programs), Office of the Assistant Secretary of Defense (Program Analysis and Evaluation).

K. Carpenter—Deputy Assistant Secretary of Defense (Equal Opportunity), Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics).

T. Christie—Deputy Assistant Secretary of Defense (General Purpose Programs), Office of the Assistant Secretary of Defense (Program Analysis and Evaluation).

D. Church—Deputy Under Secretary of Defense for Research and Engineering (Acquisition Policy), Office of the Under Secretary of Defense for Research and Engineering.

S. Clements—Executive Assistant, Office of the Under Secretary of Defense for Research and Engineering.

C. Clewlow—Deputy Assistant Secretary of Defense (Civilian Personnel Policy), Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics).

D. Cooke—Deputy Assistant Secretary of Defense (Administration), Office of the Assistant Secretary of Defense (Comptroller).

L. Davis—Assistant Deputy Under Secretary of Defense (Policy Planning), Office of the Under Secretary of Defense for Policy.

E. Durbin—Deputy Director, Net Assessment, Office of the Under Secretary of Defense for Policy.

R. Fossum—Director, Defense Advanced Research Projects Agency.

V. Garber—Deputy Under Secretary of Defense for Research and Engineering (International Programs and Technology), Office of the Under Secretary of Defense for Research and Engineering.

P. Hamilton—The Special Assistant to the Secretary and Deputy Secretary of Defense, Immediate Office of the Secretary of Defense.

R. Kahn—Director, Information Processing Techniques Office, Defense Advanced Research Projects Agency.

F. Kramer—Principal Deputy Assistant Secretary of Defense (International Security Affairs), Office of the Assistant Secretary of Defense (International Security Affairs).

T. Lambert—Principal Deputy Assistant Secretary of Defense (Public Affairs), Office of the Assistant Secretary of Defense (Public Affairs).

I. Linder—Director, Defense Test and Evaluation Office of the Under Secretary of Defense for Research and Engineering.

M. Margolis—Deputy Assistant Secretary of Defense (Resource Analysis), Office of the Assistant Secretary of Defense (Program Analysis and Evaluation).

J. Morgan—Deputy Director, Cost and Economic Analysis, Office of the Assistant Secretary of Defense (Program Analysis and Evaluation).

R. Moore—Deputy Under Secretary of Defense for Research and Engineering (Tactical Warfare Programs), Office of the Under Secretary of Defense for Research and Engineering.

C. Romney—Director for Nuclear Monitoring Research, Defense Advanced Research Projects Agency.

E. Rosen—Deputy Assistant Secretary of Defense (Management Systems), Office of the Assistant Secretary of Defense (Comptroller).

J. Transue—Director, Air Warfare, Office of the Under Secretary of Defense for Research and Engineering.

Henry E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

February 29, 1980.

[FR Doc. 80-6947 Filed 3-5-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA 80-82]

Callon Petroleum Co.; Application for Adjustment and Request for Interim Relief

February 29, 1980.

On February 14, 1980, Callon Petroleum Company ("Applicant") filed with the Federal Energy Regulatory Commission ("Commission") an application for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301 *et seq.* (1978). Applicant is located at Box 1847, Natchez, Mississippi 39102.

Applicant requests that the Commission grant an adjustment from the 15,000 foot true vertical depth measurement method prescribed in §§ 271.704 and 270.102(b)(6) of the Commission's regulations, 18 CFR 271.704 and 270.102(b)(6).

Under these sections of the Commission's regulations, the true vertical depth of a completion location of a well (for which a section 107(c)(1) determination is sought) is measured from the point of the earth's surface where the drilling for the well commenced to the highest perforation point in the completion location. To qualify for the maximum lawful price under section 107(c)(1), gas, among other requirements, must be produced from a completion location with a true vertical depth of more than 15,000 feet.

Applicant states that it operates a well which produces from the Hosston formation in the South Williamburg field, Covington County, Mississippi. Under the method of measurement prescribed in §§ 271.204 and 270.102(b)(6), the true vertical depth of the well's completion location at the Hosston formation, according to Applicant, spans from 14,991 feet to over 15,000 feet.

Applicant requests that the Commission allow all gas produced from the Hosston formation to be treated as high-cost gas under sections 107(a) and 107(c)(1) of the NGPA.

Applicant further requests that the Commission grant preliminary interim relief regarding the gas produced from the level 14,991 feet to 15,000 feet, pending final action on this application, and allow this pricing to be retroactive back to November 1, 1979, the date of deregulation of high-cost gas pursuant to section 121(b) of the NGPA.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's rules of practice and procedure, 18 CFR 1.41. See Commission Order No. 24 (March 22, 1979).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41(e). All petitions to intervene must be filed no later than March 17, 1980, and should be sent to the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6928 Filed 3-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-1-21; (PGA80-2, IPR80-2, LFUT80-1, TT80-1 and AP80-1)]

Columbia Gas Transmission Corp.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Refund and Subject to Conditions

February 28, 1980.

On January 30, 1980, Columbia Gas Transmission Corporation (Columbia) filed revised tariff sheets [1] reflecting increased purchased gas costs together with a surcharge adjustment increase; reduced Louisiana First Use Tax adjustment and surcharge adjustment; a transportation costs tracker increase filed pursuant to Article XI of the Stipulation and Agreement in Docket No. RP78-19, *et al.;* an Advance Payment adjustment reduction filed pursuant to Article IX of the Stipulation and Agreement in Docket No. RP76-94, *et al.;* and a separate definition of "calculation period" as utilized in the computation of the LFUT adjustment. The proposed effective date is March 1, 1980.

The filing provides for the recovery of $24,648,107 in additional purchased gas costs, based on the six month period ending August 31, 1980. Columbia's buyers who supply nonexempt industrial boiler fuel facilities have reported no projected Maximum Surcharge Absorption Capability (MSAC) amounts for the PGA period. Consequently, Columbia has effected no reduction to its total gas acquisition costs for MSACs. The commodity surcharge adjustment provides for the recovery of a deferred purchased gas balance of $78,637,817 as of December 31, 1979, over the six month period March 1, 1980 through August 31, 1980.

Based upon a review of Columbia's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Columbia's filing, grant waiver of the 30-day notice requirements and suspend the effectiveness such that it shall become effective on March 1, 1980, subject to refund and subject to the conditions described below.

Columbia's filing includes increases pursuant to area rate clauses in the contracts between Columbia and its producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. That determination shall be made in accordance with the procedures prescribed in Order 23, as amended by subsequent orders, in Docket No. RM79-22. Should it be ultimately determined that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to the pipeline shall be flowed through to ratepayers in accordance with the procedures prescribed in the pipeline's PGA clause.

[1] Fifty-ninth Revised Sheet No. 16, Seventh Revised Sheet No. 16A, Nineteenth Revised Sheet No. 64B, Second Revised Sheet Nos. 64E through 64J, and First Revised Sheet Nos. 66 and 67 to FERC Gas Tariff, Original Volume No. 1.

Columbia's filing also reflects increases due to costs associated with purchases from affiliated production priced at NGPA levels. The Commission is unable to determine from the information submitted herein whether the proposed purchase price assigned to its affiliate production priced at NGPA levels satisfies the affiliated entities limitation set forth in section 601(b)(1)(E) of the NGPA. That section provides that in the case of any first sale between any interstate pipeline and any affiliate of such pipeline, any amount paid shall be deemed just and reasonable is in addition to not exceeding the applicable maximum lawful price ceiling, such amount does not exceed the amount paid in comparable first sale transactions between persons not affiliated with such pipeline. Accordingly, the Commission's acceptance of this increase is conditioned upon Columbia filing within thirty days data demonstrating that its purchases from its affiliates meet the affiliated entities test and is subject further to Commission review of that data.

The Commission Orders:

(A) Columbia Gas Transmission Corporation's proposed Fifty-ninth Revised Sheet No. 16, Seventh Revised Sheet No. 16A, Nineteenth Revised Sheet No. 64B, Second Revised Sheet Nos. 64E through 64I, and First Revised Sheet Nos. 66 and 67 to FERC Gas Tariff, Original Volume No. 1 are accepted for filing and suspended, and waiver of notice requirements is granted such that the filing shall become effective March 1, 1980, subject to refund, and subject to the conditions enumerated in the body of this order and the ordering paragraphs below.

(B) Columbia shall file data within 30 days of the issuance of this order to show that the pricing of gas purchased from its affiliates is in accordance with section 601(b)(1)(E) of the NGPA.

(C) The costs associated with Columbia's purchases from its producer affiliates shall be collected subject to refund and subject to: (1) Columbia filing within 30 days of the issuance of this order the data called for in Paragraph (B) above; and (2) review of such data by the Commission to determine what further action is appropriate.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6929 Filed 3-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-249]

Consumers Power Co.; Filing

February 29, 1980.

The filing Company submits the following:

Take notice that Consumers Power Company ("Consumers Power") on February 26, 1980, tendered for filing a letter of agreement between Consumers Power and the Michigan Municipals and Cooperatives Power Pool [1] ("MMCPP Members") dated January 29, 1980. This letter agreement reduces the transmission capacity reservation for the MMCPP Members from 30 megawatts to 20 megawatts, effective March 1, 1980. (Effective June 1, 1979, the transmission capacity reservation had been increased from 20 megawatts to 30 megawatts by Supplemental Agreement No. 12 to the Interconnection Agreement (designated Consumers Power Company Electric Rate Schedule FERC No. 34) between Consumers Power and the MMCPP Members.)

Consumers Power states that the reduction in transmission capacity reservation reflects a reduction by The Detroit Edison Company at the request of the MMCPP Members in the generation capacity reservation for the MMCPP Members.

Any person desiring to be heard or to protest said letter agreement should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed by or before March 17, 1980.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of said letter agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6930 Filed 3-5-80; 8:45 am]

BILLING CODE 6450-85-M

[1] The Michigan Municipals and Cooperatives Power Pool consists of Northern Michigan Electric Cooperatives, Inc., Wolverine Electric Cooperative, Inc., and the Cities of Grand Haven and Traverse City, Michigan.

[Docket No. ER80-248]

Consumers Power Co.; Filing

February 29, 1980.

The filing Company submits the following:

Take notice that Consumers Power Company ("Consumers Power") on February 26, 1980, tendered for filing Supplemental Agreement No. 12 to the Interconnection Agreement (designated Consumers Power Company Electric Rate Schedule FERC No. 34) between Consumers Power and Michigan Municipals and Cooperatives Power Pool [1] ("MMCPP Members"). Consumers Power states that Supplemental Agreement No. 12 increased the transmission capacity reservation for the MMCPP Members from 20 megawatts to 30 megawatts effective June 1, 1979, reflecting a corresponding increase by The Detroit Edison Company in the generation capacity reservation for the MMCPP Members.

Any person desiring to be heard or to protest said supplemental agreement should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed by or before March 17, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of said supplemental agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6931 Filed 3-5-80; 8:45 am]

BILLING CODE 6450-85-M

[1] The Michigan Municipals and Cooperatives Power Pool consists of Northern Michigan Electric Cooperatives, Inc., Wolverine Electric Cooperative, Inc., and the Cities of Grand Haven and Traverse City, Michigan.

[Docket No. ER80-246]

Edison Sault Electric Co.; Filing

February 29, 1980.

The filing Company submits the following:

Take Notice that Edison Sault Electric Company (Edison), on February 25, 1980, tendered for filing a Supplemental Agreement No. 3 between Edison and Upper Peninsula Power Company

(Upper Peninsula), dated February 7, 1980, which agreement will supplement an existing Contract for Electric Service, dated September 10, 1976, between the same two parties. The contract between the parties, dated September 10, 1976, has been designated FPC Rate Schedule No. 7 (Docket No. ER77-98). The proposed supplemental agreement provides for a change in the rate schedule as provided in the contract, dated September 10, 1976, under Section 6. Rate.

Copies of the filing were served upon Upper Peninsula Power Company and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said agreement, should file a Petition to Intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 17, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6937 Filed 3-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3020]

Richard J. Hungerford; Application for Preliminary Permit

February 27, 1980.

Take notice that on January 15, 1980, Richard J. Hungerford of Moretown, Vermont, filed an application for preliminary permit pursuant to the Federal Power Act, 16 USC, Section 791(a)-825(r), for proposed Project No. 3020 to be known as the Moretown #8 Project in Washington County, Vermont. The project would be located on the Mad River at Applicant's existing dam.

Purpose of project—Power generated by the project would be sold to Washington Electric Cooperative or Green Mountain Power Corporation for distribution to their customers.

Proposed Scope and Cost of Studies under Permit—The work proposed under this preliminary permit would include preliminary designs, economic analysis, preparation of preliminary engineering plans, and an environmental assessment. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $20,000.

Project Description—The project would consist of: (1) An existing 333-foot-long, 41-foot-high concrete dam; (2) a 35-acre reservoir having negligible storage capacity; (3) a powerhouse containing a new turbine-generator having a total rated capacity of 900 kW. The Applicant would study whether renovation of the existing powerhouse is feasible or whether a totally new powerhouse should be constructed. The proposed project would generate up to 4,154,000 kWh annually.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks a 36-month permit.

Agency Comments—Federal, State, and local agencies that received this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 5, 1980 either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 7, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protests, or petition to intervene must file on or before May 5, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6932 Filed 3-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2811]

Klickitat County Public Utility District No. 1; Finding of No Significant Impact

February 27, 1980.

Take notice that the staff of the Federal Energy Regulatory Commission has prepared a finding of no significant impact (FNSI) on the application of Klickitat County Public Utility District No. 1 (Applicant) for a preliminary permit to maintain priority of application for a license for the 205-MW White Salmon River Project, FERC No. 2811. The FNSI is based upon an environmental assessment of the geo-technical and environmental field studies related activities that would be conducted by Applicant at the site of the proposed project if a preliminary permit is issued. The site is located on the White Salmon River in Klickitat, Skamania, and Yakima Counties, Washington, near the Cities of White Salmon and Bingen.

The FNSI presents the staff's determination that issuance of the proposed preliminary permit would not constitute a major Federal action significantly affecting the quality of the human environment, and thus does not require preparation of an environmental impact statement.

A copy of the FNSI, which incorporates the environmental assessment, has been placed in the public file for this proceeding and is available for inspection in the Commission's Office of Congressional and Public Affairs, Room 1000, 825 North Capitol Street N.E., Washington, D.C. 20426. Copies are available in limited quantities upon request.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6933 Filed 3-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-12]

Earl McCarley Service Station; Filing of Petition for Review

February 28, 1980.

Take notice that Earl McCarley Service Station on February 15, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before March 17, 1980 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement and Litigation, Department of Energy, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6934 Filed 3-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-1-25 (PGA80-2, IPR80-2, AP80-1, LFUT80-1, TT80-1 and STR80-1)]

Mississippi River Transmission; Order Accepting for Filing Revised Tariff Sheets, Allowing Rate Adjustments To Become Effective Subject To Refund and Other Conditions, Granting Waiver and Establishing Procedures

February 29, 1980.

On January 30, 1980, Mississippi River Transmission Corporation (MRT) filed revised tariff sheets[1] to increase rates pursuant to various tariff and settlement tracking provisions and to revise projected incremental pricing surcharges for the period March 1, 1980 through August 31, 1980. The proposed effective date is March 1, 1980. Total increased purchased gas costs amount to $4,746,735 annually.

The revised tariff sheets incorporate the following adjustments:

(a) A 0.87 cent per Mcf increase in the cost of gas purchased from producer suppliers. These amounts include escalations under area rate clauses;

(b) A 1.2 cent per Mcf commodity and 0.1 cent per Mcf demand increase in the cost of gas purchased from pipeline suppliers;

(c) A decrease of 1.217 cents per Mcf in the demand component of the surcharge under Rate Schedule CD-1 and a 29.38 cents per Mcf decrease in the commodity component of the surcharge charged under Rate Schedules CD-1 and PI-1;

(d) A reduction in the Louisiana First Use Tax (LFUT) surcharge of .03 cents per Mcf;

(e) An increase of 0.14 cents per Mcf under the settlement adjustment for advance payments (Article IV, Stipulation and Agreement, in Docket No. RP78-77) approved December 11, 1979 (Agreement);

(f) A 0.05 cent per Mcf decrease in MRT's settlement Storage Loss Amortization tracking provision (Article VII of the Agreement);

(g) A 0.27 cent per Mcf commodity increase in the commodity component and a 1.4 cent per Mcf demand decrease in the Transportation and Compression tracking adjustment (Article V of the Agreement).

MRT's proposed First Revised Sheet No. 3D revises the projected incremental pricing surcharge (MSAC) for the six-month period beginning March 1, 1980. MRT's sale-for-resale customers report zero MSAC for the period. MRT's direct industrial customers have furnished exemption affidavits or have projected zero MSAC.

Upon review of MRT's filing the Commission finds that all proposed adjustments have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. MRT's filing seeks to track increased advance payments of $3.1 million or 0.14 cents per Mcf. The claimed level of advance payments may not qualify for rate treatment under the Commission's order terminating the advance payment program and it may be subject to other limitations under applicable Commission regulations. This item shall be set for hearing and investigation and, pending hearing and decision, MRT's rates shall be permitted to become effective on March 1, 1980, subject to refund.

Further, the Commission takes notice that Natural Gas Pipeline Company of America (Natural), a pipeline supplier of MRT, has an outstanding rate adjustment filing also scheduled to become effective on March 1, 1980. Natural's filing is subject to review and action by the Commission. Accordingly, MRT's revised rates are accepted for filing subject to possible downward adjustment for any revision to the rates of Natural. Since the tariff sheets filed by MRT in compliance with the Stipulation and Agreement approved by letter order issued December 11, 1978, in Docket No. RP78-77 await Commission review and approval, MRT's current filing is accepted for filing subject to any Commision action which may be taken in Docket No. RP78-77.

MRT states that the balance in its unrecovered purchase gas cost account (Account 191) includes $26,958,318 of pipeline supplier refunds. This represents the entire jurisdictional amount of pipeline supplier refunds received. These amounts will be flowed through to ratepayers in the six-month period beginning March 1, 1980. MRT asks for waiver of § 282.506 of the Commission's regulations so as to permit the crediting of supplier refunds to Account 191. Section 282.506 requires that refunds, including interest, attributable to service provided to non-exempt industrial boiler fuel facilities as of December 31, 1979, be flowed through as a lump sum payment for the benefit of such users. MRT explains, however, that it has not yet received the information necessary to compute lump sum refunds. MRT proposes that upon receipt of such data it will make lump sum refunds and will debit the unrecovered purchase gas cost account for such amount. The Commission finds this proposal is reasonable and will

[1] Seventy-Fifth Revised Sheet No. 3A and First Revised Sheet NO. 3D to FERC Gas Tariff, First Revised Volume No. 1.

grant the requested waiver, provided, however, that MRT shall file a report with this Commission within 45 days of the issuance of this order if all of the requisite lump sum refunds are not made by that date.

MRT's filing includes the cost of gas priced at NGPA levels pursuant to area rate clauses. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. That determination shall be made in accordance with the procedures prescribed in Order 23, as amended by subsequent orders, in Docket No. RM79–22. Should it be ultimately determined that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to the pipeline shall be flowed through to ratepayers in accordance with the procedures prescribed in the pipeline's PGA clause.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act particularly Sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of MRT's rates.

(B) Pending hearing and decision the revised tariff sheets filed by MRT on January 30, 1980, are accepted for filing and suspended and waiver of the notice requirements is granted so that they shall be permitted to become effective March 1, 1980, subject to refund.

(C) Acceptance of MRT's tariff sheets for filing is subject to the condition that MRT further revise its rates to reflect any downward revision to the rates of its pipeline supplier, Natural Gas Pipeline Company of America.

(D) Acceptance of MRT's tariff sheets for filing is subject to any revision which may be made to underlying rates by the Commission in its review of tariff sheets filed in Docket No. RP78–77.

(E) Waiver of § 282.506 of the Commission's regulations (18 CFR 282.506) is granted under the terms and conditions discussed in MRT's filing and the body of this order.

(F) The Commission Staff shall prepare and issue top sheets on or before April 15, 1980.

(G) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6935 Filed 3-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL80-15]

Mt. Wheeler Power, Inc.; Filing

February 29, 1980.

The filing company submits the following:

Take notice that on February 20, 1980, Mt. Wheeler Power, Inc. (Mt. Wheeler) jointly with Sierra Pacific Power Company (Sierra) filed, for the Commission's consideration, a dispute concerning the application and interpretation of Sierra FPC Electric Tariff, Fifth Revised Sheet No. 5, Schedule R—Resale Service.

Mt. Wheeler contends that the ratchet provision of Schedule R, as to billing demand, applies only when there is a measured monthly demand during the preceding eleven months.

Sierra Pacific claims that the ratchet provision applies to determine the billing demand established by the customer during the preceding eleven months even though there is no measured demand during that same period.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before March 24, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6927 Filed 3-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC79-136]

Nucor Steel-Nebraska, A Division of Nucor Corp., Informal Conference

February 29, 1980.

On July 18, 1979, Nucor Steel-Nebraska, A Division of Nucor Corporation (Nucor) pursuant to § 1.7(b) of the Commission's rules of practice and procedure filed a petition for extraordinary relief from certain provisions of a proposed tariff curtailment plan on file by Kansas-Nebraska Natural Gas Company (Kansas Nebraska) so that Nucor could receive volumes of natural gas in sufficient quantities to meet its process requirements.

On September 5, 1979, Nucor filed a supplemental petition requesting immediate temporary relief from Kansas Nebraska's tariff provisions pending a final determination of its petition for extraordinary relief. The Commission by order issued in the above-styled proceeding on October 19, 1979, conditionally authorized a waiver of the tariff provisions in question and granted temporary relief until December 31, 1979. On February 20, 1980, Nucor filed a pleading indicating that since the expiration of the temporary relief its basic problem set forth in its initial petition for extraordinary relief remains unchanged. It requests that the matter be scheduled for an early hearing in view of the fact that its annual entitlement of natural gas will not continue beyond May of 1980.

An informal conference will be held at the Office of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE. Washington, D.C. 20426 on March 12, 1980, at 1:00 p.m. in Room No. 8402 for the purpose of determining whether a resolution can be reached with respect to the problems raised by Nucor's petition for extraordinary relief. All interested parties are invited to attend this conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6939 Filed 3-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-11]

Rudi's Kwik Gas N' Wash; Filing of Petition for Review

February 28, 1980.

Take notice that Rudi's Kwik Gas N' Wash on December 19, 1979, as supplemented on February 26, 1980, filed a petition for review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before March 17, 1980 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methivin, Deputy General Counsel for Enforcement and Litigation, Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6936 Filed 3-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-41 (PGA80-3)]

Southwest Gas Corp; Change in Rates Pursuant To Purchase Gas Cost Adjustment

February 29, 1980.

Take notice that on February 25, 1980, Southwest Gas Corporation ("Southwest") tendered for filing Eighth Revised Sheet No. 10 constituting the Statement of Rates of its FERC Gas Tariff, Original Volume No. 1. According to Southwest, the purpose of this filing is to adjust rates of Southwest under its Purchased Gas Adjustment Clause in Section 9 of the General Terms and Conditions contained in said tariff, as a result of changes in rates from its Supplier, Northwest Pipeline Corporation ("Northwest"), effective April 1, 1980. The proposed effective date for Southwest's proposed change in rates in April 1, 1980.

Southwest states that copies of the filing have been mailed to the Public Service Commission of Nevada, the California Public Utilities Commission, Sierra Pacific Power Company and CP National.

Any person desiring to be heard, or to protest said filing, should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rule of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 17, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6938 Filed 3-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-313]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 29, 1980.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on February 22, 1980, tendered for filing proposed changes in its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheet:

Substitute Fifth-second Revised Sheet No. 14

This tariff sheet is being issued to reduce Texas Eastern's rates under Rate Schedule ISS, pursuant to ordering Paragraph (A) of the Commission's order issued January 27, 1978 at Docket Nos. CP77-313, *et al.* This decrease in ISS rates reflects the flow-through of decreased costs to Texas Eastern as a result of Consolidated Gas Supply Corporation's (Consolidated) decrease in rates under Consolidated's Rate Schedule GSS to become effective February 1, 1980 in Docket No. RP80-61.

The proposed effective date of the above tariff sheet is February 1, 1980. Texas Eastern has requested waiver of any regulations necessary to allow the rate reduction to become effective on February 1, 1980.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 17, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-6926 Filed 3-5-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-1-17 (AP80-2) RP75-73 (AP79-4); TA80-1-17 (PGA80-1); IPR80-2, DCA80-1, AP80-1, & LFUT80-1]

Texas Eastern Transmission Corp.; Order Accepting for Filing and Suspending Proposed Tariff Sheets and Consolidating Proceedings

February 29, 1980.

On January 30, 1980, Texas Eastern Transmission Corporation (Texas Eastern) filed revised tariff sheets [1] to its FERC Gas Tariff, Fourth Revised Volume No. 1, proposing that they become effective March 1, 1980. According to Texas Eastern, These sheets reflect a reduction in rates as required under Article V of the Stipulation and Agreement in Docket No. RP75-73, accepted by Commission orders issued June 6, 1977 and August 1, 1977. Texas Eastern states that the instant filing reflects Texas Eastern's obligation to reduce its rates based on the balance of advance payments outstanding as of December 31, 1979.

Public Notice of Texas Eastern's filing was issued on February 4, 1980, with petitions or protests due by February 20, 1980. None were filed.

Based upon a review of Texas Eastern's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Texas Eastern's prepared tariff sheets for filing, grant waiver of the 30-day notice requirement and suspend the filing until March 1, 1980, when they will be permitted to become effective, subject to refund.

The advance payments which give rise to the instant filing are the subject of a formal proceeding in Docket No. RP75-73 (AP79-4), which was set for hearing by order dated August 31, 1979. In addition, by order issued January 31, 1980, the Commission suspended and made subject to refund and investigation another filing made by Texas Eastern in Docket No. TA80-1-17 (PGA80-2, IPR80-2, DCA80-1, AP80-1, and LFUT80-1) and consolidated that docket with Docket No. RP75-73 (AP79-

[1] Fifty-third Revised Sheet Nos. 14; 14A; 14B; 14C; and 14D.

4). The Commission finds that substantially similar questions of law and fact are presented in the instant filing. Accordingly, we are consolidating this proceeding with the investigation in those dockets. Further procedures may be established by the Presiding Administrative Law Judge in the consolidated proceedings.

The Commission Orders:

(A) Texas Eastern's proposed tariff sheets listed in footnote 1 are accepted for filing and suspended, and waiver of the notice requirements is granted such that the filing shall become effective March 1, 1980, subject to refund.

(B) This docket is hereby consolidated with Docket No. RP75–73 (AP79–4) and Docket No. TA80–1–17 (PGA80–2, IPR80–2, DCA80–1, AP80–1, and LFUT80–1) for purposes of hearing and decision.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–6940 Filed 3–5–80; 8:45 am]

BILLING CODE 6450–85–M

[No. 155]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

February 27, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kansas Corporation Commission

1. Control number (FERC/State)
2. AP well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–14803/K–79–0986
2. 15–127–20239–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Wigle 4–7
6. Wilde
7. Morris KS
8. 16.0 million cubic feet
9. February 5, 1980
10. Mapco Production Co

1. 80–14804/K–79–0988
2. 15–009–21316–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Rogers #1
6. Otis-Albert
7. Barton KS
8. 8.0 million cubic feet
9. February 5, 1980
10. Northern Gas Product Co

1. 80–14805/K–79–0989
2. 15–127–20238–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Wigle 3–7
6. Wilde
7. Morris KS
8. 16.0 million cubic feet
9. February 5, 1980
10. Mapco Production Co

1. 80–14806/K–79–0990
2. 15–127–20219–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Titus 5–17
6. Wilde
7. Morris KS
8. 18.0 million cubic feet
9. February 5, 1980
10. Mapco Production Co

1. 80–14807/K–79–0991
2. 15–127–20160–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Rindt 1–16–X
6. Wilde
7. Morris KS
8. 11.0 million cubic feet
9. February 5, 1980
10. Mapco Production Co

1. 80–14808/K–79–0992
2. 15–127–20289–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Rindt 4–16–0
6. Wilde
7. Morris KS
8. 11.0 million cubic feet
9. February 5, 1980
10. Napco Production Co

1. 80–14809/K–79–0993
2. 15–127–20227–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Rindt 2–16–X
6. Wilde
7. Morris KS
8. 11.0 million cubic feet
9. February 5, 1980
10. Mapco Production Co

1. 80–14810/K–79–0994
2. 15–127–20157–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Fuson 3–20
6. Wilde
7. Morris KS
8. 20.0 million cubic feet
9. February 5, 1980
10. Mapco Production Co

1. 80–14811/K–79–1101
2. 15–093–20467–0000
3. 102 000 000
4. Wagner & Brown
5. Lucile No 1
6. Panoma
7. Kearny KS
8. 18.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Company

1. 80–14812/K–79–1102
2. 15–055–00000–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Nettrouer #1
6. Hugoton
7. Finney KS
8. 21.0 million cubic feet
9. February 5, 1980
10. Sunflower Pipeline Co

1. 80–14813/K–79–1103
2. 15–093–20505–0000
3. 102 000 000
4. Wagner & Brown
5. Rose #1
6. Panoma Council Grove
7. Kearny KS
8. 72.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14814/K–79–1140
2. 15–185–00000–0000
3. 108 000 000
4. Barnett Oil Inc
5. Hart A #1
6. Haynes SW
7. Stafford KS
8. 7.3 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14815/K–79–1141
2. 15–113–00000–0000
3. 108 000 000
4. Barnett Oil Inc
5. Goering #1
6. Harmac S E
7. McPherson KS
8. 18.0 million cubic feet
9. February 5, 1980
10. Peoples Nat Gas Div-Northern Nat Gas

1. 80–14816/K–79–1142
2. 15–185–00000–0000
3. 108 000 000
4. Barnett Oil Inc
5. Barstow C #1
6. Grunder
7. Stafford KS
8. 9.0 million cubic feet
9. February 5, 1980
10. Worldwide Energy Corp

1. 80–14817/K–79–1143
2. 15–145–00000–0000
3. 108 000 000
4. Barnett Oil Inc
5. Schartz #1
6. Shady NO
7. Pawnee KS
8. 7.3 million cubic feet
9. February 5, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80–14818/K–79–1144
2. 15–145–20089–0000
3. 108 000 000
4. Barnett Oil Inc
5. Suiter Unit #1
6. Shady NO
7. Pawnee KS
8. 4.7 million cubic feet
9. February 5, 1980
10. Kansas-Nebraska Natural Gas Co

1. 80–14819/K–79–1215
2. 15–125–00000–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Mauers-Fleming #1
6. Jefferson-Sycamore

7. Montgomery KS
8. 2.0 million cubic feet
9. February 5, 1980
10. Union Gas System Inc

1. 80–14820/K–79–1213
2. 15–125–00000–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Schuetz #1
6. Jefferson-Sycamore
7. Montgomery KS
8. 10.0 million cubic feet
9. February 5, 1980
10. Union Gas System Inc

1. 80–14821/K–79–1212
2. 15–125–00000–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Hadden-Wheeler #1
6. Jefferson-Sycamore
7. Montgomery KS
8. 1.0 million cubic feet
9. February 5, 1980
10. Union Gas System Inc

1. 80–14822/K–79–1205
2. 15–119–20342–0000
3. 103 000 000
4. Mesa Petroleum Co
5. Adams 2–18 (Morrow)
6. Cimarron Bend
7. Meade KS
8. 180.0 million cubic feet
9. February 5, 1980
10. Kansas Power & Light Co

1. 80–14823/K–79–1204
2. 15–119–20332–0000
3. 103 000 000
4. Mesa Petroleum Co
5. Hissom 2–30
6. N E Mohler
7. Meade KS
8. 14.6 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14824/K–79–1203
2. 15–119–20342–0000
3. 103 000 000
4. Mesa Petroleum Co
5. Adams 2–18 (Chester)
6. Cimarron Bend
7. Meade KS
8. 220.0 million cubic feet
9. February 5, 1980
10. Kansas Power & Light Co

1. 80–14825/K–79–1202
2. 15–119–20330–0000
3. 103 000 000
4. Mesa Petroleum Co
5. Adams 1–5
6. Singley
7. Meade KS
8. 110.0 million cubic feet
9. February 5, 1980
10. Kansas Power & Light Co

1. 80–14826/K–79–1061
2. 15–079–20388–0000
3. 103 000 000
4. Vincent Oil Corp
5. Strueby #1
6. Burrton Northeast
7. Harvey KS
8. 54.0 million cubic feet
9. February 5, 1980
10.

1. 80–14827/K–79–1060
2. 15–055–0000–0000
3. 108 000 000
4. R W Lange
5. Shottenkirk #1
6. Hugoton
7. Finney KS
8. 7.0 million cubic feet
9. February 5, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80–14828/K–79–1059
2. 15–055–00000–0000
3. 108 000 000
4. R W Lange
5. Ford #1
6. Hugoton
7. Finney KS
8. .0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14829/K–79–1055
2. 15–081–00000–0000
3. 108 000 000
4. Helmerich & Payne Inc
5. Hammer No 1
6. Hugoton 337687
7. Haskell KS
8. 16.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14830/15–79–1085
2. 15–071–20147–0000
3. 103 000 000
4. Dorchester Exploration Inc
5. Pringle C Well No 1
6. Bradshay
7. Greeley KS
8. 50.0 million cubic feet
9. February 5, 1980
10. Sunflower Electric Cooperative Inc

1. 80–14831/K–79–1086
2. 15–071–20138–0000
3. 103 000 000
4. Dorchester Exploration Inc
5. Watson E Well No 1
6. Bradshaw
7. Greeley KS
8. 75.0 million cubic feet
9. February 5, 1980
10. Sunflower Electric Cooperative Inc

1. 80–14832/K–79–1087
2. 15–071–20150–0000
3. 103 000 000
4. Dorchester Exploration Inc
5. Lee Well No 1
6. Bradshaw
7. Greeley KS
8. 190.0 million cubic feet
9. February 5, 1980
10. Sunflower Electric Cooperative Inc

1. 80–14833/K–79–1088
2. 15–071–20135–0000
3. 103 000 000
4. Dorchester Exploration Inc
5. Kuttler Well No 1
6. Bradshaw
7. Greeley KS
8. 35.0 million cubic feet
9. February 5, 1980
10. Sunflower Electric Cooperative Inc

1. 80–14834/K–79–1089
2. 15–071–20136–0000
3. 103 000 000
4. Dorchester Exploration Inc
5. Foster Well No 1
6. Bradshaw
7. Greeley KS
8. 65.0 million cubic feet
9. February 5, 1980
10. Sunflower Electric Cooperative Inc

1. 80–14835/K–79–1078
2. 15–047–20456–0000
3. 103 000 000
4. D R Lauck Oil Co Inc
5. Breitenbach C #1
6. Embry
7. Edwards KS
8. 73.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14836/K–79–1080
2. 15–185–20814–0000
3. 103 000 000
4. Warren American Oil Co
5. Kelly No 1
6. Knoche
7. Stafford KS
8. 50.0 million cubic feet
9. February 5, 1980
10. Kansas Power and Light Co

1. 80–14837/K–79–1082
2. 15–187–00000–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Frazer #1
6. Kansas Hugoton
7. Stanton KS
8. 6.1 million cubic feet
9. February 5, 1980
10. Colorado Interstate Gas Co

1. 80–14838/K–79–1083
2. 15–187–00000–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Eugene Floyd #1
6. Kansas Hugoton
7. Stanton KS
8. 9.1 million cubic feet
9. February 5, 1980
10. Colorado Interstate Gas Co

1. 80–14839/K–79–1084
2. 15–055–20256–0000
3. 103 000 000
4. Cig Exploration Inc
5. Vaughan #1
6. Panoma Council Grove
7. Finney KS
8. 37.0 million cubic feet
9. February 5, 1980
10. Colorado Interstate Gas Co

1. 80–14840/K–79–1047
2. 15–007–00000–0000
3. 108 000 000
4. Andover Oil Co
5. Davis Ranch B Well No 1
6. Medicino Lodge West
7. Barber KS
8. 21.1 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80–14841/K–79–1186
2. 15–097–20444–0000
3. 103 000 000
4. Benson Mineral Group Inc
5. Iron Mountain #1–22
6. Glick
7. Kiowa KS
8. 237.0 million cubic feet
9. February 5, 1980
10. Kansas Gas Supply Corp

1. 80–14842/K–79–1191

2. 15–127–20294–0000
3. 103 000 000
4. Benson Mineral Group Inc
5. Landon-Kassebaum 1–28
6. Wilde
7. Morris KS
8. 182.0 million cubic feet
9. February 5, 1980
10. Mapco Production Co

1. 80–14843/K–014843
2. 15–055–20302–0000
3. 103 000 000
4. Benson Mineral Group Inc
5. Boyd #2–18
6. Hugoton
7. Finney KS
8. 36.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14844/K–79–1190
2. 15–125–21399–0000
3. 103 000 000
4. Benson Mineral Group Inc
5. Wheeler-Hadden #1–8
6. Jefferson-Sycamore
7. Montgomery KS
8. 25.0 million cubic feet
9. February 5, 1980
10. Union Gas

1. 80–14845/K–79–1189
2. 15–055–20281–0000
3. 103 000 000
4. Benson Mineral Group Inc
5. Brady #1
6. Hugoton
7. Finney KS
8. 36.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14846/K–79–1188
2. 15–083–12010–0000
3. 103 000 000
4. Benson Mineral Group Inc
5. Flory #1–1
6. Hugoton
7. Haskell KS
8. 58.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14847/K–79–1183
2. 15–127–20086–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Carson 1–6
6. Wilde
7. Morris KS
8. 21.0 million cubic feet
9. February 5, 1980
10. Mapco Production Co

1. 80–14848/K–79–1185
2. 15–127–20295–0000
3. 103 000 000
4. Benson Mineral Group Inc
5. Landon Kassebaum #2–28
6. Wilde
7. Morris KS
8. 127.0 million cubic feet
9. February 5, 1980
10. Mapco Production Co

1. 80–14849/K–79–1184
2. 15–019–20985–0000
3. 103 000 000
4. Benson Mineral Group Inc
5. Patterson 1–15
6. Wayside-Havana
7. Chautauqua KS
8. 76.0 million cubic feet
9. February 5, 1980
10. Cities Service

1. 80–14850/K–79–1173
2. 15–075–20237–0000
3. 103 000 000
4. Cities Service Co
5. Burke A #1
6. Bradshaw
7. Hamilton KS
8. 16.0 million cubic feet
9. February 5, 1980
10.

1. 80–14851/K–79–1168
2. 15–119–20212–0000
3. 108 000 000
4. Headco Production Co
5. Thonhoff #1–A
6. Johannsen
7. Meade KS
8. 24.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14852/K–79–1181
2. 15–127–20298–0000
3. 103 000 000
4. Benson Mineral Group Inc
5. Landon 1–22
6. Wilde
7. Morris KS
8. 73.0 million cubic feet
9. February 5, 1980
10. Mapco Production Co

1. 80–14853/K–79–1158
2. 15–093–20592–0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Roth 1–2
6. Panoma Council Grove
7. Kearny KS
8. 86.0 million cubic feet
9. February 5, 1980
10.

1. 80–14854/K–79–1139
2. 15–093–20414–0000
3. 103 000 000
4. Wagner & Brown
5. Fertig No 1
6. Panoma
7. Kearny KS
8. 54.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14855/K–79–1182
2. 15–127–20087–0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Carson 2–6
6. Wilde
7. Morris KS
8. 21.0 million cubic feet
9. February 5, 1980
10. Mapco Production Co

1. 80–14856/K–79–1126
2. 15–189–00000–0000
3. 108 000 000
4. Mobil Oil Corporation
5. Carpenter 599 Well #1M
6. Center
7. Stevens KS
8. 7.1 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14857/K–79–1125
2. 15–093–00000–0000
3. 108 000 000
4. R W Lange
5. Obrate #1
6. Hugoton
7. Kearny KS
8. 14.0 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80–14858/K–79–1108
2. 15–115–20438–0000
3. 103 000 000
4. Robert F White
5. Heise A #2
6. East Antelope
7. Marion KS
8. 30.0 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80–14859/K–79–1160
2. 15–023–20042–0000
3. 102 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Zweygardt #1–32
6. Benkleman
7. Cheyenne KS
8. 59.0 million cubic feet
9. February 5, 1980
10.

1. 80–14860/K–79–1161
2. 15–023–20089–0000
3. 102 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Rueb #1–16
6. Armel
7. Cheyenne KS
8. 69.0 million cubic feet
9. February 5, 1980
10.

1. 80–14861/K–79–1162
2. 15–023–20040–0000
3. 102 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Harkins #1–29
6. Benkleman
7. Cheyenne KS
8. 41.0 million cubic feet
9. February 5, 1980
10.

1. 80–14862/K–79–1163
2. 15–023–20043–0000
3. 102 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Obrien #1–30
6. Benkleman
7. Cheyenne KS
8. 39.0 million cubic feet
9. February 5, 1980
10.

1. 80–14863/K–79–1164
2. 15–023–20075–0000
3. 102 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Harkins #1–16
6. Benkleman
7. Cheyenne KS
8. 6.0 million cubic feet
9. February 5, 1980
10.

1. 80–14864/K–79–1165
2. 15–093–20593–0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Sauer B–2
6. Panoma Council Grove

7. Kearny KS
8. 86.0 million cubic feet
9. February 5, 1980
10.

1. 80-14865/K-79-1166
2. 15-093-20585-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Campbell #5-2
6. Panoma Council Grove
7. Kearny KS
8. 86.0 million cubic feet
9. February 5, 1980
10.

1. 80-14866/K-79-0985
2. 15-035-21988-0000
3. 103 000 000
4. Herndon Drilling Co
5. Boylan-Harrison No 3
6. Murphy
7. Cowley KS
8. 75.0 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80-14867/K-79-0984
2. 15-047-00000-0000
3. 108 000 000
4. Herndon Oil & Gas Co
5. Hart No 1
6. Embry
7. Edwards KS
8. 21.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80-14868/K-79-0278
2. 15-189-20411-0000
3. 103 000 000
4. Anadarko Production Co
5. Dunne-Hoffman G No 1
6. Panoma Council Grove
7. Stevens KS
8. 48.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14869/K-79-1156
2. 15-093-20563-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Singleton #1-2
6. Panoma Council Grove
7. Kearny KS
8. 86.0 million cubic feet
9. February 5, 1980
10.

1. 80-14870/K-79-1154
2. 15-093-20508-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Thorpe 1-2
6. Panoma Council Grove
7. Kearny KS
8. 86.0 million cubic feet
9. February 5, 1980
10.

1. 80-14871/K-79-1153
2. 15-067-20511-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Meyer 2-2
6. Panoma Council Grove
7. Grant KS
8. 86.0 million cubic feet
9. February 5, 1980
10.

1. 80-14872/K-79-1151
2. 15-093-20530-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Campbell 9-2
6. Panoma Council Grove
7. Kearny KS
8. 86.0 million cubic feet
9. February 5, 1980
10.

1. 80-14873/K-79-1150
2. 15-093-20528-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Morris 1-2
6. Panoma Council Grove
7. Kearny KS
8. 86.0 million cubic feet
9. February 5, 1980
10.

1. 80-14874/K-79-1149
2. 15-093-20546-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Ritchey #1-2
6. Panoma Council Grove
7. Kearny KS
8. 86.0 million cubic feet
9. February 5, 1980
10.

1. 80-14875/K-79-1157
2. 15-075-20258-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Moyle 1-2
6. Panoma Council Grove
7. Hamilton KS
8. 86.0 million cubic feet
9. February 5, 1980
10.

1. 80-14876/K-79-1100
2. 15-075-20230-0000
3. 103 000 000
4. Ladd Petroleum Corp
5. Hou 1021-B #1
6. Bradshaw
7. Hamilton KS
8. 37.0 million cubic feet
9. February 5, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80-14877/K-79-1099
2. 15-189-20427-0000
3. 103 000 000
4. Anadarko Production Co
5. Shell No 3-13
6. Gentzler
7. Stevens KS
8. 432.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipe Line Co

1. 80-14878/K-79-1094
2. 15-175-20366-0000
3. 103 000 000
4. Service Drilling Co
5. Smyser #1-7
6.
7. Seward, KS
8. 250.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80-14879/K-79-1093
2. 15-093-20474-0000
3. 103 000 000
4. Cities Service Co
5. Hedge A #2
6. Panoma
7. Kearny, KS
8. 70.3 million cubic feet
9. February 5, 1980
10. Kansas Nebraska Natural Gas Co Inc

1. 80-14880/K-79-1092
2. 15-093-20494-0000
3. 103 000 000
4. Cities Service Co
5. Shuster A #2
6. Panoma
7. Kearny, KS
8. 4.4 million cubic feet
9. February 5, 1980
10. Kansas Nebraska Natural Gas Co Inc

1. 80-14881/K-79-1090
2. 15-071-20137-0000
3. 103 000 000
4. Dorchester Exploration Inc
5. Pringle A Well No 1
6. Bradshaw
7. Greeley, KS
8. 110.0 million cubic feet
9. February 5, 1980
10. Sunflower Electric Cooperative Inc

1. 80-14882/K-79-1018
2. 15-071-20153-0000
3. 103 000 000
4. Wayman W Buchanan
5. Sleigh No 1
6. Tribune
7. Greely, KS
8. 109.5 million cubic feet
9. February 5, 1980
10. Kansas Nebraska Natural Gas Co Inc

1. 80-14883/K-79-1229
2. 15-175-20373-0000
3. 103 000 000
4. Jack C Wallace
5. Vaughan #1
6. Kansas Hugoton
7. Seward County, KS
8. 55.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80-14884/K-79-1230
2. 15-175-20381-0000
3. 103 000 000
4. Jacke C Wallace
5. French #1
6. Kansas Hugoton
7. Seward, KS
8. 60.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80-14885/K-79-1231
2. 15-081-20146-0000
3. 103 000 000
4. Jack C Wallace
5. Stonestreet #1
6. Kansas Hugoton
7. Haskell, KS
8. 180.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80-14886/K-79-1233
2. 15-055-20276-0000
3. 103 000 000
4. The Maurice L Brown Company
5. Wamper #1
6. Hugoton
7. Finney, KS
8. 101.0 million cubic feet
9. February 5, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80-14887/K-79-1238

2. 15–115–00000–0000
3. 108 000 000
4. Robert F White
5. Heise B #1
6. East Antelope Field
7. Marion, KS
8. 18.0 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80–14888/K–79–1235
2. 15–115–00000–0000
3. 108 000 000
4. Robert F White
5. #1 R W Heise A
6. East Antelope Gas Field
7. Marion County, KS
8. 16.0 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80–14889/K–79–1236
2. 15–115–00000–0000
3. 108 000 000
4. Robert F White
5. Heise B #1
6. East Antelope Field
7. Marion, KS
8. 16.0 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80–14890/K–79–1237
2. 15–115–00000–0000
3. 108 000 000
4. Robert F White
5. Pritz A #1
6. East Antelope Field
7. Marion, KS
8. 18.0 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80–14891/K–79–1227
2. 15–071–20044–0000
3. 108 000 000
4. Dorchester Exploration Inc
5. Coupland Well No 1
6. Bradshaw
7. Greeley KS
8. 12.0 million cubic feet
9. February 5, 1980
10. Sunflower Electric Cooperative Inc

1. 80–14892/K–79–1045
2. 15–007–00000–0000
3. 108 000 000
4. Andover Oil Company
5. Eddsterling A Well No 1
6. Hardtner
7. Barber, KS
8. 17.5 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80–14893/K–79–1046
2. 15–007–00000–0000
3. 108 000 000
4. Andover Oil Company
5. Davis Ranch A No 1
6. West Medicine Lodge
7. Barber, KS
8. 8.5 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80–14894/K–79–1049
2. 15–007–20302–0000
3. 108 000 000
4. Andover Oil Company
5. B Sterling A Well No 3
6. Hardtner
7. Barber, KS
8. 8.9 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80–14895/K–79–1048
2. 15–007–20303–0000
3. 108 000 000
4. Andover Oil Company
5. B Sterling A Well No 4
6. Hardtner
7. Barber, KS
8. 8.9 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80–14896/K–79–1050
2. 15–007–00000–0000
3. 108 000 000
4. Andover Oil Company
5. Bartz Platt Well No 1
6. Hardtner
7. Barber, KS
8. 8.9 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80–14897/K–79–1138
2. 15–093–20480–0000
3. 103 000 000
4. Wagner & Brown
5. Eva #1
6. Panoma
7. Kearny, KS
8. 36.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Company

1. 80–14898/K–79–1137
2. 15–093–20492–0000
3. 103 000 000
4. Wagner & Brown
5. Fiedler #1
6. Panoma
7. Kearny, KS
8. 91.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Company

1. 80–14899/K–79–1132
2. 15–129–00000–0000
3. 108 000 000
4. Rex Monahan
5. Stucky A–1
6. Greendwood-Field
7. Morton, KS
8. 17.2 million cubic feet
9. February 5, 1980
10. Colorado Interstate Gas Co

1. 80–14900/K–79–1130
2. 15–055–00000–0000
3. 108 000 000
4. Mobil Oil Corporation
5. Hicks Celona O #1
6. Hugoton
7. Finney, KS
8. 13.0 million cubic feet
9. February 5, 1980
10. Kansas-Nebraska Natural Gas Co

1. 80–14901/K–79–1127
2. 15–189–00000–0000
3. 108 000 000
4. Northern Natural Gas Prod Co
5. Heath A #1
6. Hugoton
7. Stevens, KS
8. 11.5 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Company

1. 80–14902/K–79–1129
2. 15–081–00000–0000
3. 108 000 000
4. Northern Natural Gas Prod Co
5. Nelson #1A
6. Hugoton
7. Haskell, KS
8. 20.2 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14903/K–79–1133
2. 15–007–00000–0000
3. 108 000 000
4. Andover Oil Company
5. R B Cook Well No 2
6. Hardtner
7. Barber, KS
8. 1.8 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80–14904/K–79–1135
2. 15–185–00000–0000
3. 108 000 000
4. Green Wolf Oil Company
5. Mellies #1
6. Max
7. Sta Stafford County, KS
8. .8 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14905/K–79–1134
2. 15–093–20547–0000
3. 103 000 000
4. Green Wolf Oil Company
5. Mathes-Hartman #1
6. Panoma Council Grove
7. Kearny County, KS
8. 100.0 million cubic feet
9. February 5, 1980
10. Cities Service Gas Company

1. 80–14906/K–79–1136
2. 15–093–20544–0000
3. 103 000 000
4. Green Wolf Oil Company
5. Campbell #2
6. Panoma Council Grove
7. Kearny, KS
8. 88.0 million cubic feet
9. February 5, 1980
10. Cities Service Gas Company

1. 80–14907/K–79–1115
2. 15–067–20515–0000
3. 103 000 000
4. Cities Service Company
5. Miller W #2
6. Panoma
7. Grant, KS
8. 22.4 million cubic feet
9. February 5, 1980
10. Cities Service Gas Company

1. 80–14908/K–79–1117
2. 15–081–20117–0000
3. 103 000 000
4. Cities Service Company
5. Pickens A #2
6. Panoma
7. Haskell, KS
8. 22.7 million cubic feet
9. February 5, 1980
10. Colorado Interstate Gas Co

1. 80–14909/K–79–1118
2. 15–081–20138–0000
3. 103 000 000
4. Cities Service Company
5. Oliver A #2
6. Panoma

7. Haskell, KS
8. 22.3 million cubic feet
9. February 5, 1980
10. Colorado Interstate Gas Co

1. 80-14910/K-79-1228
2. 15-119-20070-0000
3. 108 000 000
4. Blaik Oil Company
5. Merkle #1
6. Adams Ranch
7. Meade, KS
8. 16.0 million cubic feet
9. February 5, 1980
10. Colorado Interstate Gas Co

1. 80-14911/K-79-1218
2. 15-071-20048-0000
3. 108 000 000
4. Dorchester Exploration Inc
5. Sell Well No 1
6. Bradshaw
7. Greeley, KS
8. 6.0 million cubic feet
9. February 5, 1980
10. Sunflower Electric Cooperative Inc

1. 80-14912/K-79-1095
2. 15-025-20250-0000
3. 102 000 000
4. Mesa Petroleum Co
5. Moore #2-20
6. Lexington
7. Clark, KS
8. 73.0 million cubic feet
9. February 5, 1980
10. Kansas Power & Light

1. 80-14913/K-79-1096
2. 15-025-20245-0000
3. 102 000 000
4. Mesa Petroleum Co
5. Seacat #3-19
6. Lexington
7. Clark, KS
8. 490.0 million cubic feet
9. February 5, 1980
10. Kansas Power & Light

1. 80-14914/K-79-1036
2. 15-085-20765-0000
3. 103 000 000
4. Rupe Oil Co Inc
5. McMichael #1
6. Dresden
7. Kingman, KS
8. 65.0 million cubic feet
9. February 5, 1980
10. Central States Gas Co

1. 80-14915/K-79-1044
2. 15-007-00000-0000
3. 108 000 000
4. Andover Oil Comapny
5. Edd Sterling Well No 5
6. Hardtner
7. Barber, KS
8. 7.0 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80-14916/K-79-1040
2. 15-007-00000-0000
3. 108 000 000
4. Andover Oil Company
5. B Sterling A Well No 1
6. Hardtner
7. Barber, KS
8. 8.9 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80-14917/K-79-1041
2. 15-007-00000-0000
3. 108 000 000
4. Andover Oil Company
5. Blanche Sterling Well No 4
6. Hardtner
7. Barber, KS
8. 5.0 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80-14918/K-79-1051
2. 15-081-00000-0000
3. 108 000 000
4. Helmerich & Payne Inc
5. Hoffman A No 1
6. Hugoton 337687
7. Haskell KS
8. 22.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Company

1. 80-14919/K-79-1052
2. 15-081-00000-0000
3. 108 000 000
4. Helmerich & Payne Inc
5. Tate B No 1
6. Hugoton
7. Haskell KS
8. 21.0 million cubic feet
9. February 5, 1980
10. Cities Service Gas Company

1. 80-14920/K-79-1053
2. 15-175-00000-0000
3. 108 000 000
4. Helmerich & Payne Inc
5. Jenkins No 1
6. Hugoton
7. Seward KS
8. 14.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Company

1. 80-14921/K-79-1054
2. 15-081-00000-0000
3. 108 000 000
4. Helmerich & Payne Inc
5. Trimpa A No 2
6. Hugoton 337687
7. Haskell KS
8. 13.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Company

1. 80-14922/K-79-1072
2. 15-119-00000-0000
3. 108 000 000
4. First National Oil Inc
5. #1 Gibler PO 7532
6. Bruno
7. Meade KS
8. 10.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80-14923/K-79-1209
2. 15-125-00000-0000
3. 108 000 000
4. Jay Robertson
5. Springer-Robertson #1
6. Jefferson-Sycamore
7. Montgomery KS
8. .7 million cubic feet
9. February 5, 1980
10. Union Gas Systems Inc

1. 80-14924/K-79-1214
2. 15-125-00000-0000
3. 108 000 000
4. Benson Mineral Group
5. Aduddell #1
6. Jefferson-Sycamore
7. Montgomery KS
8. 21.0 million cubic feet
9. February 5, 1980
10. Union Gas Systems Inc

1. 80-14925/K-79-1063
2. 15-071-20154-0000
3. 103 000 000
4. Petroleum Technical Service Co
5. Vester No 1
6. North Tribune
7. Greely KS
8. 109.5 million cubic feet
9. February 5, 1980
10. Kansas-Nebraska Natural Gas Co

1. 80-14926/K-79-1062
2. 15-071-00000-0000
3. 103 000 000
4. Petroleum Technical Service Co
5. Bursk No 1
6.
7. Greely KS
8. 109.5 million cubic feet
9. February 5, 1980
10. Kansas-Nebraska Natural Gas Co

1. 80-14927/K-79-1066
2. 15-119-20198-0000
3. 108 000 000
4. R Clay Underwood
5. H G Adams III F #4
6. Cimarron Bend
7. Meade KS
8. 1.7 million cubic feet
9. February 5, 1980
10. Kansas Power & Light Gas Co

1. 80-14928/K-79-1064
2. 15-119-20189-0000
3. 108 000 000
4. R Clay Underwood
5. H G Adams III F #3
6. Cimarron Bend
7. Meade KS
8. 19.6 million cubic feet
9. February 5, 1980
10. Kansas Power & Light Gas Co

1. 80-14929/K-79-1065
2. 15-119-20255-0000
3. 108 000 000
4. R Clay Underwood
5. H G Adams IV F #9
6. Cimarron Bend
7. Meade KS
8. 24.2 million cubic feet
9. February 5, 1980
10. Kansas Power & Light Gas Co

1. 80-14930/K-79-1067
2. 15-119-20157-0000
3. 108 000 000
4. R Clay Underwood
5. H G Adams IV F #1
6. Cimarron Bend
7. Meade KS
8. 18.0 million cubic feet
9. February 5, 1980
10. Colorado Interstate Gas

1. 80-14931/K-79-1098
2. 15-119-20096-0000
3. 108 000 000
4. R Clay Underwood
5. Jessie S Adams D #5
6. Cimarron Bend
7. Meade County KS
8. 10.8 million cubic feet
9. February 5, 1980
10. Colorado Interstate Gas Company

1. 80-14932/K-79-1091

2. 15–129–00000–0000
3. 108 000 000
4. Petroleum Corporation of Texas
5. Riley D #5–5830–C
6. Taloga
7. Morton KS
8. 12.8 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Company

1. 80–14933/K–79–1148
2. 15–093–20565–0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. J Graber 1–2
6. Panoma Council Grove
7. Kearny KS
8. 86.0 million cubic feet
9. February 5, 1980
10.

1. 80–14934/K–79–1147
2. 15–093–20594–0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. D Turner 1–2
6. Panoma Council Grove
7. Kearny KS
8. 86.0 million cubic feet
9. February 5, 1980
10.

1. 80–14935/K–79–1112
2. 15–093–20499–0000
3. 103 000 000
4. Cities Service Company
5. Hicks A #2
6. Panoma
7. Kearny KS
8. 42.2 million cubic feet
9. February 5, 1980
10. Kansas Nebraska Natural Gas Co

1. 80–14936/K–79–1077
2. 15–093–20262–0000
3. 108 000 000
4. Wagner & Brown
5. Goering #1
6. Panoma Council Grove
7. Kearny Ks
8. 14.6 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Company

1. 80–14937/K–79–1104
2. 15–093–20418–0000
3. 103 000 000
4. Wagner & Brown
5. Finn #1
6. Panoma
7. Kearny KS
8. 120.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Company

1. 80–14938/K–79–1146
2. 15–097–20293–0000
3. 108 000 000
4. Barnett Oil Inc
5. Miller Unit #3
6. Greensburg
7. Kiowa KS
8. 10.9 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14939/K–79–1105
2. 15–093–20468–0000
3. 102 000 000
4. Wagner & Brown
5. Pearl No 1
6. Panoma
7. Kearny KS
8. 24.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Company

1. 80–14940/K–79–1124
2. 15–175–20142–0000
3. 108 000 000
4. Leben Oil Corporation
5. Hitch #1
6. Wildcat
7. Seward KS
8. 15.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipe Line

1. 80–14941/K–79–1122
2. 15–053–00000–0000
3. 108 000 000
4. R W Lange
5. Strasser #1
6. Hugoton
7. Finney KS
8. 18.0 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80–14942/K–79–1120
2. 15–081–20136–0000
3. 103 000 000
4. Cities Service Co
5. Alexander B #2
6. Panoma
7. Haskell KS
8. 10.9 million cubic feet
9. February 5, 1980
10. Colorado Interstate Gas Co

1. 80–14943/K–79–1119
2. 15–081–20132–0000
3. 103 000 000
4. Cities Service Company
5. Burton A #2
6. Panoma
7. Haskell KS
8. 13.2 million cubic feet
9. February 5, 1980
10. Colorado Interstate Gas Co

1. 80–14944/K–79–1109
2. 15–025–20231–0000
3. 103 000 000
4. Byron E Hummon Jr
5. McMinimy #1
6. Harper Ranch Pool
7. Clark KS
8. 144.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Company

1. 80–14945/K–79–1106
2. 15–115–20413–0000
3. 103 000 000
4. Robert F White
5. Stika #1
6. East Antelope
7. Marion KS
8. 30.0 million cubic feet
9. February 5, 1980
10. Cities Service Gas Co

1. 80–14946/K–79–1111
2. 15–093–20526–0000
3. 103 000 000
4. Cities Service Company
5. Burden A #2
6. Panoma
7. Kearny KS
8. 32.1 million cubic feet
9. February 5, 1980
10. Kansas Nebraska Natural Gas Co

1. 80–14947/K–79–1152
2. 15–093–20507–0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Browne #1–2
6. Panoma Council Grove
7. Kearny KS
8. 86.0 million cubic feet
9. February 5, 1980
10.

1. 80–14948/K–79–1178
2. 15–055–20259–0000
3. 103 000 000
4. Benson Mineral Group
5. 1st Natl Bank of Hutchinson #1–18
6. Hugoton
7. Finney KS
8. 9.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14949/K–79–1172
2. 15–071–20143–0000
3. 103 000 000
4. Cities Service Company
5. Slattery A #1
6. Bradshaw
7. Greeley KS
8. 51.8 million cubic feet
9. February 5, 1980
10.

1. 80–14950/K–79–1121
2. 15–081–20115–0000
3. 103 000 000
4. Cities Service Company
5. Garrison A #2
6. Panoma
7. Haskell KS
8. 12.9 million cubic feet
9. February 5, 1980
10. Colorado Interstate Gas Co

1. 80–14951/K–79–1169
2. 15–175–20362–0000
3. 103 000 000
4. Petroleum Inc
5. Thompson Unit #2
6. Liberal Light
7. Seward KS
8. 35.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co

1. 80–14952/K–79–1113
2. 15–129–20365–0000
3. 103 000 000
4. Cities Service Company
5. Luther B–2
6. Panoma
7. Morton KS
8. 66.8 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co

1. 80–14953/K–79–1107
2. 15–127–20092–0000
3. 108 000 000
4. Benson Mineral Group
5. Titus 3–17
6. Wilde
7. Morris KS
8. 18.0 million cubic feet
9. February 5, 1980
10. Mapco

1. 80–14954/K–79–1155
2. 15–093–20516–0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Lee #24–2
6. Panoma Council Grove

7. Kearny KS
8. 86.0 million cubic feet
9. February 5, 1980
10.
1. 80–14955/K–79–1035
2. 15–047–20346–0000
3. 103 000 000
4. Zenith Drilling Corporation Inc
5. Fisher #1
6. Wil
7. Edwards KS
8. 45.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Company
1. 80–14956/K–79–1034
2. 15–095–20737–0000
3. 103 000 000
4. Rupe Oil Co Inc
5. Richardson #1
6. Gibbens
7. Kingman KS
8. 100.0 million cubic feet
9. February 5, 1980
10. Central States Gas Co.
1. 80–14957/K–79–1033
2. 15–007–20585–0000
3. 103 000 000
4. Rupe Oil Co Inc
5. Amy Rolf A #1
6. Harding West
7. Barber KS
8. 55.0 million cubic feet
9. February 5, 1980
10. Central States Gas Co
1. 80–14958/K–79–1031
2. 15–151–20538–0000
3. 103 000 000
4. Rupe Oil Co Inc
5. Blackwelder A #1
6. Harding West
7. Pratt KS
8. 88.0 million cubic feet
9. February 5, 1980
10. Central States Gas Company
1. 80–14959/K–79–1030
2. 15–151–20535–0000
3. 103 000 000
4. Rupe Oil Co Inc
5. Blackwelder #1
6. Harding West
7. Pratt KS
8. 90.0 million cubic feet
9. February 5, 1980
10. Central States Gas Company
1. 80–14960/K–79–1029
2. 15–007–20585–0000
3. 103 000 000
4. Rupe Oil Co Inc
5. City of Isabel #1
6. Harding West
7. Barber KS
8. 90.0 million cubic feet
9. February 5, 1980
10. Central States Gas Company
1. 80–14961/K–79–1024
2. 15–191–20515–0000
3. 108 000 000
4. Wheatland Oil & Gas Inc
5. Hackney #1
6. Hunnewell
7. Sumner KS
8. 11.0 million cubic feet
9. February 5, 1980
10. Arkansas Louisiana Gas Company
1. 80–14962/K–79–1020
2. 15–033–20260–0000
3. 103 000 000
4. Premier Resources Ltd
5. Tuttle A02201
6.
7. Commanche KS
8. 135.0 million cubic feet
9. February 5, 1980
10. Michigan Wisconsin Pipeline Co
1. 80–14963/K–79–1019
2. 15–097–20377–0000
3. 103 000 000
4. K R M Petroleum Corporation
5. W Brensing #1
6. Mullinville Northwest
7. Kiowa KS
8. 60.0 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipe Line Co
1. 80–14964/K–79–1000
2. 15–159–20742–0000
3. 103 000 000
4. I O Miller Inc
5. Stevenson No 1
6. Tobias
7. Rice KS
8. 60.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Company
1. 80–14965/K–79–1201
2. 15–119–20309–0000
3. 103 000 000
4. Mesa Petroleum Co
5. Hissom 1–30
6. N E Mohler
7. Meade KS
8. 14.6 million cubic feet
9. February 5, 1980
10. Panhandle Eastern Pipeline Co
1. 80–14966/K–79–1179
2. 15–127–20258–0000
3. 103 000 000
4. Benson Mineral Group
5. Sheldon #3–3
6. Wilde
7. Morris KS
8. 25.0 million cubic feet
9. February 5, 1980
10. Mapco
1. 80–14967/K–79–1180
2. 15–005–20269–0000
3. 103 000 000
4. Benson Mineral Group
5. Fuller #1–3
6. Hugoton
7. Finney KS
8. 58.0 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Co
1. 80–14968/K–79–1167
2. 15–053–00000–0000
3. 108 000 000
4. R W Lange
5. Ohmes #2
6. Hugoton
7. Finney KS
8. 15.0 million cubic feet
9. February 5, 1980
10. Kansas-Nebraska Natural Gas Co
1. 80–14969/K–79–1170
2. 15–075–20239–0000
3. 103 000 000
4. Cities Service Company
5. Eagle A #1
6. Bradshaw
7. Hamilton KS
8. 5.8 million cubic feet
9. February 5, 1980
10.
1. 80–14970/K–79–11700
2. 15–075–20236–0000
3. 103 000 000
4. Cities Service Company
5. Cullen A #1
6. Bradshaw
7. Hamilton KS
8. 12.1 million cubic feet
9. February 5, 1980
10.
1. 80–14971/K–79–1176
2. 15–053–00000–0000
3. 108 000 000
4. Cotton Petroleum Corporation
5. Betts A No 1
6. Hugoton
7. Finney KS
8. 12.1 million cubic feet
9. February 5, 1980
10. Northern Natural Gas Company
1. 80–14972/K–79–1194
2. 15–127–20293–0000
3. 103 000 000
4. Benson Mineral Group
5. Landon #1–19
6. Wilde
7. Morris KS
8. 219.0 million cubic feet
9. February 5, 1980
10. Mapco
1. 80–14973/K–79–1195
2. 15–127–20296–0000
3. 103 000 000
4. Benson Mineral Group
5. Landon #229
6. Wilde
7. Morris KS
8. 42.0 million cubic feet
9. February 5, 1980
10. Mapco
1. 80–14974/K–79–1196
2. 15–127–20213–0000
3. 103 000 000
4. Benson Mineral Group
5. McFadden 1–8
6. Wilde
7. Morris KS
8. 91.0 million cubic feet
9. February 5, 1980
10. Mapco
1. 80–14975/K–79–1197
2. 15–127–20241–0000
3. 103 000 000
4. Benson Mineral Group
5. McFadden 2–8
6. Wilde
7. Morris KS
8. 22.0 million cubic feet
9. February 5, 1980
10. Mapco
1. 80–14976/K–79–1199
2. 15–189–20378–0000
3. 103 000 000
4. Anadarko Production Company
5. Miller N No 1
6. Gentzler
7. Stevens KS
8. 696.0 million cubic feet
9. February 5, 1980
10. Cimarron-Quinque A Div Of Apc
1. 80–14977/K–79–1200

2. 15–081–20157–0000
3. 103 000 000
4. Helmerich & Payne Inc
5. Gunnell A No 1
6. Panoma Gas Area 538159
7. Finney KS
8. 110.0 million cubic feet
9. February 5, 1980
10. Colorado Interstate Gas Co
1. 80–14978/K–79–1217
2. 15–125–00000–0000
3. 108 000 000
4. Ronald D Fleming & Burton Lawson
5. Andrews-Fleming #1
6. Jefferson-Sycamore
7. Montgomery KS
8. 10.0 million cubic feet
9. February 5, 1980
10. Union Gas Systems Inc
1. 80–14979/K–79–1211
2. 15–125–00000–0000
3. 108 000 000
4. Mary S Green & Eloise S Walker
5. Stewart #1
6. Jefferson-Sycamore
7. Montgomery KS
8. 15.0 million cubic feet
9. February 5, 1980
10. Union Gas Systems Inc
1. 80–14980/K–79–1198
2. 15–035–21260–0000
3. 102 000 000
4. Moran Oil Company
5. Kuret B–1
6. Posey
7. Cowley KS
8. 27.5 million cubic feet
9. February 5, 1980
10. Colonial Corporation
1. 80–14981/K–79–1220
2. 15–071–20096–0000
3. 108 000 000
4. Dorchester Exploration Inc
5. Etw Well No 1
6. Bradshaw
7. Greeley KS
8. 19.0 million cubic feet
9. February 5, 1980
10. Sunflower Electric Cooperative Inc
1. 80–14982/K–79–1222
2. 15–071–20040–A00
3. 108 000 000
4. Dorchester Exploration Inc
5. Beard Well No 1
6. Bradshaw
7. Greeley KS
8. 18.0 million cubic feet
9. February 5, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80–14983/K–79–1223
2. 15–071–20030–0000
3. 108 000 000
4. Dorchester Exploration Inc
5. Moyle Well No 1
6. Bradshaw
7. Greeley KS
8. 20.0 million cubic feet
9. February 5, 1980
10. Sunflower Electric Cooperative Inc
1. 80–14984/K–79–1226
2. 15–071–20049–0000
3. 108 000 000
4. Dorchester Exploration Inc
5. Simpson Well No 1
6. Bradshaw
7. Greeley KS
8. 3.0 million cubic feet
9. February 5, 1980
10. Sunflower Electric Cooperative Inc

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 21, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7042 Filed 2-5-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 152]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

February 27, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kentucky Department of Mines and Minerals, Oil and Gas Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)
1. 80–14356/ERC–358
2. 16–051–00000–0000
3. 108 000 000
4. Bryan Keith
5. William H Baker #2
6.
7. Clay KY
8. 14.4 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp
1. 80–14357/ERC–359
2. 16–051–00000–0000
3. 108 000 000
4. Bryan Theith
5. William H Baker #1
6.
7. Clay KY
8. 8.6 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp
1. 80–14358/ERC–360
2. 16–071–00363–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 804566
6.
7. Floyd KY
8. 16.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp
1. 80–14359/ERC–361
2. 16–159–00258–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 804539
6.
7. Martin KY
8. 8.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp
1. 80–14360/ERC–362
2. 16–159–00257–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 804538
6.
7. Martin KY
8. 18.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp
1. 80–14361/ERC–363
2. 16–159–00000–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 801934
6.
7. Martin KY
8. 4.7 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp
1. 80–14362/ERC–364
2. 16–159–00000–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 801564
6.
7. Martin KY
8. 2.2 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp
1. 80–14363
2. 16–159–00382–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 804580
6.
7. Martin KY
8. 13.5 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp
1. 80–14364/ERC–366
2. 16–159–00373–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 804576
6.
7. Martin KY
8. 8.5 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp
1. 80–14365/ERC–367

2. 16–159–00830–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 804887
6.
7. Martin KY
8. 13.5 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14366/ERC–368
2. 16–159–00653–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 804772
6.
7. Martin KY
8. 8.8 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14367/ERC–369
2. 16–159–01038–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 805034
6.
7. Martin KY
8. 14.6 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14368/ERC–370
2. 16–159–00832–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 804888
6.
7. Martin KY
8. 16.2 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14369/ERC–371
2. 16–159–04205–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 806212
6.
7. Martin KY
8. 4.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14370/ERC–372
2. 16–159–04259–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 806257
6.
7. Martin KY
8. 15.7 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14371/ERC–373
2. 16–195–00548–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 806646
6.
7. Pike KY
8. 9.1 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14372/ERC–374
2. 16–195–01800–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 808183
6.
7. Pike KY
8. 7.8 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14373/ERC–375
2. 16–195–23683–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 809563
6.
7. Pike KY
8. 16.9 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14374/ERC–376
2. 16–195–21322–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 809456
6.
7. Pike KY
8. 16.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14375/ERC–377
2. 16–195–25287–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 809648
6.
7. Pike KY
8. 12.1 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14376/ERC–378
2. 16–159–00000–0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. 801932
6.
7. Martin KY
8. 4.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14377/ERC–379
2. 16–071–00000–0000
3. 108 000 000
4. Southeastern Gas Company
5. Adam Holbert #726
6.
7. Floyd KY
8. 9.9 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14378/ERC–380
2. 16–119–00000–0000
3. 108 000 000
4. Southeastern Gas Company
5. John L Triplett #E–24
6.
7. Knott KY
8. 21.1 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14379/ERC–381
2. 16–195–00000–0000
3. 108 000 000
4. C D Jacobs
5. Bowles No 3
6. Appalachian
7. Pike KY
8. 15.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Trans Corp

1. 80–14380/ERC–382
2. 16–195–00000–0000
3. 108 000 000
4. C D Jacobs
5. Bowles No 8
6. Appalachian
7. Pike KY
8. 15.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Trans Corp

1. 80–14381/ERC–383
2. 16–195–00000–0000
3. 108 000 000
4. C D Jacobs
5. Bowles No 5
6. Appalachian
7. Pike KY
8. 15.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Trans Corp

Ohio Department of Natural Resources, Division of Oil and Gas

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–14165
2. 34–155–20500–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2017) R Lance Unit #2
6.
7. Trumbull, OH
8. 19.0 million cubic feet
9. February 4, 1980.
10. The East Ohio Gas Company

1. 80–14166
2. 34–155–20499–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2016) R Lance Unit #1
6.
7. Trumbull, OH
8. 19.0 million cubic feet
9. February 4, 1980.
10. The East Ohio Gas Company

1. 80–14167
2. 34–155–20460–0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2001) S & H Glass Unit #2
6.
7. Trumbull, OH
8. 18.0 million cubic feet
9. February 4, 1980.
10. The East Ohio Gas Company

1. 80–14168
2. 34–019–21296–0014
3. 103 000 000
4. K S T Oil & Gas Co Inc
5. Edison & Ruby Gartrell #2
6.
7. Carroll, OH
8. 30.0 million cubic feet
9. February 4, 1980.
10. East Ohio Gas Co

1. 80–14169
2. 34–019–21298–0014
3. 103 000 000

4. K S T Oil & Gas Co Inc
5. Evans #3
6.
7. Carroll, OH
8. 30.0 million cubic feet
9. February 4, 1980.
10. East Ohio Gas Co

1. 80–14170
2. 34–031–23575–0014
3. 103 000 000
4. Dale C Dugan
5. Lauby #1
6.
7. Coshocton, OH
8. 10.0 million cubic feet
9. February 4, 1980.
10.

1. 80–14171
2. 34–031–23601–0014
3. 103 000 000
4. Dale C Dugan
5. Bertler #1
6.
7. Coshocton, OH
8. 10.0 million cubic feet
9. February 4, 1980.
10.

1. 80–14172
2. 34–031–23688–0014
3. 103 000 000
4. Edco Drilling and Producing Inc
5. 3d Miller
6.
7. Coshocton, OH
8. 18.0 million cubic feet
9. February 4, 1980.
10.

1. 80–14173
2. 34–031–23704–0014
3. 103 000 000
4. Edco Drilling and Producing Inc
5. 2d Miller
6.
7. Coshocton, OH
8. 18.0 million cubic feet
9. February 4, 1980.
10.

1. 80–14174
2. 34–031–23705–0014
3. 103 000 000
4. Edco Drilling and Producing Inc
5. 4A Gamertsfelder
6.
7. Coshocton, OH
8. 18.0 million cubic feet
9. February 4, 1980.
10.

1. 80–14175
2. 34–031–23706–0014
3. 103 000 000
4. Edco Drilling and Producing Inc
5. 2A Gamertsfelder
6.
7. Coshocton, OH
8. 18.0 million cubic feet
9. February 4, 1980.
10.

1. 80–14176
2. 34–035–20940–0014
3. 103 000 000
4. Green Gas Co
5. Six Hundred Superior Corp #3
6.
7. Cuyanoga, OH
8. .0 million cubic feet
9. February 4, 1980
10. Columbia Gas of Ohio

1. 80–14177
2. 34–035–20946–0014
3. 103 000 000
4. Green Gas Co
5. R & B Meister #1
6.
7. Cuyanoga, OH
8. 1.5 million cubic feet
9. February 4, 1980
10. Columbia Gas of Ohio

1. 80–14178
2. 34–073–22161–0014
3. 103 000 000
4. Quaker State Oil Refining Corp
5. Robertson #14 80217–14
6.
7. Hocking, OH
8. 7.3 million cubic feet
9. February 4, 1980
10. Hocking Gas Company

1. 80–14179
2. 34–073–22162–0014
3. 103 000 000
4. Quaker State Oil Refining Corp
5. NEFF #4 80218–4
6.
7. Hocking, OH
8. 7.3 million cubic feet
9. February 4, 1980
10. Hocking Gas Company

1. 80–14180
2. 34–075–22120–0014
3. 103 000 000
4. Jadoil Inc
5. Levi J & Anna Yoder #1
6.
7. Holmes OH
8. 15.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14181
2. 34–075–22131–0014
3. 103 000 000
4. Jadoil Inc
5. Schlabach-Shetler Unit #1
6.
7. Holmes OH
8. 12.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14182
2. 34–075–22132–0014
3. 103 000 000
4. Jadoil Inc
5. Barkman-Raber Unit #1
6.
7. Holmes OH
8. 15.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14183
2. 34–075–22199–0014
3. 103 000 000
4. Ponderosa Oil Co
5. Floyd P Mackey #1
6.
7. Holmes OH
8. 20.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14184
2. 34–075–22200–0014
3. 103 000 000
4. Ponderosa Oil Co
5. Roy J Miller #1
6.
7. Holmes OH
8. 12.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14185
2. 34–075–22201–0014
3. 103 000 000
4. Ponderosa Oil Co
5. Henry J Miller #1
6.
7. Holmes OH
8. 10.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14186
2. 34–075–22227–0014
3. 103 000 000
4. Cameron Ltd Partnership
5. Fredrick C Smith #1
6.
7. Holmes OH
8. 28.0 million cubic feet
9. February 4, 1980
10.

1. 80–14187
2. 34–075–22229–0014
3. 103 000 000
4. Cameron Associates
5. Donald Bertler #1
6.
7. Holmes OH
8. 28.0 million cubic feet
9. February 4, 1980
10.

1. 80–14188
2. 34–075–22244–0014
3. 103 000 000
4. Edco Drilling & Producing Inc
5. 1A Daggon
6.
7. Holmes County OH
8. 18.3 million cubic feet
9. February 4, 1980
10.

1. 80–14189
2. 34–075–22245–0014
3. 103 000 000
4. Jadoil Inc
5. Andrew J Troyer #1
6.
7. Holmes OH
8. 20.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14190
2. 34–075–22268–0014
3. 103 000 000
4. Ponderosa Oil Co
5. Grace L Lemon #1
6.
7. Holmes OH
8. 15.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14191
2. 34–075–22269–0014
3. 103 000 000
4. Ponderosa Oil Co
5. Dan Schlabach #1
6.
7. Holmes OH

8. 10.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14192
2. 34–075–22279–0014
3. 103 000 000
4. William F Hill
5. Howard W Bales #1
6.
7. Holmes OH
8. 9.0 million cubic feet
9. February 4, 1980
10.

1. 80–14193
2. 34–075–22288–0014
3. 103 000 000
4. Ohio Titan Energy Co Ltd Part 1979
5. #4 Owen D Yoder
6.
7. Holmes OH
8. 285.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Trans Corp

1. 80–14194
2. 34–075–22296–0014
3. 103 000 000
4. Ohio Titan Energy Ltd Part 1979–9
5. #1 L J Matter
6.
7. Holmes OH
8. 385.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Trans Corp

1. 80–14195
2. 34–089–23533–0014
3. 103 000 000
4. Partners Oil Company
5. #2 J D Schooler
6.
7. Licking OH
8. 100.0 million cubic feet
9. February 4, 1980
10. National Gas & Oil Corp

1. 80–14196
2. 34–089–23534–0014
3. 103 000 000
4. Partners Oil Company
5. #1 J D Schooler
6.
7. Licking OH
8. 100.0 million cubic feet
9. February 4, 1980
10. National Gas & Oil Corp

1. 80–14197
2. 34–089–23674–0014
3. 103 000 000
4. American Well Management Company
5. Barnes No 1
6.
7. Licking OH
8. 18.0 million cubic feet
9. February 4, 1980
10.

1. 80–14198
2. 34–099–21178–0014
3. 103 000 000
4. Integrated Petroleum Co Inc
5. Diorio/Elmo #2
6.
7. Mahoning OH
8. 35.0 million cubic feet
9. February 4, 1980
10. American Energy Services

1. 80–14199
2. 34–099–21193–0014
3. 103 000 000
4. Rowley & Brown Petroleum Corp
5. Canfield Mfg #1
6.
7. Mahoning OH
8. 35.0 million cubic feet
9. February 4, 1980
10. East Ohio Gas

1. 80–14200
2. 34–099–21201–0014
3. 103 000 000
4. Cameron Associates
5. Williamson-Miller #1
6.
7. Mahoning OH
8. 28.0 million cubic feet
9. February 4, 1980
10.

1. 80–14201
2. 34–115–21858–0014
3. 103 000 000
4. Fortune Gas and Oil Inc
5. Hamer Wilson #2
6.
7. Morgan County OH
8. 30.0 million cubic feet
9. February 4, 1980
10. East Ohio Gas Company

1. 80–14202
2. 34–115–21860–0014
3. 103 000 000
4. Fortune Gas and Oil Inc
5. Harlan Rex #1
6.
7. Morgan County OH
8. 30.0 million cubic feet
9. February 4, 1980
10. East Ohio Gas Company

1. 80–14203
2. 34–115–21895–0014
3. 103 000 000
4. Fortune Gas and Oil Inc
5. Dwight Roberts et al #3
6.
7. Morgan County OH
8. 30.0 million cubic feet
9. February 4, 1980
10. East Ohio Gas Company

1. 80–14204
2. 34–119–24925–0014
3. 103 000 000
4. Guernsey Petroleum Corporation
5. Ohio Power 49MH
6.
7. Muskingum OH
8. .0 million cubic feet
9. February 4, 1980
10. East Ohio Gas Company

1. 80–14205
2. 34–119–24986–0014
3. 103 000 000
4. William V Cantlin
5. R & S Miller #1
6.
7. Muskingum OH
8. 5.0 million cubic feet
9. February 4, 1980
10.

1. 80–14206
2. 34–121–21372–0014
3. 103 000 000
4. The Benatty Corporation
5. E K Reed 2–B
6.
7. Noble OH
8. 50.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14207
2. 34–121–22180–0014
3. 103 000 000
4. Guernsey Petroleum Corporation
5. Kuntz #2–MH
6.
7. Noble OH
8. .0 million cubic feet
9. February 4, 1980
10. East Ohio Gas Company

1. 80–14208
2. 34–127–24382–0014
3. 103 000 000
4. Zenith Oil & Gas Inc
5. Klingler #2
6.
7. Perry OH
8. 5.0 million cubic feet
9. February 4, 1980
10.

1. 80–14209
2. 34–127–24456–0014
3. 103 000 000
4. John Tansky
5. Michael & Laura Poling #1
6.
7. Perry OH
8. 8.0 million cubic feet
9. February 4, 1980
10.

1. 80–14210
2. 34–127–24496–0014
3. 103 000 000
4. Zenith Oil & Gas Inc
5. Klingler #1–A
6.
7. Perry OH
8. 5.0 million cubic feet
9. February 4, 1980
10.

1. 80–14211
2. 34–133–21533–0014
3. 103 000 000
4. Nucorp Energy Company
5. Harland Bell Well #2
6.
7. Portage OH
8. 10.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14212
2. 34–133–21534–0014
3. 103 000 000
4. Nucorp Energy Company
5. Harland Bell Well #1
6.
7. Portage OH
8. 10.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14213
2. 34–133–21535–0014
3. 103 000 000
4. Nucorp Energy Company
5. Harland Bell Well #3
6.
7. Portage OH
8. 10.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14214

2. 34–133–21536–0014
3. 103 000 000
4. Nucorp Energy Company
5. Harland Bell Unit Well #4
6.
7. Portage OH
8. 10.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14215
2. 34–133–21554–0014
3. 103 000 000
4. Nucorp Energy Company
5. Lappert Well #5
6.
7. Portage OH
8. 14.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14216
2. 34–133–21562–0014
3. 103 000 000
4. Nucorp Energy Company
5. Carl E. Bell Unit Well #1
6.
7. Portage OH
8. 12.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14217
2. 34–133–21566–0014
3. 103 000 000
4. Nucorp Energy Company
5. Carl E Bell Unit Well #2
6.
7. Portage OH
8. 12.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14218
2. 34–133–21564–0014
3. 103 000 000
4. Nucorp Energy Company
5. Bruce & Roy Bell Well #1
6.
7. Portage OH
8. 12.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14219
2. 34–133–21599–0014
3. 103 000 000
4. Nucorp Energy Company
5. Newcomb Well #1
6.
7. Portage OH
8. 14.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14220
2. 34–133–21657–0014
3. 103 000 000
4. Nucorp Energy Company
5. Hahn Well #2
6.
7. Portage OH
8. 14.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14221
2. 34–133–21658–0014
3. 103 000 000
4. Nucorp Energy Company
5. Hahn Well #1
6.
7. Portage OH
8. 14.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14222
2. 34–133–21664–0014
3. 103 000 000
4. Nucorp Energy Company
5. Collins Well #1
6.
7. Portage OH
8. 12.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14223
2. 34–133–21665–0014
3. 103 000 000
4. Nucorp Energy Company
5. Collins Well #2
6.
7. Portage OH
8. 12.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14224
2. 34–133–21930–0014
3. 103 000 000
4. Nucorp Energy Company
5. Burnett Well #1
6.
7. Portage OH
8. 15.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14225
2. 34–133–21949–0014
3. 103 000 000
4. Nucorp Energy Company
5. Jones Well #6
6.
7. Portage OH
8. 14.0 million cubic feet
9. February 4, 1980
10. Anchor Hocking Corporation

1. 80–14226
2. 34–133–21950–0014
3. 103 000 000
4. Nucorp Energy Company
5. Jones Well #5
6.
7. Portage OH
8. 14.0 million cubic feet
9. February 4, 1980
10. Anchor Hocking Corporation

1. 80–14227
2. 34–133–21952–0014
3. 103 000 000
4. Nucorp Energy Company
5. Jones Well #8
6.
7. Portage OH
8. 14.0 million cubic feet
9. February 4, 1980
10. Anchor Hocking Corporation

1. 80–14228
2. 34–133–21953–0014
3. 103 000 000
4. Nucorp Energy Company
5. Jones Well #7
6.
7. Portage OH
8. 14.0 million cubic feet
9. February 4, 1980
10. Anchor Hocking Corporation

1. 80–14229
2. 34–133–21956–0014
3. 103 000 000
4. Jud Noble and Associates Inc
5. Saffels #1
6.
7. Portage OH
8. 20.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14230
2. 34–133–21957–0014
3. 103 000 000
4. Jud Noble and Associates Inc
5. Saffels #2
6.
7. Portage OH
8. 20.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14231
2. 34–133–21971–0014
3. 103 000 000
4. Jud Noble and Associates Inc
5. Kuhn #1
6.
7. Portage OH
8. 20.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14232
2. 34–133–22044–0014
3. 103 000 000
4. Jud Noble and Associates Inc
5. Vogel #2
6.
7. Portage OH
8. 20.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14233
2. 34–133–22046–0014
3. 103 000 000
4. Jud Noble and Associates Inc
5. Vogel #1
6.
7. Portage OH
8. 20.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14234
2. 34–133–22052–0014
3. 103 000 000
4. Nucorp Energy Company
5. Johnson Well #1
6.
7. Portage OH
8. 12.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14235
2. 34–133–22053–0014
3. 103 000 000
4. Nucorp Energy Company
5. C E Dickey Unit Well #1
6.
6. Portage OH
8. 12.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14236
2. 34–151–23079–0014
3. 103 000 000
4. Orion Energy Corp
5. Fry #1
6.

7. Stark OH
8. 8.0 million cubic feet
9. February 4, 1980
10.

1. 80–14237
2. 34–151–23099–0014
3. 103 000 000
4. Beldon & Blake and Co LP No 73
5. M Dotson Comm #4–925
6.
7. Stark OH
8. 36.5 million cubic feet
9. February 4, 1980
10.

1. 80–14238
2. 34–193–20660–0014
3. 103 000 000
4. KST Oil & Gas Co Inc
5. Seasons Property Investors #8
6.
7. Summit OH
8. 36.0 million cubic feet
9. February 4, 1980
10.

1. 80–14239
2. 34–153–20662–0014
3. 103 000 000
4. KST Oil & Gas Co Inc
5. Seasons Property Investors #1
6.
7. Summit OH
8. 36.0 million cubic feet
9. February 4, 1980
10.

1. 80–14240
2. 34–153–20735–0014
3. 103 000 000
4. KST Oil & Gas Co Inc
5. Hunter #1
6.
7. Summit OH
8. 36.0 million cubic feet
9. February 4, 1980
10. The East Ohio Gas Company

1. 80–14241
2. 34–153–20769–0014
3. 103 000 000
4. KST Oil & Gas Co Inc
5. Sikpilla Unit #1
6.
7. Summit OH
8. 36.0 million cubic feet
9. February 4, 1980
10.

1. 80–14242
2. 34–153–20770–0014
3. 103 000 000
4. KST Oil & Gas Co Inc
5. Quick et al #1
6.
7. Summit OH
8. 36.0 million cubic feet
9. February 4, 1980
10.

1. 80–14243
2. 34–155–21329–0014
3. 103 000 000
4. Pyramid Oil & Gas Company
5. Staszko #1
6.
7. Trumbull County OH
8. 30.0 million cubic feet
9. February 4, 1980
10.

1. 80–14244
2. 34–157–23398–0014
3. 103 000 000
4. K S T Oil & Gas Co Inc
5. Monroe #1
6.
7. Tuscarawas OH
8. 30.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14245
2. 34–157–23399–0014
3. 103 000 000
4. K S T Oil & Gas Co Inc
5. F B Pyle #1
6.
7. Tuscarawas OH
8. 30.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14246
2. 34–157–23412–0014
3. 103 000 000
4. K S T Oil & Gas Co Inc
5. Mary L Warner #1
6.
7. Tuscarawas OH
8. 36.0 million cubic feet
9. February 4, 1980
10.

1. 80–14247
2. 34–157–23419–0014
3. 103 000 000
4. Orion Energy Corp
5. Breitmeier Unit #1
6.
7. Tuscarawas OH
8. 10.0 million cubic feet
9. February 4, 1980
10.

1. 80–14248
2. 34–157–23430–0014
3. 103 000 000
4. Orion Energy Corp
5. Heter Bros #1
6.
7. Tuscarawas OH
8. 10.0 million cubic feet
9. February 4, 1980
10.

1. 80–14249
2. 34–157–23441–0014
3. 103 000 000
4. Wayne Hammond
5. Lucille UHL Unit No 2
6.
7. Tuscarawas OH
8. .0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14250
2. 34–157–23442–0014
3. 103 000 000
4. Belden & Blake and Co L P No 73
5. J & L Harvey Comm #1–936
6.
7. Tuscarawas OH
8. 36.5 million cubic feet
9. February 4, 1980
10.

1. 80–14251
2. 34–157–23460–0014
3. 103 000 000
4. New Frontier Exploration Inc
5. Fouts Unit #1
6.
7. Tuscarawas OH
8. 26.0 million cubic feet
9. February 4, 1980
10.

1. 80–14252
2. 34–167–24180–0014
3. 103 000 000
4. C W Riggs Inc
5. H Schramm #1
6. Reno Field
7. Washington OH
8. 6.0 million cubic feet
9. February 4, 1980
10.

1. 80–14253
2. 34–167–24298–0014
3. 103 000 000
4. C W Riggs Inc
5. Burkhart #1
6. Reno Field
7. Washington OH
8. 2.7 million cubic feet
9. February 4, 1980
10.

1. 80–14254
2. 34–167–24326–0014
3. 103 000 000
4. C W Riggs Inc
5. R Elkins #3
6. Reno Field
7. Washington OH
8. 4.0 million cubic feet
9. February 4, 1980
10.

1. 80–14255
2. 34–167–24568–0014
3. 103 000 000
4. C W Riggs Inc
5. G Pape #2
6. Reno Field
7. Washington OH
8. 7.3 million cubic feet
9. February 4, 1980
10.

1. 80–14256
2. 34–167–24570–0014
3. 103 000 000
4. C W Riggs Inc
5. N Hasley #1
6. Reno Field
7. Washington OH
8. 7.3 million cubic feet
9. February 4, 1980
10.

1. 80–14257
2. 34–167–24571–0014
3. 103 000 000
4. C W Riggs Inc
5. Burkhart #1
6. Reno Field
7. Washington OH
8. 5.5 million cubic feet
9. February 4, 1980
10.

1. 80–14258
2. 34–167–24604–0014
3. 103 000 000
4. C W Riggs Inc
5. E Sanford #1
6. Reno Field
7. Washington OH
8. 7.3 million cubic feet
9. February 4, 1980
10.

1. 80–14259

2. 34–167–24605–0014
3. 103 000 000
4. C W Riggs Inc
5. Poline-Barth Unit #1
6. Reno Field
7. Washington OH
8. 7.0 million cubic feet
9. February 4, 1980
10.

1. 80–14260
2. 34–167–24636–0014
3. 103 000 000
4. C W Riggs Inc
5. J F Poling #1
6. Reno Field
7. Washington OH
8. 11.0 million cubic feet
9. February 4, 1980
10.

1. 80–14261
2. 34–167–24637–0014
3. 103 000 000
4. C W Riggs Inc
5. Bingler #1–A
6. Reno Field
7. Washington OH
8. 9.0 million cubic feet
9. February 4, 1980
10.

1. 80–14262
2. 34–167–24656–0014
3. 103 000 000
4. C W Riggs Inc
5. Wm McKinney #1
6. Reno Field
7. Washington OH
8. 11.0 million cubic feet
9. February 4, 1980
10.

1. 80–14263
2. 34–167–24772–0014
3. 103 000 000
4. C W Riggs Inc
5. C Biehl #1
6. Newport Field
7. Washington OH
8. 11.0 million cubic feet
9. February 4, 1980
10.

1. 80–14264
2. 34–167–24779–0014
3. 103 000 000
4. C W Riggs Inc
5. O Sanford #1
6. Reno Field
7. Washington OH
8. 14.0 million cubic feet
9. February 4, 1980
10.

1. 80–14265
2. 34–167–24805–0014
3. 103 000 000
4. C W Riggs Inc
5. Stevens Unit #1
6. Reno Field
7. Washington OH
8. 13.0 million cubic feet
9. February 4, 1980
10.

1. 80–14266
2. 34–167–24807–0014
3. 103 000 000
4. C W Riggs Inc
5. C Rawson #1
6. Reno Field
7. Washington OH
8. 10.5 million cubic feet
9. February 4, 1980
10.

1. 80–14267
2. 34–167–24903–0014
3. 103 000 000
4. Quadrant Exploration
5. Elmer & Dorothy Taylor Well #1
6.
7. Washington OH
8. 54.0 million cubic feet
9. February 4, 1980
10.

1. 80–14268
2. 34–167–24919–0014
3. 103 000 000
4. C W Riggs Inc
5. L Chofpenning
6. Reno Field
7. Washington OH
8. 10.0 million cubic feet
9. February 4, 1980
10.

1. 80–14269
2. 34–167–24932–0014
3. 103 000 000
4. C W Riggs Inc
5. C Boswell #1
6. Reno Field
7. Washington OH
8. 11.0 million cubic feet
9. February 4, 1980
10.

1. 80–14270
2. 34–167–24944–0014
3. 103 000 000
4. C W Riggs Inc
5. H Patterson #1
6. Reno Field
7. Washington OH
8. 10.6 million cubic feet
9. February 4, 1980
10.

1. 80–14271
2. 34–167–24964–0014
3. 103 000 000
4. C W Riggs Inc
5. J Lowery Unit #1
6. Reno Field
7. Washington OH
8. 16.0 million cubic feet
9. February 4, 1980
10.

1. 80–14272
2. 34–167–24997–0014
3. 103 000 000
4. Doran & Associates Inc
5. W Worthington #1 KA 19
6.
7. Washington OH
8. 30.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14273
2. 34–169–22232–0014
3. 103 000 000
4. Joe L Schrimsher
5. Mike & Eva Goloja #1
6.
7. Wayne OH
8. 30.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission

WEST VIRGINIA DEPARTMENT OF MINES, OIL AND GAS DIVISION

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–14274
2. 47–039–00976–0000
3. 108 000 000
4. Cameron Oil & Gas Company
5. B T Belcher #2
6.
7. Kanawha WV
8. 23.0 million cubic feet
9. February 4, 1980
10. Pennzoil Company

1. 80–14275
2. 47–039–01095–0000
3. 108 000 000
4. Cameron Oil & Gas Company
5. Henry Hansel #2
6.
7. Kanawha WV
8. 19.0 million cubic feet
9. February 4, 1980
10. Pennzoil Company

1. 80–14276
2. 47–043–00927–0000
3. 108 000 000
4. Cameron Oil & Gas Company
5. Golden Stone #5
6.
7. Lincoln WV
8. 59.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14277
2. 47–097–00320–0000
3. 108 000 000
4. Cameron Oil & Gas Company
5. A L Burner #1
6.
7. Upshur WV
8. 10.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Company

1. 80–14278
2. 47–097–00341–0000
3. 108 000 000
4. Cameron Oil & Gas Company
5. J L Haney #1
6.
7. Upshur WV
8. 22.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14279
2. 47–005–00104–0000
3. 108 000 000
4. Cameron Oil & Gas Company
5. D S Ball #1
6.
7. Boone WV
8. 40.0 million cubic feet
9. February 4, 1980
10. Pennzoil Company

1. 80–14280
2. 47–039–00313–0000

3. 108 000 000
4. Cameron Oil & Gas Company
5. H Hansel #1
6.
7. Kanawha WV
8. 19.0 million cubic feet
9. February 4, 1980
10. Pennzoil Company

1. 80–14281
2. 47–039–00892–0000
3. 108 000 000
4. Cameron Oil & Gas Company
5. B T Belcher #1
6.
7. Kanawha WV
8. 23.0 million cubic feet
9. February 4, 1980
10. Pennzoil Company

1. 80–14282
2. 47–039–00946–0000
3. 108 000 000
4. Cameron Oil & Gas Company
5. J Hackney #1
6.
7. Kanawha WV
8. 29.0 million cubic feet
9. February 4, 1980
10. Pennzoil Company

1. 80–14283
2. 47–043–00919–0000
3. 108 000 000
4. Cameron Oil & Gas Company
5. Golden Stone #1
6.
7. Lincoln, WV
8. 59.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14284
2. 47–043–00925–0000
3. 108 000 000
4. Cameron Oil & Gas Company
5. Golden Stone #2
6.
7. Lincoln, WV
8. 59.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14285
2. 47–005–00400–0000
3. 108 000 000
4. Cameron Oil & Gas Company
5. Morrisvale Baptist Church #1
6.
7. Boone, WV
8. 46.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14286
2. 47–005–00401–0000
3. 108 000 000
4. Cameron Oil & Gas Company
5. George P Alderson #4
6.
7. Boone, WV
8. 53.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14287
2. 47–005–00691–000
3. 108 000 000
4. Cameron Oil & Gas Company
5. L R Griffith #2
6.
7. Boone, WV
8. 86.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14288
2. 47–043–00006–0000
3. 108 000 000
4. Cameron Oil & Gas Company
5. John A Stone #1
6.
7. Lincoln, WV
8. 45.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14289
2. 47–043–00383–0000
3. 108 000 000
4. Cameron Oil & Gas Company
5. John A Stone #4
6.
7. Lincoln, WV
8. 45.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14290
2. 47–043–00600–0000
3. 108 000 000
4. Cameron Oil & Gas Company
5. John A Stone #2
6.
7. Lincoln, WV
8. 45.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp.

