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# federal register

Monday
March 10, 1980

## Highlights

**Briefings on How To Use the Federal Register**—For details on briefings in **Washington, D.C., Memphis, Tenn.,** and **Los Angeles, Calif.,** see announcement in the Reader Aids Section at the end of this issue.

15248 **Financial Assistance Application** Commerce/MBDA amends funding level and period of performance time for Jacksonville, Florida, Business Development Organization

15173 **Industrial Parks and Sites** Commerce/EDE issues interim rule deleting certain prohibition; effective 3-10-80; comments by 5-9-80

15236 **National Environmental Policy** ICC proposes to streamline reporting requirements, brief and concise environmental documentation, and expeditious administrative treatment not sacrificing public involvement; comments by 4-9-80

15183 **Improving Government Regulations** Administrative Committee of the