1. 80–14291
2. 47–007–20616–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. H Henter No 1
6. Copen
7. Braxton, WV
8. 1.9 million cubic feet
9. February 4, 1980
10. Equitable Gas Company

1. 80–14292
2. 47–007–20638–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. D H Sizemore No 1
6. D H Sizemore No 1—Copen
7. Braxton, WV
8. 3.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Company

1. 80–14293
2. 47–007–20639–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. Kuhl-Marshall No 1
6. Copen
7. Braxton, WV
8. 1.5 million cubic feet
9. February 4, 1980
10. Equitable Gas Company

1. 80–14294
2. 47–021–21831–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. T E Peters No 1
6. Spruce Run
7. Gilmer, WV
8. 1.2 million cubic feet
9. February 4, 1980
10. Equitable Gas Company

1. 80–14295
2. 47–021–01843–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. C V Rollins No 1
6. Spruce Run
7. Gilmer, WV
8. 4.5 million cubic feet
9. February 4, 1980
10. Equitable Gas Company

1. 80–14296
2. 47–021–01173–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. D A Brown No 1
6. Sliding Run
7. Gilmer, WV
8. 6.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14297
2. 47–021–21226–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. A Snyder No 1
6. Sliding Run
7. Gilmer, WV
8. 4.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14298
2. 47–021–21350–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. Varner No 1
6. Joes Run
7. Gilmer, WV
8. 1.8 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14299
2. 47–021–21410–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. Eva Moore No 1
6. Joe Run
7. Gilmer, WV
8. 2.2 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14300
2. 47–021–21419–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. Lynch-Ellison No 1
6. Joes Run
7. Gilmer, WV
8. 3.2 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14301
2. 47–021–21435–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. Curry No 2
6. Indian Fork
7. Gilmer, WV
8. 3.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14302
2. 47–021–21451–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. Varner No 2
6. Joes Run

7. Gilmer, MV
8. 3.5 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14303
2. 47–021–21453–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. Bud Moore No 1
6. Sand Fork
7. Gilmer, WV
8. 2.5 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14304
2. 47–021–21456–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. A S Jones No 1
6. Little Ellis
7. Gilmer, WV
8. 3.1 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14305
2. 47–021–21519–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. R C McHenry No 2
6. Indian Fork
7. Gilmer, WV
8. 2.8 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14306
2. 47–021–21674–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. Z V Jones No 1
6. Little Ellis
7. Gilmer, WV
8. 2.4 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14307
2. 47–021–21702–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. G L Rhodes No 1
6. Cedarville
7. Gilmer, WV
8. 3.3 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14308
2. 47–021–21750–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. G L Rhodes No 2
6. Cedarville
7. Gilmer, WV
8. 2.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14309
2. 47–021–21883–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. Ruddell No 1
6. Gilmer Station
7. Gilmer, WV
8. 8.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14310
2. 47–021–21929–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. J S Whithers No 1
6. Gilmer Station
7. Gilmer, WV
8. 1.9 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14311
2. 47–041–21426–0000
3. 108 000 000
4. Jones Oil and Gas Company
5. Roy Peters No 1
6. Butchers Fork at Sand Fork Creek
7. Lewis, WV
8. 2.5 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14312
2. 47–085–23154–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. S M Scott #2
6. Murphy District
7. Ritchie, WV
8. 1.8 million cubic feet
9. February 4, 1980
10. Cabot Corporation

1. 80–14313
2. 47–041–01629–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Snyder #2
6. Collins Settlement District
7. Lewis, WV
8. 4.5 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14314
2. 47–085–03137–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. A J Scott #2
6. Otter District
7. Braxton County, WV
8. 5.7 million cubic feet
9. February 4, 1980
10. Cabot Corporation

1. 80–14315
2. 47–007–21163–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Belknap #2–A
6. Otter District
7. Braxton County, WV
8. 1.5 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14316
2. 47–007–01170–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Braxton Motor I–370
6. Otter District
7. Braxton County, WV
8. 7.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14317
2. 47–013–21928–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Cherowith
6. Washington District
7. Calhoun, WV
8. 2.1 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14318
2. 47–013–22552–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Hunter-Bennett #1
6. Sheridan District
7. Calhoun County, WV
8. 10.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14319
2. 47–021–21636–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Ellyson #3
6. Troy District
7. Gilmer, WV
8. .0 million cubic feet
9. February 4, 1980
10. Equitable Gas Company

1. 80–14320
2. 47–021–01659–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Adams #1
6. Troy District
7. Gilmer, WV
8. 7.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14321
2. 47–021–02679–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Charley Thompson #1
6. Glenville District
7. Gilmer, WV
8. 6.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14322
2. 47–021–22763–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Adams 1–A
6. Troy District
7. Gilmer, WV
8. 10.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14323
2. 47–021–22797–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Massey-Garrett #2
6. Glenville District
7. Gilmer WV
8. 2.4 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14324
2. 47–021–02833–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. A M Burke #1
6. Glenville District
7. Gilmer WV
8. 11.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14325

2. 47–021–22834–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Robert R Jones #1
6. Glenville District
7. Gilmer WV
8. 5.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14326
2. 47–007–24370–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Skinner #1
6. Salt Lick District
7. Braxton WV
8. .0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14327
2. 47–007–05680–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Linger #1
6. Salt Lick District
7. Braxton WV
8. 4.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14328
2. 47–007–21141–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Moyers-Hopkins #1
6. Salt Lick District
7. Braxton County WV
8. 6.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14329
2. 47–007–01162–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Linger 2–A
6. Salt Lick District
7. Braxton WV
8. 9.6 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14330
2. 47–083–20195–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #43
6. Middle Fork
7. Randolph WV
8. 20.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14331
2. 47–083–20193–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #41
6. Middle Fork
7. Randolph WV
8. 20.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14332
2. 47–083–20191–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #38
6. Middle Fork
7. Randolph WV
8. 20.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14333
2. 47–097–21757–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. W Z Hinkle #1
6. Meade
7. Upshur WV
8. 19.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14334
2. 47–097–21619–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J C McWhorter #8
6. Washington
7. Upshur WV
8. 16.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14335
2. 47–083–20214–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Roy E Farrar #1–A
6. Middle Fork
7. Randolph WV
8. 13.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14336
2. 47–083–20206–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Roy E Farrar #2
6. Middle Fork
7. Randolph WV
8. 3.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14337
2. 47–083–20205–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Roy E Farrar #1
6. Middle Fork
7. Randolph WV
8. 6.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14338
2. 47–083–20204–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Ida Cutright #1
6. Middle Fork
7. Randolph WV
8. 1.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14339
2. 47–083–20197–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #44
6. Middle Fork
7. Randolph WV
8. 20.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14340
2. 47–083–20196–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #45
6. Middle Fork
7. Randolph WV
8. 20.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14341
2. 47–083–20192–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #39
6. Middle Fork
7. Randolph WV
8. 20.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14342
2. 47–001–24180–0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Cleavenger #1
6. Union District
7. Barbour WV
8. 10.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14343
2. 47–001–24520–0000
3. 108 000 000
4. Rockwell Petroleum Co
5. Clay Stout #1
6. Union District
7. Barbour WV
8. 10.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14344
2. 47–099–21516–0000
3. 108 000 000
4. Lloyd Gas Co
5. Lloyd Damron #1 (Webster Myers)
6. Glen Hayes-Louisa
7. Wayne WV
8. 2.5 million cubic feet
9. February 4, 1980
10. Industrial Gas Co

1. 80–14345
2. 47–045–00126–0000
3. 108 000 000
4. Herschel Price Gas Co
5. Herschel Price #1
6. Southern West VA
7. Logan WV
8. .0 million cubic feet
9. February 4, 1980
10. Industrial Gas Corp

1. 80–14346
2. 47–099–20429–0000
3. 108 000 000
4. Webb Myers Gas Co
5. Mary E Bing #1
6. Southern WVA
7. Wayne WV
8. 5.6 million cubic feet
9. February 4, 1980
10. Industrial Gas Co

1. 80–14347
2. 47–099–21523–0000
3. 108 000 000
4. James Gas Co (Webster Myers)
5. James Bartram Farm #1
6. Glen Hayes

7. Wayne WV
8. 2.6 million cubic feet
9. February 4, 1980
10. Industrial Gas Co IGD

1. 80–14348
2. 47–099–21530–0000
3. 108 000 000
4. Cycle Branch Gas Co
5. Lycans Bartram #1
6. Glen Hayes-Louisa
7. Wayne WV
8. 2.5 million cubic feet
9. February 4, 1980
10. Industrial Gas Co

1. 80–14349
2. 47–043–20632–0000
3. 108 000 000
4. Dorothy Myers Gas Co
5. Charles Fry Farm #1
6. Southern WVA
7. Lincoln WV
8. 17.2 million cubic feet
9. February 4, 1980
10. Industrial Gas Co

1. 80–14350
2. 47–079–20451–0000
3. 108 000 000
4. Kennon Gas Co
5. Everett McGhee #1
6. Hurricane
7. Putnam WV
8. .0 million cubic feet
9. February 4, 1980
10. Devon Corp

1. 80–14351
2. 47–079–20453–0000
3. 108 000 000
4. Allen Gas Co
5. Pin Allen #1
6. Hurricane
7. Putnam WV
8. .0 million cubic feet
9. February 4, 1980
10. Devon Corp

1. 80–14352
2. 47–079–20464–0000
3. 108 000 000
4. Parker Gas Co
5. V S McGhee #1
6. Hurricane
7. Putnam WV
8. .0 million cubic feet
9. February 4, 1980
10. Devon Corp

1. 80–14353
2. 47–079–20467–0000
3. 108 000 000
4. Samuel L Gas Co
5. Virgil S McGhee #1
6. Hurricane
7. Putnam WV
8. .0 million cubic feet
9. February 14, 1980
10. Devon Corp

1. 80–14354
2. 47–079–20485–0000
3. 108 000 000
4. Samuel L Gas Co
5. W E Thompson #1
6. Hurricane
7. Putnam WV
8. 4.3 million cubic feet
9. February 4, 1980
10. Devon Corp

1. 80–14355
2. 47–079–20409–0000
3. 108 000 000
4. Baker Gas Co
5. R W Smith #1
6. Putnam County
7. Putnam WV
8. 11.7 million cubic feet
9. February 4, 1980
10. Devon Corp

1. 80–14382
2. 47–001–20301–0000
3. 108 000 000
4. Union Drilling Inc
5. Charles Banish 1135
6. Pleasant District
7. Barbour WV
8. 6.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14383
2. 47–001–20413–0000
3. 108 000 000
4. Union Drilling Inc
5. Frank & Neva McDaniel #2 1184
6. Elk District
7. Barbour WV
8. 15.9 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14384
2. 47–097–21463–0000
3. 108 000 000
4. Union Drilling Inc
5. Hugh Hull 1287
6. Meade District
7. Upshur WV
8. 15.5 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14385
2. 47–097–21116–0000
3. 108 000 000
4. Union Drilling Inc
5. Frederick E Seeley 1178
6. Washington District
7. Upshur WV
8. 11.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14386
2. 47–041–21449–0000
3. 108 000 000
4. Union Drilling Inc
5. Emma M Roach 1127
6. Skin Creek District
7. Lewis WV
8. 1.6 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14387
2. 47–041–21448–0000
3. 108 000 000
4. Union Drilling Inc
5. C W Reeder 1124
6. Courthouse District
7. Lewis WV
8. 6.6 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14388
2. 47–041–21423–0000
3. 108 000 000
4. Union Drilling Inc
5. A J Reeder 1115
6. Courthouse District
7. Lewis WV
8. 10.3 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14389
2. 47–001–20399–0000
3. 108 000 000
4. Union Drilling Inc
5. Bernard Wolfe 1177
6. Elk District
7. Barbour WV
8. 8.3 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14390
2. 47–001–20383–0000
3. 108 000 000
4. Union Drilling Inc
5. Janet Buehl & Guy Golden 1168
6. Elk District
7. Barbour WV
8. 4.4 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14391
2. 47–097–11190–0000
3. 108 000 000
4. Union Drilling Inc
5. Beulah M Reed 11980
6. Meade District
7. Upshur WV
8. 1.3 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14392
2. 47–097–21263–0000
3. 108 000 000
4. Union Drilling Inc
5. Dean M Reed 1218
6. Washington District
7. Upshur WV
8. 1.5 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14393
2. 47–097–21494–0000
3. 108 000 000
4. Union Drilling Inc
5. Island Creek Coal Company 1305
6. Washington District
7. Upshur WV
8. 13.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14394
2. 47–097–21469–0000
3. 108 000 000
4. Union Drilling Inc
5. Delphia E Shipman 1288
6. Union District
7. Upshur WV
8. 7.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14395
2. 47–039–22696–0000
3. 108 000 000
4. Spartan Gas Co
5. Amherst Coal Company 9–S–172
6. Malden
7. Kanawha WV
8. 10.1 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14396

2. 47–039–22676–0000
3. 108 000 000
4. Spartan Gas Co
5. Amherst Coal Co 7–S–168
6. Malden
7. Kanawha WV
8. 5.3 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14397
2. 47–097–20536–0000
3. 108 000 000
4. Union Drilling Inc
5. Carrie Anglin 1011
6. Warren District
7. Upshur WV
8. 1.4 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14398
2. 47–097–20420–0000
3. 108 000 000
4. Union Drilling Inc
5. L D Suder 1368
6. Union District
7. Upshur WV
8. 3.7 million cubic feet
9. February 4, 1980
10. Partnership Properties Corp

1. 80–14399
2. 47–041–21682–0000
3. 108 000 000
4. Union Drilling Inc
5. W F Snyder et al #2 1208
6. Freemans Creek District
7. Lewis WV
8. 18.3 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14400
2. 47–041–21343–0000
3. 108 000 000
4. Union Drilling Inc
5. H C Clark 1094
6. Skin Creek District
7. Lewis WV
8. 2.4 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14401
2. 47–041–21097–0000
3. 108 000 000
4. Union Drilling Inc
5. A J Gould 1059
6. Hackers Creek District
7. Lewis WV
8. 4.4 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14402
2. 47–041–20960–0000
3. 108 000 000
4. Union Drilling Inc
5. E B Linger 1044
6. Skin Creek District
7. Lewis County WV
8. 9.3 million cubic feet
9. February 4, 1980
10. Equitable Gas Company

1. 80–14403
2. 47–041–20951–0000
3. 108 000 000
4. Union Drilling Inc
5. Wade Warner 1042
6. Skin Creek District
7. Lewis WV
8. 9.3 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14404
2. 47–097–21426–0000
3. 108 000 000
4. Union Drilling Inc
5. Fred E Brooks Heirs 1269
6. Meade District
7. Upshur WV
8. 15.8 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14405
2. 47–097–21397–0000
3. 108 000 000
4. Union Drilling Inc
5. E C L Memorial Hospital 1259
6. Union District
7. Upshur WV
8. 9.2 million cubic feet
9. February 4, 1980
10. Partnership Properties Corp

1. 80–14406
2. 47–097–21125–0000
3. 108 000 000
4. Union Drilling Inc
5. Oral J & Thelma P Boudman 1183
6. Buckhannon District
7. Upshur WV
8. 5.8 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14407
2. 47–001–20241–0000
3. 108 000 000
4. Union Drilling Inc
5. Richard Gale Smith III
6. Pleasant District
7. Barbour WV
8. 11.4 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14408
2. 47–041–21386–0000
3. 108 000 000
4. Union Drilling Inc
5. R M Snyder 1104
6. Skin Creek District
7. Lewis WV
8. 3.3 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14409
2. 47–001–20625–0000
3. 108 000 000
4. Union Drilling Inc
5. Sally Paugh 1294
6. Pleasant District
7. Barbour WV
8. 17.2 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14410
2. 47–001–20622–0000
3. 108 000 000
4. Union Drilling Inc
5. William B Smith 1292
6. Pleasant District
7. Barbour WV
8. 3.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14411
2. 47–001–20573–0000
3. 108 000 000
4. Union Drilling Inc
5. Rosaltha Law Heirs #5 1264
6. Pleasant District
7. Barbour WV
8. 13.7 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14412
2. 47–001–20564–0000
3. 108 000 000
4. Union Drilling Inc
5. Rosaltha Law Heirs 1255
6. Pleasant District
7. Barbour WV
8. 3.4 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14413
2. 47–001–20523–0000
3. 108 000 000
4. Union Drilling Inc
5. Nellie F Cole 1224
6. Elk District
7. Barbour WV
8. 7.4 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14414
2. 47–021–22751–0000
3. 108 000 000
4. Trio Petroleum Corp
5. Kub No 1
6. Stumptown-Normantown-Shock
7. Gilmer WV
8. 16.4 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14415
2. 47–007–21179–0000
3. 108 000 000
4. Trio Petroleum Corp
5. Brewster No 1
6. Heaters
7. Braxton WV
8. 18.2 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14416
2. 47–045–00957–0000
3. 108 000 000
4. Pennzoil Company
5. Yawkey-Freeman #112
6. Chapmanville
7. Logan WV
8. 1.5 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14417
2. 47–005–01094–0000
3. 108 000 000
4. Pennzoil Company
5. Yawkey-Freeman #116
6. Yawkey-Freeman
7. Boone WV
8. 16.6 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14418
2. 47–005–00060–0000
3. 108 000 000
4. Pennzoil Company
5. Hopkins T J #1
6. Washington

7. Boone WV
8. 1.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14419
2. 47–005–00562–0000
3. 108 000 000
4. Pond Fork Oil & Gas Co
5. Skinner & Zerkle #6
6.
7. Boone WV
8. 3.6 million cubic feet
9. February 4, 1980
10. Penzoil Co

1. 80–14420
2. 47–015–01214–0000
3. 108 000 000
4. Blue Creek Gas Co
5. 7713
6. Henry
7. Clay WV
8. 16.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14421
2. 47–015–01213–0000
3. 108 000 000
4. Blue Creek Gas Co
5. 7714
6. Henry
7. Clay WV
8. 16.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14422
2. 47–015–01165–0000
3. 108 000 000
4. Blue Creek Gas Co
5. D E 7612
6. Henry
7. Clay WV
8. 19.5 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14423
2. 47–015–01164–0000
3. 108 000 000
4. Blue Creek Gas Co
5. D E 7611
6. Henry
7. Clay WV
8. 19.5 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14424
2. 47–015–01163–0000
3. 108 000 000
4. Blue Creek Gas Co
5. 7610
6. Henry
7. Clay WV
8. 17.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14425
2. 47–015–01162–0000
3. 108 000 000
4. Blue Creek Gas Co
5. D E 7609
6. Henry
7. Clay WV
8. 19.5 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14426
2. 47–013–01147–0000
3. 108 000 000
4. Morris Oil & Gas Co Inc
5. Groves Gas Company No 1
6. Lee District
7. Calhoun WV
8. 7.9 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14427
2. 47–041–21732–0000
3. 108 000 000
4. St Clair Oil Co
5. R J Weidlich No 1
6. Collins Settlement
7. Lewis WV
8. 8.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Company

1. 80–14428
2. 47–017–02188–0000
3. 108 000 000
4. C & P Oil & Gas Co
5. Gaston No 2
6. Southwest District
7. Doddridge WV
8. .0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14429
2. 47–097–21718–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #28
6. Banks
7. Upshur WV
8. 2.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14430
2. 47–097–21748–0000
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #32
6. Banks
7. Upshur WV
8. 2.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14431
2. 47–083–00015–0000
3. 108 000 000
4. Randolph Gas Co
5. Moore Kepple #2A
6. Middle Fork District
7. Randolph WV
8. 1.6 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Co

1. 80–14432
2. 47–083–00018–0000
3. 108 000 000
4. Randolph Gas Co
5. Moore Kepple #1A
6. Middle Fork
7. Randolph WV
8. 7.0 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Co

1. 80–14433
2. 47–083–00046–0000
3. 108 000 000
4. Randolph Gas Co
5. Gaff Arnold #3
6. Roaring Creek
7. Randolph WV
8. 1.7 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Co

1. 80–14434
2. 47–017–01873–0000
3. 108 000 000
4. C & P Oil & Gas Co
5. Nutter No 1
6. Sheeps Run
7. Doddridge WV
8. 11.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14435
2. 47–017–01875–0000
3. 108 000 000
4. C & P Oil & Gas Co
5. Nutter No 2
6. Sheeps Run
7. Doddridge WV
8. 11.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14436
2. 47–017–01876–0000
3. 108 000 000
4. C & P Oil & Gas Co
5. Nutter No 3
6. Sheeps Run
7. Doddridge WV
8. 11.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14437
2. 47–017–01877–0000
3. 108 000 000
4. C & P Oil & Gas Co
5. Nutter No 4
6. Sheeps Run
7. Doddridge WV
8. 3.0 million cubic feet
9. February 4, 1980
10. Equitable Gas Co

1. 80–14438
2. 47–059–00202–0000
3. 108 000 000
4. Smith-Pace Oil and Gas Corp
5. Williamson Mining #2
6. Williamson
7. Mingo WV
8. 5.6 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14439
2. 47–013–02481–0000
3. 108 000 000
4. Morris Oil & Gas Co Inc
5. Burton Despard Hrs No 2 Well
6. Lee District
7. Calhoun WV
8. 7.5 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14440
2. 47–021–01028–0000
3. 108 000 000
4. Morris Oil & Gas Co Inc
5. J M Bennett Heirs No. 1
6. Dekalb Dist
7. Gilmer WV
8. 6.4 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14441

2. 47-085-03246-0000
3. 108 000 000
4. Morris Oil & Gas Co Inc
5. T J Mosser No 1
6. Murphy District
7. Ritchie WV
8. 4.2 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80-14442
2. 47-013-01428-0000
3. 108 000 000
4. P & S Oil and Gas Corp
5. Sull Stump
6. Sherman Dist
7. Calhoun WV
8. 2.5 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80-14443
2. 47-013-01469-0000
3. 108 000 000
4. P & S Oil and Gas Corp
5. Dobbins Heirs #2
6. Sherman Dist
7. Calhoun WV
8. 4.7 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80-14444
2. 47-109-00159-0000
3. 108 000 000
4. P & S Oil and Gas Corp
5. Crouch #3
6. Oceana
7. Wyoming WV
8. 6.9 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80-14445
2. 47-109-00201-0000
3. 108 000 000
4. P & S Oil and Gas Corp
5. Crouch #4
6. Oceana
7. Wyoming WV
8. 6.9 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80-14446
2. 47-109-00587-0000
3. 108 000 000
4. P & S Oil & Gas Corp
5. Crouch #9
6. Oceana
7. Wyoming WV
8. 6.9 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80-14447
2. 47-109-00585-0000
3. 108 000 000
4. P & S Oil and Gas Corp
5. Crouch #8
6. Oceana
7. Wyoming WV
8. 6.9 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80-14448
2. 47-059-00218-0000
3. 108 000 000
4. Smith-Pace Oil and Gas Corp
5. Williamson Mining #3
6. Williamson
7. Mingo WV
8. 5.6 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80-14449
2. 47-059-00229-0000
3. 108 000 000
4. Smith-Pace Oil & Gas Corp
5. Williamson Mining #4
6. Williamson
7. Mingo WV
8. 5.6 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80-14450
2. 47-013-01422-0000
3. 108 000 000
4. Morris Oil & Gas Co Inc
5. J C Smith No 1
6. Sheridan Dist
7. Calhoun WV
8. 2.8 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80-14451
2. 47-013-01470-0000
3. 108 000 000
4. Morris Oil & Gas Co Inc
5. Groves Gas Company No 2 Well
6. Lee District
7. Calhoun WV
8. 7.9 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80-14452
2. 47-013-01671-0000
3. 108 000 000
4. Morris Oil & Gas Co Inc
5. Charity Poling No 1
6. Sycamore or Sherman Dist
7. Calhoun WV
8. 1.3 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80-14453
2. 47-013-01932-0000
3. 108 000 000
4. Morris Oil & Gas Co Inc
5. Charity Poling No 2
6. Sherman Dist
7. Calhoun WV
8. 1.3 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80-14454
2. 47-013-02086-0000
3. 108 000 000
4. Morris Oil & Gas Co Inc
5. Charity Poling No 3
6. Sherman Dist
7. Calhoun WV
8. 1.3 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80-14455
2. 47-013-02273-0000
3. 108 000 000
4. Morris Oil & Gas Co Inc
5. Charity Poling No 4
6. Sherman Dist
7. Calhoun WV
8. 1.3 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80-14456
2. 47-013-02463-0000
3. 108 000 000
4. Morris Oil & Gas Company Inc
5. Burton Despard Hrs No 1 Well
6. Lee District
7. Calhoun WV
8. 7.5 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80-14457
2. 47-015-01077-0000
3. 108 000 000
4. Blue Creek Gas Co
5. D E 7503
6. Henry
7. Clay WV
8. 19.5 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80-14458
2. 47-015-01076-0000
3. 108 000 000
4. Blue Creek Gas Co
5. D E 7501
6. Henry
7. Clay WV
8. 19.5 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80-14459
2. 47-015-01075-0000
3. 108 000 000
4. Blue Creek Gas Co
5. D E 7502
6. Henry
7. Clay WV
8. 19.5 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80-14460
2. 47-015-01069-0000
3. 108 000 000
4. -Blue Creek Gas Co
5. D E 7505
6. Henry
7. Clay WV
8. 19.5 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80-14461
2. 47-015-00963-0000
3. 108 000 000
4. Blue Creek Gas Co
5. D E 7204
6. Henry
7. Clay WV
8. 19.5 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80-14462
2. 47-015-00960-0000
3. 108 000 000
4. Blue Creek Gas Co
5. Ward #7202
6. Henry
7. Clay WV
8. 19.5 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80-14463
2. 47-041-02177-0000
3. 108 000 000
4. NRM Petroleum Corporation
5. J Kraus #1
6. Murphys Creek

7. Lewis WV
8. 10.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14464
2. 47–045–00958–0000
3. 108 000 000
4. Pennzoil Company
5. Yawkey-Freeman #111
6. Yawkey-Freeman
7. Logan WV
8. 15.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14465
2. 47–039–22697–0000
3. 108 000 000
4. Spartan Gas Company
5. Amherst Coal Company 8–S–171
6. Malden
7. Kanawha WV
8. 14.2 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

1. 80–14466
2. 47–041–02156–0000
3. 108 000 000
4. NRM Petroleum Corporation
5. R Harris #1
6. Smiths Run
7. Lewis WV
8. 9.0 million cubic feet
9. February 4, 1980
10. Consolidated Gas Supply Corp

1. 80–14467
2. 47–097–21446–0000
3. 108 000 000
4. Union Drilling Inc
5. Earl F Beary 1280
6. Meade District
7. Upshur WV
8. .3 million cubic feet
9. February 4, 1980
10. Columbia Gas Transmission Corp

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 21, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–7043 Filed 3–5–80; 8:45 am]

BILLING CODE 6450–85–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1428–8]

Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application for Reference Method

Notice is hereby given that on 25 January 1980, the Environmental Protection Agency received an application from The Commonwealth of Massachusetts, to determine if its MASS–CO, Model 1 Carbon Monoxide Analyzer should be designated by the Administrator of the EPA as a reference method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the **Federal Register.**

Stephen Gage,

Assistant Administrator for Research and Development.

[FR Doc. 80–6995 Filed 3–5–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1429–1]

Designation of Ambient Air Monitoring Equivalent Methods for Lead

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, 41 FR 11255, 41 FR 52694, 44 FR 37916), has designated three manual equivalent methods for the determination of lead in suspended particulate matter collected from ambient air. The designated methods are:

(1) EQL–0380–043, "Determination of Lead Concentration in Ambient Particulate Matter by Flame Atomic Absorption Spectrometry Following Ultrasonic Extraction with Heat HNO_3-HCl."

(2) EQL–0380–044, "Determination of Lead Concentration in Ambient Particulate Matter by Flameless Atomic Absorption Spectrometry (EPA/EMSL/RTP, N.C.)."

(3) EQL–0380–045, "Determination of Lead Concentration in Ambient Particulate Matter by Inductively Coupled Argon Plasma Optical Emission Spectrometry (EPA/EMSL/RTP, N.C.)."

Each of these methods was tested, and information was compiled, by EPA's Environmental Monitoring Systems Laboratory, Research Triangle Park, N.C. under 40 CFR 53.7. The pertinent test and other information will be kept on file by Department E at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

The first method identified above is identical to the reference method for the determination of lead in suspended particulate matter collected from ambient air (43 FR 46258) except for the extraction procedure. In this equivalent method, lead in the particulate matter is solubilized by extraction with a mixture of nitric acid and hydrochloric acid, facilitated by heat and ultrasonication. This alternate procedure is more efficient for extracting metals other than lead than either of the two extraction procedures specified in the reference method. Hence, use of the new extraction procedure allows analysis of the same extract for metals that may not be quantitatively extracted with the reference method procedures. The analytical procedure (flame atomic absorption spectrometry) is the same as prescribed in the reference method.

Since this designated equivalent method is quite similiar to the reference method and requires no specialized equipment or training over and above that required with the reference method, it is acceptable for use by States and other agencies for applications requiring the use of reference or equivalent methods. Copies of the method description or further information may be obtained from the Environmental Monitoring Systems Laboratory, Department E (MD–77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The second method identified above uses the sampling procedure specified in the reference method. Lead in the particulate matter is solubilized by extraction using either of the two extraction procedures prescribed in the reference method or the ultrasonic procedure with heated nitric acid and hydrochloric acid specified in the first equivalent method described above. The lead content of the sample is analyzed by flameless atomic absorption spectrometry using the 283.3 or 217.0 nm lead absorption lines and instrumental conditions optimized by the user laboratory. In the analytical procedure, a sample of the extract solution is placed in a graphite furnace which is heated in three stages to (1) dry the sample, (2) char the sample, and (3) atomize the sample. The graphite furnace is coupled to an atomic absorption spectrometer and is capable of improving the detection limit for lead by 2 to 3 orders of magnitude over that obtained with conventional flame atomic absorption. Use of this

designated equivalent method is restricted, as described later.

The third method identified above also uses the same sampling procedure specified in the reference method. Lead in the particulate matter is solubilized by extraction using either of the two extraction procedures prescribed in the reference method or the ultrasonic procedure with heated nitric acid and hydrochloric acid specified in the first equivalent method described above. The lead content of the sample is analyzed by inductively coupled argon plasma optical emission spectrometry using the 220.3 nm lead emission line and instrumental conditions optimized by the user laboratory. In the analytical procedure, a sample of the extract solution is nebulized to form an aerosol which is excited with high temperature argon gas produced by passage of argon through a powerful radio frequency field. Radiation emitted from the plasma enters a spectrometer where it is separated into selected wavelengths and sensed by separate photomultiplier tubes for each element of interest. The luminous energy thus measured is converted to an output signal which can be related to the concentration of each element of interest in the sample. The analytical system is capable of rapid and simultaneous multi-element determinations with a detection limit for lead equivalent to that obtained with conventional flame atomic absorption. Use of this designated equivalent method is restricted, as indicated below.

The flameless atomic absorption and optical emission methods described above (EQL–0380–044 and –045) require specialized equipment and operator training to a greater extent than that required for the conventional flame atomic absorption technique prescribed in the lead reference method. The instrumental conditions used in these analytical systems must be optimized by the user laboratory to meet the specific needs of that laboratory. In optical emission methods, the spectrometer is generally coupled to a minicomputer which controls the operation of the spectrometer, and some of the features of the analytical system can be achieved only by such control.

Therefore, because of the complexity of the analytical systems and associated operating procedures used in the flameless atomic absorption and optical emission methods, and the degree of specialized operator skills and training required, the use of these two equivalent methods is restricted to the applicant user laboratory—namely, the U.S. Environmental Protection Agency, Office of Research and Development, Environmental Monitoring Systems Laboratory, Research Triangle Park, North Carolina 27711. State and other agencies using similar methods (or methods employing other analytical principles) for the determination of ambient lead concentrations must seek individual designation of such methods as equivalent methods under the provisions of 40 CFR Part 53.

Additional information concerning this action may be obtained by writing to the address given above.

Stephen Gage,

Assistant Administrator for Research and Development.

[FR Doc. 80–6994 Filed 3–5–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1428–7; 80T–30]

Fifth Report of the Interagency Testing Committee to the Administrator, Environmental Protection Agency: Receipt of the Report and Request for Comments Regarding Priority List of Chemicals; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On November 7, 1979, the Interagency Testing Committee (ITC) submitted to EPA its Fifth Report which revised and updated the Committee's priority list of chemicals, and added two individual chemical substances and three categories of chemicals for priority consideration by EPA in the promulgation of test rules under section 4(a) of the Toxic Substances Control Act. This report was published in the Federal Register of December 7, 1979 (44 FR 70664) and solicited comments. EPA is extending the comment period.

DATE: The extended comment period closes on April 7, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Newburg-Rinn, Assessment Division (TS–792), Rm. 229, East Tower, Office of Pesticide and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202–424–0601).

COMMENTS: EPA invites interested persons to submit comments on the ITC's recommendations as presented in its Fifth Report. All comments received by April 7, 1980 will be considered by the agency in determining whether to propose test rules in response to the Committee's new recommendations.

Comments should bear the identifying notation 80T–30 and should be submitted to: Document Control Officer (TS–793), Rm. 447, East Tower, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

All written comments will be available for public inspection in Rm. 447, East Tower, at the above address, from 8:30 a.m. to 4:30 p.m., weekdays, excluding holidays.

SUPPLEMENTARY INFORMATION: The comment period for the Fifth Interagency Testing Committee Report ended on February 5, 1980. EPA received a request submitted on behalf of the Dyes Environmental and Toxicology Organization, Inc., for a 60-day extension for filing of comments on the Fifth Report of the ITC. That organization is in the process of compiling exposure information and has analyzed recent literature concerning the benzidine, o-tolidine, and dianisidine groups recommended by the ITC for testing. EPA has determined that it would be beneficial to have the results of these activities in determining whether to propose test rules in response to the Committee's new recommendations. Accordingly, EPA has extended the comment period for all interested persons until April 7, 1980.

(Sec. 4, 90 Stat. 2006 (15 U.S.C. 2603)).

Dated: February 27, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80–6993 Filed 3–5–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1429–5; 80P–26]

Cancellation of Experimental use Permit for 2,4,5-Trimethyl N-Phenyl-3-Furancarboxamide to Uniroyal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has cancelled an experimental use permit to Uniroyal Chemical for use of the fungicide 2,4,5-trimethyl-*N*-phenyl-3-furancarboxamide on wheat, barley, and oats to evaluate control of smut and bunt.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Jacoby, Product Manager (PM–21), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, 202–755–2562.

SUPPLEMENTARY INFORMATION: On Friday, November 23, 1979 (44 FR 67223), information appeared pertaining to the issuance of an experimental use permit, No. 400–EUP–57, to Uniroyal Chemical, Div. of Uniroyal, Inc., 74 Amity Rd., Bethany, CT 06525, under provisions of the Federal Insecticide, Fungicide, and

Rodenticide Act. At the request of the company, that permit has been cancelled. The original expiration date was October 23, 1980. The experimental use permit allowed the use of 1.55 pounds of the fungicide 2,4,5-trimethyl-*N*-phenyl-3-furancarboxamide on wheat, barley, and oats to evaluate control of smut and bunt. A total of 22 acres is involved; the program was authorized only in the States of California, Illinois, Minnesota, Nebraska, North Dakota, Texas, Utah, and Washington. The permit was issued with the limitation that treated seed must not be used for food, feed, or oil, and all crops grown from treated seed must be destroyed or used for research purposes only.

(Sec. 5, 92 Stat. 891, (7 U.S.C. 136))

Dated: February 29, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-6893 Filed 3-5-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL RESERVE SYSTEM

American BanCorporation of Muskogee, Inc.; Formation of Bank Holding Company

American BanCorporation of Muskogee, Inc., Muskogee, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of American Bank of Muskogee, Muskogee, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 27, 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 27, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7021 Filed 3-5-80; 8:45 am]

BILLING CODE 6210-01-M

Banco Exterior de Espana; Acquisition of Bank

Banco Exterior de Espana, Madrid Spain, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 per cent of the voting shares of Bank of Suffolk County, Stony Brook, New York. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 26, 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 26, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7022 Filed 3-5-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 28, 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before March 24, 1980, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Federal Communications Commission

The FCC requests an extension-without-change clearance of Form 129, Notice of Frequency to be Received by Radio Astronomy Station. Receiving radio astronomy stations must file this form so as to report, via FCC, to the International Telecommunication Union in Geneva. The form is required by Section 2.104 of the FCC Rules and Regulations. The FCC estimates that respondent burden will average 30 minutes per response and that the Commission receives approximately 10 applications annually.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-6948 Filed 3-5-80; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

[F-80-2]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Nebraska Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Nebraska Public Service Commission involving the application of the Northwestern Bell Telephone Company for increases in its rates for intrastate telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 25, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-6924 Filed 3-5-80; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Women's Educational Equity Act Program; Closing Date for Transmittal of Applications for Fiscal Year 1980; Correction

On February 26, 1980, Volume 45, page number 12499, a notice of closing date for Transmittal of Applications for FY 1980 for the Women's Educational Equity Act Program was published.

On page 12500, column 1, under APPLICABLE REGULATIONS, paragraph (1), the notice stated that the final regulations for the Women's Educational Equity Act Program was published in that same issue. This statement was in error. The final regulations will be published soon.

(Catalogue of Federal Domestic Assistance No. 13.565, Women's Educational Equity Act Program)

Dated: February 29, 1980.

William L. Smith,

U.S. Commissioner of Education.

[FR Doc. 80-7003 Filed 3-5-80; 8:45 am]

BILLING CODE 4110-02-M

Public Health Service

Allied Health Professions Eligible for Scholarship Consideration Under the Health Professions Preparatory Scholarship Program for Indians and the Indian Health Scholarship Program

Section 757(a) of the Public Health Service Act (42 U.S.C. 294y-1) authorizes the determination of specific health professions for which Indian Health Scholarships will be awarded. The regulations governing Indian Health Care Improvement Act Programs (Pub. L. 94-437) provides at 42 CFR 36.304 that the Indian Health Service shall publish from time-to-time a list of allied health professions for consideration for the award of Health Professions Preparatory Scholarships for Indians and Indian Health Scholarships. The Health Professions Preparatory Scholarship Program for Indians is authorized by Section 103 of Pub. L. 94-437. The Indian Health Scholarship Program was previously authorized by Section 104 of Pub. L. 94-437. Both programs are intended to encourage Indians to enter the health professions and to insure the availability of Indian health professionals to serve Indians. This list is based upon the needs of the Indian Health Service as well as upon the needs of Indians for additional service in specific allied health professions.

Consideration will be given to qualified applicants for scholarship support under the above named scholarship programs in the following health profession categories:

Dental Hygiene
Dietetics/Nutrition
Engineering
Laboratory Technology/Technicians
Medical Records Science
Bachelor of Science in Nursing if unfunded by the National Health Service Corps Scholarship Program
Associate Degree in Nursing
Masters in Nursing and related fields
Pharmacy
X-Ray Technology
Social Work (limited to Masters or Ph.D.)
Mental Health (limited to Masters or Ph.D.)
Clinical Psychology (limited to Masters or Ph.D.)
Health Care Administration (limited to Masters or Ph.D.)

This list of eligible allied health professions will remain in effect unless and until amended or rescinded.

FOR FURTHER INFORMATION CONTACT: Mr. Pierre Columbel, Indian Health Service, Room 6A-23, 5600 Fishers Lane, Rockville, Maryland 20857, telephone 301-443-5440.

Dated: February 26, 1980.

John H. Kelso,

Deputy Administrator.

[FR Doc. 80-6982 Filed 3-5-80; 8:45 am]

BILLING CODE 4110-84-M

Office of the Secretary

National Environmental Policy Act and Other Related Acts; Procedures for Conducting Environmental Reviews

ACTION: Notice of proposed HEW implementing procedures.

SUMMARY: These are proposed HEW supplemental procedures required by regulations issued by the Council on Environmental Quality for implementing the National Environmental Policy Act, 43 FR 55978 (November 29, 1978).

DATE: Comments are due April 7, 1980.

ADDRESS: Please send comments to the Deputy Assistant Secretary for Management Analysis and Systems, Department of Health, Education and Welfare, 200 Independence Avenue, S.W., Room 514-E, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Charles Custard, Director, Office of Environmental Affairs at the above address, or telephone (202) 472-9742.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA), as amended, and other related environmental laws, executive orders, and regulations set forth below, the Department of Health, Education and Welfare has developed procedures for conducting environmental reviews, preparing necessary documentation, and making program decisions to protect the quality of the environment. The procedures supplement the NEPA regulations issued by the Council on Environmental Quality and employ a single comprehensive review process for meeting the provisions of both NEPA and related laws and regulations. These procedures will reduce the burden on members of the public having business with HEW by providing for the consolidation of requests for information needed for an environmental review. The conduct of environmental reviews by HEW personnel will also be facilitated. The procedures should also assist the public and others in better understanding HEW policies since all applicable Federal environmental review requirements will be in a single document.

The procedures will be published in the HEW General Administration Manual, Part 30. After publication in final form, they may be obtained from the Director, Office of Environmental Affairs, at the address listed above or from any of the HEW regional environmental officers, whose addresses will be listed on publication of the final procedures.

Dated: February 27, 1980.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

General Administration Manual

Part 30—Environmental Protection—Contents

Chapter and Title

30-00 Purpose
30-10 Policy
30-20 Environmental Administrative Requirements
30-30 General Review Procedures for all Environmental Acts
30-40 Cultural Asset Review
30-50 Natural Asset Review
30-60 NEPA Review

30–70 Reviewing External EISs

Subject: Environmental Protection

30–00–00 Purpose
30–00–10 Chapter Organization and Content
30–00–20 Summary Requirements for Departmental Components
30–00–30 Public Laws, Executive Orders and Regulations Implemented by Part 30
30–00–40 Definitions

30–00–00 Purpose

Part 30 of the *General Administration Manual* establishes Departmental policy and procedures with respect to protection of the environment, and the preservation of historic properties and other valuable national resources. Under Federal laws, regulations and executive Orders, all Federal Departments and agencies must take into account the environmental consequences of their activities. Included are the activities of non-Federal organizations which operate under the authority or with the support of Federal Departments or agencies. The terminlogy in this Part differs in some respects from that associated with any particular environmental law due to the fact that this Part is intended to implement a number of laws with varying requirements.

30–00–10 Chapter Organization and Content

The chapters of Part 30 are organized as follows:

- Chapter 30–00 provides a summary of major procedural requirements, a list of Public Laws, Executive Orders, Federal regulations and other authorities covered by Part 30, and a list of definitions.
- Chapters 30–10 and 30–20 provide overall Departmental policy with respect to environmental protection and a summary of internal administrative procedures which Departmental components must implement.
- Chapter 30–30 provides a general summary of the environmental review process for Departmental activities under all the environmental acts covered by Part 30.
- Chapters 30–40, 30–50 and 30–60 provide detailed requirements for each of the different environmental acts covered by Part 30.
- Chapter 30–70 provides Departmental procedures for reviewing environmental documents prepared outside of the Department.

30–00–20 Summary Requirements for Departmental Components

The following is a summary of the principal requirements established by this Part.

A. *Administrative Requirements.* 1. POCs must review all their activities and determine:

a. Those activities which normally *do not* cause an environmental effect (as defined by the environmental acts), and therefore can be categorically excluded from subsequent environmental review or documentation requirements; and

b. Those activities which normally *do* cause an environmental effect, and therefore require an environmental review.

2. An activity may be categorically excluded from review and documentation requirements under one or more environmental acts, even though they may not be so excluded from all such acts.

3. Adopt operating procedures for conducting environmental reviews of those proposed actions which have not been categorically excluded.

B. *Review Procedures for Individual Proposed Actions.* 1. *Environmental Reviews*—Prior to taking an action not categorically excluded from review requirements, conduct an environmental review to determine the probable environmental effects of the proposed action.

2. *Consultation*—Carry out the requirements for public involvement and intergovernmental consultation as prescribed in the applicable environmental acts.

3. *Documentation*—Prepare any required documentation depending on the applicable environmental act and the kind and degree of environmental effects caused by a proposed action. Finalize any draft documents on the basis of public comments and intergovernmental consultation, as appropriate.

4. *Decision-making*—Take environmental effects and values, discussed in the final statement, into account in decision-making. Prepare a public "record of decision" or other final documentation if required by an environmental act.

30–00–30 Public Laws, Executive Orders and Regulations Implemented by Part 30

The following list contains the various Public Laws, Executive Orders, Federal regulations and other authorities covered by Part 30:

A. *The National Environmental Policy Act (NEPA)* (1) establishes a comprehensive policy for protection and enhancement of the environment by the Federal government, (2) creates the Council on Environmental Quality (CEQ), and (3) directs Federal agencies to carry out the policies and procedures of the act.

B. *Executive Order 11514,* March 5, 1970, directs the heads of Federal agencies to monitor, evaluate and control their agencies' activities so as to protect and enhance the quality of the environment.

C. *Executive Order 11991,* May 24, 1977, directs CEQ to issue regulations to Federal agencies for the implementation of the procedural provisions of NEPA.

D. *Executive Order 12114,* January 4, 1979, directs Federal agencies to further the purpose of NEPA with respect to the environment outside the United States, its territories and possessions.

E. *Regulations of the Council on Environmental Quality,* November 29, 1978, require Federal agencies to adopt procedures to supplement CEQ regulations for implementing the provisions of NEPA.

F. *The Coastal Zone Management Act,* 16 U.S.C. 1456 et seq., directs Federal agencies to conduct activities consistent with an approved State coastal zone management program.

G. *The Wild and Scenic Rivers Act,* 16 U.S.C. 1278, directs Federal agencies to consider and preserve the values of wild and scenic areas in the use and development of water and land resources.

H. *Executive Order 11990,* May 24, 1977, directs heads of Federal agencies to avoid (1) the long- and short-term adverse impacts associated with the destruction or modification of wetlands and (2) direct or indirect support of new construction in wetlands whenever there is a practical alternative.

I. *Executive Order 11988,* May 24, 1977, directs Federal agencies to take action to avoid the occupancy or modification of floodplains and to avoid direct or indirect support of development in floodplain areas whenever there is a practical alternative.

J. *U.S. Water Resources Council Floodplain Management Guidelines,* February 10, 1978, provides guidance to Federal agencies for implementing Executive Order 11988.

K. *Marine Protection, Research and Sanctuaries Act,* 33 U.S.C. 1432f, provides for establishment of marine sanctuaries and directs Federal agencies to insure that their actions are consistent with the intended use of such areas.

L. *The Safe Drinking Water Act,* 42 U.S.C. 300f et seq., authorizes EPA to determine if an action which will have an environmental effect on a sole or principal drinking water source would also constitute a significant hazard to a human population and, if so, to prohibit such an action.

M. *The Clean Air Act*, 42 U.S.C. 1857 h-7, requires EPA to review and comment on a Federal agency action which would create a significant environmental impact.

N. *Executive Order 11987*, May 24, 1977, directs Federal agencies to prevent the introduction of exotic species into the natural ecosystems of the United States.

O. *The Endangered Species Act*, 16 U.S.C. 1536, directs Federal agencies to conserve endangered and threatened species and their critical habitats.

P. *Fish and Wildlife Coordination Act*, 16 U.S.C. 661–666c, directs Federal agencies to prevent loss and damage to, and provide for, development and improvement of wildlife resources.

Q. *The National Historic Preservation Act* of 1966, 16 U.S.C. 470 as amended, directs heads of Federal agencies to preserve cultural heritage, particularly with respect to sites on the *National Register of Historic Places*.

R. *Executive Order 11593*, May 5, 1971, implements portions of the National Historic Preservation Act of 1966.

S. *Regulations of the Advisory Council on Historic Preservation* (36 CFR Part 800) establish procedures for the protection of historic and cultural properties.

T. *Regulations of the Department of the Interior* (36 CFR Parts 60 and 63) concern nominations to and determinations of eligibility for the *National Register of Historic Places*.

U. The Archaeological and Historic Preservation Act, 16 U.S.C. 469 a–1 et seq., directs Federal agencies to preserve significant scientific, prehistorical, historical and archaeological data.

30–00–40 Definitions

A. Action—a signed decision by a responsible Department official resulting in:

1. Approval, award, modification, cancellation, termination, use or commitment of Federal funds or property by means of a grant, contract, purchase, loan, guarantee, deed, lease, license or by any other means;

2. Approval, amendment or revocation of any policy, procedures or regulations including the establishment or elimination of a Department program; or

3. Submission to Congress of proposed legislation which, if enacted, the Department would administer.

B. Asset—an entity, group of entities or specific environment as defined in the individual related acts and which the individual related acts seek to protect or preserve. Assets include cultural assets (e.g., historic properties) and natural assets (e.g., wild and scenic rivers, and endangered species);

C. Environmental acts—all authorities listed in Section 30–00–30;

D. Environmental effect—a change which a proposed action will cause either within the human environment (as defined by NEPA) or to a cultural or natural asset (as defined in one or more of the related acts);

E. Environmental review—the process by which a Departmental component determines whether a proposed action will cause an environmental effect, and whether to prepare a limited statement, full statement or no statement;

F. Environmental statement—either a limited statement or a full statement at either the draft or final stage (see G and H below);

G. Full statement—a document which discusses a proposed action in terms of its purpose and environmental consequences and includes a discussion of alternatives to a proposed action;

H. Limited statement—a brief concise analysis which provides written evidence sufficient to meet the documentation requirements of the environmental acts or which supports a determination not to prepare a full statement;

I. POC—Principal Operating Component; and

J. Program review—a review by POCs of all their actions to determine:

1. Those categories of actions which normally *do not* cause environmental effects sufficient to require environmental documentation and therefore may be categorically excluded from further environmental review; and

2. Those categories of actions which normally *do* cause an environmental effect (including those that may affect a cultural or natural asset) and therefore do require the completion of an environmental review.

POCs should complete an initial program review as soon as practicable following publication of this Part and should undertake subsequent program reviews when deemed appropriate.

K. Related acts—All Public Laws, Executive Orders, Federal regulations and other authorities listed in Section 30–00–30, but not including NEPA.

30–10–00 Policy

Most of the contents of Part 30 address procedural or documentation requirements specified in the environmental acts. These procedures and documents are necessary in order to establish a reviewable record which evidences that HEW components, before proceeding with an action, have taken into account the environmental consequences of that action.

In addition to establishing a reviewable record, HEW components must also give weight to preservation of the environment and protection of historic or cultural assets in reaching substantive program decisions. All HEW components shall balance the costs and benefits of both environmental considerations as well as program goals and objectives in determining a particular course of action. In achieving this balancing, HEW components should afford reasonable time, effort and resources to a deliberation of environmental risks associated with a program-related course of action.

30–20–00 Environmental Administrative Requirements
30–20–10 Responsibilities
30–20–20 Approval Authority and Redelegations
30–20–30 Process for Establishing Categorical Exclusions
30–20–40 Categories of Exclusion
30–20–50 Environmental Review Procedures

30–20–00 Environmental Administrative Requirements

This chapter establishes an administrative framework in the Department for environmentally-related activities. Specifically, this chapter (1) describes the assignment of relative responsibilities in the Department regarding environmental activities, (2) establishes procedures for program reviews and (3) establishes other on-going administrative requirements.

30–20–10 Responsibilities

A. *Office of the Secretary.* The Secretary shall designate an official as the Departmental Environmental Officer, who will be responsible for:

1. Preparing Departmental guidelines and other policy documents for issuance by the Secretary or other appropriate Departmental official pertaining to environmental protection and preservation of natural or cultural assets;

2. Approving lead agency agreements having Department-wide applicability;

3. Providing training to HEW program officials with respect to carrying out the requirements of the environmental acts;

4. Maintaining liaison with CEQ, EPA and other Federal agencies charged with direct responsibility for administering the various environmental acts;

5. Coordinating the review of environmental statements originating from outside HEW; and

6. Reviewing and making recommendations to the Assistant Secretary for Management and Budget with respect to determinations by POCs that certain activities are categorically excluded from environmental review.

B. *Principal Operating Components.* Heads of POCs are responsible for ensuring that organizational units under their authority comply with all provisions of the environmental acts and with the procedures of this Part. A POC head may designate a POC environmental officer, who may act in either a full-time capacity or in addition to other duties, to assist in fulfilling these responsibilities.

C. *Regional Offices.* Principal Regional Officials (PROs) are responsible for complying with the provisions of the environmental acts and the policies in this part for those specific program responsibilities delegated to them.

In addition, the PROs shall:

1. Provide support, if requested, the HEW regional program personnel in complying with these requirements;

2. Serve as principal HEW regional liaison official with other Federal, State, and local agencies on matters pertaining to environmental preservation or protecting environmental, cultural or natural assets;

3. Ensure the timely review by regional program personnel of environmental impact statements forwarded to HEW by other agencies; and

4. Determine periodically that regional program staff are aware of and are complying with the requirements of this Part.

30–20–20 Approval Authority and Redelegations

A. The POC head and PRO may redelegate all their environmental responsibilities to subordinate program managers except for approving the designation of actions as categorically excluded by the POC head. POC heads shall obtain concurrence from the Assistant Secretary for Management and Budget with respect to activities designated to be categorically excluded from environmental reviews.

B. The exclusion of material from environmental statements on the basis of national security and trade secrets requires approval by the HEW General Counsel. (See Section 30–30–40.)

C. Proposed actions which will have an effect on certain natural assets require concurrence or approval from other Federal agencies (see 30–50) prior to taking the action.

D. POC heads shall sign determinations pursuant to Executive Order 11988 on Floodplain Management and Executive Order 11990 on Wetlands except:

1. The Secretary shall approve proposed actions requiring full statements on projects affecting floodplains; and

2. The Secretary shall approve proposed actions requiring limited or full statements for new construction in wetlands.

30–20–30 Process for Establishing Categorical Exclusions

A. All HEW activities which can be defined as "actions" (see Definitions, Section 30–00–40) require an environmental review *unless* a POC has determined, through a program review, that the activity will not cause a significant environmental effect under NEPA or will not affect any of the assets protected by the related acts.

B. *Program Reviews.* In a program review, a POC evaluates actions it will be taking in order to determine the potential of these actions to cause an environmental effect under any of the environmental acts. POCs shall complete an initial program review of all their actions as soon as practicable following publication of this Part. POCs may undertake additional program reviews subsequently whenever they deem it appropriate.

As a result of program review, a POC shall divide each of its actions in one of two groups:

Group 1 (Categorically Excluded)—those actions which normally *do not* cause a significant environmental effect under NEPA or affect one or more of the assets protected by the related acts.

Group 2—those actions which normally *do* cause a significant environmental effect under NEPA or *may* affect one of the assets protected by the related acts.

An activity may be categorically excluded from review and documentation requirements under one or more environmental acts, even though they may not be so excluded from all such acts.

In grouping each of its actions, POCs shall use the exclusion categories described in Section 30–20–40. If action falls within one of these exclusion categories, then it may be included in Group 1. Such actions do not require further environmental reviews. If action does not fall within one of these exclusion categories, then a POC must perform an environmental review prior to taking this action. Chapter 30–30 describes the procedures for conducting an environmental review.

Each POC shall maintain as part of its administrative issuance system lists of those actions which it has determined fall under Group 1 or Group 2. These lists shall supplement other internal directives or instructions relating to environment-related responsibilities.

C. *Approval.* A determination by a POC that an action falls within Group 1 (Categorically Excluded) is effective upon approval by the POC head. However, POCs must forward these determinations to the Assistant Secretary for management and Budget for concurrence. Determination that an action falls within Group 1 (Categorically Excluded) is effective for the shorter of (1) five years or (2) until rendered inapplicable because of changes in the underlying program authority.

30–20–40 Categories of Exclusion

A. POCs may exclude a proposed action from the environmental review process if it detemines that the proposed action falls within one of the four exclusion categories described in this Section. This determination may take place either as the result of a progam review of a POC's actions, in which case the action is listed in the POC's administrative issuance system as being categorically excluded from further environmental reviews.

Most of HEW's actions can be excluded from the environmental review process because they generically are not capable of (a) causing a significant environmental effect within a human environment (as defined under NEPA) or of (b) affecting a cultural or natural asset (as defined by a related act).

B. *Categories of Actions Which May Be Excluded From Environmental Review*

1. *Category #1—General Exclusions.* POCs do not need to perform environmental reviews in the following instances:

a. When a law grants an exception;

b. When a law requires a Department official to act within 30 days or less;

c. When the courts have found that the action does not require environmental review (i.e., HEW is not required to prepare environmental statements concerning the termination of a hospital's status as a Medicare "provider" if termination is statutorily required because of a hospital's non-compliance with Federal fire safety regulations);

d. When an action is taken in response to emergency health situations requiring action within 30 days or less (except that program officials will assess the desirability of undertaking subsequent actions which could mitigate an environmental effect); and

e. When an action implements actions outside the territorial jurisdiction of the United States and such actions are excluded from review by Executive Order 12114.

2. *Category #2—Functional Exclusions.* Actions associated with the following types of activities normally are not subject to environmental review requirements:

a. Routine administrative and management support, including legal counsel, public affairs, program evaluation, monitoring and individual personnel actions;

b. Appellate reviews when HEW was the plaintiff in the lower court decision (e.g., a case involving failure by a nursing home to comply with fire and safety regulations);

c. Data processing and systems analysis;

d. Education and training grants and contracts (e.g., grants for remedial training programs or teacher training) except projects involving construction, renovation and/or changes in land use;

e. Grants for administrative overhead support (e.g., regional health or income maintenance program administration);

f. Grants for social services (e.g., support for Headstart, senior citizen programs or drug treatment programs) except projects involving construction, renovation and changes in land use;

g. Liaison functions (e.g., serving on task forces, ad hoc committees or representing HEW interests in specific functional areas in relationship with other governmental and non-governmental entities);

h. Maintenance (e.g., undertaking repairs necessary to ensure the functioning of an existing facility), except for properties on the National Register of Historic Places;

i. Statistics and information collection and dissemination (e.g., collection of health and demographic data and publication of compliations and summaries);

j. Technical assistance by HEW program personnel (e.g., providing assistance in methods for reducing error rates in State public assistance programs or in determining the cause of a disease outbreak); and

k. Adoption of regulations and guidelines pertaining to the above activities (except technical assistance and those resulting in population changes).

3. *Category #3—Program Exclusions.* These exclusions result from a substantive review and determination by a POC that certain programs or certain activities within a program will not normally (a) significantly affect the human environment (as defined in NEPA) or (b) affect an asset (as defined in the related acts) regardless of the location or magnitude of the action. For example, a POC, following its review, might determine that the following are unlikely to cause an environmental effect: assigning a member of the Health Service Corps to a locality to supplement existing medical personnel or providing funds to support expansion of emergency medical services in existing hospitals.

4. *Category #4—Partial Exclusions.* a. A POC may determine that certain programs or elements may cause environmental effects with respect to some, but not all, of the environmental acts. For example, a POC may determine that actions associated with a particular program may only affect historical properties (such as renovation or replacement of an SSA district office, a school or library located in or near a historical property). The component may limit further environmental review to the provisions of the National Historic Preservation Act in such cases.

b. An environmental review conducted previously may be broad enough to satisfy environmental review requirements for future similar or related actions. For instance, a POC may conduct an environmental review with respect to a particular type of biological research, no matter where that research is conducted. Environmental reviews of future similar or related research activities are not necessary if the effects of this new research have been already addressed in the previous environmental review.

30–20–50 Environmental Review Procedures

A POC must conduct environmental review with respect to all proposed actions which do not fall under categorical exclusions #1, #2 or #3. Chapter 30–30 discusses the process for conducting an environmental review with respect to a specific proposed action and for fulfilling documentation and other requirements. Each POC shall ensure that its programs have appropriate procedures for conducting environmental reviews, for completing required documentation and for ensuring public involvement and intergovermental consultation. These procedures must be in writing and be included in the internal adminstrative issuance system. These procedures must, at a minimum, address the following:

A. A list of those actions which the POC has categorically excluded from further environmental review requirements.

B. A list of those actions which require an environmental review prior to taking the action.

C. Designation of officials responsible for environment-related activities including determinations as to whether to prepare a full statement or a limited statement, if one is required.

D. Procedures for preparing and circulating environmental statements (including data required by the applicable environmental act for the type of action covered).

E. Procedures for ensuring the coordination of environmental review with program decision-making, including concurrent development and circulation of environmental documents with program documents and the identification of key decision-making points.

F. Procedures for consulting with other Federal agencies responsible for the environmental act, if necessary.

G. Procedures for developing lead agency agreements (as described in 30–30–20 B below).

H. A prohibition against precluding or prejudicing selection of alternatives in a full statement without regard to environmental risks.

I. Procedures for establishing a reviewable record, including making environmental statements and related decision-making materials part of the record of formal rulemaking and adjudicatory proceedings.

J. Provision for early consultation and assistance to potential applicants and non-Federal entities in planning actions and developing information necessary for later Federal involvement (as described in 30–30–20C below).

K. Descriptions of cursumstances which preclude completion of environmental reviews within reasonable time frames because of public health and safety considerations and procedures for after-the-fact completion.

L. Provision for ensuring that applications and other materials from potential grantees or other recipients of Departmental funds, on a program-by-program basis, include information necessary to conduct an environmental review.

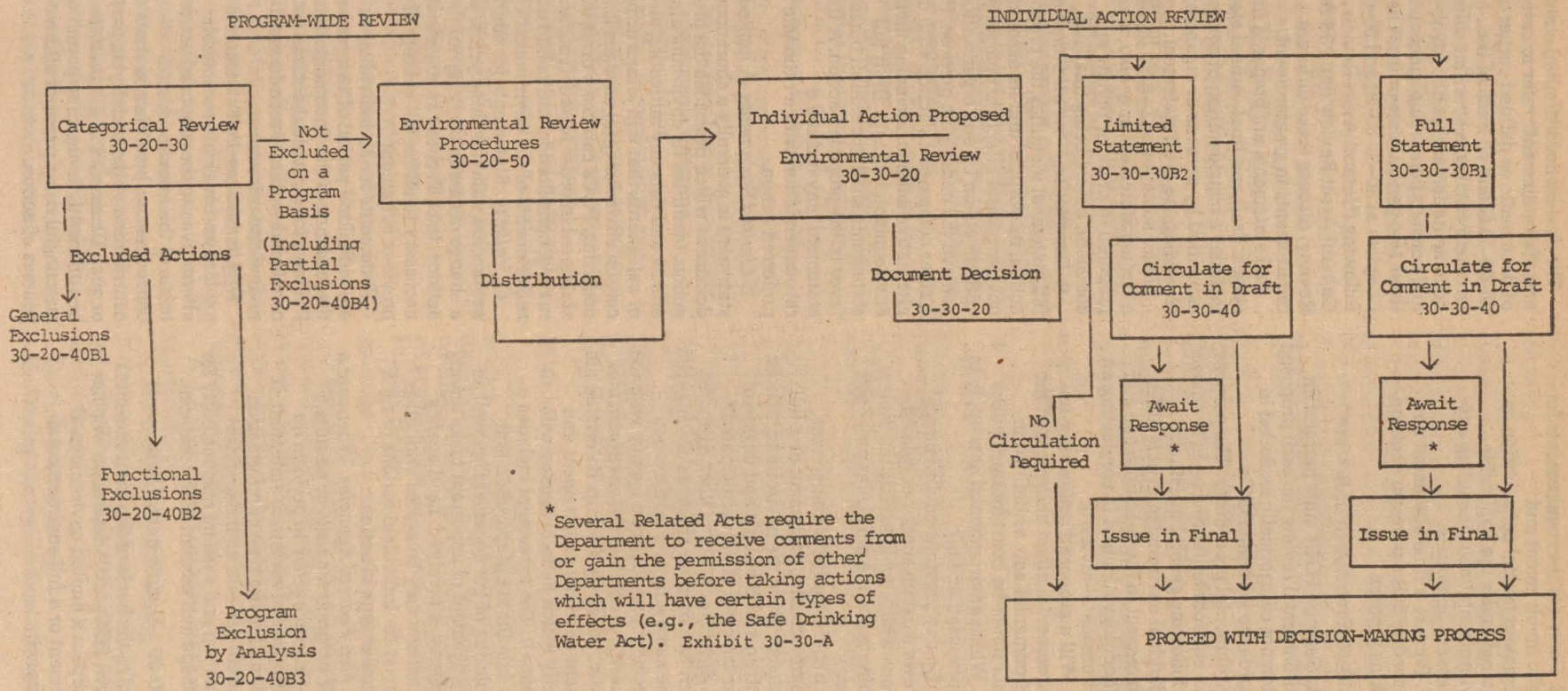
Requirements of NEPA and the Related Environmental Acts

Authority	Documentation and circulation				Type of response or permission required
	No. 1 draft limited* statement	No. 2 final or limited statement	Draft full statement	No. 3 final full statement	
National Historic Preservation Act.	(a) Finding of Effect (but not Adverse).	(Finalize—if Council does not object).			Yes. The Council Staff (or Chairman must concur or the issue is brought to the full Council at a quarterly meeting. The final decision belongs to the agency.
	(b) Finding of Adverse Effect.	(Finalize—if Council concurs with mitigation measures).	Preliminary Case Report (as requested by the Council).	Case Report	
National Archeological Data Preservation Act.	Information Provided to Secretary of Interior.	(Finalize)			None, but delay is possible if the Secretary of the Interior wants to pay for recovery.
Coastal Zone, Management Act.	To State CZM Agency; to Secretary of Commerce.	(Finalize)	As Requested by the Secretary of Commerce.		Yes. For certain projects no further action may be taken until the Secretary of Commerce determines that it is consistent with CZM or needed for national security.
Floodplains E.O. 11987			For Review by the Secretary (of HEW)	(Finalize)	Yes. By the Secretary (of HEW) (applies to Capitol improvements only).
Endangered Species Act	To DOC or DOI	(Finalize)			Yes. Response required from DOI and action prohibited if species endangered by the project.
Fish and Wildlife Act	To DOI	(Finalize)			Yes. Response from DOI required before No. 2.
Wild and Scenic Rivers Act	To Ag or DOI	(Finalize)			Yes. Prohibited without approval of appropriate Secretary (Ag or DOI).
Wetlands E.O. 11990	For POC Review	(Finalize)	For Review by the Secretary (construction actions) and as requested by the POC.	(Finalize)	Yes. By the Secretary (of HEW) if new construction. By POC for all others.
Safe Drinking Water Act (Aquifers).	To EPA	(Finalize)			Yes. Administrator of EPA may prohibit the action if it will contaminate a sole source aquifer.
Marine Sanctuaries Act	To DOC	(Finalize)			Yes. The Secretary of Commerce must certify that action is consistent with purposes of Act.
National Environmental Policy Act.		Statement of No Significant Impact (Notice in Federal Register).	Draft Environmental Impact Statement (Program Decision).	Final Environmental Impact Statement.	Agency may make own decision after issuing final EIS except when another federal agency requests CEQ intervention.

BILLING CODE 4110-12-M

Exhibit 30-30-B
General Administration Manual
HEW Transmittal

FLOW CHART - ENVIRONMENTAL REVIEW PROCEDURES



*Several Related Acts require the Department to receive comments from or gain the permission of other Departments before taking actions which will have certain types of effects (e.g., the Safe Drinking Water Act). Exhibit 30-30-A

BILLING CODE 4110-12-C

30–30–00 General Review Procedures for All Environmental Acts
30–30–10 Summary Description
30–30–20 Environmental Review
30–30–30 Environmental Statements
30–30–40 Intergovernmental Consultation and Document Review

Exhibit 30–30–A Requirements of NEPA and the Related Acts
Exhibit 30–30–B Flow Chart-Environmental Review Procedures

30–30–00 General Review Procedures for All Environmental Acts

The environmental acts require a review of proposed Federal actions whenever they will bring about environmental effects, either within a human environment (as defined under NEPA) or to an historic property, endangered species or other asset (as defined in the related acts).

The purpose of this Chapter is to describe overall the steps which Department officials must take in conducting environmental reviews of specific proposed actions. Within these general steps, the individual environmental acts differ significantly with respect to public involvement, intergovernmental consultation and documentation required. The Chapters at 30–40, 30–50 and 30–60 following (entitled Cultural Asset Review, Natural Asset Review and NEPA Review) discuss these specific requirements in greater detail. Exhibit 30–30–A summarizes these differences.

30–30–10 Summary Description

The following is a summary description of the general types and sequence of activities which Departmental officials should carry out in reviewing specific proposed actions under this Part. Exhibit 30–30–B summarizes these activities.

A. Determine that a proposed activity constitutes an action as defined under Section 30–00–40 (Definitions).

B. Determine whether the proposed action is categorically excluded from all environmental review requirements. If so, no further environmental review is necessary.

C. For proposed actions not categorically excluded, conduct an environmental review in accordance with applicable program environmental review procedures to determine whether the proposed action will cause an environmental effect under one or more of the environmental acts.

D. Determine whether it is necessary to prepare a draft statement and, if so, circulate the statement among the public, Federal and non-Federal agencies and other interested parties, as appropriate.

E. Carry out the requirements for public involvement and intergovernmental consultation as required under the applicable environmental acts, including any necessary approvals.

F. Prepare a final statement and proceed with the program decision-making process.

30–30–20 Environmental Review

A. *General.* POCs must perform an environmental review for each proposed action not categorically excluded in accordance with the POC's environmental procedures. The purpose of an environmental review is to answer the following general questions. (Individual environmental acts differ with respect to the specific scope and methodology required in conducting an environmental review.):

1. Will a proposed action have an environmental effect under any of the environmental acts as defined in regulation or by court interpretation?

2. Which environmental acts apply to the proposed action?

3. Do any previous environmental reviews exist on similar or related actions which could satisfy the review requirements of a particular proposed action?

4. Should the HEW component prepare a limited statement or a full statement given the environmental acts involved and the kinds and degree of environmental effects anticipated?

B. *Agreements with Other Agencies.* When two or more agencies are engaged in the same action, a lead agency agreement provides one agency with the authority to conduct the environmental review. These agreements determine the content and type of statement and specify which Federal agency will prepare it. The agreement includes a schedule for the preparation and circulation of the document, as well as an assignment of important tasks among the agencies involved. Lead agency agreements may be signed with other agencies for individual actions or for a particular type of action.

C. *Non-Federal Agencies.* Whenever a HEW program requests or permits a non-Federal agency to perform an environmental review or statement, it shall outline the type of information required, perform an independent evaluation and assume responsibility for the scope and content of the material.

30–30–30 Environmental Statements

A. On the basis of the environmental review, POCs shall determine whether to prepare a limited environmental statement or a full environmental statement.

The designations "limited statement" and "full statement" refer to categories of documents as defined earlier under 30–00–40 G and H. Each of the environmental acts specifies different documentation and public involvement and consultation requirements within these two general categories. The Chapters at 30–40, 30–50 and 30–60 following (Natural Asset Review, Cultural Asset Review and NEPA Review) discuss these different requirements in greater detail.

Full statements are prepared in two stages: draft and final. A final statement includes a consideration of comments submitted by persons or organizations reviewing the draft statement.

Under some laws covered by this Part, a limited statement may also have to be prepared in draft for review and comment, before being finalized.

B. *Description.*—1. *Full Statements.* A full statement identifies the proposed action, its purpose and its associated environmental effects in comparison with no action by any organization to achieve the underlying purpose. It further compares no action with other alternative actions, including their environmental effects. Draft full statements shall not exhibit biases in favor of the proposed action. A final statement may include a recommendation with a rationale for a preferred action.

2. *Limited Statements.* A limited statement is generally a short concise document which describes the proposed action, identifies its environmental effects and lists any mitigating measures or safeguards that will lessen or prevent certain environmental changes from occurring. POCs can use a draft limited statement in order to satisfying any review, consultation and public notice requirements of the environmental acts.

C. *Validity.* Statements for continuing actions are valid for three years, unless a change occurs in carrying out the actions. In such cases an examination is necessary to affirm the validity of the previous statement.

Statements for an individual action are valid for a period of 18 months after the issuance of the documentation. Reviews for individual actions not concluded within 18 months require review and reissuance.

D. *Alternatives.* Full statements must explore and evaluate reasonable alternatives to the proposed action in terms of their environmental consequences, benefits and costs and contribution to the underlying purpose or goal. Discussion of alternatives must be sufficiently in-depth to permit a meaningful comparison of alternative courses of action.

Full statements shall consider the following categories of alternatives, as appropriate:

1. *No Action by Any Organization*—This alternative serves as a baseline against which to measure the environmental consequences, costs and benefits of the proposed action and other alternatives.

2. *Action Alternatives*—One or more alternative courses of action directed at achieving the underlying purpose or goal. The full statement cannot automatically exclude actions.

- Outside of the expertise or jurisdiction of Departmental components; or
- Which only partially achieve an underlying goal or objective.

However, action alternatives considered must be reasonably available, practicable and be related to the underlying purpose or goal. A full statement must consider enough action alternatives to permit a reasoned choice.

3. *Alternative Safeguards*—These are alternative actions which could mitigate the adverse environmental consequences of one or more of the action alternatives.

4. *Delayed Action Alternative*—This alternative is to postpone or delay a proposed action in order to conduct more research or for other reasons.

30-30-40 Intergovernmental Consultation and Document Review

POCs are responsible for meeting the various requirements under the environmental acts for intergovernmental consultation and public involvement. These requirements differ significantly. POCs should refer to the more detailed descriptions in Chapters 30–40, 30–50, and 30–60 and should consult an environmental officer for guidance.

As required, POCs shall circulate draft statements for review and comment. Statements should be circulated to the Federal agency responsible for administering the applicable environmental act, involved non-Federal agencies at the State or local level and interested public persons or groups within the geographic area of the environment affected. The review period is generally no less than 30 days for a draft limited statement and no less than 60 days for a draft full statement. Whenever a draft statement is significantly revised because of comments received or because the nature or scope of the proposed action changes significantly, POCs shall prepare a new draft statement for circulation. Circulation of certain portions of the document is not necessary when it involves the following:

A. *National Security.* Circulation of classified sections of environmental documents are subject to regulations pertaining to matters of national security.

B. *Trade Secrets.* Circulation of sections of environmental documents that disclose a trade secret is limited to those Department officials who need to have access in order to take appropriate action.

30–40–00 Cultural Asset Review
30–40–10 Applicability
30–40–20 How a Property Is Affected
30–40–30 Limited Statement
30–40–40 Full Statement
30–40–50 Disagreement
30–40–60 Archeological Data: Notification
30–40–70 Archeological Data: Recovery by HEW
30–40–80 Identification of Historic Properties.

30–40–00 Cultural Asset Review

Section 106 of the National Historic Preservation Act states that the Advisory Council for Historic Preservation (ACHP) will have an opportunity to comment on any proposed Federal undertaking which will affect a historic property which is listed on or is eligible for listing in the National Register of Historic Places. The Archeological Data Preservation Act states that the Secretary of the Interior shall have an opportunity to recover significant historical or scientific data irrevocably lost through a Federal undertaking. In addition, the latter permits agencies to spend up to one percent of project funds for the recovery of data.

30–40–10 Applicability

Unless a categorical exclusion applies, each proposed HEW action must be reviewed in order to determine whether it will affect a property which is on or eligible for the National Register of Historic Places.

30–40–20 How a Property Is Affected

A historical review is an examination and analysis of changes in a historic property which occur as a result of the proposed action. A historic property is affected whenever one or more of the following changes occur:

A. Altering or destroying its physical characteristics;

B. Altering the physical setting (normally the boundary of a setting does not extend beyond a circle having a 500 yard radius);

C. Moving the property;

D. Altering the type or level of use; or

E. Altering the type of level of activity occurring in the physical setting.

30–40–30 Limited Statement

If a proposed action will affect a property which is on or determined eligible for the Register by the Secretary of the Interior, POCs shall develop a draft limited statement and submit it to the appropriate State Historic Preservation Officer (SHPO). Following the receipt of comments from the SHPO (or after a period of 30 calendar days) the statement is then sent to the Advisory Council for comment. A cover letter shall state whether the program considers the effects to be adverse within the context of the historic value of the property. If the Advisory Council fails to respond within 30 days, the review is complete. The Council can request additional data from the program whenever it finds the statement incomplete. If the Council concurs that the proposed action will not adversely affect the property, the review is complete. The Chairman of the Council may choose to develop a Memorandum of Agreement for actions which will affect a property adversely in order to mitigate the effect. Such memoranda will specify the various mitigation measures (e.g., record data prior to destruction) that the various involved parties agree to follow.

30–40–40 Full Statement

The Advisory Council may request the POC to prepare a full statement (known as a draft case report) prior to discussing a Memorandum of Agreement. POCs shall submit a full statement, if required, to the SHPO and the Council. HEW or the Council may develop a Memorandum of Agreement after discussing the statement. Among the alternatives in a full statement which POCs must include are alternative uses of a historic property other than for the underlying purpose of the proposed action.

30–40–50 Disagreement

If the Council staff cannot find a common ground upon which to develop a Memorandum of Agreement or if one or more of the parties fail to sign the Memorandum, the proposal must go the members of the full Council for their review during a public meeting. The review is complete when the Council provides its advice or it has been 15 days since the review by the Council members, whichever is less. HEW must respond to the Council's comments.

30–40–60 Archeological Data: Notification

If the proposed action will bring about the irretrievable loss of significant scientific, archeological, historic or prehistoric data, program personnel shall inform the Secretary of the Interior. If the Secretary does not respond within 60 days, the review is complete. If the Secretary offers to pay for the recovery of the data, he shall have at least six months to effect recovery.

30–40–70 Archeological Data: Recovery by HEW

If a proposed action involves a Federal construction project or a Federally-licensed project, and the action will result in the irretrievable loss of scientific, archeological, historic or prehistoric data, up to one percent of the project costs may be used to recover the data.

30–40–80 Identification of Historic Properties

Each Federal agency has a responsibility for identifying potential properties for the National Register of Historic Places. It must seek eligibility determinations from the Secretary of the Interior for such properties which it owns or which it will affect by a proposed action. Implementation of a proposed action may not occur until the completion of the eligibility determination and any appropriate additional requirements are met (e.g., consultation with the Advisory Council).

A. *Eligible Properties.* 1. Properties are districts, sites, buildings, structures or objects.

2. Properties may be eligible because of their association with significant historical events, or the lives of persons significant in our past; because of distinctive artistic characteristics; or because they are likely to yield important historical information.

B. *Eligibility Determinations.* Departmental components, in consultation with the State Historic Preservation Officer (SHPO), shall apply the National Register Criteria for Eligibility to each property to determine which may be affected by a proposed action. If either party concludes that the property may be eligible, components shall submit a letter to the Department of the Interior requesting the Keeper of the National Register to make a decision concerning eligibility. The Keeper may request additional information. The action cannot be taken until the Keeper responds or until 45 days have passed, whichever occurs first. Consultation with the Advisory Council can be conducted simultaneously. If the Keeper finds the property eligible, Cultural Asset Review procedures apply. If the Keeper finds the property ineligible, the cultural identification process is complete.

C. *Nominations.* Each Federal agency is responsible for nominating to the National Register those eligible properties which it owns or otherwise controls. Each POC head shall develop and implement procedures for nominating all such eligible properties which it currently administers or controls.

30–50–00 Natural Asset Review
30–50–05 Applicability
30–50–10 Coastal Zone Management Act (CZMA)
30–50–20 Floodplain Management
30–50–30 Endangered Species Act
30–50–40 Fish and Wildlife Coordination Act
30–50–50 Wild and Scenic Rivers Act
30–50–60 Protection of Wetlands
30–50–70 Safe Drinking Water Act (Sole Source Aquifers)
30–50–80 Marine Sanctuaries Act

30–50–00 Natural Asset Review

The related acts require the consideration of the effects of a proposed action on specific *types* of places, on *specific* places and on specific species. Most of these acts prohibit further action until the agency responsible for administering the act provides advice or gives permission to proceed with the action. The species requiring consideration are listed by the Department of the Interior. The places requiring consideration are:

A. Coastal Zones (as identified in a State CZM plan);

B. Floodplains (as identified on HUD floodplain maps);

C. Habitats of Endangered Species (as identified by the Department of the Interior);

D. Streams and other bodies of water (in excess of 10 surface acres);

E. Wild and Scenic Rivers (as identified by the Departments of the Interior and Agriculture);

F. Wetlands (all);

G. Sole Source Aquifers (as identified by the Environmental Protection Agency); and

H. Marine Sanctuaries (as identified by the Secretary of Commerce).

30–50–05 Applicability

Unless a categorical exclusion applies, POCs are responsible for reviewing all proposed actions to determine whether they will affect places and species referenced above.

30–50–10 Coastal Zone Management Act (CZMA)

A. *Purpose.* The Coastal Zone Management Act of 1972 declares that it is the national policy "to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone." The term "coastal zone" means that area which is identified as such in a State CZM plan. In furtherance of this policy, the Act provides Federal assistance to States for developing and implementing coastal zone management programs. The Act also requires that "Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved State management programs." Federal agencies are specifically prohibited from undertaking or assisting certain activities without a determination by the State or local coastal management agency that the activity is consistent with the State management program. The CZM Act excludes from the definition of coastal zone lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agencies (e.g., nonterminated California Indian rancherias).

B. *Responsibilities and Consultation Requirements.*—1. If the proposed action will affect a place which is within or contains a geographical area that is part of an approved CZM plan, POCs shall forward a draft limited statement to the State CZM agency for comment and a determination as to whether the proposed action is consistent with the approved CZM plan. The review period is at least 30 days for a limited statement and 60 days for a full statement, except where an applicant for a Departmental license or permit submits a Certification of Compliance to the State CZM agency. In the latter case, the minimum period is the amount of time remaining on the six month review period, but not less than the 30 or 60 days referred to above.

2. If the CZM agency fails to respond within the appropriate time period, or states that the proposed action is consistent with the CZM plan, a program is in compliance with the review requirements of the Act:

a. Unless the proposed action is an application for a license or permit to conduct an activity affecting land or water use that is not accompanied by an applicant's certification that it complies with the CZM plan; or

b. Unless the proposed action involves an application for Federal assistance

from a State or local government agency which is not accompanied by the views of the CZM agency.

3. If the State CZM agency states that the proposed action is not consistent with the approved CZM plan and the proposed action involves one of the types of actions described in 2a or b above, POCs shall forward the draft limited statement to the Secretary of Commerce. The secretary may request additional data in the form of a full statement. In any case, no further action will take place until and unless the Secretary of Commerce finds that the proposed action is consistent with the purposes of the CZM Act or is necessary for national security.

4. If the State CZM agency states that the proposed action is not consistent with the approved CZM plan, and the proposed action does not involve one of the types of actions described in 2 above, the proposed action must have the approval of the responsible POC before proceeding.

5. The above requirements shall not apply to those types of actions which are specifically excluded by the approved CZM plan.

30–50–20 Floodplain Management

A. *Purpose.* Executive Order 11988 of May 24, 1977, directs each Department to avoid long- and short-term adverse impacts associated with the occupancy and modification of floodplains, including the direct and indirect support of floodplain development, whenever there is a practicable alternative. Floodplains are those areas identified as such according to a Department of Housing and Urban Development floodplain map. (See U.S. Water Resources Council Floodplain Management Guidelines for further information.)

B. *Responsibilities and Circulation Requirements.*—1. If a proposed action will result in a capital improvement occurring within a floodplain, or clearly will provide direct or indirect support of subsequent floodplain development, POCs will prepare a draft full statement. (A limited statement is not acceptable in this instance.)

2. The draft full statement shall contain, in addition to identifying practicable alternatives to avoid affecting a floodplain, the following information:

a. The reasons for locating the proposed action in a floodplain; and

b. A statement indicating whether the action conforms to applicable State or local floodplain protection standards.

For those actions subject to OMB Circular A–95, the POC shall send the notice to the State and areawide clearinghouses for the geographical area affected and include a location map.

3. Circulation of draft full statements shall include the public and other interested individuals, including concerned Federal, non-Federal and private organizations. Interested parties shall have a period of 60 days for the review and comment on draft full statements.

4. No action shall take place without a finding by the Secretary that the only practicable alternative requires siting in a floodplain and until 30 days after the issuance of the final statement which shall constitute a notice of finding as required by the WRC guidelines.

5. An action taken in a floodplain must incorporate design features consistent with the standards in the Flood Insurance Program of the Federal Insurance Administration to minimize substantial harm to the floodplain.

30–50–30 Endangered Species Act

The Endangered Species Act establishes a policy to conserve endangered and threatened species, both within the U.S. and elsewhere.

A. *Purpose.* Section 7 of the Endangered Species Act requires each Department to take "such action necessary to insure that their actions * * * do not jeopardize the continued existence of endangered or threatened species * * *" as listed in the **Federal Register** from time to time by the Secretaries of Commerce and Interior. Federal Departments shall, in consultation with these Secretaries, carry out the purpose of the Act.

B. *Responsibilities and Consultation Requirements.*—1. a. If the proposed action is a construction project which requires the preparation of an environmental impact statement (EIS) (see Chapter 30–60) program personnel shall contact the Office of Endangered Species (OES), Department of Interior, and provide a brief description, including the location of the proposed project. The OES will provide program personnel with a list of endangered species and critical habitats for the specific geographic area to use a determining whether the action will have an effect upon the member of an endangered or threatened species or an identified critical habitat. If it will, program personnel will prepare a draft limited statement.

b. If the proposed action is not a construction project, or a construction project not requiring and EIS, program personnel shall determine if the proposed action will have an effect upon species or habitats listed in the **Federal Register** and, if so, prepare a draft limited statement. (See appropriate environmental officer for **Federal Register** listings.)

2. All draft statements are sent, together with a request for consultation, to the Regional Director of the Fish and Wildlife Service or National Marine Fisheries Service as appropriate. No further action shall take place pending completion of the consultation process.

3. If the Service does not respond within 90 days, the Department may reach its own conclusion with respect to whether the proposed action will jeopardize the continued existence of a species or result in the destruction or adverse modification of a critical habitat.

4. If the Service or the Department determines that the proposed action will jeopardize the continued existence of a species or result in the destruction or adverse modification of a critical habitat, program personnel may submit an exemption application to the Secretary of the Interior for consideration by the Endangered Species Committee (ESC). No action shall occur unless or until the ESC approves the exemption.

30–50–40 Fish and Wildlife Coordination Act

A. *Purpose.* The Fish and Wildlife Coordination Act provides for equal consideration of wildlife with other features of water resource development programs with a view toward conservation of wildlife resources.

B. *Responsibilities and Consultation Requirements.* 1. When the waters of any stream, or other body of water which exceeds 10 acres, will become impounded, diverted, deepened, or otherwise controlled or modified for any purpose, the Department shall consult first with the U.S. Fish and Wildlife Service, Department of the Interior, and the State agency head responsible for administering wildlife resources.

2. Program personnel shall prepare a draft limited statement, describing the effects of an action which will result in effects described in 1 above and submit it to the Secretary of the Interior.

3. No further action shall take place pending receipt of a report from the Secretary of the Interior.

4. POCs shall consider the report of the Secretary of the Interior, together with its recommendations in developing the project plan. The plan shall include such justifiable means and measures as are necessary to obtain maximum overall project benefits.

5. All reports and recommendations of the Secretary of the Interior and State wildlife agencies constitute an integral part of any environmental report prepared pursuant to the action.

30–50–50 Wild and Scenic Rivers Act

A. *Purpose.* The purpose of the Act is to preserve selected free-flowing rivers, along with their immediate environments, for the benefit of immediate and future generations. These include river components and potential components of the National Wild and Scenic River System and study areas designated by the Secretaries of Agriculture and Interior. (Environmental officers keep a list of these rivers and related study areas.) Designation used to describe these components, or parts thereof, include the following: (1) wild, (2) scenic, and (3) recreational.

B. *Responsibilities and Consultation Requirements.* 1. When a proposed action will have an effect upon an environment within or including a portion of a component, potential component or study area, program personnel shall send a draft limited statement to the Secretary of Agriculture or Interior for review.

2. If the appropriate Secretary does not respond within 30 calendar days or states that the proposed action will not directly or adversely affect the area, the Department is in compliance with the review requirements of the Act.

3. If the appropriate Secretary determines that the proposed action will directly and adversely affect the area, no further action shall take place whenever the proposed action involves the construction of a water resources project.

4. The above requirements do not apply to types of actions excluded from the review process by appropriate Department of Interior or Agriculture regulations.

30–50–60 Protection of Wetlands

A. *Purpose.* Executive Order 11990 of May 24, 1977, directs each Department to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance such wetlands in carrying out their program responsibilities. Consideration must include a variety of factors, such as water supply, erosion and flood prevention, maintenance of natural systems and potential scientific benefits. Wetlands generally include swamps, marshes, bogs and similar areas inundated by water to a degree which permits the support of aquatic life.

B. *Responsibilities and Circulation Requirements.* 1. If a proposed action will have an environmental effect upon a wetland, the draft limited statement shall contain a section which compares the purpose of the proposed action with the purposes of this Executive Order.

2. No further action shall take place until the POC makes a decision that the proposed action includes all reasonable measures to minimize harm to the wetlands as a result of the proposed action.

3. Draft limited statements and draft full statements for actions involving changes in title to wetlands or leases, easements or permits, shall contain, as mitigation measures, proposed restrictions and reservations developed pursuant to the purpose of the Executive Order.

4. Draft full statements are required for proposed acions involving new construction in or on wetlands. No further action shall take place until the Secretary of HEW determines that there is no practicable alternative to such construction and that the proposed action includes all practicable measures to minimize harm to the wetlands.

5. These requirements do not apply to the issuance to individuals of permits and licenses and the allocation of funds made to individuals.

30–50–70 Safe Drinking Water Act (Sole Source Aquifers)

A. *Purpose.* Section 1424(e), the Safe Drinking Water Act, provides for the protection of those aquifers which have been designated by the Administrator of the Environmental Protection Agency as the sole or principal source of drinking water for a community.

B. *Responsibilities and Consultation Requirements.* 1. A review shall determine if a proposed action will directly or indirectly affect a designated aquifer.

2. If the action will affect an aquifer, program personnel shall send a draft limited statement to the Regional Administrator, Environmental Protection Agency, who shall review the action in order to determine if it will create a public health hazard.

3. The action shall not proceed any further unless and until the Administrator of the Environmental Protection Agency determines that the proposed action will not contaminate the designated aquifer so as to create a hazard to public health.

30–50–80 Marine Sanctuaries Act

A. *Purpose.* Title III of the Marine Protection, Research and Sanctuaries Act prohibits Federal Departments from taking actions which will affect a Marine Sanctuary unless the Secretary of Commerce certifies that the activity is consistent with the purposes of the Act. Listings of sanctuaries are designated by the Secretary of Commerce and maps of sanctuaries appear in the **Federal Register.**

B. *Responsibilities and Consultation Requirements.* 1. If the proposed action will create an environmental effect on a marine sanctuary, program personnel shall prepare a draft limited statement and forward it to the Secretary of Commerce.

2. No further action shall take place unless and until the Secretary certifies that the action is consistent with the purposes of the Act.

30–60–00 NEPA Review
30–60–10 NEPA Environmental Review
30–60–20 Determining Appropriate NEPA Documentation
30–60–30 NEPA Limited Statements
30–60–40 Preparing NEPA Full Statements
30–60–50 Contents of NEPA Full Statements
30–60–60 Public Involvement and Circulation of NEPA Environmental Statements

30–60–00 NEPA Review

The National Environmental Policy Act of 1969 (Pub. L. 91–190), as amended, establishes policy and requirements governing all Federal Departments and agencies with respect to protecting the environment. This chapter discusses specific requirements established by NEPA and by the associated implementing regulations promulgated by the Council on Environmental Quality (CEQ).

NEPA requires all Federal Departments and agencies to take into account all potential environmental consequences of their activities prior to initiation of these activities. Specifically, Section 102(2)(c) of NEPA requires all agencies of the Federal government to include an environmental statement "in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment." The purpose of this and other requirements is to ensure that environmental information is available to public officials and citizens before Federal agencies make decisions to take actions which could significantly affect the environment.

30–60–10 NEPA Environmental Review

Chapter 30–30 above describes the general procedures which apply to all the environmental acts. This Section supplements those general provisions with respect to specific requirements for NEPA environmental reviews.

A. *Categorical Exclusions.* POCs must conduct an environmental review for all proposed actions which are not categorically excluded. (See Section 30–20–40 for the categories under which a proposed action may be exempted from further environmental review.) Actions excluded under Categories #1 (General

Exclusions and #2 (Functional Exclusions) are thereby excluded from all environmental review requirements including those under NEPA. In order to categorically exclude an action from NEPA requirements under Category #3 (Program Exclusions), POCs must determine that the action does not meet the specific NEPA criteria discussed in this Chapter.

B. *Scope.* POCs shall conduct a NEPA environmental review with respect to all actions not categorically excluded from NEPA requirements. They shall conduct environmental reviews sufficiently early in the planning stages of a particular action or group of actions so as to allow adequate time for preparation and consideration of an environmental statement, if required, in decisionmaking. In determining whether or not an action will have a significant effect on a cultural or natural asset, POCs shall make such determinations in accordance with the provisions of the related acts. An unresolved conflict pertaining to alternative uses of available resources exists when a proposed action would significantly affect an environment through the non-availability of a natural resource.

C. *Findings.* A NEPA environmental review shall result in one of the following four findings with respect to any action:

1. a NEPA full statement is required because the action will significantly affect the quality of the human environment. (*Next Step:* Prepare a draft full statement);

2. same as (1) except that the anticipated environmental effects have been already addressed in a previously prepared environmental statement. (*Next Step:* Provide the previous statement to POC decision-makers);

3. a NEPA full statement is *not* required because the action will not significantly affect the quality of the human environment. (*Next Step:* Prepare a limited statement (i.e., a finding of no significant impact); and

4. same as (3) except that a POC also must take additional action in order to comply with one or more of the related acts, e.g., the Coastal Zone Management Act).

30-60-20 Determining Appropriate NEPA Documentation

A. *General.* As part of conducting NEPA environmental review, POCs will determine whether they must prepare a full statement or a limited statement. POCs shall prepare a full statement or a limited statement depending upon whether the proposed action will or will not, "significantly affect the quality of the human environment." The purpose of a full statement is to describe not whether, but rather how the proposed action and alternative actions will cause a significant effect in comparison with no action. The purpose of the limited statement is to state why the proposed action will not cause a significant effect.

Determining whether a proposed action will or will not "significantly affect the quality of the human environment" is one of the most critical, and yet most difficult, decisions in the NEPA process. Generally, POCs should consult with the Departmental Environmental Officer for guidance with respect to related court judgements and other guidance provided by the Council on Environmental Quality. The material here summarizes some of the issues which POCs should consider.

B. *Criteria.* In determining whether a proposed action will or will not "significantly affect the quality of the human environment," POCs should evaluate the expected environmental consequences of a proposed action by means of the following steps:

Step One—Identify those things that will happen as a result of the proposed action

An action normally produces a number of consequences. For example, a grant to construct a hospital * * *

—may terminate human services;
—will involve destruction and construction;
—will provide a service.

Step Two—Identify the "human environments" that the proposed action will affect

A "human environment" is defined to include:

"natural and man-made terrestrial, aquatic, subterranean and aerial environments * * *.

Example: a river, a city or land excavated for mining

"larger than a certain minimum size * * *

	With clearly defined boundaries	Without clearly defined boundaries
Terrestrial space	1 acre	160 acres.
Subterranean space	1,000 cubic yards	500,000 cubic yards.
Aquatic space	5,000 cubic yards	50,000 cubic yards.
Aerial space	1 cubic mile	10 cubic miles.
Human settlements (density exceeding one person per acre)	160 acres	160 acres.

A proposed action may affect both smaller and larger "human environments" (e.g., part of a city, the whole city, the metropolitan area, the State, the region). In determining the environmental consequences of a proposed action under NEPA, POCs should identify barriers (e.g., a river or a highway) which tend to limit the extent of any environmental effect.

Step Three—Identify the kinds of changes that the proposed action will cause on these "human environments."

A change occurs when a proposed action causes the "human environment" to be different in the future than it would have been absent the proposed action. These changes involve the introduction of various "resources" (including those often characterized as waste).

Example: an increase in a human or wild animal population; a decrease in the amount of soil entering a stream; the introduction of a new chemical compound to natural environments.

In addition to organisms, substances, and compounds, the term "resources" include energy (in various forms), elements, structures, and systems (such as a trash collection service in a city). Time periods in both the near term and long term must be considered.

Example: a change in regulations permits the use of a new compound in small quantities. In the near term the compound does not affect any organisms. However, the compound eventually becomes concentrated in specialized localities and does affect organisms.

Example: a hospital is renovated, requiring a detour in traffic through residential neighborhoods and an increase in the number of patients in other hospitals. However, following completion of the work, the traffic flow and patient loads resemble those that would have occurred without the renovation.

In identifying changes caused by the proposed action, POCs should identify the magnitude of the changes likely to be caused within smaller and larger "human environments" affected (e.g., part of a city, the whole city, the metropolitan area, etc.).

Example: the closure of a hospital in a neighborhood may not only affect that neighborhood but the delivery of health services to the city as a whole.

Step Four—Identify whether these changes are significant

Determining whether or not a proposed action will cause *significant* change in the human environment involves a subjective judgement. The following points should be considered in making a decision concerning significance:

- A change in the characterization of an environment is significant (e.g., from terrestrial to aquatic);
- The establishment of a species in or removal of a species from an environment is significant;

• The more dependent an environment becomes on external resources, the larger the magnitude of change (and the more likely to be significant);

• The larger the environment under consideration, the lower the amount of change needed before the change should be judged significant;

• Changes which do not last beyond one year should not be judged significant;

• Changes which are remotely possible and involve a relatively small environment should not be judged significant; and

• Changes in environments which are primarily controlled by humans (e.g., interiors of buildings) should not be judged significant.

Note.—The determination of "significance," as described above, takes into account the CEQ definition of "significant" at 40 CFR 1508.27, except for the following terms (decisions concerning these items shall follow requirements issued by CEQ pursuant to 40 CFR 1506.7):

1. "affected interests" as used in 40 CFR 1508.27(a);

2. "public health or safety" as used in 40 CFR 1508.27(b)(2);

3. "highly controversial" as used in 40 CFR 1508.27(b)4;

4. actions affecting cultural assets as described in 40 CFR 1508.27(b)(8) except as such changes may significantly affect the environment of the cultural resource; and

5. applicable Federal, State or local laws or requirements in 40 CFR 1508.27(b)(10), except as listed in Subsection 30–10–20.

30–60–30 NEPA Limited Statements

For the purposes of NEPA, a limited statement is used to document a POC judgment that a proposed action not categorically excluded from NEPA requirements (see 30–60–10A above) will not significantly affect the quality of the human environment. A limited statement should meet the criteria described in Chapter 30–30–30B2 and, in addition,

A. include a list of agencies and persons consulted during its preparation; and

B. discuss why the proposed action will not significantly affect the human environment.

In CEQ regulations, a NEPA limited statement is termed a "finding of no significant impact."

30–60–40 Preparing NEPA Full Statements

A. *General.* A POC responsible for carrying out a specific action is responsible for preparation of a NEPA full statement, if one is required.

B. *Involvement of Other Federal Agencies.* In cases in which HEW participates with other Federal agencies in a proposed action, one agency will be the lead agency and will supervise preparation of a NEPA full statement if one is required. A Memorandum of Understanding among all involved agencies may be useful is summarizing the relative responsibilities of all involved agencies. Lead agency responsibility will normally devolve to that agency with the largest relative involvement, expertise in the area and formal approval authority, although the agency which must act first may also prepare the document.

C. *Involvement of States.* In cases in which a POC participates with State and local governments in a proposed action, the POC is responsible for preparing a NEPA full statement except that a State agency may prepare the statement if it has State-wide jurisdiction, and HEW participates in its preparation including soliciting the views of other State or Federal agencies affected by the statement.

D. *Notice of Intent.* Upon deciding to prepare a NEPA full statement, a POC shall publish a *Notice of Intent* in the **Federal Register** indicating its intention to prepare the statement and inviting all affected parties to participate.

E. *Draft and Final Statements.* Except for proposals for legislation, POCs shall prepare full statements in two stages: draft and final.

NEPA full statements relating to proposals for legislation shall be submitted to Congress at the time the legislation is proposed to Congress or up to 30 days afterwards. Except under certain circumstances described in CEQ regulations (see 40 CFR 1506.8), draft full statements shall accompany legislative proposals.

F. *Supplements.* POCs shall prepare supplements to either draft or final full statements if there is substantial change in the proposed action or if significant new information becomes available or new circumstances occur. Preparation and circulation of supplements is the same as that for draft and final statements.

30–60–50 Contents of NEPA Full Statements

A NEPA full statement consists of three sections: a forward, main text and appendices. If a proposed action will also affect a cultural or natural asset (as defined in the related acts), the NEPA full statement shall incorporate the material required by the applicable related acts.

A. *Forward.* The forward summarizes the main text, lists the names of those who assisted in preparing the statement and lists the government and private agencies or organizations requested to comment on the draft statement.

B. *Main Text.* The main text describes the proposed action, its underlying purpose, and alternatives considered to the proposed action. (See the discussion of alternatives at Chapter 30–30.) It contains an analysis of the environmental, economic and social consequences of the proposed action and the alternative actions and a discussion of alternative safeguards which could mitigate these environmental consequences. If the proposed action involves using a scarce resource (e.g., prime agricultural land), the text will address alternative uses of that resource, including uses which may not contribute to the underlying purpose of the proposed action.

The text of a draft and final full statement are the same (with appropriate revisions and additions) except that a final statement:

1. May identify a recommended alternative action with a rationale for its recommendation;

2. Shall identify alternatives which are environmentally preferrable with a rationale; and

3. Shall respond to comments made by reviewers of the draft statement; all comments by Federal and other public agencies must appear in their entirety in the appendix; POCs may summarize other comments and group like comments together.

C. *Appendices.* Appendices contain supporting documentation, if needed, and any scientific information that is too technical or detailed for complete presentation in the main text of the statement. In addition, the appendix contains a list of persons who prepared the document.

30–60–60 Public Involvement and Circulation of NEPA Environmental Statements

A. *Public Notice.* POCs must give public notice in the following instances:

1. Prior to preparing a draft full statement in order to solicit public participation; and

2. Prior to any public hearings.

EPA will publish in the **Federal Register** notice of the availability of HEW draft and final NEPA full statements.

Notice shall be made through direct mail, the **Federal Register**, local media or other means appropriate to the scope, issues and extent of public concern. Public notices shall include the name and location of a contact official through whom additional material may be obtained.

B. *Public Hearings.* HEW components shall hold public hearings as part of the

NEPA environmental review process when hearings will assist substantially in forming environmental judgments and when hearings correspond with customary practice of the component.

C. *Draft Full Statements.* Copies of draft full statements shall be provided to:

Environmental Protection Agency;
Council on Environmental Quality;
Other Federal agencies having related expertise or authority;
Appropriate local and national organizations;
Indian tribes as appropriate; and
Others requesting a copy of the draft full statement.

There shall be a 45-day minimum comment period for draft full statements after EPA publishes a notice of availability in the **Federal Register.**

If a draft full statement is substantially revised, it must be recirculated as a draft statement. If revisions to a draft statement are minor, only the comments, responses and revisions need be recirculated.

D. *Final Full Statements.* Copies of final full statements shall be provided to all agencies, persons or organizations who submitted comments regarding the draft statement.

E. *Record of Decision.* When a POC reaches a decision on a proposed action after preparing a NEPA full statement, the POC shall prepare a public record of decision which includes:

- The decision;
- Alternatives considered;
- A discussion of factors which were involved in the decision; and
- A discussion of steps to be taken to minimize potential environmental harm.

30-70-00 Reviewing External EIS's
30-70-10 Jurisdiction by law
30-70-20 Jurisdiction by Special Expertise
30-70-30 Types of Comments

30-70-00 Reviewing External EISs

HEW has a responsibility under Section 102(2)C of the National Environmental Policy Act (NEPA) to review and comment on draft Environmental Impact Statements (EISs) developed by other Federal Departments. In accordance with CEQ regulations at 40 CFR 1503.2, HEW must comment on each EIS on issues for which it has "jurisdiction by law or special expertise."

30-70-10 Jurisdiction By Law

Jurisdiction by law reflects the Department's statutory responsibilities. An operating component reviewing a draft EIS should review each alternative action discussed in an EIS in terms of:

A. Potential effects on the delivery or quality of health, social or welfare services.

B. Potential effects associated with the manufacture, transportation, use and disposal of chemicals or other hazardous materials.

C. Potential effects associated with the mining, milling, production, use, transportation, and disposal of radioactive materials.

D. Potential changes in plant or animal populations. This includes examination of the potential effects the proposed action may have on human health. Changes in natural predator populations may upset the ecological balance to the extent that an increased incidence of morbidity or mortality will occur unless offsetting safeguards are instituted.

E. Potential changes in the physical environment that could affect human health or welfare (e.g., air pollution, change in land use). This shall also include an examination of the availability and quality of water, sewage and solid waste disposal facilities.

30-70-20 Jurisdiction by Special Expertise

Individuals reviewing EISs may comment, in addition, in areas beyond their immediate job responsibilities when they have special expertise which may be appropriate. For example, a veterinarian employed in a disease prevention program can comment on an EIS discussion about the effects of a forestry project on animal populations.

30-70-40 Types of Comments

A. A reviewer's comment on an external EIS can address one or more of the following:

1. That data are missing or inaccurate;
2. That the organization of the EIS precludes a valid review;
3. That the projections or descriptions of effects are not complete or are inaccurate;
4. That the reviewer does not concur with the projections (for stated reasons);
5. That certain safeguards will lessen the extent of an effect and/or the magnitude of an impact;
6. State a preference for an action alternative (or no action); and
7. Object to an agency's preferred alternative (if one is identified in the draft EIS) and recommend adoption of new or existing alternatives. Such objections should be lodged on the basis of the direct or indirect effects of effects on HEW programs and/or mission. (See B below concerning referral of such objections to CEQ.)

B. If a reviewing component objects to all or part of an agency's proposed action and, after consultation with the agency, is unable to resolve its differences, it shall determine if the proposed action meets the criteria for referral in Section 1502.4 of the CEQ regulations. If the criteria are met, the component shall request the POC head to refer its objection to CEQ within 25 days of the date that the final EIS is made available to EPA in accordance with § 1504.3.

[FR Doc. 80-6920 Filed 3-5-80; 8:45 am]
BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-49338 and W-58095]

Wyoming; Coal Lease Offerings by Sealed Bid

Correction

In FR Doc. 80-5356 appearing on page 11537 in the issue of Thursday, February 21, 1980, make the following correction:

In the third column of the page, in the eleventh line from the top, "SE¼NE¼" should have read "SE¼, NW¼".

BILLING CODE 1505-01-M

Arizona, Safford District Grazing Advisory Board; Meeting

Correction

In FR Doc. 80-4560, appearing on page 9800 in the issue for Wednesday, February 13, 1980, in the last paragraph of the document, in the last two lines, "on or before March 14, 1980," should be corrected to read: "within thirty (30) days following the meeting."

BILLING CODE 1505-01-M

Area Managers, Albuquerque District; Redelegation of Authority

1. Pursuant to the authority contained in Part III section 3.1 of Bureau Order No. 701 of July 23, 1964, as amended, I hereby redelegate to Area Managers, Albuquerque District, within their areas of responsibility, authority to take all actions on the matters listed in Part III section 3.2(b), 3.3(b), 3.3(d), 3.6(m), 3.6(n), section 3.7(a) (1), (2), and (3), 3.7(b), 3.7(c), 3.7(d), 3.7(e), 3.7(f), 3.8(a), section 3.9(g) material other than forest products not exceeding $5,000 in value and issue free use permits for materials other than forest products not exceeding $5,000 in value, section 3.9(m), 3.9(o), and 3.9(z).

2. All previously published orders of redelegation pursuant to the authority of Bureau Order 701, as amended which pertain to the Area Managers, Albuquerque District, and which are

inconsistent with this order are hereby cancelled and superseded.

3. Effective date. This redelegation will become effective March 1, 1980.

February 13, 1980.

L. Paul Applegate,

District Manager.

Approved: February 26, 1980.

Billy M. Brady,

Acting State Director.

[FR Doc. 80-6984 Filed 3-5-80; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Termination of Proposed Withdrawal and Reservation of Land

February 26, 1980.

Notice of the Forest Service, U.S. Department of Agriculture, application N-16377 for withdrawal and reservation of land from settlement, sale, location or entry under the public land laws, including the mining and mineral leasing laws and disposal of materials under the Act of July 31, 1947, for the establishment of an administrative site in connection with the Humboldt National Forest was published as FR Doc. 77-7006 on page 13164 of the issue of March 9, 1977.

The applicant agency has cancelled its application which affected the following described land:

Mount Diablo Meridian, Nevada

T. 34 N., R. 55 E.
Sec. 2, S½SE¼NE¼

Containing 20 acres in Elko County.

Therefore, pursuant to the regulations contained in 43 CFR Part 2550, such land at 10:00 a.m. March 28, 1980, will be relieved of the segregative effect of the above mentioned application.

The above described land is reserved for oil shale classification under Executive Order 5327 of April 15, 1930 and continues to be withdrawn from settlement, sale, location or entry under the public land laws, but not from leasing under the mineral leasing laws nor disposals under the Mineral Materials Sale Act of July 31, 1947.

Dated: February 26, 1980.

William J. Malenick,

Chief, Division of Technical Services.

[FR Doc. 80-6983 Filed 3-5-80; 8:45 am]

BILLING CODE 4310-84-M

Oregon; Closure of Lands and Roads During Herbicide Application Operations

Notice is hereby given that public access to certain public lands and roads in the Medford District will be temporarily prohibited during herbicide application operations in accordance with the provisions of 43 CFR 6010.4. These closures do not apply to emergency, law enforcement, and federal or other government personnel while performing emergency or official acts, or to persons authorized to be present by permit or contract.

The following described lands and the roads thereon shall be closed.

Spring Herbicide Program

Willamette Meridian

T. 31 S., R. 3 W.
Sec. 31 NW¼SE¼ and
T. 31 S., R. 9 W.
Sec. 23 S½
Sec. 25 W½ and
T. 32 S., R 4 W.
Sec. 17, SE¼SE¼ and
T. 32 S, R. 9 W.
Sec. 4, N½NW¼, S½S½
Sec. 9, N½
Sec. 19 E½E½
Sec. 21, W½
Sec. 22, SW¼SW¼
Sec. 25, S½
Sec. 27, NW¼NW¼
Sec. 33, S½SW¼
Sec. 36, NW¼NW¼ and
T. 32 S., R. 10 W.
Sec. 23, E½
Sec. 24, All
Sec. 25, SW¼
Sec. 26, NW¼, S½S½
Sec. 35, N½N½, NE¼SW¼ and
T. 33 S., R. 3 W.
Sec. 5, All west of Evans Creek Rd. and
T. 33 S., R. 4W.
Sec. 15, E½ and
T. 33 S., R. 5 W.
Sec. 23, SE¼ and
T. 33 S., R. 9 W.
Sec. 19, E½
Sec. 31, W½, S½SE¼
Sec. 27, SW¼SW¼
Sec. 28, N½N½, SE¼SE¼
Sec. 29, SW¼
Sec. 31, SE¼NW¼, NE¼SW¼ and
T. 34 S., R 5 W.
Sec. 19, NE¼
Sec. 27, N½
Sec. 28, NW¼NE¼ and
T. 34 S., R. 7 W.
Sec. 13, N½ and
T. 34 S., R. 9 W.
Sec. 6, SW¼
Sec. 7, SW¼
Sec. 8, SE¼
Sec. 16, W½NW¼, S½SW¼,
Sec. 17, SE¼NE¼, SE¼SE¼
Sec. 18, NW¼
Sec. 21, NW¼NW¼ and
T. 35 S., R. 5 W.
Sec. 11, N½ and
T. 35., R. 9 W.
Sec. 1, W½ and
T. 38 S., r. 2 W.
Sec. 21, NE¼SW¼
Sec. 29, NE¼NE¼ and
T. 38 S., r. 6 W.
Sec. 11, SE¼SE¼
Sec. 14, NE¼NE¼
Sec. 19, S½
Sec. 30, W½ and
T. 38 S., R. 7 W.
Sec. 1, W½NW¼
Sec. 25, E½NE¼
Sec. 25, S½S½ and
T. 39 S., R. 2 W.
Sec. 1, SW¼SW¼
Sec. 2, SE¼SE¼
Sec. 3, SW¼
Sec. 11, NW¼NW¼
Sec. 12, NW¼NW¼
Sec. 30, W½ and
T. 39 S., R. 3 W.
Sec. 17, NW¼
Sec. 18, E½NE¼
Sec. 25, SE¼ and
T. 39 S., R. 6 W.
Sec. 5, NW¼
Sec. 6, SW¼NW¼
Sec. 8, N½NW¼
Sec. 11, NW¼ and
T. 38 S., R. 3 E.
Sec. 23, SW¼ and
T. 38 S., R. 4 E.
Sec. 17, NW¼ and
T. 39 S., R. 2 E.
Sec. 1, SW¼

Fall Herbicide Program

Willamette Meridian

T. 31 S., R. 8 W.
Sec. 29, SW¼
T. 32 S., R. 1 W.
Sec. 23, All
Sec. 24, W½SW¼, E½SE¼
Sec. 25, SW¼
Sec. 35, All and
T. 32 S., R. 4 W.
Sec. 5, N½N½
Sec. 31, NE¼ and
T. 32 S., R. 5 W.
Sec. 33, E½NE¼ and
T. 32 S., R. 9 W.
Sec. 22, E½SE¼
Sec. 27, NW¼
Sec. 28, E½
Sec. 31, E½ and
T. 32 S., R. 10 W.
Sec. 12, S½ and
T. 33 S., R. 1 W.
Sec. 9, SW¼NE¼, SE¼NW¼, N½SW¼
Sec. 10, W½
Sec. 12, W½ and
T. 33 S., R. 3 W.
Sec. 33, NW¼SW¼, N½SW¼SW¼ and
T. 33 S., R. 5 W.
Sec. 4, S½
Sec. 31, N½SE¼
Sec. 32, NW¼SW¼ and
T. 33 S., R. 9 W.
Sec. 31, S½NE¼, SE¼NW¼, NE¼SE¼ and
T. 33 S., R. 10 W.
Sec. 14, SE¼SW¼
Sec. 23, N½NW¼
Sec. 36, N½ and
T. 34 S., R. 3 W.
Sec. 15, NE¼NE¼
Sec. 21, S½ and
T. 34 S., R. 7 W.
Sec. 1, W½
Sec. 2, SW¼SW¼
Sec. 11, N½, NW¼SW¼ and
T. 34. S., R. 9 W.
Sec. 6, SW¼
Sec. 7, SW¼
Sec. 16, S½SW¼
Sec. 17, SW¼SW¼
Sec. 21, NW¼NW¼ and
T. 35 S., R. 5 W.
Sec. 35, All and
T. 35 S., R. 7 W.
Sec. 3, NW¼NW¼ and
T. 35 S., R. 9 W.

Sec. 1, W½ and
T. 38 S., R. 4 W.
Sec. 31, SW¼NW¼ and
T. 38 S., R. 5 W.
Sec. 7, SE¼SE¼a
Sec. 3, SW¼SW¼
Sec. 17, NW¼NW¼, W½SW¼, SE¼SE¼
Sec. 18, NW¼NW¼, S½ and
T. 38 S., R. 8 W.
Sec. 13, SW¼NE¼, NE¼SW¼, NW¼SE¼ and
T. 39 S., R. 6 W.
Sec. 6, SE¼NW¼ and
T. 33 S., R. 1 E.
Sec. 3, E½NE¼
Sec. 7, SW¼SW¼ and
T. 33 S., R. 2 E.
Sec. 13, S½SW¼ and
T. 34 S., r. 3 E.
Sec. 27, All and
T. 38 S., R. 3 E.
Sec. 11, S½NW¼, SW¼
Sec. 29, N½
Sec. 32, W½ and
T. 38 S., R. 4 E.
Sec. 17, SW¼ and
T. 39 S., R. 3 E.
Sec. 9, W½

A total of approximately 21,400 acres of public lands will be involved in this closure. This closure will be effective during the performance of herbicide application operations. During such times a closure notice shall be posted at normal access points and at appropriate road junctions. The lands affected shall be listed on the closure notice and designated on an attached map. Copies of these detailed closure notices will also be available at the following locations:

Oregon State Office, 729 N.W. Oregon Street, Portland, Oregon 97208.
Medford District Office, 3040 Bittle Road, Medford, Oregon 97501.

The purpose of these closures is to insure the effectiveness of the herbicide application program design features as developed in the Environmental Statement entitled *Vegetation Management with Herbicides: Western Oregon 1978–1987,* to protect the health and safety of the public and to prevent interference with the silvicultural treatment of these lands. Persons violating this closure order are subject to arrest and criminal prosecution under Oregon Revised Statute 164.245 (criminal trespass in the second degree; 30 days and/or $250) or 43 CFR 6010.6 and 43 U.S.C. 1733 (1 year and/or $1000.)

This closure notice expires on December 31, 1980.

Wayne A. Boden,

Acting District Manager.

[FR Doc. 80-6985 Filed 3-5-80; 8:45 am]

BILLING CODE 4310-84-M

[Serial Number W-66700]

Wyoming; Decision on Protests to State Director's, December 14, 1979, Decision on Wilderness Inventory, Overthrust Belt Units

On December 14, 1979, a decision was published in the **Federal Register** on the wilderness intensive inventory for seven inventory units located on the Overthrust Belt in western Wyoming and six other units located in the Rawlins District. In that notice it was stated that any person(s) who disagree with this decision and possess information which may influence this decision may file a protest with the Bureau of Land Management's Wyoming State Director by 4:30 p.m., January 17, 1980.

During the protest period, the Wyoming State Director received seven protests to decisions announced in the Overthrust Belt notice. Each protestant is receiving a decision responding in detail to the points of his/her protest by certified mail. This notice summarizes the results of these decisions. The protests were directed to the decision on the following four inventory units:

WY–040–221—Raymond Mountain

Three protests of the decision to establish the Raymond Mountain Wilderness Inventory Unit as a Wilderness Study Area (WSA) were received. Information provided by one of the protestants establishes a route in the southeastern part of the unit as a road. This road now becomes the boundary in that part of the unit and this change drops 300 acres of this unit from the wilderness inventory and from the constraints of interim management. The revised acreage for the Raymond Mountain WSA is 32,936 acres. The other protests regarding the Raymond Mountain Unit questioned the quality of naturalness and opportunities for outstanding solitude or primitive recreation.

The information provided by the protestants was carefully reviewed and found to be subjective judgments or resource data which cannot be used in determining if a unit possesses wilderness characteristics. Therefore, except for the minor boundary change, the decision to establish the Raymond Mountain Unit as a Wilderness Study Area is unchanged.

WY–040–110—Lake Mountain

Four protests of the decision to establish the Lake Mountain Unit as a Wilderness Study Area were received. Again, the evidence submitted was subjective in nature or presented information on other resource values which is not a proper consideration in determining if a unit possesses wilderness characteristics. After careful review of these protests, it is determined that no new evidence has been submitted which would change the original decision. Therefore, the decision to establish the Lake Mountain unit as a Wilderness Study Area remains unchanged.

WY–040–222—IGO Speedway and WY–040–223—Coal Creek

One protest filed in behalf of several organizations, objected to the decision that these units do not possess wilderness characteristics, dropping them from the inventory and releasing them from the constraints of interim management. The objections raised by the protestants are based on their judgment and opinion that these two units do possess wilderness characteristics and should therefore be retained as Wilderness Study Areas.

After careful consideration of the arguments presented, it has been determined that evidence presented for dropping these units is more convincing than the evidence presented for retaining them. Therefore, the original decision to drop these two units remains unchanged.

Units WY–040–222 and WY–040–223 shall remain subject to the constraints of interim management as specified in Section 603(c) of the Federal Land Policy and Management Act until any appeal to the Interior Board of Land Appeals (IBLA) is resolved. In the event that no appeal is filed, these units will be released from the constraints of interim management as of 4:30 p.m., April 11, 1980, or 30 days from receipt of the individual protestant's decision, whichever is later.

Those parties who filed protests have been given the right of appeal to the IBLA within 30 days of receipt of the individual decisions. The December 14, 1979, decision provided that, "If the decision on the protest remains consistent with this decision only the protestant may appeal to the IBLA. If the decision on the protest reflects changes from this decision based upon information submitted by the protestant any adversely affected person(s) may appeal to the IBLA."

The above decisions are consistent in all respects with the December 14, 1979, decision except for the 300-acre parcel dropped from unit WY–040–221, Raymond Mountain.

Any person(s) who has information which he/she believes will show that the decision to drop the 300 acres from unit WY–040–221 is incorrect may appeal to the IBLA. In the event no

appeal is filed, the decision on this 300-acre parcel will become final as of 4:30 p.m., April 11, 1980.

The right of appeal to the IBLA, Office of the Secretary, is allowed in accordance with the regulations in 43 CFR Part 4, Subpart E. Any notice of appeal must be filed with the Wyoming State Director (930), Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001 (not with the Board) so that the case file(s) can be transmitted to the Board. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations found in 43 CFR 4.411. The rules of practice require that a copy of the notice of appeal, any statement of reason, written arguments, or briefs must be served on the Associate Solicitor, Division of Energy and Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, within 15 days of filing any document in connection with an appeal.

Since this notice does not establish a specific date of service upon any person(s), the deadline for filing an appeal with the Wyoming State Director shall be 4:30 p.m., April 11, 1980, except that the seven protestants have 30 days from the date of service of their individual decisions in which to file an appeal.

Appeals to any and all other aspects of this decision may be taken only by the seven adversely affected protestants to the December 14, 1979, decision.

No protests were received concerning nine other units and one subunit listed in the December 14, 1979, decision. The decision on these nine units and one subunit became final at 4:30 p.m., January 17, 1980, as specifically provided in that decision.

Paul D. Leonard,

Acting State Director.

[FR Doc. 80-6986 Filed 3-5-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Texas; Application

Notice is hereby given that under Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (37 Stat. 576), that Northern Natural Gas Company and Florida Gas Transmission Company have each applied for a right-of-way permit to construct and operate 24-inch pipelines across part of the Aransas National Wildlife Refuge in Calhoun County, Texas.

These pipelines will transport natural gas 1.2 miles across Matagorda Island and will be located in an existing pipeline corridor.

The purpose of this notice is to inform the public that the United States Fish and Wildlife Service will be proceeding with consideration of whether these applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so within thirty (30) days by sending their comments with their name and address to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87130.

Gordon H. Hansen,

Acting Regional Director, Fish and Wildlife Service.

February 26, 1980.

[FR Doc. 80-6987 Filed 3-5-80; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

John D. Rockefeller, Junior, Memorial Parkway; Availability of the Draft General Management Plan

A Draft General Management Plan for John D. Rockefeller, Junior, Memorial Parkway has been prepared and is ready to be distributed for public review and comment.

The draft general management plan identifies proposed action relative to visitor use, interpretation, resource management, park wide general development, as well as development concepts for the National Park Service administrative and residential facilities and concessioner complex. Also identified are cost estimates for proposed capital improvements.

Copies of the document may be obtained by contacting either of the following: Superintendent, Grand Teton National Park, P.O. Drawer 170, Moose, Wyoming 83012; or Regional Director, Rocky Mountain Region, National Park Service, 655 Parfet, P.O. Box 25287, Denver, Colorado 80225.

Comments should be submitted to the Superintendent at the above address on or before April 7, 1980.

Glen T. Bean,

Regional Director, Rocky Mountain Region.

[FR Doc. 80-6957 Filed 3-5-80; 8:45 am]

BILLING CODE 4310-70-M

Santa Monica Mountains National Recreation Area; Intent

Notice is hereby given that the Naitonal Park Service will hold three public meetings regarding the Draft Land Acquisition Plan for Santa Monica Mountains National Recreation Area during March 1980, in Los Angeles and Ventura Counties, California.

The schedule for these meetings is as follows:

March 18—Pepperdine University, Elkins Hall, Malibu, beginning at 7:00 p.m.

March 19—Taft High School, Oral Arts Room, 5461 Winnetka Ave., Woodland Hills, beginning at 7:00 p.m.

March 20—Old Meadows Center, 1600 Marview Drive, Thousand Oaks, beginning at 7:00 p.m.

The purpose of the public meetings is to present and explain the Draft Land Acquisition Plan and boundary map which identify lands for acquisition and other land use categories within the National Recreation area. All property owners identified will be supplied a copy of the Draft Land Acquisition Plan on or about February 21, 1980. There will be a 30-day review period ending March 21, 1980.

Anyone wishing further information or wanting to submit comments about the Plan can call the Land Acquisition Office at 213–888–3550 or write to the Superintendent, Attn: Land Acquisition Office, Santa Monica Mountains National Recreation Area, 23018 Ventura Blvd., Woodland Hills, California 91364.

Dated: February 22, 1980.

Howard H. Chapman,

Regional Director, Western Region, National Park Service.

[FR Doc. 80-6956 Filed 3-5-80; 8:45 am]

BILLING CODE 4310-70-M

Swan Tavern Antiques; Intention To Negotiate a Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before April 7, 1980, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Swan Tavern Antiques (Frank P. Dickinson), authorizing him to continue to provide sales of antiques and quality handmade reproduction facilities and services for the public at Colonial National Historical Park, Virginia for a period of five (5) years from January 1, 1981, through December 31, 1985.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Office of the

Superintendent, Colonial National Historical Park, P.O. Box 210, Yorktown, Virginia 23690.

The foregoing concessioner has performed his obligations to the satisfaction of the Secretary under an existing permit which expires by limitation of time on December 31, 1980, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Swan Tavern Antiques, as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of Swan Tavern Antiques is substantially equal to others received. In the event a responsive proposal superior to that of Swan Tavern Antiques (as determined by the Secretary) is submitted, Swan Tavern Antiques, will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Swan Tavern Antiques. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be post marked or hand delivered on or before April 7, 1980, to be considered and evaluated.

Interested parties should contact the Superintendent, Colonial National Historical Park, National Park Service, P.O. Box 210, Yorktown, Virginia 23690 for information as to the requirements of the proposed contract.

Dated: February 27, 1980.

Daniel J. Tobin, Jr.,

Director, National Park Service.

[FR Doc. 80-6958 Filed 3-5-80; 8:45 am]

BILLING CODE 4310-70-M

Obed Wild and Scenic River; Land Acquisition Plan: Public Forum

In accordance with guidelines issued by the Director of the National Park Service in the **Federal Register** (Vol. 44, No. 82) on April 26, 1979, the Superintendent of Obed Wild and Scenic River announces open houses and a public meeting for the purpose of providing a public forum to receive oral and written comment on a draft land acquisition plan for the park.

The draft plan will outline, in general terms, the overall goals and strategy for the park land acquisition program and identify specific land acquisition priorities within existing statutory limitations.

The open houses will be held as follows:

Monday, March 10, 1980, 9:00 a.m. to 3:00 p.m., Lancing School, Lancing Tennessee.
Wednesday, March 12, 1980, 9:00 a.m. to 3:00 p.m., Chestnut Ridge School, Morgan County, Tennessee.
Friday, March 14, 1980, 9:00 a.m. to 3:00 p.m., Conference Room, Federal Building, Wartburg, Tennessee.
Monday, March 17, 1980, 9:00 a.m. to 3:00 p.m., Sunbright School, Sunbright, Tennessee.

The public meeting will be held as follows:

Tuesday, March 18, 1980, 7:00 to 9:00 p.m., Morgan County Courthouse, Wartburg, Tennessee.

Persons desiring further information about the open houses and public meeting can write or call the Superintendent, Obed Wild and Scenic River, P.O. Drawer 630, Oneida, Tennessee 37841, (615) 569-6389. In addition, copies of the draft plan are available from the Superintendent.

Following the open houses and public meeting, the record will remain open for 30 days to receive additional written comment. A land acquistion plan will then be completed and transmitted to the Regional Director, Southeast Region for approval.

Dated: February 26, 1980.

Joe Brown,

Regional Director, Southeast Region, National Park Service.

[FR Doc. 80-7024 Filed 3-5-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[I.C.C. Order No. P-29]

Atchison, Topeka and Santa Fe Railroad Co.; Passenger Train Operation

Decided: February 19, 1980.

To: The Atchison, Topeka and Santa Fe Railway Company.

The National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Seattle, Washington, and Los Angeles, California, between Oakland, California, and Bakersfield, California, and between Chicago, Illinois, and Oakland, California. The operation of these trains requires the use of tracks and other facilities of Southern Pacific Transportation Company (SP). A portion of these SP tracks between Port Chicago, California, and Richmond, California, are temporarily out of service because of a washout. An alternate is available between these points via The Atchison, Topeka and Santa Fe Railway Company. It is the opinion of this Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission served March 6, 1978, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), The Atchison, Topeka and Santa Fe Railway Company is directed to permit the use of its tracks and facilities for the movement of trains of the National Railroad Passenger Corporation between Port Chicago, California, and Richmond, California.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 9:00 a.m., EST, February 19, 1980.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., EST, February 21, 1980, unless otherwise modified, changed, or suspended by order of this Commission.

This order shall be served upon The Atchison, Topeka and Santa Fe Railroad Company and upon the National Railway Passenger Corporation, and a copy of this order shall be filed with the Director, Office of the Federal Register.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-6965 Filed 3-5-80; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P-28]

Denver & Rio Grande Western Railroad Co.; Passenger Train Operation

Decided: February 17, 1980.

To: The Denver and Rio Grande Western Railroad Company.

The National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Odgen, Utah, and Los Angeles, California. The operation of these trains requires the use of tracks and other facilities of Union Pacific Railroad Company (UP). A portion of these UP tracks between Odgen, Utah, and Salt Lake City, Utah, are temporarily out of service because of a derailment. An alternate route is available between these points via The Denver and Rio Grande Western Railroad Company.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less that thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission served March 6, 1978, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), The Denver and Rio Grande Western Railroad Company is directed to permit the use of its tracks and facilities for the movement of trains of the National Railroad Passenger Corporation between a connection with the Union Pacific Railroad Company at Ogden, Utah, and a connection with the Union Pacific Railroad Company at Salt Lake City, Utah.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(d) *Effective date.* This order shall become effective at 7:00 p.m., EST, February 17, 1980.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., EST, February 18, 1980, unless otherwise modified, changed, or suspended by order of this Commission.

This order shall be served upon Denver and Rio Grande Western Railroad Company and upon the National Railroad Passenger Corporation, and a copy of this order shall be filed with the Director, Office of the Federal Register.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-6964 Filed 3-5-80; 8:45 am]

BILLING CODE 7035-01-M

[Rule 19; Ex Parte No. 241; 80th Rev. Exemption No. 241]

Aberdeen and Rockfish Railroad Co., et al.; Exemption Under Provison of Mandatory Car Service Rules

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, ICC RER 6410-D, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a) and 2(b).

Aberdeen and Rockfish Railroad Company, Reporting Marks: AR
The Ahnapee & Western Railway Company, Reporting Marks: AHW
Ann Arbor Railroad System, Michigan Interstate Railway Company, Operator, Reporting Marks: AA
Apalachicola Northern Railroad Company, Reporting Marks: AN
The Arcata and Mad River Railroad Company, Reporting Marks: AMR
*The Atchison, Topeka and Santa Fe Railway Company, Reporting Marks: ATSF
Atlanta & Saint Andrews Bay Railway Company, Reporting Marks: ASAB
Bath and Hammondsport Railroad Company, Reporting Marks: BH
*Berlin Mills Railway, Inc., Reporting Marks: BMS
Burlington Northern, Inc., Reporting Marks: BN-CBQ-GN-NP-SPS
Cadiz Railroad Company, Reporting Marks: CAD
Camino, Placerville & Lake Tahoe Railroad Company, Reporting Marks: CPLT
Central Vermont Railway, Inc., Reporting Marks: CV
*Chesapeake Western Railway, Reporting Marks: CHW
City of Prineville, Reporting Marks: COP
The Clarendon and Pittsford Railroad Company, Reporting Marks: CLP
Columbus and Greenville Railway Company, Reporting Marks: CAGY
Delaware and Hudson Railway Company, Reporting Marks: DH
Delta Valley & Southern Railway Company, Reporting Marks: DVS
Detroit, Toledo and Ironton Railroad Company, Reporting Marks: DT&I-DTI
Duluth, Missabe and Iron Range Railway Company, Reporting Marks: DMIR
East Camden & Highland Railroad Company, Reporting Marks: EACH
East St. Louis Junction Railroad Company, Reporting Marks: ESLJ
Galveston Wharves, Reporting Marks: GWF
Genessee and Wyoming Railway Company, Reporting Marks: GNWR
Green Bay and Western Railway Company, Reporting Marks: GBW
Green Mountain Railroad Corporation, Reporting Marks: GMRC
Greenville and Northern Railway Company, Reporting Marks: GRN
The Hutchinson and Northern Railway Company, Reporting Marks: HN
Helena Southwestern Railroad Company, Reporting Marks: HSW
Illinois Terminal Railroad Company, Reporting Marks: ITC
Indiana Eastern Railroad and Transportation, Inc. d.b.a. The Hoosier Connection, Reporting Marks: HOSC
Lake Erie, Franklin & Clarion Railroad Company, Reporting Marks: LEF
Lake Superior & Ishpeming Railroad Company, Reporting Marks: LSI
Lamoille Valley Railroad Company, Reporting Marks: LVRC
Lancaster and Chester Railway Company, Reporting Marks: LC
Lenawee County Railroad Company, Inc., Reporting Marks: LCRC
Longview, Portland & Northern Railway Company, Reporting Marks: LPN
Louisiana Midland Railway Company, Reporting Marks: LOAM
Louisville and Wadley Railway Company, Reporting Marks: LW
Louisville, New Albany & Corydon Railroad Company, Reporting Marks: LNAC
Manufacturers Railway Company, Reporting Marks: MRS
Maryland and Delaware Railroad Company, Reporting Marks: MDDE

*Additions.

McCloud River Railroad Company, Reporting Marks: MR
Middletown and New Jersey Railway Company, Inc., Reporting Marks: MNJ
Mississippian Railway, Reporting Marks: MISS
Missouri-Kansas-Texas Railroad Company, Reporting Marks: MKT–BKTY
New Hope and Ivyland Railroad Company, Reporting Marks: NHIR
*New Jersey, Indiana & Illinois Railroad Company, Reporting Marks: NJII
New Orleans Public Belt Railroad, Reporting Marks: NOPB
New York, Susquehanna and Western Railroad Company, Reporting Marks: NYSW
*Norfolk and Western Railway Company, Reporting Marks: ACY–N&W–NKP–WAB
*Norfolk, Franklin and Danville Railway Company, Reporting Marks: NFD
North Louisiana & Gulf Railroad Company, Reporting Marks: NL&G
Octararo Railway, Inc., Reporting Marks: OCTR
Pearl River Valley Railroad Company, Reporting Marks: PRV
Peninsula Terminal Company, Reporting Marks: PT
Pittsburgh, Allegheny & McKees Rocks Railroad Company, Reporting Marks: PA&M
Port Huron and Detroit Railroad Company, Reporting Marks: PHD
Port of Tillamook Bay Railroad, Reporting Marks: POTB
Prairie Trunk Railway, Reporting Marks: PARY
Raritan River Rail Road Company, Reporting Marks: RR
St. Lawrence Railroad, Reporting Marks: NSL
St. Louis Southwestern Railway Company, Reporting Marks: SSW
St. Marys Railroad Company, Reporting Marks: SM
Sandersville Railroad Company, Reporting Marks: SAN
Savannah State Docks Railroad Company, Reporting Marks: SSDK
Sierra Railroad Company, Reporting Marks: SERA
Southern Pacific Transportation Company, Reporting Marks: SP
Terminal Railway, Alabama Docks, Reporting Marks: TASD
The Texas Mexican Railway Company, Reporting Marks: TM
Toledo, Peoria & Western Railroad Company, Reporting Marks: TPW
Union Railroad of Oregon, Reporting Marks: UO
Upper Merion and Plymouth Railroad Company, Reporting Marks: UMP
Vermont Railway, Inc., Reporting Marks: VTR
The Virginia and Maryland Railroad Company, Reporting Marks: VAMD
Virginia Central Railway, Reporting Marks: VC
Warwick Railway Company, Reporting Marks: WRWK
Wabash Valley Railroad Company, Reporting Marks: WVRC
WCTU Railway Company, Reporting Marks: WCTR
Youngstown & Southern Railway Company, Reporting Marks: YS
Yreka Western Railroad Company, Reporting Marks: YW

Effective February 15, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 13, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-6966 Filed 3-5-80; 8:45 am]

BILLING CODE 7035-01-M

[Rule 19, Ex Parte No. 241 18TH Rev. Exemption No.128]

Atchison, Topeka and Santa Fe Railway Co., et al.; Exemption Under Provision of Mandatory Car Service Rules

To: The Atchison, Topeka and Santa Fe Railway Company, Boston and Maine Corporation, Chicago and North Western Transportation Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company * * *, Consolidated Rail Corporation, Illinois Central Gulf Railroad Company, Louisville and Nashville Railroad Company, Missouri-Illinois Railroad Company, Missouri-Pacific Railroad Company, Norfolk and Western Railway Company, Seaboard Coast Line Railroad Company.

It appearing, That the railroads have mutually agreed to the use of each other's empty plain cars having mechanical designations "XM," "XMI," "XMIH," "FM"-less than 200,000 lbs., "GA," "GB," "GD," "GH," and "GS," and bearing reporting marks assigned to such carriers.

It further appearing, That these railroads have mutually agreed to participate in an Expanded Clearinghouse Project in which each road will treat the cars of the other roads as system cars, with the Car Service Division of the AAR acting as agent.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, empty plain cars described in the Official Railway Equipment Register, ICC RER 6410–D, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations of "XM," "XMI," "XMIH," "FM"-less than 200,000 lbs., "GA," "GB," "GD," "GH," and "GS," and bearing the following reporting marks are exempt from provisions of Car Service Rules 1 and 2, while on the lines of any of the railroads named below. Any clearinghouse ownership car bearing one of the applicable mechanical designations may be loaded out via a non-clearinghouse railroad if the car is placed empty by a clearinghouse road at a point open to reciprocal switching.

The Atchison, Topeka and Santa Fe Railway Company, Reporting Marks: ATSF, Effective August 22, 1976.
Boston and Maine Corporation, Reporting Marks: BM, Effective February 4, 1979.
Chicago and North Western Transportation Company, Reporting Marks: CNW–CGW–CMO–FDDM–MSTL, Effective January 13, 1980.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW, Effective July 15, 1976.
* * *
Consolidated Rail Corporation, Reporting Marks: BCK–CNJ–CR–DL&W–EL–ERIE–LV–NH–NYC–PAE–PC–PCA–PRR–RDG–TOC, Effective November 6, 1977.
Illinois Central Gulf Railroad Company, Reporting Marks: ICG–GM&O–IC–WLO, Effective August 22, 1976.
Louisville and Nashville Railroad Company, Reporting Marks: L&N–CIL–MON–NC, Effective August 15, 1976.
Missouri-Illinois Railroad Company, Reporting Marks: MI, Effective July 15, 1976. Missouri-Pacific Railroad Company, Reporting Marks: MP–C&EI–KO&G–T&P, Effective July 15, 1976. Norfolk and Western Railway Company, Reporting Marks: NW–ACY–NKP–PW–V–VGN–WAB–CHW–NJII–NFD, Effective January 13, 1980. Seaboard Coast Line Railroad Company, Reporting Marks: SCL–ACL–C&WC–SAL, Effective August 15, 1976.
* * *Deleted: Chicago, Rock Island and Pacific Railroad Company.

It is further ordered, That this order will become effective for specific ownerships on dates to be set by the Car Service Division as each road is phased into the Project participants, and to advise the undersigned.

Effective 12:01 a.m., February 23, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C. February 20, 1980.

Interstate Commerce Commission.

Joel E. Burns

Agent.

[FR Doc. 80-6963 Filed 3-5-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1398; Authorization Order No. 25]

Kansas City Terminal Railway Co.—Directed To Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: February 29, 1980.

On September 26, 1979, the Commission directed Kansas City Terminal Railway Company (KCT) to provide service as a directed rail carrier (DRC) under 49 U.S.C. 11125 over the lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor

(William M. Gibbons, Trustee) ("RI"). *See* Directed Service Order No. 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.*, 360 I.C.C. 289 (1979), 44 FR 56343 (October 1, 1979). In DSO No. 1398 (Sub-No. 1), this authority was extended through March 2, 1980, subject to certain modifications. *See* DSO No. 1398 (Sub-No. 1), 360 I.C.C. 478 (decided November 30, 1979, and served December 3, 1979) and 44 FR 70733 (December 10, 1979).

RI owns numerous locomotives which are in need of repairs. DSO No. 1398 requires the DRC to obtain prior Commission approval for all rehabilitation of locomotives which exceeds $3,000 per unit. *See* DSO No. 1398, 360 I.C.C. at 304 (44 FR 56349, October 1, 1979, 2nd column).

The DRC advises in "Supplement and Amendment to DRC Report No. 19" and in "Supplement No. 2 to DRC Report No. 19" that 43 of the locomotives have already been repaired at a cost of $433,893. The actual cost to repair the 43 locomotives in shown in the table. The unauthorized repairs were made due to lack of communications, and there was no calculated plan to violate the Commission's orders.

The DRC should be compensated for such expenditures, subject however to the condition that the KCT offset the cost of such repairs against any rental payments it owes the RI Trustee for equipment when the cost of such repairs exceeds $3,000.

We find:

1. This will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1979).

It is ordered:

(1) The Commission ratifies the expenditure of $433,893 on repairs already made on 43 locomotives subject to the above described offset requirement.

All 43 locomotives are listed below:

Table Listing the 43 Locomotives

RI Locomotive No.	Cost of repairs
232	$9,028
269	58,802
292	9,012
1321	12,781
4436	8,562
331	8,562
4320	9,831
4701	16,778
299	13,532
364	14,691
270	4,423
4710	3,947
253	11,425
4464	10,521
226	11,347
343	16,333
265	3,714
303	11,029

Table Listing the 43 Locomotives—Continued

RI Locomotive No.	Cost of repairs
323	4,809
295	3,912
215	3,646
388	8,562
4302	6,146
4588	6,114
819	2,319
217	11,315
4540	4,618
259	10,080
998	9,056
4713	9,802
947	10,433
358	9,409
915	4,502
4486	9,309
1351	4,718
1267	8,601
4706	14,460
4591	14,090
838	6,146
4347	8,562
313	12,746
4330	7,658
4530	8,562
Total	433,893

(2) This decision shall be effective on its service date.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Commissioners Trantum and Alexis dissenting.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-6961 Filed 3-5-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1398; Authorization Order No. 24]

Kansas City Terminal Railway Co.—Directed To Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided February 22, 1980.

On September 26, 1979, the Commission directed Kansas City Terminal Railway Company (KCT) to provide service as a directed rail carrier (DRC) under 49 U.S.C. 11125 over the lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("RI"). *See* Directed Service Order No. 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.*, 360 I.C.C. 289 (1979), 44 FR 56343 (October 1, 1979). In DSO No. 1398 (Sub-No. 1), this authority was extended through March 2, 1980, subject to certain modifications. *See* DSO No. 1398 (Sub-No. 1), 360 I.C.C. 478 (decided November 30, 1979; served December 3, 1979) and 44 FR 70733 (December 10, 1979).

RI operates a 1978 Dodge pickup truck No. 78050, that is used at Blue Island, Illinois, by maintenance-of-way forces. It is equipped by hi-rail gear, crane boom, and hydraulic tools. The repair costs are estimated at $1,955.37 to repair damage to the front end and left side caused by an accident.

There are no trucks available for lease in this area with the specialized equipment. The DRC seeks Commission authorization to repair Dodge pickup truck No. 78050 on the grounds that repairs are necessary for the efficient conduct of maintenance-of-way work in the Blue Island area.

RI owns a Pettibone crane (serial 66–A–5–1247) which is in need of repair. The crane is used in the Kansas City area by the mechanical department. The Pettibone crane is considered more reliable than other cranes in use and has greater lifting capacity. The repair costs are estimated at $1,558.80 plus 8 percent stores expense.

The DRC seeks Commission authorization to repair this crane on the following grounds: (1) It is used unloading materials and spotting cars on the repair track; (2) it is used to move repair materials from stock piles and take to work site; and (3) it is used to lift all cars to allow truck removal, and truck work. This is specialized equipment which is not available for lease in this area.

Supplemental Order No. 4 to DSO No. 1398 required the DRC to obtain prior Commission approval for all rehabilitation for freight cars and other non-locomotive equipment which exceeds $1,200 per unit. *See* Supplemental Order No. 4 (served October 15, 1979) [44 FR 61127, Oct. 23, 1979]. Accordingly, the DRC submitted two separate urgent requests for authority to repair the above vehicle and crane. *See* wires to Joel E. Burns, dated February 19, 1980.

We find:

1. This action will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

It is ordered:

1. The DRC is authorized to make repairs to the Pettibone crane (serial No. 66–A–5–1247) located at Kansas City, at the maximum cost of $1,558.80 plus 8 percent stores expense of $124.70, for a total authorized expenditure of $1,683.50, as requested in a telegram from the DRC to Joel E. Burns dated February 19, 1980.

2. The DRC is authorized to make repairs to RI truck number 78050, at a cost of $1,955.37, as requested in a telegram from the DRC to Joel E. Burns dated February 19, 1980.

3. The repairs authorized above shall be completed within the directed service period.

4. This decision shall be effective on its service date.

By the Commission, Railroad Service Board, Members Joel E. Burns, Robert S. Turkington, and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-6962 Filed 3-5-80; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

March 3, 1980.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before March 21, 1980. No. 43801, annual volume rates on acrylonitrile, in tank carloads, from Dowling, TX, to Lugoff, SC, published in Supplement 40 to Southwestern Freight Bureau, Agent, Tariff ICC SWFB 4615, to become effective April 1, 1980. Grounds for relief—market competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-6967 Filed 3-5-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of 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 April 7, 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. 4

Decided: Jan. 18, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 41347 (Sub-11F), filed June 28, 1979. Applicant: DE BACK CARTAGE

CO., INC., 4841 West Burnham St., Milwaukee, WI 53219. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. Transporting *fire brick shapes, furnace lining cement, crushed fire brick, fire brick plastic and high-temperature mortar,* between the facilities of Chicago Fire Brick Company, at Chicago, IL, and the facilities of D & S Distribution Service Warehouse, a Division of D & S Investment Corporation, at Wauwatosa, WI, under continuing contract(s) with Chicago Fire Brick Company, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 61977 (Sub-22F), filed July 19, 1979. Applicant: ZERKLE TRUCKING COMPANY, a corporation, 2400 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting (1) *glass containers,* from the facilities of Midland Glass Company, at Henryetta, OK, Terre Haute, IN, Cliffwood, NJ, and Warner Robins, GA, to those points in the United States east of MT, WY, CO, and NM, and (2) *materials, equipment and supplies* used in the manufacture, sale, and distribution of glass containers, in the reverse direction. (Hearing site: Charleston, WV.)

Note.—Dual operations may be involved.

MC 61977 (Sub-23F), filed July 19, 1979. Applicant: ZERKLE TRUCKING COMPANY, a Corporation, 2400 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting (1) *petroleum and petroleum products,* in packages, from Reno and Rouseville, PA, to points in KY, VA, WV, and those in IN and OH on and south of Interstate Hwy 70, and (2) *petroleum, petroleum products,* and *vehicle body sealer and/or sound deadener compounds* (except commodities in bulk), from Emlenton, Farmers Valley, and New Kensington, PA, and St. Marys and Congo, WV, to points in IL, IN, KY, TN and VA. (Hearing site: Charleston, WV.)

Note.—Dual operations may be involved.

MC 63417 (Sub-226F), filed July 20, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting (1) *plastic bags, plastic can liners, plastic containers, plastic articles, plastic film, plastic sheeting, plastic drop cloths, and plastic tarpaulins,* from (a) Lawrenceburg, TN, to points in AL, GA, IL, MS, NC, and SC, (b) Macomb, IL, to points in AL, IN, KY, OH, PA, TN, and WV, and (c) Montgomery, AL, to points in GA, IL, KY, MS, NC, SC, TN, and WV, (2) *equipment, materials and supplies* used in the manufacture or distribution of commodities in (1) above, in the reverse directions, and (3) *plastic scrap,* from points in the United States (except AK and HI), to Lawrenceburg, TN, Macomb, IL, and Montgomery, AL, restricted in (2) and (3) above (a) against the transportation of commodities in bulk, and (b) to traffic originating at or destined to the facilities of Webster Industries, Incorporated. (Hearing site: Boston, MA, or Roanoke, VA.)

MC 66886 (Sub-76F), filed July 19, 1979. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting (1) *railway material, equipment, parts, and accessories,* and (2) *equipment, material and supplies* (except in bulk), used in the processing and manufacturing of commodities in (1) above, between the facilities of Griffin Wheel Company, Division of AMSTED Industries, Inc., at or near Keokuk, IA, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 66886 (Sub-77F), filed July 19 1979. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting (1) *utility bodies, tool boxes, dump bodies, parts and accessories,* and (2) *equipment, materials, and supplies* used in the manufacture of (1) above, between Durant, OK, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, CO, and NM, restricted to traffic moving from or to the facilities of Stahl Division of Scott & Fetzer Co., and of Peabody-Galion Corp. (Hearing site: Kansas City, MO, or Dallas, TX.)

MC 69116 (Sub-247F), filed July 20, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Hwy, Bensenville, IL 60106. Representative: Edwared G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Transporting *lawn mowers, tillers, tractors, and parts, accessories and attachments therefor,* between Winneconne, WI, on the one hand, and, on the other, points in AL, AR, CT, DE, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, WV, WT, VT, and DC. (Hearing site: Chicago, IL.)

MC 70557 (Sub-18F), filed July 22, 1979. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603. Transporting (1) *paper and paper products,* and (2) *materials and supplies* used in the processing or manufacturing of paper and paper products (except commodities in bulk), between the facilities of St. Regis Paper Co., at or near Cantonment, FL, on the one hand, and, on the other, points in KY and VA, restricted to traffic originating at or destined to the named facilities. (Hearing site: Miami, FL.)

Note.—Dual operations may be involved.

MC 99567 (Sub-5F), filed July 20, 1979. Applicant: KANE FREIGHT LINES, INC., 229 Maple St., Scranton, PA 18501. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment) (a) between the facilities of Kane Warehousing, Inc., at or near Scranton and Taylor, PA, on the one hand, and, on the other, points in DE, MD, NJ, NY, OH, PA, WV, and DC, and (b) between Ashley, Avoca, Croops Glen, Dallas, Dupont, Duryea, Edwardsville, Exeter, Forty-Fort, Georgetown, Glen Lyon, Kingston, Larksville, Luzerne, Miners Mills, Nanticoke, Old Forge, Parsons, Pittston, Plains, Plymouth, Scranton, Swoyersville, Taylor, West Naticoke, West Pittston, Wilkes-Barre, and Wyoming, PA. Note: The authority sought in (b) above invoves only a request that a portion of the authority contained in applicant's existing Certificate of Registration in Docket No. MC 99567 (Sub-No. 1) be converted to a Certificate of Public Convenience and Necessity. This action is required as the granting of the authority sought herein will require cancellation of applicant's Certificate of Registration. (Hearing site: Scranton, PA.)

MC 102817 (Sub-29F), filed July 22, 1979. Applicant: PERKINS FURNITURE TRANSPORT, INC., P.O. Box 24335, Indianapolis, IN 46254. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *new furniture, kitchen equipment, and store, office, institutional, and household fixtures, furnishings, and appliances,* between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, ND, OH, PA, RI, SD, TN, TX (on and east of U.S. Hwy 281), OK (on and east of U.S. Hwy 281),

VT, VA, WV, WI, and DC. (Hearing site: Indianapolis, IN, with subsequent hearings at Washington, DC, Little Rock, AR, and Kansas City, MO.)

Note.—Perkins, upon the granting of the application as applied for herein, will request cancellation of MC 102817 Sub 1, Sub 5, Sub 9, Sub 10, Sub 11, Sub 12, Sub 13, Sub 14, Sub 16, Sub 20G, Sub 21, Sub 24, Sub 26 and Sub 27, and all E letters published or pending. The only authority that Perkins will retain is its Sub 28 authority served March 21, 1979. All authority which Perkins will offer for cancellation, including letter notices, authorized performance in a large portion of the operations proposed herein.

MC 105607 (Sub-14F), filed July 22, 1979. Applicant: CON. WEIMAR CORP., P.O. Box 434, 401 Commerce Rd., Linden, NJ 07036. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *chemicals,* in bulk, in tank vehicles, from Port Elizabeth, NJ, to McCook, IL, Buffalo, NY, and Cincinnati, OH, restricted to traffic having a prior movement by water. (Hearing site: New York, NY, or Washington, DC.)

MC 109026 (Sub-23F), filed July 22, 1979. Applicant: MANNING MOTOR EXPRESS, INC., P.O. Box 685, Glasgow, KY 42141. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. Transporting curtain rods (with or without fixtures), and iron or steel hooks, from the facilities of Scotscraft, Inc., at or near Scottsville, KY, to the facilities of Kirsch, Inc., at or near Dallas and Houston, TX. (Hearing site: Louisville, KY, or Nashville, TN.)

MC 109397 (Sub-467F), filed July 19, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *Molybdenum,* from points in Pima County, AZ, to Houston, TX. (Hearing site: Phoenix, AZ.)

MC 110817 (Sub-30F), filed July 20, 1979. Applicant: E. L. FARMER & COMPANY, a Corporation, P.O. Box 1148, Odessa, TX 79760. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. Transporting (1) *Iron and steel articles,* and *pipe,* from the facilities of Fort Worth Pipe & Supply Company, at or near Conroe, TX, to points in the United States (including AK, but excluding HI), and (2) *materials, equipment and supplies* used in the production, or distribution of iron and steel articles, and pipe, in the reverse direction. (Hearing site: Dallas or Houston, TX.)

MC 111656 (Sub-9F), filed June 28, 1979. Applicant: FRANK LAMBIE, INC., Pier 79 North River, New York, NY 10018. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting *yarn wool and synthetic and natural wool, and materials, supplies and equipment* used in the production of the commodities named above (except in bulk), between the facilities of National Spinning Co. Inc., at or near Beulaville, Warsaw, Washington and Whiteville, NC, on the one hand, and, on the other, points in CA, CT, FL, GA, IL, LA, ME, MA, MI, MN, MS, NJ, NY, NC,OH, PA, RI, SC, TX, VA, and WI, under continuing contract(s) with National Spinning Co., Inc. of New York, NY. (Hearing site: New York, NY.)

MC 112617 (Sub-446F), filed July 22, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). Transporting *aluminum sulfate,* in bulk, in tank vehicles, from East St. Louis, IL, to points in KY, IN and OH. (Hearing site: Louisville, KY, or Washington, DC.)

MC 113646 (Sub-21F), filed July 19, 1979. Applicant: JEFFERSON TRUCKING COMPANY, P.O. Box 17, National City, MI 48748. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting (1) *building materials, composition board,* and (2) *materials and supplies* used in the manufacture, distribution, and installation of the commodities named in (1) above, (except commodities in bulk), between Newark, OH, 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: Columbus, OH.)

MC 115496 (Sub-121F), filed July 19, 1979. Applicant: DENNIS TRUCK LINE, INC., P.O. Box 189, Vidalia, GA 30474. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting, *lumber, lumber products, wood, wood products, and particleboard,* (1) between points in AL, FL, GA, MS, and TN, and (2) from points in AL and MS, to points n MD, NC, and VA. (Hearing site: Atlanta, GA.)

MC 115826 (Sub-519F), filed July 23, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *sodium bicarbonate, sodium carbonate, and cleaning, scouring and washing compounds* (except commodities in bulk, in tank vehicles), from the facilities of Church and Dwight Co., Inc., in Sweetwater County, WY, to points in WA, OR, ID, and AZ. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 117147 (Sub-12F), filed July 11, 1979. Applicant: STARR'S TRANSPORTATION, INC., Upper Main St., North Troy, VT 05850. Representative: Mary E. Kelley, 22 Stearns Ave., Medford, MA 02155. Transporting (1) *composition board, plywood, and* (2) *accessories and material* used in the installation and sale of the above named commodities, from the facilities of Abitibi Corporation in Lucas County, OH, to points in DE, NJ, NY, CT, RI, ME, VT, NH, MA, and DC, under continuing contract(s) with the Abitibi Corporation of Troy, MI. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 119656 (Sub-63F), filed July 22, 1979. Applicant: NORTH EXPRESS, INC., 219 S. Main St., Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *iron and steel articles,* between points in IN, IL, OH, PA, NY, KY, TN, MI, WV, WI, IA, MO, AR, and NE. (Hearing site: Chicago, IL.)

MC 120737 (Sub-58F), filed July 23, 1979. Applicant: STAR DELIVERY & TRANSFER, INC., P. O. BOX 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *plastic pipe, plastic conduit, plastic and iron fittings and connections, valves, hydrants, and gaskets, and related commodities* used in the installation of plastic pipe and plastic conduit (except commodities described in Mercer Ext.-Oilfield Commodities, 74 M.C.C. 459), from the facilities of Clow Corporation, at Buckhannon, WV, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL.)

MC 123407 (Sub-589F), filed July 22, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *plastic pipe and fittings,* from Colfax, NC, to those points in the United States in and east of MT, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 124247 (Sub-19F), filed July 19, 1979. Applicant: DAN ODESKY TRUCKING, INC., P.O. Box 236, Gurnee, IL 60031. Representative: Edward G. Bazelon, 39 So. LaSalle St., Chicago, IL 60603. Transporting *building materials, and gypsum and gypsum products,* (except in bulk), from the facilities of United States Gypsum Company, at East Chicago, IN, to points in IL and WI. (Hearing site: Chicago, IL.)

MC 124887 (Sub-90F), filed July 19, 1979. Applicant: SHELTON TRUCKING

SERVICE, INC., Rt. 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, those requiring special equipment, household goods as defined by the Commission, and motor vehicles), in containers or trailers, having an immediately prior or subsequent movement by water, and (2) *empty containers, trailers and trailer chassis,* between Panama City, FL, and points in AL, FL, GA, and MS. (Hearing site: Jacksonville, or Tallahassee, FL.)

MC 124997 (Sub-6F), filed July 25, 1979. Applicant: R. F. TRUESDELL CO., 6515 Anno Ave., Orlando, FL 32809. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *Paper and paper articles,* from Hattiesburg, MS, to points in AR, GA, TN, and Orlando, FL, and (2) *paper and paper articles and materials and supplies* used in the manfacture of paper and paper articles (except commodities in bulk), from points in AL, LA, AR, GA, TN and in that portion of FL west of the Apalachicola River to Hattiesburg, MS, under continuing contract(s) with Inland Container Corporation of Indianapolis, IN. (Hearing site: Atlanta, GA.)

MC 125777 (Sub-255F), filed July 22, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46406. Representative: Allan C. Zuckerman, 39 So. LaSalle St., Chicago, IL 60603. Transporting (1) *refractory products,* and (2) *materials, equipment, and supplies* used in the manufacture of refractory products, in bulk, in dump vehicles, between points in MD, AL, GA, NJ, OH, PA, MO, MI, and IN, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, OK, and TX. (Hearing site: Chicago, IL.)

MC 126276 (Sub-206F), filed July 20, 1979. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *such commodities* as are dealt in by manfuacturers and distributors of paper and plastic articles, and *materials, equipment* and *supplies* used in the manufacture and distribution of paper and plastic articles (except commodities in bulk), between the facilities of Bondware Division, Continental Diversified Industries, Inc., The Continental Group, Inc., at points in the United States (except AK and HI), under continuing contracts with The Continental Group, Inc. of Palatine, IL. (Hearing site: Chicago, IL.)

MC 126276 (Sub-207F), filed July 12, 1979. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL 60601. Transporting *plastic containers,* from Champaign, IL, Houston, TX, and Lansing, MI, to points in AR, GA, IN, IL, IA, KS, KY, MN, MO, NJ, NC, OH, PA, SC, TN, and WI, under continuing contract(s) with Cutler Plastics Corporation of Champaign, IL. (Hearing site: Chicago, IL.)

MC 126346 (Sub-27F), filed June 21, 1979. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Transporting (1) *tractors* and *farm equipment, industrial, construction* and *excavation machinery* and *equipment* and *parts* and *attachments* for the foregoing commodities, from Racine and Wausau, WI, Burlington and Bettendorf, IA, and Terre Haute, IN, to the ports of Baltimore, MD, Charleston, SC, Miami and Jacksonville, FL, New York, NY, and Tacoma, WA; and (2) *tractors,* from Jacksonville, FL, to points in IL, IN, KY, MI, OH, TN, and WI, parts (1) and (2) under continuing contract(s) with J. I. Case of Racine, WI. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 126706 (Sub-8F), filed June 20, 1979. Applicant: KLEYSEN TRANSPORT LTD., 2100 McGillivray Boulevard, Winnipeg, Manitoba R3T 3N5. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. To operate as a *contract carrier,* by motor vehicle in interstate or foreign commerce, over irregular routes transporting *potash,* from ports of entry on the international boundary line between the United States and Canada located in MN and ND to points in IL, IN, MI, MN, NE, ND, SD, and WI, under a continuing contract with International Minerals & Chemical Corp. of Mundelein, IL. (Hearing site: Minneapolis, MN.)

MC 126927 (Sub-4F), filed July 22, 1979. Applicant: PANTHER TRANSPORTATION, INC., 7301 West 15th Ave., Gary, IN 46406. Representative: William H. Towle, 180 No. LaSalle St., Chicago, IL 60601. Transporting *liquid sugar, corn syrup, and blends thereof,* in bulk, in tank vehicles, between the facilities of Process Supply Company, Inc., at Ft. Wayne, IN, on the one hand, and, on the other, points in IL, IN, KY, MO, MI, and OH. (Hearing site: Chicago, IL.)

MC 128007 (Sub-143F), filed July 19, 1979. Applicant: HOFER, INC., 20th & 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66603. Transporting *bicarbonate of soda,* from Fostoria and Old Fort, OH, St. Louis, MO, and points in Sweetwater County, WY, to points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MN, MS, NJ, OH, OK, PA, SC, TN, TX, VA, WV, and WI. (Hearing site: New Orleans, LA, or Tallahassee, FL.)

MC 128007 (Sub-144F), filed July 20, 1979. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66603. Transporting *iron and steel articles,* from the facilities of Bull Moose Tube Company, at or near Gerald, MO, to points in IA, KS, LA, NE, OK, and TX. (Hearing site: Kansas City, or St. Louis, MO.)

MC 134197 (Sub-7F), filed July 19, 1979. Applicant: JACKSON & JOHNSON, INC., P.O. Box 327—Rt. #31, Savannah, NY 13146. Representative: Roy D. Pinsky, Suite 1020, State Tower Bldg., Syracuse, NY 13202. Transporting *foodstuffs,* (except frozen food and commodities in bulk), between Rochester, NY, on the one hand, and, on the other, points in CT, ME, MA, NJ, NH, RI, and VT. (Hearing site: Syracuse, or Rochester, NY.)

MC 134197 (Sub-8F), filed July 19, 1979. Applicant: JACKSON & JOHNSON, INC., P.O. Box 327—Rt. #31, Savannah, NY 13146. Representative: Roy D. Pinsky, Suite 1020, State Tower Bldg., Syracuse, NY 13202. Transporting *canned foodstuffs,* between the facilities of Curtice-Burns, Inc., at or near Egypt, Rushville, Waterloo, Red Creek, Oakfield, LeRoy, Alton, Shortsville, Phelps, and Leicester, NY on the one hand, and, on the other, points in NJ. (Hearing site: Syracuse, or New York, NY.)

MC 134477 (Sub-357F), filed July 19, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *cleaning compounds, caulking compounds, roof and concrete sealer, fertilizer, and petroleum products,* and (2) *materials, equipment, and supplies* used in the manufacture and/or distribution of the commodities named in (1) above (except commodities in bulk in (1) and (2)), between the facilities of Conklin Company, Inc., at or near Shakopee, MN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Paul, MN.)

MC 134477 (Sub-358F), filed July 20, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West

Mendota Rd., West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *rubber products* (except in bulk), from points in PA to Minneapolis, MN. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-359F), filed July 20, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *canned goods*, and (2) *such commodities* as are dealt in or used by manufacturers of canned goods (except frozen foodstuffs and commodities in bulk), between the facilities of Friday Canning Corp. at or near New Richmond, Coleman, Gillett, Shawano, Chilton, Oakfield, Eden, and Sussex, WI, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and DC. (Hearing site: St. Paul MN.)

MC 134716 (Sub-10F), filed June 28, 1979. Applicant: RUSH TRUCKING INC., 200 SW. 19th St., Fort Lauderdale, FL 33316. Representative: John P. Bond, 2766 Douglas Rd., Miami, FL 33133. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cosmetics, toilet preparations, toilet articles and premiums, and equipment and supplies* used in connection with the foregoing commodities, between points in Charlotte, Collier, DeSoto, Hardee, Lee and Sarasota Counties, FL, under continuing contract(s) with Avon Products, Inc. (Hearing site: Tampa or Miami, FL.).

MC 135007 (Sub-77F), filed June 28, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, 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 (except hides and commodities in bulk), from the facilities of Spencer Foods, Inc., at or near Spencer, IA, to points in IL, WI, and MN, under continuing contract(s) with Spencer Foods, Inc., of Schuyler, NE. (Hearing site: Omaha, NE.)

MC 135067 (Sub-6F), filed July 6, 1979. Applicant: HANS L. SANDBERG, d.b.a., SANDBERG TRUCKING COMPANY, 405 South McCoy, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Transporting *malt beverages*, (1) from Evansville, IN, Minneapolis and St. Paul, MN, Newport, KY, Sheboygan, La Crosse, and Milwaukee, WI, to the facilities of Dresbach Distributing Company at or near Peru, Oglesby and LaSalle, IL, and (2) from Milwaukee, WI to the facilities of Konitzer Distributing Co., at or near North Aurora, IL, under continuing contract(s) in (1) above with Dresbach Distributing Company of Peru, IL, and in (2) above with Konitzer Distributing Co., or North Aurora, IL. (Hearing site: Chicago, IL.)

MC 135556 (Sub-7F), filed June 11, 1979. Applicant: RAYMOND R. CARPENTER & JAMES E. CARPENTER, d.b.a. Carpenter Bros. Trucking, 3282 S.R. 98, Bucyrus, OH 44820. Representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicles, in interstate or foreign commerce, over irregular routes transporting *soda ash* from points in Sweetwater County, WY, to points in OH, under continuing contract(s) with General Electric Company. (Hearing site: Columbus, OH, or Bucyrus, OH.)

MC 135556 (Sub-9F), filed June 22, 1979. Applicant: CARPENTER BROTHERS TRUCKING, INC., 3282 S.R. 98, Bucyrus, OH 44820. Representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass tubing, lamps, and packaging material therefor*, from points in Crawford County, OH, to points in WV, PA, and MI, under continuing contract(s) with General Electric Company, of Cleveland, OH. (Hearing site: Columbus, or Bucyrus, OH.)

MC 135867 (Sub-8F), filed July 17, 1979. Applicant: H.T.L., INC., P.O. Box 122, Fairfield, AL 35064. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: (1) *pipe, fittings, valves, fire hydrants, and castings and materials and supplies* used in the installation of the foregoing commodities from the facilities of the U.S. Pipe and Foundry Company in Jefferson County, AL, to those points in the United States in and east of ND, SD, WY, CO, and NM (including TX); and (2) *materials and supplies* used in the manufacture of commodities as shown in (1) above, (except commodities in bulk, in tank vehicles), from those points in the United States in and east of ND, SD, WY, CO, and NM (including TX) to the facilities of the U.S. Pipe and Foundry Company in Jefferson County, AL, service to be performed, under continuing contract(s) with U.S. Pipe and Foundry Company in Jefferson County, AL. (Hearing site: Birmingham, AL or Atlanta, GA.)

Note.—Dual operations may be involved.

MC 136816 (Sub-7F), filed July 20, 1979. Applicant: THE UNIVERSE COMPANY, INC., 3523 L St., Omaha, NE 68107. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *meat, meat products, meat byproducts and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from Oakland, IA, to points in IN, MI, OH, NJ, NY, and PA. (Hearing site: Omaha, NE.)

Caption Summary

MC 138036 (Sub-14F), filed June 22, 1979. Applicant: J & S, INC., P.O. Box 288, Indianola, PA 15051. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. 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 drug and variety stores, and *equipment, materials* and *supplies* used in the conduct of such business (except commodities in bulk), between points in the United States, under continuing contract(s) with Thrift Drug Division of J. C. Penney Company, Inc. of New York, N.Y. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 138157 (Sub-174F), filed July 19, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37460. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting (1)(a) *acids and chemicals*, and (b) *materials, equipment and supplies* used in their application, from Waterloo, NY, to points in the United States (except AK and HI), (2)(a) *acids, chemicals, plastics and plastic and rubber articles*, and (b) *materials, equipment and supplies* used in their application, from Canton, MA, and Gardena, CA, to points in the United States (except AK and HI), and (3) *materials, equipment and supplies* used

in the production and distribution of the commodities named in (1) and (2) above, from points in the United States (except AK and HI), to Waterloo, NY, Canton, MA, and Gardena, CA, restricted in (1), (2), and (3) above (a) against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment, and (b) to traffic originating at or destined to the facilities of W. R. Grace & Co. (Hearing site: Boston, MA.)

Note.—Dual operations may be involved.

MC 138686 (Sub-9F), filed July 18, 1979. Applicant: LCW TRUCKING, INC., 119 E. Chavez, Edinburg, TX 78539. Representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, TX 76102. Transporting *frozen fruits, frozen vegetables, frozen berries, and frozen citrus concentrates,* from points in Webb, Hidalgo, and Cameron Counties, TX, to points in TX, LA, MS, AL, GA, and TN. (Hearing site: Brownsville, or San Antonio, TX.)

Note.—Dual operations may be involved.

MC 138826 (Sub-6F), filed July 20, 1979. Applicant: JERALD HEDRICK, d.b.a. HEDRICK & SON TRUCKING, Rural Rt. #1, Warren, IN 46792. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *fertilizer and fertilizer ingredients,* in bulk, from Maumee and Toledo, OH, to points in IN and MI. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 138826 (Sub-7F), filed July 20, 1979. Applicant: JERALD HEDRICK, d.b.a. HEDRICK & SON TRUCKING, Rural Rt. #1, Warren, IN 46792. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *dry animal and poultry feed, feed ingredients, and supplies* between Portland, IN, on the one hand, and, on the other, points in AR, AL, CT, DE, FL, GA, IL, IA, KY, LA, ME, MD, MA, MI, MN, MO, MS, NH, NJ, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 139457 (Sub-19F), filed June 26, 1979. Applicant: G. L. SKIDMORE, d.b.a. JELLY SKIDMORE TRUCKING COMPANY, P.O. Box 38, Paris, TX 75460. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs,* the facilities of Campbell Soup (Texas) Inc., at or near Paris, TX, to the facilities of the Campbell Soup Company at or near Camden, NJ, Chicago, IL, and Napoleon, OH under continuing contracts with Campbell Soup (Texas) Inc., of Paris, TX. (Hearing site: Dallas, TX, or Washington, DC.)

MC 139457 (Sub-22F), filed June 26, 1979. Applicant: G. L. SKIDMORE, d.b.a. JELLY SKIDMORE TRUCKING COMPANY, P.O. Box 38, Paris, TX 75460. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ingredients* and *supplies* used in the manufacture of canned foods, from points in LA, to the facilities of Campbell Soup (Texas) Inc., at or near Paris, TX, under continuing contract(s) with Campbell Soup (Texas) Inc., of Paris, TX. (Hearing site: Dallas, TX, or Washington, DC.)

MC 140717 (Sub-25F), filed June 29, 1979. Applicant: JULIAN MARTIN, INC., Highway 25 West, P.O. Box 3348, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), between the facilities of Swift and Company at points in the United States (except AK and HI), under continuing contract(s) with Swift and Company of Chicago, IL. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140846 (Sub-12F), filed July 25, 1979. Applicant: CENTRAL DELIVERY SERVICE OF MASSACHUSETTS, INC., 125 Magazine Street, Boston, Massachusetts 02119. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street NW., Washington, DC 20005. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials* and *supplies* used in and useful for the manufacture, assembly and distribution of cameras and photographic materials, between the facilities of Polaroid Corporation in MA, on the one hand, and, on the other, points in CT, RI and that portion of NH on and south of U.S. Hwy 4, restricted (1) against the transportation of any package or article weighing more than 100 pounds, and each package or article shall be considered as a separate and distinct shipment, and (2) against the transportation of more than 300 pounds from one consignor at one location to one consignee at one location on any one day, under continuing contracts with Polaroid Corporation of Cambridge, MA. (Hearing site: Boston, MA.)

MC 142487 (Sub-8F), filed June 27, 1979. Applicant: TOM YOUNKIN, INC., 821 Sandusky St., Ashland, OH 44805. Representative: William A. Nearhood, 124 Church St., Ashland, Oh 44805. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chassis mounted* and *stationary liquid pumping plants* and *systems,* and *components parts* for the commodities named above, between Ashland, OH, and points in AL, AR, CT, DE, GA, FL, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NY, NC, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI, under continuing contract(s) with F. E. Myers, CO. of Ashland, OH. (Hearing site: Columbus, or Cleveland, OH.)

MC 142686 (Sub-21F), filed July 16, 1979. Applicant: MID-WESTERN TRANSPORT, INC. 10506 South Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). To operate as a *Contract Carrier,* by motor vehicles, in interstate of foreign commerce, over Irregular routes, transporting Floor Maintenance Equipment, Chemicals, floor Polishing and Scrubbing Machines, Power Sweepers, Vacuum Sweepers, Hand Cleaners, Floor Sealers, and Decorative Brick Facing; Materials and supplies used in the manufacture and distribution thereof, between the facilities of the H.B. fuller Company at points in the United States (excluding Alaska and Hawaii) on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). (Hearing site: Los Angeles or San Francisco, CA.)

MC 143407 (Sub-2F), filed July 19, 1979. Applicant: MODERN TRANSPORT, INC., 30127 Austin, Warren, MI 48092. Representative: William B. Elmer, 21635 East Nine Mile Rd., St. Clair Shores, MI 48080. Transporting *materials and supplies* used in the manufacture of glass and glass products, in bulk, between points in IL, IN, KY, MI, OH, PA, VA, and WV. (Hearing site: Detroit, MI.)

MC 143466 (Sub-3F), filed July 13, 1979. Applicant: CLAYTON'S INCORPORATED, P.O. Box 38, Ucon, ID 83454. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. To operate as a *Contract Carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Fertilizer* (except liquid commodities in bulk, in tank type vehicles), from Trentwood and Kennewick, WA to points in ID on and east of US Highway 93, under continuing contract(s) with The Pillsbury Company, of Idaho Falls, ID. (Hearing site: Boise, Idaho Falls, ID.)

MC 143607 (Sub-11F), filed June 21, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles*, from the facilities of Rubbermaid Commercial Products Inc., at or near Cleburne, TX, to points, in CA, NV, UT, AZ, NM, OK, AR, LA, and TX, under continuing contract(s) with Rubbermaid Commercial Products, Inc., of Winchester, VA. (Hearing site: Dallas, TX.)

MC 144027 (Sub-15F), filed July 19, 1979. Applicant: WARD CARTAGE AND WAREHOUSING, INC., Route # 4, Glasgow, KY 42141. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. Transporting *brushes, handles, and materials and supplies* used in the manufacture of brushes and handles, (1) between the facilities of National Brush Company, at or near Aurora, IL, and at or near Glasgow, KY, and (2) between the facilities of National Brush Company, at or near Aurora, IL, and Glasgow, KY, on the one hand, and, on the other, points in KY, TN, GA, AL, MS, and FL. (Hearing site: Louisville, KY or Nashville, TN.)

MC 144497 (Sub-2F), filed July 16, 1979. Aplicant: JOHN DAVID WEBSTER, d.b.a. CENTRAL DISPATCH DISTRIBUTING, 1394 East 9th, Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *refractories*, from points in and east of ND, SD, NE, KS, OK, and TX, to points in AZ, CA, CO, NV, NM, and UT, under continuing contract(s) with The Pryor-Giggey Co. and Plibrico Co. West a division of Refractory Service, Inc., both of Santa Fe Springs, CA. (Hearing site: Los Angeles, CA.)

MC 144606 (Sub-9F), filed July 19, 1979. Applicant: DUNCAN SALES & LEASING CO., INC., 714 East Baseline Rd., Buckeye, AZ 85326. Representative: Donald W. Powell, 1833 North Third St., Phoenix, AZ 85004. Transporting (1) *expanded plastic bottles, plastic articles, plastic bags, and components*, between points in IN, AZ, CA, CO, NM, NV, and TX, restricted against the transportation of expanded bottles from Phoenix, AZ, to points in IN, El Pasco County, TX, and NM, (2) *non-alcoholic beverages*, between points in AZ, CA, CO, NM, NV, OK, and TX, (3) *canned goods and foodstuffs*, between points in AZ, CA, CO, NV, NM, and TX, (4) *building materials* (except lumber and commodities in bulk), between points in AZ, CA, CO, NV, NM, and TX, and (5) *malt beverages*, from points in Los Angeles and Orange Counties, CA, to Phoenix, AZ. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 144636 (Sub-4F), filed June 20, 1979. Applicant: VICTOR & SON TRUCKING, INC., 416 W. Fleetwood, Glendora, CA 91740. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of MacDermid Incorporated, at or near Ferndale, MI and Waterbury, CT, to the facilities of MacDermid Inc. at Glandale, CA, under contract(s) with MacDermid Incorporated, of Waterbury, CT. (Hearing site: Los Angeles, CA.)

MC 145367 (Sub-2F), filed July 23, 1979. Applicant: STANLEY DILLEY TRUCKING CO., INC., 5718 North Broadway, Wichita, KS 67219. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. Transporting *hides*, from Solomon, KS, on the one hand, and, on the other, points in OK, TX, NM, AZ, and CA. (Hearing site: Wichita, KS, or Kansas City, MO.)

MC 145437 (Sub-7F), filed June 15, 1979. Applicant: JWI TRUCKING, INC., 8100 North Teutonia Avenue, Milwaukee, WI 53209. 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 *wearing apparel* and *materials, equipment and supplies* used or useful in the manufacture or distribution of wearing apparel, (except commodities in bulk, in tank vehicles) between Milwaukee, WI, on the one hand, and, on the other, points in the United States (excluding AK and HI), under continuing contract(s) with Junior House, Inc., of Milwaukee, WI. (Hearing site: Madison or Milwaukee, WI.)

MC 145696 (Sub-2F), filed July 20, 1979. Applicant: M & M LIMITED, 228 Louisville Air Park, Louisville, KY 40213. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *mineral water*, in bottles, from Milwaukee, WI, and Memphis, TN to Louisville, KY; (2) *malt beverages*, from Evansville, IN to Louisville, KY; and (3) *equipment, materials*, and *supplies* (except in bulk) used in the manufacture and distribution of malt beverages from Louisville, KY to Evansville, IN, under continuing contract(s) with Mo Moorman Distributor, Inc., of Louisville, KY. (Hearing site: Louisville, KY.)

Note.—Applicant is a subsidiary of the Supporting Shipper and seeks to replace the existing private carriage operations of shipper.

Federal Register Caption Summary

MC 145737 (Sub-4F), filed July 2, 1979. Applicant: HEUERTZ TRUCKING, INC., 425 First Street, N.W., LeMars, IA 51031. Representative: D. Douglas Titus, Suite 510 Benson Building, Sioux City, IA 51101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting tallow, in bulk, from the facilities of Iowa Beef Processors, Inc., at or near Dakota City and West Point, NE, Denison and Fort Dodge, IA, Emporia, KS and Luverne, MN to points in CO, IL, IN, IA, MN, MO, OK, and WI, under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE. (Hearing site: Sioux City, IA or Omaha, NE.)

MC 145856 (Sub-3F), filed July 22, 1979. Applicant: TIME CONTRACT CARRIERS, INC., 17734 Sierra Hwy, Canyon Country, CA 91351. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Transporting *foodstuffs*, in vehicles equipped with mechanical refrigeration, from the facilities of Kitchens of Sara Lee at (a) Chicago and Deerfield, IL, and (b) New Hampton, IA, to points in AZ, CA, and NV. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 145906 (Sub-3F), filed July 20, 1979. Applicant: GENERAL TRUCKING CO., INC., P.O. Box 269, Santa Fe Pk., Columbia, TN 38401. Representative: Edward C. Blank II, P.O. Box 1004, 805 South Garden St., Columbia, TN 38401. Transporting *carbon electrodes*, in containers, from Mobile, AL, to the facilities of the Monsanto Company, in Maury County, TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations.(Hearing site: Columbia, TN, or Mobile, AL.)

Note.—Dual operations may be involved.

MC 145926 (Sub-3F), filed July 19, 1979. Applicant: HALL BROS. TRANSPORTATION CO., INC., State Road 37 North, Orleans, IN 47452.

Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automobile parts* and *materials, equipment and supplies*, (except commodities in bulk) used in the manufacture and distribution of automobile parts, between Bedford, IN, on the one hand, and, on the other, MI, IL, OH, KY, MO, TN, GA, WI, MN, CA, NJ, and VA, under continuing contract(s) with Ford Aerospace & Communications Corporation, Division of Ford Motor Company, of Bedford, IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 146247 (Sub-4F), filed July 20, 1979. Applicant: DELTA MOTOR EXPRESS, INC., 1309 Fifth St. NE., Washington, DC 20002. Representative: Neal A. Jackson, 1155 15th St. NW., Washington, DC 20005. Transporting (1) *bananas* and *agricultural commodities* otherwise exempt from regulation under 49 U.S.C. § 10526(a)(6), when transported in mixed shipments with bananas, from Norfolk, VA, to those points in the United States in and east of MI, IN, IL, KY, TN, and MS. (Hearing site: Washington, DC.)

MC 146277 (Sub-2F), filed June 22, 1979. Applicant: ALLEN FODNESS, d.b.a. AL'S TRUCKING, RR 3, Lennox, SD 57039. Representative: Claude Stewart, P.O. Box 480, Sioux Falls, SD 57101. Transporting *animal and poultry feed and feed ingredients*, (1) from Lennox, SD, to those points in IA on and east of U.S. Hwy 71 and on and north of U.S. Hwy 20, those points in MN on and east of U.S. Hwy 71, and on and north of U.S. Hwys 12 and 212, those points in ND on and east of U.S. Hwy 83, and points in SD, and Knox and Cedar Counties, NE, and (2) from Sioux City, IA, and New Richland, MN, to Lennox, SD. (Hearing site: Sioux Falls, SD, or Sioux City, IA.)

MC 146397 (Sub-2F), filed June 22, 1979. Applicant: M.T.I. TRUCKING, INC., 9000 Keystone Crossing, Indianapolis IN 46420. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46420. 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 glass and plastic products, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above, between the facilities of Anchor Hocking Corporation at points in WI, MI, IL, MO, KY, IN, OH, PA, and WV, under continuing contract(s) with Anchor Hocking Corporation of Lancaster, OH. (Hearing site: Columbus, OH.)

MC 146526 (Sub-2F), filed June 18, 1979. Applicant: D.T.D., INC., 301 College Hwy, Southwick, MA 01077. 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 *log homes and supplies* used in the erection of log homes, from points in Berkshire County, MA, to points in ME, NH, VT, CT, RI, NY, PA, OH, WV, VA, DE, NJ, MD, NC, IN, KY, IL, IA, MO, WI, MN, and MI, under continuing contract(s) with County Log Homes, Inc. of Berkshire County, MA. (Hearing site: Hartford, CT, or Boston, MA.)

MC 146616 (Sub-3F), filed June 3, 1979. Applicant: B & H MOTOR FREIGHT, INC., 3314 East 51st Street, Suite B, Tulsa, OK 74135. Representative: Fred Rahal, Jr., 525 South Main, 15th Floor, Tulsa, OK 74103. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Metal articles*, (1) from the facilities of Kyle Forge Co. at Claremore, OK to points in Kansas City, MO, Chicago, IL, and Pottstown, PA; and (2) from Chicago, IL to the facilities of Kyle Forge Co. at Claremore, OK, all services to be performed under continued contract(s) with Kyle Forge Co., of Claremore, OK. (Hearing site: Tulsa, OK.)

MC 146656 (Sub-6F), filed June 29, 1979. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham Street, Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. 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, commodities in bulk, classes A and B explosives, and commodities requiring the use of special equipment), between the facilities of Key Warehouse Services, Inc., at Baltimore, MD, on the one hand, and on the other, points in VA, WV, MD, PA, NJ, CT, and those in NY on and south of Interstate Highway 84, under continuing contract(s) with Key Warehouse Services, Inc. (Hearing site: Baltimore, MD.)

Note.—Dual operations may be involved.

MC 146697 (Sub-1F), filed June 18, 1979. Applicant: JAMES V. DOUGHERTY, d.b.a. DOUGHERTY TRANSFER, McKinley Street, Box 406, Black River Falls, WI 54615. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Refuse compacting units*, and (2) *materials, equipment*, and *supplies* used in the manufacture or fabrication of metal and sheet metal products, (1) from Black River Falls, WI, to Winamac, IN, and (2) from points in Chicago, IL to Black River Falls, WI, under continuing contract(s) with D & S Manufacturing Co., Inc., Black River Falls, WI. (Hearing site: Madison, WI.)

MC 146857 (Sub-2F), filed July 20, 1979. Applicant: W. K. THOMAS, INC., 72 Tait St., Ludlow, MA 01056. Representative: Patrick A. Doyle, 60 Robbins Rd., Springfield, MA 01104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *magazines and magazine parts* and *sections*, from Chicago, IL, to points in CT, under continuing contract(s) with U.S. News and World Report, Inc. (Hearing site: Hartford, CT, or Boston, MA.)

MC 146996 (Sub-1F), filed July 9, 1979. Applicant: YORKLYN TRANSIT CO., INC., P.O. Box 27, Yorklyn, DE 19736. Representative: H. James Conaway, Jr., P.O. Box 607, 1401 Market Tower, Wilmington, DE 19899. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles*, between Wilmington, DE, on the one hand, and, on the other, points in NJ, MD, DE, DC, points in PA in and east of Somerset, Cambria, Indiana, Jefferson, Elk and McKean Counties, PA; points in NY in and south of Steuben, Schuyler, Thomkins, Courtland, Chenango, Delaware, Greene and Columbia Counties, NY and Nassau and Suffolk Counties, NY; and points in VA in and east of Mecklenburg, Charlotte, Campbell, Amherst, Rockbridge and Bath Counties, VA, under continuing contract(s) with Amoco Chemicals Corportation, of Chicago, IL. (Hearing site: Philadelphia, PA.)

MC 147027 (Sub-2F), filed July 19, 1979. Applicant: REEVES' TRUCK LINES, a Corporation, Honoraville, AL 36042. Representative: J. Douglas Harris, 200 South Lawrence St., Montgomery, AL 36104. Transporting *plywood, lumber, posts, poles and timbers*, from Evergreen, River Falls, Brantley, and Lockhart, AL, to points in AL, FL, GA, TN, MS, LA, and KY. (Hearing site: Montgomery, or Mobile, AL.)

MC 147036 (Sub-2F), filed July 24, 1979. Applicant: R-D TRANSPORT CO., INC., Summer Drive Extension, Winchendon, MA. 01475.

Representative: Patrick A. Doyle, 60 Robbins Road, Springfield, MA. 01104. To operate a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic and plastic articles* and *supplies* and *materials* used in their manufacture and distribution of the foregoing commodities, from Leominster, MA. and Dallas, TX. to points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC, under continuing contract(s) with Plastican, Inc., of Leominster, MA. (Hearing site: Hartford, CT, or Boston, MA.)

MC 147056 (Sub-3F), filed June 20, 1979. Applicant: ARDEN CARTAGE, LTD., 14 Arden Avenue, Hamilton, Ontario, Canada. Representative: Peter A. Greene, 900 17th Street NW., Washington, DC 20006. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles,* between the facilities of Thomsson Steel Company, Inc. at Beltsville, MD, on the one hand, and, on the other, the port of entry on the International Boundary Line between the United States and Canada at Buffalo, NY, under continuing contract(s) with Thomsson Steel Company, Inc., of Beltsville, Md. (Hearing site: Washington, D.C.)

MC 147276 (Sub-2F), filed July 19, 1979. Applicant: BULBURG, INC., 755 West Big Beaver Rd., Troy, MI 48084. Representative: William B. Elmer, 21635 East Nine Mile Rd., St. Clair Shores, MI 48080. Transporting *wine,* from Elizabeth and Hawthorne, NJ, and Chicago, IL, to points in the Lower Peninsula of MI. (Hearing site: Detroit, MI.)

MC 147297 (Sub-1F), filed July 2, 1979. Applicant: DA-RON CORPORATION, 3305 North Broadway, Muncie, IN 47303. Representative: Darrel K. Peckinpaugh, 330 East Main St., Muncie, IN 47305. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *machine compressed used clothing and rags,* between the facilities of Goodwill Industries of America in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MD, MA, MI, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV, and WI, under continuing contract(s) with Goodwill Industries of America, of Washington, DC. (Hearing site: Indianapolis, IN.)

MC 147376 (Sub-2F), filed July 16, 1979. Applicant: LLOYD P. SALISBURY, d.b.a. WINONA DELIVERY & TRANSFER CO., 404 West 4th Street, Winona, MN 55987. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *new furniture,* and (2) *materials and supplies used in the manufacturing of new furniture* (except commodities in bulk), (1) from the facilities of Valley Furniture Manufacturing at or near Winona, MN, to points in IL and WI, and (2) from Chicago, IL to the facilities of Valley Furniture Manufacturing at or near Winona, MN, under continuing contract(s) with Valley Furniture Manufacturing, of Winona, MN. (Hearing site: Omaha, NE or Des Moines, IA.)

MC 147436 (Sub-2F), filed July 22, 1979. Applicant: BELTMANN NORTH AMERICAN CO., INC., 3400 N.E. Spring, Minneapolis, MN 55413. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *household goods* as defined by the Commission, between points in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties, MN, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MI, MN, MO ND, NE, OH, SD, and WI. (Hearing site: Minneapolis, MN.)

MC 147436 (Sub-3F), filed July 22, 1979. Applicant: BALTMANN NORTH AMERICAN CO., INC., 3400 N.E. Spring, Minneapolis, MN 55413. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *household goods* as defined by the Commission, between points in Cook, DuPage, Kane, Kendall, Lake, McHenry and Will Counties, IL, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MI, MN, MO ND, NE, OH, SD, and WI. (Hearing site: Chicago, IL.)

MC 147587F, filed June 14, 1979. Applicant: S & E TRUCKING, INC., 12202 Crewe Street, North Hollywood, CA 91605. Representative: Milton W. Flack, 4311 Wilshire Blvd., 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) *paper products,* from the facilities of St. Regis Paper Co., Consumer Products Division, at Phoenix, AZ to points in CA, and (2) *grocery bags, paper sacks and roll paper,* from the facilities of St. Regis Paper Co., Consumer Products Division, at Vernon, CA to Phoenix and Tucson, AZ, under continuing contract(s) with The St. Regis Paper Co., Consumer Products Division, of Vernon, CA. (Hearing site: Los Angeles, CA.)

MC 147606 (Sub-2F), filed July 26, 1979. Applicant: SOUTHERN ILLINOIS MATERIALS COMPANY, Casey at 12th St., P.O. Box 1707, Mt. Vernon, IL 62864. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *crushed limestone, sand, gravel, crushed trap rock, mineral filler,* and *black-top mix,* from points in Cape Girardeau, St. Genevieve, Perry, Madison, Iron and Jefferson Counties, MO, to points in IL on and south of U.S. Hwy 50, under continuing contract(s) with Southern Illinois Asphalt Co., Inc., of Mt. Vernon, IL. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 147686 (Sub-1F), filed July 20, 1979. Applicant: J. H. TRUCKING, INC., P.O. Box 288, Decatur, NE 68020. Representative: Jack L. Shultz, 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) *molded rubber products,* from the facilities of Gardena Rubber Co., Inc. at Gardena, CA to W. Salem, Dixon, Bloomington, Melrose Park, and Rockford, IL; Connorsville, IN; Ypsilanti and Hastings, MI; Kearney, NE; Gastonia, NC: Edison, NJ; Sandusky and Troy, OH; Tulsa, OK; Dillon, SC; and Houston, Arlington, Longview, Dallas, and Abilene, TX, and (2) *materials, supplies and equipment* used in the manufacture of the articles described in part (1) above, from Port Huron, MI to the facilities of Gardena Rubber Co., Inc. at Gardena, CA, under continuing contract(s) with Gardena Rubber Co., Inc., of Gardena, CA. (Hearing site: Los Angeles, CA.)

MC 147697 (Sub-1F), filed July 20, 1979. Applicant: RAZORBACK FARMS CO., a Corporation, P.O. Box 291, Springdale, AR 72764. Representative: Michael H. Marshburn, P.O. Box 869, 111 Holcomb St., Springdale, AR 72764. Transporting *canned goods,* from Fort Smith, Alma, Van Buren, Lowell, Siloam Springs, Gentry and Springdale, AR, Proctor, Stigler and Westville, OK, Moorhead, MS, Oak Grove, LA, and points in WI, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Fayetteville, or Fort Smith, AR.)

MC 147736F, filed July 2, 1979. Applicant: LUCKY SUPPLY & TRANSPORT, INC., 3394 Lee Highway, Bristol, VA 24201. Representative: William Steve Stone (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *beer and wine,* between Big

Stone Gap, VA and Bristol, VA, on the one hand, and, on the other, points in IN, KY, MD, MI, and VA, under continuing contracts with Good Luck Beverage, Inc., of Bristol, VA. (Hearing site: Bristol or Roanoke, VA.)

MC 147747, filed July 5, 1979. Applicant: A. L. MILICAN, d.b.a. ROYAL TRUCKING COMPANY, P.O. Box 387, West Point, MS 39773. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting: *lumber, lumber products, building materials and iron and steel articles, and equipment materials and supplies* used in the manufacture and distribution thereof (except commodities in bulk, and those requiring special equipment) between Starkville and West Point, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KN, KY, LA, MS, MO, OH, OK, TN AND TX, under continuing contracts with McCulloch Farm Builders, Inc., Starkville, MS; D & B Auction, West Point, MS; West Point Elevator, West Point, MS; United Builders Supply of West Point, Inc., West Point, MS; and Wood Specialists, Starkville, MS. (Hearing site: Columbus or Jackson, MS.)

MC 147876F, filed July 9, 1979. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: Ralph B. Matthews, P.O. Box 56387, Atlanta, GA 30343. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *furniture parts*, from Leitchfield, KY, to Vernon, CA, McKinney, Waco and Brenham, TX, under continuing contract(s) with Hoover Universal, Inc., of Georgetown, KY. (Hearing site: Louisville, KY, or Los Angeles, CA.)

MC 147916F, filed July 26, 1979. Applicant: GAMPAC EXPRESS, INC., 4103 Second Avenue South, Seattle, WA 98124. Representative: Richard J. Howard, 3201 The Bank of California Center, Seattle, WA 98164. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products, and meat by-products, and articles distributed by meat packing houses* from the plant site and storage facilities of Pierce Packing Co. Billings, MT, to points in ID, WA, OR, CA, AZ, TX, LA and MN, under continuing contract(s) with Pierce Packing Co., and (2)(a) *merchandise as is dealt in by wholesale and retail grocery establishments*, and (b) merchandise in 2(a) in mixed truckloads with commodities otherwise exempt under Section 49 U.S.C. 10526(a)(6), between points in WA, OR, ID, CA, AZ, CO, UT, MT, NE, SD, ND, MN, IA, KS, WI, MI, IL, IN, OH, WY and TX, under continuing contract(s) with Pacific Gamble Robinson Co. of Seattle, WA, and Tradewell Stores, Inc., of Kent, WA. (Hearing site: Seattle, WA, or Billings, MT.)

MC 148056F, filed July 13, 1979. Applicant: W. L. JUMP, d.b.a. JUMP TRUCKLINES, Box 432, North Main St., Fairfax, OK 74637. Representative: Cecil Drummond, 520 Leahy, Pawhuska, OK 74056. Transporting (1) *livestock feed*, from McPherson, Kansas City, Salina, Emporia, Abilene, Hutchinson, and Pittsburg, KS, to points in Osage County, OK, under continuing contract(s) with Tom Points, Frederick F. Drummond, and Leslie Drummond, all of Hominy, OK, and Cecil G. Drummond and Fred A. Drummond, both of Pawhuska, OK. (Hearing site: Pawhuska, OK.)

MC 146546 (Sub-2F), filed July 26, 1979. Applicant: LUCARJO CARRIERS, 4643 Prescott St., Lincoln, NE 68506. Representative: John W. Arnett (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *furniture* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of furniture, from Lincoln, NE, to points in IA, IL, IN, OH, OK, PA, NJ, NY, MA, CT, MD, DE, WV, VA, AR, MS, AL, KS, TX, MN, WI, MI, TN, CO, MO, and DC, under continuing contract(s) with Harris of Pendleton, of Lincoln, NE. (Hearing site: Lincoln, or Omaha, NE.)

Volume No. J

Decided: Jan. 29, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 76 (Sub-10) filed July 10, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 125, Langhorne, PA 19047. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Transporting (1) iron and steel articles (a) from the facilities of U.S. Steel Corp. located at or near Fairless, PA, to points in IN, IL, VA, WV, and those MI in and south of Oceana, Newaygo, MeCosta, Isabella, Midland, and Bay Counties; (b) from the facilities of U.S. Steel Corp. located at or near Braddock, Clairton, Duquesne, Dravosburg, Homestead, Irwin, Johnstown, McKeesport, McKees Rocks, Pittsburgh, and Vandergrift, PA to points in CT, DE, IN, IL, MA, MD, VA, NJ, NY, RI, and those MI in and south of Oceana, Newaygo, MeCosta, Isabella, Midland, and Bay Counties; (c) from the facilities of U.S. Steel Corp. located at or near Trenton, NJ to points in IN, IL, WV, OH, PA, and those MI in and south of Oceana, Newaygo, MeCosta, Isabella, Midland, and Bay Counties; (d) from the facilities of U.S. Steel Corp. located at or near Hartford and New Haven, CT to points in DE, IL, IN, MD, PA, NJ,NY, OH, and those MI in and south of Oceana, Newaygo, MeCosta, Isabella, Midland, and Bay Counties; (e) from the facilities of U.S. Steel Corp. located at or near Canton, Cleveland, Lorain, McDonald, and Youngstown, OH to points in CT, DE, MA, MD, WV, NJ, NY, PA, RI, VA, and those MI in and south of Oceana, Newaygo, MeCosta, Isabella, Midland, and Bay Counties; and (2) equipment, materials, and supplies (except commodities in bulk) from the destination areas specified above to the described facilities of U.S. Steel Corp. (Hearing site: Pittsburg, PA, or Washington, DC).

MC 76 (Sub-12) filed: July 17, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting *iron and steel articles* from the facilities of Bethlehem Steel Corp. at Burns Harbor, IN, to points in OH, PA, and the Lower Peninsula of MI. (Hearing site: Washington, DC).

MC 1936 (Sub-47)F, filed: July 6, 1979. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburg, PA 15224. Representative: William J. Lavelle, 2310 Grant Building, Pittsburg, PA 15219. Transporting *iron and steel articles*, from the facilities of Republic Steel Corporation located in Canton, OH, to the facilities of Brenco, Inc., located in Petersburg, VA. (Hearing site: Pittsburg, PA).

MC 1977 (Sub-36)F, filed: July 9, 1979. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln Street, Denver, CO 80264. 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 which, because of size or weight, require special handling or use of special equipment), over regular routes, between Spokane, WA, and Albuquerque, NM, from Spokane over Interstate Hwy 90 to Interstate Hwy 15, then over Interstate Hwy 15 to U.S. Hwy 6, then over U.S. Hwy 6 to Interstate

Hwy 70, then over Interstate Hwy 70 to U.S. Hwy 163, then over U.S. Hwy 163 to U.S. Hwy 666, then over U.S. Hwy 666 to Interstate Hwy 40, then over Interstate Hwy 40 to Albuquerque, and return over the same route serving no intermediate points as an alternate route for operating convenience only serving Pocatello, ID, Murray, UT, and Cortez, CO, for purposes of joinder only. (Hearing site: Denver, CO).

MC 1977 (Sub-25)F, filed: July 12, 1979. Applicant: BURGESS & COOK, INC., P.O. Box 458, Fernandina Beach, FL 32034. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting (1) *plastic articles and materials* from points in FL to points in AL, GA, NC, SC, TN, and VA, and (2) *equipment and supplies* used in the manufacture and distribution of plastic articles, from points in AL, GA, NC, SC, TX, and VA, to points in FL. (Hearing site: Jacksonville, FL).

MC 5227 (Sub-53F), filed July 16, 1979. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, Nebraska 68041. Representative: A. J. Swanson, 300 S. Thompson Avenue, Sioux Falls, SD 57103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *iron and steel articles*, from Portage, IN, to points in MN. (Hearing Site: Chicago, IL or Omaha, NE.)

MC 5227 (Sub-54F), filed July 16, 1979. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, Nebraska 68041. Representative: A. J. Swanson, 300 S. Thompson Avenue, Sioux Falls, SD 57103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Metal building parts and components*, from Grand Rapids, MI to points in the United States (excluding Hawaii, but including Alaska). (Hearing Site: Chicago, IL or Omaha, NE.)

MC 5227 (Sub-55F), filed July 16, 1979 Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, Nebraska 68041. Representative: A. J. Swanson, 300 S. Thompson Avenue, Sioux Falls, SD 57103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *iron and steel aticles and alumium articles*, from Chicago, IL to points in OK and TX. (Hearing Site: Chicago, IL or Omaha, NE.

MC 5227 (Sub-56F), filed July 16, 1979. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, Nebraska 68041. Representative: A. J. Swanson, 300 S. Thompson Avenue, Sioux Falls, SD 57103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *iron and steel articles*, from Chicago, IL, and Hammond and Portage, IN, to points in CO, KS, and MO. (Hearing Site: Chicago, IL or Omaha, NE.)

MC 11207 (Sub-496F), filed July 10, 1979. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Transporting *malt beverages, in containers*, from Galveston and Houston, TX to Hattiesburg and Jackson, MS.

Note.—Hearing site: Jackson, MS; Washington, DC.

MC 13087 (Sub-53), filed July 16, 1979. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Avenue SW., Mason City, IA 50401. Representative: THOMAS E. LEAHY, JR., 1980 Financial Center, Des Moines, IA 50309. To operate as *common carrier* over irregular routes transporting: *Foodstuffs* (except in bulk) from the facilities of Todo, Inc., at Charles City, IA to points in IL, IN, MI, MN, MO, NE, ND, SD, and WI and *equipment, materials, and supplies* used in the manufacture of foodstuffs (except in bulk) from points in IL, IN, MI, MN, MO, NE, ND, SD and WI to Charles City, IA. (Hearing site: Minneapolis, MN or Omaha, NE.)

MC 26396 (Sub-268F), filed July 9, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NB 68501. Transporting (1) *agricultural chemicals* (except in bulk), (2) *materials and supplies* used in the manufacture and distribution of agricultural chemicals (except in bulk); and (3) *seed* (except in bulk), between points in AL, AR, FL, GA, CA, MD, LA, MS, NC, NJ, NY, OK, PA, SC, TN, KY, TX, VA, WV, IA, and KS. (Hearing site: Billings, MT.)

MC 26396 (Sub-271F), filed July 9, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *iron and steel articles*, from Franklin and Pulaski, PA, to points in IL, IA, KS, MN, MO, MT, NE, ND, SD, and WY. (Hearing site: Billings, MT.)

MC 41406 (Sub-151), filed July 13, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Drive, Merrillville, IN 46410. Representative: Wade H. Bourdon, 8400 Westlake Drive, Merrillville, IN 46410. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum Plate, Sheet, and Foil*, from the facilities of Aluminum Company of America at Riverdale, IA, to points in NH, MA, CT, NY, NJ, PA, MD, WV, OH, and MI.

MC 59206 (Sub-25F), filed July 6, 1979. Applicant: HOLLAND MOTOR EXPRESS, INC., 750 East 40th Street, Holland, MI 49423. Representative: Kenneth De Vries (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), over regular routes, (1) between Midland, MI and Saginaw, MI, over MI Hwy 47 serving all intermediate points and (2) between Midland, MI, and Bay City, MI, over U.S. Hwy 10, serving all intermediate points. (Hearing site: Detroit or Lansing, MI.)

MC 59957 (Sub-61F), filed July 16, 1979. Applicant: MOTOR FREIGHT EXPRESS, P.O. Box 1029, York, PA. 17405. Representative: William J. Lavelle, Esquire, Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, PA. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over *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 points in Columbia, Cumberland, Dauphin, Juniata, Lebanon, Luzerne, Montour, Northumberland, Perry, Schuylkill, Snyder and Union Counties, PA., as off-route points in connection with carrier's authorized regular-route operations. The sole purpose of this application is to substitute single-line for joint-line operations. (Hearing site: Washington, D.C.)

MC 95876 (Sub-299F), filed July 13, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting (1) *cranes, excavators and parts* thereof and (2) *materials and supplies* used in the manufacture of cranes and excavators, between Cedar Rapids, IA, on the one hand, and, on the other, points in the United States (except AK and HI) restricted to traffic originating at or destined to the facilities of FMC Corporation, Crane and Excavator Division. (Hearing site: Minneapolis, MN, or Des Moines, IA.)

MC 63417 (Sub-224F), filed July 16, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447,

Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *solar panels or collectors* from Kankakee, IL, to points in AL, DC, DE, FL, GA, KY, LA, MD, NC, NY, PA, SC, TN, VA, and WV. (Hearing site: Chicago, IL.)

MC 63417 (Sub-231), filed July 16, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages* from Albany, GA to points in AL, AR, DE, DC, FL, GA, IL, IN, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WV and (2) *materials, supplies, and equipment* used in the manufacture and distribution of malt beverages (except commodities in bulk) from points in the destination states named in (1) above to points in AL, FL, and GA, restricted in (2) above to the transportation of traffic destined to the facilities of Miller Brewing Company. (Hearing site: Atlanta, GA.)

MC 78676 (Sub-74F), filed July 16, 1979. Applicant: LOTT MOTOR LINES, INC., West Cayuga Street, P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building and insulating material, and accessories and supplies* used in the production of building and insulating material (except commodities in bulk), between the facilities of Masonite Corporation, at or near Towanda, PA, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 82507 (Sub-7), filed July 16, 1979. Applicant: STEMM TRANSFER & STORAGE, INC., P.O. Box 397, St. Cloud, MN 56301. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *Common Carrier* by motor vehicle, over irregular routes, transporting, such *commodities* as are handled by retail grocery stores, drug stores, hardware stores and department stores; and *chemicals*, from St. Paul MN, to points in MN and Superior, WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 95876 (Sub-296F), filed July 18, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractor's construction and mining machinery, equipment and parts*, and (2) *Materials and supplies* used in the manufacture and distribution of the commodities described in (1), between points in Jefferson, LaCrosse, Milwaukee, Racine and Waukesha Counties, WI and Allegheny County, PA, on the one hand, and, on the other, points in the United States (including AK but excluding HI). (Hearing site: Milwaukee, WI or Minneapolis, MN.)

MC 96727 (Sub-2F), filed July 10, 1979. Applicant: R.V.J., Inc., 576 Elm Street, Leominster, MA 01453. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Transporting *dry commodities*, in bulk, between points in VT, MH, ME, MA, RI, CT, NY and NJ. (Hearing site: Leominster or Boston, MA.)

MC 100666 (Sub-477 or 9), filed July 13, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 72112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from Cove City, NC to points in IN, IL, OH, MI and WI. (Hearing site: Charlotte, NC.)

MC 100666 (Sub-478), filed July 13, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *lubricating oil and hydraulic fluid* (except in bulk), from the facilities of Shell Oil Company at or near New Orleans, LA to points in OK, NM and TX. (Hearing site: Dallas, TX.)

MC 100666 (Sub-479), filed July 13, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, laminations* and *accessories*, from the facilities of Siemens-Allis, Inc. at or near Norwood, OH to points in the United States (except AK and HI). (Hearing site: Cincinnati, OH.)

MC 100666 (Sub-482), filed July 16, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products and millwork*, from points in the United States (except AK and HI) to Center, TX. (Hearing site: Dallas, TX.)

MC 102567 (Sub-233F), filed July 9, 1979. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy—Suite 130, Houston, TX 77040. Transporting *waste water*, in bulk, in tank vehicles, from W. Helena, AR to Tulsa, OK. (Hearing site: Houston, TX.)

MC 105566 (Sub-203), filed July 16, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *evaporated milk and non-dairy coffee creamer* from Defiance, OH to Dallas, TX. (Hearing site: Cincinnati, OH or Washington, DC.)

MC 108676 (Sub-143), filed July 10, 1979. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., N.E., Knoxville, TN 37917. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting flat glass, and glass glazing units between Truesdail and St. Louis, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: St. Louis, MO.)

MC 108676 (Sub-144), filed July 10, 1979. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., N.E., Knoxville, TN 37917. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting road construction machinery, equipment parts, and accessories thereof between the plant site of CMI at or near Oklahoma City, OK, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Oklahoma City, OK.)

MC 109376 (Sub-16F), filed July 12, 1979. Applicant: SKINNER TRANSFER CORP., P.O. Box 284, Reedsburg, WI 53959. Representative: Richard A.

Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting (1) *pallets, lumber and wood chips* from Lyndon Station, WI to points in MN, MI, IA, IN, and IL; (2) *materials, equipment and supplies* used in the production and distribution of pallets, lumber and wood chips in the reverse direction. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 109397 (Sub-466F), filed July 13, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a Delaware corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting (1) *hose and hose parts;* (2) *materials* and *supplies* (except in bulk) used in the manufacture or distribution of items in (1) above, between McCook and Alliance, NE, Olney, TX, Ocala, FL, and Dover, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 109397 (Sub-471F), filed July 16, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a Delaware corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by mnotoir vehicle, over irregular routes, transporting: (1) *Cooling towers*, and (2) *parts* and *materials* for cooling towers, between points in Merced County, CA, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: San Francisco, CA.)

MC 110567 (Sub-16F), filed July 11, 1979. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting (1) *meats, meat products* and *meat by-products* and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in bulk, from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in the United States (except AK and HI); (2) *flour*, in bulk, from Wichita, KS to points in the United States (except AK and HI). (Hearing site: Kansas City, MO or Des Moines, IA.)

MC 110567 (Sub-17), filed July 11, 1979. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting petroleum products, in bulk, from Houston and Beaumont, TX to points in AR, IL, IA, LA, MN, MS, MO, NE, OK, SD, TX and WI. (Hearing site: Kansas City, MO or Des Moines, IA.)

MC 113406 (Sub-14F), filed July 9, 1979. Applicant: DOT LINES, INC., 1000 Findlay Road, Lima, OH 45802. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Transporting *aluminum and aluminum articles*, between points in Allen County, OH, on the one hand, and, on the other, points in IN, and those in the lower peninsula of MI. (Hearing site: Columbus, OH.)

MC 115826 (Sub-510), filed July 9, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same as applicant). Transporting canned animal food from Birmingham, AL to Columbus, OH. (Hearing site: Denver, CO.)

MC 115826 (Sub-511ap–9), filed July 9, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same as applicant). Transporting alcoholic liquors from Louisville, KY, to points in TX, CO, CA, WA, OR, AZ, NV, ID, WY and UT. (Hearing site: Denver, CO.)

MC 115826 (Sub-513), filed July 9, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same as applicant). Transporting confectionery, in vehicles equipped with mechanical refrigeration, from the facilities of Mars, Inc. at or near Elizabeth and Hackettstown, NJ and Elizabethtown, PA to points in AZ, CA, CO, IA, ID, IL, IN, MI, MN, MO, NE, NV, OH, OR, UT, WA, WI and WY, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Denver, CO.)

MC 115826 (Sub-517F), filed July 16, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore, 6015 East 58th Ave., Commerce City, CO 80022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *hospital supplies and accessories* from Irvine, CA to points in OR, WA, ID, UT, AZ, NM and CO. (Hearing site: Denver, CO.)

MC 116077 (Sub-418), filed July 12, 1979. Applicant: DSI TRANSPORTS, INC., 4550 Post Oak Place Drive, P.O. Box 1505, Houston, TX 77001. Representative: James M. Doherty, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. Transporting *tallow*, in bulk, from the facilities of Iowa Beef Processors, Inc. at or near Dakota City and West Point, NE, Denison and Fort Dodge, IA, Emporia, KS, and Luverne, MN, to points in AR, LA, OK and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Omaha, NE or Sioux City, IA.)

MC 116077 (Sub-423F), filed July 13, 1979. Applicant: DSI TRANSPORTS, INC., 4550 Post Oak Place Drive, P.O. Box 1505, Houston, TX 77001. Representative: James M. Doherty, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *petroleum and petroleum products*, liquid, in bulk, in tank vehicles, from the facilities of Exxon Co., U.S.A. at or near Baton Rouge, LA, to points in the United States (except AK and HI). (Hearing site: Houston, TX or Baton Rouge, LA.)

MC 117557 (Sub-25), filed July 11, 1979. Applicant: MATSON, INC., P.O. Box 43, Cedar Rapids, IA 52406. Representative: Kenneth F. Dudley, 1501 East Main Street, P.O. Box 279, Ottumwa, IA 52501. Transporting cast iron products, between the facilities of Griggin Pipe Products Co. at Lynchburg, VA, on the one hand, and, on the other, points in IA, IL, IN, KS, MI, MN, MO, NE, OH, and WI. (Hearing site: Chicago, IL.)

MC 117786 (Sub-57F), filed July 16, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Road, Springfield, VA. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *store display racks or stands, fibreboard, paperboard and paper and parts of the named commodities*, knocked down or folded flat, from Dayton, OH, to points in the United States (except AK and HI). (Hearing site: Cincinnati, OH or Cleveland, OH.)

MC 117786 (Sub-69F), filed July 9, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, AZ 85014. Transporting *alcoholic beverages* from Lynchburg, TX to points in AZ, CA, and NV. (Hearing site: Phoenix, AZ.)

MC 118446 (Sub-4), filed July 17, 1979. Applicant: PARCEL DELIVERY & TRANSFER, INC., P.O. Box 937, Kenai, AK 99611. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives)

between points in the commercial zone of Anchorage, AK, restricted to the transportation of traffic having a prior or subsequent movement by water.

Note.—This is an ex-water application filed under the special procedures prescribed in 49 CFR § 1062.3.

MC 118696 (Sub-23F), filed July 13, 1979. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46324. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *television picture tubes, parts, materials, equipment and supplies used in the manufacture thereof* (1) between Dunmore, PA, on the one hand, and, on the other, Forrest City, AR, Chicago, IL, Circleville and Columbus, OH, Laredo, TX and points in IN, (2) between Marion, IN and Lebanon, TN. (Hearing site: Chicago, IL.)

MC 118776 (Sub-38F), filed July 16, 1979. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *beer* and advertising matter from the facilities of G. Heileman Brewing Co., Inc., at Evansville, IN, to Med Park Distributing at Hannibal, MO. (Hearing site: St. Louis, MO; Chicago, IL.)

MC 119176 (Sub-27), filed July 12, 1979. Applicant: THE SQUAW TRANSIT COMPANY, 6211 South 49th West Avenue, Tulsa, OK 74107. Applicant representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting (1) *overhead crane systems* from Tulsa, OK and Cleveland TX to points in the United States (except AK and HI); and (2) *machinery, equipment, materials* and *supplies used in the manufacture of the commodities specified in (1) in the reverse direction. (Hearing site: Tulsa, OK or Dallas TX.)*

MC 119777 (Sub-391), filed July 6, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85–East, Madisonville, KY, 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY, 42431. Transporting: *iron* and *steel articles* from Houston, TX to points in LA, AR, KS, OK and TX. (Hearing site: Houston, TX).

MC 119837 (Sub-15F), filed July 12, 1979. Applicant: OZARK MOTOR LINE INC., 27 West Illinois, Memphis, TN, 38106. Representative: Thomas A. Stroud, 2008 Clark Tower, Memphis, TN, 38137. Transporting such commodities as are used by manufacturers of electrical applicances, electrical equipment, wood products, and parts thereof, between the facilities of Sanyo Manufacturing Corp. at Forrest City, AR, on the one hand, and on the other points in the United States (except AK and HI). (Hearing site: Memphis, TN or Forrest City, AR).

MC 120737 (Sub-53), filed July 10, 1979. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *iron and steel articles*, from the facilities of Keystone Consolidated Industries, Inc. at or near Peoria, IL to points in AR, IN, IA, KY, LA, MI, MN, MS, MO, OH, OK, TN, TX and WI. (Hearing site: Chicago, IL).

MC 120737 (Sub-54), filed July 11, 1979. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *iron and steel tubing*, from Chicago and Rockford, IL to Memphis, TN and Oklahoma City, OK. (Hearing site: Chicago, IL or Oklahoma City, OK.)

MC 120737 (Sub-55), filed July 13, 1979. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *iron and steel articles*, from the facilities of Keystone Consolidated Industries, Inc. at or near Crawfordsville, IN to points in IL, IA, MN, MO and WI. (Hearing site: Chicago, IL.)

MC 121496 (Sub-30), filed July 9, 1979. Applicant: CANGO CORPORATION, 1100 Milam Building, Houston, TX 77002. Representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, DC 20001. Transporting *chemicals*, in bulk, in tank vehicles, from the facilities of Georgia-Pacific Corporation at or near Plaquemine, LA, to points in the United States (except AK and HI). (Hearing site: Baton Rouge or New Orleans, LA.)

MC 123407 (Sub-588F), filed July 16, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Authority granted to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting *building and roofing materials, and materials and supplies used in the manufacture of the foregoing commodities* (except commodities in bulk) between the facilities of GAF Corporation in the United States, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 123987 (Sub-32F), filed July 17, 1979. Applicant: JEWETT SCOTT TRUCK LINE, INC. Representative: Richard Hubbert, Sims, Kidd & Hubbert, P.O. Box 10236, Lubbock, TX 79408. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting *plastic pipe and accessories* from the facilities of Carlon—An Indian Head Company, at or near Oklahoma City, OK, to points in AZ, CO, KS, MO, NE, ND, NM, SD, TX, UT and WY. (Hearing Site: Oklahoma City, OK, or Dallas, TX.)

MC 124117 (Sub-38), filed July 6, 1979. Applicant: EARL FREEMEN AND MARIE FREEMAN d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eableville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Transporting *malt beverages* and *brewery supplies* (1) between the facilities of Pabst Brewing Company at or near Peoria Heights, IL, Milwaukee, WI and Pabst, GA; (2) between the facilities of Pabst Brewing Company named in (1) above, on the one hand, and, on the other points in the U.S. in and east of ND, SD, NE, OK and TX. (Hearing site: Nashville, TN.)

MC 125777 (Sub-253F), filed July 16, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pig iron*, in dump vehicles, from Camden, NJ, to points in CT, DE, ME, MD, MA, NH, NY, OH, PA, RI, VT, VA, WV, and DC. (Hearing site: Chicago, IL.)

MC 125777 (Sub-254F), filed July 16, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed and feed ingredients*, in dump vehicles, between points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI, and DC. (Hearing site: Chicago, IL.)

MC 125996 (Sub-84F), filed July 16, 1979. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Authority

sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting *Meats, meat products, meat byproducts and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Fairmont, MN, Des Moines and Sioux City, IA to the facilities of East Bay Packing Co., at Oakland, CA. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 125996 (Sub-90F), filed July 17, 1979. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *flavorings, toppings and syrups*, in glass and cans, not requiring mechanical refrigeration, from the facilities of Lyons-Magnus Company, at Clovis, CA, to points in AZ, CO, ID, KS, MO, MN, MT, OR, UT, and WA. (Hearing site: San Francisco or Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 126327 (Sub-12F), filed July 12, 1979. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *toilet preparations; health and beauty aid products; buffing, polishing and cleaning compounds; chemicals, foodstuffs*, and *equipment and appliances* used in health and beauty care (except commodities in bulk), from Sparks, NV, to Emeryville and Los Angeles, CA, Portland, OR, and Seattle, WA, restricted to traffic originating at the facilities of Alberto-Culver Company in Sparks, NV. (Hearing site: San Francisco, CA.)

Notes.—(1) Dual operations are involved; (2) Common control is involved.

MC 127346 (Sub-8F), filed July 12, 1979. Applicant: HALL'S FAST MOTOR FREIGHT, INC., 330 Oak Tree Avenue, South Plainfield, NJ 07080. Representative: Ronald I. Shapss, Esq., 450 Seventh Avenue, New York, NY 10001. Transporting (1) *automotive and truck parts, and welding rods, welding wire, and materials, equipment and supplies used in the manufacture and sale thereof*, (2) *chewing gum, and materials and supplies used in the manufacture and distribution of chewing gum*, between Baltimore, MD, points in PA, NJ, and OH. (Hearing site: New York, NY.)

MC 129296 (Sub-4F), filed July 12, 1979. Applicant: M & D HAULING, INC., 260 Jordan Avenue, Montoursville, PA 17754. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Transporting *salt and salt products, pepper* in mixed loads with salt, and *animal mineral feed mixtures* in mixed loads with salt, (1) from Silver Springs, NY, to points in DE, IN, MD, NC, NJ, OH, VA, WV, DC, and those in the lower peninsula of MI, and (2) from Perth Amboy, NJ, to points in CT, DE, IN, MA, MD, ME, NC, NH, NJ, NY, OH, PA, RI, VA, VT, WV, DC, and the lower peninsula of MI. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 129387 (Sub-97F), filed July 17, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). Transporting *cleaning and polishing compounds* (2) *textile softeners* (3) *lubricating grease or oils* (4) *deodorants and disinfectants* (except in bulk) from Joliet, IL to points in CA, CO, IA, MO, NE, ND, and SD. (Hearing site: St. Paul, MN or Chicago, IL.)

MC 129537 (Sub-41F), filed July 16, 1979. Applicant: REEVES TRANSPORTATION CO., Rt. 5, Dews Pond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *flour and cornmeal* (except in bulk) from the facilities of Shawnee Milling Co. at or near Shawnee, OK, to points in AL, FL, TN, GA, LA, SC, NC, MS and KY. (Hearing site: Oklahoma City, OK.)

MC 134286 (Sub-120F), filed July 16, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the Report in *Descriptions In Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Illini Beef Packers, Inc., at or near Joslin, IL, to points in IA, NE, MI, KY, OK, MN, KS, CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VA, VT, OH, and WI, and DC.

MC 134477 (Sub-355), filed July 12, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *meat, meat products*, and *meat by-products, dairy products*, and *articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Armour and Co., at or near Mason City, IA to points in AL, AR, CO, FL, GA, KS, KY, LA, MS, MO, NC, OK, SD, and TN, restricted to the transportation of traffic originating at the above named origins. (Hearing site: St. Paul, MN.)

MC 135797 (Sub-247F), filed July 16, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esq., P.O. Box 130, Lowell, Arkansas 72745. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *foodstuffs*, from points in CA, FL and MI to Greenfield, MA.

MC 136916 (Sub-21F), filed July 17, 1979. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, NJ 07848. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, between points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, WV, OH, DC, ME, NH and VT, restricted to the transportation of traffic originating at or destined to facilities of Owens Illinois, Inc. (Hearing site: New York, NY.)

MC 138126 (Sub-41F), filed July 16, 1979. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Old Denton Road, Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *foodstuffs* (except commodities in bulk) from the facilities of Campbell Soup Company, at or near Napoleon, Ohio, to points in VA, MD, DC, PA, and NJ. (Hearing site: Washington, D.C.)

MC 138157 (Sub-167F), filed July 9, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same as applicant). Transporting *metal articles*, except commodities which by reason of size and weight require the use of special equipment from City of Industry, CA, to points in the United

States in and east of MT, WY, CO and NM. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138157 (Sub-168), filed July 11, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same 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 commodities which because of their size or weight require the use of special equipment), between points in the United States (except AK and HI) restricted to traffic originating at or destined to the facilities of Foremost-McKesson, Inc. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 138956 (Sub-15), filed July 13, 1979. Applicant: ERGON TRUCKING, INC., 202 East Pearl Street, Jackson, MS 39201. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting *barite*, in bulk, in tank vehicles, from points in TX to points in LA and MS. (Hearing site: Jackson, MS.)

MC 139906 (Sub-61F), filed July 13, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting *such commodities as are dealt in by retail and department stores and equipment, materials and supplies* used in the conduct of such business (except foodstuffs and commodities in bulk), from the facilities of J. C. Penney Co., Inc. at Stockton, CA, to Atlanta, GA.(Hearing site: Lincoln, NE or Salt Lake City, UT.)

Note.—Applicant holds motor contract authority in No. MC–134599 and various sub numbers thereunder, therefore dual operations may be involved.

MC 139906 (Sub-62F), filed July 13, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *iron or steel wire and iron or steel fabric*, from the facilities of Cook & Company at Lumber City, GA, to points in IL, KY, NE, TX, AL, OH, and OK. (Hearing site: Salt Lake City, UT or Lincoln, NE.)

Note.—Applicant holds motor contract authority in No. MC–134599 and subnumbers thereunder, therefore dual operations may be involved.

MC 139906 (Sub-63F), filed July 16, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2000 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *rubber tubes, air bags and compound* between (1)(a) the facilities of the Polson Rubber Company at Lenoir City, TN; (b) Greenville, TN; (c) Warrenton, GA; (d) McAlester, OK; (e) Lenoir City, TN; and (f) Lodi, OH; and (2) from those origins to Waco, TX; Mayfield, KY; Akron, OH; Albert Lea, MN; and Bowling Green, KY. (Hearing site: Lincoln, NE or Salt Lake City, UT .)

Note.—Applicant holds motor contract authority in No. MC–134599 and subnumbers thereunder, therefore dual operations may be involved.

MC 139906 (Sub-64F), filed July 16, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *agricultural insenticides and fungicides, and weed killing compounds*, in packages from the facilities of Staffer Chemical Co. at North Little Rock, AR to points in IL, IN, IA, KS, MD, MI, MN, MO, NE, NJ, NY, OH, PA, VA, and WI. (Hearing site: Lincoln, NE or Salt Lake City, UT.)

Note.—Applicant holds motor contract authority in No. MC–134599 and subnumbers thereunder, therefore dual operations may be involved.

MC 139906 (Sub-65F), filed July 16, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *industrial or intitutional cleaning, washing and scouring compounds and preparations and materials and supplies* used in the manufacture and distribution of the forgoing commodities, from the facilities of BASF Wyandotte Corporation at Tucker, GA to points in AR, TX and LA. (Hearing site: Lincoln, NE or Salt Lake City, UT.)

Note.—Applicant holds motor contract authority in No. MC–134599 and subnumbers thereunder, therefore dual operations may be involved.

MC 143127 (Sub-50F), filed July 16, 1979. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers* (except in bulk), from the facilities of Midland Glass Company, Inc., at or near Warner Robins, GA, Terre Haute, IN, Shakopee, MN, Cliffwood, NJ, and Henryetta, OK to points in the United States in and east of AR, IA, LA, MN, and MO, and (2) *Materials, equipment, and supplies* used in the manufacture and distribution of glass containers (except) commodities in bulk) in the reverse direction. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 143417 (Sub-6F), filed July 12, 1979. Applicant: FLASH INTERSTATE DELIVERY SYSTEM, INC., 4711 West 16th Street, Cicero, IL 60650. Representative: Barry Roberts, 888 17th Street, NW., Washington, DC 20006. Transporting *bananas* and *commodities* which are otherwise exempt from economic regulation when moving in mixed loads with bananas from New York City, NY, and Baltimore, MD, to points in OH, MI, PA, IL, and IN. (Hearing site: Chicago, IL.)

MC 143436 (Sub-31F), filed July 9, 1979. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 9049 Stonegate Road, Indianapolis IN 46227. Representative: Stephen M. Gentry, 1500 Main Street, Speedway, IN 46224. Transporting *foodstuffs* (except in bulk) in vehicles equipped with mechanical refrigeration from the facilities of Hershey Foods Corporation, at or near Cincinnati, OH, to points in KY. (Hearing site: Indianapolis IN.)

MC 143646 (Sub-2F), filed July 16, 1979. Applicant: KEITH BOTKINS TRUCKING, INC., 12 West Rollins Street, Moberly, Missouri 65270. Representative: Thomas P. Rose, Attorney at Law, P.O. Box 205, Jefferson City, Mo. 65102. Authority to engage in operations, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *limestone, limestone products, mineral fixtures for*

animal and poultry feeding, and trace mineral ingredients, from Quincy, IL to Blue Springs, Chillicothe, Columbia, Fulton, Jefferson City, Kansas City, Kirksville, Macon, Mexico, Moberly, and Sedalia, MO. If a hearing is necessary, applicant requests it be held in Jefferson City or St. Louis, Missouri.

MC 144166 (Sub-4F), filed July 16, 1979. Applicant: BILL STARR TRUCKING, INC., 1716 Berry Road, Independence, MO. 64057. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *toilet preparations* from Kansas City, MO, to San Antonio, TX. (Hearing site: Kansas City, MO.)

MC 144557 (Sub-13F), filed July 12, 1979. Applicant: HUDSON TRANSPORTATION, INC., P.O. Drawer 847, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *such commodities as are dealt in or distributed by grocery and food business houses* (except in bulk), from the facilities of Hunt-Wesson Foods, Inc., in Jefferson Parish, LA, to points in Geneva County, AL. (Hearing site: New Orleans, LA, or Birmingham, AL.)

Note.—Dual operations may be involved.

MC 144827 (Sub-25F), filed July 9, 1979. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, 2877 Farrisview, Memphis, TN 38118. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting *household products* (except commodities in bulk), from the plantsite of S. C. Johnson & Son, Inc. at or near Racine, WI, to points in MO, TN, and TX, restricted to traffic originating at or destined to the plantsites of S. C. Johnson & Son, Inc. (Hearing site: Chicago, IL)

MC 144827 (Sub-30F), filed July 12, 1979. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, 2877 Farrisview, Memphis, TN 38118. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *magazines, magazine parts, and paper,* from Chicago, IL to Dallas, TX, and points in, north and east of OH, WV, and VA, and (2) *magazines, magazine parts, and paper,* from points in, north and east of OH, WV, and VA to Chicago, IL, restricted to traffic originating at or destined to the facilites of Time, Inc. (Hearing site: Chicago, IL.)

MC 145396 (Sub-4F), filed July 14, 1979. Applicant: BOYCE HOWARD, d.b.a. BOYCE HOWARD TRUCKING, Highway 67 North, P.O. Box 165, Newport, AR 72112. Representative: Thomas J. Presson, P.O. Box 117, I–30 S. Service Road, Indian Springs Mall, Bryant, AR 72022. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting *fertilizer* in bulk in dump trailers and in bags from Memphis, TN to points in AR, AL, MS, KY, and LA. (Hearing site: Little Rock, AR.)

MC 145821 (Sub-4F), filed July 9, 1979. Applicant: LONG ROCK CO., P.O. Box 188, Princeville, IL 61559. Representative: Douglas G. Brown, The INB Center, Suite 555, One North Old State Capitol Plz., Springfield, IL 63701. Transporting *silicon carbide and aluminum oxide,* from Niagara Falls, NY to points in IL, IN, MI, ON, and WI. (Hearing site: St. Louis, MO.)

MC 145936 (Sub-2), filed July 13, 1979. Applicant: G & M TRUCKING, INC., 15313 Goodrich Dr. N.W., Gig Harbor, WA 98335. Representative: Murray W. Gamrath, 15313 Goodrich Dr. N.W., Gig Harbor, WA 98335. Authority to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *Ice Cream* from Union City, CA to Portland, OR and Seattle, WA. (Hearing site: Seattle, WA to Tacoma, WA.)

MC 146416 (Sub-15F), filed July 14, 1979. Applicant: HERITAGE TRANSPORTATION COMPANY, 155 N. Eucla Avenue (P.O. Box 476), San Dimas, CA 91773. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *Dressed hogs,* from La Junta, CO, and York, NE, to points in CA. (Hearing site: Los Angeles, CA.)

MC 146657 (Sub-2F), filed July 11, 1979. Applicant: LEGAN BUS LINES, LTD., 3027–130 Avenue, Edmond, Alberta, Canada T5A 3M1. Representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th Streets NW., Washington, DC 20004. Transporting *passengers and their baggage,* in round-trip special and charter operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada and extending to points in the United States (excluding AK and HI), restricted to operations in foreign commerce only.

MC 146756(Sub-3), filed July 13, 1979. Applicant: WAGNER'S TRUCKING, INC., 6585 Dawn Way, Inver Grove, MN 55075. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Boulevard, MN, Minnesota 55416. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *precast concrete* from Rosemount, MN to points in IA, NE, ND, and SD, and, (2) *building materials* from St. Paul, MN to points in IA, ND, SD, and WI. (Hearing site: Minneapolis, MN.)

MC 146796 (Sub-2F), filed July 11, 1979. Applicant: ROBERT HANSEN, d.b.a. HANSON TRUCKING, 121 West Fourth Street, Danville, IL 61832. Representative: Robert Hansen (same as above). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in trailers or in containers, having an immediately prior or subsequent movement by rail, between Danville, IL, on the one hand, and, on the other, points in IL and IN. (Hearing site: Danville, IL.)

MC 147077 (Sub-4F), filed July 16, 1979. Applicant: Q. T. TUGGLE, d.b.a. CALIFORNIA WESTERN, 3325 Linden Avenue, Long Beach, CA 90807. Representative: Milton W. Flack, 4311 Wilshire Blvd., 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) *graphic arts machinery and equipment* and (2) *graphic arts materials and supplies* in mixed loads with the commodities in (1) above, between points in the United States (except AK and HI), under continuing contract(s) with Bowyer Contracting Co., Inc., of Newhall, CA. (Hearing site: Los Angeles, CA.)

MC 147126 (Sub-1F), filed July 12, 1979. Applicant: LARRY ESTES, d.b.a. LARRY ESTES BODY SHOP, 720 Graham Road, Emporia, KS, 66801. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *wrecked, disabled or repossessed vehicles and replacement vehicles and trailers* for such wrecked and disabled vehicles between Emporia, KS, and points within 80 miles of Emporia, KS, on the one hand, and, on the other, in the United States (except AK and HI), restricted in the transportation of trailers designed to be drawn by passenger automobiles, mobile homes, and buildings in sections, unless they are wrecked.

MC 147536 (Sub-5), filed July 6, 1979. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton, P.O. Box 1567, Joplin, MO 64801. Transporting: *Prepared animal and poultry feed, materials and supplies used in the manufacture of prepared animal and poultry feed (except in bulk*

in tank vehicles) between points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, ND, OH, OK, SD, TN, TX, and WI, restricted to shipments originating at or destined to the facilities of Doane Products Co. (Hearing site: Kansas City, MO; Tulsa, OK.)

MC 147877F, filed July 9, 1979. Applicant: SANFORD M. HEDRICK, JR., d.b.a. HENDRICK TRUCKING CO., P.O. Box 769, Darlington, SC 29532. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting (1) *fiberboard and fiberboard products, paper and paper products, plastic and plastic products, pulpboard and pulpboard products, rubber and rubber products,* and *holders and dispensers* for drinking cups, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1), between the facilities of American Can Company at or near Darlington, SC, on the one hand, and, on the other, Anaheim, Buena Park, Glendale, and Union City, CA, Denver, CO, Lenexa, KS, Pryor, OK, Dallas, TX, Kent, WA, and points in the U.S. in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbia, SC.)

Volume No. 7

Decided: Jan. 23, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 76 (Sub-11F), filed July 30, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (a) *iron and steel articles,* from the facilities of Auburn Steel Co., at or near Auburn, NY, to points in PA, OH, IN, IL, NJ, WV, VA, MD, DE, those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland and Bay Counties, and those in NY on and south of Interstate Hwy 84, and (b) *equipment, materials and supplies* (except commodities in bulk), in the reverse direction. (Hearing site: Washington, DC.)

MC 76 (Sub-14F), filed August 20, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *iron and steel articles,* from the facilities of Wheeling-Pittsburgh Steel Corporation, (a) at or near Monessen and Allenport, PA, to points in NY, NJ, MA, CT, RI, DE, MD, VA, WV, OH, IN, IL, OH, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties, MI, (b) at or near Martins Ferry, Mingo Junction, Steubenville, Yorkville, and Youngstown, OH, to points in PA, NY, NJ, CT, MA, RI, MD, DE, VA, IN, IL, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties, MI, and (c) at or near Follansbee, WV, to points in OH, PA, CT, MA, RI, MD, NY, NJ, DE, VA, IN, IL, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties, MI, and (2) *materials, equipment, and supplies* (except commodities in bulk), in the reverse direction. (Hearing site: Pittsburgh, PA.)

MC 11207 (Sub-497F), filed July 30, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. Transporting (1) *container ends, and closures,* (2) *commodities* manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers; and (3) *materials, equipment and supplies* used in the manufacture and distribution of containers, container ends and closures (except commodities in bulk) between points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX, VA, and WV, restricted to traffic originating at, destined to, or moving between the facilities of Continental Group, Inc. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 11207 (Sub-498F), filed July 31, 1979. Applicant: DEATON, INC., 317 Ave. W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting (1) *containers, container ends, and closures,* (2) *commodities* manufactured or distrubuted by manufacturers and distributors of containers in mixed loads with containers, and (3) *materials, equipment and suplies* used in the manufacture and distribution of containers, container ends and closures (except commodities in bulk), between points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX, VA, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Sonoco Products Co. (Hearing site: Columbia, SC, or Washington, DC.

MC 19157 (Sub-55F), filed July 2, 1979. Applicant: McCORMACK'S HIGHWAY TRANSPROTATION, INC., R.D. 3, Box 4, Campbell Rd., Schenectady, NY 12306. Representative: Michael D. Bromley, 666 Eleventh St. NW., Washington, DC 20001. Transporting *such commodities* as are dealt in and used by wholesale, retail and discount stores (except commodities in bulk and those which because of size or weight require the use of special equipment), between Lewisport and Cloverport, KY, Jackson, TN, Fayette, AL, Landsdale and Quakertown, PA, and Olean, NY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 19227 (Sub-247F), filed August 17, 1979. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th St., P.O. Box 523610, Miami, FL 33152. Representative: Robert F. McCaughey (same address as applicant). Transporting (1) *aircraft, aircraft engines and aircraft assemblies,* (2) *machinery, equipment, materials, and supplies* used in the maintenance and operation of aircraft, aircraft engines and aircraft assemblies, and (3) *parts and components* of the commodities in (1) and (2) above, between points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Washington, DC.)

MC 19227 (Sub-248F), filed August 19, 1979. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th St., P.O. Box 523610, Miami, FL 33152. Representative: Robert F. McCaughey (same address as appplicant). Transporting *air-conditioning machines,* from Salisbury, NC, to points in the United States (excpet AK and HI). (Hearing site: Charlotte, NC.)

MC 21866 (Sub-124F), filed July 6, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19103. Transporting (1) *steel valves,* from the facilities of Mosser Industries, Inc., at Allentown and Emmaus, PA, to points in the United States (except AK and HI), and (2) *used in the manufacture of steel valves,* (except in bulk), from points in CT, NC, OH, and VA, to the facilities of Mosser Industries, Inc., at Allentown and Emmaus, PA. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 21866 (Sub-129F), filed August 17, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19120. Transporting *paper and paper products,* and *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), between the facilities of Packaging Corporation of America, at Northampton, MA, Lancaster, Stroudsburg and Trexlertown, PA, Garfield, NJ, and Harrisonburg, VA, on the one hand, and, on the other, those points in the United

States in and east of MN, IA, KS, OK, and TX. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 26396 (Sub-267F), filed July 2, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *agricultural chemicals*, (except in bulk, in tank vehicles), from Luling, LA, and Mendota, IL, to Muscatine, IA. (Hearing site: Billings, MT.)

MC 26396 (Sub-269F), filed July 3, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Barbara S. George (same address as applicant). Transporting *grain elevator parts and accessories*, from the facilities of Sweet Manufacturing Company, at or near Springfield, OH, and West Point, NE, to points in the United States (except AK and HI). (Hearing site: Billings, MT.)

MC 26396 (Sub-270F), filed July 3, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *foodstuffs*, from Napoleon, OH, to points in ND, SD, WI, IA, NE, MD, MN, MO, KS, CO, and DC. (Hearing site: Billings, MT.)

MC 26396 (Sub-277F), filed July 31, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *such commodities* as are dealt in or used by irrigating, feeding, grain storage and handling systems, and equipment dealers, (except commodities in bulk), from points in the United States (except AK and HI), to points in ID, MT, WY, ND, and SD. (Hearing site: Billings, MT.)

MC 26396 (Sub-278F), filed July 30, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. The Waggoners, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting lumber and wood products, from points in MT to points in AL, KY, GA, LA, MS, and TN. (Hearing site: Billings, MT.)

MC 35077 (Sub-1F), filed August 15, 1979. Applicant: COURIER SYSTEMS, INC., 123 Pennsylvania Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between the facilities of Courier Services, Inc., at New York, NY, South Kearny, and Vineland, NJ, on the one hand, and, on the other, points in NJ, NY, CT, RI, MA, PA, MD, DE, and DC, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: New York, NY, or Washington, DC.)

MC 42487 (Sub-928F), filed July 2, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenbury, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Minneapolis, MN and Silver Bay, MN serving the intermediate points of Duluth and Two Harbors, MN and serving the junction Interstate Hwy 35 and MN Hwy 33 for the purpose of joinder only: From Minneapolis over Interstate Hwy 35W to junction Interstate Hwy 35, then over Interstate Hwy 35 to Duluth, then over U.S. Hwy 61 to Silver Bay, and return over the same route; (2) between Duluth, MN and Virginia, MN, over U.S. Hwy 53, serving no intermediate points other than the junction U.S. Hwy 53 and MN Hwy 33 and the junction U.S. Hwy 53 and MN 37 for purpose of joinder only; (3) Between Superior, WI and Cohasset, MN, serving the intermediate points of Duluth and Grand Rapids, MN: From Superior over Interstate Hwy 535 to junction Interstate Hwy 35, then over Interstate Hwy 35 to junction U.S. Hwy 2, then over U.S. Hwy 2 to Cohasset, and return over the same route; (4) Between Virginia, MN and Grand Rapids, MN, serving all intermediate points: From Virginia over MN Hwy 135 to junction U.S. Hwy 169 then over U.S. Hwy 169 to Grand Rapids, and return over the same route; (5) Between the junction Interstate Hwy 35 and MN Hwy 33 and the junction MN Hwy 33 and U.S. Hwy 53, serving the intermediate point of Cloquet, MN: From the junction Interstate Hwy 35 and MN Hwy 33 over MN Hwy 33 to the junction MN Hwy 35 and U.S. Hwy 53, and return over the same route; (6) Between the junction MN Hwy 37 and U.S. Hwy 53 and the junction MN Hwy 37 and U.S. Hwy 169, serving no intermediate points: From the junction MN Hwy 37 and U.S. Hwy 53 over MN Hwy 37 to the junction MN Hwy 37 and U.S. Hwy 169, and return over the same route. Serving the off-route points of Allen, Aurora, Babbitt, Bengal, Biwabik, Bovey, Britt, Embarrass, Eveleth, Forbes, Gilbert, Hoyt Lakes, Kelly Lake, Marble, Mesaba, Mountain Iron, Pengilly, Riley, Sherwood and Silica, MN, in connection with Routes (1) through (6) described above. (Hearing site: Duluth, MN or Minneapolis, MN.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 42487 (Sub-929F), filed July 2, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities, in bulk, and commodities requiring special equipment), (1) Between Flagstaff, AZ and Liberal, KS, serving the intermediate point of Albuquerque, NM and serving the junction U.S. Hwy 54 and U.S. Hwy 64 at Guymon, OK for purpose of joinder only: From Flagstaff over U.S. Hwy 66 to Albuquerque, NM, then over Interstate Hwy 25 to junction U.S. Hwy 64 at or near Raton, NM, then over U.S. Hwy 64 to Hooker, OK, then over U.S. Hwy 54 to Liberal, and return over the same route; (2) Between Albuquerque, NM and the junction U.S. Hwy 54 and U.S. Hwy 64 at Guymon, OK, serving no intermediate points: From Albuquerque over U.S. Hwy 66 to Santa Rosa, NM, then over U.S. Hwy 54 to the junction U.S. Hwy 54 and U.S. Hwy 64 at Guymon, OK, and return over the same route; (3) Between Albuquerque, NM and Fort Worth, TX, serving no intermediate points: From Albuquerque over U.S. Hwy 66 to Amarillo, TX, then over U.S. Hwy 287 to Fort Worth, TX, and return over the same route. (Hearing site: Albuquerque, MN.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 42487 (Sub-935F), filed July 30, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities (except those of unusual value, Classes A and B explosives, household goods as*

defined by the Commission, commodities in bulk, and commodities requiring special equipment) (1) Between Sarasota, FL and Fort Myers, FL over U.S. Hwy 41, serving all intermediate points, and the off-route points of Cape Coral, FL and Fort Myers Beach, FL; (2) Between Fort Myers, FL and Miami, FL, over U.S. Hwy 41, serving no intermediate points; (3) Between Fort Myers, FL and junction FL Hwy 80 and U.S. Hwy 27, over FL Hwy 80, serving no intermediate points except the junction of FL Hwy 80 and FL Hwy 29 at La Belle, FL for purpose of joinder only; (4) Between Palmdale, FL and junction FL Hwy 29 and FL Hwy 80 at La Belle, FL over FL Hwy 29, serving no intermediate points. (Hearing site: Fort Myers, FL.)

Note.—Applicant intends to tack the authorities described above. Also, applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 51146 (Sub-716F), filed July 30, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting *pet food, and equipment, meterials, and supplies* used in the manufacture and distribution of pet food, between Perham, MN, 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: Chicago, IL.)

MC 51146 (Sub-717F), filed July 30, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting *pallets, packaging materials, and wood products* between Sioux Falls, SD and Minneapolis, MN and points in ND, SD, NE, KS, MO, WI, IL, IN, MI, IA, OH, and MN. (Hearing site: Chicago, IL.)

MC 59206 (Sub-26F), filed July 30, 1979. Applicant: HOLLAND MOTOR EXPRESS, INC., 750 East 40th St., Holland, MI 49423. Representative: Kenneth De Vries (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), (1) between Rock Island, IL and Muscatine, IA, over IL Hwy 92, serving all intermediate points, (2) between Davenport, IA and Muscatine, IA, over U.S. Hwy 61, serving all intermediate points, and (3) between Davenport, IA and Muscatine, IA, over IA Hwy 22, serving all intermediate points. (Hearing site: Chicago, IL.)

MC 59396 (Sub-30F), filed August 15, 1979. Applicant: BUILDERS EXPRESS, INC., R.D. Limecrest Rd., Lafayette, NJ 07848. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *manganese dioxide*, from Philadelphia, PA, and Wilmington, DE, to Clifton, NJ. (Hearing site: New York, NY.)

MC 61016 (Sub-53F), filed July 30, 1979. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Representative: Philip J. Shine, 95 State Street, Suite 909, Springfield, MA 01103. Transporting *passengers and their baggage*, in round-trip special operations beginning and ending at Hartford, New Haven, Bridgeport, and Stamford, CT, and extending to Atlantic City, NJ, restricted to the transportation of passengers travelling in the same vehicle with passengers originating at or destined to Springfield, MA. (Hearing site: Hartford, CT.)

MC 63417 (Sub-217F), filed July 2, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va 24034. Representative: William E. Bain (same address as applicant). Transporting *wood squares, rounds, dimension stock, stair treads,* from points in MD, NY, OH, PA, WV, to points in IN, KY, NC, VA, and TN. (Hearing site: Washington, DC, or Roanoke, VA.)

MC 63417 (Sub-218F), filed July 5, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va 24034. Representative: William E. Bain (same address as applicant). Transporting *such commodities* as are dealt in by manufacturers of containers (except commodities in bulk), from Quakertown, PA, and Niles, OH, to points in GA, KY, NC, SD, TN, VA, and WV. (Hearing site: Washington, DC.)

MC 63417 (Sub-225F), filed July 30, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va 24034. Representative: William E. Bain (same address as applicant). Transporting *textiles, synthetic fiber, synthetic staple fiber, synthetic fiber yarn,* and *materials, supplies* and *equipment* used in the manufacture and distribution of these commodities (except commodities in bulk) between points in VA, on the one hand, and on the other, points in AL, GA, and TN. (Hearing sites: Wilmington, DE, or Roanoke, VA.)

MC 63417 (Sub-229F), filed July 30, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va 24034. Representative: William E. Bain (same address as applicant). Transporting *malt beverages,* and *materials, equipment,* and *supplies* used in the manufacture, sale, and distribution of malt beverages (except commodities in bulk) between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Miller Brewing Company. (Hearing site: Roanoke, VA or Milwaukee, WI.)

MC 63417 (Sub-230F), filed July 30, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va 24034. Representative: William E. Bain (same address as applicant). Transporting *animal feed,* and materials and supplies and equipment used in the manufacture and distribution of animal feed (1) between Birmingham, AL; Cerritos, and Los Angeles, CA; Columbus, OH; Ogden, UT; on the one hand, and on the other, points in the United States (except AK and HI), (2) between Hutchinson, KS, on the one hand and on the other, points in AZ, CA, CO, IA, ID, MN, MT, NE, ND, NM, NV, OR, SD, UT, WA, WI, WY: (3) *Animal feed,* and materials and supplies and equipment used in the manufacture and distribution of animal feed, from points in the US (except AK and HI) to Hutchinson, KS, restricted in (1), (2), (3) above against the transportation of commodities in bulk and those requiring special equipment, and further restricted to shipments originating at or destined to the facilities of or used by Kal Kan Foods, Inc. ((Hearing site: Roanoke, VA, or Los Angeles, CA.)

MC 69397 (Sub-60F), filed July 30, 1979. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 eleventh Street, NW., Washington, DC 20001. Transporting *empty intermodal containers, chassis, and trailers,* between points in MA, RI, CT, NY, NJ, PA, DE, MD, VA, NC, SC, and GA, restricted in (1) to traffic having a prior or subsequent movement by water, and (2) against traffic moving between Savannah, GA and Charleston, SC, on the one hand, and, on the other, points in SC. (Hearing site: New York, NY, Washington, DC.)

MC 74416 (Sub-21F), filed August 17, 1979. Applicant: LESTER M. PRANGE, INC., Box 1, Kirkwood, PA 17536.

Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005. Transporting *foodstuffs,* (except in bulk) from New Holland, PA, to points in NY, NJ, VA, DE, SC, GA, and FL. (Hearing site: Washington, DC.)

MC 91306 (Sub-20F), filed July 27, 1979. Applicant: JOHNSON BROTHERS TRUCKERS, INC., P.O. Box 848, Hickory, NC 28601. Reprsentative: Gerald Johnson (same address as applicant). Transporting *new furniture and furniture parts,* from Caldwell, Catawba, Alexander, Rutherfordton and McDowell Counties, NC, to points in MA, CT and RI. (Hearing site: Charlotte, NC.)

MC 95876 (Sub-291F), filed July 2, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *industrial machinery,* and (2) *materials, equipment, and supplies* used in the manufacture of items described in (1) above, between points in Winnebago County, IL, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 95876 (Sub-292F), filed July 2, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *iron and steel pipe, metal fence posts and fencing, wire,* between points in the United States, (except AK and HI), restricted to traffic originating at or destined to the facilities of Gensco, Inc. (Hearing site: San Antonio, TX, or Washington, DC.)

MC 95876 (Sub-297F), filed July 30, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting (1) *irrigation systems,* (2) *parts for irrigation systems,* (3) *solar energy systems, fuel burning heating appliances* and *parts and accessories* used in the installation, operation and maintenance of such systems or appliances, (4) *pipe, tubing, poles* and such *materials, equipment and supplies* as are used in the installation and maintenance thereof, (5) *iron and steel articles,* (6) *equipment, materials and supplies* used in the manufacture of the commodities described in (1) through (5) above, and (7) *used irrigation systems and parts* thereof, between the facilities of Valmont Industries, Inc. at or near Valley, NE on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Omaha, NE, or Minneapolis, MN.)

MC 96877 (Sub-3F), filed July 3, 1979. Applicant: YUMA COUNTY TRANSPORTATION CO., 310 East Second Ave., Yuma, CO 80759. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. 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 Akron, CO and Sterling, CO, serving all intermediate points: (a) from Akron, over CO Hwy 63 to its junction with US Hwy 6, then over US Hwy 6 to Sterling, and return over the same route, and (b) from Akron over CO Hwy 63 to its junction with Interstate Hwy 76, then over Interstate Hwy 76 to its junction with US Hwy 86, then over US Hwy 6 to Sterling, and return over the same route, (2) between Wray, CO and Sterling, CO, serving all intermediate points, from Wray over US Hwy 34 to Otis, CO, then over CO Hwy 61 to its junction with US Hwy 6, then over US Hwy 6 to Sterling, and return over the same route, (3) between Denver, CO and Akron, CO, serving no intermediate points, from Denver, over US Hwy 6 to its junction with US Hwy 34, then over US Hwy 34 to Akron, and return over the same route, (4) between Wray, CO and Denver, CO, serving no intermediate points, (a) from Wray, CO over US Hwy 34 to its junction with Interstate Hwy 76, then over Interstate Hwy 76 to Denver, and return over the same route, and (b) from Wray, over US Hwy 385 to its junction with US Hwy 36, then over US Hwy 36 to Denver, and return over the same route, and (5) between Wray, CO and Haigler, NE, over US Hwy 34, serving all intermediate points. (Hearing site: Wray, CO.)

MC 100666 (Sub-484F), filed August 17, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *such commodities* as are dealt in or used by agricultural, industrial and construction machinery equipment dealers (except in bulk), from the facilities of Massey-Ferguson, Inc., at or near Detroit, MI, to points in AL, AR, FL, GA, KY, LA, MS, NM, NC, OK, SC, TN, and TX. (Hearing site: Dallas, TX.)

MC 100666 (Sub-489F), filed August 16, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *environmental control equipment and supplies,* from Durant, OK, to points in AZ, CO, NM, and TX. (Hearing site: Albuquerque, NM.)

MC 100666 (Sub-490F), filed August 17, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *building and insulating materials* (except iron and steel articles and commodities in bulk), between the facilities of Certain Teed Corporation, in Chatham County, GA, on the one hand, and, on the other, points in LA, AR, and TX. (Hearing site: Dallas, TX.)

MC 102616 (Sub-1002), filed July 2, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Rd., Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting (1) *chemicals,* in bulk, in tank vehicles, from Cincinnati, OH, to points in IL, IN, KY, MI, MO, TN, and WV, and (2) *chemicals, vegetable oils, animal oils, fats, and blends* thereof, in bulk, in tank vehicles, between Cincinnati, OH, on the one hand, and, on the other, points in IL, IN, KS, KY, MI, MO, TN, and WI. (Hearing site: Cincinnati, OH, or Louisville, KY.)

MC 105457 (Sub-99F), filed July 30, 1979. Applicant: THRUSTON MOTOR LINES, INC., 600 Johnston Rd., Charlotte, NC 28206. Representative: John V. Luckadoo (same address as applicant). Transporting (1) *tires, tire tubes, tire treads,* and (2) *materials and supplies* used in the manufacture installation and distribution of the commodities in (1) above, between Wilson, NC, and Martinsburg, WV. (Hearing site: Washington, DC)

MC 107107 (Sub-477F), filed July 5, 1979. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Ave., Opa Locka, FL 33054. Representative: Ford W. Sewell (same address as applicant). Transporting *automotive parts, accessories and equipment, and materials and supplies* used in the manufacture thereof, (1) from Nashville, TN, to Atlanta, GA, and points in FL, (2) from Loudon, Ripley and Pulaski, TN, to points in FL, and (3) from Atlanta, GA to points in FL, restricted to

shipments originating at the facilities of Maremont Corporation. (Hearing site: Miami, FL.)

MC 107496 (Sub-1223F), filed July 2, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *flour*, in bulk, from St. Joseph, MO, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO, or Des Moines, IA.)

MC 107496 (Sub-1224F), filed July 2, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting (1) *lime*, in containers, from Springfield, MO, to points in IL, NJ, KY, and OH, and (2) *fertilizer*, in bulk, from Perry, NE, to points in KS, and CO. (Hearing site: Kansas City, MO, or Des Moines, IA.)

MC 108067 (Sub-19F), filed July 31, 1979. Applicant: AL ZEFFIRO TRANSFER & STORAGE, INC., P.O. Box 296, Murrysville, PA 15668. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *iron and steel articles, building and construction materials, ventilators, louvers, and prefabricated metal*, from the facilities of H. H. Robertson Co., at or near (a) Ambridge, PA, to points in OH, IN, IL, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties, MI, (b) Connersville, IN, to points in OH, PA, NY, NJ, MD, DE, VA, MA, CT, RI, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties, MI, (c) Batavbia, OH, to points in PA, NY, NJ, MD, DE, VA, MA, CT, RI, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties, MI, and (2) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: Wahington, DC.)

MC 108937 (Sub-55F), filed July 30, 1979. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164. Transporting *meats, meat products, meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A, C. & D 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), serving the facilities of Lauridsen Foods, Inc., at or near Britt, IA as an off-route point in conjunction with applicant's regular route operation. (Hearing site: St. Paul, MN.)

MC 109397 (Sub-481F), filed August 16, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *molybdenum concentrates* (except in bulk, in tank vehicles), from points in Pinal County, AZ, to points in the United States (except AK and HI). (Hearing site: Phoenix, AZ.)

MC 109736 (Sub-48F), filed July 30, 1979. Applicant: CAPITOL BUS COMPANY, 1061 South Cameron Street, Harrisburg, PA 17104. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. Transporting *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Philadelphia, PA and Atlantic City, NJ, serving no intermediate points, from Philadelphia over Interstate Hwy 76 to junction Interstate Hwy 676, then over Interstate Hwy 676 to junction NJ Hwy 42, then over NJ Hwy 42 to junction Atlantic City Expressway, then over Atlantic City Expressway to Atlantic City, and return over the same route. (Hearing site: Harrisburg, PA, or Philadelphia, PA.)

MC 113267 (Sub-367F), filed July 31, 1979. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 AMF, Memphis, TN 38130. Representative: Lawrence A. Fischer (same address as applicant). Transporting (1) *paper and paper products, plastic and plastic products, and chemicals and building products*, and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Union Camp Corporation. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 113267 (Sub-368F), filed July 30, 1979. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 AMF, Memphis, TN 38130. Representative: Lawrence A. Fischer (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and foodstuffs, from the facilities of Geo. A. Hormel & Co., at Tucker, GA, to points in AL, FL, IL, IN, IA, KY, LA, MN, MS, and TN. (Hearing site: Chicago, IL, or Atlanta, GA.)

MC 114457 (Sub-532F), filed July 27, 1979. Applicant: DART TRANSIT COMPANY; 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting (1) *water softeners*, and (2) *equipment, materials, and supplies used in the manufacture, sale, and distribution of water softeners*, (except commodities in bulk) between Conschohocken, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Philadelphia, PA, or St. Paul, MN.)

MC 114457 (sub-533F), filed July 27, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting (1) *foodstuffs* and (2) *materials, equipment and supplies* used in the manufacture and distribution of foodstuffs (except commodities in bulk) between the facilities of Douglas Foods, Inc., at Douglas, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, Ga, St. Paul, MN.)

MC 114457 (Sub-535F), filed July 30, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *footstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the facilities of M & M Mars, at or near Hackettstown, NJ, to points in OH, KY, IN, IL, MO, KS, NE, ND, SD, MN, IA, WI, and MI. (Hearing site: St. Paul, MN, or Trenton, NJ.)

MC 114457 (Sub-536F), filed July 30, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting (1) *printed matter, and* (2) *materials, equipment, and supplies used in the manufacture and distribution of printed matter* (except commodities in bulk) between Hammond and Indianapolis, IN, Versailles and Lexington, KY, Taunton, MA, Downers Grove, Naperville, and Chicago, IL, Ossing, NY, and Nashville, TN, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or St. Paul, MN.)

MC 114457 (Sub-537F), filed July 30, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *confectionary* (except in

bulk), from the facilities of Schrafft Candy Company, at or near Boston and Woburn, MA, to those points in the United States in and east of ND, SC, NE, OK, and TX. (Hearing site: Boston, MA, or St. Paul, MN.)

MC 114457 (Sub-542F), filed August 17, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting (1) *plastic, vinyl, nylon, and foam products* with accessories, *clothing, candles* with accessories, *greeting and notecards, cleaning compounds, cloth,* and *novelty items,* and (2) *materials, equipment, and supplies* used in the manufacture, and distribution of the commodities in (1) (except commodities in bulk), between Anniston, AL, Greenburg, KY, Springfield, TN, and Mission, 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 facilities of Nasco Inc. (Hearing site: Nashville, TN, or St. Paul, MN.)

MC 114457 (Sub-543F), filed August 17, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *non-alcoholic cocktail mixes,* from Byhalia, MS, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Memphis, TN, or St. Paul, MN.)

MC 115826 (Sub-518F), filed July 23, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *cheese, cheese products,* and *materials, equipment* and *supplies* used in the manufacture of the aforementioned commodities (except commodities in tank vehicles), (A) from the facilities of L. D. Schrieber Cheese Co., at or near Logan, UT, to points in AZ, AL, AR, CO, CT, DE, DC, FL, GA, IA, IL, KS, KY, LA, MD, MA, MN, NE, NJ NY, PA, NC, SC, TN and TX; (B) betwen Logan, UT, on the one hand, and, on the other, points in WI and MO. (Hearing site: Denver, CO.)

MC 115826 (Sub-532F), filed August 20, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *petroleum and petroleum products,* in packages, from Kansas City, KS, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 117416 (Sub-64F), filed July 31, 1979. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Ave., N.W., Knoxville, TN 37921. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *foodstuffs* and *materials, equipment, and supplies* used in the manufacturer and distribution of foodstuffs (except in bulk, in tank vehicles), between points in AL, FL, GA, IL, IN, KY, MI, NC, OH, SC, TN, VA, WV, and WI, restricted to the transprotation of traffic originating at or destined to the facilities of The Keebler Company. (Hearing site: Washington, DC.)

MC 117416 (Sub-65F), filed July 31, 1979. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Ave., N.W., Knoxville, TN 37921. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *minerals and earth concentrates,* ground or pulverized, in containers, from points in Murray County, GA, to points in IL, IN, KY, OH, MI, TN, and WI. (Hearing site: Washington, DC.)

MC 117786 (Sub-58F), filed July 27, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting (1) *such merchandise* as is dealt in by wholesale and retail grocery and food business houses, (2) *materials, ingredients, equipment and supplies* used in the manufacture, distribution and sale of the products in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to shipments originating at or destined to facilities used by Ralston Purina Company. (Hearing site: Phoenix, AZ.)

MC 118457 (Sub-36F), filed July 27, 1979. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., 11104 West Becher Street, West Allis, WI 53227. Representative: David V. Purcell, 111 East Wisconsin Avenue, Milwaukee, WI 53202. Transporting frozen meats, from New Haven, CT, Wilmington, DE, Baltimore, MD, Camden, Elizabeth, and Newark, NJ, New York, NY, Philadelphia, PA, and Norfolk, VA, to North Chicago, IL, and the facilities of Kenosha Beef International and Birchwood Meat & Provision Co. at or near Kenosha, WI, restricted to the transportation of traffic having an immediately prior movement by water and destined to the named destinations. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 118457 (Sub-37F), filed July 30, 1979. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., 11104 West Becher Street, West Allis, WI 53227. Representative: David V. Purcell, 111 East Wisconsin Avenue, Milwaukee, WI 53202. Transporting (1) *such commodities* as are dealt in by department stores, and (2) *foodstuffs* in mixed loads with commodities described in (1) above (except commodities in bulk), from those points in the United States in and east of MI, IL, MO, AR, and TX, to the facilities of ShopKo Stores, Inc., in WI, restricted to the transportation of traffic destined to the facilities of ShopKo Stores, Inc. (Hearing site: Milwaukee, or Green Bay, WI.)

MC 118776 (Sub-70F), filed July 30, 1979. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Transporting (1) *air compressors, air compressor parts, power pumps, power pump parts, machine parts,* from the facilities of Gardner-Denver Company, at or near Quincy, IL, to points in CO, KS, NE, OK, TX, MN, MO, IA, LA, AR, MS, WI, TN, MI, IN, KY, AL, GA, SC, NC, VA, DC, WV, OH, PA, NY, NJ, MD, CT and MA, and (2) *materials* used in the manufacture of air compressors, air compressor parts, power pumps and power pump parts, in the reverse direction. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 119656 (Sub-66F), filed August 22, 1979. Applicant: NORTH EXPRESS, INC., 219 Main St., Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *iron and steel articles,* from Detroit, MI, to the facilities of Vulcraft Division of Nucor Corporation, at St. Joe, IN, and (2) *structural steel and metal roof decking and accessories* for the named commodities, from the facilities of Vulcraft Division of Nucor Corporation, at St. Joe, IN, to points in IL, OH, and the Lower Peninsula of MI. (Hearing site: Indianapolis, IN.)

MC 119777 (Sub-407F), filed August 20, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *mouldings, boards, sheets and woodwork,* from Corona, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, or San Francisco, CA.)

MC 119917 (Sub-57F), filed July 31, 1979. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Dr. SE., Atlanta, GA 30316. Representative:

Barry L. Dudley (same address as applicant). Transporting (1) *wrapping paper* in rolls, from Savannah, GA, to Richmond, VA, and Houston, TX, and (2) *calcium carbonate*, in bags, from Sylacauga, AL, to Chicago, IL, Philadelphia, PA, Richmond, VA, Atlanta, and Houston, TX. (Hearing site: Atlanta, GA.)

MC 123876 (Sub-3F), filed July 3, 1979. Applicant: PRATT TRANSPORTATION CO., INC., 2565 St. Marys Ave., P.O. Box 1501, Omaha, NE 68101. Representative: Duane L. Stromer (same address as applicant). Transporting *liquid fertilizer*, in bulk, in tank trucks, from Perry, NE, to points in KS and CO. (Hearing site: Omaha, or Lincoln, NE.)

MC 124306 (Sub-63F), filed July 27, 1979. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th St., NW., Washington, DC 20036. Transporting *liquid chemicals*, in bulk, in tank vehicles, between Columbus, GA, on the one hand, and, on the other, those points in the United States in and east of TX, OK, KS, NE, SD and ND. (Hearing site: Atlanta, GA or Washington, DC.)

MC 125777 (Sub-256F), filed July 30, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Transporting *Decorative stone*, in bulk, in dump vehicles, between points in the United States (including AK and HI). (Hearing site: Chicago, IL.)

MC 126736 (Sub-128F), filed August 16, 1979. Applicant: BIG "M" TRANSPORT, INC., 3100 Hilton St., Jacksonville, FL 32209. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *bananas, pineapples, and agricultural commodities* exempt from regulation under 49 USC Section 10526(a)(6)(b) of the Interstate Commerce Act in mixed loads with bananas and pineapples, from Mobile, AL, Miami and Tampa, FL, New Orleans, LA, Gulfport, MS, and Charleston, SC, to those points in the United States in and east of TX, OK, KS, NE, SD, and ND. (Hearing site: Jacksonville, FL.)

MC 128007 (Sub-145F), filed July 30, 1979. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: William B. Barker, 641 Harrison Street, Topeka, KS 66603. Transporting (1) *livestock handling and feeding equipment*, from the facilities of Orbit Products at or near Carthage, MO, to points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MS, NE, NM, OK, SD, TN and TX, and (2) *Materials and supplies* used, in the manufacture and distribution of livestock handling and feeding equipment, in the reverse direction. (Hearing site: Kansas City, MO.)

MC 128746 (Sub-55F), filed July 30, 1979. Applicant: D'AGATA NATIONAL TRUCKING CO., 3240 South 61st Street, Philadelphia, PA 19153. Representative: Edward J. Kiley, 1730 M Street, NW., Washington, DC 20036. Transporting *malt beverages, in containers*, from Oswego and Onondaga Counties, NY, to points in CT, DE, ME, MD, MA, NH, NJ, PA, RI, VT, VA, WV and DC. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 128746 (Sub-57F), filed July 27, 1979. Applicant: D'AGATA NATIONAL TRUCKING CO., 3240 South 61st Street, Philadelphia, PA 19153. Representative: Edward J. Kiley, Suite 501, 1730 M Street, NW, Washington, DC 20036. Transporting *malt beverages* in containers, from the Anheuser Busch facility at or near Williamsburg, VA, to New Castle and Milford, DE, Philadelphia, PA, and Deptford, Mine Hill, New Brunswick, Trenton, Wall, Pleasantville and Newark, NJ. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 134286 (Sub-125F), filed August 16, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert. (same address as applicant). Transporting (1) *glass and glass products*, from the facilities of PPG Industries, Inc., at or near Evansville, IN, to points in MO, WI, MI, OH, IL, PA, TX, GA, OK, KS, and MD, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), in the reverse direction. (Hearing site: Sioux City, IA, or Denver, CO.)

MC 135797 (Sub-250F), filed July 30, 1979. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting: *frozen foodstuffs* from points in AR, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 135797 (Sub-251F), filed July 30, 1979. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting: (1) *such commodities* as are manufactured or dealt in by manufacturers of containers, and (2) equipment, materials and supplies used in the manufacture of the above described commodities, between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Werthan Industries, Inc. (Hearing site: Nashville, TN, or Washington, DC.)

MC 136247 (Sub-19F), filed July 30, 1979. Applicant: WRIGHT TRUCKING, INC., 409 17th Street SW, Jamestown, ND 58401. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *malt beverages and articles* dealt in by wholesale beverage distributors, from Minneapolis and St. Paul, MN, and Milwaukee and LaCrosse, WI, to Moorhead, MN and points in that part of ND located on and east of a line beginning at the SD–ND state line, then along U.S. 281 to junction I 94, then along I 94 to junction ND Hwy. 1, then along ND Hwy. 1 to the ND-Canada International Boundary line. (Hearing site: St. Paul, MN.)

MC 138476 (Sub-2F), filed August 17, 1979. Applicant: METRO EXPRESS, INC., 901 Arnold Ave., New Castle, DE 19720. Representative: Albert F. Beitel, 1625 I St., N.W., Washington, DC 20006. Transporting *alcoholic beverages* (except in bulk, in tank vehicles), between Wilmington, DE, and Hartford, CT. (Hearing site: Washington, DC, or Wilmington, DE.)

MC 138686 (Sub-10F), filed July 30, 1979. Applicant: LCW TRUCKING, INC., 119 E. Chavez, Edinburg, TX 78539. Representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, TX 76102. Transporting doors, door frames and mouldings, from ports of entry on the International boundary line between the United States and Mexico, at or near El Paso, TX to Diboll and Harlingen, TX, restricted to traffic moving in foreign commerce. (Hearing site: El Paso or San Antonio, TX.)

MC 141197 (Sub-40F), filed July 27, 1979. Applicant: FLEMING–BABCOCK, INC., 4106 Mattox Road, Riverside, MO 64151. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *dry bulk fertilizer* in bulk, in dump vehicles, from Lawrence, KS to points in MO. (Hearing site: Kansas City, MO.)

MC 143436 (Sub-33F), filed August 13, 1979. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 9049 Stonegate Rd., Indianapolis, IN 46227. Representative: Stephen M. Gentry, 1500 Main St., Speedway, IN 46224. Transporting *nuts*, edible, from the facilities of Flavor House Corporation, a division of Borden Foods Company, at or near Des Plaines, IL, to Indianapolis, IN. (Hearing site: Indianapolis, IN.)

MC 144616 (Sub-4F), filed July 30, 1979. Applicant: TRUCKS, INC., P.O.

Box 79113, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Transporting *meats, meat products, meat by-products,* and *articles distributed by meat packinghouses* as descibed in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 & 766 (except hides and skins and commodities in bulk), from the facilities of John Morrell & Co., at or near Shreveport of, LA to points in AL, DC, FL, GA, MD, MS, NC, NY, NJ, PA, SC, and TN, restricted to the transportation of traffic originating at the facilities of John Merrill & Co. (Hearing site: Dallas, TX, or Chicago, IL.)

MC 144736 (Sub-2F), filed August 17, 1979. Applicant: ROBINSON TRANSFER COMPANY, INC., 1809 St. James St., Box 25, LaCrosse, WI 54601. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting (1) *lumber and compressed wood products,* between (a) the facilities of Weyerhaeuser Company, at or near Marshfield, and Independence, WI, and St. Paul, MN, (b) the facilities of Newmann Wood Processors, Inc., at or near LaCrosse, WI, and (c) the facilities of Robert Herbst & Associates, at or nar Elk Mound, WI, on the one hand, and, on the other, points in IN, IA, MI, MN, MO, and WI, and (2) *lumber products,* from the facilities of Neumann Wood Processors, Inc., at or near LaCrosse, WI, to points in IL, IN, IA, MI, and MN. (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 145067 (Sub-3F), filed July 30, 1979. Applicant: LAWRENCE E. SPAIDE, INC., P.O. Box 111, Avoca, PA 18647. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting *metal castings,* from Bloomsburg, PA, to Lone Star Army Ammunition Plant, at Defense, TX, and the Kansas Army Ammunition Plant, at Parsons, KS. (Hearing site: Wilkes Barre, PA.)

MC 145576 (Sub-1F), filed August 17, 1979. Applicant: HAYES REYNOLDS WRECKER SERVICE INC., Box 104, Statesville Rd., North Wilkesboro, NC 28659. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting (1) *wrecked and disabled tractors, wrecked and disabled trailers* (other than those designed to be drawn by passenger vehicles), *wrecked and disabled trucks, and wrecked and disabled buses,* from points in KS, NE, OK, and TX, and those points in and east of AR, IA, LA, MN, and MO, to points in Forsyth County, NC, (2) *replacement vehicles* for the vehicles named in (1) above in the reverse direction, (3), *wrecked and disabled tractors, wrecked and disabled trailers* (other than those designed to be drawn by passenger vehicles), *wrecked and disabled trucks, and wrecked and disabled buses,* from points in the United States (except AK and HI), to points in Wilkes County, NC, and (4) *replacement vehicles* for the vehicles named in (3) above, in the reverse direction, restricted in (1), (2), (3), and (4) above to a transportation service performed by use of wrecker equipment and lowboy semitrailers. (Hearing site: Winston-Salem, NC.)

MC 145577 (Sub-18F), filed August 17, 1979. Applicant: GILLETT-GOULD, LTD., P.O. Box 406, Union City, IN 47390. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. Transporting *pet vitamins,* from Bowling Green, OH, to points in CA. (Hearing site: Columbus, OH, or Washington, DC.)

MC 145726 (Sub-5F), filed July 30, 1979. Applicant: G.P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 South Lawrence Street, Montgomery, AL 36104. Transporting (1) Malt beverages, and (2) Materials, equipment and supplies used in the manufacture and sale of malt beverages, between the facilities of Miller Brewing Company, at or near Albany, GA, 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: Milwaukee, Wisconsin.)

MC 146096 (Sub-2F), filed August 17, 1979. Applicant: BARRY D. STROUPE TRUCKING, INC., Rte. 2, Box 328A, Kings Mountain, NC 28086. Representative: W. G. Reese, III, P.O. Box 3004, Charlotte, NC 28203. Transporting *Ground mica, feldspar,* and *sand* in bags, and bales, from Kings Mountain and Spruce Pine, NC, to Los Angeles and San Francisco, CA. (Hearing site: Charlotte, NC.)

MC 146386 (Sub-3F), filed July 30, 1979. Applicant: NATIONAL RETAIL TRANSPORTATION, INC. Building A, 10 East Oregon Avenue, Philadelphia, PA 19148. Representative: Richard Reuda, 133 North 4th Street, Philadelphia, PA 19106. Transporting *such commodities* as are dealt in by retail department stores (except in bulk), from the facilities of Walsh Trucking and Consolidating Co., Inc. at North Bergen, NJ to (1) the facilities of Lerner Shops at Pittsburgh, PA, Atlanta, GA, Jacksonville, FL, Dallas, TX, Chicago, IL, Denver, CO, and Los Angeles, CA (2) the facilities of Marshall's Inc. at Houston, TX, and Los Angeles, CA and (3) the facilities of Emporium/Capwell Company at San Francisco. (Hearing site: Philadelphia, PA.)

MC 146637 (Sub-3F), filed July 31, 1979. Applicant: YANKEE REFRIGERATED XXPRESS, INC., 5500 Tacony St., Philadelphia, PA 19137. Representative: Eugene D. Anderson, 910 Seventeenth St., NW., Suite 428, Washington, D.C. 20006. Transporting *foodstuffs,* from the facilities of Anderson-Clayton Foods, Inc., at or near Jacksonville, IL, to points in CT, DE, IN, MD, MA, MI, NJ, NY, OH, PA, VA, and WV. (Hearing site: Washington, DC, or Dallas, TX.)

MC 146646 (Sub-8F), filed July 27, 1979. Applicant: BRISTOW TRUCKING COMPANY, P.O. Box 63558, Birmingham, AL 35217. Representative: Bristow, Jr. (same address as applicant). Transporting (1) *construction materials, and* (2) *materials and supplies* used in the manufacture and distribution of construction materials (except in bulk), between the facilities of the Celotex Corporation at or near Pittston, NJ, on the one hand, and, on the other points in the United States (except AK and HI). (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 146646 (Sub-9F), filed July 30, 1979. Applicant: BRISTOW TRUCKING COMPANY, P.O. Box 63558, Birmingham, AL 35217. Representative: Henery Bristow, Jr. (same address as applicant). Transporting (1) *construction materials, and* (2) *materials and supplies* used in the manufacture and distribution of construction materials (except in bulk), between the facilities of the Celotex Corporation at or near Largo IN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 146646 (Sub-10F), filed July 30, 1979. Applicant: BRISTOW TRUCKING COMPANY, P.O. Box 63558, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting (1) *construction materials and (2) materials and supplies* used in the manufacture and distribution of construction materials (except in bulk), between the facilities of the Celotex Corporation, at or near L'anse, MI, on the one hand, and, on the other points in the United States (except AK and HI). (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 146646 (Sub-11F), filed July 30, 1979. Applicant: BRISTOW TRUCKING COMPANY, P.O. Box 63558, Birmingham AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting (1) *machinery, machinery*

parts, rubber products, environmental control equipment, and *air condition units,* and (2) *materials* and *supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of LSB Industries, Inc., at or near Oklahoma City, OK and points in the United States (except AK and HI). (Hearing site: Oklahoma City, OK, or Birmingham, AL.)

MC 146646 (Sub-12F), filed July 30, 1979. Applicant: BRISTOW TRUCKING COMPANY, P.O. Box 63558, Birmingham AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting (1) *construction materials, and (2) materials, and supplies* used in the manufacture and distribution of construction materials, (except in bulk), between the facilities of the Celotex Corporation, at or near Quincy, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 146646 (Sub-13F), filed July 30, 1979. Applicant: BRISTOW TRUCKING COMPANY, P.O. Box 63558, Birmingham AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting (1) *Construction materials* and (2) *materials, and supplies* used in the manufacture and distribution of construction materials, (except in bulk), between the facilities of the Celotex Corporation, at or near Clinton, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 146807 (Sub-2F), filed July 30, 1979. Applicant: S n W ENTERPRISES, INC., 1 Passan Drive, Laflin, PA 18702. Applicant's Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Transporting *foodstuffs,* (except in bulk) from Johnson City, NY, to IN, IL, MI, OH, WI, and MN. (Hearing site: Binghamton, NY.)

MC 147087 (Sub-5F), filed July 16, 1979. Applicant: W. L. GOOD TRUCKING, INC., Mingo, IA 50168. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *liquid fertilizer,* in bulk, in tank vehicles, from the facilities of Carpenter Sales, Inc., at or near Bondurant, and Nevada, IA, to points in AL, IL, IN, KY, LA, MI, MO, MS, OH, PA, and TX. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 147096 (Sub-2F), filed July 31, 1979. Applicant: MADISON BROTHERS DELIVERY SERVICE, INC., 101 Indiana Ave., Toledo, OH 43602. Representative: Brian S. Stern, 2425 Wilson Blvd., Suite 327, Arlington, VA 22201. Transporting (1) *automobile parts,* and (2) *materials, equipment, and supplies* used in the manufacture of motor vehicles, between Toledo, OH, on the one hand, and, on the other, those points in IL on, north and east of a line beginning at the junction of Interstate Hwy 74 with the IL–IN State line, then west along Interstate Hwy 74 to its junction with IL Hwy 47, then north along IL Hwy 47 to its junction with the IL–WI State line, those points in IN, on and north of a line beginning at the junction of U.S. Hwy 150 with the OH River, then northwest along U.S. Hwy 150 to its junction with U.S. Hwy 50, at or near Shoals, IN, then west along U.S. Hwy 50 and 150, its junction with U.S. Hwy 41, and U.S. Hwy 50, then west along U.S. Hwy 150, to its junction with the Wabash River, and points in the Lower Peninsula of MI. (Hearing site: Toledo, OH, or Detroit, MI.)

MC 147226 (Sub-2F), filed July 30, 1979. Applicant: CHAPMAN MOTOR XPRESS, INC., 1311 North Roca, Mesa, AZ 85204. Representative: Michael J. Stecher, 256 Montgomery Street, San Francisco, CA 94104. 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 San Bernardino, Los Angeles, Orange, San Diego, Ventura, Riverside, Kern, San Luis Obispo, Imperial and Santa Barbara Counties, CA, on the one hand, and, on the other, points in AZ, restricted to shipments moving on bills of lading of freight forwarders. (Hearing site: Washington, DC.)

MC 147227 (Sub-5F), filed August 21, 1979. Applicant: ATLANTIC MARKETING CARRIERS, INC., 39400 Clarkson Dr., Kingsburg, CA 93631. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. Transporting *empty glass bottles,* from (1) Coventry, RI, to points in MI, IL, MO, KY, and IN, (2) Joliet, IL, to points in CA, NM, and AZ, and (3) Parkersburg, WV, to points in CA, NM, AZ, IL, MO, and IA. (Hearing site: Philadelphia, PA.)

MC 147367 (Sub-2F), filed August 13, 1979. Applicant: YELLOW CAB COMPANY, a corporation, 550 Seventh St., Des Moines, IA 50309. Representative: Robert E. Mannheimer, 1600 Financial Center, Des Moines, IA 50309. Transporting *railroad train crews and their baggage,* between points in IA, on the one hand, and, on the other, points in MO. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 147536 (Sub-11F), filed August 13, 1979. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant). Transporting *prepared animal feed,* and *materials and supplies* used in the manufacture and distribution of prepared animal feed, between Rolla, MO, on the one hand, and, on the other, points in AL, AZ, AR, CA, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, NE, NM, OH, OK, TN, TX, and WI, restricted to the transportation of traffic originating at or destined to the facilities of ConAgra, Inc., Pet Foods Division, at Rolla, MO. (Hearing site: St. Louis, or Jefferson City, MO.)

MC 147636 (Sub-1F), filed July 30, 1979. Applicant: DICK WELLER, INC., Shoham Road, P.O. Box 313, Warehouse Point, CT 06088. Representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Transporting *foodstuffs,* except in bulk, from the facilities of Foodways National, Inc. at (a) Wethersfield and Hartford, CT, and (b) New Platz, NY, to points in CA, FL, GA, ID, IL, KS, PA, NY, MI, MN, MO, OH, OR, TX, and WI. (Hearing site: Hartford, CT.)

MC 147636 (Sub-2F), filed July 30, 1979. Applicant: DICK WELLER, INC., Shoham Road, P.O. Box 313, Warehouse Point, CT 06088. Representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Transporting *bananas,* in cartons, from the facilities of the Best Banana Co., Inc., in Portsmith, VA to points in CT, IL, IN, MA, ME, MI, MN, MO, NH, NJ, NY, ND, OH, PA, RI, SD, VT, WV, and WI. (Hearing site: Hartford, CT.)

MC 147656 (Sub-1F), filed August 16, 1979. Applicant: C. AND V. CORPORATION, 10345 Rainbow Lane, Indianapolis, IN 46236. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *margarine,* from Indianapolis, IN, to points in OH. (Hearing site: Indianapolis, IN.)

MC 147727 (Sub-1F), filed July 30, 1979. Applicant: SCOTT DAVIS TRANSPORT, INC., 611 North Front St., Yakima, WA 98901. Representative: Paul E. Hochelle, 534 S.W. 3rd Ave., Suite 301, Williamette Bldg., Portland, OR 97204. Transporting *edible oils, fruit juices, and concentrates,* in bulk, in tank vehicles, (1) between Portland, OR and Yakima, WA, (2) between Portland, OR, on the one hand, and, on the other, San Jose, Los Angeles, Rancho Cucamonga, CA, (3) between Portland and Clackamas, OR, on the one hand, and, on the other, Bellevue, Wheeler, Ottello, Prosser, Moses lake and Spokane, WA, (4) between points in Yakima, Benton and Franklin Counties, WA, on the one

hand, and, on the other, points in Los Angeles, Orange and San Bernadino Counties, CA. (Hearing site: Portland, OR.)

MC 147807 (Sub-3F), filed Augus 20, 1979. Applicant: TERESI TRUCKING, INC., 900½ Victor Rd., P.O. Box 819, Lodi, CA 95240. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting: *iron and steel articles,* from the facilities of Kaiser Steel Corporation, in Alameda, Contra Costa, Los Angeles, Napa, Riverside, San Bernardino, and Solano Counties, CA, to points in AZ, NV, OR, and WA. (Hearing site: San Francis, or Stockton, CA.)

MC 148086F, filed July 31, 1979. Applicant: NATIONAL BOOK CONSOLIDATORS, INC., 1227 Madison Ave., Paterson, NJ 07053. Representative; Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of greeting cards or books, between Paterson, NJ, on the one hand, and, on the other, points in NJ, DE, CT, those in NY on and South of NY Hwy 7, and those points in and east of Susquehanna, Wyoming, Luzerne, Schuylkill, Lebanon, and Lancaster Counties, PA. (Hearing site: New York, NY.)

MC 148107F, filed August 21, 1979. Applicant: JESSE J. MESA, d.b.a. J. J. MESA TRUCKING CO., 1500 South Zarzamora St., San Antonio, TX 78207. Representative: Kenneth R. Hoffman, 801 Vaughn Bldg., Austin, TX 78701. 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 Department of Defense Depot, at or near Memphis, TN, to Fort Hood, TX. (Hearing site: Washington, DC.)

MC 148116F, filed August 13, 1979. Applicant: TOM JOSEPH ENTERPRISES, INC., 3408 Navarre Rd., SW., Canton, OH 44706. Representative: James W. Muldoon, 50 West Broad St., Columbus, OH 43215. Transporting *automobiles,* in secondary movements, between points in AZ, CA, and NV, on the one hand, and, on the other, points in TX, OK, MO, TN, AL, MS, GA, FL, VA, NC, SC, KY, OH, MI, PA, IN, IL, NY, NJ, MD, and DC. (Hearing site: Los Angeles, CA, or Columbus, OH.)

MC 148117F, filed August 15, 1979. Applicant: CABOOL TRANSPORT, INC., P.O. Box 350, Cabool, MO 65689. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *foodstuffs* (except commodities in bulk), from the facilities of Welch Foods, Inc., at Lawton, MI, to points in AL, AZ, AR, CO, IL, IN, IA, KS, KY, LA, MN, MS, MO, NE, NM, ND, OH, OK, SD, TN, TX, and WI. (Hearing site: Chicago, IL, or Washington, DC.)

MC 148136F, filed August 22, 1979. Applicant: JOHN BEAUNAUX, d.b.a. JABCO, 18121 88th Ave. West, Edmond, WA 98020. Representative: Wallace Aiken, 1215 Norton Bldg., Seattle, WA 98104. Transporting *general commodities* (except classes A and B explosives), between points in Seattle and Tacoma, WA, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Seattle, WA.)

Volume No. 8

Decided: Feb. 4, 1980

By the Commission, Review Board Number 2, Members Liberman, Eaton and Jensen. Member Jensen not participating.

MC 76 (Sub-15F), filed August 24, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *iron and steel articles,* from the facilities of Republic Steel Corporation, (a) at or near Buffalo, NY, to points in MA, RI, CT, NJ, DE, MD, VA, WV, OH, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties, and (b) at or near Canton, Cleveland, Youngstown, Elyria, Massillon, Niles, and Warren, OH, to points in MA, RI, CT, NY, NJ, MD, DE, VA, WV, PA, and those in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties, and (2) *equipment, materials, and supplies* used in the manufacture of the commodities named in (1) above, (a) from the destinations described in (1)(a) to the named facilities in (1) (a), and (b) from the destinations in (1)(b) to the named facilities in (1)(b). (Hearing site: Cleveland, OH, or Washington, DC.)

MC 297 (Sub-12F), filed August 26, 1979. Applicant: WOODLAND TRUCK LINE, INC., 635 Park Street, P.O. Box 70, Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, OR 97210. Transporting *general commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission) between Ridgefield, WA and points in Cowlitz County, WA, on the one hand, and, on the other, Portland, OR, points in Lewis, Thurston, Pierce, King, Snohomish, Skagit, Whatcom and Mason Counties, WA, and the ports of entry on the International Boundary line between the United States and Canada located in WA. (Hearing site: Portland, OR.)

MC 1117 (Sub-21F), filed August 23, 1979. Applicant: M.G.M. TRANSPORT CORPORATION, 70 Maltese Drive, Totowa, NJ 07512. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Plastic foam,* from East Rutherford, Carlstadt and Rockaway, NJ, to points in VA and NC. (Hearing site: New York, NY.)

MC 1977 (Sub-38F), filed August 21, 1979. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe St., Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. To operate as a *common carrier,* by motor vehicle, over regular routes transporting *general commodities,* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities, which because of size or weight, require special handling or the use of special equipment) (1) between Salt Lake City, UT, and Idaho Falls, ID, over Interstate Hwy 15, serving the intermediate points of Blackfoot and Pocatello, ID, and all intermediate points between Salt Lake City and Brigham City, UT, including Brigham City; (2) between Salt Lake City, UT and Boise, ID, from Salt Lake City over Interstate Hwy 15 to its junction with Interstate Hwy 80 north, then over Interstate Hwy 80 north to Boise and return over the same route, serving all intermediate points between Salt Lake City and Brigham City, including Brigham City; (3) between Boise, ID and Pocatello, ID, from Pocatello over Interstate Hwy 15 west to junction Interstate Hwy 80 north, then over Interstate Hwy 80 north to Boise and return over the same routes, serving no intermediate points and serving Pocatello for joinder only; (4) serving points within a 50 mile radius of Salt Lake City, UT (excluding points on Interstate Hwy 15 between Salt Lake City and Brigham City, UT, including Brigham City) as off-route points in connection with the carrier's authorized routes to and from Salt Lake City. (Hearing site: Salt Lake City, UT.)

Note.—Applicant already holds irregular route authority between all of the points sought herein, and the purpose of the present application is to convert said authority to regular route authority.

MC 10797 (Sub-3F), filed August 24, 1979. Applicant: GARY J. WARNER

d.b.a. WARNER WAREHOUSING CO., 1582 Likens Road, Marion, OH 43302. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting (1) *new electrical and gas appliances and* (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, between the facilities of White Consolidated Industries, Inc., at or near Belding, Greenville, and Grand Rapids, MI, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file for approval under U.S.C. 11343, or submit an affidavit indicating why such approval is necessary. (Hearing site: Chicago, IL, or Washington, DC.)

MC 11207 (Sub-500F), filed August 14, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *agricultural chemicals*, (except in bulk) from Anniston, AL to points in AR, FL, GA, LA, NC, SC, and TX.

Note.—Hearing site: Birmingham, AL; Washington, DC.

MC 26396 (Sub-282F), filed August 13, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *structural steel* from Atlantic and Des Moines, IA to points in WY. (Hearing site: Billings, MT.)

MC 35677 (Sub-4F), filed August 23, 1979. Applicant: H. J. RUSSELL'S, INC., 2276 Old Vestal Rd., Vestal, NY 13850. Representative: Donald C. Carmien, Suite 501, Midtown Plaza, Binghamton, NY 13901. Transporting *contractor's excavation construction and road building equipment and supplies*, (1) from the facilities of L. B. Smith, Inc., at Syracuse, NY, to Raleigh and Charlotte, NC, and Cayce and Charleston, SC, and (2) from Raleigh and Charlotte, NC, and Columbia, Cayce, Charleston and Conway, SC, to points in NY, PA, and NJ. (Hearing site: Syracuse or Binghamton, NY.)

MC 42487 (Sub-925F), filed June 14, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: H. P. Strong, P.O. Box 3062, Portland, OR 97208. 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 the Palo Verde Nuclear Generating Station at or near Wintersburg, AZ, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 45736 (Sub-59F), filed August 22, 1979. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, NC 28213. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW, Washington, DC 20004. Transporting (1) *newsprint, printing paper and woodpulp*, from the facilities of Bowater Carolina Corporation, at or near Catawba, SC; to points in GA, MD, NC (except points within 225 miles of Concord, NC), OH, points in PA on and west of a line beginning at the MD–PA State line and extending along Interstate Hwy. 83 to Harrisburg, then along PA Hwy. 147 to its junction with U.S. Hwy. 220 at or near Pennsdale, PA, then along U.S. Hwy. 220 to the PA–NY State line; points in TN (except points west of a line beginning at the NC–TN State line and extending along Interstate Hwy. 40 to its junction with Interstate Hwy. 81, then along Interstate Hwy. 81 to its junction with U.S. Hwy. 25E, then along U.S. Hwy. 25E to the TN–VA State line), VA (except points within 225 miles of Concord, NC), WV (except points within 225 miles of Concord, NC), and DC; and (2) *materials, supplies and equipment* used in the manufacture or packaging of newsprint, printing paper and woodpulp (except in bulk), in the reverse direction. (Hearing site: Charlotte, NC.)

MC 52437 (Sub-5F), filed August 13, 1979. Applicant: SHIPPERS SERVICE EXPRESS, INC., 7200 Fly Road, P.O. Box 207, East Syracuse, NY 13057. Representative: Herbert M. Canter and Benjamin D. Levine, Esqs., 305 Montgomery Street, Syracuse, NY 13202. Transporting *such merchandise as is dealt in by grocery and food business houses* (except commodities in bulk) from Syracuse, NY to points in that part of NY north and west of Sullivan, Dutchess and Ulster Counties, NY, restricted to the transportation of traffic originating at Boston, MA, to be moved on applicant's present operating authority and joined at Syracuse, NY. (Hearing site: Boston, MA, Syracuse, NY or Washington, DC.)

MC 63417 (Sub-237F), filed August 13, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *electric lamps* and *accessories* (1) Between Charleroi, PA and Monroe, LA (2) From Salina, KS to points in the United States in or east of WI, IL, MO, OK, and TX. (Hearing site: Pittsburgh, PA.)

MC 67646 (Sub-87F), filed August 22, 1979. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. 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), serving Medina, NY, as an off-route point in connection with the carrier's authorized regular-route operations.

MC 69116 (Sub. 232F), filed May 4, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Hwy., Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. 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 Chicago, IL, and Des Moines, IA, serving all intermediate points; (a) From Chicago IL Hwy 7 to Joliet, IL, (also from Chicago over IL H 171 to Joliet), then over U.S. Hwy 6 to Briarbluff, IL, then over un-numbered Hwy via Colona and Carbon Cliff, IL, to junction IL Hwy 92, then over IL H 92 to Moline, IL, and then over U.S. H 6 to Des Moines, and return over the same route; (b) From Chicago over Interstate Hwy 55 to junction Interstate Hwy 80, thence over Interstate Hwy 80 to Des Moines, IA, and return over the same route. (c) From Chicago over U.S. Hwy 34 to junction IL Hwy 92, thence over IL Hwy 92 to Moline, and Rock Island, IL, then across the Mississippi River to Davenport, IA, then over U.S. Hwy 61 to junction IA Hwy 92, then over Hwy 92 to junction U.S. Hwy 218, then over U.S. Hwy 218 to Mt. Pleasant, IA, then over U.S. Hwy 34 to Ottumwa, IA, then over U.S. Hwy 63 to Oskaloosa, IA, then over IA Hwy 163 to Des Moines, IA, and return over the same route; (2) Between Chicago, IL, and Ft. Dodge, IA, serving all intermediate points: (a) From

Chicago over IL Hwy 38 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction IA Hwy 131, then over IA Hwy, 131 to Belle Plaine, IA, then over IA Hwy 212 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 169, then over U.S. Hwy 169 to Ft. Dodge, IA, and return over the same route; (b) From Chicago over IL Hwy 38 to Dixon, IL, then over IL Hwy 2 to Moline, IL, then U.S. Hwy 6 to Iowa City, IA, then over U.S. Hwy 218 to Cedar Rapids, IA, then over IA Hwy 150 to Independence, IA, then over U.S. Hwy 20 to Ft. Dodge, IA, and return over the same route; (3) Between Des Moines and Waterloo, IA, serving all intermediate points: (a) From Des Moines over U.S. Hwy 69 to Ames, IA, then over U.S. Hwy 30 to junction IA Hwy 330, then over IA Hwy 330 to Marshalltown, IA, then over IA Hwy 14 to junction IA Hwy 14 to junction IA Hwy 57, then over IA Hwy 57 to Waterloo, and return over the same route; (b) From Des Moines over IA Hwy 330 to Marshalltown, then as specified above to Waterloo, and return over the same route. (4) Between Waterloo, IA, and Mason City, IA, serving no intermediate points: From Waterloo over U.S. Hwy 218 to junction U.S. Hwy 18, then over U.S. Highway 18 to Mason City and return over the same route. (5) Between Keokuk and Mt. Pleasant, IA, serving all intermediate points and the off-route points of Argyle, Birmingham, Bonaparte, Cantril, Denmark, Douds, Fairfield, Farmington, Ft. Madison Hillsboro, Houghton, Keosauqua, Milton, Pilot Grove, Salem, Stockport, and West Point, IA: From Keokuk over U.S. Hwy 61 to junction U.S. Hwy 218, then over U.S. Hwy 218 to Mt. Pleasant, and return over the same route. (6) Between Chicago, IL, and Independence, IA, over U.S. Hwy 20, serving no intermediate points: (7) Between junction of IA Hwy 92 and U.S. Hwy 218 (near Washington, IA), and Oskaloosa, IA, serving no intermediate points: From junction IA Hwy 92 and U.S. Hwy 218, over IA Hwy 92 to Oskaloosa, and return over the same route. (8) Between Muscatine, IA, and junction U.S. Hwy 6 and IA Hwy 38, over IA Hwy 38, serving no intermediate points; (9) Between Davenport and Clinton, IA, over U.S. Hwy 67, serving no intermediate points; (10) Between Ames, IA, and junction U.S. Hwys 69 and 20, over U.S. Hwy 69, serving no intermediate points; (11) Between Fairfield and Iowa City, IA, over IA Hwy 1, serving no intermediate points and serving junction IA Hwy 1 and 92 for purpose of joinder only: (12) Between Prairie City and Mason City, IA, serving no intermediate points and serving the junctions of IA (a) Hwy 117 and U.S. Hwy 6; (b) IA Hwy 117 and 330 and U.S. Hwy 65; (c) U.S. Hwy 65 and 30; and (d) junction U.S. Hwy 65 and 20 for purpose of joinder only: From Prairie City over IA Hwy 117 to junction U.S. Hwy 65, thence over U.S. Hwys 65 to Mason City, and return over the same route. (13) Between Oskaloosa and Waterloo, IA, over U.S. Hwy 63, serving no intermediate points and serving the junction of (a) U.S. Hwys 63 and 6; and (b) junction U.S. Hwys 63 and 30, for joinder only; (14) Between junction IA Hwy 92 and U.S. Hwy 61, and junction U.S. Hwys 61 and 218, over U.S. Hwy 61 serving no intermediate points; (15) Between Keokuk, IA, and St. Louis, MO, over U.S. Hwy 61, serving no intermediate points; (16) Between Keokuk, IA, and Springfield, IL, serving no intermediate points: From Keokuk over U.S. Hwy 136 to junction U.S. Hwy 67, then over U.S. Hwy 67 to junction IL Hwy 125, then over IL Hwy 125 to Springfield, and return over the same route.

MC 70947 (Sub-25 F), filed August 13, 1979. Applicant: MT. HOOD STAGES, INC. d.b.a. PACIFIC TRAILWAYS, 1068 N.W. Bond Street, Bend, OR 97701. Representative: Earle V. White 2400 S.W. Fourth Avenue, Portland, OR 97201. Transporting *Passengers and their baggage*, in round-trip charter and special operations, between points in ID, OR, and UT, on the one hand, and, on the other, points in the United States (except AK, AZ, CA, HI, MA, NV, NY, and TX, and DC). Applicant also proposes by joinder of proposed authority with that issued in No. MC-70947 Sub 19, 20, and 21 to provide through service between points in its present operating authority, on the one hand, and, on the other, points in the United States including AK but excluding HI. (Hearing site: Portland, OR.)

MC 71296 (Sub-7 F), filed August 24,, 1979. Applicant: FOR TRANSPORTATION & SERVICE CO., INC., 1600 Janesville Avenue, Fort Atkinson, WI 53538. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. 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 Lake Mills, WI, and Rockford, IL: from Lake Mills over WI Hwy 89 to junction U.S. Hwy 14, then over U.S. Hwy 14 to junction with WI Hwy 140, then over WI Hwy 140 to junction with Interstate Hwy 76, then over Interstate Hwy 76 to junction U.S. Hwy 20, and then over U.S. Hwy 20 to Rockford, and return over the same route, serving all intermediate points. (Hearing site: Madison or Milwaukee, WI.)

MC 76177 (Sub-334F), filed June 11, 1979. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32nd St., Birmingham, AL 35233. Representative: Mel P. Booker, Jr., 110 S. Columbus St., Alexandria, VA 22314. Transporting *intermodal explosives containers*, between those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Washington, DC.)

MC 78687 (Sub-77F), filed August 22, 1979. Applicant: LOTT MOTOR LINES, INC., West Cayuga Street, P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting *lime, limestone, and limestone products*, from points in Berks, Montgomery and York Counties, PA and Litchfield County, CT, to points in NY. (Hearing site: New York, NY).

MC 78687 (Sub-78F), filed August 21, 1979. Applicant: LOTT MOTOR LINES, INC., West Cayuga Street, P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, (1) from Bethlehem, Pittsburgh, and Johnstown, PA, and Baltimore, MD to Winchester, VA, and (2) from Winchester, VA to points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Washington, DC.)

MC 86247 (Sub-23F), filed August 23, 1979. Applicant: I.C.L. INTERNATIONAL CARRIERS LIMITED, 1333 College Avenue, Windsor, Ontario, Canada. Representative: Joseph P. Allen, 7701 W. Jefferson, P.O. Box 09259, Detroit, MI 48209. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *iron and steel*, between the ports of entry on the international boundary line between the United States and Canada at Detroit and Port Huron, MI, on the one hand, and on the other, points in the Lower Peninsula of MI. (Hearing site: Detroit or Lansing, MI.)

Note.—The purpose of this application is to substitute a single line service instead of the present joint-line service.

MC 86247 (Sub-26F), filed August 23, 1979. Applicant: I.C.L. INTERNATIONAL CARRIERS LIMITED, 1333 College Avenue, Windsor, Ontario, Canada. Representative: Joseph P. Allen, 7701 W. Jefferson, P.O. Box 09259, Detroit, MI 48209. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *dry commodities*, in bulk, in dump vehicles, between the ports of entry on the international boundary line between the United States and Canada at Detroit and Port Huron, MI, on the one hand, and on the other, points in the Lower Peninsula of MI. (Hearing site: Detroit, MI, or Washington, DC.)

MC 102567 (Sub-238F), filed August 23, 1979. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, Vice President—Traffic, 13403 Northwest Fwy—Suite 130, Houston, TX 77040. Transporting *petroleum and petroleum products* in bulk, in tank vehicles, from Memphis, TN to points in AR and MS. (Hearing site: Memphis, TN.)

MC 102567 (Sub-239F), filed August 26, 1979. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy.—Suite 130, Houston, TX 77040. Transporting *petroleum products*, in bulk, in tank vehicles, from Helena and El Dorado, AR, to points in LA. (Hearing site: Little Rock, AR.)

MC 102616 (Sub-1010F), filed August 14, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland—Massillon Rd., Akron, OH 44313. Representative: W. M. Kiefaber (same address as applicant). Transporting *chemicals*, in bulk, in tank vehicles, between Ludington, MI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Detroit, MI, or Chicago, IL.)

MC 102806 (Sub-25F), filed August 23, 1979. Applicant: PETROLEUM TRANSPORTATION, INCORPORATED, 701 East Davis St., P.O. Box 399, Gastonia, NC 28052. Representative: Danny K. Summitt (same address as applicant). Transporting *petroleum and petroleum products*, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, (except chemicals), from Thrift, NC, to points in Dillion and Marlboro Counties, SC. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 108676 (Sub-145F), filed August 20, 1979. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., NE., Knoxville, TN 37917. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting: (1) *parts for environmental control systems*, (2) *sewage disposal units, water treatment units, tertiary filters, and flow splitter boxes*, and (3) *accessories and parts for the commodities in (2) above*, from Nashville and Tullahoma, TN, to points in the United States (except AK and HI). (Hearing site: Louisville, KY; Nashville, TN; or Cincinnati, OH.)

MC 111856 (Sub-9F), filed August 27, 1979. Applicant: CHOCTAW TRANSPORT, INC., 800 Bay Bridge Road, Prichard, AL 36610. Representative: Ronald L. Stichweh, 727 Frank Nelson Building, Birmingham, AL 35203. Transporting *paper and paper products, and equipment, materials and supplies* used in the manufacture and distribution of paper and paper products, between Mobile, AL, on the one hand, and, on the other, points in FL. (Hearing site: Birmingham or Mobile, AL.)

MC 112617 (Sub-450F), filed August 23, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). Transporting *silica sand*, in bulk, from Elizabeth, IN, to points in KY and Cincinnati, OH.

MC 113106 (Sub-79F), filed August 22, 1979. Applicant: THE BLUE DIAMOND COMPANY, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. Transporting (1) *malt beverages* and (2) *materials, supplies, and equipment* used in the manufacture and distribution of malt beverages (except commodities in bulk), between the facilities of Miller Brewing Company in Onondaga and Oswego Counties, NY on the one hand, and, on the other, points in DE, MD, NY, NJ, OH, and DC. (Hearing site: Washington, DC.)

MC 114457 (Sub-494F), filed March 19, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *fiberboard containers*, from St. Louis, MO, to points in WI, MN, OK, and TX. (Hearing site: Chicago, IL, or St. Paul, MN.)

MC 114457 (Sub-521F), filed June 8, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting (1) *electric motors, power transmission equipment, controllers and parts for controllers, computing and weighing machines, and telecommunication equipment*, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk), (a) between the facilities of Reliance Electric Company, at (i) Minneapolis, MN, (ii) Charlotte, NC, (iii) Cleveland, Columbus, Lorain, and Worthington, OH, and (iv) Spartansburg, SC, on the one hand, and, on the other, points in CA, GA, IL, NY, NJ, NV, OR, PA, TX, and WA, and (b) between the facilities of Reliable Electric Company, at Franklin Park, IL, on the one hand, and, on the other, points in CA, GA, IL, NY, NJ, NV, OR, PA, TX, and WA. (Hearing site: Cleveland, OH, or St. Paul, MN.)

MC 115826 (Sub-474F), filed May 23, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *electric household appliances and equipment, hydrotherapy equipment, sink and shower fixtures, smoke alarms, and water filters*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Larimer County, CO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 115826 (Sub-531F), filed August 13, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore, 6015 East 58th Avenue, Commerce City, CO 80022. Transporting *such commodities as are dealt in and used by restaurants* from Oklahoma City, OK, to points in NE, MT, ID, UT, CO, and WA. (Hearing site: Denver, CO.)

MC 115826 (Sub-550F), filed August 23, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *feed and feed ingredients* (except commodities in bulk, in tank vehicles), between Denver, CO, on the one hand, and, on the other, points in the United States (except AK and HI); and (2) *sodium bicarbonate, sodium carbonate, and cleaning, scouring and washing compounds* (except commodities in bulk, in tank vehicles), from the facilities of Church and Dwight Co., Inc., at Sweetwater, WY, to points in NY, NJ, OH, TN, AL,

NC, SC, FL, KY, VA, and GA. (Hearing site: Denver, CO.)

MC 117676 (Sub-13F), filed August 3, 1979. Applicant: HERMS TRUCKING, INC., 620 Pear St., Trenton, NJ 08648. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *asbestos,* in bags, from ports of entry on the international boundary line between the United States and Canada, in NY and VT, to the facilities of American Biltrite, Inc., at Trenton, NJ. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 117686 (Sub-275F), filed August 24, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach, (same address as applicant). Transporting meats, meat products, and meat by-products, dairy products and articles distributed by meat-packing houses, as decribed 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 commodities in bulk, in tank vehicles, and hides), from the facilities used by John Morrell & Co. at or near (a) Sioux City, IA, and (b) Sioux Falls, SD, to points in CA, restricted to the transportation or traffic originating at the named facilities. (Hearing site: Chicago IL, or Washington, DC.)

MC 118016 (Sub-7F), filed August 21, 1979. Applicant: BURKETT TRUCKING, INC., 2508 E. Roosevelt, P.O. Box 4173, Little Rock, AR 72204. Representative: Thomas J. Presson, P.O. Box 117, I–30 South Service Rd., Indian Springs Mall, Bryant, AR 72022. Transporting *bananas,* and *agricultural commodities* otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(6)(B) in mixed shipments with bananas, from Tampa, FL, to points in CO, KS, MO, OK, AR, and TX. (Hearing site: Little Rock, AR.)

MC 118776 (Sub-41F), filed August 23, 1979. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave, Kansas City, MO 64105. Transporting *beer,* from Detroit, MI, Ft. Wayne, IN, Memphis, TN, Milwaukee, WI, Omaha, NE, Peoria, IL, to Union, MO. (Hearing site: St. Louis, MO.)

MC 119577 (Sub-28F), filed July 31, 1979. Applicant: OTTAWA CARTAGE, INC, P.O. Box, 458, Ottawa, IL 61350. Representative: Albert A. Andrin, 180 North LaSalle St, Chicago, IL 60601. Transporting: *Iron and steel articles,* from the facilities of Northwestern Steel and Wire Company at Sterling and Rock Falls, IL to points in IN, KY, MI, OH, PA, and WI. (Hearing site: Chicago, IL.)

MC 119767 (Sub-363F), filed August 13, 1979. Applicant: BEAVER TRANSPORT CO., a Corporation, P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St NW., Washington, DC 20004. Transporting (1) *such commodities* as are dealt in by grocery and food business houses, and agri-feed business houses, *soybean products, paste, flour products, and dairy based products,* 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), between points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI, restricted to the transportation of traffic originating at or destined to the facilities used by Ralston Purina Company. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 119777 (Sub-408F), filed August 24, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *iron and steel articles,* from Lumber City, GA, to points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Jacksonville, FL.)

MC 119777 (Sub-409F), filed August 22, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *lathe, plaster,* and *gypsum wallboard,* (1) from Blue Diamond, NV to points in AZ, CA, ID and UT, and (2) from Fremont, CA to points in ID, OR and WA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 119777 (Sub-410F), filed August 21, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *precast concrete modular crypt units* and *precast concrete products,* between points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Duwe Precast Concrete Products, Inc. (Hearing site: Chicago, IL.)

MC 119777 (Sub-411F), filed August 20, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, KY, 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *asbestos cement pipe and plastics,* from points in San Joaquin and Los Angeles Counties, Ca, to those points in the United States in and east of ID, NV, and AZ. (Hearing site: Los Angeles or San Francisco, CA).

MC 120427 (Sub-31F), filed August 23, 1979. Applicant: WILLIAMS TRANSFER, INC., 2128 East Hwy #30, Grand Island, NE 68801. Representative: John K. Walker (same address as applicant). Transporting *frozen boxed horse meat, and frozen prepared zoo diets,* from North Platte, NE, to points in the United States (except AK and HI). (Hearing site: Lincoln or Omaha, NE.)

MC 123387 (Sub-23), filed August 13, 1979. Applicant: E. E. HENRY, 1128 S. Military Highway, Chesapeake, VA 23320. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Transporting (1) *bananas and,* (2) *agricultural commodities,* otherwise exempt from economic regulation pursuant to 49 U.S.C. 10526(a)(6)(B) in mixed loads with bananas, from Wilmington, DE; Philadelphia, PA; New York, NY; Baltimore, MD; Charleston, SC; Miami and Tampa, FL; and Mobile, AL to points in VA. (Hearing site: Norfolk, VA.)

MC 123407 (Sub-600F), filed August 3, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting (1) *fertilizer, ice melting compound, insulation material, vermiculite, and* (2) *materials and supplies* used in the manufacture of the commodities named in (1) above, from the facilities of Koos, Inc., at or near Kenosha, WI, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 123407 (Sub-601F), filed August 3, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting (1) *prefabricated steel building,* knocked down, and *parts of prefabricated steel buildings,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, from Evansville, WI, to points in the United States (except WI, MN, IN, IL, IA, OH, MI, AK, and HI). (Hearing site: Chicago, IL.)

MC 123407 (Sub-612F), filed August 20, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting: *(1) scrap wire, scrap cable, scrap telephone equipment, and scrap metals,* (except

commodities in bulk), from those points in the United States in and east of MT, WY, CO, and NM, to the plantsite of Lissner Corporation at Chicago, IL, and *(2) processed scrap and aluminum ingot,* from Chicago, IL, to the origin area described in (1) above. (Hearing site: Chicago, IL.)

MC 123987 (Sub-30F), filed August 20, 1979. Applicant: JEWETT SCOTT TRUCK LINE, INC., Box 267, Mangum, OK 73554. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting: *Plywood, particleboard, fiberboard, siding* and *urethane sheating,* from Diboll and Pineland, TX, to points in CO, NM, ND, SD, WY, OK, KS, AZ, CA, NE, NV, and UT. (Hearing site: Dallas, TX, or Oklahoma City, OK.)

MC 124306 (Sub-68F), filed August 23, 1979. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th St. NW., Washington, DC 20036. Transporting *petroleum products,* in bulk, in tank vehicles, from Friendship and Selma, NC, to points in VA. (Hearing site: Richmond, VA, or Washington, DC.)

MC 124306 (Sub-69F), filed August 23, 1979. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th St. NW., Washington, DC 20036. Transporting *chemicals,* in bulk, in tank vehicles, from points in AR, LA, and TX, to points in SC. (Hearing site: Columbus, SC, or Baton Rouge, LA.)

MC 124896 (Sub-97F), filed August 23, 1979. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne and Ralston Streets, Box 3485, Wilson, NC 27893. Representative: Peter A. Greene, 900 17th Street, N.W., Washington, DC 20006. Transporting *tires and tubes* (1) from points in TN, MS, IL, TX, IN, AL, MO, PA, GA, OH, and IA, to points in NC, SC, and VA; and (2) between points in NC, SC, and VA. (Hearing site: Wilson, NC.)

MC 125777 (Sub-259F), filed August 23, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46406. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting *cryolite, silicon metals and alloys,* in bulk, in dump vehicles, from points in Colbert County, AL, to those points in the United States in and east of TX, OK, KS, NE, SD, and ND. (Hearing site: Chicago, IL.)

MC 128117 (Sub-39F), filed August 14, 1979. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. Transporting (1) *new furniture,* from Appomattox, VA, to points in CO; (2) *wooden doors,* from the facilities of Buell Door Company, at Dallas, TX, to points in GA, SC, NC, VA, MD, and those points in TN on and east of U.S. Hwy 27, and DC; and (3) *canned vegetables, fruits and berries,* from the facilities of Wolbert Canning Company, at or near Lindale, TX, to points in AL, GA, SC, NC, KY, LA, VA, and WV. (Hearing site: Washington, DC.)

MC 128677 (Sub-3F), filed August 20, 1979. Applicant: PORTLAND EXPRESS, INC., P.O. Box 179, Portland, TN 37148. Representative: James Clarence Evans, 1800 Third National Bank Building, Nashville, TN 37219. 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 Nashville and Memphis, TN over Interstate Hwy 40, serving no intermediate points, and serving Nashville for the purposes of joinder only, restricted against joinder with any of carrier's other authority so as to provide service to or from any points in KY. (Hearing site: Nashville, TN.)

Note.—By joinder at Nashville service will be authorized between Memphis and Portland, TN and other authorized service points within TN.

MC 129387 (Sub-99F), filed August 20, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye, P.O. Box 1271, Huron, South Dakota 57350. Transporting *meats, meat products,* and *meat by-products,* and *articles distributed by meat-packing* houses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from Madison, NE to points in CO, ID, MT, NM, UT, and WY, and (2) from Worthington, MN, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing: St. Paul, MN, or Chicago, IL.)

MC 129387 (Sub-100F), filed August 23, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). Transporting *foodstuffs,* from Minneapolis, MN, to points in SD. (Hearing site: St. Paul, MN, or Rapid City, SD.)

MC 134286 (Sub-121F), filed June 8, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant). Transporting (a) *washing, cleaning, and scouring compounds,* (b) *soap and soap products,* (c) *toilet preparations,* and (d) *foodstuffs* (except commodities in bulk), from the facilities of Lever Brothers Company, at St. Louis, MO, to Kansas City, MO, and points in NE and IA. (Hearing site: Sioux City, IA, or St. Louis, MO.)

MC 134477 (Sub-360), filed August 22, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *Foodstuffs* (except in bulk), and (2) *materials, equipment and supplies* used in the manufacture and distribution of foodstuffs (except commodities in bulk), between the facilities of Holsum Foods, Inc. at or near Albany, GA, Olathe, KS, Albert Lea, MN, Navasota, TX, and Waukesha, WI, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-361F), filed August 22, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *chemicals* (except in bulk), (1) from points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NJ, NY, OH, PA, RI, TN, TX, VA, and WV, to points in ND and SD, and (2) from points in TX to points in MN, ND, SD, and WI, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations.

MC 134477 (Sub-362), filed August 22, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting, *chemicals* (except in bulk), from St. Paul, MN to points in IA, ND, SD, WI, and the upper peninsula of MI, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: St. Paul, MN.)

MC 135306 (Sub-3F), filed August 27, 1979. Applicant: DAN'S TRANSIT, INC., 239 Woodmont Road, Milford, CT 06460. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting: (1) *brass, bronze, copper, nickel, nickel silver,* and (2) *products* of the commodities in (1) above, between the facilities of Bridgeport Brass Company, Division of National Distillers and Chemical Corporation, at Bridgeport and Seymour, CT, on the one hand, and, on the other, points in DE, MD, OH, VA, WV, and DC; and (2) *scrap metal,* from points in MA, NH, NJ, NY, PA, RI, and VT to the facilities of Bridgeport Brass Company, Division of National Distillers and Chemical Corporation at Bridgeport and Seymour, CT. (Hearing site: Washington, DC.)

MC 136786 (Sub-167F), filed August 22, 1979. ROBCO TRANSPORTATION, INC., 4475 NE Third Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Boulevard, Minneapolis, MN 55416. Transporting *confectionery* from the facilities of E. J. Brach & Sons, a division of American Home Products, Inc. at or near Chicago, IL, to points in CT, GA, IA, MD, MA, NJ, NY, PA and VA. (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 136786 (Sub-168F), filed August 23, 1979. Applicant: ROBCO TRANSPORTATION INC., 4475 NE 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Boulevard, Minneapolis, MN 55416. Transporting *canned fruit juices and sauces,* from Erie and North East, PA to points in AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OK, SD, TN, TX, and WI. (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 136786 (Sub-169F), filed August 23, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 NE Third Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Boulevard, Minneapolis, MN 55416. Transporting *frozen bakery goods,* from Bedford Heights, OH to points in the United States (except AK, HI, ID, MT, OH, OR, and WA). (Hearing site: Minneapolis, MN or Washington, D.C.)

MC 136786 (Sub-170F), filed August 23, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. Transporting *foodstuffs,* in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the facilities of United States Cold Storage, a division of American Consumer Industries, Inc., at or near Chicago, IL, to points in CT, DE, DC, GA, IA, KS, KY, MD, MA, MO, NE, NJ, NY, NC, PA, RI, SC, TX and VA. (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 136786 (Sub-171F), filed August 24, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 N. E. 33rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Boulevard, Minneapolis, MN 55416. Transporting *foodstuffs* (except frozen), from the facilities of Chicago Candy Association, at or near Chicago, IL to points in ID, MT, OR and WA. (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 138026 (Sub-24F), filed August 20, 1979. Applicant: LOGISTICS EXPRESS, INC., Etiwanda and Slover Aves., Fontana, CA 92335. Representative: Patricia M. Schegg, 707 Wilshire Blvd., 1800 United California Bank Bldg., Los Angeles, CA 90017. Transporting *sulfurhexafluoride,* from Hometown, PA to Long Beach, CA. (Hearing site: Los Angeles, CA.)

MC 138026 (Sub-28F), filed August 26, 1979. Applicant: LOGISTICS EXPRESS, INC., Etiwanda and Slover Avenues, Fontana, CA 92335. Representative: David P. Christianson, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Transporting helium, from points in KS, OK, and TX, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 138157 (Sub-182F), filed August 26, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. (1) *Clay building products,* and (2) *materials, equipment and supplies* used in the manufacture, and distribution of the commodities in (1) above (except commodities in bulk), from Ft. Worth, TX, to points in the United States (except AK and HI). (Hearing site: Dallas or Ft. Worth, TX.)

Note.—Dual operations may be involved.

MC 138157 (Sub-183F), filed August 26, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting *plastic articles* and *materials, equipment* and *supplies* used in the manufacture of plastic articles, from Torrance, CA, to those points in the United States in and east of MT, WY, CO and NM. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 140186 (Sub-39F), filed August 23, 1979. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Billings, MT 59801. Representative: David A. Sutherlund, 1150 Connecticut Avenue NW., Suite 400, Wasington, DC 20036. Transporting *pipes* and *fittings, and fabricated metal accessories for pipe,* from Seattle, WA, to points in OR, CA, ID, MT, MN, WI, and MI. (Hearing site: Seattle, WA.)

MC 140656 (Sub-4F), filed August 13, 1979. Applicant: TROCHU TRUCKING SERVICES, LTD., Box 8 Station T, Calgary, Alberta, Canada T2H 2G7. Representative: Charles E. Johnson, 418 East Rosser Ave., P.O. Box 1982, Bismarck, ND 58501. Transporting *dry fertilizer and dry fertilizer materials,* from ports of entry on the international boundary line between the United States and Canada at points in WA, ID, MT, and ND, to those points in the United States in and west of MN, IA, MO, AR, and LA. (Hearing site: Billings, MT, or Calgary, Alberta, Canada.)

MC 142416 (Sub-6F), filed July 26, 1979. Applicant: HAMILTON TRANSFER, STORAGE & FEEDS, INC., Box H, Hwy 26 West, Torrington, WY 82240. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. 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 Denver, CO, and Cheyenne, WY; over Interstate Hwy 25, serving all intermediate points, and (2) between Cheyenne and Torrington, WY: (a) from Cheyenne over Interstate Hwy 25 to junction U.S. Hwy 26, then over U.S. Hwy 26 to Torrington, and return over the same route, and (b) from Cheyenne over Interstate Hwy 25 to junction U.S. Hwy 85, then over U.S. Hwy 85 to Torrington, and return over the same route, and (c) from Cheyenne over Interstate Hwy 80 to junction WY Hwy 215, then over WY Hwy 215 to junction WY Hwy 151, then over WY Hwy 151 to junction U.S. Hwy 85, then over U.S. Hwy 85 to Torrington, and return over the same route, serving in (2)(a), (b), and (c) above, all intermediate points and the off-route points of the facilities of Missouri Basin Power Project, in Platte County, WY, points in Goshen County, WY, and those points in Laramie County, WY, east of Interstate Hwy 25. (Hearing site: Torrington or Cheyenne, WY.)

Note.—Applicant states it intends to tack this authority with its existing authority so as to provide a direct service between the sought points and points which applicant series under its existing authority in CO, WY, and NE.

MC 143127 (Sub-42F), filed June 8, 1979. Applicant: K. J. TRANSPORTATION, INC., 100 Jefferson Rd., Rochester, NY 14623. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. Transporting *canned goods*, from Charlotte, NC, to points in FL. (Hearing site: Buffalo, NY.)

Note.—Dual operations may be involved.

MC 143127 (Sub-43F), filed June 8, 1979. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Rd., Rochester, NY 14623. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. Transporting *foodstuffs (except frozen and commodities in bulk), and materials, equipment, and supplies* used in the manufacture, sale, and distribution of foodstuffs, (except frozen and 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 RAGU Foods, Inc. (Hearing site: New York or Buffalo, NY.)

Note.—Dual operations may be involved.

MC 143267 (Sub-82F), filed July 6, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th St., N.W., Washington, DC 20005. Transporting (1) *refractory products*, and (2) *materials and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), between those points in the United States in and east of TX, OK, KS, NE, IA, and MN, restricted to the transportation of traffic originating at or destined to the facilities of Harbison-Walker Refractories Division of Dresser Industries, Inc. (Hearing site: Cleveland, OH, or Washington, DC.)

Note.—Issuance of a certificate in this proceeding is conditioned upon the concidental cancellation of Certificate MC-143267 Sub 13.

MC 144026 (Sub-6F), filed August 13, 1979. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. Box 897, Hartsville, SC 29550. Representative: Robert L. McGeorge, 1054 31st St., N.W., Washington, DC 20007. Transporting (1) *metal containers, metal container ends, and container closures*, and (2) *materials and supplies* used in the manufacture of containers, between points in SC, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MD, MS, NC, OH, PA, TN, VA, and DC. (Hearing site: Columbia, SC, or Washington, DC.)

MC 145026 (Sub-7F), filed August 21, 1979. Applicant: NORTHEAST CORRIDOR EXPRESS, INC., Railroad Avenue, Federalsburg, MD 21632. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Transporting (1) *foodstuffs* from Millsboro, DE, to points in ME, VT, NH, RI, MA, CT, NY, NJ, PA, MD, WV, SC, NC, GA, FL, VA, and (2) *materials and supplies* used in the manufacture or distribution of foodstuffs (except commodities in bulk), in the reverse direction; and (3) *foodstuffs and materials, equipment and supplies* used in the manufacture or distribution of foodstuffs (except commodities in bulk), between the facilities of Vlasic Foods, Inc., at or near Imlay City, Memphis and Bridgeport, MI, and Greenville, MS, on the one hand, and, on the other, the facilities of Vlasic Foods at or near Millsboro, DE. (Hearing site: Washington, DC.)

MC 145026 (Sub-8F), filed August 21, 1979. Applicant: NORTHEAST CORRIDOR EXPRESS, INC., Railroad Ave., Federalsburg, MD 21632. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh St., NW, Washington, DC 20001. Transporting *foodstuffs and materials and supplies* used in the manufacture or distribution of foodstuffs (except commodities in bulk), between the facilities of or used by J. H. Fiblert, Inc., at or near Baltimore, MD, and points in Anne Arundel, Baltimore, Howard, and Prince Georges Counties, MD, on the one hand, and, on the other, points in CT, MA, RI, NH, VT, ME, NY, PA, NJ, VA, DE, OH, IN, MI, WV, IL, and KS. (Hearing site: Washington, DC.)

MC 145506 (Sub-4F), filed August 23, 1979. Applicant: ODOM TRUCKING CO., INC., Route 4, Box 165, Eufaula, AL 36027. Representative: William K. Martin, P.O. Box 2069, Montgomery, AL 36103. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses* as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the facilities used by John Morrell & Co., at or near Montgomery, AL, to those points in the United States in and east of TX, OK, KS, NE, SD and ND. (Hearing site: Montgomery, AL, or Chicago, IL.)

MC 145506 (Sub-5F), filed August 23, 1979. Applicant: ODOM TRUCKING CO., INC., Route 4, Box 165, Eufaula, AL 36027. Representative: William K. Martin, P.O. Box 2069, Montgomery, AL 36103. Transporting *bananas*, from the facilities of The Best Banana Co., Inc., at or near Norfolk, VA, to points in AL, AR, CT, DE, GA, IL, IN, IA, KY, MD, MA, MI, MN, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC. (Hearing site: Montgomery, AL, or Norfolk, VA.

MC 145506 (Sub-6F), filed August 23, 1979. Applicant: ODOM TRUCKING CO., INC., Route 4, Box 165, Eufaula, AL 36027. Representative: William K. Martin, Post Office Box 2069, Montgomery, AL 36103. Transporting *meats, meat products, and meat byproducts and articles distributed by meat-packing houses* as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the facilities by John Morrell & Co., at or near (a) Arkansas City, KS, (b) East St. Louis, IL, (c) Memphis, TN, and (d) Shreveport, LA, to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Montgomery, AL, or Chicago, IL.)

MC 145577 (Sub-14F), filed August 14, 1979. Applicant: GULLETT-GOULD, LTD., P.O. Box 406, Union City, IN 47390. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. Transporting *pet vitamins*, from Bowling Green, OH, to points in CA. (Hearing site: Columbus, OH, or Washington, DC.)

MC 145626 (Sub-1F), filed May 31, 1979. Applicant: MOUNTAIN MOTORS LIMITED, a corporation, 18358 Jurupa Street, Bloomington, CA 92316. Representative: Vincent Maniaci (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *bananas*, and (b) *agricultural commodities* the transportation of which otherwise exempt under 49 USC 10526 (a)(6)(B) in mixed loads with bananas, and (2) *cardboard boxes*, from San Francisco, Oakland and Los Angeles, CA, to points in Maricopa and Pima Counties, AZ, under continuing contract(s) with Harbor Banana Distributors, Inc., of Long Beach, CA (Hearing site: Los Angeles, CA.)

MC 145897 (Sub-3F), filed June 5, 1979. Applicant: WOODCO, d.b.a. SNF PETROLEUM TRANSPORTATION P.O. Box 1868, Casper, WY 82602. Representative: S. Sheldon Wood (same address as applicant). Transporting *petroleum products*, between points in

WY. (Hearing site: Casper or Cheyenne, WY.)

MC 145997 (Sub-9F), filed August 27, 1979. Applicant: JEM EQUIPMENT COMPANY, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 159, Rogers, Ar 72756. Transporting (1) *metallic cadmium, zinc oxide, zinc dust, zinc dross, zinc, zinc reside, lead sheet,* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between Josephtown, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Pittsburgh, PA, or Ft. Smith, AR.)

MC 146646 (Sub-21F), filed August 14, 1979. Applicant: BRISTOW TRUCKING CO., a Corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting (1) *bananas and pineapples,* and (2) *agricultural commodities* the transportation of which is otherwise exempt under 49 U.S.C. 10526(a)(6)(B) in mixed loads with bananas, from Charleston, SC and Tampa, FL, to points in VA, WV, MD, and DC. (Hearing site: Miami, FL, or Birmingham, AL.)

MC 146646 (Sub-22F), filed August 21, 1979. Applicant: BRISTOW TRUCKING CO., P.O. Box 6355 A, Birmingham, AL 35217. Representative: Mr. Henry Bristow, Jr., P.O. Box 6355 A, Birmingham, AL 35217. Transporting *packaging materials and equipment, materials and supplies* used in the manufacture and distribution of packaging materials, (except commodities in bulk), between the facilities of Ronnie Packaging Corp. at South Plainfield, N and City of Industry, CA, on the one hand, and, on the other, Berkely, IL, Pawtucket, RI, Detroit, MI, Canton, OH, St. Louis, MO, Dillion, SC, Alexandria, V Rochester and Rome, NY, Wheeling, Clarksburg, and Charleston, WV, City of Industry, CA and South Plainfield, NJ. (Hearing site: New York City, NY or Birmingham, AL.)

MC 146646 (Sub-23F), filed August 23, 1979. Applicant: BRISTOW TRUCKING CO., P.O. Box 6355 A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting *moulded pulp paper products,* and *materials, equipment and supplies* used in the manufacture and distribution of moulded pulp paper products (except commodities in bulk), between the facilities of the Packaging Corp. of America (a) at Macon, GA and (b) Griffith, IN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Montgomery, AL.)

MC 146717 (Sub-5F), filed August 26, 1979. Applicant: JACK MYER AND BUDDY C. MOORE d/b/a/ MIDWEST VIKING, Johnson, NE 68378. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting (1) *industrial and construction equipment, and* (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (A) from the facilities of Auburn Consolidated Industries at or near Auburn, NE, to points in Los Angeles County, CA, Dallas County, TX, Mecklenburg County, NC, Hinds County, MS, and Gwinnet County, GA, (B) from points in Mahoning County, OH, Lake County, IN, and Cook County, IL, to the facilities of Auburn Consolidated Industries at or near Auburn, NE. (Hearing site: Omaha, NE, or Des Moines, IA.)

MC 147296 (Sub-2F), filed July 19, 1979. Applicant: DON MURRAY D/B/A DON MURRAY TRUCKING, 1145 Wesley Dr., Lapeer, MI 48446. Representative: Donald J. Murray (same address as applicant). Transporting *carbide metals, between* Warren, MI, on the one hand, and, on the other, Houston, TX, and Columbus, OH, restricted to the transportation of traffic originating at or destined to the facilities of General Electric Co., Carboloy Division. (Hearing site: Flint, MI.)

MC 147577 (Sub-1F), filed August 23, 1979. Applicant: THRIFT TRANSFER, INC., 4560 Eisenhower Avenue, Alexandria, VA 22304. Representative: John C. Bradley, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. Transporting (1) *Fencing* (a) from Hyattsville, MD, to points in DE, GA, NJ, NY, NC, PA, SC, TN, VA and WV, and DC, (b) from Warrenton, VA, to points in DE, GA, MD, NJ, NY, NC, PA, SC, TN, WV, and DC, (2) *Oil and Anti-Freeze,* in containers, from Port Elizabeth and Bayonne, NJ, to Alexandria, VA, (3) *Wood and Wood Products,* between Baltimore, MD, Camden, NJ, Wilmington, DE, and Philadelphia and York, PA, on the one hand, and, on the other, points in MD, VA, and DC, (4) *Scrap, Scrap Products and Scrap Materials,* (a) from points in MD and DC, to Alexandria, VA, (b) between Alexandria, VA and Washington, DC, on the one hand, and, on the other, points in DE, IL, IN, MD, NJ, NC, OH, and PA, (5) *Intermodal Containers,* between Baltimore, MD, on the one hand, and, on the other, Alexandria, VA, and (6) *Paper and Paper Products,* between Alexandria and Richmond, VA, and the facilities of Bear Island Paper Co. in Hanover County, VA, on the one hand, and, on the other, points in DE, MD, NJ, NY, NC, PA, SC, VA, WV, and DC. (Hearing site: Washington, DC.)

MC 148146F, filed August 29, 1979. Applicant: MATHEWS TRUCKING CO., INC., 20100 Trentwood Court, Trenton, MI 48183. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk) between the facilities of the Detroit, Toledo & Ironton Railroad Company in Brownstown Township, MI on the one hand, and, on the other, points in MI restricted to the transportation of traffic having an immediate prior or subsequent movement by rail. (Hearing site: Detroit, MI, or Chicago, IL.)

MC 148237F, filed August 13, 1979. Applicant: JESS A. MAY, d.b.a. MAY TRUCKING CO., 540 Sonoma Ave., Livermore, CA 94550. Representative: Richard E. Macey, 1122 North El Dorado St., Stockton, CA 95202. Transporting *construction equipment,* the transportation of which because of size or weight requires the use of special equipment, (1) between Haywood, CA, on the one hand, and, on the other, Salt Lake City, UT, Reno, NV, Phoenix and Tucson, AZ, Casper, WY, Denver, CO, Albuquerque, NM, and Las Vegas, NV, and (2) Baldwin Park, CA on the one hand, and, on the other, Salt Lake City, UT, Reno, NV, Phoenix and Tucson, AZ, Casper, WY, Denver, CO, Albuquerque, NM, and Las Vegas, NV. (Hearing site: Stockton or Sacramento, CA.)

MC 148546F, filed August 21, 1979. Applicant: TRANSPORT MANAGEMENT SERVICE CORPORATION, P.O. Box 39, Burlington, NJ 08016. Representative: Ronald N. Cobert, Suite 501, 1730 M St. NW., Washington, DC 20036. 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 Delaware Valley Shippers Association, Inc., at or near Bristol, PA, on the one hand, and, on the other, points in TX, CA, and IL. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

Volume No. 19

Decided: February 8, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman, and Jensen.

MC 989 (Sub-38F), filed October 17, 1979. Applicant: IDEAL TRUCK LINES, INC., 912 North State, Norton, KS 67654.

Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting *frozen foods,* from the facilities of Packers Cold Storage, Inc., at or near Laramie, WY, to points in CO, IA, KS, NE, and MO. (Hearing site: Denver, CO.)

MC 1759 (Sub-40F), filed October 15, 1979. Applicant: FROEHLICH TRANSPORTATION CO., INC., Federal Road, Danbury, CT 06810. Representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Transporting *meats and packinghouse products,* from the facilities of M. M. Mades Co., Inc., at Bedford and the facilities of W. F. Schonland Sons, Inc., at Manchester, NH, to Springfield, MA, and points in CT. (Hearing site: Boston, MA.)

MC 2229 (Sub-226F), filed October 26, 1979. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Jackie Hill (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 Willis, TX, as an off-route point in conjunction with carrier's otherwise authorized regular-route operations. (Hearing site: Houston or Dallas, TX.)

Note.—Applicant intends to tack this authority with the authority issued in MC-2229 and sub numbers.

MC 2229 (Sub-227F), filed October 29, 1979. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Jackie Hill (same address as applicant). Transporting *lumber* between points in AZ, AR, CO, ID, LA, KS, MO, MT, NM, OK, OR, WA, and WY. (Hearing site: Kansas City, MO or Dallas, TX)

Note.–Applicant intends to tack the authority sought with its other regular and irregular route rights.

MC 7698 (Sub-14F), filed October 15, 1979. Applicant: FOWLER & WILLIAMS, INC., 1300 Meylert Ave., Scranton, PA 18501. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. To operate as a *common carrier,* by motor vehicles, 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 Syracuse, NY, and Philadelphia, PA, serving all intermediate and off-route points in Berks, Bradford, Bucks, Carbon, Chester, Delaware, Lackawanna, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Schuylkill, Wayne, and Wyoming Counties, PA, Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem Counties, NJ, and Broome, Cayuga, Chemung, Chenango, Cortland, Madison, Oneida, Onondaga, Oswego and Tompkins Counties, NY; (a) from Syracuse over Interstate Hwy 81 to junction Interstate Hwy 380, then over Interstate Hwy 380 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction PA Hwy 33, over PA Hwy 33, to junction Interstate Hwy 78, then over Interstate Hwy 78 to junction PA Hwy 611, then over PA Hwy 611 to Philadelphia, and return over the same route; (b) from Syracuse over Interstate Hwy 81 to junction PA Hwy 9, then over PA Hwy 9 to junction Interstate 276, then over Interstate Hwy 276 to junction Interstate Hwy 76, then over Interstate Hwy 76 to Philadelphia, and return over the same route; (c) from Syracuse to junction Interstate Hwy 276 as in (b) above, then over Interstate Hwy 276 to junction PA Hwy 309, then over PA Hwy 309 to Philadelphia, and return over the same route; (d) from Syracuse to junction PA Hwy 33 as in (a) above, then over PA Hwy 33 to junction U.S. Hwy 22, then over U.S. Hwy 22 to junction PA Hwy 611, then over PA Hwy 611 to Philadelphia, and return over the same route; (e) from Syracuse to junction Interstate Hwy 80 as in (a) above, then over Interstate Hwy 80 to junction U.S. Hwy 46, then over U.S. Hwy 46 to junction NJ Hwy 31, then over NJ Hwy 31 to junction U.S. Hwy 1, then over US Hwy 1 to Philadelphia, and return over the same route, (2) between Elmira, NY, and Scranton, PA, serving all intermediate and off-route points in Chemung and Tioga Counties, NY, and Bradford, Wyoming, and Lackawanna Counties, PA; (a) from Elmira over NY Hwy 17 to junction U.S. Hwy 220, then over U.S. Hwy 220 to junction U.S. Hwy 6, then over U.S. Hwy 6 to Scranton, and return over the same route, (b) from Elmira over NY Hwy 17 to junction Interstate Hwy 81 then over Interstate Hwy 81 to Scranton, and return over the same route. Conditions: (1) The regular-route authority granted here shall not be severable, by sale or otherwise, from applicant's retained pertinent irregular-route authority, (2) Issuance of a certificate is conditioned upon the filing by applicant of a request, in writing, for the imposition of restrictions on its underlying irregular-route authority (to be identified by applicant by specific docket and sub-no.) precluding service between any two points authorized to be served here pursuant to regular-route authority. (Hearing site: Scranton, PA.)

Note.—By this application, applicant seeks, in part, to convert a portion of its irregular-route authority to regular-route authority.

MC 17829 (Sub-18F), filed October 17, 1979. Applicant: DISILVA TRANSPORTATION, INC., 50 Middlesex Ave., Somerville, MA 02145. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. 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 (a) chain grocery and food business houses, and (b) retail and discount department stores (except commodities in bulk), between Boston, Braintree, and Marlboro, MA and New Haven, CT, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, DE, and VA, under continuing contract(s) with The Stop & Shop Companies, Inc., Boston, MA. (Hearing site: Boston, MA.)

MC 24379 (Sub-54F), filed October 29, 1979. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 14650 West Eight Mile Road, Oak Park, MI 48237. Representative: Donald G. Hichman (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), in containers having prior or subsequent movement by water, between Baltimore, MD, on the one hand, and, on the other, points in IL, IN, the lower peninsula of MI, OH, and WI. (Hearing site: Detroit, MI.)

MC 45968 (Sub-8F), filed October 4, 1979. Applicant: ENGLE OOSTDYK, INC., 465 Boulevard, Elmwood Park, NJ 07407. Representative: Edward L. Nehez, P.O. Box 1409, 167 Boulevard, Elmwood Park, NJ 07407. 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 NJ, Kent and New Castle Counties, DE, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, PA, and those in NY on, south, and east of a line beginning at the MA-NY state line and extending along NY Hwy 2, to Troy, NY, then over NY Hwy 7 to Schenectady, NY, then over NY Hwy 5 to Albany, NY,

then over US Hwy 9W to Newburgh, NY, then over NY Hwy 32 to Highland Mills, NY, then over NY Hwy 200 to Monroe, NY, then over US Hwy 6 to Harriman, NY, and then over NY Hwy 17 to the NY-NJ State line. (Hearing site: Newark, NJ, or New York, NY.)

MC 48948 (Sub-19F), filed October 29, 1979. Applicant: THE HOCKING CARTAGE COMPANY, R.R. 2, P.O. Box 373, Logan, OH 43138. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Transporting *fluorescent glass tubing,* from the facilities of General Electric Company, at or near Logan, OH to Fairmont, WV. (Hearing site: Columbus, OH.)

MC 48958 (Sub-202F), filed October 3, 1979. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189. Transporting over regular routes *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment), between Dallas, TX, and Oklahoma City, OK, over Interstate Hwy 35 (U.S. Hwy 77), serving no intermediate points, as an alternate route for operating convenience only. (Hearing site: Washington, DC, or Denver, CO.)

MC 48958 (Sub-204F), filed October 15, 1979. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Ave., P.O. Box 16404, Denver, CO 80216. Representative: Lee E. Lucero (same address as applicant). Transporting *carbonyl chloride,* in containers, between Denver, CO, and Palacios, TX. (Hearing site: Houston, TX, or Denver, CO.)

MC 49368 (Sub-107F), filed October 22, 1979. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Road, Bloomfield Hills, MI 48013. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. *Contract carrier transporting motor vehicles,* in initial movements, in truckaway service, from the facilities of General Motors Assembly Division at St. Louis, MO, to points in CA, CT, DE, ME, MD, MA, MN, MT, NV, NH, NJ, NY, ND, OR, RI, SD, VT, VA, WA, and DC, under continuing contract(s) with General Motors Corporation. (Hearing site: Detroit, MI, or Washington, DC.)

Note.—Dual operations may be involved.

MC 52709 (Sub-378F), filed October 29, 1979. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Russell R. Sage, Suite 400, 6121 Lincolnia Rd., P.O. Box 11278, Alexandria, VA 22312. Transporting *general commodities* (except those of unusual value, household goods as described by the Commission, commodities in bulk, and those requiring special equipment), between points in AZ, CA, CO, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, NV, ND, OH, OR, PA, SD, UT, WA, WI, and WY. (Hearing site: Denver, CO, San Francisco, CA, or Chicago, IL.)

MC 56679 (Sub-148F), filed October 29, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Avenue SW., Atlanta, GA 30310. Representative: David L. Capps (same address as applicant). Transporting *crude silicon carbide,* from points in Niagara and Erie Counties, NY, to points in Elbert County, GA. (Hearing site: Elberton, GA or Washington, DC.)

MC 78228 (Sub-143F), filed October 1, 1979. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15219. Representative: Henry W. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting *pig iron,* from Albany, NY, to points in CT, DE, ME, MA, NH, NJ, PA, RI, and VT. (Hearing site: Washington, DC or Buffalo, NY.)

MC 78228 (Sub-147F), filed October 17, 1979. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry W. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting *iron and steel articles,* between the facilities of Borden Metal Products, Inc., at Carlisle, OH, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC or Pittsburgh, PA.)

MC 100449 (Sub-113F), filed October 18, 1979. Applicant: MALLINGER TRUCK LINE, INC., R.R. 4, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, 1980 Financial Center, Des Moines, IA 50309. Transporting *meats, meat products, meat byproducts and articles distributed by meat-packing houses,* as described in Sections A & C of Appendix 1, to the report in *Descriptions in Motor Carrier Certificates,* 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at Marshall, MO, to points in IL, IA, KS, MN, NE, ND, SD and WI, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 104149 (Sub-213F), filed October 10, 1979. Applicant: OSBORNE TRUCK LINE, INC., 516 North 31st Street, Birmingham, AL 35202. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. Transporting (1) *aluminum and aluminum products,* from the facilities of Revere Copper & Brass, Inc., at or near Scottsboro, AL, to points in PA, NY, NJ, MA, RI, CT, MD, DE, and TX; and (2) *materials, equipment, and supplies* used in the manufacture, processing, and distribution of aluminum and aluminum products, and *aluminum and aluminum products,* in the reverse direction. (Hearing site: Birmingham, AL.)

MC 105269 (Sub-83F), filed October 2, 1979. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Milinzak, 900 Old Kent Building, Grand Rapids, MI 49503.Transporting *paper mill products, and materials and supplies* used in the manufacture and distribution of paper mill products, between White Pigeon, MI, on the one hand, and, on the other, and points in IL, IN, IA, KY, MI, MN, MO, NY, OH, PA, WV, and WI. (Hearing site: Lansing, MI or Chicago, IL.)

MC 106398 (Sub-970F), filed October 1, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Fred Rahal (same address as applicant). Transporting (1) *building and insulating materials, pipe, and pipe fittings,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of CertainTeed Corporation, at Valley Forge, PA, on the one hand, and, on the other hand, points in the United States (except AK and HI). (Hearing site: Philadelphia, PA.)

MC 106398 (Sub-988F), filed October 15, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Fred Rahal, Jr., 525 South Main, Tulsa, OK 74103. Transporting *automobiles,* in secondary movements, between points in the United States (except AK and HI.)

MC 106398 (Sub-999F), filed October 29, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Fred Rahal, 525 South Main, Tulsa, OK 74103. Transporting *ventilators and accessories for ventilators,* (1) from the facilities of Penn Ventilator Co., Inc., at (a) Junction City, KY, (b) Keyser, WV; and (c) Philadelphia, PA, to points in AL, CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, and VA; and (2) from the facilities of Penn Ventilator Co., Inc., at Tabor City, NC, to points in the United States (except AK and HI). (Hearing site: Philadelphia, PA.)

MC 107478 (Sub-54F), filed October 4, 1979. Applicant: OLD DOMINION FREIGHT LINE, INC., High Point, NC 27261. Representative: Harry J. Jordan, 1000–16th Street, NW., Washington, DC 20036. Transporting *particleboard, fibreboard, and built-up woods,* from Towanda, PA, to points in CT, IL, IN, ME, MA, MI, NH, NY, RI, and VT, restricted to the transportation of traffic originating at the facilities of Masonite Corporation, at Towanda, PA. (Hearing site: Washington, DC, or Raliegh, NC.)

MC 108119 (Sub-201F), filed October 15, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. CLark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting (1) *earth-moving and agricultural tractors, scrapers, and sugar cane harvesters;* and (2) *parts, attachments, and accessories* for the commodities in (1) above, 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 MRS Manufacturing Company. (Hearing site: Jackson, MS.)

MC 108449 (Sub-414F), filed October 15, 1979. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Representative: Adolph J. Bierberstein, 121 West Doty Street, Madison, WI 53703. 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 Albion, Angola, Bluffton, Columbia City, Goshen, Hamilton, Huntington, Ligonier, Markle, Middlebury, Shipshewana, South Milford, Topeka, Warsaw and Wolf Lake, IN as off-routes points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL.)

Note.—Applicant will tack this authority at Fort Wayne, IN, or Sturgis, MI, to serve all points on its regular routes.

MC 108859 (Sub-76F), filed October 28, 1979. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Ave., North, Excanaba, MI 49820. Representative: John L. Bruemmer, 121 West Doty St., Madison, WI 53703. Transporting (1) *ductile iron castings and agricultural implements,* (2) *lawn, garden, and snow removal equipment,* (3) *contractor's, construction, mining, limber mill, marine, industrial, and material handling materials, equipment and supplies,* and (4) *materials, equipment and supplies* (except scrap and waste materials, commodities in bulk, or those requiring the use of special equipment), used in the manufacture of distribution of commodities named in (1), (2), and (3) above, between the facilities of (a) Beatrice Foods Co., Brillion Iron Works Division, at or near Brillon, WI; (b) Ariens Co., Inc., at or near Brillion, WI; (c) Gilson Brothers Company, at or near Plymouth, New Holstein, and Oostburg, WI; and (d) The Manitowoc, WI, on the one hand, and, on the other, those points in IL on and north of U.S. Hwy 36, and points in IN, MI, and OH. (Hearing site: Chicago, IL.)

MC 109638 (Sub-38F), filed October 2, 1979. Applicant: EVERETTE TRUCK LINE, INC., P.O. Box 145, Washington, NC 27889. Representative: Cecil W. Bradley (same address as applicant). Transporting *iron and steel articles,* from Bethlehem, PA, Lackawanna, NY, and Baltimore, MD, to points in NC, SC, and VA. (Hearing site: Washington, DC.)

MC 109818 (Sub-70F), filed October 15, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting (1) *pet food mix* (except in bulk), from the facilities of Geo. A. Hormel & Co., at Davenport, IA, to points in IL, MN, KS, MO, NE, SD, and WI, and (2) *pig skins and trimmings,* in the reverse direction. (Hearing site: Des Moines, IA.)

MC 109818 (Sub-71F), filed October 28, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *battery acid, windshield solvents, antifreeze compounds* and *brake and hydraulic fluids* (except commodities in bulk), from the facilities of Scholle Corporation, at Raytown, MO, to points in IA, KS, NE, CO, and WY. (Hearing site: Chicago, IL.)

MC 113158 (Sub-42F), filed October 2, 1979. Applicant: TODD TRANSPORT CO., INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107. Transporting *containers,* from the facilities of Connelly Containers, Inc., at Philadelphia, PA, to points in Sussex County, DE, Queen Annes and Dorchester Counties, MD, and Baltimore, MD. (Hearing site: Philadelphia, PA.)

MC 113388 (Sub-128F), filed October 10, 1979. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 618, Seaford, DE 19973. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Transporting *frozen potato products,* from Springfield, MA, to points in PA, MD, NY, NJ, DE, WV, OH, NC, SC, GA, FL, and DC. (Hearing site: Washington, DC.)

MC 113459 (Sub-135F), filed October 18, 1979. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, OK 73143. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, #301, Dallas, TX 75237. Transporting *chemicals* (except in bulk), from points in OK, TX, AR, and LA, to points in AL and MS. (Hearing site: Tulsa, OK of Dallas, TX.)

MC 113678 (Sub-847F), filed October 15, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting *candy and confectionery products* (except commodities in bulk), from Covington, TN, to those points in the United States in and west of OH, KY, MO, AR, and LA (except AK, AZ, CO, HI, ID, KS, NM, OK, OR, TX, WA, and WY), restricted to the transportation of traffic originating at the named origin. (Hearing site: Denver, CO.)

MC 113678 (Sub-848F), filed October 18, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting *lighting fixtures* and *lighting fixture parts* from the facilities of Lithonia Lighting, Division of National Service Industries, Inc., at or near (a) Cochran and Conyers, GA, and (b) Crawfordville, IN, to points in ID, OR, WA, NV, UT, WY, CA, CO, MT, AZ, and NM. (Hearing site: Atlanta, GA.)

MC 114989 (Sub-23F), filed October 15, 1979. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., P.O. Box 623, Hopkinsville, KY 42240. Representative: Richard D. Gleaves, 631 Stahlman Building, Nashville, TN 37201. To operate as a *contract carrier,* by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *milk cartons,* from Sikeston, MO, to New Orleans, LA, under continuing contract(s) with Gold Seal Creamery, Inc. of New Orleans, LA. (Hearing site: Nashville, TN or Nashville, LA.)

Note.—Dual operations may be involved.

MC 117068 (Sub-123F), filed October 17, 1979. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway, Rochester, MN 55901. Representative: Richard C. McGinnis, 711 Washington

Building, Washington, DC 20005. Transporting: (1) *construction, earthmoving,* and *material handling equipment,* and (2) *parts* for the commodities in (1) above, from Skyland, NC, to points in IL, MO, IA, KS, NB, CO, WY, MT, ID, UT, NV, CA, OR, and WA. (Hearing site: Chicago, IL.)

MC 117119 (Sub-780F), filed October 15, 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 *chemicals* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (1) from points in DE to those points in the United States in and west of OH, KY, TN, AR, and TX (except AK and HI), (2) from points in NJ to those points in the United States in and west of OH, KY, TN, AR, and TX (except AK and HI), (3) from Marshall, TX, to points in the United States (except TX, NM, OK, AR, LA, MS, AL, FL, AK, and HI), (4) from Memphis, TN, to those points in the United States in and west of MI, IL, MO, OK, and TX (except AK and HI), (5) from Charlotte, NC, to those points in the United States in and west of MI, IL, MO, AR, and LA, (except AK and HI), (6) from Bermuda Hundred, VA, to those points in the United States in and west of MN, IA, IL, MO, AR, and TX (except AK and HI), (7) from Pasadena and San Francisco, CA, to Dallas, TX, and Newark, DE, and (8) from West Chester, PA, to those points in the United States in and west of MN, IA, IL, MO, AR, and TX (except AK and HI). (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 117119 (Sub-781F), filed October 16, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *paint oils* (except in bulk), from the facilities of Spencer-Kellogg, at Los Angeles and San Carlos, CA, to points in OR and WA. (Hearing site: Los Angeles, CA.)

MC 117119 (Sub-782F), filed October 16, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *cheese and cheese products* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Horseheads and Waverly, NY, to points in IL, KS, MN, MO, TN, TX and WI. (Hearing site: Denver, CO.)

MC 117589 (Sub-65F), filed October 2, 1979. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Ave. South, Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. To operate as a *common carrier,* by motor vehicle, in foreign commerce only, over irregular routes, transporting *malt beverages,* (except commodities in bulk, in tank vehicles), from the ports of entry on the international boundary line between the United States and Canada located in WA, ID, and MT, to points in CO. (Hearing site: Seattle, WA.)

MC 118468 (Sub-56F), filed October 22, 1979. Applicant: UMTHUN TRUCKING CO., a Corporation, 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 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 *treated lumber and wood products,* from Beardstown, IL, to points in IA, under continuing contract(s) with Emmer Eagle Grove, Inc., of Eagle Grove, IA. (Hearing site: St. Paul, MN.)

Note.—Dual operations may be involved.

MC 118468 (Sub-57F), filed October 28, 1979. Applicant: UMTHUN TRUCKING CO., a Corporation, 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 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 (1) *building materials, insulation materials, and plastic pipe,* from Waukegan and Rockdale, IL, and Wilton, IA, to points in MO; and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in part (1) above, (a) from points in IA, KS, MN, MO, NE, ND, and SD, to Waukegan and Rockdale, IL; and (b) from points in IL, IN, KS, MN, MO, NE, ND, SD, and WI, to Wilton, IA, under continuing contract(s) in (1) and (2) with Johns-Manville Sales Corporation. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 118779 (Sub-14F), filed October 18, 1979. Applicant: PENNSYLVANIA TRUCK LINES, INC., 84 Great Valley Parkway, Malvern, PA 19355. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *diesel locomotive engines, generators, and motors,* and (2) *parts* for the commodities in (1) above, between Altoona, PA, Elizabethport, NJ and Croton-on-Hudson, NY, on the one hand, and, on the other, Jacksonville, FL, under continuing contract(s) with Consolidated Rail Corporation, Philadelphia, PA. (Hearing site: Philadelphia, PA or Washington, DC.)

Note.—Dual operations may be involved.

MC 119789 (Sub-636F), filed October 16, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *steel shelving,* from Aurora, IL, to points in AL, FL, GA, LA, MS, NC, OK, SC, TN, and TX. (Hearing site: Chicago, IL.)

MC 119789 (Sub-638F), filed October 26, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *prepared animal feed,* from the facilities of Kal Kan Foods, Inc., at or near Los Angeles, CA, to those points in the United States east of U.S. Hwy 85 (except LA, MS, AL, GA, NC, SC, and TX). (Hearing site: Los Angeles, CA.)

MC 119988 (Sub-221F), filed October 10, 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 *magnesium metal ingots,* from Snyder, TX, to points in IL, IN, KY, LA, NE, NJ, NY, OH, PA, TN and WV. (Hearing site: Dallas, TX or Washington, DC.)

MC 121699 (Sub-5F), filed October 29, 1979. Applicant: VOLUNTEER EXPRESS, INC., 1220 Faydur Court, Nashville, TN 37211. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. To operate as a *commond carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment) between Memphis and Bruceton, TN, (1) from Memphis over Interstate Hwy 40 to junction TN Hwy 22, then over TN Hwy 22 to Hintingdon, TN then over US Hwy 70 to Bruceton, and return over the same route, serving no intermediate points, and (2) from Memphis over Interstate Hwy 40, to junction US Hwy 45, then over US Hwy 45 to junction US Hwy 45–E, then over US Hwy 45–E to junction TN Hwy 54, then over TN Hwy 54 to Dresden, TN then over TN Hwy 22 to junction US Hwy 70, then over US Hwy 70 to Bruceton, and return over the same route, serving no intermediate points, restricted against service at those points in the Memphis, TN commercial zone

which lie outside TN. (Hearing site: Memphis or Nashville, TN.)

MC 23329 (Sub-51F), filed October 29, 1979. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, CD T2P 2P9. Representative: Ray F. Koby, 314 Montana Bldg. Great Falls, MT 59401. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *potable alcohol*, from ports of entry on the United States-Canada International boundary line, in WA and ID, to Portland, OR. (Hearing site: Seattle, WA.)

MC 123778 (Sub-47F), filed October 25, 1979. Applicant: JALT CORP. d.b.a. UNITED NEWSPAPER DELIVERY SERVICE, 802 Raritan Center, Edison, NJ 08817. 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 *magazines*, from Edison, NJ, to Wilmington, DE, Washington, DC, Strasburg, VA, points in CT, NJ, points in NY on and east of NY Hwy.14, and points in MD and PA on and east of US Hwy 15, under continuing contract(s) with Straight Arrow Publishers, Inc. of New York, NY. (Hearing site: New York, NY.)

MC 125689 (Sub-10F), filed: October 2, 1979. Applicant: BEATTYVILLE TRANSPORT, INC., Box 357, Catlettsburg, KY 41129. Representative: Oakie G. Ford. (Same address as applicant). Transporting *asphalt and asphalt products*, in bulk, in tank vehicles, from Marietta, OH, to points in WV. (Hearing site: Charleston, WV.)

MC 126118 (Sub-201F), filed October 26, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker. (Same address as applicant). Transporting *smoke detectors, and such commodities* as are dealt in or used by manufacturers of electrical products (except commodities which by reason of size or weight require the use of special equipment), between Atlanta, GA, Edison, NJ, Broadview and Chicago Heights, IL, Columbus, OH, Grand Prairie, TX, Lenexa, KS, Mansfield, MA, and San Leandro, CA, on the one hand, and, on the other, points in the United States (except points in AK and HI and Los Angeles and Ontario, CA, Allentown, PA, Asheboro, NC, Brockport, NY, Laurel, MD and Seattle, WA). (Hearing site: Hartford, CT or Washington, DC.)

Note.—Dual operations may be involved.

MC 127579 (Sub-28F), filed: October 3, 1979. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon St., Baltimore, MD 21205. Representative: Glenn M. Heagerty. (same address as applicant). Transporting *such commodities* as are dealt in by manufacturers and distributors of paper and paper products, (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 Scott Paper Company.

MC 127579 (Sub-31F), filed: October 26, 1979. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon Street, Baltimore, MD 21205. Representative: Glenn M. Heagerty. (same address as applicant). Transporting *such commodities* as are dealt in or used by grocery and for business houses, between the facilities of Ralston Purina Company, at or near Hampden Township (Cumberland County), PA, on the one hand, and, on the other, points in DE, GA, IA, MD, NJ, NY, OH, PA, VA, and DC. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 128539 (Sub-15F), filed: October 3 1979. Applicant: EAGLE TRANSPORT CORPORATION, P.O. Box 4508, Rocky Mount, NC 27801. Representative: Robert J. Corber, 1747 Pennsylvania Ave., NW., Suite 1050, Washington, DC 20006. Transporting *corn products*, in bulk, in tank vehicles, from Lexington, Raleigh, and Rocky Mount, NC, to points in AL, FL, GA, KY, MD, NC, SC, TN, VA, WV, and DC. (Hearing site: Washington, DC or Raleigh, NC.)

MC 128648 (Sub-25F), filed October 22, 1979. Applicant: TRANS-UNITED, INC., 425 West 152nd Street, P.O. Box 2081, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate and foreign commerce, over irregular routes, transporting: (1) *water heaters*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of water heaters, (except commodities in bulk), between the facilities of Bradford-White Corporation, at or near (a) Atlanta, GA, (b) Louisville, KY, (c) Portland, OR, (d) Philadelphia, PA, and (e) Dallas, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Bradford-White Corporation, of Philadelphia, PA. (Hearing site: Philadelphia, PA.)

MC 129189 (Sub-4F), filed October 15, 1979. Applicant: WING CARTAGE COMPANY, a corporation, 4141 George Place, Schiller Park, IL 60176. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *salt*, from Chicago, IL, to points in WI. (Hearing site: Chicago, IL.)

MC 129219 (Sub-23F), filed October 4, 1979. Applicant: CMD TRANSPORTATION, INC., 12340 SE. Dumolt Road, Clackamas, OR 97015. Representative: Philip G. Skofstad, 1525 NE. Weilder Street, Portland, OR 97232. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: (1) *electric storage batteries, and equipment, materials, and supplies* used in the manufacture and distribution of electric storage batteries, (a) between Los Angeles and San Jose, CA, and Denver, CO, on the one hand, and, on the other, points in the AZ, NM, and TX, (b) between Omaha, NE, on the one hand, and, on the other, Denver, CO, and points in CA, ID, MT, NV, OR, UT, WA, AZ, NM, and TX, and (2) *scrap electric storage batteries*, (a) from points in AZ, NM and TX, to Los Angeles and San Jose, CA, Denver, CO, Portland, OR, and Salt Lake City, UT, (b) from Denver, CO, to Dallas, TX, and Omaha, NE, under continuing contract in (1) and (2) above with ESB, Inc., Automotive Division, of Cleveland, OH. (Hearing site: Portland, OR.)

MC 129328 (Sub-16F), filed October 15, 1979. Applicant: PALTEX TRANSPORT CO., a corporation, P.O. Box 296, Palestine, TX 75801. Representative: Kenneth R. Hoffman, 801 Vaughn Building, Austin, TX 78701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: (1) *glassware and glassware closures* (a) from the facilities of Chattanooga Glass Company, at or near Corsicana TX, to points in AL, AR, CO, GA, KS, KY, LA, MS, MO, OK, and TN; (b) from the facilities of Chattanooga Glass Company, at or near Mineral Wells, MS, to points in AL, AR, KS, LA, MO, OK, and TX; and (c) from the facilities of Chattanooga Glass Company, at or near Gulfport, MS, to points in AL, AR, CO, KS, OK, LA, and TX; and (2) *materials, equipment and supplies* used in the manufacture, sale or distribution of glassware and closures, (except commodities in bulk), from points in AL, AR, CO, GA, KS, KY, LA, MS, MO, OK, TN, and TX, to the origin in (1)(a), (b) and (c) above, under continuing contract(s) in (1) and (2) above with Chattanooga Glass Company. (Hearing site: Dallas, TX.)

MC 129759 (Sub-31F), filed October 15, 1979. Applicant: TRIANGLE TRUCKING CO., a corporation, P.O. Box 490, McKees Rocks, PA 15136.

Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: (1) *iron and steel articles*, and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Atlantic Steel Co., at Atlanta and Cartersville, GA, on the one hand, and, on the other, points in IL, IN, KY, MD, MI, MO, NJ, NY, OH, PA, VA, WV, and WI, under continuing contract(s) with Atlantic Steel Co. (Hearing site: Atlanta, GA or Washington, D.C.)

MC 129759 (Sub-32F), filed October 19, 1979. Applicant: TRIANGLE TRUCKING CO., P.O. Box 490, McKees Rocks, PA 15136. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber products*, between points in the United States (except AK and HI) under continuing contract(s) with Snavely Forest Products, Inc. (Hearing site: Pittsburgh, PA.)

MC 129759 (Sub-33F), filed October 29, 1979. Applicant: TRIANGLE TRUCKING CO., a corporation, P.O. Box 490 McKees Rock, PA 15136. Representative: David A. Turano, Baker & Hostetler, 100 East Broad Street, Columbus OH 43215. *Contract carrier* transporting (1) *steel articles*, and (2) *equipment, materials, and supplies used in the manufacture and distribution of the commodities in (1) above* (except commodities in bulk), between the facilities of Swiss Fabricating, Inc., at Rocky Mount, NC, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Swiss Fabricating, Inc., of Pittsburgh, PA. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 133928 (Sub-24F), filed October 22, 1979. Applicant: OSTERKAMP TRUCKING, INC., 764 North Cypress St., P.O. Box 5546, Orange, CA 92667. Representative: Steven K. Kuhlmann, 717–17th St., Suite 2600, Denver, CO 80202. 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 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), under continuing contract(s) with United States Gypsum Company, and U.C. Industries. (Hearing site: Chicago, IL or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 133959 (Sub-15F), filed October 15, 1979. Applicant: LEWIS ALBAUGH & MELVIN ALBAUGH d.b.a. ALBAUGH TRUCK LINE, 123 Main Street, Elkart, IA 50073. Representative: Thomas E. Leahy, Jr., 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 by department stores, (1) between Des Moines, IA and Charleston, WV, and (2) from points in IN, MI, KY, OH, PA, VA and WV, to the facilities of Ardan Wholesale, Inc. at points in IL and IA, under continuing contract(s) with Ardan Wholesale, Inc. (Hearing site: Des Moines, IA.)

MC 133959 (Sub-16F), filed October 15, 1979. Applicant: LEWIS ALBAUGH & MELVIN ALBAUGH d.b.a. ALBAUGH TRUCK LINE, 123 Main Street, Elkart, IA 50073. Representative: Thomas E. Leahy, Jr., 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 (1) *trailers*, from the facilities of The Fruehauf Corporation, at (a) Charlotte, NC, (b) Fort Wayne, IN, (c) Forth Worth, TX, (d) Fresno, CA, (e) Memphis, TN, (f) Omaha, NE, (g) Middletown and Uniontown, PA, and (h) Waverly, OH, to points in the United States (except AK and HI), (2) *trailers*, in secondary movements and *equipment and accessories* designed for use with trailers, between the facilities of The Fruehauf Corporation, at points in the United States (except AK and HI); and (3) *equipment, materials, and supplies* used in the manufacture of trailers, from points in the United States (except AK and HI), to the facilities of The Fruehauf Corporation, at (a) Charlotte, NC, (b) Fort Madison, IA, (c) Fort Wayne, IN, (d) Fort Worth, TX, (e) Fresno, CA, (f) Memphis, TN, (g) Omaha, NE, (h) Middletown and Uniontown, PA and (i) Waverly, OH, under continuing contract(s) in (1), (2), and (3) above with The Fruehauf Corporation. (Hearing site: Detroit, MI or Chicago, IL.)

MC 134599 (Sub-175F), filed October 1, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *such commodities* as are used or dealt in by manufacturers of rubber and rubber products, (1) from the facilities of The Armstrong Rubber Company, at Des Moines, IA, to points in AZ, CA, CO, ID, MI, MT, NV, NM, OR, UT, WA, and WY, (2) between the facilities of The Armstrong Rubber Company, at (a) West Haven, CT, (b) Des Moines, IA, (c) Natchez and Jackson, MS, (d) Madison and Knoxville, TN, (e) West Allis, WI, and (f) Hanford, CA, (3) from Laurel Hill, NC, Baton Rouge, LA, and Borger, TX, to the facilities of The Armstrong Rubber Company, at Des Moines, IA, and (4) from Tacoma, WA, to the facilities of The Armstrong Rubber Company, at (a) Des Moines, IA, (b) Natchez, MS, and (c) Nashville and Clinton, TN, under continuing contract(s) in (1), (2), (3), and (4) with The Armstrong Rubber Company. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 135399 (Sub-19F), filed October 15, 1979. Applicant: HASKINS TRUCKING, INC., P.O. Drawer 7729, Longview, TX 75602. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Transporting (1) *plastic film and plastic sheeting*, from Monroe, LA, to those points in the United States in and east of ND, SD, NE, CO, and NM, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of plastic film and plastic sheeting, in the reverse direction, restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities of Sun Belt Plastics, a division of Sun Belt Manufacturing, Inc., at Monroe, LA. (Hearing site: Dallas, TX or Washington, DC.)

MC 135399 (Sub-20F), filed October 15, 1979. Applicant: HASKINS TRUCKING, INC., P.O. Drawer 7729, Longview, TX 75602. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Transporting *aluminum siding and scrap aluminum*, from the facilities of Reynolds Metals Company at or near Malakoff, TX, to those points in the United States in and east of MT, WY, CO, and NM.

MC 135598 (Sub-34F), filed October 10, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Transporting *charcoal*, in packages, from Meta, MO, to points in AL, CO, GA, IA, KS, LA, MS, OK, PA, and TX. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 135989 (Sub-11F), filed October 31, 1979. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Avenue, Chino, CA 91710. Representative: William J. Lippman, Suite 330 Steel Park, 50 South Steele Street, Denver, CO 80209. Contract carrier transporting (1) *Cosmetics and toilet preparations,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between Baltimore, MD, Philadelphia, PA, Marion, Indianapolis and Ligonier, IN, Flat River, MO, Atlanta, GA, Memphis, TN, Clearfield, UT, Los Angeles, CA, Portland, OR, and Seattle, WA, and points in NY, under continuing contract(s) with Max Factor & Co. (Hearing site: Los Angeles, CA or Salt Lake City, UT.)

MC 136408 (Sub-45F), filed October 10, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: David L. King (same as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chemicals, plastics and plastic products* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture or distribution 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 of Monsanto Company, under continuing contract(s) with Monsanto Company. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 138018 (Sub-58F), filed October 29, 1979. Applicant: REFRIGERATED FOODS, INC., P.O. Box 1018, Denver, CO 80201. Representative: Joseph W. Harvey (same address as applicant). Transporting *meats, meat products, meat by-products, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Le Mars, IA, to points in IL, IN, KS, MI, MN, MO, ND, NE, OH, OK, SD, TX, and WI, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Omaha, NE or St. Paul, MN.)

MC 138198 (Sub-12F), filed October 9, 1979. Applicant: SPD TRUCK LINE, INC., 401 Cottage Street, Abilene, KS 67410. Representative: William B. Barker, 641 Harrison, Topeka, KS 66603. Contract carrier transporting *such commodities* as are used or dealt in by school supply houses, between the facilities of School Specialty Supply, Inc., at or near Salina, MO, on the one hand, and, on the other, points in AR, CO, IL, IA, KS, MN, MO, NE, NM, OK, SD, TX and WY, under continuing contract(s) with School Specialty Supply, Inc. (Hearing site: Kansas City, MO.)

MC 138328 (Sub-102F), filed October 2, 1979. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 and Highway 50, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting (1) *tires and tubes,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of tires and tubes, from Waco, TX, Charlotte, NC, Mayfield, KY, Akron and Bryan, OH, and Mt. Vernon and Elk Grove Village, IL, to Omaha, NE, restricted to the transportation of traffic originating at and destined to the facilities of General Tire & Rubber Company at the named points. (Hearing site: Cleveland, OH.)

Note.—Dual operations may be involved.

MC 138469 (Sub-187F), filed October 16, 1979. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *paper and paper products,* from the facilities of Paper-Pak Products, Inc., at or near LaVerne, CA, to points in the United States (except AK, AR, CO, HI, KS, LA, MO, NM, OK, TN, and TX), restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Los Angeles or San Diego, CA.)

MC 139148 (Sub-5F), filed October 10, 1979. Applicant: BULK HAULERS, INC., 717 South 12th St., St. Louis, MO 63102. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *silica sand and silica flour,* in bulk, in tank vehicles, from the facilities of Pennsylvania Glass Sand Corporation at or near Pacific and Augusta, MO, to points in PA, WV, OH, MI, GA, AL, MS, LA, TX, NE, MN and WI. (Hearing site: St. Louis, MO.)

MC 139379 (Sub-6F), filed October 15, 1979. Applicant: LES MATHRE TRUCKING, INC., 417 8th Street, Story City, IA 50248. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *meats,* from Jewell, IA, to Norwalk, WI. (Hearing site: Des Moines, IA.)

MC 139928 (Sub-3F), filed October 10, 1979. Applicant: AMERICAN COACH LINES, INC., 2611 West Grand Ave., Wisconsin Rapids, WI 54494. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *passengers and their baggage,* in charter operations, between Green Bay, Wausau, Oshkosh, and Fond du Lac, WI, on the one hand, and, on the other, points in AK. (Hearing site: Minneapolis, MN.)

MC 140028 (Sub-8F), filed October 28, 1979. Applicant: MOULDEN & SONS, INC., P.O. Box 18, 200 Second Street, Enumclaw, WA 98022. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. Transporting (a) *coke,* in bulk, in dump vehicles, and (b) *pig iron,* in dump vehicles, from points in WA, to ports of entry on the United States-Canada international boundary line in WA. (Hearing site: (1) Seattle, WA or Portland, OR.)

MC 140379 (Sub-10F), filed October 9, 1979. Applicant: TRANSPORT SERVICE, INC., 216 Amaral St., P.O. Box 4167, East Providence, RI 02914. Representative: Jeffrey A. Vogelman, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *band steel, wire rods, wire, and steel ingots and billets,* from the factilities of Washburn Wire Company, at or near Phillipsdale, RI, to points in AL, GA, KY, MD, NC, SC, TN, VA, and DC, and (2) *materials, supplies, and equipment* (except commodities in bulk) used in the manufacture of the commodities in (1) above in the reverse direction, under continuing contract(s) with Washburn Wire Company of Phillipsdale, RI. (Hearing site: Washington, D.C.)

MC 140869 (Sub-16F), filed October 4, 1979. Applicant: KERRI TRUCKING, INC., 240 S. River St., Hackensack, NJ 07601. Representative: David Olsen, 116 William Ave., Old Tappan, NJ 07675. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *boards and panels,* from Central Valley, NY, and Northvale, NJ, to points in NY, NJ, CT, RI, GA, WV, SC, CA, NE, TN, OK, TX, WI, NC, MO, UT, PA, KY, IA, KS, AL, IN, WA, OR, CO, MN, MI, OH, LA, FL, and IL, under a continuing contract(s) with Baltek Corporation-CSC-Sanlam Corp., of Northvale, NJ. (Hearing site: New York, NY.)

MC 140889 (Sub-7F), filed October 3, 1979. Applicant: FIVE STAR TRUCKING, INC., 1638 West Pioneer Way, El Cajon, CA 92022. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219.

Contract carrier, transporting *electirc motors, electric welders, parts and accessories* for electric motors and electric welders, *truck parts, and equipment, materials and supplies* used in the manufacture of welding equipment, from the facilities of The Lincoln Electric Company, in Cuyahoga and Lake Counties, OH, to points in AL, FL, GA, IL, IN, MI, MN, ND, PA, SD, TN, and WI, under continuing or contract(s) with the Lincoln Electric Company of Cleveland, OH. (Hearing site: Washington, D.C. or Cleveland, OH.)

MC 141119 (Sub-5F), filed October 12, 1979. Applicant: MERCHANTS 5 STAR, INC., P.O. Box 541, Marietta, OH 45750. Representative: John L. Alden, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. Contract carrier, transporting *plastic materials* (except expanded), *synthetic rubber materials*, and *Materials, equipment, and supplies* used in the manufacture of plastic and synthetic rubber *materials* (except commodities in bulk), between the facilities used by Shell Chemical Company, at or near (a) Belpre, OH and (b) Parkersburg, WV, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Shell Chemical Company. (Hearing site: Columbus, OH or Washington, D.C.)

MC 141119 (Sub-6F), filed October 25, 1979. Applicant: MERCHANTS 5 STAR, INC., P.O. Box 541, Marietta, OH 45750. Representative: John L. Alden, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wood, lumber and lumber supplies* (except commodities in bulk), from Marietta, OH, to points in IN, KY, MI, MD, NY, OH, PA, TN, VA, and WV under continuing contract(s) with Empire Wholesale Lumber Co. (Hearing site: Columbus, OH or Washington, D.C.)

MC 141759 (Sub-14F), filed October 11, 1979. Applicant: OHIO PACIFIC EXPRESS, INC., 683 East Broad St., Columbus, OH 43215. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. 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 printing and publishing firms, from Dayton, OH, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, WA, and WY, under continuing contract(s) with Dayton Press, Inc., of Dayton, OH. (Hearing site: Dayton or Cleveland, OH.)

Note.—Dual operations may be involved.

MC 141759 (Sub-15F), filed October 11, 1979. Applicant: OHIO PACIFIC EXPRESS, INC., 683 East Broad St., Columbus, OH 43215. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. 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 printing firms, between the facilities of W. F. Hall Printing Company, at or near Evans, GA, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NV, NM, NC, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA, WV, WI, and WY, under continuing contract(s) with W. F. Hall Printing Company. (Hearing site: Chicago, IL or St. Louis, MO.)

Note.—Dual operations may be involved.

MC 142229 (Sub-3F), filed October 28, 1979. Applicant: MOBERG TRANSPORT, INC., 901 Michigan Road, Marshall, MN 56258. Representative: Charles E. Nieman, 615 Minnesota Federal Building, Minneapolis, MN 55402. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass, glass products, and materials, equipment and supplies* used in the manufacture and distribution of glass and glass products (except commodities in bulk, in tank vehicles) between the facilities of PPG Industries, Inc., at or near (a) Marshall, MN, and (b) Mt. Zion, IL, under continuing contract(s) with PPG Industries, Inc. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—Dual operations may be involved.

MC 142368 (Sub-30F), filed October 15, 1979. Applicant: DANNY HERMAN TRUCKING, INC., 1415 East Ninth Avenue, Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *glass*, between Detroit, MI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 142408 (Sub-2F), filed October 4, 1979. Applicant: J. B. HAMILTON, d.b.a. HAMILTON TRUCKING COMPANY, P.O. Box 7543, Fort Worth, TX 76111. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles*, (1) from Fort Worth, TX, to Atlanta, GA, Birmingham, AL, Chicago, IL, Hartsville, SC, Los Angeles, CA, Louisville, KY, Marion, SC, Miami and Tampa, FL, New Orleans, LA, San Francisco, CA, and Winston-Salem, NC, and (2) from Winston-Salem, NC to Miami and Tampa, FL, Atlanta, GA, and Fort Worth, TX, under continuing contract(s) in (1) and (2) with Gallos Plastics Corporation. (Hearing site: Dallas, or Houston, TX.)

MC 142508 (Sub-118F), filed October 2, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th St., Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. Transporting *such commodities* as are dealt in by oil and tire distributors (except commodities in bulk), from points in the United States (except AK and HI) to points in IA and NE. (Hearing site: Omaha, NE or Lincoln, NE.)

MC 142508 (Sub-120)F), filed October 15, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th St., Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. Transporting (1) *foodstuffs* (except commodities in bulk), from the facilities of Holsum Foods at (a) Albany, GA, (b) Albert Lea, MN, (c) Navasota, TX, (d) Waukesha, WI, and (e) in Johnson County, KS, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the maufacture, sale and distribution of foodstuffs (except commodities in bulk), in the reverse direction, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Milkwaukee, WI or Chicago, IL.)

MC 142559 (Sub-123F), filed October 12, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad St., Columbus, OH 43215. Transporting (1) *office equipment, carpet, carpet cushions, and carpet underlay*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, installation, and maintenance 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 of General Felt Industries, Inc. Condition: The person or person 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, or Washington, DC)

Note.—Dual operations may be involved.

MC 142709 (Sub-1F), filed October 9, 1979. Applicant: W. L. ROENICK, 798 Ekastown Road, Sarver, PA 16055. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. 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 distributors of building materials and supplies (except commodities in bulk), from points in VA and WV, to Pittsburgh, PA, under continuing contract(s) with Busy Beaver Building Centers, Inc., of New Kensington, PA. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 142999 (Sub-21F), filed October 5, 1979. Applicant: TRANSPORT MANAGEMENT SERVICE CORPORATION, Post Office Box 39, Burlington, NJ 08016. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW., Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paint* and *paint products*, from Reading, PA, to points in CA, IL and IN, under continuing contract(s) with S.C.M. Corporation of Cleveland, OH. (Hearing site: Washington, DC.)

MC 143688 (Sub-3F), filed October 15, 1979. Applicant: PEARL CONTRACT CARRIERS, INC., 4001 N.W. 3rd St., Room 101–A, Oklahoma City, OK 73107. Representative: C. L. Phillips, Room 248–Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *alcoholic beverages*, in containers, between Oklahoma City, OK and points in CA, FL, IL, KY, MA, MI, MN, NY, SD, and WA, under continuing contract(s) with Central Liquor Company of Oklahoma City, OK. (Hearing site: Oklahoma City, OK.)

MC 143909 (Sub-10F), filed October 22, 1979. Applicant: KIRBY TRANSPORT, INC., Sola Drive and East End Drive, P.O. Box 17, Gilberts, IL 60136. Representative: Stuart R. Mandel, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper, paper products, printed matter, and materials, equipment and supplies* used in the manufacture and distribution of paper, paper products, and printed matter (except commodities in bulk), (1) from Lancaster, PA and Old Saybrook, CT, to points in AL, AZ, CA, CO, FL, GA, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY; and (2) from Dwight, Chicago, and Matoon, IL, Warsaw and Crawfordsville, IN, Glasgow, KY, Gallatin, TN, and Willard, OH, to points in AL, AZ, CA, CO, CT, DE, DC, FL, GA, ID, KS, ME, MD, MA, MT, NV, NH, NJ, NM, NY, NC, ND, OK, OR, PA, RI, SC, SD, TX, UT, VT, VA, WV, WA, and WY, under a continuing contract(s) in (1) and (2) above with R. R. Donnelley & Sons Company, of Chicago, IL. (Hearing site: Chicago, IL or Los Angeles, CA.)

MC 144189 (Sub-4F), filed October 31, 1979. Applicant: CORPORATE TRANSPORT INC., 107 7th North Street, Liverpool, NY 13088. Representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. To operate as a *contract carrier*, by motor vehicles, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by a manufacturer of paper and paper products (except commodities in bulk), between Deferiet, NY, on the one hand, and, on the other, points in CT, DE, DC, KY, MD, MA, NH, NJ, NY, PA, TN, and VA, under continuing contract(s) with St. Regis Paper Company, of New York, NY. (Hearing site: New York, NY.)

MC 144219 (Sub-4F), filed October 15, 1979. Applicant: B.I.T., INC., P.O. Box 968, Reedley, CA. Representative: Greg P. Stefflre, 700 S. Flower St., Suite 1724, Los Angeles, CA 90017. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass, mirrors, and automobile windows and windshields*, and (2) *materials and supplies* used in the manufacture, sale and installation of the commodities in (1) above, between the facilities of Buchmin Industries, at or near Reedley, CA, and points in the United States (except AZ, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA, WY, AK, and HI), under continuing contract(s) with Buchmin Industries, of Reedley, CA. (Hearing site: Los Angeles or San Francisco, CA, or Seattle, WA.)

MC 144289 (Sub-1F), filed October 10, 1979. Applicant: GREATER PITTSBURGH AIR CARGO, INC., P.O. Box 12450, Pittsburgh, PA 15231. Representative: John A. Piller, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, or those requiring the use of special equipment), between Greater Pittsburgh International Airport, at or near Pittsburgh, PA, John F. Kennedy International Airport, and LaGuardia Airport, in Queens County, NY, Newark International Airport, at or near Newark, NJ, and Philadelphia International Airport, at or near Philadelphia, PA, restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (Hearing site: Pittsburgh, PA, Cleveland, OH, or Washington, DC.)

MC 144408 (Sub-4F), filed October 31, 1979. Applicant: DICK HUIZENGA d.b.a. DICK HUIZENGA TRUCKING, 2882 Pomona Blvd., Pomona, CA 91766. Representative: Dick Huizenga (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *burnt sewer sludge ash*, in bulk, from Palo Alto, CA, to Hayden, AZ, under continuing contract(s) with World Resources Company of McLean, VA. (Hearing site: Los Angeles or San Diego, CA.)

MC 144568 (Sub-3F), filed October 22, 1979. Applicant: S.W. TRANSPORT, INC., 61 Lake Street, Rouses Point, NY 12979. Representative: Donald E. Cross, 918—16th Street, N.W., Washington, DC 20006. Contract carrier transporting *nails, wire, and wire products*, from the port of entry on the international boundary line between the United States and Canada at Houlton, ME, to points in AL, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MO, MN, MS, MI, NV, NE, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VA, WV and WI, under continuing contract(s) with Ivaco, Ltd. of Marieville, Quebec, Canada. (Hearing site: Montpelier, VT, or Burlington, VT.)

MC 144779 (Sub-6F), filed October 3, 1979. Applicant: AHA, INC., P.O. Box 158, Panguitch, UT 84759. Representative: Glen M. Hatch, 80 West Broadway, Suite #300, Salt Lake City, UT 84101. Transporting *Lumber* (1) from Escalante, UT, to points in NM, TX, and CA, and from (2) Panguitch, UT, to points in CA. (Hearing site: Salt Lake City, UT.)

MC 144969 (Sub-16F), filed October 12, 1979. Applicant: WHEATON CARTAGE CO., Wheaton Ave., Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., 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 Mayville, WI, 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 144989 (Sub-13F), filed October 22, 1979. Applicant: BLUE RIDGE MOUNTAIN CONTRACT CARRIER, INC., P.O. Box 1965, Dalton, GA 30720. Representative: S. H. Rich, 1600 Cromwell Ct., Charlotte, NC 28205. 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 of carpeting, (except commodities in bulk), between Dalton, GA, and points in AL, AZ, FL, MS, NM, and TX, under continuing contract(s) with Cavalier Carpets, Inc. (Hearing site: Dalton or Atlanta, GA.)

MC 144989 (Sub-15F), filed October 15, 1979. Applicant: BLUE RIDGE MOUNTAIN CONTRACT CARRIER, INC., P.O. Box 1965, Dalton, GA 30720. Representative: S. H. Rich, 1600 Cromwell Ct., Charlotte, NC 28205. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *laundry and kitchen appliances and parts* for laundry and kitchen appliances, between Newton, IA, and points in AZ, CA, NV, ID, WA, OR, UT, FL, GA, AL, MS, SC, and NC, under continuing contract(s) with The Maytag Company. (Hearing site: Dalton or Atlanta, GA.)

MC 144989 (Sub-16F), filed October 31, 1979. Applicant: BLUE RIDGE MOUNTAIN CONTRACT CARRIER, INC., P.O. Box 1965, Dalton, GA 30720. Representative: S. H. Rich, 1600 Cromwell Ct., Charlotte, NC 28205. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *aquariums, aquarium accessories, freeze dried brine shrimp, animal cages, and household pet supplies and equipment;* and (2) *materials* used in the manufacture of the commodities in (1) above (except commodities in bulk) between points in AZ, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, MD, MI, MN, MO, MT, NE, NV, NJ, NM, NC, OH, OK, OR, PA, SC, TX, UT, VA, WA, WV, and WI, under continuing contract(s) with Metaframe, Inc. (Hearing site: Dalton or Atlanta, GA.)

MC 145108 (Sub-13F), filed October 22, 1979. Applicant: BULLET EXPRESS, INC., 5600 First Ave., Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. 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 pharmaceutical houses (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 Sterling Drug, Inc., under continuing contract(s) with Sterling Drug, Inc. (Hearing site: New York, NY or Washington, DC.)

MC 145359 (Sub-16F), filed October 3, 1979. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *copper articles, brass articles, aluminum articles, and bronze articles, cable materials, wire, and wire products*, from Rome, NY, to those points in the United States in and east of MT, WY, CO, and NM, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in the United States (except AK and HI), to Rome, NY. (Hearing site: Washington, DC.)

Note.—Dual operation may be involved.

MC 145499 (Sub-5F), filed October 3, 1979. Applicant: R.M.S., INC. OF WISCONSIN, P.O. Box 249, County Trunk F, Route 2, Edgerton, WI 53534. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Transporting: new semi-trailers, in driveaway service, from Elmhurst, IL, to Madison, WI. (Hearing site: Madison, WI.)

MC 145648 (Sub-7F), filed October 3, 1979. Applicant: DUDLEY TRUCKING, INC., P.O. Box 1651, 1819 Olympic, Tacoma, WA 98401. Representative: Michael B. Crutcher, 2000 IBM Bldg., Seattle, WA 98101. Transporting (1) *treated poles, treated posts, and tredated lumber*, from the facilities of Timber Craft Products Company at Hayden Lake, ID, to points in WA, OR, and CA, and (2) *untreated lumber*, in the reverse direction. (Hearing site: Boise, ID or Spokane, WA.)

MC 145908 (Sub-2F), filed October 5, 1979. Applicant: RONALD JAMES BURROWS, 915 Polk Lane, Cleveland, WI 53015. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *scrap metals and waste products*, between Newton, WI, on the one hand, and, on the other, Chicago and Rockford, IL, Bedford and Crane, IN, and Louisville and Fort Knox, KY, under continuing contract(s) with B & B Metals Processing Company of Newton, WI. (Hearing site: Milwaukee, WI.)

MC 145978 (Sub-5F), filed October 2, 1979. Applicant: R & S TRUCKING INC., R.R. 1 Box 123, Garretson, SD 57030. Representative: A. J. Swanson, P.O. Box 1103, 300 S. Thompson Ave., Sioux Falls, SD 57103. Transporting *snowblowers, loaders, blades, tanks, refuse containers, tool boxes, farm implements and equipment, iron and steel articles, and equipment, materials, and supplies* used in the manufacture of refuse containers, trailers, and farm equipment, between points in Hutchinson, McCook, and Minnehaha Counties, SD, on the one hand, and, on the other, points in the United States (except AK, HI, and SD). (Hearing site: Sioux Falls, SD.)

MC 146448 (Sub-3F), filed October 16, 1979. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Transporting *sliced meats*, in vehicles equipped with mechanical refrigeration, from Searcy AR, to points in AZ, CA, CO, OR, UT, and WA. (Hearing site: Little Rock, AR.)

MC 146589 (Sub-2F), filed September 25, 1979. Applicant: REGIONAL TRANSPORTATION COMPANY, INC., 100 Secaucus Road, Secaucus, NJ 07094. Representative: John J. C. Martin, 277 Park Ave., New York, NY 10017. 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 a manufacturer of cosmetics, (1) between Springdale, OH, Glenview, and Morton Grove, IL, Hoboken, NJ, Newark, DE, Rye, Suffern, and West Nyack, NY; and (2) from Millville, NJ, and Baltimore, MD, to Springdale, OH and Morton Grove, IL, under continuing contract(s) in (1) and (2) with Avon Products, Inc. (Hearing site: New York, NY or Washington, DC.)

MC 146729 (Sub-5F), filed October 3, 1979. Applicant: JAMES S. HELWIG and ALLEN L. GRIMLAND, d.b.a. H & G LEASING, a partnership, 2509 Inwood Road, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting *hams*, in containers, in vehicles equipped with mechanical refrigeration, from the facilities of Garland Foods, Inc., at Dallas, TX to points in NJ, NY, MC, MA, and PA. (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 146809 (Sub-2F), filed October 9, 1979. Applicant: BARRY JACOBSON d.b.a. BARRY JACOBSON TRUCKING, South Shore Drive, Albert Lea, MN 56007. Representative: Val M. Higgins, 100 First National Bank Building, Minneapolis, MN 55402. Contract carrier

transporting *lard and tallow*, in bulk, from the facilities of Wilson Foods Corporation, at or near Cherokee, IA to the facilities of Holsum Foods Corporation, at or near Albert Lea, MN, under continuing contract(s) with Holsum Foods Corporation. (Hearing site: Minneapolis or St. Paul, MN.)

MC 146938 (Sub-1F), filed October 23, 1979. Applicant: TRI-J TRUCKING, INC., 2480 Balmann Ave., San Lorenzo, CA 94580. Representative: Jack Leong (same address as applicant). Contract carrier transporting: (1) *general commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between the facilities of Executive Warehouse & Distribution, at or near San Lorenzo, CA, and points in Alameda, Contra Costa, Marin, Monterey, Napa, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, and Yolo Counties, CA, under continuing contract with Executive Warehouse & Distribution of San Lorenzo, CA; (2) *foodstuffs* (except commodities in bulk in tank vehicles) from the facilities of General Foods Corporation at points in Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara Counties, CA, to points in Alameda, Contra Costa, Marin, Monterey, Napa, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, and Yolo Counties, CA, under continuing contract(s) with General Foods Corporation; and (3) *unfrozen bakery goods* from the facilities of Pepperidge Farms, Inc. at or near San Lorenzo, CA, to points in Alameda, Contra Costa, Marin, Monterey, Napa, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santo Clara, Santa Cruz, Solano, Sonoma, Stanislaus, and Yolo Counties, CA, under continuing contract(s) with Pepperidge Farms, Inc. of San Lorenzo, CA. (Hearing site: San Francisco or Sacramento, CA.)

MC 147228 (Sub-2F), filed October 10, 1979. Applicant: ROBERT D. BOWHAY, Summerfield, KS 66541. Representative: Bruck C. Harrington, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting (1) *mechanical tubing*, from the facilities of Maverick Tube Corp., at or near Union, MO, to points in IA, NE, OK, and KS, and (2) *iron and steel articles and seamless steel tubing*, from the facilities of Bull-Moose Tube Co., at or near Gerald, MO, to points in IA, NE, OK, and KS. (Hearing site: Kansas City, MO.)

MC 147608 (Sub-2F), filed October 1, 1979. Applicant: POPE PAVING COMPANY, INC., P.O. Box 269, Bristol, VA 24201. Representative: J. Raymond Clark, Suite 1150, 600 New Hampshire Ave., NW, Washington, DC 20037 To operate as a *contract carrier*, by motor vehicles, in interstate or foreign commerce, over irregular routes, transporting *salt*, in bulk, in dump vehicles, from the facilities of International Salt Company, at Bristol, VA, to points in KY, NC, TN and WV, under continuing contract(s) with International Salt Company of Clarks Summit, PA. (Hearing site: Bristol, VA, Scranton, PA, or Washington, DC.)

MC 147629 (Sub-3F), filed October 15, 1979. Applicant: SONIC DELIVERY, INC., WV Route 31 at Airport Road, Williamstown, WV 26187. Representative: E. H. van Deusen, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *textiles and materials, equipment and supplies* used in the manufacture and distribution of textiles, between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, under continuing contract(s) with Troy Mills, Inc. (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 147708 (Sub-2F), filed October 5, 1979. Applicant: AIWF TRANSPORTATION CORPORATION, Route 30, Exton, PA 19341. 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) *plastic products* (except in bulk), from Exton, PA, to points in the United States (except AK and HI), and (2) *materials, supplies and equipment* (except commodities in bulk), used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, under continuing contract(s) with Alan I. W. Frank Corporation, of Exton, PA. (Hearing site: Washington, DC.)

MC 147999 (Sub-2F), filed October 1, 1979. Applicant: J. R. THOMPSON INC., R–1, Haw River, NC 27258. Representative: Roger P. Ingram Sr., P.O. Box 958, Graham, NC 27253. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *saw mill products*, from Mebane, and Graham, NC, to points in VA, under continuing contract(s) with Walton Lumber Company of Mebane, NC and Sawyer Lumber Co. of Haw River, NC. (Hearing site: Raleigh or Charlotte, NC.)

MC 148168 (Sub-1F), filed October 26 1979. Applicant: RAYMOND RUPPRECHT d.b.a. RAY RUPPRECHT TRANSPORT SERVICE, Route 2—Box 373A, Jefferson, WI 53549. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Contract carrier, transporting: *motor vehicle, boat, and airplane parts, accessories, and supplies*, from Madison, WI to points in Crawford, Dane, Dodge, Green, Iowa, Jefferson, LaFayette, Grant, Richland, Rock, Sauk, and Walworth Counties, WI (except Madison, Janesville, and Beloit), under continuing contract(s) with American Parts System, Inc., of Minneapolis, MN. (Hearing site: Madison, WI or Minneapolis, MN).

MC 148208 (Sub-3F), filed October 29, 1979. Applicant: FUR BREEDERS AGRICULTURAL COOPERATIVE, a corporation, P.O. Box 295, Midvale, UT 84074. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting (1) *motor vehicle parts and motor vehicle accessories*, and (2) *materials and supplies* used in the manufacture, packaging and distribution of the commodities in (1) above, (a) from the facilities of Fram Corporation, at Clearfield, UT, to points in CA, OR, and WA, and (b) between the facilities of Fram Corporation, at (i) Greenville, OH, (ii) Fostoria, OH, (iii) Clearfield, UT, (iv) Providence, RI, and (v) Nevada, MO. (Hearing site: Salt Lake City, UT or Washington, DC.)

MC 148229 (Sub-2F), filed October 26, 1979. Applicant: ANTHONY & DAUNER, INC., Star Route, Pratt, KS 67124. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. Transporting (1) *animal, fish, and poultry feeds*, and (2) *animal, fish, and poultry feed ingredients*, between the facilities of Ralston Purina Company, at or near (a) Oklahoma City, OK, (b) Ft. Worth, TX, (c) Wichita, and Liberal, KS, and (d) Kansas City, MO, on the one hand, and, on the other, points in OK, NE, TX, AR, KS, MO, CO, and IA. (Hearing site: Wichita, KS, or Oklahoma City, OK.)

MC 148339 (Sub-2F), filed October 15, 1979. Applicant: WILLIAM POTT & SON, INC., 5547 Cheviot Road, Cincinnati, OH 45239. Representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. *Transporting plastic products* and *materials, equipment, and supplies* used in the manufacture of plastic products

(except commodities in bulk), between the facilities of The Plastic Molding Corporation at or near (a) Cincinnati, OH, and (b) East Enterprise, Osgood, and Shelbyville, IN, on the one hand, and on the other, points in IN, KY, OH, PA, and WV. (Hearing sites: Washington, DC or Columbus, OH.).

MC 148378 (Sub-2F), filed October 3, 1979. Applicant: STOVER TRUCK LINE, INC., 809 E. Court, Beloit, KS 67420. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting (1) *dry animal and poultry feed and dry animal and poultry feed ingredients,* (a) between points in Mitchell County, KS, on the one hand, and, on the other, points in NE and (b) from points in MO to points in Mitchell County, KS and (2) *blood, meat, and bone meal,* in bulk, from Liberal, KS, to points in MO, OK, TX, NM, AR, TN, CO, NE, IL, AZ, and IA. (Hearing site: Kansas City, MO.)

MC 148428 (Sub-3F), filed October 2, 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 *such commodities* as are dealt in by mail order houses, betwen St. Cloud, MN, 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 of Finger Hut Corporation at St. Cloud, MN. (Hearing site: Minneapolis, MN.)

MC 148529 (Sub-1F), filed October 2, 1979. Applicant: F. ANDREW ANASTASIO, 169 South End Road, East Haven, CT 06512. Representative: John E. Fay, 630 Oakwood Ave., Suite 127, West Hartford, CT 06110. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber products and building materials,* between points in CT, RI, and MA, and those points in NY, on south and east of a line beginning at the NY–VT state line, and extending along NY Hwy 7 to Binghamton, NY, and then along Interstate Hwy 81 to the NY–PA state line under continuing contract(s) with A–C. Dutton Lumber Corporation of North Haven, CT. (Hearing site: Hartford or New Haven, CT.)

MC 148538F, filed October 3, 1979. Applicant: HAROLD E. BEARDON, d.b.a. JOMAR TRUCK LINE, 7547 W. Ponderosa Court, Orland Park, IL 60462. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *iron and steel articles,* from Hammond, IN, to Rock Island and East Moline, IL, and Bettendorf, IA. (Hearing site: Chicago, IL.)

MC 148539F, filed October 3, 1979. Applicant: LINDO'S TOURS U.S.A., INC., 100 Coronado Drive, Clearwater Beach, FL 33515. Representative: Richard M. Davis, Suite 710, Barnett Bank Bldg., Tallahassee, FL 32301. Transporting *passengers and their baggage,* in round trip charter and special operations, beginning and ending at points in Pinellas County, FL, and extending to points in the United States (except AK and HI). (Hearing site: Tampa, Miami, Jacksonville, FL; or Atlanta, GA.)

MC 148559 filed October 15, 1979. Applicant: R.D.S. MOWERY, INC., Post Office Box 147, Elyria, OH 44035. Representative: James M. Burtch, 100 East Broad Street, Columbus, OH 43215. Transporting *gasoline and fuel oil,* between Fort Wayne and Huntington, IN, and points in OH. (Hearing site: Columbus, OH.)

MC 148589, (Sub-1F), filed October 3, 1979. Applicant: STOREY TRUCKING COMPANY, INC., P.O. Box 126, Henegar, AL 35978. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *synthetic yarn,* from Stevenson, AL and Jackson, GA, to points in CA; (2) *synthetic yarn,* from points in Carroll, Floyd, and Polk Counties, GA, to points in CA and NC; (3) *carpets,* from points in Catoosa County, GA, to points in the United States in and west of OH, KY, MO, AR, and MS (except AK and HI), (4) *synthetic yarn,* from Boaz and Guntersville, AL, to points in CA; and (5) *paper, plastic, and textile bags and materials and supplies* used in the manufacture and distribution of paper, plastic, and textile bags; (a) between the facilities of Chase Bag Company at (i) Crossett, AR, (ii) Goshen, IN, (iii) New Orleans, LA, and (iv) Chagrin Falls, and Toledo, OH, and (b) from Crossett, AR, Nashville, GA, Goshen, IN, New Orleans, LA, Chagrin Falls, OH and Toledo, OH, to points in CA, IA, OR, and WA; under continuing contract(s) in (1) through (5) above with Avondale Mills of Sylacauga, AL, Integrated Products, Inc. of Rome, GA, Sweetwater Carpet Corp. of Ringgold, GA, Standard-Coosa-Thatcher Company of Chattanooga, TN, and Chase Bag Company of Oak Brook, IL. (Hearing site: Birmingham, AL or Chattanooga, TN.)

MC 148599F, filed October 19, 1979. Applicant: SIMONSEN TANK LINES, INC., 109 Railroad St., Quimby, IA 51049. 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 (1) *fertilizer and fertilizer ingredients,* in bulk, (a) from Blair, La Platte, Omaha, and Nebraska City, NE, to points in IA, MN, and SD, and (b) from Sioux City, IA, to points in MN, NE, and SD; and (2) *liquid fertilizer and liquid fertilizer ingredients,* in bulk, (a) from Sioux Falls, SD, to points in IA, MN and NE, and (b) from Oyens, IA to points in MN, NE and SD, under continuing contract(s) in (1) and (2) above with Simonsen Mill, Inc. (Hearing site: Omaha, NE.)

MC 148619F, filed October 2, 1979. Applicant: A T & E MOTOR LINES, INC., 101 Wellham Ave., N.W., Glen Burnie, MD 21061. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW, Washington, DC 20005. 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 and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Atlantic Terminals & Equipment, Inc., in MD and WV, on the one hand, and, on the other, points in OH, IN, KY, WV, NC, SC, GA, PA, MD, NY, NJ, DE, VA, TN, IL, MO, and DC, under continuing contract(s) with Atlantic Terminal & Equipment, Inc. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-6968 Filed 3-5-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.113]

Principal Aid Officer, Zambia; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Principal AID Officer, Zambia, the authority to sign:

1. U.S. Government contracts, grants, or amendments thereto provided that the aggregate amount of each individual contract or grant does not exceed $50,000 or local currency equivalent; and

2. Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,00 or local currency equivalent.

The authority herein delegated may be redelegated in writing, in whole or in part, by the Principal AID Officer at his discretion to the person or persons designated by the Principal AID Officer as Contracting Officer. Such redelegation shall remain in effect until such designated person or persons cease to hold the office of Contracting Officer or until the redelegation is revoked by the Principal AID Officer whichever shall first occur. The authority so redelegated by the Principal AID Officer may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within AID and in not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein redelegated may be exercised by duly authorized persons who are performing the functions of the Principal AID Officer in an acting capacity.

Actions within the scope of this delegation heretofore taken by officials designated in any previous delegation or redelegation are hereby ratified and confirmed.

This redelegation of authority is effective February 15, 1980.

Dated: February 21, 1980.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 80-6988 Filed 3-5-80; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

National Institute of Justice

Solicitation of Competitive Research Grant/Cooperative Agreement; Relationships Between Learning Deficiencies and Inmate Education

The National Institute of Justice announces a competitive research grant/cooperative agreement to study the relationships between learning deficiencies and inmate education. The major focus of this initiative is to select key learning deficiencies for study, to determine their prevalence and relationship to the high functional illiteracy rate among incarcerated men and women in selected states and to recommend additional reserach and the development of appropriate programs and policies.

The solicitation requests submissions of draft proposals rather than full, formal proposals. Full proposals will be requested from those applicants receiving favorable review by a peer review panel. In order to be considered, a draft proposal must be received by the National Institute of Justice no later than C.O.B. May 9, 1980. One grant/cooperative agreement is anticipated under this announcement. A maximum of $200,000 has been allocated for this 24 months project. To maximize competition, both profit makers and non-profit organizations may apply.

Additional information and copies of the solicitation may be obtained be sending a mailing label to: Solicitation Request, The Relationships Between Learning Deficiencies and Inmate Education, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: February 25, 1980.

Harry M. Bratt,

Primary and Principal Assistant to the Acting Director, NIJ.

[FR Doc. 80-6989 Filed 3-5-80; 8:45 am]

BILLING CODE 4410-18-M

Solicitation; Analysis of the Role of the Bail Bondsman

The National Institute of Justice announces a competitive research solicitation aimed at examining the Role of the Bail Bondsman in the criminal justice system.

The solicitation asks for preliminary proposals to be submitted for peer review in accordance with the criteria set forth in the solicitation. In order to be considered, all proposals must be postmarked no later than April 22, 1980. A grant or cooperative agreement for a 21 month research project is planned, with funding not to exceed $250,000. To maximize competition for this award, both profit-making and non-profit organizations are eligible to apply.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request No. 124, Analysis of the Role of the Bail Bondsman, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

For questions pertaining to this request for proposals, contact: Deborah Viets, Adjudication Division, Office of Research Programs, NIJ, 633 Indiana Avenue, N.W., Washington, D.C. 20531, (301) 492-9114.

Dated: February 22, 1980.

Harry M. Bratt,

Primary and Principal Assistant to the Acting Director, NIJ.

[FR Doc. 80-6990 Filed 3-5-80; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Panel (Opera-Musical Theater; 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 Music Panel (Opera-Musical Theater; Challenge Grants) to the National Council on the Arts will be held March 28, 1980 from 9:30 a.m.-6:00 p.m., and March 29, 1980 from 9:00 a.m.-1:00 p.m., Room 1422, Columbia Plaza Office Complex, 2401 E St., N.W., Washinton, 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.

[FR Doc. 80-6991 Filed 3-5-80; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 80-10]

Reports, Safety Recommendations and Responses; Availability

Highway Accident Reports in Brief Format

Issues Nos. 2 and 3, 1979 (NTSB-HAB-80-1 and NTSB-HAB-80-2).—The National Transportation Safety Board on February 27 published two volumes of its brief format findings of probable cause of 83 highway accidents which

occurred throughout the United States from 1977 through 1979.

Forty-two of the accidents, reported in Issue No. 2, were investigated by the Safety Board in preparation of its soon-to-be-released special study of the National Driver Register. Both Issue No. 2 and Issue No. 3, which covers 41 miscellaneous 1977–79 highway accidents, incorporate single-page reports which contain the casual and contributing factors and basic factual information about each accident. These volumes may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA. 22161.

Note.—The brief reports in these publications contain essential information; more detailed data may be obtained from the original factual reports on file in the Washington office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 7 cents per page for printed matter, $1 per page for black-and-white photographs, and $1.50 per page for color photographs, plus postage. Requests should be directed to the Public Inquiries Section, National Transporation Safety Board, Washington, D.C. 20594.

Safety Recommendation Letters

Aviation

A–80–15.—On January 26, 1979, N7671Q, a Cessna 310Q, on a nonscheduled air taxi flight, made a hard landing at Beckley, W.VA., which injured two passengers and damaged the airplane substantially.

Investigation showed that the pilot-in-command was flying the light twin-engine airplane from the right seat. The accident brief relative to this accident, attached to the transmittal letter, states this fact as a significant "remark." While the pilot of the flight held instructor and instrument flight instructor certificates, he stated that he was not engaged in flight instruction from the right seat at the time of the accident; however, the left front seat was occupied by a pilot with only a single-engine rating. During the course of the investigation, a potential safety problem was identified which could contribute to similar accidents.

The Cessna 310Q is certificated for single-pilot operation. The flight instruments are positioned on the left side of the instrument panel. Safety Board investigation disclosed that the flight instruments are difficult to see from the right front seat and that this may be true in other light twin-engine aircraft. Nevertheless, the regulations (14 CFR Part 135) do not prohibit the pilot-in-command from occupying the right seat. The Board believes that aircraft with similarly configured instruments should not be flown from the right seat by the pilot-in-command for Part 135 operations. The Board notes that although the instructor pilot in the accident aircraft was flying with a certificate of demonstrated ability because he had lost the sight of one eye, the recommendation is based on the fact that Board investigation determined that the flight instruments were not adequately visible from the right seat to a person with normal vision. In view of these findings, the Safety Board on February 26 recommended that the Federal Aviation Administration:

Require that the pilot-in-command of a Part 135 air taxi or commuter air carrier flight occupy a seat in the pilot compartment which affords him the most direct view of the basic flight and navigation instruments with a minimal deviation from his normal position and line of sight when he is looking forward along the flightpath. (Class II, Priority Action) (A–80–15)

Pipeline

P–80–1; P–80–2; P–80–3 and 4; P–80–5 through 7.—On August 20, 1979, a bulldozer operated by the Orange County Drainage District, Orange, Texas, began to clean a farm drainage ditch with a generally north-south alignment. After making several passes across the ditch, the operator headed the bulldozer south along the length of the ditch. At 2:15 p.m. the corner of the blade cut into a propane line, owned by the Cities Service Pipe Line Company, which crossed beneath the ditch in an east-west direction. Propane at 350 psig escaped and was ignited within seconds. The resulting fire killed one person and injured another, and caused considerable property damage.

A low-pressure alarm was received in Sour Lake, Texas, and a manual valve was closed at this upstream station 10 minutes after the rupture. At the same time, a remotely operated valve, 64.9 miles downstratm at Lake Charles, La., was closed to prevent backflow. The break was then located by aerial surveillance, and nearby workers were dispatched to close block valves which isolated a 16.5-mile section containing the break. The upstream valve was closed at 2:58 p.m., and the downstream valve was closed at 3:20 p.m. A contractor's crew was summoned from Houston to set stopples on either side of the rupture. An existing stopple installation was reused 4.6 miles upstream and this stopple plug was in place by 3 a.m. on August 21, 1979. A new stopple installation was made at a safe distance from the fire, 0.34 mile downstream of the rupture. This stopple was in place at 7:45 a.m.

The Safety Board notes that the 12-inch O.D. 0.25 w.t. steel pipeline was installed in 1944. The pipeline transports hydrocarbon product between Mont Belvieu, Texas, and Lake Charles, La. About 6 inches of dirt covered the line where it passed beneath the drainage ditch, reportedly constructed during the 1930's. This pipeline was installed before Federal requirements for depth of burial were imposed and before industry depth codes were formulated. The 12-inch propane pipeline and a parallel, 20-inch, oil pipeline, which was 9 feet away, were both clearly marked by signs and a fence 70 feet from the rupture. The cleared right-of-way was visible both east and west of the accident site. Also, the operator's pipeline markers were clearly visible at nearby road crossings.

The propane pipeline and the parallel oil pipeline did not appear on the Orange County Drainage District's maps. The surviving drainage district employee maintained that he and the bulldozer opertor were not aware of any pipeline in that immediate area and had not seen the markers. The county's policy was to notify the pipeline company when it found demarcation signs and to avoid the area until pipeline company representatives arrived. A number of fire departments responded to the emergency but did not attempt to extinguish the propane fire because the flow of gas had not been checked and therefore the fire would have reignited. The fire burned out at 1:04 p.m. on August 21. More than 14,029 barrels (589,218 gallons) of propane escaped from the rupture.

The Safety Board investigated a similar accident in Cartwright, La., on August 9, 1976, and issued safety recommendations to the United Gas Pipe Line Company, to the Jackson Parish Police Jury, to the State of Louisiana, to the Interstate Natural Gas Association of America, to the American Gas Association, and to the American Petroleum Institute. However, in the view of the Safety Board, the similarity between these two accidents warrants additional corrective actions. Therefore, on February 26 the Safety Board forwarded four separate letters, as indicated below, recommending that:

American Gas Association, Interstate Natural Gas Association of America, and American Petroleum Institute—

Advise their member companies of the circumstances of this accident and urge them to determine if the original burial depths of their pipelines are adequate and to take appropriate corrective action. (P–80–1)

State of Texas—

Advise all State and county agencies about the circumstances of this accident and urge

that they notify operators of pipeline and other underground facilities before excavating near these facilities. (P–80–2)

Cities Service Pipe Line Company—

Determine the depth of pipe at all crossings where ditch-cleaning and road-grading activities may result in damage to the pipelines, and take necessary action to prevent such damage. (P–80–3)

Promptly develop an educational program for excavators and institute a program to advise excavators how to recognize pipeline rights-of-way, to provide general information about precautions when excavating near pipelines, and to encourage notification before excavation. (P–80–4)

Orange County Drainage District—

Update existing maps of underground facilities and make them available to supervisors of operators of excavation equipment. (P–80–5)

Assign to supervisors of excavation equipment responsibility and accountability for assuring that equipment operators are apprised of the precise locations of all pipelines in the areas where the excavation equipment will operate. (P–80–6)

Examine locations where ditch-cleaning and road-grading activities are planned for pipeline markers and notify operators at least 2 working days before excavation is begun to permit accurate marking of the facility's location and depth. (P–80–7)

Each of the above pipeline safety recommendations is designated "Class II, Priority Action."

The Safety Board in its recommendation letter to the Cities Service Pipeline Company noted that the company is now developing an educational program for the public and potential excavators regarding recognition of pipeline rights-of-way and suggested precautions and notification to be made prior to excavation. This program is structured to comply with Federal liquid petroleum pipeline requirements which are soon scheduled to become effective, and will incorporate some of the natural gas pipeline industry's practices. The company's efforts have been accelerated as a result of the subject accident. The Safety Board also notes that Cities Service is reviewing requirements of DOTTIE, the one-call system in Louisiana, with an apparent intention to participate.

Responses to Safety Board Recommendations

Aviation

A–79–88.—The Federal Aviation Administration on February 26 responded to a recommendation issued last November 28 calling on FAA to issue an advisory to owners and operators of Cessna 200 series aircraft, through the General Aviation Airworthiness Alerts (AC–43–16), alerting them to the hazards associated with the aluminum hinge failure problem. The Safety Board also asked that the Notice advise owner/operators to inspect the alternate air door hinge and include information regarding the availability of new steel hinge assemblies. (See 44 FR 70241, December 6, 1979.)

FAA's response expresses full accordance with the Board's recommendation, and notes that the March issue of AC–43–16, General Aviation Airworthiness Alerts, which is now at the printers, includes the following item:

Some operators of turbocharged Cessna 200 series aircraft have experienced problems with ingestion, by the turbocharger, of the hinge pin sleeves from the aluminum "piano-type" hinge of the alternate air door. Operators should be alert to possible deterioration of these hinges, and replace the aluminum hinges with the new steel hinge at the first sign of deterioration.

A–79–91.—Also on February 26 FAA responded to a recommendation issued last November 28 as a result of the investigation of the September 30, 1979, crash of a deHavilland DHC–6–200 Twin Otter on final approach to Porpoise Bay, British Columbia, Canada. The recommendation asked 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, –6B, –6C/20 and –20 series turboprop to assure that these installations conform to the aircraft manufacturer's propeller reversing lingage rigging specifications. (See 44 FR 70242, December 6, 1979.)

In response FAA reports that Airworthiness Directive No. 80–04 applicable to Pratt & Whitney Aircraft of Canada Ltd., PT6–6A, –6B, –6C/20 and –20 series engines, was issued February 7, 1980, effective February 8, 1980. FAA states that the Airworthiness Directive requires an inspection of the propeller reversing interconnect linkage to assure adequate engagement of the push/pull control terminal into the clevis in accordance with the engine manufacturer's recommended installation criteria and the appropriate maintenance manual. The Airworthiness Directive also requires that this inspection be conducted each time that the propeller reversing interconnect linkage is reconnected. A copy of AD 80–04–02 is attached to FAA's response.

A–79–92.—Response was also made on February 26 by FAA to the recommendation issued last November 28 following investigation of the Wien Air Alaska Boeing 737 landing accident at Dillingham, Alaska. The Safety Board noted that during the landing roll, the lower attachment bolt for the right main landing gear upper drag strut failed and the landing gear folded rearward causing damage to the aircraft. The Board recommended that FAA require an immediate inspection of all Boeing 737 aircraft main landing gear upper drag strut attach bolts to ascertain that the correct bolts are installed in the proper locations. (See 44 FR 70242, December 6, 1979.)

FAA states that its evaluation of this recommendation and the related factors discussed by the Board in its transmittal letter leads to the following conclusions:

(a) Only the upper bolt is a fuse pin.

(b) If the incorrect bolt is installed in the upper lug, the main landing gear beam will translate aft when subjected to an excessive drag load. This would fail the forward trunnion bearing fuse bolt and allow the main landing gear to pull free of the wing.

(c) Breakaway of the gear is expected to be similar regardless of which bolt is installed in the upper lug. The change in breakaway sequence is not critical in the 737 design.

FAA states that Boeing Service Letter 737–SL–32–17, issued October 24, 1979, addressed the problem of having the upper and lower bolts exchanged and advised operators of this possibility. FAA does not believe that issuance of an Airworthiness Directive is justified in view of the conclusions detailed above and the action already taken by the manufacturer.

Marine

M–79–100 and 101.—The United States Geological Survey (USGS), Department of the Interior, on February 22 responded to the Safety Board's comments of December 27 regarding USGS's initial response forwarded last November 13. (See 44 FR 70244, December 6, 1979). The recommendations were developed as a result of investigation and analysis of the collision between the F/V WELCOME and the USGS research vessel DON J. MILLER II on October 25, 1978, in Puget Sound.

The Safety Board on December 27 expressed appreciation of USGS's action taken to establish duty-hour limitations, provide for continuous pilothouse qualified watch relief, and to designate watch responsibility on all USGS-operated vessels; the Board believes that these provisions can significantly enhance the safe operation of USGS research vessels. However, the Board is also concerned that USGS is not observing other regulations with which similar privately operated vessels must comply, as indicated by recommendation M–79–100. The Board asked to be apprised as to whether USGS has reviewed pertinent Coast

Guard regulation that, if applied, could provide a safer research vessel operating environment and if USGS had considered bringing its vessels into conformance with such regulations.

With respect to M–79–101, the Board stated that its intent in issuing this recommendation was to provide for periodic inspection of all USGS vessels by Coast Guard inspectors, whether they are currently subject to such an inspection or not. The Board suggests that USGS take steps to have all of its vessels routinely inspected either by direct agreement with the Coast Guard or by agreement clauses in the lease or charter arrangements with the vessel owners. As stated in Board report No. NTSB–MAR–79–14 on this accident, "Several U.S. Government agencies, including the U.S. Navy Sealift Command, have requested the U.S. Coast Guard to conduct examinations on their vessels to insure that they reasonably approximate the standards prescribed for similar privately operated vessels."

In response to the Safety Board's December 27 letter, USGS reports that it is now reviewing with Coast Guard officials in Seattle the additional regulations which apply to similar privately operated vessels and will notify the Board of actions to be taken when the review is complete. Also, USGS is reviewing with Coast Guard officials in San Francisco the regulations which may apply to privately operated oceanographic research vessels that are similar to the USGS Research Vessel S. P. LEE. When the review with Coast Guard and the operating academic institution is complete, USGS will notify the Board of its actions.

Railroad

R–79–73.—The Federal Railroad Administration on February 21 responded to a recommendation issued last November 1 following investigation of the head-end collision of National Railroad Passenger Corporation (Amtrak) Train No. 111 and Plasser track machine equipment at Edison, N.J., April 20, 1979. The recommendation asked FRA to establish regulations that would require all trains operating on a main track to be equipped with an operable radio. (See 44 FR 65828, November 15, 1979.)

FRA states in response that it does not have data which will support promulgating a regulation requiring all trains operating on a main track to be equipped with an operable radio. However, where safety problems do not justify regulatory action, FRA says it concentrates its resources on resolving the specific safety problem so that the desired safety result is achieved at a minimum cost to the industry and the public.

Positive action has been taken by FRA to insure correction of certain deficiencies involving Amtrak train operations pertinent to the Edison accident. Also. Amtrak has taken voluntary action which accomdates recommendation R–79–73, FRA notes. Following the Edison accident, FRA's Office of Safety personnel made extensive inspections of Amtrak's operating practices in the Northeast Corridor. Subsequently, conferences are being held on a monthly basis between top operating management officials of Amtrak and FRA's Office of Safety to discuss correction of those deficiencies. As a result, Amtrak has developed a new 4-week training program for all newly hired block operators. A program is presently being developed for the annual testing and training of all block operators and dispatchers. This program will be finalized during 1980. FRA reports that Amtrak is inspecting every dispatcher's office and block operator's station in the Northeast Corridor to insure rules compliance and that Amtrak has instituted procedures to provide additional checks relative to the operability of on-board radios. By early summer 1980, all Amtrak-owned locomotives in the Corridor will be radio equipped.

FRA's response letter states that in this instance where data necessary to justify promulgation of a regulation is lacking, FRA has pursued a positive cooperative program tailored to correct specific undesirable conditions. If substantive data become available, or circumstances occur which justify a regulation relevant to recommendation R–79–73, FRA says it will take the necessary action.

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 29, 1980.

[FR Doc. 80–6959 Filed 3–5–80; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8725]

Gulf Mineral Resources Co.; Withdrawal of Intent To Prepare a Draft Environmental Impact Statement Concerning Issuance of a Byproduct Material License for the Mount Taylor Project To Be Located in McKinley County, N. Mex.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Withdrawal of Intent To Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: As noticed in 44 FR 56064, September 28, 1979, the Commission intended to prepare a draft Environmental Impact Statement on the proposed uranium mill tailings impoundment for the Mt. Taylor Project for public review and comment in January 1980. The intent to prepare the DEIS is hereby withdrawn.

BACKGROUND: Pub. L. 96–106 was enacted on November 9, 1979. It amended the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978 to clarify Sections 204(h) and 204(e) of that Act. The clarification provides that the Commission shall no longer have direct licensing authority over uranium mill tailings (as byproduct material) produced in Agreement States. In accordance with this legislation, the Commission will not have licensing authority to issue a Byproduct Material License for the project uranium mill tailings impoundment, and will not be taking any major Federal action requiring compliance with the Commission's regulations in 10 CFR Part 51 for the procedural implementation of the National Environmental Policy Act of 1969, as amended. Accordingly, the DEIS is no longer appropriate.

Questions regarding the withdrawal of the intent to prepare a DEIS should be directed to E. A. Trager, U. S. Nuclear Regulatory Commission, Division of Waste Management, Mail Stop 483–SS, Washington, D.C. 20555, phone (301) 427–4103.

Dated at Silver Spring, Md., this 28th day of February, 1980.

For the Nuclear Regulatory Commission.

Ross A. Scarano,

Chief, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 80–6954 Filed 3–5–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 70-2909]

Availability of Environmental Report, and Intent To Prepare a Draft Environmental Impact Statement Concerning Issuance of a Special Nuclear Material License for the Alabama Nuclear Fuel Fabrication Plant (ANFFP), Westinghouse Electric Corp., To Be Located Near Prattville, Ala.

AGENCY: U.S. Nuclear Regulatory Commission, Division of Fuel Cycle and Material Safety.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

1. Description of the Proposed Action—Westinghouse Electric Corporation has submitted an application for a Special Nuclear Material license authorizing Westinghouse to acquire, deliver, receive, possess, use and initially transfer special nuclear material, for its Nuclear Fuel Division, Alabama Nuclear Fuel Fabrication Plant (ANFFP), a new facility proposed for location near Prattville, Alabama. The ANFFP will convert low-enriched uranium hexafluoride into uranium dioxide (UO_2) for fabrication into ceramic fuel pellets which are subsequently encapsulated into metal tubing and clustered into fuel assemblies for shipment to commercial nuclear power plants. The 814-acre site is located in Autauga County near Prattville, Alabama, about 12 miles nortwest of Montgomery, Alabama. The Atomic Energy Act of 1954, as amended, requires persons who acquire, deliver, receive, possess, use and intially transfer special nuclear material to obtain a specific license. Licenses are issued for a 5-year term and renewal of the license must be requested at least 30 days prior to expiration of the 5-year term. Title 10 of the Code of Federal Regulations, Part 51, provides for the preparation of a detailed environmental impact statement pursuant to the National Environmental Policy Act of 1969 (NEPA) prior to issuing a Special Nuclear Material license if the issuance of that license may result in actions which significantly affect the quality of the human environment.

2. The principal alternatives currently planned to be considered in the preparation of a draft statement include alternative siting of the facility, alternative plant design and operation, alternative waste treatment and the alternative of no licensing action.

3. The scoping process will include a meeting to be held at the Prattville City Hall, Prattville, Alabama, on March 27, 1980, at 7 p.m. This meeting will provide for a briefing of interested parties concerning the proposed action and alternatives and opportunity for comment on the scope of the proposed statement. The participation of the public and all interested government agencies is invited. Copies of this notice will be mailed to all affected Federal, State, and local agencies, and other interested persons. Written comments concerning the scope of the proposed statement will be accepted through April 3, 1980.

4. Pursuant to 10 CFR 2.105, by April 7, 1980, the licensee may file a request for a hearing; and, any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the approval or disapproval of the granting of a Special Nuclear Material license for the ANFFP. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed action. Such petitions must be filed in accordance with this **Federal Register** notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by April 7, 1980. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Thomas M. Dougherty, Esq., Westinghouse Electric Corporation, PO Box 355, Pittsburgh, Pennsylvania 15230, attorney for the licensee.

5. A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

6. All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions. In the event no request for a hearing or petition to intervene is filed by the above date, the Commission may, upon satisfactory completion of all evaluations, issue a license without further prior notice.

7. In the event that a hearing is held and a person is permitted to intervene, he/she becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he/she may present evidence and examine and cross-examine witnesses.

8. The Draft Environmental Impact Statement (DEIS) is expected to be available to the public for review and comment in January 1981.

9. The applicant's Environmental Report and Application and any subsequent documents will be available for inspection and copying at the Public Document Room, 1717 H Street, NW, Washington, D.C. 20555. Copies of the Environmental Report and any subsequent documents are also being provided to the State Clearinghouse, Alabama Development Office, c/o State Capitol, Montgomery, Alabama 36130; and the Metropolitan Clearinghouse, Central Alabama Regional Planning and Development Commission, 808 Lawrence Street, Montgomery, Alabama 36104. A local public document room will be established in the Prattville vicinity as soon as a suitable location is found and arrangements for the filing of all related documents to this action are completed. Notification of the establishment of a local public document room will be published in the **Federal Register.**

Questions about the proposed action, DEIS, and scoping meeting, as well as any written comments, should be directed to W. T. Crow, U.S. Nuclear Regulatory Commission, Division of Fuel Cycle and Material Safety, 396-SS, Washington, D.C. 20555, Phone (301) 427-4510.

Dated at Silver Spring, Md., this 26th day of February, 1980.

For the Nuclear Regulatory Commission.

R. G. Page,

Acting Chief, Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 80-6951 Filed 3-5-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275 OL and 50-323 OL]

Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2); Change of Date of Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of February 28, 1980, oral argument on intervenors' exceptions related to earthquake issues will be heard at 9:30 a.m., Wednesday, April 3, 1980, in the Old County Courthouse, Room 302, Department Number 3, Palm and Osos Streets, San Luis Obispo, California 93401.

Dated: February 28, 1980.

For the Appeal Board.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 80-6955 Filed 3-5-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Privacy Act; New Systems

The purpose of this notice is to give members of the public an opportunity to comment on Federal agency proposals to establish or alter personal data systems subject to the Privacy Act of 1974.

The Act states that "each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effects on such proposal on the privacy and other personal or property rights of individuals. . . ."

OMB policies implementing this provision require agencies to submit reports on proposed new or altered systems to Congress and OMB 60 days prior to the issuance of any data collection forms or instructions, 60 days before entering any personal information into the new or altered systems, or 60 days prior to the issuance of any requests for proposals for computer and communications systems or services to support such systems—whichever is earlier.

The following reports on new or altered systems were received by OMB between January 7, and February 15, 1980. Inquiries or comments on the proposed new systems or changes to existing systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. The 60 day advance notice period begins on the report date indicated.

RAILROAD RETIREMENT BOARD

System Name:

Milwaukee Railroad Restructuring Act Benefit System.

Report Date:

January 9, 1980.

Point-of-Contact:

Mr. Kenneth P. Boehne, United States of America Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

Summary:

The RRB proposes a new system of records in order to carry out its payment and certification duties under the provisions of the Milwaukee Railroad Restructuring Act. The Act authorizes the Board to pay supplementary unemployment insurance and provide new career training assistance, and to certify to the Milwaukee Railroad, claims under an employee protection agreement entered into by the Milwaukee Railroad and the labor organizations representing its employees. The records in this new system will be used to document and verify payments and certifications made under this program.

DEPARTMENT OF JUSTICE

System Name:

Clerical, Technical, and Professional (CTAP) Program Files.

Report Date:

January 11, 1980.

Point-of-Contact:

Mr. William J. Snider, Administrative Counsel, Justice Management Division, Department of Justice, Washington, D.C. 20530.

Summary:

The Drug Enforcement Administration (DEA) proposes to establish a new automated system of records to maintain information relating to career development plans for clerical, technical, and professional employees of DEA. This information will be used to support a program to assist subject personnel in developing individualized career development programs. Participation will be on a voluntary basis.

System Name:

Office of Professional Responsibility Record Index.

Report Date:

January 23, 1980.

Point-of-Contact:

Mr. William J. Snider, Administrative Counsel, Justice Management Division, Department of Justice, Washington, D.C. 20530.

Summary:

The Department of Justice proposes a new system of records to support the Office of Professional Responsibility in its investigations of allegations of misconduct by employees of the Department of Justic that may violate law, Department regulations or orders, or applicable standards of conduct. The system will contain complaints filed against Departmental employees, the results of investigations into the complaints, and actions taken after completion of the investigations. The Department is proposing to exempt the system from portions of the Privacy Act under subsections (j)(2), (k)(1), (k)(2) and (k)(5).

DEPARTMENT OF DEFENSE

System Name:

Recruit Incident System.

Report Date:

December 13, 1979.

Point-of-Contact:

Mr. William Cavaney, Executive Secretary, Defense Privacy Board, 1735 N. Lynn Street, Arlington, Va. 22209.

Summary:

The U.S. Marine Corps proposes to establish a new automated system of records which will contain information on drill instructors who abuse recruits. The information will be taken from courts-martial records or proceedings under Article 15 of the Uniform Code of Military Justice. The system will be used to keep track of the subjects for a period of three years and to provide management reports to the Commandant of the Marine Corps.

System Name:

USAFSAM Personnel Information File.

Report Date:

January 23, 1980.

Point-of-Contact:

Mr. William Cavaney, Executive Secretary, Defense Privacy Board, 1735 N. Lynn Street, Arlington, Va. 22209.

Summary:

The Department of the Air Force proposes to establish a new automated system of records to provide management information on military and civilian personnel assigned to the

USAF School of Aerospace Medicine. The information maintained will be taken largely from existing personnel records and will consist of educational accomplishments, qualifications and professional activities. It will be used to more effectively employ the professional staff by taking advantage of their unique technical or scientific skills and backgrounds.

System Name:

Noncombat Area Casualties.

Report Date:

January 28, 1980.

Point-of-Contact:

Mr. William Cavaney, Executive Secretary, Defense Privacy Board, 1735 N. Lynn Street, Arlington, Va. 22209.

Summary:

The Office of the Secretary of Defense proposes to establish a new automated system of records to maintain statistical information on U.S. military personnel who die, become missing or are captured while on active duty. The information will be used to provide statistical information on casualties to offices within the Office of the Secretary of Defense, and to the Congress and the general public on request.

DEPARTMENT OF LABOR

System Name:

Continuous Wage and Benefit History (CWBH) Data Bank System.

Report Date:

January 15, 1980.

Point-of-Contact:

Mr. Patrick Skees, Office of the Secretary, U.S. Department of Labor, Washington, D.C. 20210.

Summary:

The Department of Labor proposes a new automated system of records which will contain individual socio-economic characteristics, employment related data, unemployment insurance claims and benefit experience of unemployment insurance claimants and covered workers. The data will be obtained from State employment security agencies' records merged with unemployment insurance claimant questionnaires, and add-on surveys conducted at the State level. The data will be used solely for research, statistical and reporting purposes and will not be used to make any legal determinations or determinations about benefit rights of any participants. Research findings will not contain any individually identifiable data and will be in statistical form only. The Department is proposing to exempt these records from certain provisions of the Privacy Act under subsection (k)(4).

Waiver Requests

OMB procedures permit a waiver of the advance notice requirement when the agency can show that the delay caused by the 60-day advance notice would not be in the public interest. It should be noted that a waiver of the 60-day advance notice period does not relieve an agency of the obligation to publish notice describing the system and to allow 30 days for public comment on any proposed routine uses of the personal information to be collected. A waiver of the 60-day advance notice provision was requested by agencies for the following reports received between January 7, and February 15, 1980. Public inquiries or comments on the proposed new or altered systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. Comments on the operation of the waiver procedure should be directed to OMB.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

System Name:

Previous Participation Files.

Report Date:

January 16, 1980.

Point-of-Contact:

Mr. Robert English, Departmental Privacy Act Officer, Office of the Assistant Secretary for Administration, Department of Housing and Urban Development, Washington, D.C. 20410.

Summary:

The Department of Housing and Urban Development proposes a new system of records to maintain information about principals (owners, general contractors, management agents, consultants, etc.) participating in HUD multifamily housing programs. Information maintained includes material showing whether a HUD project in which the subject is already participating has experienced a financial default or has received mortgage relief; reports prepared by field offices summarizing any financial or operating difficulties each project may have experienced and an opinion as to whether any difficulties were within the control of the principal; and form 1441.1 which shows whether the principal has been or is presently the subject of a government investigation. These files are searched to obtain information about the performance of prospective applicants before the Department enters into multifamily housing commitments with them. HUD is reporting this system as one that has been in existence prior to the enactment of the Privacy Act of 1974. It was not reported then because of administrative oversight. The Department is asking for a waiver of the 60-day advance notice requirement specified in OMB Circular A-108 because suspension of operation of the system would not be in the public interest.

Waiver status:

Waiver granted on February 20, 1980.

David R. Leuthold,

Budget and Management.

[FR Doc. 80-7051 Filed 3-5-80; 8:45 am]

BILLING CODE 3110-01-M

Agency Forms Under Review

Background

March 3, 1980.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filed out;
Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447–6201

Revisions

Economics, Statistics, and Cooperatives Service
Boll Weevil Control Survey
Annually
Cotton producers, 120 responses; 60 hours
Office of Federal Statistical Policy and Standard, 673–7974.

Extensions

Agricultural Stabilization and Conservation Service
Storage Contract for Proposed Commodities
CoC29, CoC29–1, CoC29–2, CoC29–3
On occasion
Processed commodity warehousemen, 500 responses; 500 hours
Charles A. Ellett, 395–5080.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377–3627

New Forms

Economic Development Administration
Preliminary Plan for an Assessment of EDA's Metropolitan Capacity Building Demonstration
Single time
Staff of metropolitan planning organizations
John A. Caron, 395–3785.

Economic Development Administration
Preliminary Plan for an Assessment of the Economic Development Academy's Training Program
ED–4520
Single time
Chief exec. officers; staff of comm.-based organizations
John A. Caron, 395–3785.

National Oceanic and Atmospheric Administration
Request for OCZM/NOAA Grants Office Approval
NOAA 36–28
On occasion
State agencies, 250 responses; 125 hours
John A. Caron, 395–3785.

Revisions

Bureau of the Census
Economic Censuses Classification Report
S–511(M) and S–511(ML)
Single time
Business firms receiv. new empl. identifi. numbers, 21,500 responses; 3,983 hours
Office of Federal Statistical Policy and Standard, 673–7974.

Extensions

Bureau of the Census
Applications for Search, Further Search, and Insufficient Information
BC–600, BC–649, and BC–658
On occasion
Individual requesting age certification, 250,000 responses; 50,000 hours
John A. Caron, 395–3785

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—633–9770

New Forms

Milk Cow and Population Survey
DP–186
Annually
Dairymen, farmers, and ranch. outside bound. of Nev. test site, 2,000 responses; 1,000 hours
Jefferson B. Hill, 395–5867

Extensions

Isotope and Techincal Service Order Form
ERDA 391
On occasion
Department of Energy customers, 2,000 responses; 500 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
Diarrheal Disease Treatment Questionnaire
Single time
University pediatric department chairmen, 142 responses; 39 hours
Richard Eisinger, 395–3214

Food and Drug Administration
Performance Standards Development
On occasion
Voluntary standards organization, 24 responses; 204 hours
Richard Eisinger, 395–3214

National Institute of Education
Survey on Training Needs
NIE 238–A and B
Single time
Industry and their supervisors, 780 responses; 135 hours
Laverne V. Collins, 395–3214

Revisions

Alcohol, Drug Abuse and Mental Health Administration
Psychological Aspects of the TMI Incident
Other (see SF–83)
Individuals in community, 1,041 responses; 1,232 hours
Richard Eisinger, 395–3214

Public Health Service
1980 National Natality Survey; 1980 National Fetal Mortality Survey
Single time
Mothers, physicians, and hospitals, 44,800 responses; 13,720 hours
Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755–5184

Reinstatements

Office of the Secretary
Record of Employee Interview
HUD–11
On occasion
Construction workers, 20,000 responses; 5,000 hours
Richard Sheppard, 395–3211

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633–3526

New Forms

Offices, Boards, Division
Section 504 Self-Evaluation Form
On occasion
Description not furnished by agency, 1,000 responses; 1,500 hours
Andrew R. Uscher, 395–4814

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523–6341

New Forms

Employment and Training Administration
A National Evaluation of the Impact of the U.S. Employment Service
MT–1068 A
Single time
ES applicants and employers, 16,850 responses; 12,448 hours
Arnold Strasser, 395–5080

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Agency Clearance Officer—Wallace Velander—755–3122

New Forms

ELT Effectiveness Report
On occasion
Search and rescue organization, 7,000 responses; 3,500 hours
Williams T. Adams, 395–4814

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

Reinstatements

Statement of Residence
G–238
On occasion
Applicants deponents, 600 responses; 150 hours
Laverne V. Collins, 395–3214

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2282

Revisions

Compliance Report of Proprietary Institutions, Compliance Report of Job-Training Establishments
VA 27–4274 and 27–4274A
Annually
VA approv. proprie. instit. and job training estab., 28,000 responses; 14,000 hours
Laverne V. Collins, 395–3214

Trainee Request for Leave—Chapter 31, Title 38, U.S.C.
22–1905H
On occasion
Veteran trainees, 40,000 responses; 10,000 hours
Laverne V. Collins, 395–3214

Reapplication for Medical Benefits
VA 10–10R
On occasion
Veterans, 800,000 responses; 24,000 hours
Laverne V. Collins, 395–3214

C. Louis Kincannon,
Acting Deputy Assistant Director For Reports Management.

[FR Doc. 80–7041 Filed 3–5–80; 8:45 am]
BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 21, 1980.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Aloha Airlines Inc., common stock, $1.25 Par Value (File No. 7–5470);
Barber Oil Corporation (Del.), capital stock, $5 Par Value (File No. 7–5471);
Berven Carpets Corp., common stock, $.10 Par Value (File No. 7–5472);
California Portland Cement Co., capital stock, $5 Par Value (File No. 7–5473);
Conrac Corp., common stock, $.50 Par Value (File No. 7–5474);
Dillingham Corp., common stock, No Par Value (File No. 7–5475);
Financial Corp. of Santa Barbara, common stock, $1 Par Value (File No. 7–5476);
Gap Stores Inc. (The), common stock, $.05 Par Value (File No. 7–5477);
Genisco Technology Corp., common stock, $.50 Par Value (File No. 7–5478);
Golden Nugget Inc., common stock, $.833 Par Value (File No. 7–5479);
Golden West Homes, Inc., common stock, No Par Value (File No. 7–5480);
Kinark, common stock, $.10 Par Value (File No. 7–5481);
McKeon Construction, common stock, $1 Par Value (File No. 7–5482);
Mesta Machine Co., common stock, $5 Par Value (File No. 7–5483);
Mission Insurance Group, Inc., common stock, No Par Value (File No. 7–5484);
Movielab, Inc., common stock, $.50 Par Value (File No. 7–5485);
National Medical Enterprise Inc. (NV), common stock, $.05 Par Value (File No. 7–5486);
North American Royalties, Inc., common stock, $1 Par Value (File No. 7–5487);
Omark Industries, Inc., common stock, No Par Value (File No. 7–5488);
Pogo Producing Company, common stock, $1 Par Value (File No. 7–5489);
SSP Industries, common stock, $1 Par Value (File No. 7–5490);
Salem Corporation, common stock, $.50 Par Value (File No. 7–5491);
Sharon Steel Corp., common stock, $1 Par Value (File No. 7–5492);
Stanwood Corp., common stock, $1 Par Value (File No. 7–5493);
Thriftimart, Inc., 5% Cum. Part. Class A, $1 Par Value (File No. 7–5494);
Transcon Lines, common stock, $.31¼ Par Value (File No. 7–5495);
Trico Industries, Inc., common stock, $.50 Par Value (File No. 7–5496);
URS Corp., common stock, $.25 Par Value (File No. 7–5497);
Unimax Group Inc., common stock, $.75 Par Value (File No. 7–5498);
Vernitron Corp. (Del.), common stock, $.10 Par Value (File No. 7–5499); and
Wallace Murray Corp., common stock, $3.75 Par Value (File No. 7–5500).

These securities are listed and registered on one or more other national securities exchanges.

Interested persons are invited to submit on or before March 20, 1980, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the informatin available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80–7035 Filed 3–5–80; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 34-16610; File No. SR-BSE-80-1]

Boston Stock Exchange, Inc.; Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 13, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of the Terms of Substance of the Proposed Rule Change

The amendments provide for the adoption of a uniform code of arbitration for the securities industry.

Purpose of Proposed Rule Change

The procedures set forth in the proposed Uniform Code of Arbitration were developed by the Securities Industry Conference on Arbitration, which is composed of representatives of the Boston Stock Exchange, Inc., and 9 other self-regulatory organizations. It is anticipated that the Uniform Code of Arbitration will eventually be adopted by each of these self-regulatory organizations and will provide for a uniform system of arbitration throughout the securities industry. The proposed uniform code will enable each of the self-regulatory organizations to provide investors with a simple and inexpensive procedure for the resolution of controversies they may have with their brokerage firms.

Basis Under the Act

The proposed amendments to the Constitution and Rules are consistent with Section 6(b)(5) of the Act as follows:

(i) Not applicable
(ii) Not applicable
(ii) Not applicable
(iv) Not applicable
(v) The Uniform Code of Arbitration will provide a more effective, efficient and economical dispute resolution system for the public and the membership and thus will protect investors and the public interest.
(vi) Not applicable
(vii) Not applicable
(viii) Not applicable

Comments Received from Members, Participants or Others

Comments were received from the staff of the Securities and Exchange Commission by letter dated April 5, 1979, to a report by the Securities Industry Conference on Arbitration containing an earlier version of the Uniform Code of Arbitration. Based on those comments the procedures were revised as presently submitted.

Burden on Competition

There will be no burden on competition.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L St., N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 27, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

February 27, 1980.

[FR Doc. 80-7028 Filed 3-5-80: 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16616; SR-BSE-79-3]

Boston Stock Exchange, Inc.; Order Approving Proposed Rule Change

February 29, 1980.

On December 26, 1979, the Boston Stock Exchange, Inc. ("BSE"), 53 State Street, Boston, MA 02109, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. § 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which would add a new Section 32 to Chapter II of the BSE rules, conforming those rules to the proprietary trading restrictions for exchange members under Section 11(a)(1)(G) of the Act and Rule 11a1-1(T) thereunder. Under Section 32, orders for a member's account subject to the above provisions would have to bear an identifying notation on the order ticket allowing the executing broker to communicate to other members in the trading crowd that the order must yield priority, parity, and precedence to orders for the account of any person who is not a member, member organization, or an associated person thereof.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 16513, January 17, 1980) and by publication in the **Federal Register** (45 FR 5859, January 24, 1980). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements fo the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Sections 6, 11, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-7026 Filed 3-5-80: 8:45 am]

BILLING CODE 8010-01-M

[File Nos. 2-36343 (22-5921); 2-49252 (22-7660)]

Chrysler Corp.; Application and Opportunity for Hearing

February 29, 1980

Notice is hereby given that Chrysler Corporation (the "Applicant") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the successor trusteeship of J. Henry Schroder Bank & Trust Company ("Schroder") under certain existing indentures of the Applicant, which are qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Schroder from continuing to act as successor trustee under the Applicant's indentures.

Section 310(b) of the Act provides in part that, if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall, within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, that with certain exceptions a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under

clause (ii) of Subsection (1), there shall be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

1. The Applicant had outstanding as of December 31, 1979 $200,000,000 of its 8% Sinking Fund Debentures Due 1998 (the "8% Debentures") issued under an indenture, dated as of November 1, 1973 (the "1973 Indenture"), between the Applicant and The Chase Manhattan Bank (National Association) ("Chase") which was qualified under the Act. The 8% Debentures were registered under the Securities Act of 1933.

2. The Applicant had outstanding, as of December 31, 1979, $100,000,000 of its 8⅞% Sinking Fund Debentures Due 1995 (the "8⅞% Debentures") issued under an indenture dated as of March 1, 1970 (the "1970 Indenture") between the Applicant and Citibank, N.A. which was qualified under the Act. The 8⅞% Debentures were registered under the Securities Act of 1933. The 1973 Indenture and the 1970 Indenture each contain the provisions required by Section 310(b) of the Act.

3. On January 16, 1980 Schroder was appointed successor trustee under the 1973 Indenture.

4. The Applicant appointed Schroder to act as successor trustee under the Citibank Indenture on January 21, 1980. The Instrument of Resignation, Appointment and Acceptance among the Applicant, Citibank, N.A. and Schroder, dated as of January 21, 1980, by which Schroder was appointed successor under the 1970 Indenture and accepted its appointment provides that, if the Commission does not issue an order under Section 310(b)(1)(ii) of the Act that Schroder is not disqualified from acting as successor trustee prior to April 20, 1980, Schroder shall resign, upon the request and resignation of Schroder the Applicant shall promptly appoint Citibank, N.A. as successor trustee and Citibank, N.A. shall accept such appointment.

5. The Applicant is not in default under either of the indentures.

6. The Applicant's obligations under the indentures and the debentures issued thereunder are wholly unsecured and rank *pari passu inter se*. There are no material differences between the 1973 Indenture and the 1970 Indenture except for variations as to aggregate principal amounts, dates of issue, maturity and interest payment dates, interest rates, redemption prices and sinking fund provisions.

7. In the opinion of the Applicant the provisions of the aforementioned indentures are not likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of any holder of any of the debentures issued under such indentures to disqualify Schroder from continuing to act as successor trustee under the 1973 Indenture and the 1970 Indenture.

The Applicant has waived notice of hearing, any right to a hearing on the issues raised by the application, and all rights to specify procedures under the Rules of Practice of the Commission with respect to its application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than March 24, 1980, submit to the Commission his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such requests, and the issues of fact and law raised by the application which he desires to controvert. Persons who request the hearing or advice as to whether the hearing is ordered will receive all notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after such date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-7037 Filed 3-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21458; 70-6424]

Granite State Electric Co., et al.; Proposed Short-Term Financing Arrangements and Request for Exemption From Competitive Bidding

February 29, 1980.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its electric utility subsidiaries, Granite State Electric Company ("Granite"), 25 Research Drive, Westborough, Massachusetts 01581, The Narragansett Electric Company ("Narragansett"), and New England Power Company ("NEP"), have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10 and 12 of the Act and Rules 42, 45(b)(1), 50(a)(2), 50(a)(3) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Applicants-declarants request authorization to make short-term borrowings from the period April 1, 1980 to March 31, 1981 pursuant to the agreements set forth below, in the following individual maximum aggregate amounts outstanding at any one time: Granite, $2,500,000; Narragansett, $25,000,000; NEP, $143,000,000. The borrowings will be made from the banks indicated below and/or from NEES. NEP also proposes to issue notes to dealers in commercial paper; the maximum amount of short-term borrowing authorized to be outstanding at any one time by NEP ($143,000,000) from banks and NEES will be reduced by the amount of its commercial paper outstanding at that time. The amounts shown below are the maximum face amounts of notes of each borrowing company to be held by the lenders at any one time pursuant to authority requested hereunder.

Proposed Maximum Short-Term Debt to be Outstanding at Any One Time During Period

Borrowing company	Banks or NEES
Granite:	
The First National Bank of Boston, Boston, Mass.	$2,500,000
Narragansett:	
Industrial National Bank of Rhode Island, Providence, R.I.	10,000,000
The First National Bank of Boston, Boston, Mass.	7,000,000
Rhode Island Hospital Trust National Bank, Providence, R.I.	6,000,000

Proposed Maximum Short-Term Debt to be Outstanding at Any One Time During Period— Continued

Borrowing company	Banks or NEES
Peoples Bank and Trust Company, Providence, R.I.	2,000,000
Total Narragansett	25,000,000
	Banks or NEES or commercial paper
NEP:	
Bank of America, North America Division, New York, N.Y.	$2,000,000
Bank of Montreal, New York, N.Y.	5,000,000
Bank of Nova Scotia, Boston, Mass.	2,000,000
Bankers Trust Company, New York, N.Y.	5,000,000
BayBank Middlesex, Burlington, Mass	2,000,000
Brown Brothers Harriman and Company, Boston, Mass.	2,000,000
Chase Manhattan Bank, N.A., New York, N.Y.	10,000,000
Chemical Bank, New York, N.Y	10,000,000
Citibank, N.A., New York, N.Y	15,000,000
Continental Illinois National Bank and Trust Company, Chicago, Ill.	5,000,000
Credit Suisse, New York, N.Y.	2,000,000
The First National Bank of Boston, Boston, Mass	20,000,000
The First National Bank of Chicago, Chicago, Ill.	2,000,000
Hartford National Bank and Trust Co., Hartford, Conn	2,500,000
Irving Trust Company, New York, N.Y.	10,000,000
Lloyds Bank International, Ltd., New York, N.Y	2,000,000
Manufacturers Hanover Trust, New York, N.Y.	10,000,000
Marine Midland Bank, New York, N.Y.	5,000,000
Morgan Guaranty Trust Company, New York, N.Y.	10,000,000
National Bank of North America, New York, N.Y.	2,000,000
New England Merchants National Bank, Boston, Mass.	5,000,000
Security Pacific National Bank, Los Angeles, Calif.	4,000,000
Shawmut Bank of Boston, N.A., Boston, Mass.	5,000,000
State Street Bank and Trust Company, Boston, Mass.	3,000,000
Worcester County National Bank, Worcester, Mass.	2,500,000
Total NEP	143,000,000

Depending upon market conditions, NEP tentatively plans to issue $40,000,000 of bonds and $35,000,000 of preferred stock during the second half of 1980. At such time as NEP issues either the bonds or the preferred stock, the $143,000,000 limit which it requests would be reduced by the amount of such issue.

The proposed borrowings from banks and/or NEES will be evidenced by notes payable maturing in less than one year from the date of issuance, and will provide for prior payment in whole or in part without premium. The borrowings from banks require compensating balances (or fees in lieu thereof) and will bear interest at a rate not in excess of the prime rate in effect at the time the borrowings are made.

The notes issued to NEES will bear interest at a rate not in excess of the prime rate in effect at the time the borrowings are made. Based on compensating balance requirements of about 10 to 20%, or fees equivalent thereto, the effective interest cost of bank borrowings would be approximately 18.33% to 20.62% per annum, based on a prime rate of 16½%. The effective interest cost on borrowings from NEES would be the prime rate.

It is proposed that the borrowing companies may prepay their notes to NEES, in whole or in part, with borrowings from banks or from the sale of commercial paper, or that their borrowings from banks may be prepaid in whole or in part, with borrowings from NEES or from the sale of commercial paper. In the event bank borrowings or commercial paper sales are made at a higher interest cost, in order to prepay notes issued to NEES, NEES will credit the borrowers with the differential interest from the date of issuance of the new notes or commercial paper to the normal maturity date of the notes to NEES being prepaid. In the event of borrowings from NEES to prepay notes to banks, the interest rate of the notes issued to NEES will be the lower of (1) the interest rate on the notes being prepaid or (2) the prime interest rate in effect, but with respect to (1), only to the maturity date of the notes so prepaid, and thereafter at the prime interest rate in effect at the time the new notes are issued.

NEP proposes to issue and sell commercial paper during the period through March 31, 1981, directly to Lehman Commercial Paper Incorporated and/or A. G. Becker & Co., Incorporated and/or Salomon Brothers (collectively the "Dealers") dealers in commercial paper. The Dealers, as principals, will reoffer such commercial paper to not more than 100 of their respective customers whose names appear on non-public lists prepared in advance by the Dealer. Prior to or concurrently with the offerings, the customers will be furnished current financial and other information with respect to the issuer. It is expected that such commercial paper wil be held to maturity by the purchasers, but if a purchaser wishes to resell prior to maturity, the Dealer involved will repurchase the paper for resale to others on its list of customers. The commercial paper to be issued and sold will be in the form of unsecured promissory notes having varying maturities of not in excess of 270 days, will be in denominations of not less than $50,000 and will be purchased by the Dealers from the issuer at a discount which will not be in excess of the discout rate per annum prevailing at the date of issuance for the particular maturity at which prime commercial paper of comparable quality is sold by public utility issuers to commercial paper dealers. The Dealers will initially reoffer the commercial paper at a discount rate not more then ⅛ of 1% per annum less than the prevailing discount rate to the issuer. The effective interest cost to the issuer of such paper will not exceed the effective interest cost at the time of issue for borrowings from The First National Bank of Boston, except that, in order to obtain maximum flexibility, commercial paper may be issued with a maturity of not more than 90 days from the date of issue with an effective cost in excess of the effective interest cost from such bank.

The proceeds from the proposed borrowings will be used to finance various construction projects through March 1981 which are expected to total $2,125,000 for Granite, $18,100,000 for Narragansett and $256,700,000 for NEP.

It is stated that Narragansett and NEP have each been authorized by their preferred stockholders to issue short-term unsecured indebtedness up to 20% of the sum of their respective principal amounts of all bonds and other secured indebtedness plus capital, premium and retained earnings. Narragansett's authorization exists through September 26, 1984 (HCAR No. 21228, dated September 26, 1979). NEP's authorization exists through July 1, 1980 (HCAR No. 19595, dated June 30, 1976). It is expected that NEP will request continuation of its 20% limitation.

NEP requests an exemption from the competitive bidding requirements of Rule 50 for its proposed issuance and sale of commercial paper to Dealers pursuant to Rule 50(a)(5) on the ground that it is not practicable to sell commercial paper by competitive bidding.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $3,500, including $1,500 of services to be performed at cost by New England Power Service Company, an affiliate of applicants-declarants. It is stated that the New Hampshire Public Utilities Commission has jurisdiction over the issuance of short-term notes by Granite and NEP and that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 27, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to

controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-7036 Filed 3-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21459; 70-6416]

Middle South Utilities, Inc. and Arkansas Power & Light Co.; Proposal by Electric Utility Subsidiary To Sell Common Stock To Its Parent Holding Company

February 29, 1980.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street New orleans, Louisiana 70112, a registered holding company, and Arkansas Power & Light Company ("Arkansas") Post Office Box 551 Little Rock, Arkansas 72203, an electric utility subsidiary of Middle South, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(b), 9(a), 10 and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transaction. Interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction. Arkansas proposes to issue and sell to Middle South, and Middle South proposes to acquire from Arkansas, from time to time during the 1980 calendar year, at the price of $12.50 per share, or $70,000,000 in the aggregate, 5,600,000 presently authorized but unissued shares of the common stock of Arkansas, $12.50 par value (New Common Stock). Arkansas presently has outstanding 34,236,773 shares of common stock, $12.50 par value, all of which shares are owned by Middle South. Arkansas had outstanding at November 30, 1979, 33,436,773 shares of Common Stock, $12.50 par value, with an aggregate par value on its books of $417,959,622.50. Arkansas and Middle South state that the sale of the New Common Stock will be timed to coincide with Arkansas' cash needs from time to time, which are primarily determined by the nature and pace of its construction program.

Upon the issuance and sale by Arkansas and the purchase by Middle South of the New Common Stock, Arkansas proposes to credit its Common Stock Capital Account with the amount ($70,000,000) received by it for the New Common Stock, and Middle South proposes to debit its Investment Account with the amount ($70,000,000) of its cash investment in the New Common Stock. To the extent funds are required from external sources to acquire the New Common Stock, Middle South will obtain such funds through the issuance and sale of its unsecured short-term promissory notes issued under a revolving credit agreement dated as of June 29, 1979, as amended, with a group of banks headed by Manufacturers Hanover Trust Company, New York, New York, as authorized by the Commission's orders dated June 7, 1979 (HCAR No. 21093) and December 6, 1979 (HCAR No. 21332).

Arkansas proposes to use the net proceeds derived from the issuance and sale of the New Common Stock for the payment of short-term indebtedness incurred or estimated to be incurred and for financing Arkansas' construction program, estimated to be $296,000,000 for the year 1980.

The fees, commissions and expenses to be incurred in connection with the proposed transaction are estimated at $5,000. The Arkansas Public Service Commission and the Tennessee Public Service Commission have jurisdiction over the proposed transaction. It is stated that no other state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 24, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notice or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-7031 Filed 3-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21460; 70-6408]

Mississippi Power & Light Co.; Proposed Issuance and Sale of Short-Term Notes to Banks and Commercial Paper to Dealers in Commercial Paper; Exception From Competitive Bidding

February 29, 1980.

Notice is hereby given that Mississippi Power & Light Company ("Mississippi") P.O. Box 1640, Jackson, Mississippi, 39205, a wholly-owned electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 (a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration which is summarized below for a complete statement of the proposed transactions.

Mississippi proposes to issue short-term notes to banks and to issue and sell commercial paper from time to time on or before June 30, 1981. The maximum aggregate principal amount of

notes and commercial paper outstanding at any one time would not exceed the lesser of $45,000,000 or 10% of the capitalization of Mississippi.

It is expected that bank borrowings will be made from the following banks up to the maximum amounts set forth below:

Bank	Amount
Deposit Guaranty National Bank Jackson, Miss.	$9,500,000
First National Bank of Jackson, Jackson, Miss.	10,000,000
First National Bank of Vicksburg, Vicksburg, Miss.	500,000
Manufacturers Hanover Trust Company, New York, N.Y.	14,000,000
Total	$34,000,000

Arrangements may be made with other banks with which Mississippi maintains accounts. Mississippi would file an amendment setting forth the names of the banks and amounts of such other borrowings. Mississippi will not effect such other borrowing until further authorization of this Commission.

The bank borrowings will be evidenced by unsecured promissory notes to be dated the date of the borrowing and to mature not more than nine months from the date of issue. The bank notes will bear interest at the prime rate in effect at the leading bank at the date of issue or from time to time, whichever is the customary requirement of the lending bank, and will be prepayable, in whole or in part, without penalty or premium.

Mississippi maintains with local banks from which borrowings will be made average daily operating balances adequate to meet the requirements of such banks in respect of certain services to Mississippi. It may reasonably be expected that non-Mississippi banks require the maintenance of balances and/or fees in lieu of balances in respect of any such borrowings. If balances were to be maintained solely for the purpose of satisfying a compensating balance requirement generally not in excess of 20%, the effective interest cost of the related borrowings, based on a prime rate of 16½%, would be 20.625% per annum.

Mississippi also proposes from time to time on or before June 30, 1981, to issue and sell commercial paper in the form of short-term promissory notes to dealers in commercial paper. The commercial paper notes will have varying maturities of not more than 270 days after the date of issue, will be sold in varying denominations of not less than $50,000, and will not by their terms be prepayable prior to maturity. The commercial paper will be sold directly to Merrill Lynch, Pierce, Fenner & Smith Inc., ("Purchasing Dealer") at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturity. The Purchasing Dealer would reoffer the commercial paper to institutional investors at a discount of ⅛ of 1% per annum less than the prevailing discount rate to Mississippi. No commission or fee will be payable in connection with the issuance and sale of commercial paper. The commercial paper will be offered to not more than 200 customers of the Purchasing Dealer identified and designated in a nonpublic list prepared in advance by the Purchasing Dealer. No additions will be made to such list of customers. It is expected that the commercial paper will be held by customers to maturity, but, if they wish to resell prior thereto, the dealer may, pursuant to a verbal repurchase agreement, repurchase the commercial paper and reoffer it to others on the customer list.

Mississippi proposes to use the proceeds of the bank notes and commercial paper notes for construction and other corporate purposes. Construction expenditures for 1980 are expected to total $49,141,000.

The declarant requests exception from the competitive bidding requirements of rule 50 in connection with the sale of commercial paper notes pursuant to clause (a)(5) thereof. It is stated, in this connection, that (a) all commercial paper which it proposes to issue and sell will have a maturity not in excess of 270 days, (b) current rates for commercial paper for prime borrowers, such as declarants, are published daily in financial publications, and (c) it is not practical to invite invitations for bids for commercial paper. It is also requested that authorization be granted to file certificates of notifiction under Rule 24 on a quarterly basis.

Fees and expenses to be incurred by Company in connection with the proposed transactions are estimated not to exceed $5,000. No other state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 25, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such other rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-7030 Filed 3-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16611; SR-NYSE-77-5]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

February 27, 1980.

On November 17, 1977, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amends provisions of the NYSE Constitution and Rules concerning limitation of physical and electronic access by members and member firms. Specifically, NYSE Rules 356 and 359 have been rescinded while Article III, Section 6 of the NYSE Constitution and NYSE Rules 36 and 303 have been modified. Among other things, this rule change establishes criteria upon which the NYSE may base the denial, limitation, or revocation of approval of any telephonic or electronic communication links between the office of a member or member firm and the NYSE floor.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14314, December 28, 1977) and by publication in the **Federal Register** (43

FR 1166, January 6, 1978).[1] No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-7034 Filed 3-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16612, File No. SR-NYSE-80-4]

New York Stock Exchange, Inc.,

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 20, 1980, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of the Terms of Substance of the Proposed Rule Changes

The proposed rule changes will rescind the requirement, in NYSE Rules 318(a) and 318.22, that the primary purpose of every member organization in the New York Stock Exchange, Inc., be the transaction of business as a broker or dealer in securities.

Exchange's Statement of Purpose of Proposed Rule Changes

The purpose of the proposed rule rescissions is to remove the requirement that the primary purpose of every member organization be the transaction of business as a broker or dealer in securities. To meet this requirement, each member organization must derive at least 50% of its gross income (including the gross income of its corporate affiliates and subsidiaries controlled by the member organization) from the transaction of business as a broker or dealer in securities.

Exchange's Statement of Basis Under the Act

(i) Inapplicable.

(ii) The proposed rescission will enhance the ability of a registered broker or dealer to become and remain a member in the Exchange by removing restrictions on their "non-securities" related business activities. The changes will also enhance the ability of a person to become associated with a member in those instances where the associated person is controlled by (subsidiary) or under common control with (affiliate) the member organization and must incorporate its gross revenues into the gross revenues of the member organization for the purpose of determining if the member organization meets the "primary purpose" test.

(iii) Inapplicable.
(iv) Inapplicable.
(v) Inapplicable.
(vi) Inapplicable.
(vii) Inapplicable.
(viii) Inapplicable.

Exchange's Statement on Comments Received from Member, participants and Others

No comments were solicited or received on the proposed changes.

Exchange's Statement of Burden on Competition

The proposal will not impose any burden on competition.

On or before April 10, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned sulf-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 27, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 27, 1980.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-7029 Filed 3-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16617; SR-NYSE-79-49]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

February 29, 1980.

On December 5, 1979, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. § 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which provides that the proceeds arising from the transfer of the membership of an equity member of the NYSE, who is associated with a member organization, will not be subject to claims of all creditors of such member organization, but will continue to be available for sums owed the NYSE and debts arising out of floor contracts.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 16507, January 16, 1980) and by publication in the **Federal Register** (45 FR 5868, January 24, 1980). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-7025 Filed 3-5-80; 8:45 am]

BILLING CODE 8010-01-M

---

[1] The NYSE consented to extend the time for final Commission action on this submission until February 29, 1980. The lone amendment to File No. SR-NYSE-77-35 was submitted on February 20, 1980. Since that amendment did not involve any substantive change, notice of the amendment's filing was not published

[Release No. 34-16613; File No. SR-PHLX 80-1]

Philadelphia Stock Exchange, Inc.; Self-Regulatory Organizations

February 28, 1980.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 6, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX") pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("Act"), hereby proposed to delete Rule 1016 (Block Transactions) from its Options Rules.

Exchange's Statement of Basis and Purpose Under the Act for Proposed Rule Change

The purpose of the proposed rule change is to delete Rule 1016. As is explained below, certain activity prohibited by Rule 1016(b) is the subject of PHLX's proposed interpretation of By-Law 18-7, a circular on the front-running of blocks ("front-running circular). PHLX believes that considerations of equal regulation of and uniform regulation by options exchanges and the NASD support the deletion of this rule. With respect to Rule 1016(a), PHLX believes that it is unnecessary and, in the interest of equal regulation of and uniform regulation by the options exchanges and the NASD, it should be deleted.

Pursuant to the Securities and Exchange Commission's plan for terminating the voluntary moratorium on further expansion of the standardized options market (Release No. 15575/ February 22, 1979), PHLX has filed a front-running circular [1] in response to the recommendation of the Special Study of the Options Markets which states in Chapter III, page 64, that "all self-regulatory organizations should issue interpretations of their rules to make it clear that front-running is inconsistent with just and equitable principles of trade". The language contained in this circular has been agreed to by a Task Force composed of seven self-regulatory organizations ("SRO Task Force").[2] It is PHLX's understanding that all members of the SRO Task Force who are required to comply with the above recommendation will make appropriate filings with the Commission on front-running which are substantially similar to PHLX's front-running circular.

The concept of front-running which is discussed in PHLX's front-running circular and which is not exclusive refers to:

(1) An order to buy or sell an option when such member or person causing such order to be executed has knowledge of a block transaction in the underlying security, or

(2) An order to buy or sell and underlying security when such member or person causing such order to be executed has knowledge of a block transaction in an option covering that security prior to the time information concerning the block transaction has been made publicly available.

Rule 1016(a) employs the concept of a two-minute delay prior to initiating an options transaction after the print on the ticker tape of a block transaction of 50 contracts or more in the same option of which a member, employee of a member, or member organization had knowledge. The front-running circular does not reach this type of activity and it is not prohibited by the rules of other options exchanges.

The PHLX believes that Rule 1016(a) is unnecessary and that it is appropriate to delete the provision at this time in the interest of equal regulation of and uniform regulation by options exchanges and the NASD.

Rule 1016(b) employs the concept of a two-minute delay prior to initiating an options transaction on the PHLX after the print on the ticker tape of a block tansaction of 5,000 shares or more in the underlying security of which a member, employee of a member, or member organization had knowledge which was obtained on the floor. The front-running circular also prohibits this type of activity. In contrast to Rule 1016, however, the front-running circular does not employ the concept of a two-minute delay, defines a block transaction as one involving 10,000 shares (as opposed to 5,000 shares) or more of an underlying security or options covering such number, and applies to knowledge obtained off the floor as well as on the floor.

The PHLX believes that 1016(b) is unnecessary in view of the front-running circular, and that it is appropriate to delete the provision at this time in order to accomplish equality of regulation and uniform regulatory standards concerning front-running of blocks among options exchanges and the NASD.

Comments were neither solicited nor received.

The PHLX believes that the proposed rule change will not impose any burden on competition.

On of before April 10, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 27, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

February 28, 1980.

[FR Doc. 80-7038 Filed 3-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16613; File No. SR-Phlx-80-1]

Philadelphia Stock Exchange, Inc.; Filing of Proposed Rule Change

February 28, 1980.

The Philadelphia Stock Exchange, Inc. ("Phlx") submitted on February 6, 1980, a proposed rule change under Rule 19b-4 to delete Phlx Rule 1016 which provides, in general, that members and associated persons may not initiate options orders when they have knowledge of a block transaction of (a) 50 contracts or more in the same option or (b) 5,000 shares or more in the

[1] See SR-PHLX-79-7.

[2] These are: the American Stock Exchange, Inc.; the Chicago Board Options Exchange, Incorporated; the Midwest Stock Exchange, Incorporated; the National Association of Securities Dealers, Inc.; the New York Stock Exchange, Inc.; the Pacific Stock Exchange, Incorporated; and the Philadelphia Stock Exchange, Inc.

underlying security until two minutes following the print of the block transaction on the ticker tape.[1]

Publication of the submission is expected to be made in the Federal Register during the week of March 3, 1980. In order to assist the Commission to determine whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–Phlx–80–1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-7033 Filed 3-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11060; 812-4610]

Pioneer Fund, Inc., et al.; Filing of Application for Exemption

February 28, 1980.

Notice is hereby given that Pioneer Fund, Inc. ("Pioneer"), Pioneer II, Inc. ("Pioneer II"), and Pioneer Bond Fund, Inc. ("Pioneer Bond") (collectively "Funds"), 60 State Street, Boston, Massachusetts 02109, each registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, Pioneering Management Corporation ("Management"), investment adviser to the Funds, and The Pioneer Group, Inc. ("Group"), the principal underwriter for the Funds (the Funds, management and Group are hereinafter referred to collectively as "Applicants"), filed an application on February 6, 1980, pursuant to Section 6(c) of the Act, for an order of exemption from the definition of "interested person" contained in Section 2(a)(19) of the Act to the effect that Ms. Marguerite Piret Rosen ("Ms. Rosen") shall not be deemed to be an "interested person" of the Funds, Management or Group by reason of her status as an officer, director and shareholder of Kridel Securities Corporation ("Kridel"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that the Funds' Boards of Directors currently consist of seven members each, and that the same persons serve as directors of each of the Funds. The application further states that: (1) the Board of Directors of each of the Funds contemplates increasing the authorized number of its directors from seven to eight; (2) Ms. Rosen has been nominated for election as a director of Pioneer and that such nomination will be voted on at the annual meeting of Pioneer's shareholders on March 21, 1980; and (3) if Ms. Rosen is elected a director of Pioneer, the Boards of Directors of Pioneer II and Pioneer Bond would then vote upon her nomination as a director of such companies. Applicants submit that it is in the public interest, as well as in the interest of the Funds and their shareholders, that Ms. Rosen be permitted to serve as a disinterested director of each of the Funds.

The application states that Ms. Rosen presently serves as an officer and director of Kridel and also owns 600 shares representing approximately four percent of Kridel's outstanding stock. The application further states that Kridel is a broker-dealer registered under the Securities Exchange Act of 1934 ("Exchange Act"), that it engages in the investment banking and corporate finance business in North America, Europe and the Middle East, and that it provides economic, financial and strategic advisory services in the areas of mergers and acquisitions, divestitures, transnational joint ventures, private placement of debt and equity securities, and tax-advantaged transactions. According to the application, Kridel has not engaged and is not presently engaged in the business of effecting transactions in stocks or bonds for or behalf of others, except on behalf of employees of Kridel, their families and trusts for such persons' benefit.

The application states that most of Ms. Rosen's work on behalf of Kridel is concentrated in companies in the high technology and energy industries, and that her primary activities consist of locating and analyzing acquisition opportunities and advising with respect to the related financing thereof, the private placement of securities, and consulting in the area of divestiture.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company, and of any investment adviser of or principal underwriter for an investment company, to include, *inter alia,* any broker or dealer registered under the Exchange Act or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines an "affiliated person" of another person to include, 3inter alia, any director, officer or employee of such other person. Applicants state that Ms. Rosen, as a result of her position with Kridel, would be considered to be an affiliated person of Kridel and thus, an interested person of the Funds, Management and Group.

Section 6(c) of the Act provides, in part, that the Commission may upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any of the provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants state that Kridel has never engaged in securities transactions on behalf of any of the Applicants or participated in the distribution of any of the Funds' shares. Applicants further state that: (1) although Kridel is a registered broker-dealer providing services in connection with business combinations, divestitures and private placements, the Funds are specifically prohibited under their written objectives, investment policies and restrictions from investing in restricted securities, and would not be interested in Kridel's other services with respect to business combinations and divestitures; (2) they have not and will not engage Kridel, or Ms. Rosen on Kridel's behalf,

[1] As part of its response to the recommendations of the Special Study of the Options Markets, the Phlx has filed a circular with respect to the frontrunning of blocks. *See* File No. SR–Phlx–79–7, published in a Commission Release (Securities Exchange Act Release No. 34–16253, October 5, 1979), and in the Federal Register (44 FR 59692, October 26, 1979).

for the purposes of affecting portfolio transactions for any of the Funds or participating in the distribution of securities by the Funds, so long as Ms. Rosen serves as a director of any of the Funds; and (3) Ms. Rosen's relationships with Kridel will not prejudice the Funds or cause the Funds to be disadvantaged in any respect by not engaging Kridel for the purposes of effecting portfolio transactions.

According to the application, the Board of Directors of each of the Funds has determined that Ms. Rosen's educational background, prior and current business experience and personal qualities would enhance the diversity of the Board and provide broadened perspectives on investment policies and overall management. Applicants state, therefore, that it is in the public interest, as well as in the interest of the Funds and their shareholders, that Ms. Rosen be permitted to serve as a disinterested director of each of the Funds.

Notice is further given that any interested person may, not later than March 19, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-7032 Filed 3-5-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11061; 812-4569]

State Mutual Life Assurance Co. of America; Filing of Application

February 28, 1980.

Notice is hereby given that State Mutual Life Assurance Company of America, 440 Lincoln Street, Worcester Massachusetts 01605, ("Applicant"), a mutual life insurance company organized under the laws of Massachusetts, filed an application on November 13, 1979, and amendments thereto on January 9, and February 27, 1980, for an order, pursuant to Section 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d–1 thereunder, permitting Applicant to acquire at direct placement $1,800,000 in principal amount of a new issue of 11% Senior Notes due 1995 of Gulf Resources & Chemical Corporation ("GRCC"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is the investment adviser of State Mutual Securities, Inc. ("Fund"), a closed-end investment company registered under the Act. Applicant and the Fund jointly obtained an order of the Commission pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder, which was issued on February 12, 1973 (Investment Company Act Release No. 7665), corrected on February 27, 1973 (Investment Company Act Release No. 7698), and amended on July 28, 1976 (Investment Company Act Release No. 9371) (collectively "Order"). The Order permits Applicant and the Fund to engage in certain proposed transactions whereby Applicant invests concurrently in each issue of securities purchased by the Fund at direct placement and was issued subject to the following conditions:

(1) Each investment will be made by Applicant and the Fund at the same unit price in securities of the same class (except that Applicant's investment may include non-voting securities which are, except for voting rights, identical with those purchased by the Fund);

(2) Unless otherwise permitted by order of the Commission, Applicant will invest an amount equal to the amount invested in the issue by the Fund, and Applicant and the Fund will exercise warrants, conversion privileges and other rights at the same time and in the same amount:

(3) All securities which Applicant is prepared to purchase at direct placement and which would be consistent with the investment policies of the Fund will be shared equally by the Applicant and the Fund unless:

(a) In the judgment of the Fund's Board of Directors, concurred in by a majority of those directors who are not "interested persons" (as defined in the Act) of Applicant or Colonial Management Associates, Inc., a subsidiary of Applicant which advises the Fund with respect to its publicly traded securities, (i) 42% or more by value of the assets of the Fund are invested, in accordance with the investment policies of the Fund, in long-term debt obligations or preferred stocks purchased directly from the issuers or in equities acquired either in connection with such purchases or as a result of the exercise of rights or other options so acquired, (ii) there is insufficient cash to make the investment, and (iii) the sale of portfolio securities of the Fund to provide such cash is inadvisable;

(b) The security to be so purchased is a long-term debt obligation or preferred stock without equity participation;

(c) The purchase by the Fund would be inconsistent with the provisions of any Commission order granted on the initial application (File No. 812–3348) or otherwise and then in effect; or

(d) The Commission by order otherwise permits;

(4) Neither Applicant nor the Fund, unless otherwise permitted by order of the Commission, will have any prior interest in the issuer or in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person other than interests in all respects identical;

(6) Neither Applicant nor the Fund will, unless otherwise permitted by order of the Commission, sell, exchange or otherwise dispose of any interest in any security of a class held by the Fund unless each makes such disposition at the same time, for the same unit consideration and in the same amount (each in the same proportion to the amounts it holds if the amounts held by each are different); and

(7) The expenses, if any, of the distribution of securities registered for sale under the Securities Act of 1933 and sold by Applicant and the Fund at he same time will be shared by Applicant and the Fund in proportion to the amount each is selling.

Applicant represents that it has made a commitment to purchase at direct placement $1,800,000 in principal amount of a new issue of 11% Senior Notes due 1995 of GRCC ("Notes"). Applicant states that because Applicant and the Fund each concurrently hold $1,249,980 principal amount of 9¼% Senior Notes of GRCC due 1989 (with 24,000 warrants to purchase GRCC

common stock at $10 per share until December 31, 1983) issued by GRCC in January 1974 ("Outstanding Senior Notes and Warrants"), Applicant may not purchase the Notes until it first obtains an order of the Commission specifically permitting such purchase. Accordingly, Applicant represents that its commitment to acquire the Notes is subject to the prior issuance of an order by the Commission permitting such purchase.

According to the application, the Fund does not believe that the 11% rate of return on the Notes is sufficient in view of the illiquidity of the Notes when compared with freely marketable debt issues of comparable quality and yield. In addition, Applicant states that, since it is contemplated that investment in the Notes will be delayed until the end of the first quarter of 1980, the Fund does not wish to commit itself now to purchase an illiquid investment with such investment characteristics. Accordingly, Applicant states that the Notes are not an appropriate investment for the Fund and represents that on November 9, 1979, the Fund's Board of Directors voted unanimously to decline participation by the Fund in the proposed acquisition of the Notes. Applicant represents that the proposed acquisition of the Notes is in no way connected with the sale of the Outstanding Senior Notes and Warrants to Applicant and the Fund in 1974 other than by virtue of the fact that Applicant established a relationship with GRCC at that time through the acquisition of the Outstanding Senior Notes and Warrants. Applicant also represents that neither Applicant nor the Fund is an affiliated person of GRCC or an affiliated person of an affiliated person of GRCC.

Section 17(d) of the Act and Rule 17d–1 thereunder, in part, provide that it shall be unlawful for an affiliated person, or an affiliated person of an affiliated person, of a registered investment company, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or arrangement in which any such registered investment company is a participant, unless an application with respect to such arrangement has been filed with the Commission and has been granted by an order of the Commission. Rule 17d–1(b) provides that, in passing upon such application, the Commission will consider whether the participation of such registered investment company in the joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from, or less advantageous than, that of the other participants.

The arrangement whereby Applicant and the Fund invest concurrently in each issue of securities purchased by the Fund at direct placement may be deemed to be a joint enterprise or arrangement within the meaning of Section 17(d) of the Act and Rule 17d–1 thereunder. Moreover, as stated above, once Applicant and the Fund have acquired an interest in an issuer, the Order prohibits acquisition of any further interest in such issuer by Applicant or the Fund unless such acquisition is made on an equal basis or is otherwise permitted by Commission order. Accordingly, Applicant requests that the Commission issue an order, pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder, permitting the acquisition by Applicant alone of $1,800,000 principal amount of the Notes, notwithstanding the present ownership by Applicant and the Fund of the Outstanding Senior Notes and Warrants.

In support of this request, Applicant asserts that the proposed investment by it in the Notes will not be disadvantageous to the Fund because GRCC will be receiving significant new value in consideration for issuing the Notes. Applicant represents that the Notes are of the same order of priority as the Outstanding Senior Notes and that both are senior obligations of GRCC and are not subordinated to any other indebtedness of GRCC. In addition, Applicant states that GRCC has agreed that if Applicant and the Fund authorize amendment of the Outstanding Senior Notes to extend the maturity of the Outstanding Senior Notes to 1995 and to otherwise conform the items of the Outstanding Senior Notes, including both the repayment provisions and the financial covenants limiting the operations of GRCC, to the terms of the Notes, GRCC will increase the interest rate on the Outstanding Senior Notes from 9¼% to 10⅛% and extend the expiration date on the Warrants to January 1, 1990. Applicant represents that both it and the Fund deem these amendments to the terms of the Outstanding Senior Notes to be fair and reasonable and not adverse to the interests of the Fund. Accordingly, Applicant states that, as adviser to the Fund, it recommended the various changes in the terms of the Outstanding Senior Notes. Applicant also represents that those changes were approved by the Fund's Board of Directors on November 9, 1979. Finally, Applicant states that it believes the Notes would be an attractive investment for it and that it will be disadvantaged if not permitted to acquire a portion of the Notes.

Notice is further given that any interested person may, not later than March 24, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–7027 Filed 3–5–80; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1802]

California; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties and adjacent counties within the State of California constitute a disaster area because of damage resulting from severe storms, mudslides and flooding beginning on or about January 8, 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, 350 S. Figueroa Street, 6th Floor, Los Angeles, California 90071.
Small Business Administration, District Office, Federal Building, Suite 4–S–33, 880 Front Street, San Diego, California 92188.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 25, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-6922 Filed 3-5-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1802, Amdt. No. 1]

California; Declaration of Disaster Loan Area

The above numbered Declaration (See preceeding notice) is amended in accordance with the President's declaration of February 21, 1980, to include Santa Barbara County in the State of California. The Small Business Administration will accept applications for disaster relief loans from disaster victims in the above-named county, and adjacent counties within the State of California. All other information remains the same; i.e., the termination dates for filing applications for physical damage is close of business on April 21, 1980 and for economic injury until the close of business on November 21, 1980.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 28, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-6923 Filed 3-5-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Memorandum of Agreement on Occupational Health Standards for Workplaces Aboard Inspected Vessels

This memorandum of agreement is entered into by the United States Coast Guard (USCG), Department of Transportation, and the Occupational Safety and Health Administration (OSHA), Department of Labor (OSHA).

I. Purpose

The purpose of this agreement is to set forth basic guidelines for cooperation between the two agencies in establishing health standards to protect worker health while eliminating possible interagency conflicts and duplication of effort.

II. USCG Authority

The Commandant of the U.S. Coast Guard has statutory authority, under the Marine Inspection Laws, to promulgate and enforce safety and health standards regarding working conditions of employees on vessels subject to Coast Guard inspection and certification.

III. OSHA Authority

OSHA has a general statutory authority to assure safe and healthful working conditions for working men and women under the Occupational Safety and Health Act of 1970 (29 USC 651, et seq.). Section 4(b)(1) of the Act defines the relationship between OSHA and the other Federal agencies whose exercise of statutory responsibilities may affect occupational health.

IV. Cooperative Health Standards Development

Because both USCG and OSHA have statutory authority relating to occupational health within the maritime industry, cooperation between the agencies is essential in the area of health standards development.

The USCG and OSHA agree to cooperate with the express purpose of establishing health standards addressing significant health hazards not presently covered by existing standards, and having application to working conditions in the maritime industry.

The two agencies also agree to notify each other promptly when either agency is contemplating the issuance of a new health standard or modification of an existing health standard.

V. Long Term Objectives

The two agencies will within one year develop an MOU which will address more specifically the procedures for this cooperation including details for the development of consistent occupational health standards, types of liaison and review mechanism, methods to communicate difficulties which may arise and provisions for how any future changes or amendments to the MOU will be handled.

VI. Savings Provision

Nothing in this memorandum shall be deemed to alter, amend, or affect in any way the statutory authority of OSHA or USCG.

This memorandum shall become effective on the date of the last signature.

Signed at Washington, D.C. this February 14, 1980.

J. B. Hayes,

Commandant, United States Coast Guard, Department of Transportation.

Eula Bingham,

Assistant Secretary for Occupational Safety and Health, Department of Labor.

[FR Doc. 80-7007 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Control Tower; Commissioning

Notice is hereby given that on May 22, 1980, through September 15, 1980, the airport traffic control tower at the Martha's Vineyard Airport, Martha's Vineyard, Massachusetts, will be commissioned as a part-time FAA facility. Tower hours of operation and the effective hours of the Martha's Vineyard, Massachusetts, Control Zone, will be established in advance by a Notice to Airmen, and will be published in the Airman's Information Manual. The designated facility identification airport control tower will be: Vineyard Tower. This information will be reflected in the FAA Organization Statement the next time it is issued.

Communications to the tower should be directed to: Federal Aviation Administration, Airport Traffic Control Tower, Post Office Box 71, Vineyard Haven, Massachusetts 02568.

(Sec. 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)

Issued in Burlington, Massachusetts, on February 21, 1980.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 80—6603 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held from April 8 through April 11, 1980, from 9 a.m. E.D.T. to 4 p.m. daily,

except for the last day which will terminate at 1 p.m., in conference rooms 9 A and B at FAA Headquarters, 800 Independence Ave., SW., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from Mr. Frank L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Ave., SW., Washington, D.C. 20591, telephone (202) 426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on February 26, 1980.

John W. Baier,

Acting Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 80-6921 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statements; Notice of Intent

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this notice to advise the public that environmental impact statements (EIS's) will be prepared for proposed highway projects in the following States: Illinois, Indiana, Iowa, Massachusetts, Minnesota, New Hampshire, New York, North Carolina, Ohio, Texas, West Virginia, and Wisconsin.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the National Environmental Policy Act of 1969, as amended, the Council on Environmental Quality's implementing regulations (40 CFR Parts 1500-1508), and the Department of Transportation's procedures for considering environmental impacts (DOT Order 5610.1C), the FHWA hereby gives notice that environmental impact statements (EIS's) will be prepared for the following proposed Federal-aid highway projects:

Sangamon County, Illinois

The Capital City Railroad Relocation Authority (CCRRA) and the Federal Highway Administration (FHWA) give notice as coordinating agencies that an EIS will be prepared for a proposed rail corridor in Sangamon County, Illinois, which would reroute rail traffic from the existing system in the City of Springfield.

The CCRRA was established by the Illinois General Assembly in 1967 to study the feasibility of solving the railroad conflicts in Springfield. The Federal-Aid Highway Act of 1973 designated Springfield as a Railroad Demonstration Project city and the CCRRA was later identified as the local sponsoring agency.

The proposed railroad corridor would be approximately fifteen miles in length, extending from the existing South Belt Highway grade separation with the Norfolk and Western (southwest of the city) to the Illinois Central Gulf main line near the Sangamon River (north of the city). The corridor would pass south, east, and then northeast of the heavily developed central urban area. There would be from one to three main tracks as well as sidings in the corridor, with all signals and switches operated remotely by one or more control operators. All streets and highways crossing the corridor would be grade separated and there would be no at-grade crossings of the corridor. Berms or structural walls would be provided where required and where practical in order to attenuate noise for nearby residences and businesses. The railroad right-of-way, including berms, would be landscaped to provide a more pleasant aesthetic relationship between the corridor rail facilities and the surrounding area.

A new classification yard would provide facilities for the use of all railroads and would include yard trackage, mechanical facilities, offices, and storage buildings as necessary to provide a complete operational facility for the railroads. Under this project, rail service would continue to be provided for all railroad customers. Grade separation facilities would be constructed to separate all major streets and highways from corridor trackage. The at-grade crossings remaining for the industrial service tracks would experience only switching movements, as all road trains would operate exclusively on corridor trackage.

Only one potential relocation corridor has been identified that will meet with the approval of affected agencies, railroads, and the general public. The potential corridor is generally located in undeveloped areas of Sangamon County. However, as with any urban project of this magnitude, there would be some residential and business displacements.

Possible alternatives to this proposal include the construction of grade separations at selected sites within the existing system in limited build and full grade separation alternatives, a consolidation alternative, a postpone alternative, and a no-build alternative.

This proposal has an extensive history of coordination with the public, local, State, and Federal agencies. The CCRRA and FHWA will continue to coordinate the proposed project with the public, local, State, and Federal agencies and consult with these agencies in their appropriate areas of responsibility. No additional scoping meetings are planned.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues are identified, suggestions are invited from all interested parties. Comments or questions should directed to: Mr. Lionel H. Wood, Staff Specialist for Environment, or Mr. Frank M. Johnson, District Engineer, Federal Highway Administration, 320 W. Washington Street, 7th Floor, Springfield, Illinois 62701, Telephone: (217) 492-4600.

Champaign County, Illinois

The FHWA in cooperation with the Illinois Department of Transportation and the County of Champaign, Illinois, will be preparing an Environmental Impact Statement (EIS) on a proposal to construct, partly on existing location and partly on new location, a highway designated as Windsor Road between Mattis Avenue in Champaign and Philo Road in Urbana, a distance of approximately 4.5 miles. If constructed, the improvement would ultimately consist of a four-lane pavement including a grade separation crossing of the Illinois Central Gulf Railroad (ICGRR) tracks near U.S. Route 45. Also included is the acquisition of right-of-way for the development of this urban arterial across University of Illinois agricultural lands, a distance of approximately 1.5 miles. Intersection modifications, traffic control signalization, and storm sewers are proposed throughout the length of the improvement under consideration.

The proposed improvement is intended to relieve existing traffic congestion along Kirby/Florida Avenue located one mile north of the present Windsor Road alignment. Kirby/Florida Avenue currently provides the only

crossing of the ICGRR tracks for an east-west thoroughfare across the southern portions of Champaign and Urbana.

Alternatives under consideration for this project include (1) the no-build alternative; (2) the widening of Kirby/Florida Avenue to accommodate the existing and projected traffic volume with development of Windsor Road; and (3) a limited build alternative consisting of the improvement of Windsor Road from Mattis Avenue to U.S. Route 45 in Champaign, the improvement of Windsor Road from Lincoln Avenue to Philo Road in Urbana excluding a crossing of the ICGRR tracks and University of Illinois agricultural lands, and the improvement of U.S. Route 45 from Windsor Road to Kirby/Florida Avenue. Also being considered are variations in the typical roadway section through the University of Illinois agricultural lands.

An environmental study has been prepared by the County of Champaign with input from the Federal Highway Administration, the Illinois Department of Transportation, the cities of Champaign and Urbana, the University of Illinois and the general public. This document will be used as a preliminary scoping document. Scoping meetings are not currently planned, but will be held if requested.

This document will be made available to responsible agencies and other organizations which might have an interest in the proposed action to solicit their involvement in the scoping process. To ensure that a full range of issues related to the proposed action is addressed, and all significant issues identified, the Federal Highway Administration invites agencies and invididuals to comment on the scope of the Environmental Impact Statement.

It is anticipated that a Draft Environmental Impact Statement will be completed by August 1980. Comments and questions regarding the proposed action, scoping meetings, and the Environmental Impact Statement should be directed to: Mr. Lionel H. Wood, Staff Specialist for Environment, or Mr. Frank M. Johnson, District Engineer, Federal Highway Administration, 320 W. Washington, 7th Floor, Springfield, Illinois 62701, Telephone: (217) 492–4600.

Delaware County, Indiana

The FHWA and the Indiana State Highway Commission cooperatively have been preparing, since January 1979, a Draft Environmental Impact Statement for the development of a Broadway-Ohio-Macedonia Corridor from the State Route (SR) 67 Bypass on the south to the SR–67 Bypass on the north in Muncie, Indiana. The project length is approximately seven miles.

If constructed, the proposed action would consist of a 4-lane urban arterial the entire length of the corridor. There are various alternates under consideration, all of which are associated with the new construction of a connector roadway between Broadway and Macedonia. Two of these newly aligned alternates are east of Ohio Avenue and one alternate follows existing Ohio Avenue. Each of the proposed connectors under consideration is approximately one mile in length on new alignment. A no-build alternate is also under study.

Environmental impacts resulting from this proposed action will include crossing the White River on all alternates and the acquisition of 6 to 23 acres of property for right-of-way, depending on the alternate selected. All alternates will require the relocation of families and/or businesses, and these range from approximately 15 families and 6 businesses to approximately 30 families and 9 businesses. All alternates will have a beneficial impact by facilitating the movement of traffic which currently congests the Central Business District of Muncie.

This draft EIS has had early coordination with the appropriate Federal, State and local agencies. This coordination will be continued. The general public has been involved in the development of this project through a public information meeting. No formal scoping meeting is planned on this proposed action.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, suggestions are invited from all interested parties. Comments or questions should be directed to: Mr. John Breitwieser, Federal Highway Administration, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204, Telephone: (317) 269–7481.

Lake County, Ind.

The Federal Highway Administration. The Indiana State Highway Commission, and the Lake County Board of Commissioners are preparing a Draft Environmental Impact Statement for improvements to 93rd Avenue, from U.S. 41 east to Mississippi Street; and to Mississippi Street from 93rd Avenue to U.S. 30 in Lake County, Indiana.

If constructed, the proposed action would consist of a 4-lane facility. Three design alternates are being examined and their lengths vary from approximately 9.5 to 10.5 miles. One alternate consists of upgrading the existing 93rd Avenue corridor, and the other two alternates include new alignments that would straighten the existing corridor between U.S. 41 and State Route (SR) 55. All alternates would include a bridge over Interstate 65 (I–65). Two railroads would be traversed by the proposed project. A no-build alternate is also under consideration.

Environmental impacts that would result from the proposed project include acquisition of between 77 and 85 acres of new right-of-way, relocation of from 3 to 10 residences depending upon the alternate selected, acquisition of prime farm land, and disruption of one small wetland area. The build alternates are intended to benefit Lake County residents by providing a needed arterial road in the southern fringe of suburban development in central Lake County.

This project has been coordinated with the appropriate Federal, State and local agencies. This coordination effort will be continued. The public has been informed of the project development through newspaper articles, TV news spot, and other public notices. In addition, a public information meeting is anticipated to be held in the spring of 1980. No formal scoping meeting is planned.

To ensure that the full range of issues are addressed and all significant issues are identified, suggestions are requested from all interested parties. Comments or questions should be directed to: Mr. John Breitwieser, Federal Highway Administration, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204, Telephone: (317) 269–7481.

Marion County, Ind.

The FHWA, Indiana State Highway Commission, and the City of Indianapolis are preparing a Draft Environmental Impact Statement for the extension of Holt Road in Indianapolis, Indiana, from Interstate 70 (I–70) to Lafayette Road. Proposed for construction is that section of Holt Road from Tenth Street to Lafayette Road.

If constructed, the proposed project would consist of a 4-lane facility. Three alternates are presently under consideration and the total project length is approximately 2.0 miles. Two alternates are east of the North-South Conrail tracks within the City of Indianapolis. The other alternate is west of the North-South Conrail Tracks within the Town of Speedway. Between 20–25 acres of new permanent right-of-way would be required.

The intersection of 16th Street and Holt Road would be designed as an at-grade intersection for one of the alternates east of the Conrail tracks. The other two alternates would include

structures over 16th Street. Also under consideration is the no-build alternate.

Environmental impacts that may result from the proposed project include acquisition and relocation of from 6 to 94 residences and from 1 to 8 businesses. The Indianapolis Motor Speedway, a National Register property, would also be impacted. All alternates would cross Little Eagle Creek at two points. No wetlands or parks will be affected by any alternates. The proposed project would provide system continuity for the west side of Indianapolis and existing congestion of collector streets and minor arterials would be alleviated.

This project has been coordinated with the appropriate Federal, State and local agencies. This coordination effort will continue. A public information meeting was held in April, 1979, to solicit citizen input. No formal scoping meeting is planned.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, suggestions are invited from all interested parties. Comments or questions should be directed to: Mr. John Breitwieser, Federal Highway Administration, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204, Telephone: (317) 269–7481.

St. Joseph and Elkhart Counties, Ind.

The Federal Highway Administration (FHWA) in cooperation with the Indiana State Highway Commission (ISHC) will be preparing an EIS on a proposal to construct a bypass section of U.S. 20 around the South Bend—Mishawaka—Elkhart urban areas in northern Indiana. The purpose of the project is to relieve congestion and to alleviate the constraints on growth which have been imposed on the area by existing U.S. 20.

If constructed, the proposed action would consist of a 4–lane highway facility. There are currently five alternates being considered in addition to the no-build alternative. All alternatives would have a common termini from a point on existing U.S. 20 west of South Bend to a point on existing U.S. 20 east of Elkhart but differ in length from 24 to 32 miles. Depending on the alternative, impacts would involve the acquisition of from 0 to 9 businesses, from 0 to 65 residences, from 0 to 36 on outbuildings, and from 0 to 1255 acreas of land. Additionally, one of the alternates would cause the relocation of one factory and a 90-unit mobile home park.

Other probable environmental impacts include an increase in noise levels and as yet undetermined air quality impacts. There would be acquisition of extensive areas of prime agricultural land. Some of the structures to be acquired may be eligible for the National Register of Historic Places.

FHWA and the ISHC will continue to coordinate the proposed project with the cities of South Bend, Mishawaka, and Elkhart. Other appropriate local, State and Federal agencies will be contacted in order to receive their comments within their respectives areas of expertise. Approximately fifty agencies have been contacted during the early coordination phase of the project and there have already been five public information meetings held with approximately 1,000 persons in attendance. There are no formal scoping meetings planned.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, suggestions are invited from all interested parties, agencies, organizations and other persons. Comments or questions should be directed to: Mr. John Breitwieser, Federal Highway Administration, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204, Telephone: (317) 269–7481.

Lee County, Iowa

The FHWA in cooperation with the Iowa Department of Transportation (DOT) will prepare an EIS for the proposed improvement of U.S. 61 in Lee County, Iowa, from the junction of U.S. 61 and U.S. 218 west of Montrose north and east to a terminus just south of the intersection of U.S. 61 and County Road J50, a distance of approximately 20 miles. Alternatives under consideration include improvements to the existing roadway using the present U.S. 61 alignment in both rural areas and in Fort Madison; construction of one-way pairs in Fort Madison; construction of a bypass on new alignment north of Fort Madison; and the no-build alternative.

The principal need intended to be served by this action would be the elimination of operational restrictions on the existing U.S. 61 alignment through Fort Madison. The impacts of the no-build alternative would also be fully studied.

The initial project coordination meeting involving Iowa DOT and Division FHWA personnel was held on December 4, 1979. Requests for early coordination comments have been forwarded to the appropriate Federal and State agencies.

Additionally, a project planning team developing this project has contaced county and municipal agencies for information relative to land use planning, water quality analysis and local planning needs. The information gathered from the above process will determine the environmental impacts and issues to be addressed in the EIS. No need for a multi-agency public scoping meeting is anticipated at this time.

Comments and question relative to this proposed action should be directed to: Mr. H. A. Willard, FHWA Division Administrator, Ames, Iowa 50010, Telephone: (515) 233–1664.

City of Dubuque, Iowa

The FHWA in cooperation with the Iowa DOT will prepare an EIS for the proposed improvement of U.S. 20 in the City of Dubuque, Iowa, from just west of Grandview Avenue easterly to just east of Bryant Street, approximately 0.9 mile in length. There are two basic concepts being studied. One alternate would be located primarily south of Dodge Street, with Dodge Street utilized as a frontage road. Two other alternates would utilize Dodge Street as part of the improvement with no frontage roads proposed. The project would provide for two through traffic lanes in each direction and turning lanes would be provided where necessary with all build alternates.

The principal need intended to be served by this action would include more efficient turning movements for Dodge Street traffic and provision for two through traffic lanes in each direction. The impacts of the no-build alternate would also be fully studied.

A Draft Environmental Impact Statement (FHWA–IOWA–EIS–72–07–D) for proposed Freeway 561 in Dubuque, including a Dodge Street improvement, was distributed in August, 1972, for review, and various Federal and State agencies responded with written replies to that statement.

Requests for early coordination comments on the current Draft Environmental Statement have also involved the Iowa Office for Planning and Programming (A–95 Review) and the State Historic Preservation Office.

Additionally, a project planning team developing this project has contacted county and municipal agencies for information relative to land use planning, water quality analysis and local planning needs. The information gathered from the above process will determine the environmental impacts and issues to be addressed in the EIS. No need for a multi-agency public scoping meeting is anticipated at this time.

Comments and questions relative to this proposed action should be directed to: Mr. H. A. Willard, FHWA Division Administration, Ames, Iowa 50010, Telephone: (515) 233–1664.

Monroe County, Iowa

The FHWA in cooperation with the Iowa DOT will prepare an EIS for the proposed improvement of State Route 5 in Monroe County, Iowa, from the intersection of U.S. 34 at Albia north to the southern edge of present Route 5 northwest of Albia corporate limits. In addition to the no-build alternate, two alternates will be considered. One alternate would begin at U.S. 34 near the southwest corner of Albia, and would proceed northerly to Route 5 to a point approximately 1.3 miles northwest of the Albia corporate limits. This proposal would be approximately 2.2 miles long. The other alternate would begin at U.S. 34 one-half mile west of the present intersection of Route 5 and U.S. 34 and proceed northerly approximately 1.7 miles to present Route 5 near the northwest corner of the Albia corporate limits. Bridges would be necessary for either alternate to cross the Burlington Northern Railroad tracks at two locations, and an intermittent stream. Both two-lane and four-lane variations will be studied for each alternate.

The principal need intended to be served by this action would include the elimination of operational restrictions on the existing alignment through Albia. The impacts of the no-build alternate would also be fully studied.

The initial project coordination meeting involving Iowa DOT and Division FHWA personnel was held on May 29, 1979. Requests for early coordination comments have been sent to the appropriate Federal and State agencies.

Additionally, a project planning team developing this project has contacted county and municipal agencies for information relative to land use planning, water quality analysis and local planning needs. The information gathered from the above process will determine the environment impacts and issues to be addressed in the EIS. No need for a public multi-agency scoping meeting is anticipated at this time.

Comments and questions relative to this proposed action should be directed to: Mr. H. A. Willard, FHWA Division Administrator, Ames, Iowa 50010, Telephone: (515) 233–1664.

Buchanan County, Iowa

The FHWA in cooperation with the Iowa DOT will prepare an EIS for the proposed improvement of State Route 150 in Buchanan County, Iowa, from just north of Arterial Highway 520 in south Independence, Iowa, northerly to a point approximately four miles north of Independence. Alignment alternatives including both two lane and four lane reconstruction of the present facility through Independence and construction of a two lane bypass on a new location will be studied. One or two bridges would be necessary depending on the alternative selected.

The principal need intended to be served by this action would include the elimination of operational restrictions on the existing alignment through Independence. The impacts of the no-build alternate would also be fully studied.

The initial project coordination meeting involving Iowa DOT and Division FHWA personnel was held on May 29, 1979. Requests for early coordination comments were sent to the appropriate Federal and State agencies.

Additionally, a project planning team developing this project has contacted county and municipal agencies for information relative to land use planning, water quality analysis and local planning needs. The information gathered from the above process will determine the environmental impacts and issues to be addressed in the EIS. No need for a public multi-agency scoping meeting is anticipated at this time.

Comments and questions relative to this proposed action should be directed to: Mr. H. A. Willard, FHWA Division Administrator, Ames, Iowa 50010, Telephone: (515) 233–1664.

Clay County, Iowa

The FHWA in cooperation with the Iowa DOT will prepare an EIS for the proposed improvement of Arterial U.S. 71 in Clay County, Iowa, beginning near the south junction of U.S. Highways 71 and 18 in Spencer, Iowa, and extending northerly to just north of the Spencer North Corporate Limits (north junction of U.S. Highways 71 and 18). Several alternates are under consideraton for bypassing Spencer to the east and west, as is an alternate for improving the existing alignment through Spencer. The total length of the proposed project is approximately 6.2 miles, depending upon the alternate selected. Structures for the crossing of the Little Sioux River and/or the Ocheyedan River would be required for all alternates except the existing alignment through Spencer. Both two-lane and four-lane variations with various degrees of access control will be examined for each alternate.

The principal need intended to be served by this action would include the elimination of operational restrictions on the existing alignment through Spencer. The impacts of the no-build alternate will also be fully studied.

The initial project coordination meeting involving Iowa DOT and Division FHWA personnel was held on July 18, 1979. Requests for early coordination comments were sent to the appropriate Federal and State agencies.

Additionally, a project planning team developing this project has contacted county and municipal agencies for information relative to land use planning, water quality analysis and local planning needs. The information gathered from the above process will determine the environmental impacts and issues to be addressed in the EIS. No need for a public multi-agency scoping meeting is anticipated at this time.

Comments and questions relative to this proposed action should be directed to: Mr. H. A. Willard, FHWA Division Administrator, Ames, Iowa 50010, Telephone: (515) 233–1664.

Warren and Marion Counties, Iowa

The FHWA in cooperation with Iowa DOT will prepare an EIS for the proposed construction of Arterial Highway 592 in Warren and Marion Counties from the interchange of Arterial Highway 500 just northwest of Carlisle, Iowa, southeasterly to the Arterial Highway 592 bypass of Knoxville, Iowa. Four alternates, including the no-build alternate, with several variations will be considered. All alternates and variations begin at the interchange of Arterial Highway 500 approximately one mile northwest of Carlisle and proceed southeasterly either on the present State Route 5 alignment or on a new location to the interchange of Arterial Highway 592 and Route 92, approximately two miles west of Knoxville. Bridges would be necessary to cross the North, Middle and South Rivers as well as Butcher and Coal Creeks. In addition, the variations of Alternate 2 and Alternate 3 would require grade separations at several railroad crossings. A two-lane alternate (Alternate 4) on present alignment of Route 5 will also be studied.

The principal need intended to be served by this action would include providing safer and more efficient vehicular travel from southeast Iowa to the Des Moines Metropolitan Area. The impacts of the no-build alternate (Alternate 1) would also be fully studied.

The initial project coordination meeting involving Iowa DOT and Division FHWA personnel was held on May 29, 1979. Requests for early coordination comments were sent to the appropriate Federal and State agencies.

Additionally, a project planning team developing this project has contacted county and municipal agencies for information relative to land use

planning, water quality analysis and local planning needs. The information gathered from the above process will determine the environmental impacts and issues to be addressed in the EIS. No need for a public multi-agency scoping meeting is anticipated at this time.

Comments and questions relative to this proposed action should be directed to: Mr. H. A. Willard, FHWA Division Administrator, Ames, Iowa 50010, Telephone: (515) 233–1664.

Black Hawk County, Iowa

An Environmental Impact Statement will be prepared for a proposed highway improvement project known as the Hackett Road bypass in the City of Waterloo in Black Hawk County, Iowa.

If constructed, this project would involve a divided four-lane highway facility beginning near the intersection of West Ridgeway Avenue and U.S. Highway 63 in the southwest portion of Waterloo, Iowa, and proceeding northerly to its terminus at the proposed connection of Interstate 380 to Rainbow Drive, a distance of approximately 2.9 miles. The proposed highway would be a limited-access roadway with at-grade intersections and one grade-separated interchange. Portions of the above-described alignment would be deleted or changed to a two-lane facility in certain alternatives of the project.

In addition to street widening and no-build alternates, three alternates for the Hackett Road bypass are under consideration in detail. The Ridgeway Avenue alternate would begin near the intersection of Ridgeway Avenue and U.S. Highway 63 and would proceed northerly, terminating at Rainbow Drive at the Interstate 380 connection. The Viking Road alternate would begin at the proposed intersection of Black Hawk Road with the extension of Viking Road and would proceed northerly, terminating at Rainbow Drive as previously described. The Black Hawk Road alternate would be similar to the Viking Road alternate except for a variation of the southerly terminus and the absence of the extension of Viking Road. The proposed Ridgeway Alternate would be the only alignment to cross the Leonard Katoski Greenbelt.

The project is intended to relieve congestion, improve safety, satisfy anticipated growth in transportation and serve the economic and social needs of the community.

In 1974, the FHWA Division Office approved a contract between the City of Waterloo and the consultant firm of Brice, Petrides & Associates, Inc. of Waterloo, Iowa, to study the location of the proposed Hackett Road bypass. Project coordination meetings involving the consultant, the Iowa DOT, and Division FHWA personnel were held on August 31, 1978, and May 18, 1979, resulting in supplemental agreements revising the scope of services regarding proposed alternate alignments.

Early coordination has been underway with numerous Federal, State, and local agencies, as well as private organizations, including the Waterloo Chamber of Commerce, the Waterloo Industrial Development Association, and the Community Action Research Group.

Additionally, a "Community Action Plan" was developed and included a community survey in 1975 to assess general goals and attitudes of residents and a public informational meeting was held August 6, 1975, in Waterloo on the proposed project, at which a route preference survey was conducted.

The information gathered from the above processes will determine the environmental impacts and issues to be addressed in the EIS. No need for a public multi-agency scoping meeting is anticipated at this time.

Comments and questions relative to this proposed action should be directed to: Mr. H. A. Willard, FHWA Division Administrator, Ames, Iowa 50010, Telephone: (515) 233–1664.

Polk County, Iowa

An Environmental Impact Statement will be prepared for a proposed highway improvement project known as the Industrial Highway, or CBD Loop Expressway, in the City of Des Moines in Polk County, Iowa.

If constructed, this project would involve a four-lane to six-lane divided highway facility beginning near the I–235 Cottage Grove interchange in the City of Des Moines, Iowa, and proceeding south to Fleur Drive, then easterly along the Elm Street alignment to the Des Moines River, then continuing east to the East 14th-East 15th Street Area, a distance of approximately 4 miles. Several alternates are under consideration for traversing the above general alignment, as are both the no-build and street widening alternates. Structures for the crossing of the Des Moines River and/or the Raccoon River would be required for all build alternates.

The project is intended to relieve congestion, improve safety, and satisfy the anticipated growth in transportation in the community.

The initial project coordination meeting involving the consultant, the City of Des Moines, Iowa, the Iowa DOT, and Division FHWA personnel was held on July 18, 1979. On December 10, 1979, the FHWA Division Office approved a contract between the City of Des Moines and the consultant firm of Brice, Petrides and Associates, Inc. of Waterloo, Iowa, to study the location of the proposed Industrial Highway. Requests for early coordination comments will be sent to the appropriate Federal, State and local agencies.

Additionally, early coordination comments will be obtained from various county and municipal agencies and a "Public Participation Program" will be developed and instituted. The Public Participation Program will include the utilization of existing Citizens' Advisory Committee; a door-to-door community survey of households within and adjacent to the corridor; a mailed survey of community leaders; and a Public Informational Meeting.

The information gathered from the above processes will determine the environmental impacts and issues to be addressed in the EIS. No need for a public multi-agency scoping meeting is anticipated at this time.

Comments and questions relative to this proposed action should be directed to: Mr. H. A. Willard, FHWA Division Administrator, Ames, Iowa 50010, Telephone: (515) 233–1664.

Bremer County, Iowa

An Environmental Impact Statement will be prepared for the proposed improvement of U.S. 218/Iowa 3 at Waverly, Iowa, in Bremer County.

If constructed, this project would be the improvement of U.S. 218/Iowa 3 from the west corporate limits of Waverly, Iowa, easterly approximately 3¾ miles to proposed Arterial 518. Three alternatives will be considered. One alternate would consider the improvement of the present alignment from the west junction of U.S. 218 and Iowa 3 to proposed Arterial 518 east of Waverly. The other two alternates would consider construction of new location and would begin at the curve on Iowa 3 southwest of Waverly and extend easterly to the curve southeast of Waverly and to Arterial 518. One alternate follows the alignment of 10th Avenue SW, and the other curves south around the Municipal Golf Course. Bridges would be necessary over the Cedar River for the two alternates on new location, but no bridge replacement is contemplated for the present alignment alternate. Both two-lane and four-lane variations will be studied. Grade separations at the railroads crossings will be studied for the two alternates on new location.

The intial project coordination meeting involving Iowa DOT and

Division FHWA personnel was held on November 20, 1979. Requests for early coordination comments will be sent to the appropriate Federal and State agencies.

Additionally, a project planning team developing this project will contact county and municipal agencies for information relative to land use planning, water quality analysis, and local planning needs. The information gathered from the above process will determine the environmental impacts and issues to be addressed in the EIS. No need for a public multi-agency scoping meeting is anticipated at this time.

Comments and questions relative to this proposed action should be directed to: Mr. H. A. Willard, FHWA Division Administrator, Ames, Iowa 50010, Telephone: (515) 233–1664.

Town of Holden, Mass.

An EIS will be prepared for the proposed construction of an Interstate 190 (I–190) connector on new alignment in the Town of Holden, Massachusetts, extending from I–190 to Route 31, a length of approximately 1.8 miles. This project would attract a substantial amount of traffic away from Route 122A in Holden to supply an adequate level of service on that roadway in the future. Two alternates are being considered for the location of the proposed new alignment. Alternate A would begin at Route 31 just north of the intersection of Union Street and follow Union Street easterly to intersection of Wachusetts Street. It then would continue easterly north of Bullard Street, intersecting Harris Street and continuing easterly to a proposed interchange with I–190 about 1,000 feet north of Malden Street. Alternate B would begin at the intersection of Wachusetts Street and Route 31 and would follow Wachusetts Street easterly intersecting Harris Street north of Bullard Street, and continuing along substantially the same alignment as Alternate A. Routes 31 and 122A intersect south of the proposed connector. Presently, roadway sections along Route 122A are approaching capacity during the peak hour.

As a result of the Holden Corridor Planning Study (CPS) the mass transportation and no-build alternatives were found not to be feasible. Nevertheless, the no-build alternative will be addressed in the environmental impact statement.

The Holden CPS also evaluated the alternative of improvement to existing highway facilities and concluded that it is questionable whether this alternative would be sufficient to adequately address future travel demand.

Cooperating Federal, State and local agencies will be contacted at the earliest possible stage of the project to obtain their input regarding environmental matters. They will be kept informed of the progress of the EIS throughout the preparation process.

Scoping meetings will be held at the Massachusetts Department of Public Works office in Boston and at the Central Transportation Regional Planning Agency office in Worcester. These meeting will be held in the spring of 1980.

Comments and questions should be directed to: Mr. Frank Bracaglia, Staff Specialist for Environment, Federal Highway Administration, 100 Summer Street, Suite 1517, Boston, Massachusetts 02110, Telephone: (617) 223–2875.

St. Louis and Koochiching Counties, Minn.

The Federal Highway Administration and the Minnesota Department of Transportation intend to develop a draft Environmental Impact Statement for U.S. TH–53 in St. Louis and Koochiching Counties in northern Minnesota.

This project would involve 93 miles of U.S. TH–53 from Virginia, Minnesota, to International Falls, Minnesota. This highway is the major access to Voyageurs National Park with 92 percent of projected park traffic using this roadway. Numerous deficiencies exist on this roadway, including narrow shoulders, numerous "at-grade" crossings, and narrow roadways through developed areas.

This project has had extensive public and agency involvement. There have been six public forums as well as meetings with 21 Federal, State and local agencies. The A–95 review, by the Arrowhead Regional Development Commission, was completed in 1977.

The location alternatives would involve construction of a four-lane highway on the existing alignment or placing the roadway on a mix of part existing and part new location.

Technical studies have been conducted which include: Soils Survey, Unique or Scenic Areas, Traffic, Water Quality, Wetlands, Vegetation, Wildlife, Land Use and Funding. These are baseline studies and will be investigated further in the draft ELS process.

A scoping document will be prepared and submitted to all interested government agencies. If significant concerns are raised in their review a meeting with these agencies will be held. No scoping meeting is planned since extensive coordination has already been conducted.

Comments or questions should be directed to: Mr. Ronald L. Lacy, District Engineer, or James M. Shrouds, Staff Specialist for Environment, Federal Highway Administration, Metro-Square Building, St. Paul, Minnesota 55101, Telephone: (612) 725–5953 or (612) 725–7003.

Merrimack County, N.H.

The Federal Highway Administration, in cooperation with the New Hampshire Department of Public Works and Highways (NHDPW&H), will be preparing an EIS on a proposal to complete I–393 beyond its temporary terminus to a point further east on U.S. 4, U.S. 202, N.H. Route 9, a distance of approximately 2.0 miles.

Interstate 393 is presently under construction, from its westerly origin at I–93 easterly to its temporary connection at U.S. 4, 202, N.H. Route 9, just west of N.H. Route 106, a distance of about 3.3 miles. The proposal involves the completion of I-393 to its easterly terminus and includes an interchange with N.H. Route 106. I–393 is a limited access, four-lane divided highway.

The proposed project is intended to provide a long-term connection with U.S. 202, U.S. 4, N.H. Route 9 as well as an interchange with N.H. Route 106, a major north-south route in this section of the State.

Possible adverse social, economic and environmental effects include water quality impacts related to a necesary crossing of the Soucook River, loss of wildlife habitat, disturbance to wetlands, impacts on historic properties, and relocation of residents.

Due to the fixed-point termini of the project, alternatives under consideration are limited to design options and the no-build option.

The scoping process will consist of the FHWA and NHDPW&H coordinating the proposed project with the City of Concord and Town of Pembroke as well as consultation with other appropriate Federal, State and local agencies. No formal scoping meeting is planned.

To ensure that the full range of subjects related to this proposed action are addressed and all signficant issues are identified, all interested parties are invited to submit comments and suggestions to: Mr. James E. Gergler, Area Engineer, Federal Highway Administration, Federal Building, 55 Pleasant Street, Concord, New Hampshire 03301. Telephone: (603) 224–3385.

City of White Plains, Westchester County, N.Y.

The FHWA, in cooperation with the New York State Department of

Transportation (NYSDOT) and the City of White Plains, will be preparing an EIS on a proposal to construct a section of arterial in the City of White Plains, Westchester County, New York, to be known as the Grove Street Extension. This project would provide a new connection across the railroad and Bronx River from Grove Street and Lexington Avenue on the east side of the Bronx River to the Central Avenue and Tarrytown Road intersection on the west side.

Only the alternative described above and the no-build alternative are being considered.

This project would be a reduced version of the Northern Arterial. Studies for a combined arterial plan, including the Feeder Route and Northern Arterial, were conducted during the 1960's and a corridor public hearing was held for both on June 24, 1969. A draft Environmental Impact Statement was circulated for the Northern Arterial in 1972. The Feeder Route plan underwent substantial change in scope through public involvement. In order to meet existing traffic needs, a portion of it has been reconstructed while another portion is under design. The Grove Street Extension is a proposal to meet future traffic needs and is closely associated with the on-going Urban Renewal efforts in the City of White Plains. It has had continuous exposure to the public and advisory agencies for approximately a decade from its initial inception at the Northern Arterial to the present proposal of the Grove Street Extension. Thus, the intent of scoping has been accomplished and no scoping meeting is planned.

Agencies, organizations and other persons interested in submitting comments or questions should contact: Mr. Victor E. Taylor, Division Administrator, Federal Highway Administration, Leo W. O'Brien Federal Building, Ninth Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 472–3616.

Greensboro, N.C.

The FHWA in cooperation with the Division of Highways, North Carolina DOT will be preparing an EIS for the proposed extension of Benjamin Parkway from the existing Benjamin Parkway between Northampton Drive and Fernwood Drive to Oak Ridge Road in Greensboro, N.C. The project length would be approximately 6.0 miles. The Benjamin Parkway (existing and proposed extension) is included in the Greensboro Thoroughfare Plan as a major thoroughfare and serves as a major radial route into Greensboro from the west and as a connector between the Greensboro urban area and the Greensboro–High Point–Winston-Salem Regional Airport. Various multi-lane facilities on new location will be investigated for the proposed action. Alternatives to the proposed action which will be studied are: the no-build alternative; improvements to existing streets; postponing the proposed action; low capital improvements; and mass transit.

The scoping process will initially consist of written correspondence to various Federal, State, and local agencies as well as other interested parties. Identification of any significant issues by others that relate to the proposed action will result in scoping meetings with appropriate agencies as necessary. In addition, public involvement meetings will be held in the local area to allow for input from all interested parties. Comments and questions should be directed to: Mr. Ronald E. Heinz, Division Administrator, Federal Highway Administration, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone: (919) 755–4346.

Richmond County, N.C.

The FHWA and the North Carolina DOT, Division of Highways, will be preparing an EIS for a proposed bypass of the municipalities of Rockingham and Hamlet in Richmond County. The project is described as a four lane divided facility on new location with an estimated length of 16 miles.

U.S. 74 is an important east-west corridor in North Carolina linking major urban areas such as Charlotte and Asheville to the port city of Wilmington and surrounding coastal areas.

Existing U.S. 74 through the urbanized areas of Rockingham and Hamlet is an uncontrolled access, variable width facility with heavy commercial development adjacent to the roadway. Section widths vary from 2 lane curb and gutter to 4 lane divided. There is a substantial accident and capacity problem due to the relatively high traffic volumes utilizing the facility. Construction of the proposed roadway would eliminate these problems by providing a modern 4 lane highway built to current safety and design standards. Several possible alternative actions will be studied including a major relocation; a minimum relocation combined with the upgrading of existing roadway; and the no-build alternative.

The scoping process will consist initially of written correspondence to various Federal, State, and local agencies as well as other interested parties. Identification of any significant issues by others that relate to the proposed action will result in scoping meetings with appropriate agencies as necessary.

Comments and questions concerning the project may be directed to: Mr. Ronald E. Heinz, Division Administrator, Federal Highway Administration, 310 New Bern Avenue, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone: (919) 755–4346.

Columbus, Ohio

The Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) intend to prepare a joint environmental impact statement (EIS) for proposed transportation improvements known as Interstate 670 (I–670) and the East Busway in Columbus, Ohio.

The City of Columbus and Ohio Department of Transportation (ODOT) propose to construct an extension of Interstate 670 as a 5.7 mile long, potentially multimodal freeway route extending from the present terminus at I–71, easterly and northeasterly to the interchange of present U.S. 62 and I–270. Of the 5.7 mile length, about 3.2 miles would involve the construction of a new facility and the remaining 2.5 miles would consist of the upgrading of an existing four-land divided route (U.S. 62). Connector roadways are being considered to link the Ohio Convention Center, now under construction, with I–670 at the I–71 interchange, and with Port Columbus Airport, now under reconstruction between I–670/U.S.–62 and Stelzer Road.

The Central Ohio Transit Authority (COTA) and the Mid-Ohio Regional Planning Commission (MORPC) have proposed transit improvements in the east corridor between the Columbus central business district (CBD) and the eastside suburbs.

The general highway/busway corridor currently envisioned would be within the existing railroad right-of-way (most of which is not used at this time) from the I–670 and I–71 interchange easterly to the vicinity of Alum Creek. The alignment would then swing northerly crossing Fifth Avenue and then northeasterly crossing Alum Creek and connecting with existing U.S. 62. The alignment would then overlap U.S. 62 northeasterly to the present interchange of U.S. 62 and I–270. An exclusive busway would continue easterly from I–670 in the vicinity of Alum Creek to the vicinity of Eastland Shopping Center.

These proposed improvements meet the transportation needs of the city by providing better access to relatively undeveloped lands within city limits, appreciably reducing traffic loadings on existing facilities, and providing a

potential mass transportation link between the airport area and the CBD.

Non-freeway alternatives in the corridor will be discussed in the EIS. The alternatives to be studied are: a four-lane arterial street between the Ohio Convention Center and Port Columbus Airport; a two-lane busway (referred to locally as Alum Creek Busway) between the Ohio Convention Center and Port Columbus Airport; the East Busway; and the no-build alternative.

The draft EIS is expected to be available for distribution on or about July 31, 1980.

The FHWA and the UMTA have entered into a formal agreement to monitor the development of these proposed improvements. The other active cooperating agencies in project development are ODOT, City of Columbus, MORPC and COTA. There are probable Section 4(f) and Section 106 involvements in all alternatives under study. Federal, State and local agency concerns about park and historic sites are known and will be addressed. No formal scoping meetings are proposed.

Comments and questions are invited from all interested persons, as well as local, State and Federal agencies concerned, and should be directed to: Mr. John W. McBee, Division Administrator, Federal Highway Administration, 200 North High Street, Room 328, Columbus, Ohio 43215, Telephone: (614) 469–6896, or Mr. Theodore Weigle, Regional Director, Urban Mass Transportation Administration, 300 South Wacker Drive, Suite 1740, Chicago, Illinois 60606, Telephone: (312) 353–2789.

Harris County, Tex.

The FHWA in cooperation with the State Department of Highways and Public Transportation (SDHPT) intends to prepare an EIS for a proposed highway construction project on State Highway (SH) 35 to be known as the Alvin Freeway in the City of Houston, Harris County, Texas. The proposed project is approximately 3.5 miles long on new location. Its northern terminus is the Gulf Freeway at Calhoun Street. The southern terminus is at Dixie Drive. The project follows closely the HB&T and the AT&SF Railroads within its limits. It is to be a multilane controlled access facility.

The existing State Highway (SH) 35 is a congested city street also known as Telephone Road and is located about two miles east of the proposed facility.

The proposed facility is intended to reduce traffic pressure on the Gulf Freeway corridor. It would enhance the present freeway network of Houston, and would provide a freeway facility in a corridor where there is no adequate traffic facility at present.

At this stage of project development the alternatives left to be considered, besides the no-build, are in the realm of interchange geometrics, staging of construction strategies, and mass transit considerations.

There are currently no plans to hold a formal scoping meeting for this proposal. A great deal of public and other agency involvement envisioned as a principal component of a scoping process has taken place and will continue to take place throughout development of this project. Right-of-way acquisition was initiated in 1969 prior to the enactment of the National Environmental Policy Act, and more than half the required right-of-way was acquired by 1974 as hardship cases. Right-of-way purchases were suspended in 1974 pending development and processing of appropriate environmental statements.

Comments and questions are invited from interested persons as well as Federal, State and local agencies, and should be directed to: Mr. John E. Inabinet, District Engineer, FHWA Division Office, Federal Office Building, 300 East Eighth Street, Austin, Texas 78701, Telephone: (512) 397–5511.

Brooke County, W. Va.

The FHWA in cooperation with the West Virginia Department of Highways (DOH) will be preparing an Environmental Impact Statement on a proposal to construct a four-lane, divided, controlled access highway extending from the existing four-lane U.S. 22 east of Weirton, West Virginia, to the Weirton-Steubenville Bridge across the Ohio River, a total distance of about four miles. The proposed project is intended to improve the local traffic conditions as well as provide for area wide needs by providing a connecting link between existing four-lane sections of U.S. 22.

Probable environmental effects of the proposed project include relocation of businesses and residents, stream relocation, a possible 4(f) involvement and increase in noise levels. Two possible build alternatives as well as the no-build alternative are under consideration.

FHWA and West Virginia DOH will coordinate the proposed project with the city of Weirton and the Metropolitan Planning Organization and consult with other government agencies on their areas of responsibility. Additionally, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Environmental Protection Agency and Urban Mass Transportation Administration will be requested to be cooperating agencies. A scoping meeting is intended to be held, but details have not been determined at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations and other persons interested in submitting comments or questions should contact: Mr. Robert G. Anderson, Environmental and Safety Engineer, Federal Highway Administration, 500 Quarrier Street, Charleston, West Virginia 25301, Telephone: (304) 348–2067.

Wood County, W. Va. and Washington County, Ohio

The FHWA in cooperation with the West Virginia Department of Highways (DOH) will be preparing an Environmental Impact Statement on a proposal to construct a four-lane, divided, controlled access highway beginning on U.S. 50 about two miles east of I–77 proceeding through the cities of Parkersburg, West Virginia, and Belpre, Ohio, and connecting to U.S. 50 in Washington County, Ohio, a total distance of four to fifteen miles (depending on the alternatives) and including a major structure crossing of the Ohio River. The proposed project is intended to complete a link in the Appalachian Development Highway System, Corridor D, to improve the local traffic conditions, and to provide a through route for regional traffic distribution.

Probable environmental effects of the proposed project include induced growth and urbanization, relocation of businesses and residents, disruption of neighborhoods, possible 4(f) and historic site involvements, loss of tax base and increase in noise levels. Four possible build alternatives and the no-build alternative are under consideration.

FHWA and West Virginia DOH will coordinate the proposed project with the Metropolitan Planning Organization and consult with other government agencies on their areas of responsibility. Additionally, the following will be requested to be cooperating agencies: U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Environmental Protection Agency, U.S. Coast Guard, Heritage Conservation and Recreation Service, Department of Housing and Urban Development, Urban Mass Transportaiton Administration and Advisory Council on Historic Preservation. A scoping meeting is intended to be held but details have not been determined at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations and other persons interested in submitting comments or questions should contact: Mr. Robert G. Anderson, Environmental and Safety Engineer, Federal Highway Administration, 500 Quarrier Street, Charleston, West Virginia 25301. Telephone: (304) 348–2067.

Logan County, W. Va.

The FHWA in cooperation with the West Virginia Department of Highways (DOH) will be preparing an Environmental Impact Statement on a proposal to construct a four-lane, divided, controlled access highway extending from the existing four-lane segment of U.S. 119 south of Holden proceeding northerly through Holden and the city of Logan and connecting to the existing four-lane segment of U.S. 119 north of Logan, a total distance of about 15 miles. The proposed project is to complete a link in the Appalachian Development Highway System, Corridor G, to improve the local traffic conditions and to provide for regional traffic distribution. Associated development may include housing of last resort and functional replacement of Chief Logan State Park.

Probable environmental effects of the proposed project include relocation of businesses and residents, disruption of neighborhoods and community cohesion, 4(f) involvement with parkland, flood plain and water quality impacts and increase in noise levels. Four possible build alternatives and the no-build alternative are under consideration.

This proposal has an extensive history of coordination with the public, city officials and State and Federal agencies. The last meeting on this proposal was held by the Governor on March 28, 1979. It is expected that coordination will continue throughout project development. A scoping meeting will not be held.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations and other persons interested in submitting comments or questions should contact: Mr. Robert G. Anderson, Environmental and Safety Engineer, Federal Highway Administration, 500 Quarrier Street, Charleston, West Virginia 25301, Telephone: (304) 348–2067.

Jefferson County, W. Va.

The FHWA in cooperation with the West Virginia Department of Highways (DOH) will be preparing an Environmental Impact Statement on a proposal to construct a four-lane, divided highway to bypass Charles Town on the east side. The proposal begins on U.S. 340 about two miles soutwest of Charles Town, proceeds northeasterly to cross W.V. 9, U.S. 340 and W.V. 17 and turns northwesterly to connect to W.V. 9 about two and one-half miles north of Charles Town, a total distance of about seven miles. The proposed project is intended to improve the traffic conditions in the central business district.

Probable environmental effects of the proposed project include relocation of businesses and residents, use of farmland, possible effects on potential historic sites and increase in noise levels. Four possible build alternatives and the no-build alternative are under consideration.

This proposal has a history of coordination with the public, city officials and State and Federal agencies. FHWA and West Virginia DOH will continue coordination with local officials and consult with State and Federal government agencies on their areas of responsibility. A scoping meeting will not be held.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations and other persons interested in submitting comments or questions should contact: Mr. Robert G. Anderson, Environmental and Safety Engineer, Federal Highway Administration, 500 Quarrier Street, Charleston, West Virginia 25301, Telephone: (304) 348–2067.

Wetzel County, W. Va.

The FHWA in cooperation with the West Virginia Department of Highways (DOH) will be preparing an Environmental Impact Statement on a proposal to upgrade W.V. Route 2 from two-lanes to four-lanes through the city of New Martinsville. The proposed project would be divided into north and south segments by an existing four-lane highway section providing access to the Ohio River toll bridge connection with Ohio Route 7. The proposal would begin on W.V. 2 near the southern corporate limits and proceeds through the city to just beyond the northern corporate limits, a total distance of about four miles. The proposed project is intended to improve the traffic conditions on the currently congested two-lane facility which utilized city streets by replacing it with a faster, safer and more efficient facility that will also accommodate projected local and through traffic on this vital link of W.V. 2, the major north-south highway for the western part of the state.

Probable environmental effects of the proposed project include relocation of businesses and residents, possible 4(f) involvement with a school recreational area (community associated), disruption of neighborhoods and increase in noise levels. Two possible build alternatives for the southern segment, four build alternatives for the northern segment and the no-build alternative are under consideration.

The FHWA and West Virginia DOH will coordinate with the city of New Martinsville and consult with other government agencies on their areas of responsibility. Additionally, the following agencies will be requested to be cooperating agencies: U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Environmental Protection Agency, Department of Housing and Urban Development, and Department of the Interior. A scoping meeting is not planned.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations and other persons interested in submitting comments or questions should contact: Mr. Robert G. Anderson, Environmental and Safety Engineer, Federal Highway Administration, 500 Quarrier Street, Charleston, West Virginia 25301, Telephone: (304) 348–2067.

Brown County, Wis.

An EIS will be prepared for a proposed action to replace the highway bridge crossing the Fox River at Walnut Street (STH 29) in the City of Green Bay in Brown County, Wisconsin, and to reconstruct and widen the roadway approaches to the bridge. The present structure has two traffic lanes and was built in 1910. Replacement is deemed necessary due to significant deterioration in the present structure and the need to meet the projected traffic volumes over the next twenty years.

The proposed bridge would be a low-level structure approximately 675 feet long with approximately 1,000 feet of approach roadway from the intersection of Walnut and Washington on the east to the intersection of Walnut and Broadway on the west. The proposed structure and its approaching roadways

would have four traffic lanes. A double leaf bascule would be provided over the ship channel.

Several alternatives to the proposed action are being considered. They are to do nothing; to eliminate the bridge crossing at Walnut, i.e. to remove and not replace the existing bridge; to construct a single diagonal bridge to replace both the Walnut and Main/Cedar Street bridges; to build a medium level bridge which would extend over the Pearl Street railroad tracks on the west bank; to construct a low-level bridge along the existing right-of-way; and to build a low-level bridge at a slight skew to minimize property acquisition and demolition. The last alternative is recommended due to the excessive project costs, design limitations, and the long-term traffic disruptions of the other alternatives.

Several coordination meetings have been held and such meetings will continue to be held. The City of Green Bay and its consultants have held meetings with representatives of the Wisconsin Department of Natural Resources, the State Historical Society of Wisconsin, and the Co-Care neighborhood group to determine their concerns in this action.

Letters requesting information regarding potential impacts, and offering meetings if they are desired, have been sent to the appropriate Federal, State and local agencies.

No formal scoping meeting is currently planned. Comments and questions should be directed to: Mr. Frederick H. Downs, Environmental Specialist, FHWA Wisconsin Division Office, 4502 Vernon Blvd., P.O. Box 5428, Madison, Wisconsin 53705, Telephone: (608) 264–5395.

Dane County, Wis.

The FHWA in cooperation with the Wisconsin DOT is currently preparing an EIS for the proposed reconstruction of the Madison South Beltline. The proposed project is in the cities of Madison and Monona, and extends approximately 6.6 miles along existing U.S. 12/18 between County Truck Highway "D" and Interstate 90. The existing highway is a four lane major arterial and is the primary east-west route in Dane County. It is also a major feeder route to the central business district of Madison. The existing facility has four signalized intersections as well as numerous private and commerical access points. The high traffic volumes, combined with the traffic signals and the access points, contribute to traffic congestion and a high accident rate. The proposed project is intended to alleviate these conditions and to improve the traffic operations and the economic viability of the central business district. Along with the no-build alternative, the following alternatives are under consideration: Constructing a six or eight lane arterial along the existing alignment; constructing a six lane freeway along the existing alignment; constructing a six lane freeway along the existing alignment for the initial 2.5 miles, then continuing easterly on new location (through the Mud Lake marsh area) for the remainder of the project. Mass transit facilities, high occupancy vehicles lanes, and other such multi-modal design features are being developed for each of the above alternatives.

Coordination activities will continue with the Corps of Engineers, Environmental Protection Agency, Fish and Wildlife Service, Geological Survey, Wisconsin Department of Natural Resources, Wisconsin Department of Agriculture, Trade and Consumer Protection, state and local elected officials, the Dane County Regional Planning Commission, a variety of private interest groups, and individual private citizens. No formal scoping meeting is planned.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, suggestions are invited from all interested parties. Comments and questions should be directed to: Mr. Frederick H. Downs, Environmental Specialist, FHWA Wisconsin Division Office, Federal Highway Administration, 4502 Vernon Blvd., P.O. Box 5428, Madison, Wisconsin 53705, Telephone: (608) 264–5395.

Issued on: February 27, 1980.

John S. Hassell, Jr.,

Deputy Administrator.

[FR Doc. 80-6996 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Calendar of Meetings Open to the Public

This calendar, covering approximately 2 years, consists of NHTSA-sponsored meetings in which public interest or participation is expected. It is published for planning purposes and meeting dates and places are subject to change.

March 1980

Comfort and convenience of safety belt usage in 1980 vehicles; contractor's final briefing, DOT Headquarters Building, Washington, D.C.

Purpose: To present the results of two contracted research studies. One study assessed restraint system usage in the U.S. and the second evaluated the comfort and convenience of safety belts in the 1980 model vehicles.

Coordinator: Peter N. Ziegler, Research and Development (NRD–41); 202–755–8753.

April 16, 1980

NHTSA-public-industry technical meeting, Ann Arbor, Michigan.

Purpose: Technical, interpretative or procedural questions from the public and industry regarding NHTSA's bumper, vehicle safety and consumer information programs will be answered. Questions may relate to the research and development, rulemaking, or enforcement (including defects) phases of these activities. Other meeting dates are July 16 and October 8, in Ann Arbor, Michigan.

Coordinator: Michael Finkelstein, rulemaking (NRM–01), 202–426–1810.

Mid-April 1980

Field test or rear lighting and signaling; contractor's final briefing, DOT Headquarters Building, Washington, D.C.

Purpose: To present the results of research directed at validating the findings of an earlier study which indicated that the addition of a high mounted brake light to the rear of vehicles reduced rear end accidents by more than 50 percent.

Coordinator: Robert Henderson, Research and Development (NRD–41), 202–755–8754.

April or May 1980

Truck ride quality and safety of operations; final contractor's briefing, DOT Headquarters Building, Washington, D.C.

Purpose: To present the results of a contract to develop a research methodology to study the relationships between truck ride quality and safety of operations.

Coordinator: Charles M. Overbey (NRD–41), 202–426–2242.

May 1980

Truck ride quality and drivers' health; contractor's final briefing, DOT Headquarters Building, Washington, D.C.

Purpose: To present the results of a contract to develop a research methodology to study the relationships between truck ride quality and driver's health.

Coordinator: Charles M. Overbey, Research and Development (NRD–41), 202–426–2242.

May 5–9, 1980

Transit bus fuel economy test, Transportation Research Center, East Liberty, Ohio.

Purpose: To determine fuel economy baselines for transit buses with new fuel saving engines.

Coordinator: William Sulak, Research and Development (NRD–20), 202–426–9502.

June 17–19, 1980

National Highway Safety Advisory Committee meeting, DOT Headquarters Building, Washington, D.C.

Purpose: Progress reports of the Committee's task forces will be heard. Reports and recommendations for the Secretary of Transportation may be presented.

Coordinator: Robert Doherty, Executive Secretariat (NOA–11), 202–426–2872.

September or October 1980

International Symposium on Automobile Ratings, Washington, D.C.

Purpose: To exchange information on the "state-of-the-art" of automobile ratings. The Symposium will provide a forum for an in-depth examination of the various methods used to rate crashworthiness, damageability and ease of diagnosis and repair. Experienced technical experts, rating groups, insurance and auto industry representatives and consumer representatives will present their views on current and proposed ways used to rate automobiles.

Coordinator: Jack Gillis, rulemaking (NRM–30), 202–426–1740.

Fall 1980

Automotive fuel economy contractors' coordination meeting, (location undetermined).

Purpose: Progress reports on the contracts which have been funded through the Automotive Fuel Economy Research Program will be given. How individual tasks fit into the research and rulemaking program and the thrust of the Automotive Fuel Economy Program will be explained.

Coordinator: Charles L. Gauthier, Research and Development (NRD–13), 202–426–2957.

October 21–24, 1980

Eighth International Technical Conference on Experimental Safety Vehicles, Wolfsburg, West Germany.

Purpose: The ESV Conferences are conducted to provide a forum for exchanging the results of integrated vehicle development. Various automobile manufacturers, as well as NHTSA Contractors, have designed and developed vehicles which incorporate advanced systems to satisfy national goals in safety, fuel economy, and vehicle emissions. This meeting will be hosted by the Federal Republic of Germany, France, Great Britain, Italy, Japan, Sweden and the United States as well as manufacturers of these countries and others will participate.

Coordinator: James C. Shively, Research and Development (NRD–10), 202–426–2957.

October 29–31, 1980

Fatal accident reporting system (FARS) annual workshop (location undertermined).

Purpose: To solve interpretation and operations problems and to provide a mechanism for installing system changes and updating training. This is a regularly scheduled working meeting of FARS State Analysts and NHTSA regional and headquarters technical managers. Schedule for future meeting: October 28–30, 1981.

Coordinator: Robert Schweitz, Research and Development (NRD–33), 202–426–4844.

October 1981

Second International Conference on Automotive Fuel Economy Research, Rome, Italy.

Purpose: Government Status Reports on Automotive Transportation Conservation Programs and reports of research in automotive technology for improved fuel economy will be presented.

Coordinator: James C. Shively, Research and Development (NRD–10), 202–426–2957.

Persons desiring additional information on a particular meeting may phone the coordinator listed under each meeting.

Alternatively, the coordinator can be reached by mail at the following address:

U.S. Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

Issued in Washington, D.C. on February 28, 1980.

Wm. H. Marsh,

Executive Secretary.

[FR Doc. 80-6819 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-59-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 46
Thursday, March 6, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Federal Deposit Insurance Corporation	2—5
Federal Election Commission	6
Federal Maritime Commission	7
Federal Mine Safety and Health Review Commission	8
International Trade Commission	9
Interstate Commerce Commission	10
Libraries and Information Science National Commission	11
National Credit Union Administration	12
Railroad Retirement Board	13
Tennessee Valley Authority	14

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., March 11, 1980.

PLACE: 2033 K Street, NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Contract Designation/Minneapolis Grain Exchange Sunflower Seed Contract.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314

[S-450-80 Filed 3-4-80; 3:17 pm]

BILLING CODE 6351-01-M

2

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 open meeting held at 2:00 p.m. on Monday, March 3, 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 Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum and resolution proposing amendments to Policy Statement on Interest Rate Futures, Forward and Standby Contracts.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: March 3, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-442-80 Filed 3-4-80; 12:40 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, March 3, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director Williams M. Issac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Far Western Bank, a proposed new bank, to be located at 2552 Chambers, Tustin, California, for Federal deposit insurance.

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. 44,215-L—Franklin National Bank, New York, New York.

Case No. 44,240-SR—American Bank & Trust Company, New York, New York.

Memorandum re: Extension of Price Waterhouse Contract.

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)(2), (c)(6), (c)(8), (c)(9)(A)(ii) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii) and (c)(9)(B)).

Dated: March 3, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-443-80 Filed 3-4-80; 12:40 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 10, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Casey, Lane & Mittendorf, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

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.

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. 44,252-L—Bank of Enville, Enville, Tennessee.

Memorandum proposing the appointment of an agent for service of process in the State of Arkansas.

Memorandum proposing the appointment of an agent for service of process in the State of Wisconsin.

Reports of committees and officers.

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 500 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: March 3, 1980.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S–444–80 Filed 3–4–80; 12:40 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 10, 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)(4), (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:

Village Bank of Elm Grove, a proposed new bank, to be located at 930 Elm Grove Road, Elm Grove, Wisconsin, for Federal deposit insurance.

Whatcom State Bank, a proposed new bank, to be located at 2095 Main Street, Ferndale, Washington, for Federal deposit insurance.

Applications for consent to establish branches:

The Bank of Inverness, Inverness, Florida, for consent to establish a branch on the east side of U.S. Highway 41, approximately 1,300 feet north of its intersection with State Road 48, Unincorporated Citrus County (P.O. Floral City), Florida.

Anchor Savings Bank, New York (Brooklyn), New York, for consent to establish a branch at 1601 50th Street, New York (Brooklyn), New York.

Saving Fund Society of Germantown and Its Vicinity, Bala Cynwyd, Pennsylvania, for consent to establish a branch at 10th and Reed Streets, Philadelphia, Pennsylvania.

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:

Memorandum re: American Bank & Trust Company, New York, New York.

Memorandum and Resolution re: Compensating Creditors and Shareholders of Banks Liquidated as Asset Purchases (AP) or Loans (L) for the Time Their Funds are Held by the Corporation.

Legal Division memorandum in connection with an appeal from an initial partial denial of a request for records under the Freedom of Information Act.

Memorandum re: Status of Auditee Corrective Actions.

Audit Report: Liquidation Audits Performed Jointly by the Office of Corporate Audits and Contracted CPA Firms.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclouse pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 3, 1980.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S–445–80 Filed 3–4–80; 12:40 pm]

BILLING CODE 6714–01–M

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, March 11, 1980 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Personnel.

DATE AND TIME: Thursday, March 13, 1980 at 10 a.m.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Certifications.
Advisory opinions: Draft AO 1980–9, Rosemary Berlemann, Treasurer, Arizonans for Life. Draft AO 1980–19, Kathy Ivens, Campaign Manager, Wendell Young for Congress Committee.
1980 election and related matters.
Presidential monthly status report.
Budget execution report.
Appropriations and Budget.
Classification actions.
Routine Administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, Telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S–452–80 Filed 3–4–80; 3:58 pm]

BILLING CODE 6715–01–M

7

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: February 28, 1980, 45 FR 13253.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: March 6, 1980, 10 a.m.

CHANGE IN THE MEETING: Addition of the following item to the open session:

8. Docket No. 79–102: Sea-Land Service, Inc. Proposed Twenty-Five Percent General Rate Increases in the U.S. Mainland—Puerto Rico/Virgin Islands Trades—Consideration of Settlement Order.

[S–449–80 Filed 3–4–80; 3:17 pm]

BILLING CODE 6730–01–M

8

February 29, 1980.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. and 2 p.m., March 12, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following cases:

1. At 10 a.m., Waukesha Lime and Stone Co., Inc., Docket No. VINC 79–66–PM, and Halquist Stone Co., Inc., Docket No. VINC 79–118–PM.

2. At 2 p.m., Secretary of Labor v. Everett Propst and Robert Stemple, Docket No. MORG 76–28–P, and Secretary of Labor v. Kenny Richardson, Docket No. BARB 78–600–P.

CONTACT PERSON FOR MORE INFO: Jean Ellen, 202–653–5632.

[S–440–80 Filed 3–4–80; 10:15 am]

BILLING CODE 6820–12–M

9

[USITC SE–80–12C/14A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 11297, February 20, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Tuesday, March 4, 1980.

CHANGES IN THE MEETING: By action jacket GC–80–031, approved March 3, 1980, Commissioners Bedell, Moore, Stern, and Calhoun determined that Commission business requires the rescheduling of item No. 6 [Investigation 701–TA–2 [Final] (Pig Iron from Brazil)—briefing and vote] from the agenda for the meeting of Tuesday, March 4, 1980, to the meeting to be held on Tuesday, March 11, 1980, as follows:

6. Investigation 701–TA–2 [Final] (Pig Iron from Brazil)—briefing and vote.

Commissioners Bedell, Moore, Stern, and Calhoun determined that Commission business requires the change in the subject matter and affirmed that no earlier announcement of the change in schedule was possible and directed the issuance of this notice at the earliest practicable time. Commissioner Alberger disapproved the rescheduling of the agenda item.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S–439–80 Filed 3–3–80; 4:40 pm]

BILLING CODE 7020–02–M

10

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, March 11, 1980.

PLACE: Hearing Room "A", Interstate Commerce Commission Building, 12th Street and Constitution Avenue, NW., Washington, D.C. 20423.

STATUS: Open Regular Conference.

MATTER TO BE DISCUSSED: Bus Industry Policy.

CONTACT PERSON FOR MORE INFORMATION: Douglas Baldwin, Director, Office of Communications, telephone: (202) 275–7252.

March 4, 1980.

[S–447–80 Filed 3–4–80; 2:06 pm]

BILLING CODE 7035–01–M

11

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

TIME: 9:00 a.m.–5:00 p.m., 8:30 a.m.–3:30 p.m.

DATE: March 20 and 21, 1980.

PLACE: Mayflower Hotel, Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED: Opening Remarks, Chairman Benton—
Review of NCLIS Meeting Dates.
Update on Activities Regarding Education Department's Assistant Secretary, Office of Library and Information Services.
White House Conference on Library and Information Services—
Final report to the President.
National Library and Information Services Act.
WHC Resolutions—Implementation Discussion.
Fund Raising Status.
Ad Hoc Committee for Planning and Monitoring WHC Follow-Up Activities.
National Periodicals System/Center—Status Report.
Information and Retrieval Task Force—Report.
Budget and Finances—Status Report: Fiscal Year 1980; Fiscal Year 1981.
Restructuring of Commission Committees.
Indian Library Services—Report on Meeting at Department of Interior.
Commissioners' Comments.
Staff Comments.

Alphonse F. Trezza,

Executive Director, NCLIS.

February 27, 1980.

[S–441–80 Filed 3–4–80; 10:15 am]

BILLING CODE 7527–01–M

12

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of change in time.

The previously announced open meeting of the National Credit Union Administration Board, scheduled for Thursday, March 6, 1980 at 2 p.m., has been changed to 1 p.m. the same day.

The meeting will be held in the agency's Board Room at 1776 G Street NW., Washington, D.C., 7th Floor.

Information regarding this meeting may be obtained from Rosemary Brady, Secretary of the Board, (202) 357–1100.

[S–446–80 Filed 3–4–80; 12:40 pm]

BILLING CODE 7535–01–M

13

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 9 a.m., March 13 1980.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portion Open to the Public

(1) Complaints regarding unemployment and sickness insurance.
(2) Interview by industrial psychologist.
(3) Annual comprehensive review of federal advisory committees for calendar year 1979.
(4) National Managers Meeting.
(5) Appeal from referee's denial of a recomputation of annuity, Charles D. McEwen.

Portion Closed to the Public

(A) Appeal from referee's denial of disability annuity application, James C. Matthews.
(B) Appeal from referee's denial of disability annuity application, Leldon I. Lee.
(C) Appeal from referee's denial of disability annuity application, Jimmie I. Schaller.
(D) Appeal from referee's denail of disability annuity application, Percy R. Runion.
(E) Appeal of denial of waiver of recovery of overpayment, Donald E. Anderson.
(F) Appeal of denial of waiver of recovery of overpayment, Eleanore J. Trapp.
(G) Intra-Board personnel matters.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board, COM NO. 312–751–4920, FTS No. 387–4920.

[S–451–80 Filed 3–4–80; 3:53 pm]

BILLING CODE 7905–01–M

14

TENNESSEE VALLEY AUTHORITY.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 13864 (March 3, 1980).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, March 6, 1980.

PREVIOUSLY ANNOUNCED PLACE OF MEETING: Conference Room B–32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

ADDITIONAL MATTER: The following item is added to the previously announced agenda:

A. Project Authorizations

5. Project Authorization No. 3509—Design and Construction of Facilities to Provide Permanent Onsite Storage, Volume Reduction, and Solidification of Low-Level

Radioactive Waste at Browns Ferry Nuclear Plant.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615–632–3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202–245–0101.

SUPPLEMENTARY INFORMATION:

TVA Board Action

The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires the subject matter of this meeting to be changed to include the additional item shown above and that no earlier announcement of this change was possible.

The members of the TVA Board voted to approve the above findings and their approvals are recorded below.

Approved:

S. David Freeman.

Richard N. Freeman.

Robert N. Clement.

Disapproved: (None).

Dated: March 4, 1980.

[S–448–80 Filed 3–4–80; 2:51 pm]

BILLING CODE 8120–01–M

federal register

Thursday
March 6, 1980

Part II

Environmental Protection Agency

Department of Transportation

Office of the Secretary

Urban Air Quality Planning Grants Under Section 175 of the Clean Air Act; Availability of Additional Grants

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[FRL 1428-5]

Urban Air Quality Planning Grants Under Section 175 of the Clean Air Act; Availability of Additional Grants

AGENCIES: Environmental Protection Agency and Department of Transportation.

ACTION: Notice of availability of additional funds.

SUMMARY: On December 26, 1978 The Environmental Protection Agency (EPA) and the Department of Transportation (DOT) announced the availability of funds under section 175 of the Clean Air Act, as amended August 1977 (Pub. L. 95-95), which authorizes the Administrator of EPA to make planning grants to organizations of local elected officials with transportation or air quality maintenance planning responsibilities.

The purpose of this notice is to announce the availability of the remaining grant funds appropriated for use under section 175 and to set forth the priorities and procedures under which section 175 funds will be allocated and disbursed to organizations of local elected officials. Disbursement will continue to be made through the existing grant process administered by the Urban Mass Transportation Administration (UMTA) in accordance with the DOT-EPA Interagency Agreement of November 3, 1978. This Interagency Agreement was also published in the **Federal Register** on December 26, 1978.

FOR INFORMATION CONTACT: Gary C. Hawthorn, Environmental Protection Agency, Office of Transportation and Land Use Policy (ANR-445), 401 M Street SW., Washington, D.C. 20460 (202) 755-0603.

FOR SPECIFIC INFORMATION ON UMTA'S ROLE, CONTACT: James Getzewich, Urban Mass Transportation Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590 (202) 426-4991.

Policies and Procedures Regarding Urban Air Quality Planning Grants Under Section 175 of the Clean Air Act

A. Background

The Urban Air Quality Planning Grant Program, authorized under section 175 of the Clean Air Act Amendments of 1977, was initiated by the Environmental Protection Agency (EPA) and the Department of Transportation (DOT) through publication of a **Federal Register** notice on December 26, 1978 (43 FR 60215). That notice presented the background, rationale and objectives of the program; announced the availability of initial fund allocations; and set forth the interim policies and procedures under which section 175 grants would be awarded to organizations of local elected officials.

The purposes of the Urban Air Quality Planning Grant Program remain as described in the December 26, 1978 notice. That notice should be consulted to understand the program's background, rationale, objectives, and relationship to other Federal programs—none of which will be repeated in today's notice. EPA and DOT today announce the availability of the remaining section 175 grant funds and set forth final revised policies for awarding section 175 grants. Section 175 funds can be awarded only until September 30, 1980 as provided for in the Clean Air Act.

The major changes to the interim policies are: (1) Funding (from the remaining $25 million) only those areas requiring an extension beyond 1982 to attain air quality standards; (2) including carbon monoxide nonattainment status in the funding formula; (3) emphasizing correction of deficiencies noted in the 1979 State Implementation Plan submittals; and (4) emphasizing expanded public participation activities.

B. Eligible Grant Recipients

Section 175 allows EPA to "make grants to any organization of local elected officials with transportation or air quality maintenance planning responsibilities recognized by the State under section 174(a) for payment of the reasonable costs of developing a plan revision under this part." "This part" refers to Part D—plan requirements for nonattainment areas. In order to receive a grant, an urban area must be designated as nonattainment for ozone or carbon monoxide (CO). Grant funds must be used to develop a plan in conjunction with State and other agencies for attainment of national air quality standards. Part D requirements apply only to areas violating *national* standards. If the ozone design value for an urban area is at or below 0.12 ppm, or if the CO design value is at or below 9ppm (8-hour average; or 35ppm 1-hour average), the area is not required to develop an attainment plan under Part D.

When the ozone standard was revised by EPA from 0.08 ppm to 0.12 ppm earlier this year, some areas which were previously designated as ozone nonattainment areas became attainment areas by having ozone design values at or below 0.12 ppm, and were no longer subject to Part D requirements. However, most of these areas are still required to develop a plan revision for CO.

The EPA Regional Offices are responsible for establishing the eligibility to receive any of the second $25 million in section 175 funds. Only areas requiring an extension beyond 1982 to attain ozone or CO standards are eligible. Section 175 grants awarded to these areas are to be used for preparing a Part D plan revision by July 1, 1982.

In addition to determining nonattainment status, EPA will continue to make the following determinations:

1. Whether the applicant has been recognized by the State under section 174(a);
2. Whether local elected officials exercise predominant control over the expenditure of section 175 funds and the development and approval of the local component of the State Implementation Plan (SIP);
3. Whether the applicant qualifies as a responsible grantee capable of meeting the standards set forth in OMB Circular A-102, "Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments";
4. Whether the grant applicant is subject to pending legislation or litigation which would affect the prosecution of the project (see UMTA Circular C 8100.1, Section 4b(6)); and
5. Whether the applicant is eligible to apply for and receive a Federal grant (see UMTA Circular C 8100.1 Section 4b(6)).

In most nonattainment areas the section 174 agency will be able to meet the eligibility requirements for receiving section 175 funds. In some cases, however, the section 174 agency may be unable to meet the requirements for legal and fiscal responsibility and/or may not be able to document that local elected officials have controlling influence over the expenditure of section 175 funds and SIP development and approval. In such cases the section 174 agency may enter into an interagency agreement (subject to EPA approval) with another local or State agency which would apply for section 175 funds on behalf of the section 174 agency. The interagency agreement shall provide that the parties signing the agreement agree to be held responsible for compliance with all grant terms and conditions. The interagency agreement shall be incorporated into the grant

agreement. In all cases section 175 grants can be awarded only with assurance that the section 174 agency and local officials will exercise a controlling influence over expenditure of section 175 funds and development and approval of the local component of the SIP.

C. Status of Program Implementation

As described in the December 26, 1978 **Federal Register** notice, $23.5 million was allocated among EPA's Regional Offices and subsequently transferred to UMTA for award. An additional $1.5 million was set aside for a special study to define the regionwide dimensions of the ozone problem in the Northeast and to allow a comprehensive assessment of the impact of various control strategies on a regional basis.

Most if not all, of the initial $23.5 million is expected to be awarded by early 1980, as eligible agencies have their Fiscal Year 1980 Unified Planning Work Programs (UPWP), UMTA section 8 and EPA section 175 grants approved over the next few months. This announcement of the availability of the remaining $25 million appropriated by Congress will allow EPA and UNTA to award section 175 grants to those eligible agencies which meet the criteria stated above and whose funding needs exceed the amount initially allocated. This notice will provide all agencies with information on applicable policies and probable future funding levels.

D. Priorities

In the December 26, 1978 notice on section 175 funding, EPA and DOT identified eligible activities that should be given priority in the programming of section 175 funds. Those priorities were consistent with the language of section 175, which states that the grants are "for payment of the reasonable costs of developing a plan revision * * *" and "shall not be used for construction." The emphasis is clearly on plan development—on identifying available control strategies, on establishing a process to develop additional strategies and on coordinating activities necesssary to best insure implementation.

The highest priorities for section 175 funds are for those activities essential to the development and implementation of effective carbon monoxide and ozone control strategies where extensions for standards attainment beyond 1982 are granted by EPA. Although there is not yet a specific document covering criteria of an approvable 1982 SIP, the EPA Administrator's February 24, 1978 memorandum "Criteria for Approval of 1979 SIP Revisions" can be used as an interim guide to identify necessary elements. The funded activities also must cover the elements included in the June 1978 EPA–DOT "Transportation-Air Quality Planning Guidelines" (i.e., interagency corrdination, involvement of elected officials, public information and consultation, and evaluation of alternative strategies).

EPA Regional Offices are responsible for insuring that section 175 funds support those activities leading to development and implementation of an approvable SIP. This responsibility will be carried out through the review of grant application and through acceptance of unified planning work programs (UPWP) by Intermodal Planning Groups (IPGs).

First priority for funding from the remaining $25 million should be placed on activities that address the deficiencies cited by EPA in its review of the 1979 SIP submittal—but only if the initial grant amount from the the first $25 million is insufficient to correct the deficiencies. Section 175 funds should be directed at correcting these deficiencies as the first step toward development of an approvable 1982 SIP.

Funds will be made available for other activities only if the grant application includes a request for funds to rectify the SIP's deficiencies, or if the grantee demonstrates that SIP deficiences will be corrected without additional funding. EPA also must ensure that at least those elements contained in Chalpter III of the EPA–DOT Guidelines are satisfactorily covered in the UPWP and the section 175 grant application. Chapter III of the Guidelines describes the elements of an acceptable planning process intended to satisfy Clean Air Act transportation requirements.

As noted in the December 26, 1978 notice one of the main objectives of the Urban Air Quality Planning Grant program is to ensure the development and implementation of reasonable, balanced plans that provide for reductions in transportation system emissions that together with reductions in stationary source emissions demonstrate attainment by the statutory deadlines. Activities funded under section 175 should assist urban areas in accordance with the President's Urban Policy by integrating related Federal programs and providing the means to achieve clean air and economic growth.

Other related activities, not directly in the critical path of tasks leading to development of an approvable SIP (e.g., detailed project planning, demonstration projects) are also eligible for section 175 funding provided that EPA Regional Offices determine that alternative funding sources are not available and all activities necessary to SIP development are adequately funded. This second round of section 175 funding should emphasize activities directly leading to the development, coordination and implementation of specific SIP projects and strategies.

While areas designated nonattainment for ozone and CO are not precluded from using section 175 funds for developing transportation control strategies for total suspended particulates (TSP), this use should only occur after EPA Regional Offices determine that no alternative funding sources exist and all higher priority tasks have received adequate funding. Further, where Section 175 funds are used for TSP work their use should be limited to assessing the TSP impact of measures developed, analyzed and programmed to reduce CO and ozone.

E. Supplemental Funding

Senate Report Number 95–127 emphasized that section 175 funds are "* * * not intended as a substitute for existing Federal, State or local funds * * * (but rather are) * * * intended to support those additional activities needed to develop the transportation controls required by this Act * * *"

EPA and DOT will continue to ensure that section 175 grants are for work that supplements, and does not duplicate or conflict, with, the work performed by State and local air pollution control agencies receiving funds under section 105 of the Clean Air Act and the air quality work funded by DOT.

Section 175 funds should supplement DOT funds available for long-range plan development or for basic Transportation Systems Management (TSM) planning. Section 175 funds should not replace DOT funds currently used to carry out DOT-required air quality activities.

F. Public Information and Participation

In carrying out tasks funded under section 175, the grantee must encourage, assist and implement an effective public information and participation program. EPA and DOT plan to issue expanded guidelines on public participation to apply to all section 175 urban air quality planning grantees and subgrantees in urban areas that require an extension beyond 1982 to attain the carbon monoxide or ozone air quality standards.

The expanded guidelines would not apply to grantees or subgrantees in urban areas that demonstrate attainment of carbon monoxide and ozone air quality standards by 1982. Grantees and subgrantees in such areas are required, however, to implement

public participation activities called for in the EPA–DOT June 1978 Guidelines (section III D).

Section 175 grant awards should be conditioned on an adequate response to the Guidelines. Grantees should include specific tasks in their section 175 work programs that respond to the expanded Guidelines. Failure to adequately address the expanded Guidelines in section 175 work programs under development will delay grant awards until deficiencies are corrected.

An adequate public participation program (including local elected official consultation) may require from 10 to 30 percent of the area's total grant. EPA strongly encourages the pass-through of section 175 funds to a representative base of affected constituencies to achieve more effective participation along with greater awareness and understanding of the planning process by the general public.

G. Passthrough

EPA and DOT encourage pass-through for planning activities in accordance with the division of responsibilities worked out by local and State agencies in response to section 174 of the Act and section III B of the EPA–DOT guidelines of June 1978. Only under highly unusual circumstances should a single agency retain an area's total grant award. The Clean Air Act strongly advocates an open, widely participatory SIP revision process involving local and State agencies as well as elected officials and the public. Furthermore, the efficient use of section 175 funds necessitates that individual planning activities be conducted by those agencies which have recognized expertise and which are currently performing similar activities as part of the on-going planning process. Section 175 grants should not support single agency planning and a closed process.

H. Contractor Assistance

Through national "level of effort" contracts, EPA has arranged to have several contractors available to assist grantees. Although grantees can, with EPA and UMTA approval, contract directly with other contractors, the use of the EPA "level of effort" mechanism can simplify and expedite contracting procedures.

A grantee can use "level of effort" contractors by designating a portion of its target section 175 allocation for EPA contractor assistance. This porton will be retained by EPA. The grantees will select the contractor, prepare a detailed scope of work, and work directly with the contractor to ensure completion of all tasks.

EPA can provide grantees with the names and qualifications of contractors available through the "level of effort" mechanism.

I. Inspection/Maintenance

Since all areas granted a post-82 extension for attaining air quality standards must develop a vehicle emission control inspection and maintenance (I/M) program EPA recognizes the need to provide funds for planning I/M programs. EPA Regional Offices can approve up to 10% of any section 175 allocation for I/M planning activities such as I/M program planning, development of proposal requests, quality control procedures development (including demonstration or pilot projects), and public participation and public information programs. Equipment purchases or the operation of ongoing, permanent programs would not be eligible. EPA Headquarters approval is required for any grants request with more than 10% devoted to I/M activities.

J. Eligible Activities

The following list identifies eligible activities that should be given priority in the programming of section 175 funds. Except for the first activity related to 1979 SIP submittals, these eligible items remain basically the same as presented in the December 26, 1978 notice. Other activities may be eligible if the applicant adequately demonstrates that the activities listed below have been or are being effectively executed and if approved by EPA.

Grant applications should include activities that lead to the *implementation* of measures. Grant recipients will be expected to coordinate with appropriate operating agencies and jointly designate the necessary implementation roles and responsibility for adopted air quality measures.

1. *Activities Related to Correcting SIP Deficiencies and Developing an Approvable 1982 SIP* (e.g., identifying and refining agency and elected official responsibilities required for commitments, developing and evaluating ambitious packages of alternative measures as called for in Section III.E of the June 1978 EPA–DOT Transportation-Air Quality Planning Guidelines.)

2. *Activities Related to Establishing a Process.* EPA and DOT continue to emphasize the establishment and maintenance of a continuing, integrated process to accomplish the planning, programming, implementation, operation and progress monitoring requirements of the Clean Air Act. Such activities include:

a. Refining and finalizing the responsibilities and working relationships among all agencies and groups involved in the plan development and implementation process (in accordance with section 174).

b. Carrying out interagency coordination activities in accordance with sections 121, 172 and 174.

c. Developing and implementing continuing programs for:

(1) Involvement of local elected officials

(2) Public information and participation (as defined in the proposed expanded guidelines on public participation)

(3) Consultation with interest groups

d. Actions leading to plan adoption by local and State officials and to commitments to implement the plan.

e. Improving the legal and institutional capacity of local governments to carry out a continuing, integrated process.

f. Developing and implementing criteria and procedures for determining conformity of MPO transportation activities with the SIP pursuant to section 176(c).

g. Developing and implementing activities to meet other federal agency conformity requirements pursuant to section 176(c).

3. *Activities Related to Defining the Problem.* Section 175 funds should be used for activities related to problem definition where: (a) The definition of the existing air quality problem is considered inadequate, (b) the gathering of improved data during the funding period will significantly improve the existing definition and (c) improved data is considered an essential step leading to the development and implementation of attainment strategies. Section 175 funds should supplement but not replace EPA section 105 funds and other Federal grant funds available for these purposes. Such activities include:

a. Collecting improved data on mobile source-related pollution, e.g., emission inventory, carbon monoxide "hot spot" traffic data. (Definition of the CO and ozone problems through air quality monitoring should normally be funded through EPA's section 105 program. The application of section 175 funds may be justified for short term use, but only in cases where no section 105 funds are available, where the problem definition is inadequate or significantly controversial and where improved monitoring data is essential to the development and implementation of attainment strategies.)

b. Applying existing air quality models (but not for developing new models).

c. Refining emission reduction estimates needed to demonstrate attainment of carbon monoxide and ozone standards.

d. Applying improved emission forecasting methods.

e. Revising SIP population projections to insure consistency of population projections among all comprehensive planning programs. It is EPA policy that population projections for air and water quality planning must be consistent.

4. *Strategy Development and Assessment Activities.* a. Developing alternative transportation and stationary source measures and packages of measures to achieve carbon monoxide and hydrocarbon emission targets.

b. Estimating emission reductions from these alternative packages over time, including annual incremental reductions and particularly the reductions in 1982 and 1987.

c. Analyzing air quality, noise, travel, energy, economic, and social effects, as well as institutional and political feasibility of alternative emission reduction strategies, with an emphasis on assessment of economic impacts, consistent with the President's Urban Policy.

d. Developing methods to assess implementation progress.

e. Developing contingency provisions, as discussed in the proposed section 176(c) procedures, which would apply when EPA calls for SIP revision because air quality monitoring or progress reporting indicates that reasonable further progress toward attainment of air quality standards is not being maintained. These contingency provisions would list projects or types of projects which State and local government agencies have agreed to accelerate or delay while the SIP is being revised to include additional emission reduction strategies needed to ensure attainment by the statutory deadline. (Such contingency measures could also be used to replace adopted measures that subsequently prove infeasible as further analysis and implementation occur, thus ensuring continuing progress toward attainment and eliminating the need for a formal SIP revision.)

f. Conducting motor vehicle inspection and maintenance planning in those areas where the State and organizations of local elected officials share I/M responsibilities as determined in accordance with section 174 and where section 175 funds supplement section 105 funds.

g. Evaluating long-range transportation and growth management policies for areas where analysis of control strategies demonstrates the need for additional measures for manitenance of standards beyond 1987.

h. Developing procedural mechanisms and institutional capabilities to accommodate future economic growth and attain standards (e.g., development of procedures and institutional capacity to facilitate offset transactions).

i. Developing public transportation improvement measures to meet basic transportation needs, as required by section 110(a)(3)(D) of the Act in areas that cannot attain air quality standards by 1982. Eligible items would include: (1) Defining existing and future basic transportation needs; (2) determining public transportation improvements needed to meet these basic needs in light of SIP auto disincentive measures; (3) surveying all Federal, State and local funding sources available to plan and implement the needed improvements; and (4) carrying through on actions needed to commit and secure sufficient funds to implement the public transportation improvement measures.

5. *Implementation Activities.* Section 175 grant applications should cover a full range of activities leading to implementation of transportation control measures. Special emphasis should be given to ensuring adequate funding for the following items.

a. Defining implementation and operational responsibilities of State and local officials and agencies for each plan element.

b. Developing the budget and implementation schedule for each plan element.

c. Monitoring and reporting on progress in implementing measures and improving air quality.

d. Developing and maintaining public, local government and State support for adopted measures.

e. Implementing demonstration projects that are an essential part of the SIP development process, or the next logical planning step leading to full scale implementation, and for which DOT funding is not available.

K. Application Procedures

The section 175 grant application procedures for the remaining $25 million remain the same as the procedures for receiving the initially allocated funds. Applications should reflect the priorities identified above and conform with the procedures outlined in this section. The existing UMTA Technical Studies grant program will continue to be used to disburse section 175 funds. The DOT–EPA Interagency Agreement signed on November 3, 1978 describes the respective responsibilities of the two agencies for the administration and management of the Urban Air Quality Planning Grant Program.

Grant applications should be submitted to the appropriate UMTA Regional Office. A copy should be sent to the EPA Regional Office at the same time. Applications must conform to UMTA grant regulations and procedures contained in UMTA Circular C 8100, "Application Procedures for Technical Studies Grants" or, where appropriate, to the joint funding guidelines specified in DOT Order 4600.88 or OMB Circular No. A–111. Periodic progress reports based on UMTA's Guideline for Project Administration and the EPA–DOT "Transportation-Air Quality Planning Guidelines" will be required.

Grants must be awarded by September 30, 1980. However, the application may include activities for more than one year. Work may be completed and payments made after September 30, 1980. Such multi-year grant applications must be accompanied by multi-year work programs.

The grant application must be based on: (1) A description of the division of planning and programming responsibilities among agencies in accordance with section 174 (this division of responsibilities, if sufficiently detailed, may be described in the UPWP prospectus) and (2) an adopted and approved UPWP, agreed to by DOT and EPA, that contains a proposed budget for the air quality work elements. Tasks eligible for funding under section 175 must be described in the UPWP format prescribed by the Intermodal Planning Group (IPG) or in a modified version agreed upon by EPA and the IPG, and should conform to other requirements of the June 1978 "Transportation-Air Quality Planning Guidelines." If the grant applicant is not the MPO (and, therefore, does not prepare a UPWP), the applicant must coordinate with the MPO to have the section 175 activities incorporated into the UPWP to ensure IPG review.

The adopted and approved UPWP can be submitted with the grant application in lieu of a separate detailed scope of work provided that the UPWP is sufficiently detailed and properly organized. The following information must be submitted either in the UPWP or separately with the detailed scope of work:

(a) Description and scheduling of each task, identifying the relationships of tasks and interim and final products

(b) Itemized costs and funding sources for each task

(c) Certification that section 175 funds supplement any funds available under Federal law for developing a plan revision

(d) Identification of organizations performing tasks

(e) Approximation of fund amounts and identification of fund sources for subsequent planning likely to be needed for alternatives currently being developed

(f) Relationship of section 175 work tasks to other tasks in the UPWP

(g) Relationship of section 175 tasks to State air quality planning activities and to attainment of emission reduction targets and air quality standards.

As stated in the UMTA Circular (C 8100.1) the work program upon which the application will be based must be reviewed through the A–95 process. The State air pollution control agency must have the opportunity to review and comment on the application as required by 40 CFR Part 30.305–5. The grantee must transmit any State comments to UMTA and EPA with the grant application.

L. Funding Level Determination

When the availability of section 175 funds was announced on December 26, 1978, EPA presented a target funding range for each urban area above 200,000 population using a formula based on: (1) The 1975 population levels for each Standard Metropolitan Statistical Area (SMSA) which is nonattainment for carbon monoxide or photochemical oxidants, and (2) the second highest ozone reading for the SMSA.

$1.5 million of the first $25 million appropriated for Section 175 funding was transferred to EPA's Office of Air Quality Planning and Standards (OAQPS) to help support a special ozone dispersion modeling study in the Northeast. This study will be a comprehensive assessment of hydrocarbon emission controls on a regional basis. An additional $2.0 million will be required from the second $25 million to help support similar ozone dispersion modeling efforts elsewhere in the country. As with the $1.5 million from the initial $25 million, the additional $2.0 million will not be awarded through the grant process described in this notice. Instead, EPA's Regional Offices with guidance from OAQPS (Monitoring and Data Analysis Division) will determine the appropriate mechanism for expenditure of these funds.

Section 175 grant programs should address the objectives, priorities and procedures contained in this notice. Grants awarded subsequent to this notice should not contain emission inventory or other ozone modeling work covered by the special study. EPA Regional Offices with guidance from OAQPS will define activities associated with the special ozone modeling study independently of the ongoing EPA and UMTA section 175 grant program. However, these ozone study activities will build upon the ongoing section 175 work.

When the remaining $25 million is reduced by $2 million for the ozone modeling study, $23 million is available for distribution to eligible agencies.

Each UMTA Regional Office will receive $100,000 for areas under 200,000 population and for potential allocation to areas which may subsequently be designated nonattainment for ozone or CO. ($23 million – $1 million = $22 million).

Another $2 million will be temporarily set aside by EPA Headquarters for eventual allocation through UMTA Regional Offices to eligible grantees ($22 million – $2 million = $20 million).

The $2 million will be used for: (a) Supplemental funding to areas requiring an extension beyond 1982 that demonstrate a special need for additional funds; (b) funding areas that have formally revised their attainment status and have been determined by EPA to need a post—1982 extension; and (c) discretionary funding of qualified areas for the purpose of testing and refining critical EPA and DOT policies and guidelines that, (1) to date have not been fully implemented and adequately monitored in any area and (2) are considered essential to development of particularly ambitious, effective and innovative local control strategies. Additional information on the schedule and procedures for allocating this $2 million will be issued subsequent to this notice.

The following formula is used for setting initial target values for allocating the $20 million available.

Target = 20/12.99 [[A (Pop.)] [1 + (B[Oz)/ .12) + .2C]]

Where:

Pop. = 1975 population of SMSA(s)

Oz = Ozone SIP design value in parts per million

A = per capita dollar amount, as follows:
- $0.10 for the first 2,000,000 residents
- $0.05 for the next 5,000,000 residents
- $0.02 for additional population above 7,000,000

B = 0 if ozone attainment expected by 1982
B = 0.1 if Oz > .12 and < 0.15
0.2 if Oz > 0.15 and < 0.20
0.3 if Oz > 0.2 and < 0.24
0.4 if Oz > 0.24 and < 0.36
0.5 if Oz > 0.36

C = 1 if post-82 extension required for CO attainment
0 of CO attainment expected by 1982

Note.—If B = 0 and C = 0, then Target = 0.

To assist EPA in estimating reasonable award amounts, a range of funds is determined by (a) reducing the target amounts by 10% and (b) increasing the target amount by 5%.

A list of eligible urban areas with a range of estimated grant awards has been distributed to each EPA Regional Office.

Example

For an area with 5,000,000 population, an ozone design value of 0.21, and requiring an extension for CO attainment, the initial target value would be:

($0.10) (2,000,000) = $200,000
(0.05) (3,000,000) = 150,000

$350,000
= $350,000 [1 + (.3(.21)/ .12) + .2(1)]
Initial target value = $603,750

Next, the initial target value is multiplied by 20/12.99
$603,750 × 20/12.99 = $929,775

Then, the resulting target amount is both reduced by 10% and increased by 5% to estimate a range of reasonable funding amounts.

Final target range = $836,797 to $976,263

Dated: December 12, 1979.

David G. Hawkins,

Assistant Administrator for Air, Noise and Radiation, Environmental Protection Agency.

Dated: February 13, 1980.

William B. Johnston,

Assistant Secretary for Policy and International Affairs, Department of Transportation.

[FR Doc. 80–6873 Filed 3–5–80; 8:45 am]

BILLING CODE 6560–01–M

federal register

Thursday
March 6, 1980

Part III

Department of Transportation

Federal Aviation Administration

Discrete Address Beacon System (DABS), Proposed U.S. National Aviation Standard

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Discrete Address Beacon System (DABS); Proposed U.S. National Aviation Standard

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed National Aviation Standard.

SUMMARY: This action proposes a U.S. National Aviation Standard for the Discrete Address Beacon System (DABS). The standard would define the system and the performance characteristics of its components. It is intended to satisfy overall operational needs and assure compatibility with elements of the National Airspace System (NAS). While not regulatory, the standard may provide the basis for later rulemaking affecting airborne navigational equipment.

DATES: Comments must be received on or before April 21, 1980.

ADDRESS: Director, Systems Research and Development Service, Attn: ARD–10, Federal Aviation Administration, Department of Transportation, NASSIF Building, 400 7th Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: P. D. Hodgkins, ARD–201, Communications and Surveillance Division, Systems Research and Development Service, Federal Aviation Administration, 400 7th Street, SW., Washington, D.C. 20590; Telephone 202–426–8672.

History

The "Proposed U.S. National Aviation Standard for the Discrete Address Beacon System (DABS)" was previously published for public comment in the March 27, 1978 **Federal Register** (43 FR 12816). Since that time, the DABS National Standard has been extensively revised. Changes to the standard fall into five categories: editorial, RF waveforms, format rationalization, protocol, and DABS transponder changes. These changes are outlined below under the heading "CHANGES IN PROPOSED STANDARD."

Description

The Discrete Address Beacon System is an important element of the Upgraded Third Generation Air Traffic Control System. It is a fully compatible evolutionary upgrading of the Air Traffic Control Radar Beacon System (ATCRBS) currently deployed. It provides the improved surveillance and data link communications required to support the automation which will be provided by the Upgraded Third Generation Air Traffic Control System and enhanced developments of future Air Traffic Control (ATC) automation. DABS has been under development since 1972.

Definition of U.S. National Aviation Standard

U.S. National Aviation Standards are system standards embodying descriptions of system characteristics. They are issued by the Administrator of the Federal Aviation Administration (FAA), Department of Transportation (DOT). They describe the performance characteristics (the technical parameters, tolerances and techniques) of major elements of the system to the extent necessary to assure proper operation and interface compatibility between elements of the National Airspace System (NAS). U.S. National Aviation Standards generally are limited to cooperative air-to-ground subsystems involving government owned ground equipment and private airborne equipment. For example, the ATCRBS National Standard describes those performance characteristics of the ground and airborne components necessary to assure effective operation of radar beacon carried by military and civil aircraft as effective elements of national air traffic procedures. U.S. National Aviation Standards are not equipment specifications or standards pertaining to planning, programming, component equipments, siting, installation, availability, reliability, or maintainability.

Relationship of U.S. National Aviation Standard to Federal Aviation Regulations

U.S. National Aviation Standards issued by the Administrator in agency orders are binding only on FAA organizational elements. They establish the technical base and description of the NAS and component subsystems. Since they are not promulgated as Federal Aviation Regulations by the rulemaking process prescribed by 5 U.S.C. 533, they are not regulatory standards imposing duties on the public. With respect to the public, such standards are only advisory and their issuance is not rulemaking. However, while they are not regulatory, U.S. National Aviation Standards may serve as the basis for subsequent rulemaking actions. Because of the relationship between U.S. National Aviation Standards and possible subsequent regulatory actions, FAA publishes such standards in the **Federal Register** and solicits public comment prior to their approval by the Administrator.

Invitiation of Public Comment

Interested persons are invited to submit written comments on this proposed U.S. National Aviation Standard, on or before April 21, 1980. Communications should be submitted in duplicate to: Director, Systems Research and Development Service, Attn: ARD–10, Federal Aviation Administration, Department of Transportation, NASSIF Building, 400 7th Street, SW., Washington, D.C. 20590. Copies of comments received will be available for examination in Room 7210 at the same address.

Changes in Proposed Standard

The following is an outline of the five categories of changes noted above under the heading "HISTORY." This outline should not be considered an all inclusive list of changes.

1. *Editorial changes.* The Standard has been reorganized into distinct and well defined sections. The revised standard has been written solely as a document which defines the characteristics of the DABS equipment and signals and not as a technical specification.

2. *Changes in RF waveforms.* Changes to the RF waveforms have been made in two areas. The P_4 pulse used in the ATCRBS/DABS All-Call interrogation has been lengthened and relocated to prevent false All-Call decodes due to mulipath on the interrogation link. The sync phase reversal has been moved from a position 0.5 microsecond after the start of the data block to a position 1.25 microsecond after the start of the data block. The purpose of this change is to permit a lower cost realization of the DPSK demodulator using phase locked loops and to make the sync phase reversal less susceptible to curruption due to echoes of the preamble pulses and the leading edge of the data block.

3. *Format rationalization.* The formats i.e., bits patterns, of DABS uplink and downlink transmissions have been redefined to make better use of the coding space available. The new system emphasizes bit group patterns rather than dedicated bits. Each transmission format on either the up or the downlink consists of three parts: the format identifier, the information space and the address/parity indicator. The address/parity fields remain at their original location at the end of the transmission and retain the 24-bit configuration. Between the format identifier and the address/parity field, either 27 or 83 bits are available which form the information space. The content of the

information space is defined by the format identifier.

4. *Protocol changes.* Some improvements have been made to the DABS surveillance and data handling protocols. A new BCAS squitter format has been adopted. An ordinary surveillance reply is now used instead of a dedicated squitter reply format so that BCAS equipment can acquire the address of a DABS transponder by listening to its replies to ground or BCAS interrogations. The transponder need only transmit a squitter if it has not replied to a DABS ground or BCAS interrogation within the last second. This change also makes it possible for the BCAS unit to determine the full 12-bit altitude code of the transponder from the squitter. Previously, the squitter format only had space for a truncated 6-bit altitutde code.

Provision has been made for the transmission of a 12-bit metric altitude code by the DABS transponder. The "M" bit in the altitude field is used to distinguish between the existing altitude code and the new metric code.

A means has been provided for discretely identifying the sensor which transmits the DABS-only All-Call interrogation. This is accomplished by means of a 4-bit code in the DABS-only All-Call interrogation and in the resulting All-Call reply. The code is overlaid on the parity field in the All-Call reply and does not affect the coding space within the body of the reply.

A protocol has been added for handling acquisition lockouts and clearing Comm-B and Comm-D transactions in and environment consisting of a number of independent sensors with overlapping coverage (multi-site environment). This protocol assures that each sensor in such an environment has equal and unrestricted access to each of the DABS transponders within view.

A change has been made to the procedure for resetting the "Alert" bit which is used to request that the ground read out the transponder 4096 code rather than the altitude code. Previously, this bit was reset by the ground. It is now reset by a timer to give additional sensors an opportunity to read it in a multi-site environment.

The ELM closeout protocol has been changed to allow the ELM transaction to be terminated by a message in a standard suveillance or Comm-A interrogation. Formerly, it was necessary to dedicate an entire Comm-C transmission for this purpose.

A probabilistic technique has been added for reducing the incidence of synchronous garble on All-Call acquisition. This "Stochastic Acquisition" technique replaces the "Specific Acquisition" scheme used in the previous version of the Standard. A protocol has been added to provide for the exchange of Conflict Indicator Register (CIR) data. This data is used for Aircraft Separation Assurance purposes.

5. *DABS transponder changes.* The revised Proposed DABS National Standard defines the transponder antenna system, when installed on an aircraft, to provide useful receive and transmit gain throughout a minimum coverage region in order to enhance their performance as BCAS remitters.

The transmitter power levels for DABS transponders are identical to those defined in the ATCRBS National Standard. Previously, the Proposed DABS Standard did not allow for reduced power in transponders which operate at altitudes below 15,000 ft.

The transponder MTL definition has been changed so that the tolerance range on the minimum triggering level for DABS interrogations lies within the tolerance range on the minimum triggering level defined in the ATCRBS National Standard. The previous version of the DABS Standard defined inconsistent MTL tolerances.

The performance of the DABS transponder in interference is now defined in the Standard.

The current version of the DABS National Standard explicitly states that a DABS transponder may include an uplink ELM capability without requiring downlink ELM capability. This point was not clear in the previous version of the Standard.

The DABS "Standard Message" interface is now defined in functional terms instead of detailed timing and electrical characteristics.

This notice is issued under sections 307(b) and 312 (a) and (c) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(b) and 1353 (a) and (c)).

Issued in Washington, D.C., on February 27, 1980.

Martin T. Pozesky,

Acting Director, Systems Research and Development Service, ARD–1.

Proposed U.S. National Aviation Standard for the Discrete Address Beacon System (DABS)

February 21, 1980.

Contents

1. General
  1.1 System Features
    1.1.1 The Function of DABS
    1.1.2 Rationale for the DABS National Standard
    1.1.2.1 Legal Rationale
    1.1.2.2 Technical Rationale
    1.1.2.3 Conclusion
  1.2 Coordination of DABS with the Air Traffic Control Radar Beacon System (ATCRBS)
    1.2.1 ATCRBS Compatibility
    1.2.2 Relationship Between DABS and ATCRBS National Standards
    1.2.3 ATCRBS IFF Mark XII System (AIMS) Compatibility
  1.3 Scope of this Standard
    1.3.1 Items Not Covered
  1.4 Overall System Capabilities
    1.4.1 Coverage
    1.4.2 Data Link
    1.4.3 Link Reliability
  1.5 Glossary of Acronyms
  1.6 References
2. Signals in Space
  2.1 DABS Frequencies
    2.1.1 Polarization
  2.2 DABS Modulation
    2.2.1 Pulse Shapes
    2.2.1.1 Pulse Shapes, Interrogations
    2.2.1.2 Pulse Shapes, Replies
    2.2.2 Phase Modulation
    2.2.2.1 Phase Reversal Duration
    2.2.2.2 Phase Relationship
    2.2.2.3 Sync Phase Reversal
    2.2.2.4 Data Phase Reversals
  2.3 Pulse Sequences
    2.3.1 ATCRBS/DABS All-Call and ATCRBS-Only All-Call Interrogations
    2.3.2.1 Pulse Definitions and Spacing
    2.3.2.2 Pulse Levels
    2.3.2 DABS Interrogations
    2.3.2.1 Pulse Definition
    2.3.2.2 Pulse Spacings
    2.3.2.3 Pulse Levels
    2.3.3 ATCRBS Replies
    2.3.4 DABS Replies
    2.3.4.1 Pulse Definition
    2.3.4.2 Pulse Spacings
    2.3.4.2.1 Reply Preamble
    2.3.4.2.2 Reply Data Pulses
    2.3.4.3 Pulse Levels
  2.4 DABS Spectra
    2.4.1 Interrogation RF Spectrum
    2.4.2 Reply RF Spectrum
3. Signal Content
  3.1 Data Blocks
    3.1.1 Interrogation Data Blocks
    3.1.2 Reply Data Blocks
  3.2 Format Structure, Interrogation and Reply
    3.2.1 Bit Numbering and Sequence
    3.2.2 Fields
    3.2.2.1 Essential Fields
    3.2.2.2 Mission Fields
    3.2.2.3 Subfields
  3.3 Field Descriptions
    3.3.1 AA Address, Announced
    3.3.2 AC Altitude Code
    3.3.3 AP Address/Parity
    3.3.4 AQ Acquisition, Special
    3.3.5 BCAS Data
    3.3.5.1 BI BCAS Interrogation Data
    3.3.5.2 BR BCAS Reply Data
    3.3.5.2.1 Subfields in BR: MXS Maximum Airspeed Subfield
    3.3.6 CA Capability
    3.3.7 DF Downlink Format
    3.3.8 DI Designator Identification
    3.3.9 DR Downlink Request
    3.3.10 EP Epoch
    3.3.11 FS Flight Status
    3.3.12 ID Identification, (4096 code)
    3.3.13 II Interrogator Identification
    3.3.14 KE Control, ELM
    3.3.15 MA Message, Comm-A
    3.3.15.1 Subfields in MA: ADS, A-Definition Subfield
    3.3.16 MB Message, Comm-B
    3.3.16.1 Subfields in MB: BDS, D-Definition Subfield
    3.3.17 MC Message, Comm-C
    3.3.18 MD Message, Comm-D
    3.3.19 MS Message, Synchronized, Interrogation
    3.3.20 MT Message, Synchronized, Reply
    3.3.21 MU Message, Interrogation
    3.3.22 NC Number of C-Segment
    3.3.23 ND Number of D-Segment
    3.3.24 PC Protocol
    3.3.25 PI Parity/Interrogator Identifier
    3.3.26 PR Probability of Reply
    3.3.27 RC Reply Control
    3.3.28 RR Reply Request
    3.3.29 SC Special Communication
    3.3.30 SD Special Designator
    3.3.30.1 Subfields in SD
    3.3.31 UF Uplink Format
    3.3.32 UM Utility Message
    3.3.32.1 Subfields in UM
    3.3.32.2 Voluntary Information

Contents—Continued

4 Protocol
4.1 Error Protection
4.1.1 Technique
4.1.1.1 Parity Check Sequence
4.1.1.2 Parity Check Sequence Generation
4.1.2 AP or PI Field Generation
4.1.2.1 Uplink Field
4.1.2.2 Downlink Field
4.2 Reply Protocol
4.2.1 Interrogation Acceptance
4.2.1.1 Discrete Address
4.2.1.2 All-Call Address
4.2.1.3 DABS-only All-Call Address
4.2.1.4 ATCRBS/DABS All-Call
4.2.2 Interrogation—Reply Coordination
4.2.2.1 Replies to Surveillance and Comm-A Interrogation, UF's 4,5,20,21
4.2.2.2 Interrogation and Reply Formats 24 through 31
4.2.2.3 No Reply
4.2.2.3.1 Broadcast
4.2.2.3.2 UF's 6,22
4.2.2.3.3 ATCRBS/DABS All-Call Suppression
4.2.2.3.4 Restricted All-Calls
4.2.2.3.5 Formats for Which Transponder is Not Equipped
4.2.3 Reply Delay and Jitter
4.2.3.1 ATCRBS Reply Delay and Jitter
4.2.3.2 Reply Delay and Jitter for DABS
4.2.3.3 Reply Delay and Jitter for ATCRBS/DABS All-Call
4.3 Lockout Protocal
4.3.1 Standard All-Call Lockout
4.3.2 Squitter Lockout
4.4 Squitter Protocol
4.4.1 Squitter Format
4.4.2 Squitter Rate
4.5 Flight Status Protocol
4.5.1 Flight Rules
4.5.2 Alert
4.5.2.1 Permanent Alert Condition
4.5.2.2 Temporary Alert Condition
4.5.2.3 Reporting of Alert Condition
4.5.2.4 Termination of the Alert Condition
4.5.3 Ground Report
4.5.4 Special Position Identification
4.6 Capability Reporting
4.6.1 Capability Report
4.6.2 Additional Capability Report
4.6.3 Extended Capability Report
4.6.3.1 Subfields in MB for Extended Capability Report
4.7 Utility Message Protocol
4.7.1 Requested Information
4.8 Surveillance Data Protocol
4.8.1 SD Field Content
4.8.2 SD Field Coding
4.9 Comm-A Protocol
4.9.1 A-Acknowledgment
4.9.2 Pilot's Acknowledgment
4.10 Comm-B Protocol
4.10.1 Ground Initiated Comm-B
4.10.1.1 Extended Data Readout
4.10.1.1.1 Subfield in SD for Extended Data Readout
4.10.2 Air Initiated Comm-B
4.10.3 Loss of DABS Contact
4.11 ELM Protocol
4.11.1 Uplink ELM Protocol
4.11.1.1 Initializing Segment Transfer
4.11.1.2 Intermediate Segment Transfer
4.11.1.3 Final Segment Transfer
4.11.1.3.1 Completed Message
4.11.1.3.2 Acknowledgment Reply
4.11.1.3.3 Subfields for Acknowledgment of an Uplink ELM
4.11.1.3.4 Closeout
4.11.2 Downlink ELM Protocol
4.11.2.1 Initialization
4.11.2.2 Authorization and Transmission
4.11.2.2.1 Segment Request Subfield
4.11.2.2.2 D-Source Subfield
4.11.2.3 Closeout
4.12 Multisite Protocols
4.12.1 Multisite Data Formats
4.12.1.1 Subfields in SD for Multisite Protocols
4.12.1.2 Subfields in UM for Multisite Protocols
4.12.2 Multisite Timers
4.12.3 Multisite Comm-B Protocol
4.12.3.1 Multisite Comm-B Reservation
4.12.3.2 Multisite Comm-B Closeout
4.12.3.3 Automatic Comm-B Closeout
4.12.4 Multisite Uplink ELM Protocol
4.12.4.1 Multisite Comm-C Reservation
4.12.4.2 Multisite Comm-C Delivery
4.12.4.3 Multisite Comm-C Closeout
4.12.4.4 Automatic Comm-C Closeout
4.12.5 Multisite Downlink ELM Protocol
4.12.5.1 Multisite Comm-D Reservation
4.12.5.2 Multisite Comm-D Delivery
4.12.5.3 Multisite Comm-D Closeout
4.12.5.4 Automatic Comm-D Closeout
4.12.6 Lockout Restrictions
4.12.6.1 Restricted All-Call Lockout Initiation
4.12.6.2 Restricted All-Call Lockout Function
4.13 Flight Identification Reporting
4.13.1 Subfield in MB for Flight Identification
4.14 Broadcast Protocol
4.15 Synchronized Transmission Protocol
4.16 All-Call Reply Protocol
4.17 BCAS Protocol
4.17.1 AQ Protocol
4.18 ATARS/CIR Protocol
5. Transponder Characteristics
5.1 Interrogation Acceptance Criteria
5.1.1 DABS Interrogation Acceptance
5.1.1.1 Pulse Level Tolerances
5.1.1.2 Pulse Position Tolerances
5.1.1.3 Pulse Duration Tolerances
5.1.1.4 Sync Phase Reversal Position Tolerance
5.2 Transponder Sensitivity and Dynamic Range
5.2.1 Sensitivity in the Presence of Interference
5.2.1.1 Reply Ratio in the Presence of a Standard Interfering Pulse
5.2.1.2 Reply Ratio in the Presence of Pulse Pair Interference
5.2.1.3 Reply Ratio in the Presence of Low Level Asynchronous Interference
5.3 Transponder RF Peak Output Power
5.3.1 Unwanted Transponder Output Power
5.4 Special Characteristics
5.4.1 Dead Time
5.4.2 Recovery Time
5.4.2.1 ATCRBS Recovery Time
5.4.2.2 DABS Receiver Desensitization
5.4.2.3 Recovery from a DABS Interrogation
5.4.2.4 Recovery from a Single Pulse
5.4.2.5 Recovery from an ATCRBS Suppression Pair
5.4.3. Unwanted DABS Replies
5.4.4. Reply Rate Limiting
5.4.4.1 ATCRBS Reply Rate Limiting
5.4.4.2 DABS Reply Rate Limiting
5.4.5 DABS Peak Reply Rate
5.4.5.1 DABS ELM Peak Reply Rate
5.4.6 Lockout and Lockout Duration
5.4.7 Multisite Timer Duration
5.5 Data Handling and Interfaces
5.5.1 Direct Data
5.5.1.1 Fixed Direct Data
5.5.1.2 Interfaces for Fixed Direct Data
5.5.1.3 Variable Direct Data
5.5.1.4 Interfaces for Variable Direct Data
5.5.2. Indirect Data
5.5.2.1 Indirect Data Interfaces
5.5.2.1.1 The Uplink Interface
5.5.2.1.1.1 Integrity of The Uplink Content Interface
5.5.2.1.2 The Downlink Interface
5.5.2.1.3 The Extended Length Message
5.5.2.2 Indirect Data Transaction Rates
5.5.2.2.1 Standard Transactions
5.5.2.2.2 ELM Transactions
6. Transponder Antenna System
6.1 Antenna Polarization
6.2 Antenna Coverage
7 Interrogator Characteristics
7.1 Interrogation Repetition Rates
7.1.1 ATCRBS/DABS All-Call Interrogation Repetition Rate
7.1.2 Interrogation Repetition Rate to a Single Aircraft
7.1.3 Repetition Rate for Discrete Interrogations
7.2
Interrogation RF Peak Output Power
7.3
Unwanted Interrogator Output Power

U.S. National Standard for the Discrete Address Beacon System

1. General

1.1 System Features

1.1.1 The Function of DABS

The Discrete Address Beacon System (DABS) is an improved secondary radar system with an integral two way data link. DABS differs from the Air Traffic Control Radar Beacon System (ATCRBS) in the manner of selecting which aircraft will respond to an interrogation. In ATCRBS, the selection is spatial; in DABS, each aircraft is assigned a unique address code. Thus, an interrogator is able to limit responses to its interrogations to those targets for which it has surveillance responsibility, and to time the interrogations to ensure that the responses from DABS-equipped aircraft do not overlap. In addition, the discrete address provides the basis for a ground-air-ground digital data link. The main requirements of DABS are to:

a. Support automated air traffic control (ATC) with improved surveillance and communication capability and reliability in the projected 1995 traffic environment.

b. Permit evolutionary implementation at lowest user cost.

1.1.2 Rationale for the DABS National Standard

1.1.2.1 Legal Rationale

Under public law 85–726, the Federal Aviation Administration has the responsibility for the development and operation of a common system of air traffic control and navigation for both military and civil aircraft. Explicitly, the Administrator shall develop, modify, test and evaluate systems, procedures, facilities, and devices, as well as define the performance characteristics thereof, to meet the needs for safe and efficient navigation and traffic control of all civil and military aviation.

1.1.2.2 Technical Rationale

Systems selected for implementation as a result of these developments, modifications, test and evaluation efforts are described in U.S. National Aviation Standards. These are system standards embodying descriptions of system characteristics. They describe technical parameters and tolerances that ensure proper operation and compatibility between elements of the National Airspace System.

1.1.2.3 Conclusion

Optimum performance will be obtained if these System Characteristics are met by all users of the Discrete Address Beacon System under all expected operating conditions. Consequently, it is important to define many characteristics of the airborne components used in the system.

1.2 Coordination of DABS With the Air Traffic Control Radar Beacon System (ATCRBS)

1.2.1 ATCRBS Compatibility

To facilitate the transition from ATCRBS to DABS over an extended period, DABS installations, both ground and airborne, include full ATCRBS capability. DABS interrogators provide

surveillance of ATCRBS-equipped aircraft, and DABS transponders are capable of replying to ATCRBS interrogators. To accomplish this dual mode operation (ATCRBS and DABS) with minimum equipment complexity, DABS operates on the same interrogation and reply frequencies as ATCRBS.

1.2.2 Relationship Between DABS and ATCRBS National Standards

ATCRBS-only transponders are not affected by the DABS National Standard, and the ATCRBS-mode operation of DABS transponders adheres to the ATCRBS National Standard (Reference A) for Modes A and C.

1.2.3 ATCRBS IFF Mark XII System (AIMS) Compatibility

The DABS system has been designed for operational compatibility with AIMS including Mode 4.

1.3 Scope of This Standard

This National Standard defines the characteristics of the DABS signals, formats and protocols.

1.3.1 Items Not Covered

This Standard does not include specific data link message contents and codes. Such codes will be the subject of separate Standards.

1.4 Overall System Capabilities

1.4.1 Coverage

The DABS sensor will perform surveilliance of all beacon-equipped aircraft within its line-of-site coverage airspace. The nominal maximum range is 200 nmi, but is site adaptable to shorter ranges. ATCRBS-equipped aircraft are interrogated at the minimum rate that produces an adequate number of interrogations for azimuth determination. The addresses of DABS-equipped aircraft are acquired by means of an All-Call interrogation, or by means of ground-to-ground handover. After acquisition, DABS-equipped aircraft are interrogated with their unique address call. For both ATCRBS and DABS-equipped aircraft, azimuth is determined by a monopulse technique. System coverage for both ATCRBS and DABS targets is intended to identical to that described in paragraph 1.3.2 of reference A.

1.4.2 Data Link

The DABS sensor will provide a two-way digital data link for all DABS-equipped aircraft. Messages originating on the ground are sent to suitably equipped aircraft and appropriate acknowledgment received is relayed to the sender. The DABS sensor also manages the data link so that when an aircraft wishes to initiate an air-to-ground message, that message is read out with minimum delay.

1.4.3 Link Reliability

High link reliability is achieved by design features intrinsic to the DABS system. Reinterrogation reduces link failure due to interference. Signal formats, differential phase shift keying on the uplink and pulse position modulation with error correction capability on the downlink, provide high link reliability in a pulse interference environment. Discrete addressing eliminates synchronous interference for DABS-equipped aircraft.

1.5 Glossary of Acronymns

ATARS: Automatic Traffic Advisory and Resolution Service

ATCRBS: Air Traffic Control Radar Beacon System

BCAS: Beacon Collision Avoidance System

CIR: Conflict Indicator Register

DABS: Discrete Address Beacon System

1.6 References

Reference A: "U.S. National Standard for the IFF Mark X (SIF)/Air Traffic Control Radar Beacon System Characteristics", FAA, 1010.51A, 8 March 1971.

2. Signals in Space

Note.—This section describes all rf characteristics of the DABS signals.

2.1 DABS Frequencies

The carrier frequency of DABS interrogations (uplink) is 1030 ±0.01 MHz.

The carrier frequency of DABS replies (downlink) is 1090 ±3 MHz.

Note.—The carrier frequencies are identical to those used in the ATCRBS system and specified in ref. A. The frequency tolerance for the DABS interrogation is tighter than for ATCRBS in order to accommodate phase shift modulation; while the reply frequency tolerance remains at ±3 MHz to allow continued use of ATCRBS airborne hardware.

2.1.1 Polarization

Vertical polarization is used in DABS transmissions.

2.2 DABS Modulation

The modulation of DABS carrier frequencies consists of pulses some of which have internal phase modulation.

2.2.1.1 Pulse Shapes

Pulse shapes are defined as described in ref. A, section 2.

2.2.1 Pulse Shapes, Interrogations

The specifications for pulse shapes used in DABS interrogations are summarized in the following table. All values are in microseconds.

Pulse designator	Pulse duration	Duration tolerance	Rise time Min.	Rise time Max.	Decay time Min.	Decay time Max.
P_1,P_2,P_3,P_5	0.8	±0.1	0.05	0.1	0.05	0.2
P_4 (short)	0.8	±0.1	0.05	0.1	0.05	0.2
P_4 (long)	1.6	±0.1	0.05	0.1	0.05	0.2
P_6 (short)	16.25	±0.25	0.05	0.1	0.05	0.2
P_6 (long)	30.25	±0.25	0.05	0.1	0.05	0.2

Note.—The 0.8-microsecond pulses used in DABS interrogations are identical in shape to those used in ATCRBS and described in ref. A, 2.4.5.

2.2.1.2 Pulse Shapes, Replies

The specifications for pulse shapes used in DABS replies are summarized in the following table. All values are in microseconds.

Pulse duration	Tolerance	Rise time Min.	Rise time Max.	Decay time Min.	Decay time Max.
0.45	±0.1	0.05	0.1	0.05	0.2
0.5	±0.05	0.05	0.1	0.05	0.2
1.0	±0.05	0.05	0.1	0.05	0.2

Note.—The 0.45-microsecond pulses are used for replies to ATCRBS Interrogations and are listed here only for convenience. The (identical) specifications of ref. A, 2.6 apply.

2.2.2 Phase Modulation

The short (16.25-microsecond) and long (30.25-microsecond) P_6 pulses of 2.2.1.1 have internal modulation consisting of 180-degree phase reversals of the carrier at designated times.

2.2.2.1 Phase Reversal Duration

The duration of the phase reversal is less than 0.08 microsecond as measured between the 10 degree and 170 degree points of the phase transition. The interval between the 80 percent points of the amplitude transient associated with the phase reversal is less than 0.08 microsecond.

2.2.2.2 Phase Relationship

The tolerance on the 0 or 180 degree phase relationship between successive chips within the P_6 pulse (including the sync phase reversal) is ±5 degrees.

Note.—A "chip" is the shortest carrier interval between successive phase reversals.

2.2.2.3 Sync Phase Reversal

The first reversal in the P_6 pulse is the Sync Phase Reversal and occurs nominally 1.25 microseconds after the leading edge.

Note.—The sync phase reversal is the timing benchmark for succeeding transponder operations.

2.2.2.4 Data Phase Reversals

The center of each following data phase reversal can occur only at a time $(N \times 0.25) \pm 0.02$ microseconds $(N>2)$ after the Sync Phase Reversal.

Note.—56 or 112 data phase reversals can occur in the 16.25- amd 30.25-microsecond P_6 pulses respectively. This results in a 4 Mb/sec data rate within the pulses.

2.3 Pulse Sequences

Specific sequences of the pulses or phase reversals described in 2.2 constitute DABS interrogations and replies.

2.3.1 ATCRBS/DABS All-Call and ATCRBS-Only All-Call Interrogations

These interrogations consist of three pulses: P_1, P_3, and P_4. One or two control pulses (P_2 alone, or P_1 and P_2) are transmitted using a separate antenna pattern to suppress responses from aircraft in the sidelobes of the interrogator antenna. See Fig. 2.3–1.

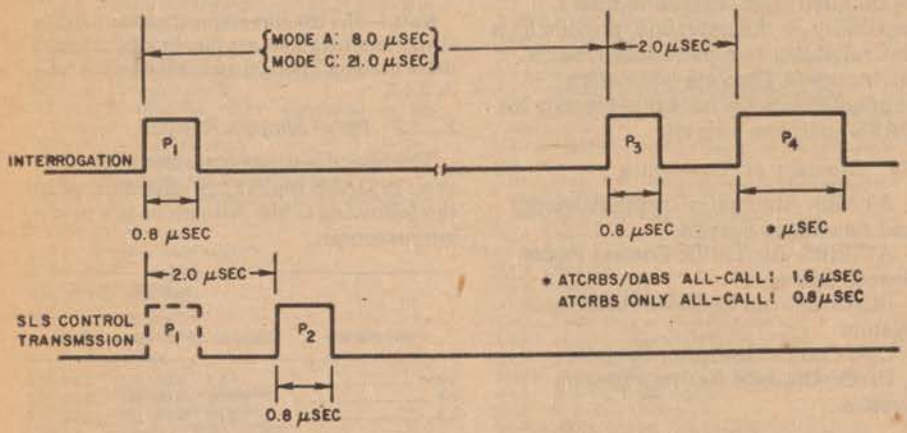


Fig. 2.3-1. ATCRBS/DABS and ATCRBS-Only All-Call Interrogation Pulse Sequence.

2.3.1.1 Pulse Definitions and Spacing

P_1, P_2, and P_3 have shapes and spacings as defined in ref. A, 2.4. P_4 is either a 0.8-microsecond pulse or a 1.6-microsecond pulse (2.2.1.1) and occurs 2 ± 0.05 microseconds after P_3, measured from leading edge to leading edge.

2.3.1.2 Pulse Levels

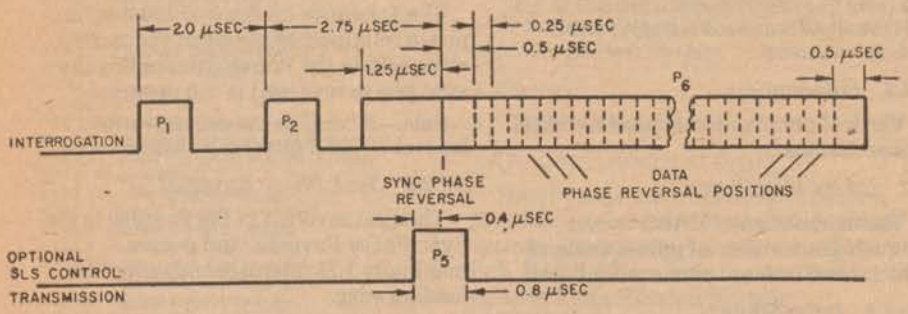
Relative levels between pulses P_1, P_2, and P_3 are in accordance with ref. A, 2.5.

The radiated amplitude of P_4 is within 1 dB of the radiated amplitude of P_3.

Note.—P_1, P_2, and P_3 are 0.8-microsecond pulses. Spacings: $P_1 - P_2 = 2 \pm 0.15$ microseconds; $P_1 - P_3 = 8$ or 21 ± 0.2 microseconds. Levels: $P_1 - P_2$ = see ref. A, 2.5.2; $P_1 - P_3$ = within 1 dB. ATCRBS/DABS All-Call and ATCRBS-Only All-Call interrogations correspond in their pulse sequence to the ATCRBS interrogations of ref. A, 2.4. The additional P_4 pulse is not seen by ATCRBS transponders which reply as usual. DABS transponders recognize the long P_4 of the ATCRBS/DABS All-Call interrogation and reply with a DABS format. DABS transponders recognize the short P_4 of the ATCRBS-Only All-Call interrogation and do not accept such interrogations.

2.3.2 DABS Interrogations

The DABS interrogation sequence consists of three pulses: P_1, P_2, and P_6. A control pulse, P_5, is transmitted using a separate antenna pattern to suppress acceptance of interrogation by aircraft in the sidelobes of the interrogator antenna. See Fig. 2.3–2.



Note: The P6 pulse includes a 0.5 μsec segment at the end to insure that the trailing edge of the pulse does not interfere with the last bit in the data block.

Fig. 2.3-2. DABS Interrogation Pulse Sequence.

2.3.2.1 Pulse Definition

P_1, P_2, and P_5 are 0.8-microsecond pulses. P_6 is either a 16.25-microsecond or a 30.25-microsecond pulse (2.2.1.1) containing phase reversals.

2.3.2.2 Pulse Spacings

Between leading edges the spacing from P_1, P_2 is 2 ± 0.05 microseconds. The spacing from the leading edge of P_2 to the sync phase reversal of P_6 is 2.75 ± 0.05 microseconds. The leading edge of P_6 occurs 1.25 ± 0.05 microseconds before the sync phase reversal. P_5, if transmitted, is centered over the sync phase reversal.

2.3.2.3 Pulse Levels

The radiated amplitudes of P_2 and the initial first microsecond of P_6 are greater than the radiated amplitude of P_1 minus 0.25 dB. The envelope amplitude variation of P_6 is less than 1 dB and the amplitude variation between successive phase modulation chips in P_6 is less than 0.25 dB. P_5 is radiated with the same antenna pattern and amplitude as P_2 of (2.3.1.2).

Note.—The phase reversals within P_6 contain the information conveyed by the DABS interrogation. P_6 is preceded by the P_1-P_2 pair which, when received, suppresses replies from ATCRBS transponders to avoid synchronous garble due to random triggering of ATCRBS transponders by the DABS interrogation. The action of P_5 is automatic: Its presence, if of sufficient amplitude at the receiving location, masks the sync phase reversal of P_6 so that decoding of P_6 cannot be accomplished.

2.3.3 ATCRBS Replies

DABS transponders reply to ATCRBS Mode A or Mode C interrogations as described in ref. A, 2.6, unless inhibited by reply rate limiting.

2.3.4 DABS Replies

The DABS reply waveform is shown in Fig. 2.3–3.

Note.—DABS replies consist of a four-pulse preamble followed by a series of pulses which carry either 56 or 112 information bits by means of pulse position modulation (PPM).

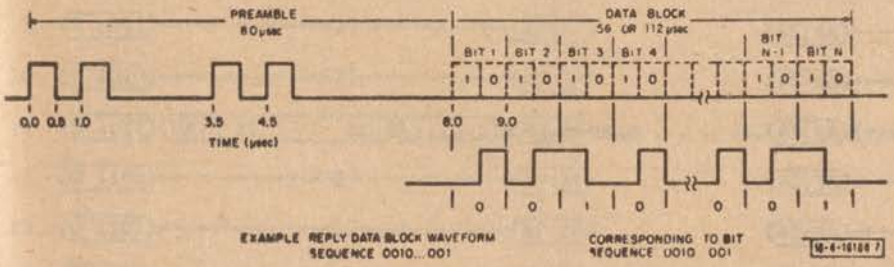


Fig. 2.3–3. DABS Reply Waveform.

2.3.4.1 Pulse Definition

All pulses in DABS replies are either 0.5- or 1-microsecond pulses according to 2.2.1.2.

2.3.4.2 Pulse Spacings

All reply pulses start at a defined multiple of 0.5 microseconds from the first transmitted pulse, measured between leading edges. The pulse position tolerance in all cases is ±0.05 microseconds.

2.3.4.2.1 Reply Preamble

The preamble consists of four 0.5-microsecond pulses. The second, third, and fourth pulses are spaced 1, 3.5, and 4.5 microseconds respectively from the first transmitted pulse.

2.3.4.2.2 Reply Data Pulses

The block of reply data pulses begins 8 microseconds after the first transmitted pulse. Either 56 or 112 one-microsecond intervals are assigned to each transmission. A 0.5-microsecond pulse is transmitted either in the first or in the second half of each interval. If a pulse transmitted in the second half of one interval is followed by another pulse transmitted in the first half of the next interval, the two pulses merge and a 1-microsecond pulse (2.2.1.2) is transmitted.

2.3.4.3 Pulse Levels

The pulse amplitude variation between one pulse and any other pulse in a DABS reply does not exceed 2 dB.

2.4 DABS Spectra

Note.—The emission spectrum of a DABS transmission is concentrated around the carrier frequency.

2.4.1 Interrogation RF Spectrum.

The spectrum of a valid of DABS interrogation does not exceed the following bound.

Frequency difference (from carrier freq., MHz)	Maximum relative response (dB down from peak)
4	6
6	11
8	15
10	19
20	31
30	38
40	43
50	47
60	50

Note. The "worst case" spectrum is generated by a P_6 pulse which contains all possible phase reversals.

2.4.2 Reply RF Spectrum

The spectrum of a valid DABS reply does not exceed the following bound.

Frequency difference (MHz from 1090 MHz)	Maximum relative response (dB down from peak)
4.3	3.0
10.0	20.0
26.0	40.0
81.0	60.0

Note.—The first column in this table corresponds to the center frequency tolerance allowed for a transponder.

3. Signal Content

Note.—This section describes the location and coding of the information contained in DABS transmissions.

3.1 Data Blocks

The interrogation and reply data blocks can contain either 56 or 112 bits.

3.1.1 Interrogation Data Blocks

The interrogation data block consists of the sequence of carrier phase reversals within P6; see 2.2.2. A 180-degree phase shift of the carrier preceding a data chip characterizes that chip as a binary "one". No preceding phase shift denotes a binary "zero".

3.1.2. Reply Data Blocks

The reply data block is formed by binary pulse position modulation encoding of the reply data as described in 2.3.4.2.2. A pulse transmitted in the first half of the interval represents a binary "one" while a pulse transmitted in the second half represents a binary "zero".

3.2 Format Structure, Interrogation and Reply

The available coding space is occupied by either 56 or 112 bits of which 24 bits are used as the address of the aircraft while the rest are used for information transfer. A summary of interrogation and reply formats is presented in Figures 3.2–1 and 3.2–2.

3.2.1 Bit Numbering and Sequence

The bits are numbered in order of their transmission, beginning with bit 1. If numerical values are encoded by groups of bits (fields) then the bit transmitted first is the most significant bit (MSB).

Note.—This rule need not apply to codes used in DABS data link messages.

3.2.2 Fields

Information is coded in fields which consist of at least one or more bits. In this document the decimal equivalent of the binary code formed by the bit sequence within a field is used as the designator of the field function or command.

Note.—As an example, the 6-bit UF field is used to designate the uplink format type. The surveillance interrogation with identity is designated by a UF code of 00101. Since $00101_2 = 5_{10}$, this format is designated as UF 5.

Format No. UF		
0	(0 0000)(AQ:1)(BI:26)(AP:24).	Short Special Surveillance
1	(0 0001)----------27----------(AP:24)	
2	(0 0010)(EP:8)-------19----------(AP:24).	Short Synchr. Surveillance
3	(0 0011)----------27----------(AP:24)	
4	(0 0100)(PC:3)(RR:5)(DI:3)(SD:16)(AP:24).	Surveillance, Altitude
5	(0 0101)(PC:3)(RR:5)(DI:3)(SD:16)(AP:24).	Surveillance, Identity
6	(0 0110)----------27----------(AP:24).	Ground-Air Coordination
7	(0 0111)----------27----------(AP:24)	
8	(0 1000)----------27----------(AP:24)	
9	(0 1001)----------27----------(AP:24)	
10	(0 1010)----------27----------(AP:24)	
11	(0 1011)(PR:4)(II:4)(--19 one's--)(AP:24).	DABS-Only All-Call
12	(0 1100)----------27----------(AP:24)	
13	(0 1101)----------27----------(AP:24)	
14	(0 1110)----------27----------(AP:24)	
15	(0 1111)----------27----------(AP:24)	
16	(1 0000)(AQ:1)(BI:26)(MU:56)(AP:24).	Long Special Surveillance
17	(1 0001)----------83----------(AP:24)	
18	(1 0010)(EP:8)-------19----------(MS:56)(AP:24).	Long Synchr. Surveillance
19	(1 0011)----------83----------(AP:24)	
20	(1 0100)(PC:3)(RR:5)(DI:3)(SD:16)(MA:56)(AP:24).	Comm-A, Altitude
21	(1 0101)(PC:3)(RR:5)(DI:3)(SD:16)(MA:56)(AP:24).	Comm-A, Identity
22	(1 0110)----------83----------(AP:24).	Ground-Air Coordination
23	(1 0111)----------83----------(AP:24)	
24	(11)(RC:2)(NC:4)(MC:80)(AP:24).	Comm-C (ELM)

Notes: (1) (XX:M) denotes a field designated "XX" which is assigned M bits,
(2) ---N--- denotes free coding space with N available bits,
(3) UF (Uplink Format) codes 24 through 31 are reserved for Comm-C transmissions. The leading bits of these codes are always "11"; the remaining bits vary with the content of the RC and NC fields.

Fig. 3.2-1. Summary of DABS Interrogation or Uplink Formats.

Format No.	DF							
0	(0 0000)	(AQ:1)	(BR:13)	(AC:13)	(AP:24)			Short Special Surveillance
1	(0 0001)	----------27----------			(AP:24)			
2	(0 0010)	(EP:8)	--------6-----	(AC:13)	(AP:24)			Short Synchr. Surveillance
3	(0 0011)	----------27----------			(AP:24)			
4	(0 0100)	(FS:3)	(DR:5)	(UM:6)	(AC:13)	(AP:24)		Surveillance, Altitude
5	(0 0101)	(FS:3)	(DR:5)	(UM:6)	(ID:13)	(AP:24)		Surveillance, Identity
6	(0 0110)	----------27----------			(AP:24)			Not Used
7	(0 0111)	----------27----------			(AP:24)			
8	(0 1000)	----------27----------			(AP:24)			
9	(0 1001)	----------27----------			(AP:24)			
10	(0 1010)	----------27----------			(AP:24)			
11	(0 1011)	(CA:3)	(AA:24)		(PI:24)			All-Call Reply
12	(0 1100)	----------27----------			(AP:24)			
13	(0 1101)	----------27----------			(AP:24)			
14	(0 1110)	----------27----------			(AP:24)			
15	(0 1111)	----------27----------			(AP:24)			
16	(1 0000)	(AQ:1)	(BR:13)	(AC:13)	(SC:56)	(AP:24)		Long Special Surveillance
17	(1 0001)	----------83----------				(AP:24)		
18	(1 0010)	(EP:8)	--------6-----	(AC:13)	(MT:56)	(AP:24)		Long Synchr. Surveillance
19	(1 0011)	----------83----------				(AP:24)		
20	(1 0100)	(FS:3)	(DR:5)	(UM:6)	(AC:13)	(MB:56)	(AP:24)	Comm-B, Altitude
21	(1 0101)	(FS:3)	(DR:5)	(UM:6)	(ID:13)	(MB:56)	(AP:24)	Comm-B, Identity
22	(1 0110)	----------83----------				(AP:24)		Not Used
23	(1 0111)	----------83----------				(AP:24)		
24	(11)	--1--	(KE:1)	(ND:4)	(MD:80)	(AP:24)		Comm-D (ELM)

Notes: (1) (XX:M) denotes a field designated "XX" which is assigned M bits,
(2) ---N--- denotes free coding space with N available bits,
(3) DF (Downlink Format) codes 24 through 31 are reserved for Comm-D transmissions. The leading bits of these codes are always "11"; the remaining bits vary with the content of the KE and ND fields.

Fig. 3.2-2. Summary of DABS Reply or Downlink Formats.

BILLING CODE 4910-13-C

3.2.2.1 Essential Fields

Each DABS transmission contains two essential fields: one decribing the format and the other providing the transponder's address. The format descriptor is a 5 bit field at the beginning of the transmission and the address field always occurs at the end of the transmission. The formats are described by the UF (Uplink Format) or DF (Downlink Format) fields. The 24 bit field which carriers parity information contains either the address or the interrogator identity overlaid on parity according to 4.1. The designators are AP (Address/Parity) or PI (Parity/Identity).

3.2.2.2. Mission Fields

The remaining coding space is used to transmit the mission fields. For specific missions, a specific field complement is prescribed. Mission fields have 2-letter designators.

3.2.2.3 Subfields

Subfields may appear within established fields. Subfields are labelled with three-letter designators.

3.3 Field Descriptions

The fields are decribed in alphabetical order in the following paragraphs. An index is provided in Table 3.3–1.

3.3.1 AA Address, Announced

Downlink, 24 bits, 9 through 32. Appears in Downlink Format DF-11, the All-Call reply. Contains aircraft address in the clear.

3.3.2 AC Altitude Code

Downlink, 13 bits, 20 through 32. Appears in downlink formats which report aircraft altitude. Coded according to pattern of ref. A, 2.6.2 and ref. A, Attachment 1. Starting with bit 20, the sequence is C1, A1, C2, A2, C4, A4, M, B1, D1, B2, D2, B4, D4. Metric altitude is contained in this field if the M bit (bit 26) is set to "one".

Note.—Metric altitude codes are not included in this Standard but may be defined in a future Standard.

3.3.3 AP Address/Parity

Uplink and downlink, 24 bits, 33 through 56 or 89 through 112. Parity is overlaid on the address according to 4.1.2.

Table 3.3-1. FIELD INDEX

Field	Sub Field	Bits		Formats		Reference Paragraph(s)	
		No.	Position	Up	Down	Content	Protocol
AA		24	9-32		X	3.3.1	
AC		13	20-32		X	3.3.2	
AP		24	33-56	X	X	3.3.3	4.1.3, 4.2.1.1,
			89-112				4.2.1.2
AQ		1	6	X	X	3.3.4	4.18.1
BI		26	7-32	X		3.3.5.1	
BR		13	7-19		X	3.3.5.2	
	MXS	3	17-19		X	3.3.5.2.1	
CA		3	6-8		X	3.3.6	4.6.1
DF		5	1-5		X	3.3.7	
DI		3	14-16	X		3.3.8	
DR		5	9-13		X	3.3.9	4.4.1, 4.11.2
EP		8	6-13	X	X	3.3.10	4.16
FS		3	6-8		X	3.3.11	4.5
ID		13	20-32		X	3.3.12	
II		4	10-13	X		3.3.13	4.12.1.1&2
KE		1	4		X	3.3.14	4.11.1.3.2
MA		56	33-88	X		3.3.15	
	ADS	8	33-40	X		3.3.15.1	
MB		56	33-88		X	3.3.16	4.10, 4.19
	BDS	8	33-40		X	3.3.16.1	4.10.1
	ECS	16	71-86		X	4.6.2.1	
	EDS	2	87,88		X	4.6.2.1	
	FIS	42	47-88		X	4.13	
MC		80	9-88	X		3.3.17	
	SRS	16	9-24	X		4.11.2.2.1	
MD		80	9-88		X	3.3.18	
	DSS	8	9-16		X	4.11.2.2.2	
	TAS	16	17-32		X	4.11.1.3.3	4.11.1.3.3
MS		56	33-88	X		3.3.19	
MT		56	33-88		X	3.3.20	
MU		56	33-88	X		3.3.21	
NC		4	5-8	X		3.3.22	4.11.1
ND		4	5-8		X	3.3.23	4.11.2.2
PC		3	6-8	X		3.3.25	4.3, 4.9, 4.10
PI		24	33-56		X	3.3.26	4.1.3
PR		4	6-9	X		3.3.27	4.3.1
RC		2	3,4	X		3.3.28	4.11.1, 4.11.2.2
RR		5	9-13	X		3.3.29	4.2.2.1
SC		56	33-88		X	3.3.30	
SD		16	17-32	X		3.3.31	4.12.1.1, 4.15,
							4.19
	IIS	4	17-20	X		4.12.1.1	
	LOS	1	26	X		4.12.1.1	
	MBS	2	21,22	X		4.12.1.1	
	MES	3	23-25	X		4.12.1.1	
	RRS	4	17-20	X		4.10.1.1.1	4.10.1.1
	RSS	2	27,28	X		4.12.1.1	
UF		5	1-5	X		3.3.32,	
UM		6	14-19		X	3.3.33	4.7
	IDS	2	18,19		X	4.12.1.2	
	IIS	4	14-17		X	4.12.1.2	

BILLING CODE 4910-13-C

3.3.4 AQ Acquisition, Special

Uplink and downlink, 1 bit, 6. Appears in special surveillance formats UF=DF=0, and UF=DF=16. The code appearing in this field, when received in the uplink is repeated in the downlink.

Note.—This field identifies the BCAS acquisition reply.

3.3.5 BCAS Data

3.3.5.1 BI BCAS Interrogation Data

Uplink, 26 bits, 7 through 32. Appears in uplink special surveillance formats UF=0, 16. Contains BCAS data.

Note.—Message content and codes are not included in this Standard.

3.3.5.2 BR BCAS Reply Data

Downlink, 13 bits, 7 through 19. Appears in downlink special surveillance formats DF=0, 16.

Note.—Message content and codes other than MXS (see 3.3.5.2.1) are not included in this Standard.

3.3.5.2.1 Subfields in BR: MXS Maximum Airspeed Subfield

Aircraft report their maximum airspeed by inserting one of the codes shown below into the MXS subfield. MXS is a three bit field, located in bits 17 through 19.

Coding:

0 = No data available
1 = airspeed is up to 75 knots
2 = airspeed is between 75 and 150 knots
3 = airspeed is between 150 and 300 knots
4 = airspeed is between 300 and 600 knots
5 = airspeed is between 600 and 1200 knots
6 = airspeed is more than 1200 knots
7 = aircraft is on the ground

Note.—This report is used by BCAS to aid in tracking DABS aircraft. For implementation see 5.5.1.1. The maximum airspeed flown in normal operation is used.

3.3.6 CA Capability

Downlink, 3 bits, 6 through 8. Appears in All-Call reply format, DF=11.

Coding:

0 = Minimum capability
1 = Additional capability (4.6.2)
2 = Extended capability (4.6.3)
3 = Additional and extended capability
4–7 Not assigned

3.3.7 DF Downlink Format

Downlink, 5 bits, 1 through 5. Appears in all downlink transmissions. This field is the downlink descriptor. Coding according to Fig. 3.2–2.

3.3.8 DI Designator Identification

Uplink, 3 bits, 14 through 16:

Appears in uplink surveillance and Comm-A formats, UF=4, 5, 20, 21. Contains identification of coding in the SD field.

Coding:

0 = Not assigned
1 = SD contains multisite information (4.12)
2 = SD contains ATARS-CIR information (4.18)
3—6 Not assigned
7 = SD contains extended reply request (4.10.1.1)

Note 1.—The CIR (Conflict Indicator Register) is used to coordinate the activities of ATARS and BCAS.

Note 2.—ATARS and CIR message content and codes are not included in this Standard.

3.3.9 DR Downlink Request

Downlink, 5 bits, 9 through 13. Appears in surveillance and Comm-B replies, DF=4, 5, 20, 21.

Coding:

0 = No action
1 = B bit set
2 = CIR bit set
3 = CIR and B bits set
4–15 Not assigned
16–31 See Comm-D protocol, 4.11.2.1

3.3.10 EP Epoch

Uplink and downlink, 8 bits, 6 through 13. Appears in uplink and downlink synchronous surveillance formats, UF=DF=2, 18.

Note.—The message content and codes are not included in this Standard. The content of this field in the uplink is repeated in the downlink (4.15).

3.3.11 FS Flight Status

Downlink, 3 bits, 6 through 8. Appears in downlink surveillance and Comm-B formats, DF=4, 5, 20, 21. Contains flight status.

Coding:

0 = Normal, airborne
1 = BCAS Interrogating
2 = ALERT
3 = Not assigned
4 = SPI
5 = Not assigned
6 = ALERT, SPI
7 = On the ground

Note.—The meaning of these codes is explained in 4.5.

3.3.12 ID Identification, (4096 code)

Downlink, 13 bits, 20 through 32. Appears in downlink formats which report aircraft identification. Coded to pattern corresponding to ref. A, 2.6.

3.3.13 II Interrogator Identification

Uplink, 4 bits, 10 through 13. Appears in DABS-only All-Call, UF=11. identifies interrogator and is used in multisite lockout protocol 4.12.6.

Note.—The same information also may appear in the IIS subfields of 4.12.1.1 and 4.12.1.2.

3.3.14 KE Control, ELM

Downlink, 1 bit, bit 4. Appears in Comm-D replies. Defines content of ND, MD fields. Coding according to 4.11.1.3.2.

3.3.15 MA Message, Comm-A

Uplink, 56 bits, 33 through 88. Appears in Comm-A interrogations, UF=20,21. Used to transmit messages to the aircraft. Contains 8-bit ADS (Comm-A Definition) field.

Note.—Message content and codes are not included in this Standard.

3.3.15.1 Subfields in MA: ADS, A-Definition Subfield

Located in bits 33 through 40, this 8-bit subfield denotes the definition of the data contained in MA. For convenience in coding, ADS is expressed in two groups of 4 bits each, ADS1 and ADS2.

3.3.16 MB Message, Comm-B

Downlink, 56 bits 33 through 88. Appears in Comm-B replies, DF=20,21. Used to transmit messages to the gound. Contains 8-bit BDS (Comm-B Definition) field.

Note.—Message content and codes are not included in this Standard; exceptions are described in 3.3.16.1 and 4.6.3.

3.3.16.1 Subfields in MB: BDS, B-Definition Subfield

Located in bits 33 through 40, this 8-bit subfield in MB indicates the source of the data in the remainder of MB. For convenience in coding, BDS is expressed in two groups of 4 bits each, BDS1 and BDS2.

3.3.17 MC Message, Comm-C

Uplink, 80 bits, 9 through 88. Appears in Comm-C interrogations. Contains Comm-C data.

Note.—Message content and codes are not included in this Standard.

3.3.18 MD Message, Comm-D

Downlink, 80 bits, 9 through 88. Appears in Comm-D replies, DF's 24 through 31. Contains Comm-D data.

Note.—Message content and codes are not included in this Standard.

3.3.19 MD Message, Synchronized, Interrogation

Uplink, 56 bits, 33 through 88. Appears in long synchronized surveillance interrogation, UF=18.

Note.—Message content and codes are not included in this Standard.

3.3.20 MD Message, Synchronized, Reply

Downlink, 56 bits, 33 through 88. Appears in long synchronized surveillance reply, DF=18.

Note.—Message content and codes are not included in this Standard.

3.3.21 MD Message, Interrogation

Uplink, 56 bits, 33 through 88. Appears in long special surveillance interrogations, UF=16. Contains BCAS data.

Note.—Message content and codes are not included in this Standard.

3.3.22 NC Number of C-Segment

Uplink, 4 bits, 33 through 8. Appears in Comm-C interrogations. Designates segment number of this transmission per 4.11.1.1.

3.3.23 ND Number of D-Segment

Downlink, 4 bits, 5 through 8. Appears in Comm-D replies. Designates segment number of this transmission per 4.11.2.2.

3.3.24 PC Protocol

Uplink, 3 bits, 6,7,8. Appears in surveillance and Comm-A interrogations, UF=4,5,20,21. Contains operating commands to the transponder. Coding:

0=no action
1=Standard All-Call lockout (4.3.1)
2=Squitter lockout (4.3.2)
3=Standard All-Call lockout and squitter lockout
4=cancel B (4.10.2)
5=cancel C (4.11.1.3.4)
6=cancel D (4.11.2.3)
7=not assigned

3.3.25 PI Parity/Interrogator Identifier

Downlink, 24 bits, 33 through 56. Appears in reply to DABS-only All-Call, DF=11. Parity is overlaid on interrogator identifier according to 4.1.2.

3.3.26 PR Probability of Reply

Uplink, 4 bits, 6 through 9. Appears in DABS-only All-Call interrogation, UF=11. Contains designated reply probability and lockout override command. Coding:

0=reply with probability=1
1=reply with probability=½
2=reply with probability=¼
3=reply with probability=⅛
4=reply with probability=1/16
5,6,7 not assigned
8=disregard lockout, reply with probability=1
9=disregard lockout, reply with probability=½
10=disregard lockout, reply with probability=¼
11=disregard lockout, reply with probability=⅛
12=disregard lockout, reply with probability=1/16
13,14,15 not assigned

3.3.27 RC Reply Control

Uplink, 2 bits, 3 and 4. Appears in Comm-C interrogations. Designates segment significance and reply decision per 4.11.1 and 4.11.2.2.

3.3.28 RR Reply Request

Uplink, 5 bits, 9 through 13. Appears in surveillance and Comm-A interrogations, UF=4,5,20,21. Contains length and content of requested reply and content of the UM field.

Coding:

RR code	Reply length	MB control	UM content
0	Short		Voluntary message, if any (3.3.32.2).
1	Short		Additional capability (4.6.2).
2	Short		See note 1.
3 to 15	Short		Not assigned.
16	Long	Air initiated comm B (4.10).	See note 1.
17	Long	Extended capability (4.6.3).	See note 1.
18	Long	Flight ID (4.13).	See note 1.
19	Long	ATARS/CIR (4.18).	See note 1.
20	Long	Data link (see note 3).	See note 1.
21	Long	Not assigned.	See note 1.
22	Long	BCAS (see note 3).	See note 1.
23 to 31	Long	Not assigned.	See note 1.

Note 1.—The contents of UM may be specified by coding in the SD field of the interrogation.

Note 2.—The last four bits of the 5-bit RR Code, if transformed into their decimal equivalent, designate the number (BDS1) of the requested source if the first bit of the RR code is a one.

Note 3.—Data Link and BCAS message codes are not included in this Standard.

3.3.29 SC Special Communication

Downlink, 56 bits, 33 through 88. Appears in long special reply DF=16. Contains BCAS data.

Note.—Message content and codes are not included in this Standard.

3.3.30 SD Special Designator

Uplink, 16 bits, 17 through 32. Appears in surveillance and Comm-A interrogations, UF=4,5,20,21. Contains control codes directed to the transponder. Coding depends on the content of the DI field.

3.3.30.1 Subfields in SD

Note.—Subfields within SD are described in 4.10.1.1.1, and 4.12.1.1.

3.3.31 UF Uplink Format

Uplink, 5 bits, 1 through 5. Appears in all uplink transmissions. This field is the uplink descriptor. Coding according to Fig. 3.2–1.

Note.—This field uniquely identifies the structure and content of all DABS interrogations.

3.3.32 UM Utility Message

Downlink, 6 bits, 14 through 19. Appears in surveillance and Comm-B replies: DF=4,5,20,21. Contains requested or volunteered data (see 4.7).

Note.—The UM field is provided in order to accomplish simple message interchanges between the aircraft and the ground.

3.3.32.1 Subfields in UM

Note.—Subfields within UM are described in 4.6.2 and in 4.12.1.2.

3.3.32.2 Voluntary Information

Voluntary information in the UM field is encoded according to a predetermined list of 64 different messages. The six bits in the UM field can form 64 different codes, numbered 0 through 63. Known messages are:

0 No message.
1 Change in capability status.
2 through 63 Not assigned.

4. Protocol

Note.—This section describes the interactions between the sensor (interrogator) and the transponder required for the proper function of the DABS surveillance and data link tasks. Data interchanged on the DABS link may have their own sub-protocols: these are not part of this Standard.

4.1 Error Protection

4.1.1 Technique

Parity check coding is used within DABS interrogations and replies to provide protection against the occurrence of errors.

4.1.1.1 Parity Check Sequence

A sequence of 24 parity check bits is generated by a code described in 4.1.1.2 and is incorporated into the field formed by the last 24 bits of all DABS transmissions. The 24 parity check bits are combined with either the address or the interrogator identification as described in 4.1.2. The resulting combination then forms either the AP (Address/Parity) or the PI (Parity/Identification) fields.

4.1.1.2 Parity Check Sequence Generation

The sequence of 24 parity bits ($p_1, p_2, \ldots p_{24}$) is generated from the sequence of information bits ($m_1, m_2, \ldots m_k$) where k is 32 or 88 for short or long transmissions respectively. This is done by means of a code which is generated by the polynomial:

$$G(x) = \sum_{i=0}^{24} g_i x_i$$

where $g_i = \begin{cases} 1 \text{ for } i = 0, 3, 10, \text{ and 12 through 24} \\ 0 \text{ otherwise} \end{cases}$

When by the application of binary polynomial algebra the above G)x) is divided into the information sequence expressed as:

$M(x) = m_k + m_{k-1}x + m_{k-2}x^2 + \ldots + m_1x^{k-1}$

the result is a quotient and a remainder R(x) of degree < 24. The bit sequence formed by this remainder represents the parity check sequence. Parity p_i, for any i from 1 to 24, is the coefficient of x^{24-i} in R(x).

4.1.2 AP or PI Field Generation

The address is formed by a sequence of 24 bits, (a_1, a_2 . . . a_{24}) where a_1 is the bit transmitted first in the AA field of an All-Call reply (3.3.1). This address sequence is used in the downlink Address/Parity field generation, while a modified form of this sequence (b_1, b_2 . . . b_{24}) is required for uplink Address/Parity field generation.

The interrogator identifier is formed by a sequence of 24 bits, (a_1, a_2 . . . a_{24}) where the first 20 bits have zero value and the last four bits are a replica of the II field 3.3.13.

Bit b_i is the coefficient of x^{i-1} in the polynomial H(x)A(x), where

$A(x) = a_1 + a_2x + a_3x^2 + \ldots + a_{24}x^{23}$

and

$H(x) = \sum_{i=0}^{24} g_ix^{24-i}$

The sequence of bits transmitted in the Address/Parity field is:

$t_{k+1}, t_{k+2} \quad t_{k+24}$

Note.—The bits are numbered in order of transmission, starting with "1".

4.1.2.1 Uplink Field

In uplink transmissions:

$t_{k+i}\ b_i \oplus P_i$

where " $\oplus$ " prescribes modulo-2 addition.

4.1.2.2 Downlink Field

In downlink transmissions:

$t_{k+i}\ a_i \oplus P_i$

where " $\oplus$ " prescribes modulo-2 addition.

4.2 Reply Protocol

Note.—The DABS system is based on the principle of directed interrogations. Interaction between the interrogator and the transponder occurs only if the transponder is correctly addressed.

4.2.1 Interrogation Acceptance

DABS interrogations are accepted only if:

1. The address of the recipient is as defined in 4.2.1.1 and 4.2.1.2.
2. Parity (4.1) is established.
3. No lockout condition (4.3.1) or 4.12.6 applies.
4. The sync phase reversal within P6 (2.2.2.3) is detected at its specified location.

4.2.1.1 Discrete Address

Each transponder is assigned a unique address. If the address so assigned is identical to the address extracted from the received interrogation according to 4.1.2 and 4.1.2.1, the interrogation is accepted and the content is evaluated and acted upon according to protocols described elsewhere in this Standard.

4.2.1.2 All-Call Address

If the address extracted from the received interrogation consists of 24 binary "ones", the received interrogation is accepted. The response of the transponder to such an interrogation depends on the content of the transmission. If UF=11, the transmission is a DABS-only All-Call (4.2.1.3). If UF=11, the transmission is designated a "broadcast" (4.14).

4.2.1.3 DABS-only All-Call

On receipt of the DABS-only All-Call, UF 11, the decoding process of 4.1.2 and 4.1.2.1 results in an address consisting of 24 binary ones. This is the universal All-Call address and this interrogation is accepted unless the lockout protocol of 4.3.1 or 4.12.6 is in effect.

4.2.1.4 ATCRBS/DABS All-Call

On receipt of an ATCRBS/DABS All-Call interrogation (2.3.1) it is implied that an address consisting of 24 binary ones has been received. The interrogation is accepted unless either the lockout protocol of 4.3.1 or suppression (4.2.2.3.3) is in effect.

Receipt of an ATCRBS/DABS All-Call interrogation also has the same effect as reception of the unlink format (UF) 11 with a unity probability-of-reply command.

4.2.2 Interrogation—Reply Coordination

The reply format required on acceptance (4.2.1) of an interrogation is the format denoted by the DF code, which is numerically equal to the UF code of the interrogation, with the exceptions described in the following paragraphs.

4.2.2.1 Replies to Surveillance and Comm-A Interrogations, UF's 4,5,20,21

The reply format required for these interrogations is determined by the code within the RR field, according to the following table:

Uplink format, UF	RR code	Downlink format, DF
4	0 through 15	4
5	0 through 15	5
20	0 through 15	4
21	0 through 15	5
4	16 through 31	20
5	16 through 31	21
20	16 through 31	20
21	16 through 31	21

Note.—In effect, the first bit of the RR field determines the length of the required reply.

4.2.2.2 Interrogation and Reply Formats 24 Through 31

This set of interrogation and reply formats forms the ELM system. Interrogation-reply coordination for these formats is described in 4.11.

4.2.2.3 No Reply

4.2.2.3.1 Broadcast

If an interrogation has been accepted with an All-Call address, but with UF#11 (4.2.1.2), no reply is transmitted.

4.2.2.3.2 UF's 6,22

If an interrogation has been accepted which contains the ground-air coordination UF codes 6 or 22, no reply is transmitted.

4.2.2.3.3 ATCRBS/DABS All-Call Suppression

Suppression as described in ref. A, paragraph 2.7.4 applies to responses to ATCRBS/DABS All-Calls.

4.2.2.3.4 Restricted All-Calls

If an interrogation has been accepted and if the All-Call restriction of 4.12.6 applies, no reply is transmitted.

4.2.2.3.5 Formats for Which Transponder Is Not Equipped

On acceptance (4.2.1) of an interrogation format for which a transponder does not have the required reply capability, no reply is generated.

4.2.3 Reply Delay and Jitter

Note.—After an interrogation has been accepted and if a reply is required, this reply will start after a delay needed to carry out the protocols and transfer of data. Different values for this delay have been assigned for ATCRBS, DABS, and ATCRBS/DABS All-Call replies.

4.2.3.1 ATCRBS Reply Delay and Jitter

The reply delay and jitter for ATCRBS transactions is as prescribed in reference A, 2.7.11.

4.2.3.2 Reply Delay and Jitter for DABS

The leading edge of the first preamble pulse of the reply (2.3.4.2.1) occurs 128 ±0.25 microseconds after the sync phase reversal (2.2.2.3) of the received P6. The jitter of the reply delay does not exceed 0.05 microseconds, rms.

4.2.3.3 Reply Delay and Jitter for ATCRBS/DABS All-Call

The leading edge of the first preamble pusle of the reply (2.3.4.2.1) occurs 128 ±0.5 microseconds after the leading edge of the P4 pulse of the interrogation (2.3.1) and the jitter does not exceed 0.06 microseconds, rms.

Note.—A jitter of 0.06 microseconds, rms, is consistent with the jitter prescribed in ref. A, 2.7.11.

4.3 Lockout Protocol

Note.—Transponders can be prevented from accepting certain interrogations and can be prevented from transmitting squitters (4.4) by command from an interrogator.

4.3.1 Standard All-Call Lockout

On acceptance of an interrogation containing code 1 or 3 in the PC field (3.3.24), a transponder commences to reject (=not accept) two types of All-Call interrogations: a) UF 11 with II=0 and b) the ATCRBS/DABS All-Call of 2.3.1. This lockout condition persists for T_D seconds after the last receipt of the command but can be overridden by the PR codes 8 through 12 (3.3.26).

Note 1.—The value of T_D is given in 5.4.6.
Note 2.—Restricted All-Call lockout is described in 4.12.6.

4.3.2 Squitter Lockout

On acceptance of an interrogation containing code 2 or 3 in the PC field, a transponder ceases to transmit squitters (4.4). This lockout condition persist for T_S seconds after the last receipt of the command.

Note.—The value of T_S is given in 5.4.6.

4.4 Squitter Protocol

Note.—DABS Transponders transmit squitters (unsolicited replies) to facilitate acquisition by active collision avoidance system (BCAS) equipment.

4.4.1 Squitter Format

The format used for squitter transmission is the surveillance reply containing the altitude report, DF 4. The DR code (3.3.9) is set to 0 or 4 to indicate whether the aircraft is BCAS equipped or not.

4.4.2 Squitter Rate

Squitter transmissions are emitted at ramdom intervals with a nominal mean value of one second and a standard deviation of between 0.1 and 0.2 seconds, unless:

a. Squitter lockout (4.3.2) is in effect.

b. A surveillance reply, DF 4 or 20, or BCAS reply, DF 0, has been transmitted in reply to an interrogation in the previous second.

c. The aircraft is on the ground.

d. A reply is required in response to an interrogation.

e. the mutual suppression interface is active (see note below).

A squitter cannot be interrupted by link transactions or mutual suppression activity after the squitter transmission has begun. The transmission of a squitter may be delayed (or made unnecessary in accordance with b. above) by transmission of a reply to an interrogation. The transmission of a squitter may be delayed by mutual suppression activity.

Note.—The mutual suppression system connects all on-board equipment operating in the same frequency band in order to prevent mutual interference.

4.5 Flight Status Protocol

Note.—DABS equipped aircraft report details of their flight status. The source of and the rules for such reports follow.

4.5.1 BCAS Interrogating

A means is available to indicate that the aircraft is equipped with a BCAS unit and that the unit is actively interrogating other aircraft. The appropriate code is transmitted in the FS field (3.3.11).

4.5.2 Alert

The 4096 identification code transmitted in ATCRBS replies and in downlinks DF 5 and DF 21 can be changed by the pilot. When such a change is made, an alert condition is established which may be temporary or permanent.

4.5.2.1 Permanent Alert Condition

If the identification code is changed to 77XX, 76XX or 7500 the alert condition is permanent.

4.5.2.2 Temporary Alert Condition

If the identity code is changed to a value other than those listed in 4.5.2.1, the alert condition is temporary and is self cancelling after 16 ±2 seconds.

4.5.2.3 Reporting of Alert Condition

The alert condition is reported in the FS field.

4.5.2.4 Termination of the Alert Condition

The permanent alert condition is terminated and replaced by a temporary alert condition when the identification code is set to a value other than 77XX, 76XX or 7500.

4.5.3 Ground Report

The DABS transponder has a means for automatic reporting that the aircraft is on the ground. This information is coded in the FS field.

4.5.4 Special Position Identification

When manually selected, an equivalent of the ATCRBS SPI pulse is transmitted by DABS transponders in the FS field of surveillance and Comm-B replies, DF's 4,5,20,21. This code is transmitted for 22 ±7 seconds after initiation and can be reinitiated at any time. See ref. A: 2.6.3 and 2.7.14.

4.6 Capability Reporting

Note:—A DABS installation in an aircraft may be capable of handling a number of aircraft separation or data link services. Aircraft capability is reported in special fields.

4.6.1 Capability Report

The three-bit CA (capability) field, contained in the All-Call reply (DF 11) reports the basic capability of the airborne DABS installation.

4.6.2 Additional Capability Report

A request containing RR=1 elicits an additional capability report from the transponder. This report appears in the UM field of 3.3.32. Specific codes are not assigned in this Standard.

4.6.3 Extended Capability Report

The extended capability report signals to the interrogator the identity of the possible originators of Comm-B messages or "B-sources" on board the interrogated aircraft. A data request per 4.10.1 containing RR=17 is seen by all B-sources when the transponder delivers the uplink content to them. Each B-source has one bit assigned to it in the extended capability subfield. A non-existing or inoperative B-source cannot set the bit; consequently the active sources are reported.

4.6.3.1 Subfields in MB for Extended Capability Report

EDS: ELM Description, Subfield in MB, 2 bits, 87,88
Coding:
0=No ELM capability
1=Uplink ELM capability
2=Not assigned
3=Uplink and downlink ELM capability
ECS: Extended Capability, Subfield in MB, 16 bits, 71 through 86
Coding:
The reporting bits are assigned such that the bit number is 71+BDS1-number.
BCS: BCAS Capability, Subfield in MB, 1 bit, 70
Coding:
0=BCAS, if reported by bit 77, is "active" type
1=BCAS, if reported by bit 77, is "full capability" type

Note.—The presence of BCAS equipment is reported in ECS bit 77 (see 3.3.28). If there is no BCAS reported, the coding of this subfield has no meaning.

Note.—Structure of MB if BDS1=1

Position	No. of bits	Subfield	Remarks
33 to 36	4	BDS1	=1
37 to 69	33		(1)
70	1	BCS	
71 to 86	16	ECS	
87 to 88	2	EDS	

[1] Not assigned.

4.7 Utility Message Protocol

The Utility Message field (downlink) UM carries either information requested by the interrogator or information volunteered by the transponder.

4.7.1 Requested Information

Information to appear in the subsequent reply is requested by the interrogator by coding the RR field within surveillance or Comm-A interrogations, UF's 4,5,20,21. For coding see 3.3.28.

4.8 Surveillance Data Protocol

Note.—The 16 bit SD field in UF's 4,5,20,21 can be used to transmit short messages.

4.8.1 SD Field Content

Data appearing in the SD field are identified by the code in the DI field. For specific assignments see 3.3.8.

4.8.2 SD Field Coding

Note.—Specific coding details of assigned functions appearing in the SD field are given in 4.12.1.1 and 4.10.1.1.1.

4.9 Comm-A Portocol

Note.—Long uplink messages are contained in the MA field of Comm-A interrogations, UF's 20 and 21.

4.9.1 A-Acknowledgment

Receipt of a message in the MA field is automatically acknowledged by the transponder when the reply to this interrogation is transmitted. In case of uplink failure no reply is transmitted and the interrogator sends the message again. In case of downlink failure, a message may be transmitted to the transponder more than once.

4.9.2 Pilot's Acknowledgment

Note.—If an acknowledgment by the pilot of receipt of a message or command is required, a request to this effect and a code for the positive or negative reply must be part of the internal coding of MA and MB. Pilot operated acknowledgment actuators are not part of the transponder.

4.10 Comm-B Protocol

Note.—Long downlink messages are contained in the MB field of DF's 20 and 21. Information transfer by this field can be ground- or air-initiated. The Comm-B protocol governs the required sequence of events.

The multisite protocol (4.12) can be used with the Comm-B system.

4.10.1 Ground Initiated Comm-B

The interrogator can request data to be read out from any one of up to 14 different sources identified by BDS1 codes. Such readout is initiated by transmitting the appropriate one of the codes 18 through 31 in the RR field of a surveillance or Comm-A interrogation, UF's 4,5,20,21. On receipt of such request, the reply is transmitted containing the data corresponding to the RR code (3.3.28).

Note.—The CIR readout is a ground initiated Comm-B in the sense of this paragraph. If the on-board CIR is not empty it causes the DR field (3.3.9) to be set to 2 or 3. Recognizing this code, the ground then makes a Comm-B request with RR=19 and extracts the data. The protocol for acknowledgment and for further extractions is not part of the transponder and is not included in this Standard.

4.10.1.1 Extended Data Readout

The interrogator can request data to be read out from a source more specifically defined by both BDS1 and BDS2. Such readout is initiated by transmitting, in addition to the BDS1 code (as in 4.10.1), the BDS2 code in the SD field.

4.10.1.1.1 Subfield in SC for Extended Data Readout

The following subfield appears in SD if the DI field is set to 7.

RRS: Reply Request, Subfield in D, 4 bits, 17 through 20

Coding: Corresponding to the requested BDS2 code.

4.10.2 Air Initiated Comm-B

An air initiated Comm-B sequence starts witha the insertion of the code DR=1 or 3 in the DR field of a surveillance or Comm-B reply, DF's 4,5,20,21. On receipt of this "B-code" the interrogator transmits code 16 in the RR field of a subsequent interrogation. Receipt of this code by the transponder constitutes the request to transmit data from the source which initiated the transaction. The resulting MB field contains a BDS code identifying the content of the field. This reply, and others following it, continue to contain the B-code in the DR field. After code 4 (cancellation) is received in the PC field of UF's 4,5,20 or 21, the transaction is cancelled and the B-code in DR is removed.

Note.—This protocol assures transmission and receipt of the message in case of link failure, either up or down.

4.10.3 Loss of DABS Contact

If no interrogation containing the discrete address of the transponder has been received for 16 seconds, loss of DABS contact is assumed and any incomplete transactions are cancelled, and the B-code in DR is removed.

4.11 ELM Protocol

Note.—The extended length message protocol provides for efficient transmission of long messages by permitting the grouping of up to 16 message segments into a single entity which can be acknowledged by a single reply. Uplink segments are called Comm-C and use the UF's 24 through 31, while downlink segments Comm-D and use DF's 24 through 31.

The multisite protocol (4.12) can be used with the ELM system.

4.11.1 Uplink ELM Protocol

Uplink extended length messages are transmitted in segments, each segment formed by a Comm-C format.

In addition to the segment content in MC, two protocol fields, NC and RC are used. NC is the number of the segment transmitted. RC identified the transmission as initial, intermediate or final.

The minimum length of an uplink ELM is two segments. The transfer of all segments may take place without intervening replies. Comm-C transmissions follow each other in intervals of no less than 50 microseconds.

4.11.1.1 Initializing Segment Transfer

The ELM transaction for an n-segment message (NC's 0 through n-1) is initiated by a Comm-C transmission containing RC=0. The text transmitted in MC is stored. The text is the last segment of the message and carries NC=n-1. NC then establishes the number of further segments to be received and to be stored. Receipt of an initializing (RC=0) segment establishes the "setup" in the transponder which is now prepared to accept further segments.

Receipt of another initializing segment results in a new setup within the transponder and causes any previously stored segments to be discarded.

No reply is generated on receipt of an initializing segment.

4.11.1.2 Intermediate Segment Transfer

Intermediate segments are characterized by RC=1 and are accepted and stored only if the setup of the previous paragraphs is in effect.

No reply is generated on receipt of an intermediate segment.

Note.—Intermediate segments may be transmitted in any order.

4.11.1.3 Final Segment Transfer

The final segment is characterized by RC=2, will be accepted under all circumstances and requires a reply. The segment content will be stored.

4.11.1.3.1 Completed Message

The message is completed if all segments announced by NC in the initializing segment have been received. If the message is completed, the message content is delivered to the outside via the ELM interface of 5.5.2.1.3, and the setup is deactivated.

4.11.1.3.2 Acknowledgment Reply

The acknowledgement reply is a Comm-D transmission, with KE=1. KE=1 indicates that within the MD field is the subfield TAS which reports the setup state and summarizes the extent of the segments received.

The information contained in the TAS subfield is continually updated while segments are received and is not cleared until a new initializing segment is received or until closeout (4.11.1.3.4).

Note.—Segments lost in uplink transmission are noted by their absence in the TAS report and are retransmitted by the interrogator which will then send further final segments to assess the situation.

4.11.1.3.3 Subfields for Acknowledgment of an Uplink ELM

The following subfields appear in MD if KE is set to one:

TAS: Transmission Acknowledgment, Subfield in MD, 16 bits, 17 through 32.
Coding: Starting with bit 17, which denotes segment number one, each of the following bits is set to one if the corresponding segment of the message has been received.

4.11.1.3.4 Closeout

A closeout transmission informs the transponder that the TAS has been received and can be cleared. This information, PC=5, is contained in a surveillance or Comm-A interrogation and does not require a special response.

4.11.2 Downlink ELM Protocol

Downlink extended length messages are transmitted only after authorization by the interrogator. The segments to be transmitted are contained in Comm-D replies.

4.11.2.1 Initialization

To request permission to send n segments, the transponder inserts the binary code corresponding to the decimal value 15+n into the DR field of a surveillance or Comm-B reply, DF's 4,5,20,21.

4.11.2.2 Authorization and Transmission

The interrogator requests the transmission of Comm-D segments by a Comm-C interrogation characterized by RC=3. This Comm-C format carries the SRS subfield which is a summary of the segments to be transmitted. On receipt of this authorization the transponder transmits the segments at a rate of one every 136 ±1 microsecond by means of Comm-D formats with KE=O and ND corresponding to the number of the segment in MD. Segments can be transmitted in random order and the message source can be identified by DSS 4.11.2.2.2.

The authorization process may be repeated by the interrogator, indicating segments to be transmitted again.

4.11.2.2.1 Segment Request Subfield

SRS: Segment Request, Subfield in MC, 16 bits, 9 through 24
Coding: Starting with bit 9, which denotes segment number 1, each of the following bits is set to one if the transmission of the corresponding segment is requested.

4.11.2.2.2 D-Source Subfield

DSS: D-Source Subfield in MD, 8-bits, 9 through 16
Coding: This field identifies the source of the Comm-D message and may be used in segment zero of a downlink ELM.

Note: DSS is shown here for convenience; the coding of this field is not included in this Standard.

4.11.2.3 Closeout.

A closeout transmission is used to inform the transponder that all segments have been received and the DR field can be reset. The information, PC=6, is contained in a surveillance or Comm-A interrogation and does not require a special response.

4.12 Multisite Protocols

Note.—Under certain circumstances it may be necessary for multiple DABS sensors which have overlapping coverage in a common geographical region to operate without being in direct communication with each other. When this occurs, conflicting or overlapping requests to the transponder must be avoided. The multisite protocols described in this section provide a means to prevent such conflicts.

4.12.1 Multisite Data Formats

4.12.1.1 Subfields in SD for Multisite Protocols

The following subfields appear in SD if the DI field is set to 1.

IIS: Interrogator Identifier, Subfield in SD, 4 bits, 17 through 20
Coding: Assigned by the interrogator. IIS is echoed in the UM field of the reply and is numerically equivalent to the II field (3.3.13) of the DABS Only All-Call.
IIS numbers range from 1 through 15;
IIS=0 is not a valid interrogator identifier.
MBS: Multisite Comm-B, Subfield in SD, 2 bits, 21 and 22
Coding:
0=no action
1=reservation, Comm-B
2=closeout, Comm-B
3=not assigned
MES: Multisite ELM, Subfield in SD, 3 bits, 23 through 25
Coding:
0=no action
1=reservation, Comm-C
2=closeout, Comm-C
3=reservation, Comm-D
4=closeout, Comm-D
5=reservation Comm-C and closeout Comm-D
6=closeout Comm-C and reservation Comm-D
7=closeout Comm-C and closeout Comm-D
LOS: Lockout, Subfield in SD, 1 bit, 26
Coding:
0=no change in lockout state
1=lockout to DABS-only All-Calls UF=11 from site indicated in IIS
RSS: Reservation Status Request, Subfield in SD, 2 bits, 27 and 28
Coding:
0=no request
1=request Comm-B status in UM
2=request Comm-C status in UM
3=request Comm-D status in UM

Note.—Structure of SD if DI=1

Position	No. of bits	Subfield	Remarks
21 to 22	2	MBS	
23 to 25	3	MES	
26	1	LOS	
27 to 28	2	RSS	
29 to 32	4		(1)

[1] Not assigned.

4.12.1.2 Subfields in UM for Multisite Protocols

The following subfields appear in UM if requested by DI=1 and RSS=0.

IIS: Interrogator Identifier, Subfield in UM, 4 Bits, 14 through 17
Coding: Reserved Interrogator identifier Comm-B, -C, -D, as requested.
IDS: Identifier, Subfield in UM, 2 Bits, 18, 19
Coding:
0=no information
1=IIS contains Comm-B site number
2=IIS contains Comm-C site number
3=IIS contains Comm-D site number

Note.—Structure of UM if DI=1

Position	No. of bits	Subfield	Remarks
14 to 17	4	IIS	
18 to 19	2	IDS	

4.12.2 Multisite Timers

The multisite protocols require three timers in the transponder:

B-timer
C-timer
D-timer

Each timer runs for T_T seconds after starting or restarting and is used for automatic closeout of the respective message type.

Note.—The value of T_T is given in 5.4.7.

4.12.3 Multisite Comm-B Protocol

Note.—The multisite Comm-B protocol augments the standard Comm-B protocol and

when not in use does not modify in any way the process described in 4.10.2.

4.12.3.1 Multisite Comm-B Reservation

When the multisite protocol is in use, an interrogator extracts an air initiated Comm-B by transmitting a surveillance or Comm-A interrogation containing:

RR=16 (read air initiated Comm-B)
DI=1 (multisite SD format)
IIS=Interrogator's site number
MBS=1 Comm-B reservation request)
RSS=1 Comm-B status request)

Transponder action in response to this interrogation depends upon the state of the B-timer:

B-timer not running:
Store IIS for Comm-B
Start B-timer
B-timer running and interrogator's IIS=stored Comm-B IIS:
Restart B-timer
B-timer running and interrogator's IISstored Comm-B IIS:
No change to stored IIS or B-timer

for all three cases, the transponder includes the stored Comm-B IIS in the UM field and the message in the MB field of the reply to this interrogation.

Note.—When an interrogator receives its own site number in the UM of the reply to a multisite Comm-B interrogation, it knows that it is the reserved site for this message and that it should complete the transaction by closing out the message. Other sensors discontinue processing of this message.

4.12.3.2 Multisite Comm-B Closeout

Multisite Comm-B closeout is accomplished using a surveillance or Comm-A interrogation containing:

DI=1 (multisite SD format)
IIS=Interrogator site number
MBS=2 Comm-B closeout)

If IIS of the interrogation equals the stored Comm-B IIS, the stored Comm-B IIS is cleared, the B-timer is stopped and the air initiated message is cancelled. If the site numbers do not match, the message is not cancelled and the states of the stored Comm-B IIS and B-timer are not changed.

4.12.3.3 Automatic Comm-B Closeout

If the transponder B-timer runs out before a multisite closeout is accepted, the stored Comm-B IIS is set to zero to enable this message to be read and cleared by another site.

4.12.4 Multisite Uplink ELM Protocol

Note.—The multisite Comm-C protocol augments the standard Comm-C protocol and when not in use does not modify in any way the standard protocol described in 4.11.1.

4.12.4.1 Multisite Comm-C Reservation

When the multisite protocol is in use, an interrogator makes a reservation for an uplink ELM by transmitting a surveillance or Comm-A interrogation containing:

RR=2 or 16 through 31
DI=1 (multisite SD format)
IIS=Interrogator's site number
MES=1 or 5 (Comm C reservation request)
RSS=2 (Comm C status request)

Transponder action in response to this interrogation depends upon the state of the C-timer:

C-timer not running:
Store IIS for Comm-C
Start C-Timer
C-timer running and interrogator's IIS=Stored Comm-C IIS:
Restart C-timer
C-timer running and interrogator's IIS=Stored Comm-C IIS:
No change to stored IIS or C-timer.

For all three cases, the transponder includes the stored Comm-C IIS in the UM field of the reply to this interrogation.

Note.—When an interrogator receives its own site number in the UM of the reply to a reservation interrogation, it proceeds with the delivery of the uplink ELM. Otherwise, ELM activity is not started during this scan and a new reservation request is made during the next scan.

4.12.4.2 Multisite Comm-C Delivery

After multisite coordination is accomplished via the surveillance or Comm-A interrogation, uplink ELM delivery takes place exactly as described in 4.11.1. In addition, the C-timer is restarted each time that a Comm-C interrogation is received and the stored Comm-C IIS is non-zero.

Note.—The requirement for the stored Comm-C IIS to be non-zero prevents the C-timer from being restarted during a standard uplink ELM transaction.

4.12.4.3 Multisite Comm-C Closeout

Multisite Comm-C closeout is accomplished using a surveillance or Comm-A interrogation containing:

DI=1 (Multisite SD format)
IIS=Interrogator's site number
MES=2, 6 or 7 (Comm-C closeout)

If the stored Comm-C IIS equals the IIS of the interrogator, the uplink ELM is closed out as described in 4.11.1, the stored Comm-C IIS is cleared and the C-timer is stopped. If the site numbers do not match, the message is not cancelled and the states of the stored Comm-C IIS and the C-timer are not changed.

4.12.4.4 Automatic Comm-C Closeout

The closeout actions described in 4.12.4.3 are initiated automatically when the C-timer runs out.

4.12.5 Multisite Downlink ELM Protocol

Note.—The multisite Comm-D protocol augments the standard Comm-D protocol and when not in use does not modify in anyway the standard protocol described in 4.11.2.

4.12.5.1 Multisite Comm-D Reservation

When the multisite protocol is in use, an interrogator makes a reservation for ground initiation of a Comm-D message transfer by transmitting a surveillance or Comm-A interrogation containing:

RR=2 or 16 through 31
DI=1 (Multisite SD format)
IIS=Interrogator's site number
MES=3 or 6 (Comm-D reservation request)
RSS=3 (Comm-D status request)

Transponder action in response to this interrogation depends upon the state of the D-timer:

D-timer not running:
Store IIS for Comm-D
Start D-timer
D-timer running and interrogator's IIS=Stored Comm-D IIS:
Restart D-timer
D-timer running and interrogator's IIS=Stored Comm-D IIS:
No change to stored IIS or D-timer.

For all three cases, the transponder includes the stored Comm-D IIS in the UM field of the reply to this interrogation.

Note.—When an interrogator receives its own site number in the UM of the reply to a reservation interrogation, it proceeds to request delivery of the downlink ELM. Otherwise, ELM activity is not started during this scan and a new reservation request is made during the next scan.

4.12.5.2 Multisite Comm-D Delivery

After multisite coordination is accomplished via the surveillance or Comm-A interrogation, downlink ELM delivery takes place exactly as described in 4.11.2. In addition, the D-timer is restarted each time that a request for Comm-D segments is received if the stored Comm-D IIS is non-zero.

Note.—The requirement for the stored Comm-D IIS to be non-zero prevents the D-timer from being restarted during a standard downlink ELM transaction.

4.12.5.3 Multisite Comm-D Closeout

Multisite Comm-D closeout is accomplished using a surveillance or Comm-A interrogation containing:

DI=1 (Multisite SD format)
IIS=Interrogator's site number
MES=4, 5 or 7 (Comm-D closeout)

If the stored Comm-D IIS equals the IIS of the interrogator, the downlink ELM is closed out as described in 4.11.2, the stored Comm-D IIS is cleared and the D-timer is stopped. If the site numbers do not match, the message is not cancelled and the states of the stored Comm-D IIS and the D-timer are not changed.

4.12.5.4 Automatic Comm-D Closeout

If the D-timer runs out, the stored Comm-D IIS is set to zero. The Comm-D message and the DR field are not cleared. This makes it possible for another site to read and clear the Comm-D message.

4.12.6 Lockout Restrictions

Note.—To prevent transponder acquisition from being denied to one interrogator by lockout commands originating from another interrogator the restricted All-Call lockout is used. (The Standard All-Call lockout 4.3./ is independent of this protocol.)

4.12.6.1 Restricted All-Call Lockout Initiation

The restricted lockout command is transmitted in the multisite SD field (4.12.1.1). The command for restricted lockout is indicated by code LOS=1 and the presence of a non-zero site address in the IIS subfield of SD. The restricted lockout persists for an interval T_D after the last acceptance of an interrogation containing the restricted lockout command.

Note.—Fifteen interrogators can send independent restricted lockout commands. Each of these must be timed independently.

4.12.6.2 Restricted All-Call Lockout Function

After a transponder has accepted an interrogation containing a restricted lockout command, that transponder rejects all DABS-Only All-Call interrogations which include the site number of the interrogator that commanded the lockout.

Note.—Restricted lockout does not affect the response of the transponder to DABS-Only All-Call interrogations with II=0.

4.13 Flight Identification Reporting

A data request per 4.10.1 containing RR=18 elicits a reply containing the flight identification in the MB field of the resulting reply.

4.13.1 Subfield in MB for Flight Identification

FIS: Flight Identification, subfield of MB, 42 bits, 47 through 88. Coding not yet determined, see note at 5.5.1.1.

Note.—Bits 41 through 46 are not assigned.

4.14 Broadcast Protocol

The content of broadcast interrogations (4.2.1.2 and 4.2.2.3.1) is presented at the data interface of the transponder but does not otherwise affect the operation of the transponder.

Note.—Although it is possible to transmit surveillance and Comm-A interrogations with a broadcast address, this is not anticipated. This paragraph prevents protocol (lockout) changes if broadcast should be used.

4.15 Synchronized Transmission Protocol

Synchronized surveillance transmissions use the uplink and downlink formats UF=DF=2,18. The EP (epoch) field and the six bits following it in a received synchronized interrogation are echoed by the transponder in the corresponding reply.

4.16 All-Call Reply Protocol

The DABS-only All-Call interrogation UF 11 contains the interrogator identifier in the II field. The content of this field is replicated and is overlid on parity according to 4.1.2, resulting in the PI field of the reply DF11.

Receipt of an ATCRBS/DABS All-Call interrogation automatically implies that the interrogator identifier is zero.

4.17 BCAS Protocol

BCAS uses the uplink and downlink formats UF/DF=0 and 16.

4.17.1 AQ Protocol

See 3.3.4.

4.18 ATARS/CIR Protocol

ATARS and CIR control codes contained in the SD and RR fields define data to be contained in the UM and MB fields respectively of the corresponding replies. Coding and protocol are not included in this Standard.

5. Transponder Characteristics

This section describe the technical characteristics of the DABS transponder.

5.1 Interrogation Acceptance Criteria

DABS transponders accept ATCRBS mode A and mode C interrogations in accordance with the provisions of ref. A with the following exception: DABS transponders do not accept a waveform as an ATCRBS interrogation if the P_3 pulse is followed by a valid P_4 pulse (2.3.1). However, if a valid ATCRBS waveform is followed by a pulse with a leading edge within the P_4 acceptance interval (5.1.1.2) but:

a. the duration of said pulse is less than 0.3 microsecond *or*

b. the level of said pulse is more than 6 dB below the level of P_3, the waveform is accepted by the DABS transponder as an ATCRBS interrogation.

Note.—The DABS transponder does not generate a reply of any type on receipt of an ATCRBS-only All-Call interrogation (short P_4). This allows DABS transponders to be removed from the ATCRBS reply population in synchronous garble situations. The DABS transponder generates a DABS reply on receipt of an ATCRBS/DABS All-Call interrogation (long P_4).

5.1.1 DABS Interrogation Acceptance

5.1.1.1 Pulse Level Tolerances

DABS transponders do not accept a waveform as an ATCRBS/DABS All-Call (2.3.1) if the level of the pulse in the P_4 position is more than 6 dB below the level of P_3.

5.1.1.2 Pulse Position Tolerances

DABS transponders do not accept a waveform as an ATCRBS/DABS All-Call (2.3.1) if a P_4 leading edge is not detected within the interval from 1.7 to 2.3 microseconds following the leading edge of P_3.

Note.—The effect of this paragraph is that the DABS transponder does not generate an All-Call reply on receipt of an ATCRBS interrogation with a wide P_3 pulse. However, the DABS transponder may generate the appropriate ATCRBS reply to such an interrogation.

5.1.1.3 Pulse Duration Tolerances

DABS transponders do not accept a waveform as an ATCRBS/DABS All-Call (2.3.1) if the duration of the P_1 or the P_3 pulse is less than 0.3 microsecond or if the duration of the P_4 pulse is less than 1.2 microsecond.

5.1.1.4 Sync Phase Reversal Position Tolerance

DABS transponders do not accept a waveform as a DABS interrogation if the sync phase reversal (2.3.2) is not detected in its assigned interval ± nanoseconds.

5.2 Transponder Sensitivity and Dynamic Range

Transponder sensitivity is defined in terms of a given signal input level at the antenna terminal of the installation and a given percentage of corresponding replies. Only correct replies containing the prescribed bit pattern for the interrogation received are to be counted. Given an interrogation which requires a reply according to 4.2, the minimum triggering level, MTL, is defined as the minimum input power level for at least 90% reply to interrogation ratio. The reply to interrogation ratio of a DABS transponder is:

a. at least 90% at MTL, which is −74 dBm ±3 dB

b. at least 99% for signal input levels between (MTL + 3 dB) and −24 dBm

c. no more than 10% at signal input levels below −81 dBm

Note.—Transponder sensitivity as well as output power are described in this document in terms of signal level at the terminals of the antenna. This gives the designer freedom to arrange the installation, compromising between cable length and receiver-transmitter design and does not exclude the

transmitter output stage from becoming an integral part of the antenna subassembly.

5.2.1 Sensitivity in the Presence of Interference

Note.—The principal interfering signals in space are ATCRBS waveforms. Since the technical characteristics of these signals are well defined, DABS transpowers can be designed to be as immue to them as possible. The use of the DPSK modulation scheme on the uplink provides inherent interference rejection capability. Proper design of the DABS decoder provides additional immunity to false mode decodes. The following paragraphs present measures of the performance of the DABS transponder in the presence of common interference signals.

5.2.1.1 Reply Ratio in the Presence of a Standard Interfering Pulse

A standard interfering pulse is defined as a 0.8 microsecond pulse of 2.2.1.1 with a carrier frequency of 1030 ±0.2 MHz which is incoherent with the DABS signal of the test and which overlaps the P_6 of the DABS interrogation anywhere after a point 0.5 microseconds following the sync phase reversal.

Given an interrogation which requires a reply (4.2), the reply ratio of a transponder is at least 95 percent if the level of the interfering pulse is 6 dB or more below the signal level for input signal levels between −68 and −24 dBm.

Under the same conditions the reply ratio is at least 50 percent if the interference pulse level is 3 dB or more below the signal level.

Note.—This test simulates the overlay of ATCRBS pulses over the DPSK modulation of the DABS interrogation and assures that the demodulation scheme of the transponder is effective. Designs such as narrow band filters which merely detect the occurrence of a phase change will not pass this test.

5.2.1.2 Reply Ratio in the Presence of Pulse Pair Interference

The interfering signal consists of P_1 and P_2, spaced 2 microseconds apart with a carrier frequency of 1030 ±0.2 MHz which is incoherent with the DABS signal of the test. The interfering pulse pair overlays any part of the DABS interrogation except that the leading edge of the P_1 interfering pulse occurs no earlier than the P_1 pulse of the DABS signal. Given an interrogation which requires a reply (4.2), the reply ratio of a transponder is at least 90 percent if the level of the interfering signal is 9 dB or more below the signal levels for signal level inputs between −68 and −24 dBm.

Note.—This assures that DABS decoding is not inhibited by the receipt of ATCRBS sidelobe suppression pulse pairs.

5.2.1.3 Reply Ratio in the Presence of Low Level Asynchronous Interference

For all received signal levels between −65 dBm and −27 dBm (measured at the antenna terminal of the installation) and given interrogations which have to be accepted and replied to (4.2) and if no lockout condition is in force, the transponder replies correctly with at least a 95 percent reply ratio in the presence of asynchronous interference. Asynchronous interference consists of single 0.8-microsecond pulses with carrier frequency of 1030 ±0.2 MHz, incoherent with the DABS signal carrier frequency and occurring at all repetition rates up to 10,000 Hz at a level 12 dB or more below the level of the DABS signal. The reply ratio under the same conditions is more than 98 percent if the asynchronous interference signal consists of P_1–P_2 pulse pairs where the P_1 and P_2 amplitudes are equal.

Note.—This test simulates the situation which occurs when stray pulses are received before the DABS waveform so that the combination of a stray pulse with the P^1 of the DABS interrogation forms a valid ATCRBS format. If the ATCRBS mode decoder is designed properly, ATCRBS acceptance will be declared only for a narrow range of P_1 to psuedo-P_3 spacing.

5.3 Transponder RF Peak Output Power

The rf peak output power at the terminals of the antenna is:

Minimum rf power for aircraft incapable of flying above 15,000 ft: 18.5 dBW
Minimum rf power for aircraft capable of flying above 15,000 ft: 21.0 dBW
Maximum rf power for all aircraft: 27.0 dBW

5.3.1 Unwanted Transponder Output Power

When the transponder transmitter is in the off state, the RF output power in the frequency band from 1087 to 1093 MHz at the terminals of the antenna does not exceed −40 dBm.

Note.—Off-state transponder power is constrained in this way to insure that an aircraft when located very near an ATCRBS or DABS sensor (as close as 500 ft.) does not cause interference to that installation. In certain applications of DABS, BCAS for example, in which the distance between the 1090 MHz transmitter and an on-board 1090 MHz receiver can be even smaller, it may be desirable to further constrain the off-state transponder RF power.

5.4 Special Characteristics

5.4.1 Dead Time

Dead time is the time interval beginning at the end of a reply transmission and ending when the transponder has regained its full sensitivity. Transponders do not have more than 125 microseconds dead time.

Note.—Transponders should have a minimum of dead time to maximize system round reliability.

5.4.2 Recovery Time

Recovery time is the time interval beginning at the end of a received signal and ending when the transponder has regained its full sensitivity, provided that no reply is being made in response to the received signal.

5.4.2.1 ATCRBS Recovery Time

All transponder recovery times related to ATCRBS interrogations are as prescribed in ref. A.

5.4.2.2 DABS Receiver Desensitization

On receipt of any pulse of more than 0.7 microsecond duration, the transponder's receiver is desensitized according to ref. A, 2.7.7.1.

5.4.2.3 Recovery From a DABS Interrogation

Following a DABS interrogation which either has not been accepted (4.2.1) or for which a reply will not be generated (4.2.2.3) a transponder recovers sensitivity at the rate described in ref. A, 2.7.7.2.

5.4.2.4 Recovery From a Single Pulse

If a P_2 pulse is not received following a single pulse meeting the specifications for a DABS P_1 pulse, transponders recover sensitivity at the rate described in ref. A, 2.7.7.2.

5.4.2.5 Recovery From an ATCRBS Suppression Pair

ATCRBS suppression is in effect following the receipt of a P_1–P_2 suppression pair. If a DABS P_6 is not detected following that pair, then the transponder recovers sensitivity as described in ref. A, 2.7.7.2. ATCRBS suppression pairs do not otherwise interfere with the reception of DABS interrogations.

5.4.3 Unwanted DABS Replies

In the absence of valid interrogation signals, DABS transponders do not generate unwanted DABS All-Call replies more often than once per 100 seconds and do not generate unwanted DABS discrete replies more often than once per 100,000 seconds.

Note.—An unwanted DABS All-Call reply may occur due to the decoding of receiver noise and adds to the interference on the beacon reply channel. The occurrence of an unwanted DABS discrete reply implies that the signal causing the spontaneous reply may have also caused an unwanted data transfer at the data output port which could lead to the presentation of erroneous air traffic

control advisories on cockpit display equipment.

5.4.4 Reply Rate Limiting

5.4.4.1 ATCRBS Reply Rate Limiting

ATCRBS reply rate limiting is implemented in accordance with ref. A, 2.7.10.1 and 2.7.10.3

5.4.4.2 DABS Reply Rate Limiting

DABS replies and squitters may be included along with ATCRBS replies as part of the total reply count used to determine the receiver sensitivity for ATCRBS reply rate limiting specified in 5.4.4.1. It is permissible for the sensitivity to DABS interrogations to be reduced when ATCRBS reply rate limiting is in effect. If the ATCRBS reply rate limit is not exceeded and when the dead time (5.4.1) and recovery time (5.4.2.) rules are not violated, the transponder is capable of replying to all combinations of ATCRBS and DABS interrogations for which the transmitter duty cycle is not greater than 2 percent, averaged over a 100 millisecond period, exclusive of Comm-D bursts.

5.4.5 DABS Peak Reply Rate

At least once every four seconds a DABS transponder is capable of transmitting six short (56 bit) or three long (112 bit) DABS replies in each of five consecutive 5 millisecond intervals.

5.4.5.1 DABS ELM Peak Reply Rate

At least once every four seconds a DABS transponder equipped for ELM downlink operation is capable of transmitting, in a 25-millisecond interval, 25% more segments than has been announced in the initialization (4.11.2.1).

Note.—Transponders may exist which are capable of transmitting less than the maximum allowable number of Comm-D segments in one burst. The requirement for 25% surplus transmitting capacity is derived from the possible need for reinterrogation.

5.4.6 Lockout and Lockout Duration

DABS transponders follow the lockout and reply restriction protocol (4.3). Durations T_D and T_S are 16 $\pm$2 seconds. For the multi-site lockout protocol (4.12.6), each individual lockout timer also has a 16 $\pm$2 second duration.

5.4.7 Multisite Timer Duration

DABS transponders follow the multisite protocol (4.12) and have at least one multisite timer, the B-timer. DABS transponders equipped for ELM operation also incorporate the C and D-timers. In all cases, Durations T_T are 32 $\pm$2 seconds.

5.5 Data Handling and Interfaces

5.5.1 Direct Data

Direct data are those which are part of the surveillance protocol of the DABS system.

5.5.1.1 Fixed Direct Data

Fixed direct data characterize the aircraft and are:

a. The DABS address (3.3.1, 4.2.1.1) if fixed; see Note 2

b. The maximum airspeed (3.3.5.2.1)

c. The flight identification data (4.13)

Note 1.—The flight identification number for some aircraft is the "Tail Number" or registration number of the aircraft. This number is used in communication with air traffic control and it never changes. It is thus classified as "fixed direct data". Other aircraft report their "flight number" rather than their registration number. The flight number changes frequently and is thus classified as "variable" direct data (5.5.1.3). Coding for the DABS address and the flight identification data is not included in this Standard.

Note 2.—In certain circumstances aircraft may have a variable address. In such cases the rules of 5.5.1.4 apply.

5.5.1.2 Interfaces for Fixed Direct Data

Interfaces from the transponder to the aircraft are provided such that the values of the fixed direct data become a function of the aircraft installation rather than of transponder configuration.

Note.—The intent of this paragraph is to encourage a connector system which permits transponder exchange without manipulation of the transponder itself for setting the fixed direct data.

5.5.1.3 Variable Direct Data

Variable direct data characterize the flight condition of the aircraft and are:

a. the pressure altitude (3.3.2)

b. the 4096 identification code (3.3.12)

c. the "on the ground" condition (3.3.11) and 3.3.5.2.1)

d. the flight identification data number (4.13) (also see note at 5.5.1.1)

e. the SPI condition (3.3.11)

5.5.1.4 Interfaces for Variable Direct Data

The 4096 identification code, the SPI condition, the FR condition, and the variable flight identification data or "flight number" values are inserted by the pilot.

An interface to accept the pressure altitude code is included. The "on the ground" condition is reported by an "air-ground"sensor; the DABS transponder has an input port for this purpose.

Note.—A specific interface design for the variable direct data is not prescribed in this Standard.

5.5.2 Indirect Data

Indirect data are those which pass through the transponder in either direction but which do not affect the surveillance protocol.

5.5.2.1 Indirect Data Interfaces

One or more indirect data interfaces are required if information is transferred to or from devices outside of the transponder.

Note.—Detailed interface descriptions are not included in this Standard.

5.5.2.1.1 The Uplink Interface

If the transponder transfers the content of received interrogations to one or more devices on board the aircraft, the following conditions must be met:

1. The content of the transfer must include all of the uplink transmission except the last 24 bits.

2. The interface must be capable of transfering the content of a new interrogation every 400 microseconds.

Note.—The full content of the uplink transmission is needed for identification of the content of the data fields.

5.5.2.1.1.1 Integrity of the Uplink Content Transfer

If an uplink interface (5.5.2.1.1) is employed it must include sufficient protection to assure error rates of less than one error in 10^3 messages and less than one undetected error in 10^7 messages between the transponder and the peripheral device(s) in an operational aircraft environment.

Note.—A very low undetected message error rate is required because of the critical nature of the information to be transferred for separation assurance services. Aircraft separation assurance display devices will reject messages which are detected to be in error.

5.5.2.1.2 The Downlink Interface

If information originating in certain peripheral devices (BCAS/ATARS/CIR) is to be transmitted by the transponder, the interface must be able to insert bits or bit patterns at appropriate locations within the transmission. These locations do not include the locations of bit patterns generated by the transponder internally or of the address/parity field of the reply.

Note.—Examples are the content of the DR, FS and UM fields.

If information is to be transmitted by the transponder using the Comm-B format, the B-protocol (4.10) requires immediate access to requested data in the sense that the transponder must respond to an interrogation with data requested by that interrogation. This

requirement can be met in either of two ways:

a. the transponder may have provisions for internal data buffering,

b. the transponder may employ a "real time" interface which operates such that uplink data leave the transponder before the corresponding reply is generated and downlink data enter the transponder in time to be incorporated in this reply.

Note.—The DABS transponder may include an interface provision for supporting ATARS and BCAS. In addition to transfer of data to a cockpit display, these aircraft separation services require the transfer of data to and from a Conflict Indicator Register (CIR). If the CIR is not an integral part of the transponder, the data interface must operate in real time so that the transponder can respond to an interrogation with CIR information designated by the contents of that interrogation.

5.5.2.1.3 The Extended Length Message Interface

The ELM interface extracts from and enters into the transponder the data exchanged between air and ground by means of the ELM protocol (4.11). ELM messages employ bursts of Comm-C and Comm-D transmissions and therefore the message contents must be buffered within the transponder.

5.5.2.2 Indirect Data Transaction Rates

5.5.2.2.1 Standard Transactions

A DABS transponder is capable of handling the data of at least 30 short or long interrogations and the data of at least 15 long replies in a four-second period with all transactions arbitrarily spaced within a single 25 millisecond interval.

Note.—This corresponds to the DABS peak reply rate prescribed in 5.4.5.

5.5.2.2.2 ELM Transactions

If equipped for ground-to-air ELM operation, a DABS transponder can handle the data of at least one complete 16-segment ELM (4.11.1). If equipped for air-to-ground ELM operation, a DABS transponder can handle at least one 4-segment air-to-ground ELM (see 5.4.5.1 and 4.11.2.2).

6. Transponder Antenna System

6.1 Antenna Polarization

Vertical polarization is used.

6.2 Antenna Coverage

The transponder antenna system, when installed on an aircraft, provides transmit and receive gain of −10 dB or more with respect to isotropic over at least 90% of a nominal coverage region 70 degrees above and 70 degrees below the horizontal plane of the aircraft for all azimuth angles. In addition, the antenna system provides multipath immunity and does not adversely affect ground surveillance reliability.

7. Interrogator Characteristics

This section describes salient technical characteristics of the DABS interrogator.

Note.—To assure that DABS interrogator action is not injurious to the radar beacon system, performance limits exist for DABS interrogators.

7.1 Interrogation Repetition Rates

DABS interrogators use the lowest practicable interrogation repetition rates for all interrogation modes.

7.1.1 ATCRBS/DABS All-Call Interrogation Repetition Rate

The interrogation repetition rate for the ATCRBS/DABS All-Call, used for acquisition, is less than 150 per second.

7.1.2 Interrogation Repetition Rate to a Single Aircraft

DABS interrogations requiring a reply are transmitted to a single aircraft in intervals not shorter than 400 microseconds.

7.1.3 Repetition Rate for Discrete Interrogations

The interrogation rate for DABS uplink formats is:

a. less than 1165 per second averaged over a 4 second interval

b. less than 1840 per second averaged over a 1 second interval

c. less than 2400 per second averaged over a 40 millisecond interval

Note.—The interrogation rate above depends on the number of DABS transponders within the coverage volume of the interrogator. If there are no DABS transponders in this volume, the interrogation rate is zero. The rates given above are based on the following assumptions considering absolute worst-case traffic loading and bunching for a rotating antenna interrogator with a 4 second/360° scan rate:

	Number of DABS aircraft	Interrogations per aircraft	Total number of interrogations	Period	Rate (sec^{-1})
Scan angle:					
360°	700	3 long	2,100		
	+160	16 ELM	2,560		
Total			4,660	4 sec	1,165
90°	400	3 long	1,200		
	+40	16 ELM	640		
Total			1,840	1 sec	1,840
3.6°	48	2 long	96	0.04 sec	2,400

7.2 Interrogator RF Peak Output Power.

The maximum effective radiated peak power of all interrogation pulses is as described in ref. A, 2.8.2.1.

Note.—Ref. A permits up to 52.5 dBW which includes antenna gain and transmission losses.

7.3 Unwanted Interrogator Output Power.

When the interrogator transmitter is in the OFF state, its output in the frequency band from 1027 to 1033 MHz does not exceed −15 dBW effective radiated power.

Note.—This constraint assures that aircraft flying near the interrogator (as close as 1 nmi) do not receive interference that would prevent their being tracked by another interrogator. In certain instances even smaller interrogator-to-aircraft distances are of significance, for example if DABS surveillance on the airport surface is used. In such cases a further restraint on off-state interrogator output power may have to be used.

[FR Doc. 80-6883 Filed 3-5-80: 8:45 am]
BILLING CODE 4910-13-M

federal register

Thursday
March 6, 1980

Part IV

Department of Transportation

Federal Aviation Administration

Takeoff and Landing Minimums; Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 91, and 121

[Docket No. 20060; Notice No. 80-4]

Takeoff and Landing Minimums; Proposed Rulemaking

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal clarifies the conditions under which a pilot may approach and land at an airport when the weather does not allow the pilot to see the runway until shortly before landing. The proposal also adds certain requirements that would have to be met before a pilot could take off an aircraft in weather that limits the pilot's visibility. The proposal improves the clarity of the regulations and provides some additional rules needed for operating an aircraft safely under these weather conditions.

DATE: Comments must be received on or before May 6, 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. 20060, 800 Independence Avenue, SW., Washington, DC 20591

or delivered in duplicate to:

Room 916, 800 Independence Avenue, SW., Washington, DC 20591

Comments delivered must be marked: Docket No. 20060.
Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Raymond E. Ramakis, Regulatory projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 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 regulatory docket or notice number and be submitted in duplicate to the address specified above under the caption "ADDRESS." All communications received on or before the date specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the 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. 20060." The postcard will be date and time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: 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 NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Discussion of the Proposed Rule

General

Part 97 of the Federal Aviation Regulations prescribes standard instrument approach procedures for instrument letdown to many airports in the United States and prescribes the weather minimums applicable to takeoffs and landings under instrument flight rules (IFR) at those airports for which procedures are prescribed. Rules applicable to the use of these instrument approach procedures are set out in §§ 91.6, 91.116, and 91.117.

Section 91.116(b) prohibits a person from landing an aircraft using a Part 97 instrument approach procedure unless the visibility is at or above the landing minimum prescribed for the particular procedure. Section 91.117(b) prohibits a person from operating an aircraft below the prescribed minimum descent altitude (MDA) or from continuing an approach below the decision height (DH) unless the aircraft is in a position from which a normal approach to the runway of intended landing can be made, and the approach threshold of that runway, or approach lights or other markings identifiable with the approach end of that runway, are clearly visible to the pilot. In addition, § 91.117(b) requires that the pilot execute the appropriate missed approach procedure if the requirements of that paragraph are not met when the pilot reaches the missed approach point or decision height or at any time after that. This notice proposed changes, based on operating experience, which are necessary to ensure an appropriate level of safety in instrument approaches and landings, to clarify certain rules which, in some cases, have been misinterpreted, and to make administrative changes to several rules which update them and make them consistent with current FAA and aviation system policies and practices.

Approach and landing accidents are the largest single cause of air carrier passenger fatalities and also represent a significant percentage of general aviation fatalities. Between 1964 and 1975, the National Transportation Safety Board recorded 259 air carrier approach and landing accidents which constituted 41% of the total number of accidents and 46% of the fatalities. Sixty-two of these accidents occurred when the reported weather conditions were less than a ceiling of 1,200 feet and 3 miles visibility, of which forty-six involved ceilings of less than 600 feet and visibility of less than 1½ miles. In these accidents, the following factors were cited as causing or possibly significantly contributing to the accidents: Continuation of the descent below the MDA or the DH with inadequate visual cues; unrecognized altitude loss or descent rate; disorientation; collision with obstacles well below the nominal descent path; visual illusions; failure to monitor or cross check altitude; inadvertent descent below the glide slope; loss of sight of the runway while below the MDA or the DH; failure to initiate a missed approach; and other factors related to lack of adequate visual reference. Subsequent to 1975, numerous incidents and accidents, including several widely publicized air carrier and commuter accidents, have continued to indicate the involvement, and inappropriate use, of limited visual references during approach and landing. Pilot use of inappropriate visual cures also occurs in general aviation operations. For example, data from the FAA's General Aviation Accident Data system for 1979 indicates that use of inadequate visual cues during the landing phase may have been a contributing factor in at least 35 accidents. Accordingly, the FAA proposes to revise, clarify, and combine the provisions regarding takeoff and landing under IFR now in § 91.116 and the limitations on the use of instrument

approach procedures now in § 91.117 into a revised § 91.116 entitled "Takeoff and landing under IFR." New § 91.116 would retain paragraphs (c) through (f) in current § 91.116 as new paragraphs (e) through (h), and would propose the necessary revisions in paragraphs (a) through (d). Similar provisions in § 91.6(c) regarding Category II operations would be clarified and in some cases revised.

Visual References

In particular need of clarification is the phrase "other markings identifiable with the approach end of the runway" presently found in §§ 91.117(b)(2) and 91.6(c)(2). In some instances, pilots have interpreted this phrase to include towers, smoke stacks, buildings, and other landmarks which may be located far from the end of the runway, and pilots may have descended below the MDA using these landmarks. This language has also been erroneously interpreted by some pilots to allow the use of a series of landmarks as progress points for instrument approaches. Use of such landmarks can result in mistaken identification of position or aircraft flight path.

To correct these practices, the visual references which are intended to allow descent below MDA or DH should be specified. Accordingly, proposed new § 91.116(b) would prohibit descent below MDA and the continuation of an approach below DH unless at least one of the following for the intended runway is clearly visible to the pilot: The runway, runway lights, approach lights, threshold, threshold markings, threshold lights, runway end identifier lights, visual approach slope indicator (VASI), touchdown zone, or touchdown zone lights.

To preclude premature descents and unnecessary maneuvering at low altitudes, an additional requirement would be added to § 91.116(b) for a straight-in, nonprecision instrument approach procedure which incorporates a visual descent point. This requirement would provide that the pilot may not descend below MDA until the visual descent point has been reached.

Category II and Category III Operations

The FAA proposes to amend § 91.6, Category II operation: general operating rules, to extend its requirements to Category III operations. In general, Category III operations are conducted in accordance with an approved instrument approach procedure in visibility conditions less than 1,200 feet runway visual range as recommended in FAA advisory circulars and International Civil Aviation Organization (ICAO) standards and recommended practices. A conforming change has been proposed in Part 1 to include a definition of Category III operations. Previous changes to this rule, involving Category II operations, were made when the FAA did not have sufficient operating experience available to include Category III provisions. This is no longer the case since Category III operations have been conducted for over 7 years and regulatory safeguards similar to those for Category II operations are appropriate because both types of operations are similar. For Parts 121 and 135 operators, Category II and Category III authorizations are made under operations specifications provisions in those parts. Part 91 operators obtain letters of authorization from FAA district offices. For § 91.6(b) to apply to both Category II and Category III operations, references to a specific runway visual range (RVR) location and RVR reading would be deleted. Including these references in § 91.6 is unnecessary because RVR requirements are specifically provided for in Category II and Category III authorizations, when appropriate.

Section 91.6(c) would be revised to explicitly state those visual references the sighting of which permits the continuation of an approach below the authorized decision height, when the approach procedure provides for a decision height. The visual references would be the same as those proposed for § 91.116, with the exception of the runway end identifier lights and the VASI which are not appropriate visual references for a Category II or Category III operation. Visual approach slope indicators and runway end identifier lights generally are installed on runways which do not have electronic glide slope guidance.

The approach lights may be used as a visual reference to 100 feet above the touchdown zone elevation. Thereafter, the approach lights may be used as a visual reference for continued descent only if either the red terminating bars or the red side row bars also are clearly visible. This provision is appropriate in light of the design of Category II and Category III approaches which is based upon the premise that the pilot should see these visual references if landing minimums weather conditions are present. The pilot should see one of the specified visual references: (1) At, or before reaching, 100 feet above the touchdown zone during a Category II approach, or (2) at, or before, DH during a Category III approach which requires use of a decision height. Therefore, under this proposal, if the pilot does not see one of these visual references, Category II and Category III approach procedures require the pilot to execute a missed approach. As is presently done for Category III approaches which do not specify a DH, any necessary provisions for verification of landing minima will be listed in the operations specifications or letter of authorization covering the operation. This change also would achieve uniformity of application of criteria used under current operations specifications and letters of authorization.

Landing

Current § 91.116(b) prohibits a person operating an aircraft (except a military aircraft of the United States) from landing that aircraft using a standard instrument approach procedure prescribed in Part 97 unless the visibility is at or above the landing minimum prescribed in that part for the procedure used. The FAA proposes to revise this requirement to make it clear that the visibility referred to is the visibility from the aircraft. Indications that there have been misinterpretations of the current rule make this necessary. New §§ 91.116(b)(4) and (d) would also make it clear that the pilot must have this flight visibility from descent below MDA or DH until touchdown.

New § 91.116(d) would provide that no person operating an aircraft (except military aircraft of the United States) may touchdown that aircraft when the flight visibility is less than the visibility prescribed in the standard instrument approach procedure being used. The word "touchdown" is used in this section because of previous problems with defining what constitutes a landing in the present rule. While touchdown would be prohibited, the FAA recognizes that inadvertent and momentary contact of the wheels with the runway may occur during the rare instances in which a missed approach must be conducted from a very low altitude. This inadvertent contact may result, even though proper procedures are being used. This contact would not be considered to be "touching down" the aircraft within the meaning of § 91.116(d), and special piloting techniques would not be required to avoid contact by the wheels with the runway under these circumstances. Where general references are appropriate to describe approach and landing and a specific reference is not necessary to denote a specific point in the landing process such as touchdown, the term landing has been retained.

Missed Approach Procedures

Additional missed approach requirements would be added in revised § 91.116(e) to preclude unsafe situations resulting from misidentification of ground references. A pilot would be required to follow an appropriate missed approach procedure whenever an identifiable part of the airport is not clearly in sight during a circling maneuver. A missed approach would also be required whenever the pilot determines that the flight visibility required by paragraph (b)(4) is lacking, even though the pilot may have one of the visual cues required by paragraph (b)(3) clearly in sight. This is necessary because continuation of an approach is unsafe when the pilot does not have sufficient visual references to correctly assess and control the aircraft flight path.

Procedure Turns

Due to the possibility of misinterpretation, the current limitation in § 91.116(h) on procedure turns would be revised to more clearly require the pilot to obtain an ATC clearance before making a procedure turn under specified conditions. The present provision requires the pilot to advise ATC of his intention when he receives his final approach clearance. In addition, the reference to the designation "FINAL", which is no longer used in the context of limitations on procedure turns, would be deleted from this provision.

Inoperative or Unusable Components and Visual Aids

The FAA proposes to incorporate the substance of current § 91.117(c), inoperative or unusable components and visual aids, into revised § 91.116, with the exception of the inoperative component tables which would be deleted. With one exception, making the increased minima in those tables mandatory is unnecessary because the essential limitations have been incorporated previously into the instrument approach procedures under Part 97. The exception would be for an inoperative or unusable middle marker. Retention of this limitation is required to ensure adequate safety in ILS instrument approach procedures, other than Category II or III, where barometric altimeter errors may occur. Inoperative component tables may continue to be published with U.S. Government instrument approach procedure charts, but their use would be supplemental to the procedure which would specify any necessary limitations, and thus they would not be mandatory.

As § 91.117(c) presently does, new § 91.116(k) would describe the basic components of an ILS and specify what airborne and ground equipment may be substituted for those components. New § 91.117(b)(1) would provide that if the middle marker or airborne equipment associated with it is inoperative, unusable, or not used, a DH, other than one for Category II or Category III minima prescribed in the standard instrument approach procedure, would have to be increased by 50 feet. Categorys II and III procedures may be excluded because any necessary limitations on these operations would be specified as conditions in the specific FAA authorization made through operations specifications or a letter of approval. This requirement also would not apply if a substitute for the middle marker specified in paragraph (k) were used or for Category II or Category III operations.

Revision of Part 121

For purposes of consistency, the FAA proposes to combine the takeoff and landing weather minimums for domestic and flag air carriers (§ 121.651) and those for supplemental air carriers and commercial operators (§ 121.653) into a revised § 121.651. For the purposes of this section, the operations are sufficiently similar that the distinction in the present rules is no longer necessary. This would be consistent with the reduction in emphasis on distinctions among these carriers which has resulted from the Airline Deregulation Act of 1978 (P.L. 95–504) and would be responsive to the President's goal of regulatory simplification.

Proposed new § 121.651(a) would prohibit a pilot from taking off when the weather conditions reported by the U.S. National Weather Service, a source approved by that Service, or a source approved by the Administrator, are less than those specified for the takeoff airport in the certificate holder's operations specifications or, if the operations specifications do not contain minimums for the airport, the minimums specified under the Part 97 procedure. This change would have the effect at foreign airports of making weather reports by sources other than the U.S. National Weather Service or sources approved by it, but which are approved by the Administrator, apply for takeoff minimums. Thus, this change would uniformly apply takeoff minima where weather is reported by sources approved by the Administrator as well as at locations having U.S. National Weather Service-operated or approved weather facilities.

Revised § 121.651 would also make it clear that a pilot at an airport within the United States, or at a U.S. military installation, which has one of the three specified acceptable weather reporting sources may not begin the final approach segment of an instrument approach procedure unless the U.S. National Weather Service, a source approved by that Service, or a source approved by the Administrator issues a weather report for that airport. At foreign airports, weather services for Part 121 operators are approved by the Administrator rather than the U.S. National Weather Service. Thus, § 121.651(b) is intended to preserve the application of the present rule which allows initiation of the final approach segment of instrument approaches at foreign airports not having weather reporting facilities under the jurisdiction of the U.S. National Weather Service since the prohibition is expressed only in terms of airports having U.S. National Weather Service sources. The present exception to this rule for airports with an operative instrument landing system (ILS) and precision approach radar (PAR) would also be retained.

Section 121.651(c) would be revised to substitute the word "touchdown" for "landing" for the same reasons explained in the discussion of proposed § 91.116(c). In addition, operation below the prescribed MDA, or continuation of an approach below the authorized DH, would be subject to the same safeguards as proposed in § 91.116(b), with the exception of paragraph (b)(2) which relates to operations prior to reaching a visual descent point in straight-in, nonprecision instrument approach procedures. This proposed revision to § 121.651(c) would be consistent with § 91.116(b) and would update and clarify the requirements for instrument approaches.

Later Weather Report

The FAA also proposes to revise the present provision in § 121.651(d) which governs the receipt of a later weather report indicating below minimum conditions. The revision would provide that a pilot who has begun the final approach segment of an instrument approach procedure to an airport in accordance with § 121.651(b) and then receives such a report may continue the approach and touch down if the same safeguards prescribed in proposed § 91.116(b) (1), (3), and (4) are met. This change is proposed to clarify the requirement that to continue an approach the pilot must have the prescribed minimums at all times after passing the MDA or DH.

Foreign Airports

Finally, a new § 121.651(f) would be added to require a pilot making an IFR takeoff, approach, or landing at a foreign airport to comply with the applicable instrument approach procedures and weather minimums prescribed by the authority having jurisdiction over the airport, unless otherwise authorized in the certificate holder's operations specifications. This ensures that U.S. operators comply with appropriate foreign governmental regulations when conducting international operations.

The Proposed Rule

Accordingly, the Federal Aviation Administration proposes to amend Parts 1, 91, and 121 of the Federal Aviation Regulations (14 CFR Parts 1, 91, and 121) as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

§ 1.1 [Amended]

1. By amending § 1.1 of Part 1 of Subchapter A by adding a definition of "Categroy III operations" immediately following the definition of "Category II operations" as follows:

* * * * *

"Category III operations", with respect to the operation of aircraft, means a straight-in ILS approach to the runway of an airport under a Category III ILS instrument approach procedure issued by the Administrator or other appropriate authority.

* * * * *

PART 91—GENERAL OPERATING AND FLIGHT RULES

2. By amending § 91.6 by: (1) Deleting from paragraph (b) the third sentence and the phrase "for the touchdown zone" in the second sentence; and (2) revising the section heading and paragraphs (c) and (d), and adding new paragraphs (e) and (f), to read as follows:

§ 91.6 Category II and III operations: General operating rules.

* * * * *

(c) For the purpose of this section, when the approach procedure being used provides for a DH, the authorized decision height is the DH prescribed by the approach procedure, the DH prescribed for the pilot in command, or the DH for which the aircraft is equipped, whichever is higher.

(d) Unless otherwise authorized by the Administrator, no person operating an aircraft in a Category II or Category III approach that provides a DH may continue the approach below the authorized decision height unless the following conditions are met—

(1) The aircraft is in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal maneuvers; and

(2) At least one of the following visual references for the intended runway is clearly visible to the pilot:

(i) The approach lights, except that below 100 feet above the touchdown zone elevation the approach lights may not be used as a visual reference unless the red terminating bars or the red side row bars are also clearly visible.

(ii) The threshold.

(iii) The threshold markings.

(iv) The threshold lights.

(v) The touchdown zone.

(vi) The touchdown zone lights.

(e) Unless otherwise authorized by the Administrator, each person operating an aircraft shall immediately execute an appropriate missed approach whenever the requirements of paragraph (d) of this section are not met.

(f) Paragraphs (a) through (e) of this section do not apply to operations conducted by the holders of certificates issued under Parts 121, 123, 129, or 135 of this chapter. No person may operate a civil aircraft in a Category II or Category III operation conducted by the holder of a certificate issued under Parts 121, 123, 129, or 135 of this chapter unless the operation is conducted in accordance with that certificate holder's operations specifications.

3. By amending § 91.116 to read as follows:

§ 91.116 Takeoff and landing under IFR.

(a) *Instrument approaches to civil airports.* Unless otherwise authorized by the Administrator, when an instrument letdown to a civil airport is necessary, each person operating an aircraft shall use a standard instrument approach procedure prescribed for the airport in Part 97 of this chapter.

(b) *Operation below MDA or DH.* No person may operate an aircraft, except a military aircraft of the United States, at any airport below the prescribed MDA or continue an approach below the DH unless—

(1) The aircraft is continuously in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal maneuvers;

(2) When the aircrft is on a straight-in, nonprecision instrument approach procedure which incorporates a visual descent point, and that aircraft is equipped to establish that point, the aircraft has reached the visual descent point;

(3) That person continuously determines that the flight visibility is not less than the visibility prescribed in the standard instrument approach procedure being used; and

(4) At least one of the following visual references for the intended runway is clearly visible to the pilot:

(i) The approach light system.

(ii) The threshold.

(iii) The threshold markings.

(iv) The threshold lights.

(v) The runway end identifier lights.

(vi) The visual approach slope indicator.

(vii) The touchdown zone.

(viii) The touchdown zone lights.

(ix) The runway.

(x) The runway lights.

(c) For the purpose of this section, when the approach procedure being used provides for a DH, or MDA, the authorized decision height or authorized minimum descent altitude is the DH or MDA prescribed by the approach procedure, the DH or MDA prescribed for the pilot in command, or the DH or MDA for which the aircraft is equipped, whichever is higher.

(d) *Touchdown.* No person operating an aircraft (except military aircraft of the United States) may touch down that aircraft when the flight visibility is less than the visibility prescribed in the standard instrument approach procedure being used.

(e) *Missed approach procedures.* Each person operating an aircraft shall immediately execute an appropriate missed approach procedure when any of the following conditions exist:

(1) Whenever the requirements of paragraph (b) of this section are not met at either of the following times—

(i) When the aircraft is being operated below MDA; or

(ii) Upon arrival at the missed approach point, including DH where a DH is specified, and at any time after that until touchdown.

(2) Whenever an identifiable part of the airport is not clearly visible to the pilot during a circling maneuver at or above MDA, except when following a procedure approved by the Administrator that provides for the airport being not clearly visible during the circling maneuver.

(f) *Civil airport takeoff minimums.* Unless otherwise authorized by the Administrator, no person operating an aircraft under Parts 121, 123, 129, or 135 of this chapter may take off from a civil airport under IFR unless weather conditions are at or above the weather minimums for IFR takeoff prescribed for that airport under Part 97 of this chapter. If takeoff minimums are not prescribed under Part 97 of this chapter for a

particular airport, the following minimums apply to takeoffs under IFR for aircraft operating under those parts:

(1) For aircraft having two engines or less—1 statute mile visibility.

(2) For aircraft having more than two engines—½ statute mile visibility.

(g) *Military airports.* Unless otherwise prescribed by the Administrator, each person operating a civil aircraft under IFR into, or out of, a military airport shall comply with the instrument approach procedures and the takeoff and landing minimums prescribed by the military authority having jurisdiction of that airport.

(h) *Comparable values of RVR and ground visibility.* (1) Except for Category II or Category III minima, if RVR minimums for takeoff or landing are prescribed in an instrument approach procedure, but RVR is not reported for the runway of intended operation, the RVR minimum shall be converted to ground visibility in accordance with the table in paragraph (h)(2) of this section and shall apply as the applicable visibility minimum for takeoff or landing on that runway.

(2):

RVR (feet)	Visibility (statute miles)
1,600	¼
2,400	½
3,200	⅝
4,000	¾
4,500	⅞
5,000	1
6,000	1¼

(i) *Operations on unpublished routes and use of radar in instrument approach procedures.* When radar is approved at certain locations for ATC purposes, it may be used not only for surveillance and precision radar approaches, as applicable, but also may be used in conjunction with instrument approach procedures predicated on other types of radio navigational aids. Radar vectors may be authorized to provide course guidance through the segments of an approach procedure to the final approach fix or position. When operating on an unpublished route or while being radar vectored, the pilot, when an approach clearance is received, shall, in addition to complying with § 91.119, maintain the last altitude assigned to that pilot until the aircraft is established on a segment of a published route or instrument approach procedure unless a different altitude is assigned by ATC. After the aircraft is so established, published altitudes apply to descent within each succeeding route or approach segment unless a different altitude is assigned by ATC. Upon reaching the final approach fix or position, the pilot may either complete the instrument approach in accordance with a procedure approved for the facility, or may continue a surveillance or precision radar approach to a landing.

(j) *Limitation on procedure turns.* In the case of a radar vector to a final approach segment or fix, a timed approach from a holding fix, or an approach for which the procedure specifies "NoPT", no pilot may make a procedure turn unless cleared to do so by ATC.

(k) *ILS components.* The basic ground components of an ILS are the localizer, glide slope, outer marker, and middle marker. A compass locator or precision radar may be substituted for the outer or middle marker. DME, VOR, or nondirectional beacon fixes authorized in the standard instrument approach procedure or surveillance radar may be substituted for the outer marker.

(l) *Middle marker inoperative, unusable, or not used.* If the middle marker, or airborne equipment associated with it, is inoperative, unusable, or not used, a DH other than for Category II or Category III minima prescribed in the standard instrument approach procedure must be increased by 50 feet unless otherwise specified in the published instrument approach procedure. This requirement does not apply if a substitute for the middle marker specified in paragraph (k) of this section is used.

4. By revoking and reserving § 91.117 as follows:

§ 91.117 [Reserved]

5. By revising § 121.651 to read as follows:

§ 121.651 Takeoff and landing weather minimums: IFR: all certificate holders.

(a) Notwithstanding any clearance from ATC, no pilot may begin a takeoff in an airplane under IFR when the weather conditions reported by the U.S. National Weather Service, a source approved by that Service, or a source approved by the Administrator are less than those specified in—

(1) The certificate holder's operations specifications; or

(2) Parts 91 and 97 of this chapter, if the certificate holder's operations specifications do not specify takeoff minimums for the airport.

(b) Except as provided in paragraph (c) of this section, no pilot may begin the final approach segment of an instrument approach procedure—

(1) At any airport, unless the U.S. National Weather Service, a source approved by that Service, or a source approved by the Administrator, issues a weather report for that airport; or

(2) At airports within the United States and its territories or at U.S. military airports, unless the latest weather report for the airport issued by the U.S. National Weather Service, a source approved by that Service, or a source approved by the Administrator, reports the visibility to be equal to or more than the visibility minimums prescribed for that procedure. For the purpose of this section, the term "U.S. military airports" means airports in foreign countries where flight operations are under the control of U.S. military authority.

(c) A pilot may begin the final approach segment of an instrument approach procedure at an airport when the visibility is less than the visibility minimums prescribed for that procedure if that airport is served by an operative ILS and an operative PAR, and both are used by the pilot. However, no pilot may operate an aircraft below the prescribed MDA, or continue an approach below the authorized DH, as defined in § 91.116(c), unless—

(1) The aircraft is continuously in a position from which a descent to a touchdown on the intended runway can be made at a normal rate of descent using normal maneuvers;

(2) At least one of the visual references listed in § 91.116(b)(4) for the intended runway is continuously clearly visible to the pilot; and

(3) That pilot continuously determines that the flight visibility is not less than the visibility prescribed in the standard instrument approach procedure being used.

(d) If a pilot has begun the final approach segment of an instrument approach procedure in accordance with paragraph (b) of this section and after that receives a later weather report indicating below minimum conditions, the pilot may continue the approach to MDA or DH. Upon reaching DH or at MDA and at any time before the missed approach point, the pilot may continue the approach below DH or MDA and touch down if—

(1) The aircraft is continuously in a position from which a descent to a touchdown on the intended runway can be made at a normal rate of descent using normal maneuvers;

(2) At least one of the visual references listed in § 91.116(b)(4) for the intended runway is continuously and clearly visible to the pilot; and

(3) That pilot continuously determines that the flight visibility is not less than the visibility prescribed in the standard instrument approach procedure being used.

(e) For the purpose of this section, the final approach segment begins at the final approach facility or fix prescribed in the instrument approach procedure. When a final approach fix is not prescribed for a procedure that includes a procedure turn, the final approach segment begins at the point where the procedure turn is completed and the aircraft is established inbound toward the airport on the final approach course within the distance prescribed in the procedure.

(f) Unless otherwise authorized in the certificate holder's operations specifications, each pilot making an IFR takeoff, approach, or landing at a foreign airport shall comply with the applicable instrument approach procedures and weather minimums prescribed by the authority having jurisdiction over the airport.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

6. By revoking and reserving § 121.653 as follows:

§ 121.653 [Reserved]

(Secs. 307, 313(a), 601, and 604, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, and 1424; sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.45)

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by writing to the person identified under "FOR FURTHER INFORMATION CONTACT * * *"

Issued in Washington, D.C., on February 28, 1980.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 80-6895 Filed 3-5-80; 8:45 am]

BILLING CODE 4910-13-M

federal register

Thursday
March 6, 1980

Part V

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Land Reclamation Program

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Land Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, Washington, D.C. 20240.

ACTION: Final guidelines for reclamation programs and projects.

SUMMARY: OSM is publishing final guidelines to assist States, Indian tribes, U.S. Department of Agriculture, and OSM in interpreting and applying the general reclamation requirements for individual programs and projects contained in SMCRA and the abandoned mine lands program regulations. These guidelines are designed to promote uniformity in programs and projects that are carried out by the different entities assigned the responsibility for administering the abandoned mine land programs and will provide a common basis for the conduct of future program and project evaluation activities.

EFFECTIVE DATE: March 6, 1980.

ADDRESS: Office of Surface Mining, Administrative Records Office, Room 135 South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, telephone (202) 343–4728.

FOR FURTHER INFORMATION CONTACT: M. Richard Nalbandian, Chief, Division of Reclamation Planning and Standards, Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, (202) 343–4057.

SUPPLEMENTAL INFORMATION: Public Law 95–87, the Surface Mining Control and Reclamation Act of 1977 (SMCRA) (30 U.S.C. 1201 *et seq.*), establishes an Abandoned Mine Reclamation Fund and provides the authority to use monies from this fund to reclaim and restore land and water resources adversely affected by past mining. Lands and water eligible for reclamation under this authority are those which were mined or affected by mining and abandoned or left in an adequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State, or other Federal Laws. OSM published final rules on October 25, 1978 (43 FR 49932) which established the abandoned mine land reclamation program and procedures for administering Title IV of SMCRA.

OSM is today publishing final guidelines to be considered when developing plans for abandoned mine land programs and projects. The text of these guidelines is published immediately following this notice. A notice of decision to develop guidelines was published on August 1, 1979 (44 FR 45316) with a request for public comment on this decision. The proposed guidelines were published on November 6, 1979 (44 FR 64254) with a request for public comments to be sumitted by January 7, 1980. During this public comment period six public information meetings were conducted at Washington, D.C.; Charleston, West Virginia; Knoxville, Tennessee; Oklahoma City, Oklahoma; Denver, Colorado; and Indianapolis, Indiana. All comments received were reviewed and considered in developing these final guidelines.

The guidelines are considered to be statements of policy and are issued to advise the public on how OSM intends to administer the reclamation requirements for abandoned mine land programs and projects. These guidelines do not establish new legal requirements or obligations on the public and are subject to change at the discretion of OSM. They are issued to provide general guidance to States, Indian tribes, USDA, and OSM on the administration of reclamation activities carried out under programs authorized by Title IV of SMCRA.

The guidelines were prepared by the regional offices of OSM and have been reviewed by States, Indian tribes and Federal agencies prior to final publication. All formal comments received on the proposed guidelines were considered in the process of developing the final guidelines. Sixteen comments were received during the comment period which included the five transcripts for the public information meetings. Four State agencies commented and supported the concept of developing goal oriented guidelines as opposed to formal regulations on reclamation standards for abandoned mine lands. Two Federal agencies provided formal comments and the other commentors were either private citizens or surface mining organizations. All the comments received were considered and resulted in changes in the final guidelines. All formal comments are available for inspection at the address listed above.

Environmental Impact Statement

In connection with the development of these guidelines, OSM has prepared an environmental impact statement (EIS) assessing the impacts of various alternatives considered for carrying out the Abandoned Mine Lands Reclamation program. The guidelines are assessed in that EIS and the content of the final EIS was considered for purposes of reaching decisions on the content of these guidelines. The availability of that EIS is being announced through a separate **Federal Register** notice.

Availability of Copies

Additional copies of the final guidelines and a listing of the technical references used to develop the guidelines are available for inspection and may be obtained at the following offices:

OSM Headquarters, Department of the Interior, Room 135 South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, (202) 343–4728.
OSM Region I, First Floor, Thomas Hill Building, 950 Kanawha Boulevard, Charleston, WV 25301, (303) 342–8125.
OSM Region II, 530 Gay Street, SW., Suite 500, Knoxville, TN 37902, (615) 637–8060.
OSM Region III, Federal Building and U.S. Courthouse, Room 510, 46 East Ohio Street, Indianapolis, IN 46204 (317) 269–2603.
OSM Region IV, 818 Grand Avenue, Room 501, Kansas City, MO 64116, (816) 374–5126.
OSM Region V, Post Office Building, 1832 Stout Street, Room 270, Denver, CO 80205, (303) 837–5511.

Drafting Information

The final guidelines were drafted by the Abandoned Mine Land staffs of the five Regional offices of OSM under the direction of Theodore H. Ifft, OSM—Division of Federal Reclamation Programs. He can be contacted by phone at (202) 343–6786 or by mail addressed to Office of Surface Mining, Abandoned Mine Lands, Interior South Building, Room 221, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

Technical assistance was provided by a planning group composed of representatives from the States, Indian tribes, and USDA.

Note.—The Department of the Interior has determined that the proposed guidelines are *not* a significant rule under Executive Order 12044.

Dated: February 25, 1980.

Joan M. Davenport,

Assistant Secretary, Energy and Minerals.

Abandoned Mine Land (AML) Reclamation Program—Proposed Guidelines for Reclamation Programs and Projects

Contents

A. Definitions
B. Program Considerations
1. Land, Water, or Mineral Rights Required for Reclamation
a. Consent requirements and responsibility
b. Written consent versus police power
c. Property acquisition
2. Jurisdictional Responsibilities

a. Reclamation program legislative requirements
b. Environmental evaluation requirements
c. Interstate coordination requirements
3. Selection Criteria
a. Reclamation site ranking
b. Reclamation considerations
c. Reclamation extent
d. Cooperative efforts
e. Joint projects
4. Emergency Projects
a. Authority for emergency reclamation
b. Emergency project considerations
c. Emergency project examples
d. Abatement procedures
e. Coordination requirements
5. Incidental Recovery of Coal in Conjunction with Reclamation Activities
a. Active mining permit requirements
b. Resource recovery potential
c. Reclamation techniques and methods
d. Recovered coal disposition
6. Abandoned Structures
a. Abandoned structures and equipment investigation
b. Abandoned structures and equipment report
c. Ownership rights
7. Borrow and Disposal Areas
a. Site selection
b. Adverse impacts
8. Experimental or Demonstration Practices
a. Unique aspects
b. Coordination requirements
c. Practice considerations
d. Report Requirements
9. Program and Project Evaluation
a. General evaluation considerations
b. Recording requirements
c. Completed reclamation review
d. Monitoring requirements
10. Maintenance of Reclamation Work
a. Minimizing maintenance
b. Maintenance plan content
11. Noncoal Projects
a. Guideline applicability
b. Planning considerations
c. Selection priorities
12. Impact Assistance
a. Planning considerations
b. Priorities for selection
c. Coordination requirements
C. Site Considerations
1. Mine Drainage
a. General considerations
b. At-source control measures
c. Treatment measures
2. Active Slides and Slide-Prone Areas
a. Site selection considerations
b. Site evaluation factors
c. Remedial measures
3. Erosion and Sedimentation
a. Erosion and sediment control considerations
b. Erosion control practices
c. Sediment trapping practices
4. Vegetation
a. Existing vegetation inventory and evaluation
b. Vegetative requirements
5. Toxic Materials
a. Sampling and analysis considerations
b. Planning considerations
6. Hydrologic Balance
a. Planning Considerations
b. Surface-water considerations
c. Ground-water considerations
d. Water impoundments
7. Public Health and Safety
a. Insect/vermin vectors
b. Highwall danger
c. Mine openings and subsidence
d. Radiation emission
e. Domestic water supplies
f. Surface and underground mine fires
g. Hazardous gases and particulates
8. Esthetic and Visual Values
a. Esthetic evaluation requirements
b. Visual degraders
c. Esthetic problem solutions
9. Fish and Wildlife Values
a. Project identification requirements
b. Determining fish and wildlife values and goals
c. Planning considerations
d. Coordination with landowner(s)
e. Installing and maintaining established fish and wildlife habitat values
10. Air Quality
a. Air quality standards
b. Coordination requirements
c. Air quality degradation and improvement

A. Definitions

1. Abandoned Property—Real and personal property, associated with past mining activities, that has been forsaken or deserted by an owner. This includes real estate, structures, and equipment.

a. *Abandoned Structures*—Abandoned permanent improvements or fixtures firmly attached to the land and considered as part of real property. Abandoned structures include but are not limited to coal tipples, coal washers, storage and grading facilities, loading docks, rail spurs, concrete foundations, dams, reservoirs, and bridges. Other items such as crushers, elevators, bins, loaders, conveyors and similar equipment are within this definition if firmly affixed to the land.

b. *Abandoned Equipment*—Abandoned movable items not affixed to the land. Such items are considered as personal property and include equipment and dismantled machinery not affixed to the land and which could be moved. These items include but are not limited to shovels, scrapers, tires, machinery parts, trailers, trucks, electrical substations on skids, feeders, and loaders.

c. *Disposal*—The act of sale, federal utilization, demolition, removal, and the burning and burial of scrap or other debris resulting from abandoned structures and equipment.

2. *Act*—The Surface Mining Control and Reclamation Act of 1977 enacted as Public Law 95–87 (30 U.S.C. 1201 et seq.).

3. *Administering Agency*—The agency that has the responsibility for carrying out a reclamation program or project. This includes OSM for federal reclamation projects; U.S.D.A., Soil Conservation Service for the Rural Abandoned Mine Program; designated State reclamation agencies for projects carried out under an approved State Reclamation Plan; and Indian tribes for projects carried out under an approved Indian Reclamation Plan.

4. *Daylighting*—The surface mining procedures and excavation processes utilized to expose underground mine works for partial or complete removal of the remaining mineral underlying the surface.

5. *Emergency*—A sudden danger condition or impairment that constitutes a situation with a high probability of substantial physical harm to the health, safety, or general welfare of people before the danger can be abated under normal program procedures.

6. *Restoration of the Hydrologic Balance*—The stabilization and maintenance of the relationship between the quality and quantity of water inflow to water outflow from an abandoned mine land site. The relationship includes water storage and transfer within hydrologic units as they now exist or may have existed and measures needed to reduce or eliminate pollution to receiving surface and subsurface waters.

7. *Toxic-Forming Materials*—Earth materials or wastes resulting from mining operations which, if acted upon by air, water, weathering, or microbiological processes are likely to produce chemical or physical conditions in soils or water that are substantially detrimental to the biota or water use.

B. Program Considerations

1. Land, Water, or Mineral Rights Required for Reclamation

a. *Consent Requirements and Responsibility.* In addition to the rights of entry required by 30 CFR 877, other consents required by the specific type of reclamation program should be obtained. In water limited areas reclamation programs that propose to restore or alter water quality or quantity should not be undertaken until the appropriate water right consents are obtained. If the mineral estate is severed from the surface estate, consents should be obtained from both parties. All necessary consents should be obtained for a time period sufficient to complete the reclamation activities. The administering agency has the responsibility to assure that no reclamation work is carried out without such consents.

b. *Written Consent Versus Police Power.* Written consent from the owner of record and lessee or his authorized agent should be the preferred means for obtaining agreements to enter lands in order to carry out reclamation work. Entry by use of police power is restricted to those reclamation projects that will protect public health and safety as authorized under Sections 403(1), 403(2), 409(c), and 410 of the Act and should be undertaken only after due care and deliberation has exhausted all

possibilities of obtaining written consents.

c. *Property Acquisition.* Acquisition of property may be undertaken only under the specific conditions enumerated in Sections 407 and 409 of the Act and 30 CFR 879.

2: Jurisdictional Responsibilities

a. *Reclamation Program Legislative Requirements.* The administering agency should consider how existing legislative requirements will impact its program, such as treaties, Federal laws, Executive orders, State laws, tribal laws, local laws, ordinances, and regional commission requirements. Timely coordination with the various agencies charged with implementing these requirements is necessary.

Among the Federal laws and Executive orders to consider are—

Bald Eagle Protection Act, as amended (16 U.S.C. 661 et seq.);
Clean Air Act, as amended (42 U.S.C. 7401 et seq.);
Clean Water Act of 1977, as amended (33 U.S.C. 1151 et seq.);
Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.);
Federal Coal Mine Health and Safety Act of 1969, as amended (30 U.S.C. 721 et seq.);
The Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721 et seq.);
Fish and Widlife Coordination Act, as amended (16 U.S.C. 661 et seq.);
Floodplain Management, Executive Order 11988 (May 24, 1977);
Migratory Bird Treaty Act, as amended (16 U.S.C. 703 et seq.);
Mineral Leasing Act of 1970, as amended (30 U.S.C. 181 et seq.);
Mining and Minerals Policy Act of 1970 (16 U.S.C. 21a);
National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.);
National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.);
Protection of Wetlands, Executive Order 11990 (May 24, 1977);
Refuse Act of 1899 (33 U.S.C. 407);
Safe Drinking Water Act, as amended (42 U.S.C. 7401 et seq.);
Solid Waste Disposal Act (42 U.S.C. 3251–3259);
Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); and
Wild and Scenic Rivers Act, as amended (16 U.S.C. 1274 et seq.);

b. *Environmental Evaluation Requirements.* In compliance with the National Environmental Policy Act of 1969 (NEPA), the environmental concerns associated with reclaiming abandoned mine lands will be identified and resolved when a thorough effort is given to the environmental assessment or evaluation. Appropriate steps to achieve NEPA compliance should be undertaken for every proposed AML federal reclamation project except for emergencies under Section 410 and for every grant application submitted under an approved State or Indian Reclamation Plan. The objective of each administering agency should be to do a thorough environmental analysis for each reclamation site.

c. *Interstate Coordination Requirements.* Where reclamation that may affect adjoining States or other jurisdictional authorities (such as those of river basin commission) is undertaken, the administering agency should coordinate planning and implementation of these projects with other agencies with responsibilities for reclamation of abandoned mine lands in the affected area.

3. Selection Criteria

a. *Reclamation Site Ranking.* Procedures for selecting sites to carry out reclamation activities should incorporate relative weighting factors to rank the proposed sites. These procedures should give higher weights to the prorities of the Act (as outlined in Section 403 of the Act and 30 CFR 874.13) in descending order of their listing. In addition to weights assigned according to priorities, other factors including but not limited to those listed in 30 CFR 874.14 should be considered. Negative weights should be considered for adverse impacts resulting from the proposed project.

(1) Preference should be given to reclamation projects that—

(a) Involve landowner(s) consent to participate in postreclamation maintenance activities of the area,

(b) Provide multiple benefits to the landowner(s) where those benefits have a greater cumulative value than projects with fewer benefits, and

(c) Provide offsite public benefits.

(b) *Reclamation Considerations.* The administering agency should consider the following items in determining whether a site should be reclaimed:

(1) The lands proposed for reclamation must be eligible as defined by Sections 404 and 409 of the Act.

(2) The proposed project should utilize available funds in an effective manner. Projects which require continuous maintenance and/or operating costs should be undertaken only if a commitment exists to bear these indefinite costs.

(3) Problems associated with the site can be abated by utilizing current available technology or horizon technology with a high probability of success to prevent or minimize present or future adverse effects.

(4) The proposed reclamation plan can solve the problems identified and has considered existing site conditions. Site conditions to be considered include—

(a) Percent and length of slope,
(b) Amount of coarse fragments,
(c) Soil pH,
(d) Toxic substance occurrence,
(e) Depth to water table, and
(f) Potential for soil slippage.

(5) Reclamation can be carried out in a manner that minimizes maintenance to achieve a self-sustaining reclamation solution. Self-sustaining implies reclamation which is permanent and stable under the prevailing environmental and land-use conditions utilizing current state-of-the-art technology.

(6) If the project area is to be remined or developed in the forseeable future and these activities will eliminate the adverse effects of past mining, reclamation should only be considered where the offsite adverse impacts from the affected area are so severe as to cause significant danger to public health and safety or to the environment if not abated before the proposed remining or development takes place.

(7) Control of abandoned mine subsidence problems should be limited to emergency or extreme danger situations except that a State agency with an approved reclamation program may include proposals for lesser priority subsidence control work in their annual submissions of projects. Reclamation activities should include all the necessary steps to abate or eliminate the emergency or extreme danger condition. Structures should only be moved as a last resort with the approval of the head of the administering agency.

(8) Abatement or control of abandoned mine fires should only be considered where the problems associated with the fire have created or have the potential to create an emergency or extreme danger situation except that a State agency with an approved reclamation program may include proposals for lesser priority mine fire control projects in their annual submissions of projects. Reclamation activities should include all necessary steps to abate or eliminate the emergency or extreme danger condition created by the fire.

(9) Land use conditions should be evaluated as part of the planning process. This evaluation should consider if the—

(a) Reclamation activities can be planned in a manner that is compatible with the proposed land use of the reclaimed land as intended by the landowner(s);

(b) Postreclamation land use proposed is compatible with surrounding land uses, complies with local, State, tribal, and Federal requirements, and is

acceptable to the community involved; and

(c) Postreclamation land use results in protecting and possibly improving the natural resource base of the area, enhancing the quality of the environment, and improving the quality of life.

(10) Esthetic values should be evaluated as part of the project planning process. The requirements for this evaluation are detailed in Site Consideration Guideline No. 8 (Esthetic and Visual Values).

(11) Fish and wildlife values should be evaluated as part of the project planning process. The requirements for this evaluation are detailed in Site Consideration Guideline No. 9 (Fish and Wildlife Values).

c. *Reclamation Extent.* The amount of reclamation performed on a site depends upon the priority, funding available, and technology available for reclaiming the site.

(1) Consideration should be given to eliminating all the problems associated with an abandoned mine site. All lower priority problems should be included in the reclamation plan when contracting for the elimination of the high priority problem. Factors that should be considered in determining the amount of reclamation to be done at a site include—

(a) The affected land and water area,

(b) Uniformity of the problem(s) over the entire site,

(c) Proposed postreclamation land use,

(d) Fund availability,

(e) Offsite benefits,

(f) Onsite benefits,

(g) Landowner participation,

(h) Later additional reclamation work required,

(i) Multiple land use benefits,

(j) Cost effectiveness of the proposed work, and

(k) The possibility of remining.

(2) The administering agency should determine the minimum reclamation needed to make the site environmentally suitable. The administering agency should confer with the landowner(s) and, if possible without incurring additional costs above that required for the minimum reclamation needed, accommodate the landowner(s) land use and treatment desires.

d. *Cooperative Efforts.*—(1) Agreements should be initiated for all reclamation projects between the administering agency and the landowner(s). If an agreement is unattainable or the landowner(s) does not want to participate in the reclamation project, then "Entry and consent to reclaim" procedures established in 30 CFR 877.13 may be followed or no reclamation undertaken.

(2) A maintenance agreement between the administering agency and the landowner(s) may be incorporated as part of the reclamation plan to insure the continued success of the reclamation project. Estimated costs as well as financial and administrative responsibilities should be recognized in any agreement.

e. Joint Projects. Joint undertakings between the administering agency and the landowner(s) or other local, State, tribal, or Federal agencies may be desirable.

4. Emergency Projects

a. *Authority for Emergency Reclamation.*—(1) Authorities and requirements for rights of entry to carry out emergency reclamation projects are contained in Section 410 of the Act and 30 CFR 877.14. The Secretary of the Interior working through the Office of Surface Mining has the responsibility for projects administered under these authorities.

b. *Emergency Project Considerations.*—(1) Emergencies are differentiated from extreme danger (Priority 1) projects by interpretation of the phrases "sudden danger" and "high probability of substantial physical harm" in the definition of "emergency" contained in 30 CFR 872.5.

(2) Once it has been determined that an emergency exists on lands eligible for reclamation under the Act, all agencies should act expeditiously to restore, abate, control, prevent, or otherwise eliminate the emergency situation by removing the threat to the health, safety, or general welfare of the persons involved.

(3) Justification for emergency action must be based on whether immediate action is crucial to eliminate the danger of harm to *persons* and that no other person or agency will expeditiously act to eliminate the emergency situation. The time element referenced by the phrase "before the danger can be abated under normal program operation procedures" means that the danger is so imminent that time is not available for normal project contractual and budget procedures.

c. *Emergency Project Examples.* The following list illustrates examples of *sudden* situations with a high probility of causing *substantial* physical harm to the health, safety, and general welfare of *people:*

(1) Subsidence suddenly occurring in or near populated areas.

(2) Deep mine water "blow-outs" in or near populated or highly used public areas.

(3) Slides caused by movement of spoil material or mass movement due to drainage or seepage from abandoned coal mines threatening to destroy homes and businesses or block roads and stream channels.

(4) Actual or potential failure of unstable coal refuse impoundments, processing waste banks, or abandoned sediment control structures caused by unusal precipitation events significantly imperiling downstream populated areas.

(5) Mine or coal refuse fires that impair the health or safety of residents in populated areas.

d. *Abatement Procedures.*—(1) Reclamation procedures are site specific and often cannot be determined or implemented until after onsite inspection and evaluation of the nature of the emergency, number of people affected, resources available, and existing time constraints.

(2) Emergency reclamation procedures need not resemble final reclamation products. The objective of emergency reclamation is not to fully reclaim the area but to stabilize the problem and eliminate the danger to public health, safety, and welfare. Additional reclamation may be carried out under regular reclamation programs at a later date.

e. *Coordination Requirements.*—(1) OSM and the State or tribal reclamation agency should coordinate all efforts on emergency projects so that the assessment of the emeregency situation and the determinatiion of eligiblity can be accomplished in an expeditious manner.

(2) Agencies that provide emergency services such as the fire department, police, utilities, ambulance, and Red Cross should be contacted to determine the services available to abate the emergency situation.

(3) If construction is necessary, local, State, and tribal agencies should be contacted to identify qualified contractors and/or technical experts that can provide immediate assistance.

5. Incidential Recovery of Coal in Conjunction With Reclamation Activities

a. *Active Mining Permit Requirements.*—The administering agency should make a determination as to whether any coal recovery activity associated with an abandoned mine reclamation project is exempt from Title V regulations under provisions of Section 528 of the Act. If the determinatfon is made that any recovery of coal is not incidental to the reclamation project, the administering agency should see that all permits

required under this title are obtained before reclamation activities commence.

b. *Resource Recovery Potential.*—Prior to conducting reclamation activities on land containing coal refuse piles, coal waste impoundments, or abandoned mine workings, a written determination should be made as to whether coal within a refuse pile, impoundment, or abandoned working is economical to recover during the reclamation project. In making its determination, the administering agency should—

(1) Perform a chemical analysis of the coal, coal refuse, or coal waste to enable determination of the economic feasibility of recovery,

(2) Identify any coal preparation, washing, and loading operations located within reasonable proximity of the site,

(3) Consider the financial and technical feasibility of recovery,

(4) Identify persons with the capability of performing any remining or other coal recovery operation believed to be feasible, and

(5) Make a written statement as to its findings on the potential for resource recovery and outline plans for incorporating resource recovery into the reclamation project.

c. *Reclamation Techniques and Methods.*—Many techniques for the reclamation of land containing coal refuse piles, coal waste impoundments, or abandoned mine workings are available. If the mineral estate under the area to be reclaimed contains other coal seams that are currently uneconomical to mine, reclamation activities should be carried out so that they do not preclude future coal recovery. Methods of reclaiming land containing coal refuse, coal wastes, or abandoned workings include—

(1) Removing the coal, coal refuse, or coal waste to an environmentally acceptable site;

(2) Burying the refuse or waste, layering the resue material and sealing it with clay or other impervious material, when necessary, to prevent water infiltration and contamination, revegetating the disposal area, and diverting water away from or around the reclaimed area;

(3) Treating the refuse pile in place by—

(a) Diverting water around the coal refuse and/or waste,

(b) Collecting and conveying drainage from the refuse pile for safe disposition (an approved water pollution control facility should be used if needed to meet with quality standards),

(c) Grading and contouring waste structures to drain water off the disposal site,

(d) Covering the refuse with a suitable thickness of nontoxic or nonacid-forming material or treating the refuse with lime or other material to prevent acid or other toxic drainage, or

(e) Any combination of the above treatments;

(4) Opening old underground mine workings to reclaim the area;

(5) Sealing underground mine entries to preclude polluted water discharges; or

(6) Other appropriate methods.

d. *Recovered Coal Disposition.*—Where the refuse pile, impoundment, or abandoned mine working contains recoverable coal, the administering agency may recover or authorize the recovery of any coal determined incidental to the reclamation activities. Any revenues received from the sale of this coal should be disposited to the Fund pursuant to Section 401(b)(4) of the Act.

6. Abandoned Structures

a. *Abandoned Structures and Equipment Investigation.*—(1) The administering agency shoud perform an onsite investigation of abandoned structures or equipment. The landowner and/or the owner of the structures or equipment should be offered the opportunity to participate in the investigation.

(2) Every effort should be made to encourage the recovery of any salvage value from abandoned structures and equipment by disposal prior to the initiation of any reclamation project.

(3) The investigation should—

(a) Record the type, quantity, and apparent condition of all abandoned structures or equipment.

(b) Consider the age, structural soundness, visual quality, historical significance, effect on existing and/or proposed reclamation activities, and land uses in the area. The structural soundness of the structure should be evaluated in relation to public health, safety, general welfare, and the postreclamation use. Evaluation of complex structures should be performed by a qualified person with written recommendations and cost estimates for any modifications needed to eliminate safety hazards associated with these structures.

b. *Abandoned Structures and Equipment Report.* Upon completion of the onsite investigation, a report should be prepared by the administering agency and should include—

(1) A description of the type, quantity, and condition of all abandoned structures or equipment;

(2) A discussion of the considerations relating to the disposal or retention of abandoned structures or equipment in accordance with local, State, tribal and Federal laws;

(3) Recommended methods to eliminate the safety hazards associated with structures or equipment that are retained on the reclaimed site.

(4) If a determination can be made of the ownership, an analysis should be developed of the impact of the proposed reclamation activities on these owners.

c. *Ownership Rights.* Based on the investigation and report, the administering agency is responsible for determining the disposition of the abandoned structures or equipment, and for obtaining all rights or releases from the owner before such structures or equipment are removed or modified.

7. Borrow and Disposal Areas

a. *Site Selection.* The borrow and disposal areas created by reclamation activities should be subject to and conducted in accordance with applicable local, State, tribal, or Federal reclamation requirements. Borrow and disposal areas should be located on the site of the reclamation project if possible. Offsite borrow and disposal areas should be utilized only when no onsite area is available and it is necessary to protect the health and safety of the public, provide an area more suitable for reclamation and less prone to constitute a hazard in itself, produce an improved land use, or protect the environment.

b. *Adverse Impacts.* Adverse impacts of the selected areas should be minimized by disturbing the smallest possible area; providing adequate drainage, dust, and erosion control measures; protecting historic and cultural values; protecting visual esthetics; protecting fish and wildlife values; protecting the health and the safety of the community and the public; and reclaiming the borrow and disposal area after termination of the project.

8. Experimental or Demonstration Practices

a. *Unique Aspects.* Experimental or demonstration practices authorized by Sections 403(4) and 405(f)(5) of the Act should be considered when the proposed practices include new technologies not demonstrated on existing reclaimation projects or not adequately covered by previous research efforts. State-of-the-art information and past research efforts should be reviewed to ascertain that the proposed practices have some unique aspects.

b. *Coordination Requirements.* Coordination of experimental and demonstration practices with other Federal, State, or tribal agencies

interested in the practices is the responsibility of the administering agency. Care should be taken to limit the size and number of experimental or demonstration practices to those necessary to determine the effectiveness and economic feasibility of the practice.

c. *Practice Considerations.* The selection of an experimental or demonstration practice should be based on the following factors:

(1) The practice is believed to be more costeffective, or more effective in the overall abatement of the specific AML problem(s), than present practices.

(2) The result will meet environmental, mine health and safety standards, and other applicable State, tribal, and Federal laws.

(3) The practice has not been successfully applied to the particular problem under similar conditions.

(4) The practice has a good probability of succeeding with minimum or no adverse effects to public health and safety or the environment.

(5) Anticipated construction time and monitoring period are of such reasonable length that interim and/or final results will be useful during the life of the AML program.

(6) Proposed experimental or demonstration practices should have broad application so as to benefit reclamation techniques and be of interest to other areas, States, Indian tribes, or regions. Funding priority should be based on the benefits which could be derived, extent of applicability, and consistency with State and Indian Reclamation Programs, were applicable.

(7) The results of the practice will be consistent with existing and/or planned surrounding land uses.

(8) Practices which address high priority problems as specified in Sections 403(1) and 403(2) of the Act should be given priority over other practices proposed to address lower priority projects.

d. *Report Requirements.* Thorough records of all experimental or demonstration projects should be kept, and reports outlining the results or consensus of findings published and made available to interested parties.

9. Program and Project Evaluation

a. *General Evaluation Considerations.* Title IV reclamation activities are to be evaluated on a continuing basis to determine the effectiveness of the program/project in reclaiming abandoned lands. Project evaluation measures the success or failure of the applied reclamation while program evaluation determines the effectiveness of the program, purposes, regulations, and procedures in achieving the objectives of the Act. Evaluation efforts include, but are not limited to, recording progress (accomplishments), making onsite reviews before, during, and after reclamation, and analyzing fund management.

b. *Recording Requirements.* The administering agency should be responsible for measuring, recording, and reporting the physical benefits of reclamation projects. Benefits recorded should include—

(1) Number of acres restored;

(2) Number of health or safety hazards eliminated;

(3) Population protected from subsidence, air pollution, mine or waste fires, water pollution, or other hazards;

(4) Miles of stream improved or protected;

(5) Acres of fish or wildlife habitat restored; and

(6) Esthetic value improved (acres).

c. *Completed Reclamation Review.* (1) At least 5 percent of the completed reclamation sites under each program (Office of Surface Mining, State, Indian, and Rural Abandoned Mine Program) should be reviewed annually by the administering agency. This review should be carried out by persons who were not directly involved in the planning or installation of the site, but may be employed by the administering agency. The purpose of the review is to evaluate the effectiveness of the completed reclamation. Items to be addressed include the extent to which the existing program policies, procedures, and these guidelines were followed; the reclamation objectives were accomplished; and the planned benefits were actually obtained. Additionally the extent to which completed reclamation meets program requirements, the degree to which the reclamation practices serve the intended purpose, the cost effectiveness of reclamation procedures, and the degree to which the completed reclamation activities are maintained should be reviewed.

(2) Results from the review carried out under (1) above should be used to modify program operations on future reclamation activities so that deficiencies noted on the review will not reoccur. Major deficiencies noted on the review should be corrected onsite if they fail to meet basic reclamation requirements.

d. *Monitoring Requirements.* Representative samples of reclamation activities should be monitored over time to document benefits or results, and insure that the success of the reclamation measures can be evaluated. The monitored activities should represent a mix of different priority projects, geographical areas, and problem areas.

10. Maintenance of Reclamation Work

a. *Minimizing Maintenance.* Reclamation should be done in a manner to minimize or eliminate continued maintenance.

b. *Maintenance Plan Content.* Maintenance requirements for a site should be identified and established during the planning and design stages. These requirements must be technically and economically feasible and should be developed in cooperation with the landowner(s) and/or appropriate agencies through formal agreement. Maintenance plans should include maintenance requirements, inspection schedules, technical assistance needed, and funding requirements.

11. Noncoal Projects

a. *Guideline Applicability.* Noncoal reclamation projects should only be treated under the authorities specified in Section 409 of the Act.

b. *Planning Considerations.* Planning for reclamation of noncoal projects may commence prior to completion of all coal projects.

c. *Selection Priorities.* Priorities given to noncoal projects should be determined in the same manner as coal projects; reclamation may not proceed until all coal problems have been resolved, except for those reclamation projects relating to the protection of the public health or safety as outlined in Section 409(c) of the Act.

12. Impact Assistance

a. *Planning Considerations.* Impact assistance should be for the purpose of alleviating the adverse effects on communities impacted by coal development. Planning impact assistance can begin prior to physical completion of all coal and noncoal projects, but funding for Impact Assistance projects cannot be approved until the requirements of Section 402(g)(2) of the Act and 30 CFR 884.12(d) have been met.

b. *Priorities for Selection.* Funding assistance priorities for communities impacted by coal development should be determined according to the following sequence:

(1) *Priority A*—Areas suffering or expected to suffer housing shortages and inadequate public facilities and services as a result of coal mine development where such conditions are expected to pose a threat to the public health, safety, and general welfare.

(2) *Priority B*–Repair or replacement of public facilities that have been

adversely affected or are inadequate as a result of coal mine development.

c. *Coordination Requirements.* Planning for impact assistance and coordination with other agencies should be implemented in accordance with local, State, tribal, and Federal requirements.

C. Site Considerations

1. Mine Drainage

a. *General Considerations.* The administering agency should consider the following factors in minimizing or controlling mine drainage:

(1) Impounded waters containing mine drainage or toxic materials should be treated prior to release.

(2) At-source control measures are preferred over long-term treatment methods to eliminate or minimize maintenance.

b. *At-Source Control Measures.* Controlling or minimizing mine drainage at its source can be accomplished by—

(1) Mine-sealing techniques, including grout curtains and slurry trenching. Factors to be considered when planning to seal mines are the potential to develop hydrostatic heads, the accessibility of the area, and the integrity of the surrounding geologic formations.

(2) Infiltration control and water diversion. Factors to be considered include topography, control of surface water, effects on ground water, the control of water passage through openings, and the storm event design.

(3) Daylighting. Factors to be considered include the depth of overburden, marketability of the mineral, and safety measures.

c. *Treatment Measures.* (1) Secondary treatment of mine drainage can be carried out by the addition of neutralizing agents. Permanent treatment facilities should be designed to minimize operation and maintenance costs and should only be considered if no other means exists to abate the problem. Written assurance should be obtained that the treatment facilities will be maintained after appropriations for the abandoned mine land program cease.

(2) Since tertiary treatment to control toxic mine drainage problems is expensive, the only method that should be given serious consideration is neutralization.

2. Active Slides and Slide-Prone Areas

a. *Site Selection Considerations.* The selection process for reclamation work on slides or slideprone areas should follow the criteria contained in the Program Consideration Guideline No. 3 (Selection Criteria).

b. *Site Evaluation Factors.* Factors that should be considered on a case-by-case basis in the evaluation of slides of slide-prone areas include—

(1) The topography of the ground surface as an indication of past landslide activity and potential instability. Mapping may be necessary before construction, at appropriate intervals during design implementation, and after remedial measures are undertaken. Topographic data collected should include contour maps at 2- to 5-foot intervals, surface drainage characteristics with emphasis on the locations of ponded surface water, and slope profiles.

(2) The geology or geometry of the subsurface. Rock formations and geologic structure including folds, faults, joints, and shear zones should be identified. This information may be useful in comparing the landslide potential of various areas.

(3) The soil or spoil material. Description of the slide-prone material should include its texture, permeability, and engineering properties as well as the related soil-rock ratios.

(4) Ground water sources. Springs and seeps, dump areas, adits, auger holes, drill holes, and coal seams should be identified.

(5) Monitoring data available. Any data specific to the slide or slide-prone area can be helpful in assessing the constant changes taking place and in providing technical data for designing the best structural specifications for stabilizing the area.

(6) Other physical factors. These include timber coverage or lack of it on slopes, parent material and volume of spoil, and proximity to other slides.

(7) Vegetative cover. Vegetation may indicate the nature of landslide activity and affect the stability of the slide or slide-prone area. Deep masses of roots may provide sufficient reinforcement to distort the geometry of the sliding or creeping mass and trees with deep tap roots may curtail severe movement. Vegetative cover within a landslide area should be compared to that within the surrounding area and with that present at known landslide areas.

(8) Material disturbances. These include undercutting of the toe and the dip slope and upslope disturbances.

(9) U.S. Geological Survey slide-prone maps, U.S. Department of Agriculture soil maps, and other related data.

c. *Remedial Measures.* Reclamation and stabilization of slide-prone areas may be obtained by reducing the driving forces contributing to failure. Such reduction may be achieved by—

(1) Removing unstable or potentially unstable material.

(2) Changing or flattening the slope by terracing, slope reduction, or removal of all or part of the slide material.

(3) Dewatering and providing internal drainage by—

(a) Diversion of surface waters.

(b) Installing horizontal drains consisting of perforated pipes or adits.

(c) Installing french-type drainage systems.

(d) Diverting water from underground workings by daylighting.

(e) Drilling wells to pump water from the slide.

(f) Electrochemical stabilization.

(g) Revegetation (evapotranspiration).

(4) Installing support and reinforcement systems. These include—

(a) Buttresses and bulkheads to bear the weight of the slide material where failure of overhangs is imminent or where cracking or vertical displacement is occurring.

(b) Retaining walls to prevent large blocks from failing and to control failures by increasing resistance to slope movement.

(c) Vertical pilings to increase the resisting force.

(d) Gabions to increase resistance forces in small-scale slides.

3. Erosion and Sedimentation

a. *Erosion and Sediment Control Considerations.* The administering agency should consider the following to control erosion and reduce the sediment load derived from a site exposed for reclamation:

(1) Erosion and sediment control measures should be designed to—

(a) Reduce erosion rates;

(b) Reduce water pollution from sediment, acid drainage, and other toxic materials;

(c) Stabilize mined lands and spoil piles;

(d) Protect water resources; and

(e) Provide conditions suitable for the planned land use.

(2) Reclamation should include adequate treatment and management to maintain the soil resource within soil loss limits. Additional treatment may be necessary to minimize environmental degradation.

(3) Allowable sheet and rill erosion rates should be related to the properties of the reconstructed soil resulting from reclamation. Information relative to allowable soil loss limits may be obtained from local USDA Soil Conservation Service Offices.

(4) Land disturbing activities should be planned to—

(a) Expose the least amount of land at any one time,

(b) Expose the more hazardous areas for the shortest time and during the season when extreme rainfall is least likely to occur,

(c) Complete activities so revegetation can take place at the most advantageous time of year, and

(d) Control foot and vehicular traffic and grazing until vegetation is established.

b. *Erosion Control Practices.*

(1) Vegetation should be established as outlined in Site Consideration Guideline No. 4 (Vegetation).

(2) Mulches may be used for temporary erosion control and in some cases stabilizing agents such as gravel, stone, and concrete blocks may be used for permanent protection. Mulching materials may include straw, hay, wood chips, bark, shells, hulls, stone, jute mesh, synthetic fabrics, plastic netting, asphalt materials, and chemical stabilizers.

(3) Structural measures may be used to divert offsite runoff, reduce slope length, and provide for an effective runoff disposal system. Some of the more common practices used include diversions, terraces, grassed and lined waterways, underground outlets, subsurface drains, and grade stabilization structures. In many cases, a combination of vegetation and structural measures is needed for adequate erosion control.

(4) Temporary structural measures may be needed for erosion control during establishment of permanent practices. Temporary vegetation may also be needed. Provisions should be made to remove the temporary control measures and stabilize the area when they are no longer needed.

c. *Sediment Trapping Practices.* (1) If it is impractical to achieve the desired reduction in sediment yield by erosion control practices, either during the establishment period or permanently, sediment control practices should be used to achieve the desired results.

(2) Sediment control measures include filter strips, sediment traps, and sediment basins. These measures should be stabilized and maintained during their planned life.

(3) Permanent sediment basins should be maintained and the sediment removed promptly when it accumulates to the design level. Sediment removed should be disposed of in a manner that prevents environmental degradation. The use of permanent sediment basins should be minimized because of the continuing maintenance responsibility.

4. Vegetation

a. *Existing Vegetation Inventory and Evaluation.* The administering agency should complete an inventory and evaluation of existing vegetation and site conditions prior to developing the Reclamation Plan. Land use determinations should be made after consideration of various alternatives. Wherever possible, multiple land uses should be adopted and become a part of the plan. The permanent vegetation selected to cover the reclaimed mine land should be compatible with the site characteristics and the intended land use of the reclaimed and surrounding land and provide adequate soil cover and other supporting practices to control erosion.

b. *Vegetative Requirements.* The vegetation portion of the reclamation plan should be developed considering the requirements itemized for each of the following specific cases:

(1) In areas where the present plant species are inadequate or undesirable and only a change in vegetation is needed—

(a) Temporary vegetation should be used to provide protection during a delay in construction activities, to protect stockpiles of soil materials for a short time, or to provide temporary cover until the permanent vegetation is established. Temporary vegetation may be used alone or in combination with a mulch or other stabilizing agent or technique in accordance with the needs of the site.

(b) Necessary erosion and sediment control structures should be installed to protect the area from excessive erosion and sedimentation during the vegetation establishment period.

(c) Permanent vegetation should be selected so that it is adapted to the site and is compatible with the planned land use.

(d) Permanent vegetation should be established and maintained in accordance with plans itemized in the vegetative portion of the reclamation plan. The newly planted area should be protected from excessive use, especially livestock grazing, during the establishment period.

(2) In areas where changes in topography and vegetation are needed—

(a) Changes in topography should be made to improve esthetic aspects of the site, permit establishment of desirable vegetative cover, and insure compatibility with the planned land use;

(b) Existing vegetation should be selectively destroyed when necessary; and

(c) Permanent vegetation should be established in accordance with 4.b.(1) above.

(3) In areas where the present spoil material is unsuited for vegetation because of unfavorable soil conditions—

(a) Spoil material should be covered or replaced with material that will support the desired vegetation,

(b) Permanent vegetation should be established in accordance with 4.b.(1) above.

(4) In areas where alteration of the site to support vegetation is impractical—

(a) Confine runoff and sediment to the immediate area, or

(b) Intercept and treat the sediment and runoff to an acceptable level of quality before discharging offsite.

5. Toxic Materials

a. *Sampling and Analysis Consideration.* The administering agency should carry out the following investigations on sites containing toxic materials:

(1) Sampling—Where data are insufficient or nonexistent for spoil, characterization of toxic materials by the use of vertical core samples or other suitable deep-sampling procedures should be undertaken.

(2) Analysis—The following chemical and physical analyses, utilizing acceptable analytical procedures, should be conducted on toxic materials:

(a) pH (paste).

(b) SMP Buffer (tests pH of solution prior to weathering).

(c) Net acidity or alkalinity, or potential acidity.

(d) Total sulfur (sulfate and sulfide).

(e) Electrical conductivity (mmhos/cm).

(f) N,K,P and USDA texture class when material is to be used as post-reclamation plant growth medium.

(g) Organic matter (quantity and type).

(h) Other analyses—When pH values of 4.5 or less and 8.5 or greater are encountered, other analyses may be required (e.g., Na, Mg, Ca, heavy metals, various trace elements).

(i) Visual and/or microscopic identification of potential toxic or acid forming minerals.

(3) Critical toxic element limits. The administering agency should consult with agencies that have responsibility for establishing toxic limits and consider these limits in their reclamation planning efforts.

b. *Planning Considerations.* The administering agency should consider the following items in their planning efforts on projects containing toxic materials:

(1) Site preparation should provide for any required—

(a) Containment or segregation of toxic materials by placement of the toxic materials in sealed pits or embankments and/or covering the toxic

materials with compacted clay or some other suitable material.

(b) Grading and backfilling.

(c) Scarification.

(d) Application of appropriate growing medium consisting of topsoil or suitable overburden material.

(e) Soil amendments including chemical fertilizers, lime, gypsum, mulches, or sludge.

(2) Runoff water management should provide for any required—

(a) Sediment control.

(b) Soluble toxic element control.

(c) Water management control.

(3) Vegetation should be established as outlined in Site Consideration Guideline No. 4 (Vegetation).

(4) Necessary monitoring and maintenance should be developed.

6. Hydrologic Balance

a. *Planning Considerations.* The administering agency should consider the following items in their planning of projects aimed at the restoration of the hydrologic balance:

(1) Identification of areas needing restoration.

(2) Relationship of anticipated restoration activities to offsite hydrologic systems.

(3) Evaluation of the hydrologic balance considering the proposed restoration along with technical and economic constraints.

(4) Postreclamation land use of the site and surrounding area.

(b) *Surface-Water Considerations.* Factors to be considered include:

(1) Restoration and protection of surface drainage to:

(a) Insure erosional and ecological stability including stream gradient, fish and wildlife habitat, longitudinal profile, and type of reconstruction materials.

(b) Insure compatibility with geomorphic and ecologic characteristics of adjoining undisturbed surface drainage.

(c) Enable use, as appropriate, as a source of ground-water recharge.

(d) Insure minimization of downsteam flood potential.

(2) Flood-plain reconstruction should consider all relevant factors including geomorphic and vegetative characteristics. Stream channelization is prohibited in certain cases contained in Sections 403(3) and 406 of the Act.

(3) Reclamation of overland flow drainage systems compatible with the longitudinal profile of the drainage area and the receiving stream characteristics.

(4) Consideration of long-term, self-maintaining erosion control measures to enhance stream and flood plain stability.

c. *Ground-Water Considerations.* Factors to be considered include:

(1) Evaluation of the relationship of the re-established water table to the reclaimed land surface.

(2) Evaluation of the ground-water recharge capacity, considering underlying aquifers, backfill materials, and the presence of toxic and acid-forming materials.

(3) Identification and isolation of unsuitable material between impervious layers of earth to preclude contamination of the re-established water table.

(4) Restoration of ground water in a manner that will not diminish or degrade water leaving the site.

d. *Water Impoundments.* Water impoundments should be designed and constructed in accordance with applicable local, State, tribal, or Federal requirements and should not adversely affect the restoration of the hydrologic balance.

7. Public Health and Safety

a. *Insect/Vermin Vectors.* (1) Abandoned mine sites used as dumps may pose a hazard to public health if they are close to residences. The presence of a dump in an abandoned mine site should not be considered the primary reason for reclamation, but may be considered in raising the site priority over other sites in the same objective category.

(2) Prior to any reclamation work on dumps, the local, State and/or tribal agency should be contacted for proper disposal techniques and encouraged to abate the problem under other existing authorities.

b. *Highwall Danger.* (1) Highwall characteristics that create a significant danger to public health or safety include—

(a) Sloughing or slipping that may damage structures and may block roads and stream channels, or

(b) Public use of the area above the highwall.

(2) Appropriate reclamation techniques to control public health and safety problems associated with highwalls include—

(a) Reducing the highwall height,

(b) Backfilling and grading the highwall to a safe and stable slope, or

(c) Providing a physical barrier to limit accessibility and material movement.

c. *Mine Openings and Subsidence.* (1) The administering agency should consider the following items when planning for subsidence control projects:

(a) Exploratory drilling to determine the location, size, and condition of abandoned underground mine openings with the potential to subside (except in emergencies),

(b) Proximity to populated areas with high public use.

(c) Identification of potential subsidence areas to all local, State, and tribal land use planning agencies.

(2) Restricting entry to mine openings should be accomplished by constructing physical barriers and/or fencing for emergency situations.

(3) Only currently available technology for subsidence and mine opening control should be employed.

d. *Radiation Emission.* Where radiation constitutes a potential public health or safety problem, the primary consideration should be to assure proper coordination with other pertinent agencies prior to reclamation activity. Such agencies include: U.S. Environmental Protection Ageny, Nuclear Regulatory Commission, National Council on Radiation Protection, State Nuclear Regulatory Agencies, State Health Departments, and Tribal Environmental Offices.

e. *Domestic Water Supplies.* (1) Control measures designed to protect or restore domestic water supplies should consider the number of people affected, the type and concentration of pollutant(s), and the type and cost of control technology.

(2) Clean-up or restoration of domestic water supplies should be restricted to source control where possible.

f. *Surface and Underground Mine Fires.* (1) Only fires associated with abandoned mines or in virgin seams associated with other abandoned mine reclamation problems are eligible for Title IV funding.

(2) Prior to initiating control or extinguishment efforts, geologic investigations should be carried out to determine the extent of the fire and the amount of remaining combustible material.

g. *Hazardous Gases and Particulates.* (1) Toxic gases and particulates can adversely affect health, visibility, and inhibit plant growth.

(2) Specific control or treatment procedures should consider local physiographic and atmospheric conditions.

(3) The expertise and data that can be provided by local, State, and tribal air pollution control agencies should be considered.

8. Esthetic and Visual Values

a. *Esthetic Evaluation Requirements.* The administering agency should conduct an esthetic evaluation to assess the—

(1) Visual impact within the context of the viewing distance, disparity of land

forms and texture, color contrast, and seasonal variations.

(2) Viewing audience, including the number of potential observers, the nature of the viewing audience, and their expectations.

(3) Proximity to public facilities and other high use areas including transportation facilities, parks and recreation areas, public forests, urban areas, and tourist attractions.

b. *Visual Degraders.* Reclamation activities should include landscaping techniques to visually improve the areas being reclaimed. Highwalls, eroding soils or spoil, discolored water, haul roads, offsite sedimentation, deep mine openings, refuse piles, abandoned structures, slurry ponds and sediment basins, stockpile areas, abandoned mining equipment and debris, garbage and refuse dumps, open pits, and deforestation in certain cases may be determined to be visual degraders and should be considered for visual improvement.

c. *Esthetic Problem Solutions.* Most solutions for esthetic problems should involve material movement, strategic placement of screening materials, and the determination of appropriate plant species. Guidelines and standards to evaluate visual resources developed by the U.S. Forest Service, U.S. Soil Conservation Service, U.S. Bureau of Land Management, National Park Service, Heritage Conservation and Recreation Service, and other agencies should be adapted for use in evaluating and planning visual solutions. Some solutions for esthetic problems may include—

(1) Revegetation with screening trees and shrubs, herbaceous plants, and combinations thereof;

(2) Offsite screening;

(3) Reduction and/or reshaping of outslopes;

(4) Stream restoration where permitted;

(5) Disposal of abandoned mining and processing equipment and debris; and

(6) Reshaping and revegetation of bare eroded areas.

9. Fish and Wildlife Values

a. *Project Identification Requirements.* The administering agency should periodically provide a list of proposed and on-going abandoned mine land activities to the conservation or land management agencies with responsibilities for fish and wildlife or their habitats and should request pertinent information and suggestions from these agencies.

b. *Determining Fish and Wildlife Values and Goals.* The administering agency should review information provided by the conservation and land management agencies with responsibilities for fish and wildlife or their habitats to determine the prereclamation fish and wildlife values of abandoned mine land sites. The administering agency should then determine the fish and wildlife goals for each project, in relation to that project's determined fish and wildlife values and the program priority objectives.

c. *Planning Considerations.* The administering agency should encourage the consideration of fish and wildlife values in all reclamation activities, including those whose primary purposes for reclamation are related to public health, safety, or general welfare. If fish and wildlife values are determined to be among the goals of the reclamation efforts, the administering agency should incorporate them into the reclamation plan.

d. *Coordination With Landowner(s).* The selected reclamation plan should be discussed with the landowners/or users before reclamation begins.

e. *Installing and Maintaining Established Fish and Wildlife Habitat Values.* The administering agency should insure that all fish and wildlife measures contained in the selected plan are implemented and should encourage the landowner(s) to maintain them at or above the planned level.

10. Air Quality

a. *Air Quality Standards.* All reclamation activities should be conducted in accordance with applicable local, State, tribal, or Federal air quality standards.

b. *Coordination Requirements.* Local, State, tribal, or Federal air quality officials should be contacted prior to reclamation planning activities for requirements concerning air quality permit procedures, applicable standards, and possible control measures.

c. *Air Quality Degradation and Improvement.* Long-term air quality improvements which will result from reclamation should have priority over possible short-term air quality degradation caused by reclamation construction.

[FR Doc. 80-6925 Filed 3-5-80; 8:45 am]

BILLING CODE 4310-05-M

federal register

Thursday
March 6, 1980

Part VI

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Availability of Fiscal Year 1980 Funds for the Congregate Housing Services Program (CHSP)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N 80-982]

Fund Availability for the Congregate Housing Services Program for the Elderly and Nonelderly Handicapped Fiscal Year 1980

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of fund availability.

SUMMARY: HUD is announcing the availability of Fiscal Year (FY) 1980 funds for the Congregate Housing Services Program (CHSP). The funds will provide grants to existing housing projects (including projects placed under construction by October 1, 1980) of local Public Housing Agencies (PHAs) and nonprofit Section 202 borrowers to provide meals and other services to elderly and non-elderly handicapped project residents who require such services to remain independent. *This competition covers only that portion of the FY 1980 CHSP for existing housing projects.*

Potentially eligible applicants are requested to submit a letter of interest to the local HUD Regional Office within 15 days of the date of this Notice, containing the information specified in Paragraph E. Each Region will screen all potential applicants and recommend to Headquarters no more than 8 PHAs and Section 202 projects (of which at least one must be a project for the non-elderly handicapped). Regional Office recommendations are due at Headquarters by March 24, 1980. Headquarters will issue invitations and grant materials to recommended applicants about April 15, 1980. HUD expects to make only 10–20 CHSP awards to existing projects.

FOR FURTHER INFORMATION: Jerold Nachison, Department of Housing and Urban Development, Room 4140, 451 Seventh Street, SW., Washington, D.C. 20410; telephone (202) 755–5356. (This is *not* a toll-free number).

SUPPLEMENTARY INFORMATION:

A. Authority

Title IV of the Housing and Community Development Amendments of 1978 (92 Stat 2104, 42 U.S.C. 8001) authorizes HUD to enter into three-to-five year grant contracts with eligible PHAs and Section 202 borrowers to provide meals and other supportive services to eligible project residents. The services to be funded are those which allow the handicapped or temporarily disabled residents, whether elderly or non-elderly, to live independently and prevent premature or unnecessary institutionalization. Such services include a complete mandatory meals program, personal assistance, housekeeping and other services deemed necessary for participating residents. The statute also provides for CHSP funding of new public housing and Section 202 projects designed initially as congregate housing facilities. HUD will conduct a similar limited competition for new construction projects receiving FY 1980 fund reservations late this summer.

B. General Funding Limits

Congress has appropriated $10 million for FY 1980 which HUD will administer as a 5-year grant program. Ten percent (10%) of the amount is being reserved by Headquarters for any necessary adjustments of grant awards made from FY 1980 funds due to inflationary impact or other factors. Therefor, $9 million is available to HUD to fund 5-year grants at an approximate rate of $1.8 million per year for 5 years. The overall division of available FY 1980 funding will be about $4.5 million for PHAs and $4.5 million for nonprofit Section 202 borrowers.

1. Within the $9.0 million, about $6.0 million (66⅔ percent) will be for services in existing housing projects and $3.0 million (33⅓ percent) for services commitments in FY 1980 new construction; also;

2. Within the $9.0 million about $7.2 million (80 percent) will be for services to the elderly handicapped and $1.8 million (20 percent) for the non-elderly handicapped.

C. Program Summary

The key elements of the CHSP are summarized below:

1. HUD will provide five-year grants to selected PHAs and Section 202 borrowers with available central dining facilities who will provide meals and other necessary supportive services to program participants. These grants will be renewable after the 5-year grant period, subject to future appropriations.

2. Each applicant shall provide a minimum of two meals per day, seven days a week for program participants, and shall develop a sliding fee scale based upon ability to pay under which program participants may pay part or all of the cost of meals and other services. (Program proposals providing that all meals be delivered to the resident's apartment are ineligible.)

3. Each applicant may request funds for the provision of housekeeping and/or personal assistance services, and other supportive services as necessary to maintain the participant's independence.

4. HUD funding for CHSP grant is limited to a *maximum* of $400,000 to be expended in approximately equal annual sums over the 5-year period of the grant.

5. Projects for the elderly generally will be expected to limit participation in the CHSP to no more than 20 percent of the total resident population. Existing projects with a large proportion of residents already in need of support services may request a higher level of participation if the individuals can be served within budgetary limitations.

6. Small group homes and independent living complexes for the non-elderly handicapped may justify 100 percent coverage for Congregate Housing Services Program participants, as long as the focus is on meals and *limited* supportive services.

7. *Each applicant is limited to one proposed project unless one project is proposed for elderly handicapped and the second is for a small group home or apartment complex for the non-elderly handicapped. A proposal for 2.4 small group homes in the same geographic locality will be considered as a single project. Applicants selected for a fiscal year 1980 CHSP existing housing award are not eligible to apply for a fiscal year 1980 new construction award.*

8. Any grantee not providing meals and support services within six months from the effective date of its CHSP grant instrument or within six months of initial occupancy will have its award terminated by HUD.

9. Each grantee shall appoint a Professional Assessment Committee (PAC) made up of at least one medical professional and two others qualified to assess functional ability of elderly and non-elderly handicapped and temporarily disabled residents. The PAC will screen all interested project residents for program eligibility/admissions/termination to the CHSP, and make appropriate recommendations to project management for action.

10. Each PHA and Section 202 borrower shall involve the residents, the Professional Assessment Committee, the Area or State Agency on Aging, and the State or local agencies serving the nonelderly handicapped if appropriate, in the planning of services, application review, ongoing operations and re-application process.

11. Funds from this program *cannot* be used to replace funds which currently

are providing like services to project residents.

12. HUD will conduct an in-depth evaluation to determine: the extent to which coordination is achieved between other Federal programs and HUD; the extent to which the CHSP avoids or creates a duplication of existing programs; and the extent to which the program is successful in preventing unnecessary or premature institutionalization of elderly and non-elderly handicapped persons. Fiscal year 1980 grantees are expected to participate in the evaluation, and develop and carry out an appropriate self-assessment.

D. Eligibility

Eligibility under the competition cited in this Notice is limited to those applicants having an existing public housing or Section 202 project as defined below:

1. The project must be currently occupied *or* under construction prior to October 1, 1980, and the project must be:

a. A conventional public housing project as defined in Section 7 of the United States Housing Act of 1937, as amended, or:

b. Housing for the elderly or non-elderly handicapped owned by a nonprofit corporation and funded under Section 202 of the Housing Act of 1959, as amended.

Note.—A Section 202 project with Section 8 (or other) rent subsidy (Section 202/8) is *fully* eligible for the CHSP.

2. The project shall have a central dining facility available for congregate needs which allows at least 50 percent of those receiving meals under this program to be served at one sitting. If the project does not have a kitchen, it must have suitable food warming facilities.

3. Both the central dining facility and the routes from dwelling units where the residents live to the central dining facility must be accessible. Applicable regulations for accessibility are the HUD Minimum Property Standards for Multifamily Housing, and the ANSI A117.1 specifications for Making Building and Facilities Accessible and Usable by the Physically Handicapped 1961 (Rev. 1971).

4. There must be sufficient flexibility in available existing common space to allow continuation of any current service program when congregate meals and support services are introduced.

5. The project owner must be able to demonstrate a record of satisfactory management in housing or services for the elderly or non-elderly handicapped. (For recently occupied projects, this criterion will be applied to a PHA's or a Section 202 borrower's earlier housing or service-related activities.)

6. There must be a record of satisfactory performance in areas relating to equal opportunity such as equal employment opportunity, affirmative marketing, tenant selection and assignment, and the provision of facilities and services (where existing) on a non-discriminatory basis and compliance with the requirements of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973.

Note.—(1) In projects designed solely for the non-elderly handicapped, HUD will give priority to small group homes and independent living complexes.

(2) An applicant who applied for fiscal year 1979 CHSP funds, but did not receive an award may indicate interest again for the same project or a different one.

(3) Grantees participating in the fiscal year 1979 CHSP are eligible to apply for the fiscal year 1980 CHSP for a project *different* from the project receiving in fiscal year funds.

The following projects are not eligible for funding under the CHSP:

1. A public housing or Section 202 project which provides overnight medical care on an ongoing basis, e.g., has a nursing wing or is certified as an intermediate care facility, and eligible for funds under Title XIX (Medicaid) of the Social Security Act.

2. Section 8 projects, including those owned by PHAs.

3. Any project sponsored by a State Housing Agency.

4. Section 202 projects converted to Section 236 projects.

5. A project under any other HUD-assisted multifamily housing program.

E. Submission of Letter of Interest

Any PHA or Section 202 borrower interested in applying for the fiscal year 1980 existing project competition shall send a letter stating its interest and willingness to apply for funding to the appropriate HUD Regional Office within 15 days of the date of this Notice. This letter shall be signed by the Executive Director or Board Chairperson and should identify name and address of the project being proposed for participation in the CHSP.

Letters of interest shall be sent to the HUD Regional Administrators:

Region I

Boston Regional Office, Room 800, John F. Kennedy Building, Boston, Massachusetts 02203. Massachusetts; Connecticut; New Hampshire; Rhode Island; Maine; Vermont.

Region II

New York Regional Office, 26 Federal Plaza, New York, New York 10007. New York; Puerto Rico; New Jersey.

Region III

Philadelphia Regional Office, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106. Pennsylvania; Maryland; Delaware; Virginia; Washington, D.C.; West Virginia.

Region IV

Atlanta Regional Office, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303. Georgia; Alabama; South Carolina; North Carolina; Mississippi; Florida; Tennessee; Kentucky.

Region V

Chicago Regional Office, 300 South Wacker Drive, Chicago, Illinois 60606. Illinois; Ohio; Michigan; Indiana; Wisconsin; Minnesota.

Region VI

Fort Worth Regional Office, 221 West Lancaster Avenue, Fort Worth, Texas 76113. Texas; Oklahoma; Arkansas; Louisiana; New Mexico.

Region VII

Kansas City Regional Office, 1103 Grand Avenue, Kansas City, Missouri 64106. Kansas; Nebraska; Missouri; Iowa.

Region VIII

Denver Regional Office, Executive Tower, 1405 Curtis Street, Denver, Colorado 80202. Wyoming; Colorado; North Dakota; South Dakota; Montana; Utah.

Region IX

San Francisco Regional Office, 450 Golden Gate Avenue, Box 36003, San Francisco, California 94102. Hawaii; Guam; California; Nevada; Arizona.

Region X

Seattle Regional Office, Arcade Plaza Building, Room 3003, 1321 Second Avenue, Seattle, Washington 98101. Alaska; Oregon; Idaho; Washington.

A copy of each Letter of Interest shall be sent to: Deputy Assistant Secretary for Public Housing and Indian Programs,

Attn: Jerold S. Nachison, Congregate Housing Services Task Force, Housing and Urban Development, Room 4140, 451 Seventh Street SW., Washington, D.C. 20410.

All letters of interest submitted to HUD as a result of this Notice, or independently, shall be reviewed by the HUD staff within each Regional Office: Director, Office of Regional Housing; Neighborhood and Consumer Affairs Officer; the Director, Office of Regional Fair Housing and Equal Opportunity; and, if appropriate, Director, Office of Indian Programs.

Based on this review, The Regional Administrator (RA) will submit a report to Headquarters recommending no more than eight (8) existing projects to be invited as applicants.

The review and final recommendation of the 8 or fewer existing projects shall be based on the following criteria:

1. Demonstrated need for the Congregate Housing Services Program;
2. Extent of prior successful experience in operating housing or services programs for the elderly or non-elderly handicapped;
3. Evidence of effective programming and fiscal management; and capacity to operate a congregate housing services grant;
4. Evidence of good tenant/management or provider/client relationships.
5. Evidence of effective performance in the areas of equal opportunity, affirmative marketing, tenant selection and assignment, and provision of services (where existing) or a non-discriminatory basis.

Headquarters suggests that each Regional report recommend about four (4) PHAs and four (4) Section 202 Borrowers. Headquarters is requiring that each Regional report recommend at least one (1) project for the non-elderly handicapped. The report is due on March 24, 1980.

F. Application Sequence After HUD Field Office Nominations

(1) Regional reports of recommended applicants will be reviewed and approved by HUD Headquarters.

(2) HUD Headquarters will extend invitations to apply for the CHSP, and forward an application package on or about April 15, 1980, to recommended applicants.

(3) Applications from invited existing projects will be due in Headquarters June 16, 1980.

(4) The Secretary will announce fiscal year 1980 existing projects selected for CHSP awards by July 31, 1980. HUD expects to make only 10–20 existing project awards.

(5) Selectees will then enter negotiations with HUD to prepare grant contract.

(6) Grant contracts will be issued by September 30, 1980.

Issued at Washington, D.C., February 28, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-7001 Filed 3-5-80; 8:45 am]

BILLING CODE 4210-01-M

federal register

Thursday
March 6, 1980

Part VII

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

HUD Housing Programs; Participant's Previous Participation Review and Clearance; Proposed Rulemaking

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-80-767]

HUD Housing Programs; Previous Participation Review and Clearance

AGENCY: Department of Housing and Urban Development/Office of the Assistant Secretary for Housing-FHC.

ACTION: Notice of proposed rulemaking.

SUMMARY: This rule would amend the procedure for parties (who apply to become a sponsor, owner, prime contractor, Turnkey Developer, Management Agent, packager or consultant in HUD projects) to report and certify their previous participation record and the other background data necessary for approval to participate in HUD housing programs.

DATE: Comment due date: May 5, 1980.

ADDRESS: Interested persons are invited to submit written comments, suggestions or data regarding the proposed rule to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. All relevant material received on or before May 5, 1980, will be considered before adoption of a final rule. A copy of each communication submitted will be available for public inspection during regular business hours at this address.

FOR FURTHER INFORMATION CONTACT: Jon Will Pitts, Room 9212, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6533 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The procedure described in this notice was initiated by HUD in 1966 to prescreen applicants for FHA Multifamily Housing Project Mortgage insurance, and is generally known as the "2530 procedure". Using HUD Form 2530, principals applying to participate in HUD Housing programs must report their participation records in HUD projects.

In most instances an insured project stands on its own and involves a single purpose mortgagor entity. Many experienced participants develop, purchase, sell or manage numerous projects in the span of their careers, operating through many mortgagor business organizations and affiliates that employ different names and addresses. Experience indicates that personal financial statements and commercial credit reports are not adequate reflections of an individual's past record for dependability and responsibility in managing long-term obligations that involve tenants, projects and large sums of money. Without a comprehensive review process of each participant's record the potential losses to the government and to consumers in HUD's Multifamily Housing programs would be much higher.

The 2530 procedure has recently undergone an extensive audit by HUD which found it to be generally effective but in need of improvements. Weaknesses are: (1) Imposition of a heavy paper work burden on individuals who participate frequently and who have numerous projects in their previous record to report; (2) inapplicability to transfer of interests in the mortgagor entity of existing projects, or to changes of management agents of existing projects; the procedure applies only to new proposals; (3) failure to cover public housing and other important HUD programs; (4) omission of information from Farmers Home Administration and from State and local housing finance agencies; (5) lack of clarity in standards for disapproval and approval and is not precise as to the rights of applicants to present evidence in support of their proposals; (6) lack of effective requirements for disclosure of personal data regarding the individual's record of reliability and responsibility.

The proposed revision addresses each of these concerns. Thus, (1) § 200.222 would establish a "Master List" system which will be compatible with automated processing to relieve persons making frequent filing from an unnecessary paper work burden; (2) § 200.217(a)(7) would require Certification and approval for changes of management agents in existing projects, changes in new principals acquiring a substantial interest in an existing insured project, or changes in the roles of participants (§ 200.213(a)(1), also § 200.217(a)(7)); (3) new proposals for public housing and other important HUD multifamily programs (§ 200.213) are now included; (4) principals would list their previous project experience with programs of the Farmers Home Administration, State and local housing finance agencies (§ 200.219(a)(1)); (5) clearer standards would be set for approval and disapproval of participation, and the rule would accommodate mitigating circumstances and provide due process for those desiring to be heard before a final determination is made (§§ 200.230 and 200.241); (6) the Certification process would be redesigned to help HUD readily identify applicants whose records indicate responsible individuals and organizations expected to honor their legal, financial and contractual obligations (§ 200.219).

This Previous Participation Review procedure presently appears in this Title under Chapter II, Part 200, Subpart H—Enforcement Remedies. Except for this procedure, the provisions of Subpart H Were recodified in January, 1977 as Part 24. See 24 CFR 24.17. Therefore, the transfer of part of Subpart H also prompts the proposed change in its title from *enforcement remedies to participation and compliance requirements.*

The Department has determined that an Environmental Impact Statement is not required with respect to this proposed rule. A copy of the Environmental Finding of Inapplicability is available for inspection at the above address.

Accordingly, it is proposed to amend 24 CFR Chapter II, Subpart H, of Part 200 to read as follows:

Subpart H—Participation and Compliance Requirements

Previous Participation Review and Clearance Procedure

Sec.

200.210 Policy.
200.213 Applicability of Procedure.
200.215 Definitions.
200.217 Filing of Previous Participation Certificate on Prescribed Form.
200.218 Who Must Certify and Sign.
200.219 Content of Certification.
200.222 Certification of Previous Record on Basis of a Master List.
200.224 Multifamily Participation Review Committee and Participation Control Officer.
200.226 Determination by the Participation Control Officer.
200.228 Determination by the Review Committee.
200.229 Withholding Approval.
200.230 Standards for Disapproval.
200.233 Effect and Requirement of Approval.
200.236 Modification or Withdrawal of Certain Approvals.
200.239 Notice of Determination.
200.241 Request for Reconsideration of an Adverse Determination and Request for a Hearing.
200.243 Hearing Rules: How and When to Apply.
200.245 Hearing Officer Determines Facts and Law; Review Committee Makes Final Administrative Decision.

Authority: Sec. 7(d), Department of HUD Act, 79 Stat. 670, (42 U.S.C. 3535(d)); and the

National Housing Act, 48 Stat. 1246 as amended, (42 U.S.C. 1701, *et seq).*

Previous Participation Review and Clearance Procedure

200.210 Policy.

It is the Department's policy that participants in its housing programs be responsible individuals and organizations who will honor their legal, financial and contractual obligations. Accordingly, uniform standards are established in this part for approval, disapproval, or withholding of action on principals in projects based upon their past performance as well as other aspects of their records.

200.213 Applicability of procedure.

The Previous Participation Review and Clearance procedure set forth in this part is administered by the Assistant Secretary for Housing-Federal Housing Commissioner and is applicable to all principals and to their: (a) Projects already financed or which are proposed to be financed with a mortgage insured under the National Housing Act and projects subject to a mortgage held by the Secretary under that Act or projects acquired by the Secretary under that Act (FHA projects); (b) projects financed or to be financed with direct loans or projects acquired by the Secretary pursuant to Section 202 of the Housing Act of 1959 (Housing for the Elderly and Handicapped); (c) projects in which 20% or more of the units now receive or will receive a subsidy in the form of: (1) Interest reduction payments under Section 236 of the National Housing Act; (2) Rent Supplement payments under Section 101 of the Housing and Urban Development Act of 1965; (3) Housing assistance payments under Section 8 of the United States Housing Act of 1937 (with the exception of the programs described in 24 CFR Part 882, which are the Section 8 Existing Housing and Moderate Rehabilitation programs); (d) Public Housing projects financed or to be financed or modernized under the United States Housing Act of 1937; and (e) Sales of projects by the Secretary.

200.215 Definitions.

(a) *Affiliate.* Individuals and business concerns are affiliates when one individual or business concern either directly or indirectly controls, directs, manages, or formulates policy of another concern or individual ; or has the power to control direct, manage, or formulate policy of the other concern or individual; or has the responsibility or authority either to prevent in the first instance, or to correct, conduct of the other concern or individual. Business concerns are also affiliates of each other when a third party either directly or indirectly controls, directs, manages, or formulates policy of the concerns, or has the responsiblity and authority either to prevent in the first instance, or to correct conduct of the concerns.

(b) *Felony.* A felony is any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State *and* punishable by a term of imprisonment of two years or less.

(c) *Packager or Consultant.* A person or firm that furnishes or proposes to furnish advisory services in connection with the financing or construction of a project and the related HUD requirements. Such services may include, but are not limited to, the selection and negotiation of contracts with a general contractor, architect, attorney or management agent.

(d) *Participation Control Officer.* (See § 200.224.)

(e) *Principal.* (1) An individual, joint venture, partnership, corporation, trust, nonprofit association or any other public or private entity proposing to participate, or participating, in a project as a sponsor, owner, prime contractor, Turnkey Developer, management agent, packager, or consultant and architects and attorneys who have any interest in the project other than an arms-length fee arrangement for professional services. (2) The term principal also includes (i) any affiliates of a principal; (ii) if the principal is a partnership, all general partners, and each limited partner having a 25 percent or more interest in the partnership; (iii) if the principal is a public or private corporation or governmental entity; the President, Vice-President, Secretary and Treasurer and any other executive officers who are directly responsible to the Board of Directors, or the equivalent thereof; all the directors; and each stockholder having a 10 percent or more interest. (3) Specifically excepted from this definition of a principal are: (i) Parties whose sole interest is that of purchaser or owner of less than five individual unit(s) in the same condominium or cooperative development; (ii) parties whose sole interest is that of a tenant; and (iii) Public Housing Agencies.

(f) *Project.* A project is: (1) Five or more residential units covered by a single mortgage, loan or contract of assistance; (2) a hospital, group practice facility or nursing home; (3) cooperative and condominium developments; and (4) a subdivision being developed and financed with a mortgage under Title X of the National Housing Act.

(g) *Review Committee.* (See §§ 200.224 and 200.93.)

§ 200.217 Filing of previous participation certificate on prescribed form.

(a) A previous participation certificate on a form prescribed by the Assistant Secretary of Housing-Federal Housing Commissioner shall be completed by every principal in each of the following transactions and shall be filed with HUD at the times specified herein: (1) Projects to be financed with mortgages insured under the National Housing Act (FHA)—With an Application for a Site Appraisal and Market Analysis Letter, Feasibility Letter, Conditional Commitment for Mortgage Insurance, or Firm Commitment for Mortgage Insurance, whichever Application is first filed; (2) Projects to be financed pursuant to Section 202 of the Housing Act of 1959 (Elderly and Handicapped)—With the Application for a Fund Reservation; (3) Public Housing projects to be financed pursuant to the United States Housing Act of 1937; (i) The developer and prime contractor—With the Turnkey proposal or Conventional Construction Bid; (ii) All other Principals—At least 60 days prior to selection; (4) Projects in which 20% or more of the units are to receive a subsidy as described under § 200.213(c)—With the first request for a reservation of funds for assistance payments; (5) Purchase of a project subject to a mortgage insured or held by the Secretary—With the Application for Transfer of Physical Assets; (6) Purchase of a Secretary-owned project—With the Bid to Purchase; (7) Proposed substitution or addition of a principal, such as management agents or partners or proposed participation in a different capacity from that previously approved for the same project—At least 60 days prior to the date that the proposed action or transfer is to become final; and (8) Proposed acquisition by existing limited partner or stockholder of additional interest resulting in a total interest of at least 25 percent or 10 percent, respectively—At least 60 days prior to the proposed acquisition. (b) Certificates are not required for interests acquired by inheritance or by Court decree.

§ 200.21 Who must certify and sign.

All principals must certify and sign the certificate personally as to their individual record and are responsible for its filing with the HUD Area Office in whose jurisdiction the project or proposal is located except: (a) The Certification on behalf of a principal, other than an individual, shall be made by a person duly authorized to take such

action on behalf of the principal; (b) In the case of a nonprofit corporation having more than five directors or trustees, they need not sign and certify, but they shall be disclosed and listed on the certificate by the party making the certification under paragraph (a) of this section.

§ 200.211 Content of certification.

(a) Each principal who executes the certificates certifies that: (1) The certificate contains a listing of every assisted or insured project of HUD, Farmers Home Administration and State or local government housing finance agencies in which the principal has been or is now a principal; (2) For a period beginning 10 years prior to the date of the certificate under review and except as shown on the certificate; (i) no mortgage on a project listed has ever been in default nor has mortgage relief been given; (ii) there have been no defaults or noncompliances under any conventional construction contract or Turnkey contract of sale in connection with a public housing project; (iii) there are no unresolved findings raised as a result of HUD audits, management reviews or other governmental investigations; (iv) there has been no suspension or termination of payments under any HUD assistance contract; (v) the principal has not been convicted of a felony (See definitions § 200.215(b)) and is not presently the subject of a complaint or indictment charging a felony; (iv) the principal has not been suspended, debarred, or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency; (vii) the principal has not defaulted on an obligation covered by a surety or performance bond, and has not been the subject of a Claim under an employee fidelity bond; (3) The principal has listed all parties who are known to him to be principals under § 200.215(e)(2); (4) The principal is not a HUD employee or a member of an employee's immediate household as defined by HUD's Standards of Conduct in 24 CFR O.735–205(c); (5) Except as shown on the certificate under review, the principal is not a participant (i) in a HUD assisted or insured project on which construction, as of the date of said certificate, has stopped for a period in excess of twenty days or; (ii) in an insured project on which construction, as of the date of said certificate, has been substantially completed for more than 90 days but the mortgage has not been finally endorsed for mortgage insurance; (b) The project owner shall certify that he has also listed all other parties who are principals under § 200.215(e)(1); (c) If a principal cannot certify as to any items under paragraphs (a) and (b) of this section, such items may be deleted from the face of the certificate and a full explanation of the reason for the deletion, signed by the principal, may be attached to the certificate for HUD's review, evaluation and determination; (d) Each principal who executes the certificate must also certify that said principal is not a Member of Congress or a Resident Commissioner.

§ 200.222 Certification of previous record on basis of a master list.

A principal may avoid repetitious listings by providing HUD with a complete master list, acceptable to the Participation Control Officer, of all projects in which the principal has participated. Where such a list has been provided, the principal may submit a certificate which refers to the master list and which supplements it by the addition of all information required under § 200.219 with respect to occurences since the date of the master list (including subsequent occurrences with respect to the projects on the master list as well as subsequent projects). Partners, corporate officers, directors and stockholders may likewise refer to and thereby incorporate their firms's master list when they certify.

§ 200.224 Multifamily participation review committee and participation control officer.

The membership and authority of the Multifamily Participation Review Committee (hereinafter referred to as the Review Committee) are set forth in 24 CFR 200.93 of this Title. A majority of the members of the Review Committee shall constitute a quorum. The Executive Secretary of the Review Committee shall be the Participation Control Officer under this part and shall serve under the administrative supervision of the Director of the Participation and Compliance Division, who acts as Participation Control Officer in his absence.

§ 200.226 Determination by the participation control officer.

(a) The Participation Control Officer is authorized to: (1) Approve a principal when a review of the previous participation certificate and other available information reveals that there are no grounds to withhold approval or disapprove under the standards in § 200.229 or § 200.230, respectively; (2) Disapprove a principal who; (i) is suspended or debarred or otherwise restricted under 24 CFR Part 24; or (ii) has been disapproved for participation no more than 12 months prior to the filing of the certificate under review, unless the principal has requested reconsideration of the disapproval; (3) Refer all other cases to the Review Committee, together with all available information and documents and a recommendation of the action to be taken.

§ 200.228 Determination by the Review Committee.

(a) The Review Committee shall make one of the following determinations in connection with every case referred to it by the Participation Control Officer: (1) Approve the principal after consideration of the entire record in the light of the standards in § 200.230. All mitigating or extenuating factors will be considered. In each case, the decision shall be within the discretion of the Review Committee and rendered in the best interest of the Government; (2) conditionally approve the principal's participation with such conditions or limitations which in the Review Committee's judgment are necessary to make the principal approvable; (3) withhold approval of the principal in accordance with § 200.229; or (4) disapprove the principal when approval is not justified and withholding approval is not appropriate. (b) All determinations by the Review Committee shall be made by majority vote of those members present and entitled to vote.

§ 200.229 Withholding approval.

Approval of a principal may be withheld for (a) a period not to exceed 120 days when such action is deemed necessary to secure additional information upon which to base a final action including a determination as to whether a suspension or debarment action will be taken; or (b) for a longer period pending the resolution of a criminal complaint or indictment.

§ 200.230 Standards for disapproval.

The standards for disapproval shall be as follows: (a) Suspension, debarment or other restriction of the principal under Part 24 of this title; (b) suspension, debarment or other restriction of the principal by any other Department or Agency of the Federal Government from doing business with such Department or Agency; (c) unless the Review Committee finds mitigating or extenuating circumstances that enables it to make an intelligent risk determination for approval, any of the following occurrences attributable or legally imputable to the fault or negligence of a principal may be the basis for disapproval whether or not the principal was actively involved in the

project: (1) Mortgage defaults, or assignments, or foreclosures for which principal was wholly or partially responsible; (2) defaults or noncompliance under any conventional construction contract or turnkey contract of sale in connection with a public housing project; (3) violation of the regulatory agreement or noncompliance with any other obligation to HUD that has not been corrected to the satisfaction of the Review Committee at the time of its consideration; (4) suspension or termination of payments under any HUD assistance contract; (5) defaults under an obligation covered by a surety or performance bond and/or claims under an employee fidelity bond; (6) unresolved findings as a result of HUD or other governmental audits or investigations; or (7) a criminal record or other evidence that the principal's previous conduct or method of doing business has been such that his participation in the project would make it an unacceptable risk from the underwriting standpoint of an insurer, lender or governmental agency; (d) with respect to any HUD insured or assisted projects, work stoppage for a period in excess of 20 days, or in the case of an insured project, failure to achieve final endorsement of the mortgage where the project has been substantially completed for more than 90 days, and such is chargeable to the fault or neglect of the principal; (e) any serious and significant violation by a management agent of a project management contract, where the contract required HUD or other governmental agency approval at its inception; (f) any significant violation of, or noncompliance with regulations, or programs or contract requirements of HUD, Farmers Home Administration or a State or local government's Housing Finance Agency in connection with any insured or assisted project.

§ 200.233 Effect and requirement of approval.

Approval is required as a precondition for participation and constitutes clearance of the principal under this part for participation only for a specific project in a specific role. Approval of a principal does not obligate the Department to approve the principal's applications or contracts for program participation.

§ 200.236 Modification or withdrawal of certain approvals.

Approvals will not be modified or withdrawn except in cases where the principal is subsequently suspended or debarred from further participation in any HUD programs under Part 24 of this title, or is found by the Review Committee to have obtained approval based upon submission of a false, fraudulent or incomplete report or certificate submitted to HUD. In such cases the Review Committee may take such action, including modification or withdrawal of approval, as it determines to be in the best interest of the Department. For the purpose of this section, the term approval includes conditional approval.

§ 200.239 Notice of determination.

The Participation Control Officer shall give written notice to the principal and to the field office concerned of disapproval under § 200.226, and conditional approval, withholding of approval or disapproval by the Review Committee under § 200.228. In the case of any such adverse notice: (a) The notice shall contain a general statement of the reasons for the determination; and (b) the notice to the principal shall be sent by certified mail to the address shown on the certificate with a return receipt requested.

§ 200.241 Request for reconsideration of an adverse determination and request for a hearing.

(a) Where approval has been withheld, denied, or conditionally granted, the principal may request reconsideration by the Review Committee. Such request shall be made in writing, within 30 days of receipt of the notice of such action, addressed to the Review Committee. It may contain such supporting material as principal desires; or (b) the principal may file a request for a hearing before a Hearing Officer as provided in § 200.243. Such request for a hearing shall be made in writing within 30 days from the date of receipt of the determination.

§ 200.243 Hearing rules: How and when to apply.

(a) A principal whose request for reconsideration has resulted in an adverse determination by the Review Committee or who is disapproved by the Participation Control Officer may request a hearing before a Hearing Officer in accordance with 24 CFR Part 24. Such request must be made within 30 days from the date of receipt of the notice of the Review Committee's determination. The requirement in § 24.7 of this title that a request for a hearing must be made within 10 days shall not apply to requests for a hearing under this section or under § 200.241; (b) hearings and review of determination by the Hearing Officer shall be governed by the procedures contained in Part 24 of this title except as modified in paragraph (a) of this section and by § 200.245.

§ 200.245 Hearing officer determines facts and law; review committee makes final administrative decision.

The Hearing Officer will determine the facts and the law relevant to the issues and will report the determination in writing to the Review Committee and to the principal. The Review Committee shall be bound by the Hearing Officer's findings of facts and law and will make a final decision based upon its application of the uniform underwriting and risk evaluation standards contained in this part. It will notify principal of the final action taken.

Issued at Washington, D.C., January 31, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-6998 Filed 3-5-80; 8:45 am]

BILLING CODE 4210-01-M

Reader Aids

Federal Register

Vol. 45, No. 46

Thursday, March 6, 1980

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

202-783-3238	Subscription orders and problems (GPO) "Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
523-5237	Corrections
523-5215	Public Inspection Desk
523-5227	Index and Finding Aids
523-5235	Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

523-3419	
523-3517	
523-5227	Index and Finding Aids

Presidential Documents:

523-5233	Executive Orders and Proclamations
523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266	Public Law Numbers and Dates, Slip Laws, U.S.
-5282	Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects
523-3517	Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, MARCH

13721-14000.....3
14001-14198.....4
14199-14530.....5
14531-14830.....6

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
4728.....14001
4729.....14003

4 CFR

403.....13721
404.....13721

5 CFR

733.....14005

7 CFR

210.....14005
283.....14005
700.....14006
907.....14199, 14531
908.....14199, 14531
1924.....14017

Proposed Rules:
1011.....14218
1040.....14047
1068.....14049
1701.....14047
1980.....14049

9 CFR

92.....14017
204.....14532

Proposed Rules:
73.....14050

10 CFR

1.....14199
2.....14199
4.....14533
20.....14199
25.....14476
30.....14199
40.....14199
50.....14199
70.....14199
73.....14199
95.....14476
140.....14199
150.....14199

Proposed Rules:
2.....13739
30.....13739
40.....13739, 14589
50.....13739
51.....13739
70.....13739
110.....13739
212.....14235
430.....14188, 14529
477.....14235

11 CFR

Proposed Rules:
100.....13766
110.....13766

12 CFR

226.....14539
307.....13723
327.....13723
329.....13725, 14201
526.....14019
704.....14202

Proposed Rules:
327.....13768

14 CFR

39.....14540-14542
71.....13726, 13727, 14543, 14544
75.....14544
97.....14545
228.....14204

Proposed Rules:
Ch. I.....14590
1.....14802
39.....13771
71.....13772-13778, 14590-14594
73.....14590, 14594
91.....14802
121.....14802
205.....14062

15 CFR

Proposed Rules:
806.....14063

16 CFR

13.....14020, 14204
305.....13998
803.....14205

Proposed Rules:
13.....14218, 14221, 14224, 14226

17 CFR

1.....14210
140.....14021
211.....14022
240.....14022
249.....14022
250.....14547
259.....14547

Proposed Rules:
231.....14595
241.....14595

20 CFR

620.....14180
651.....14180
653.....14180
654.....14180
655.....14180

21 CFR

73.....14022
520.....14022
558.....14023

Proposed Rules:

320.....14063

22 CFR

Proposed Rules:

209.....14595
214.....14595

24 CFR

201.....14023, 14024
203.....14024
205.....14024
207.....14024
213.....14024
220.....14024
221.....14024
232.....14024
234.....14024
235.....14024
236.....14024
241.....14024
242.....14024
244.....14024
250.....14024
300.....14024
841.....14027, 14028, 14548
885.....14028

Proposed Rules:

Ch. XX.....14068
51.....14068
200.....13779, 14826
812.....13780

26 CFR

48.....13728

27 CFR

Proposed Rules:

170.....14069
231.....14069
240.....14069

28 CFR

0.....13729

Proposed Rules:

Ch. V.....14596

29 CFR

2520.....14029, 14034
2620.....14211

Proposed Rules:

40.....14070

30 CFR

Proposed Rules:

Ch. VII.....13780, 14230, 14598, 14599

32 CFR

69.....14549
199.....14034

33 CFR

117.....14549, 14550

Proposed Rules:

117.....13781, 14600, 14601

36 CFR

Proposed Rules:

7.....14601

38 CFR

36.....14035

Proposed Rules:

17.....14071

39 CFR

Proposed Rules:

111.....14605

40 CFR

52.....13729, 14036, 14551, 14559–14561
65.....14568
81.....14569
85.....13732
86.....14496
122.....14575

Proposed Rules:

52.....14072, 14606
60.....13991
81.....14072
86.....14079
125.....14231
250.....14232
425.....14607
761.....14232

41 CFR

Ch. I.....13734
8–3.....14044
8–7.....14045
8–18.....14045

Proposed Rules:

105–61.....14073

42 CFR

433.....14211

Proposed Rules:

405.....13940
440.....13940
456.....13940
482.....13940

43 CFR

3800.....13968

Proposed Rules:

3500.....13787
3800.....13788, 13956
8350.....14607

45 CFR

146.....13735

Proposed Rules:

87.....14233
1067.....13782

46 CFR

185.....13736
401.....14576

Proposed Rules:

110.....13982
111.....13982
113.....13982

47 CFR

73.....14214, 14215

Proposed Rules:

2.....14074
15.....14233
22.....14074, 14075
73.....14076, 14078

49 CFR

1.....14576
106.....14577
571.....13736, 14577
1033.....13736–13738, 14578
1124.....14216

Proposed Rules:

173.....14609
177.....14609
192.....13783
195.....13783
571.....13785
641.....13994
840.....14609
1109.....14234

50 CFR

26.....14191
611.....14045, 14581
671.....14216

Proposed Rules:

17.....13786, 14608

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

7904–7971 2–5–80 / Cardiovascular devices; general provisions and classifications

NATIONAL CREDIT UNION ADMINISTRATION

8280 2–7–80 / Revision of chartering and charter amendment policies and procedures for Federal Credit Unions

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

7750 2–4–80 / Airworthiness Review Program, Amendment No. 8: Cabin Safety and Flight Attendant Amendments

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing March 3, 1980.

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1980)

Quantity	Volume	Price	Amount
_____	Title 4—Accounts	$6.50	$_____

[A Cumulative checklist of CFR issuances for 1979 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).]

PLEASE DO NOT DETACH

MAIL ORDER FORM To:

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

Enclosed find $..... (check or money order) or charge to my Deposit Account No. .....

Please send me ..... copies of:

PLEASE FILL IN MAILING LABEL BELOW

Name ----------

Street address ----------

City and State ---------- ZIP Code ----------

FOR USE OF SUPT. DOCS.

----Enclosed
To be mailed
----later
----Subscription
Refund
Postage
Foreign Handling

FOR PROMPT SHIPMENT, PLEASE PRINT OR TYPE ADDRESS ON LABEL BELOW, INCLUDING YOUR ZIP CODE

SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375
SPECIAL FOURTH-CLASS RATE
BOOK

Name ----------

Street address ----------

City and State ---------- ZIP Code ----------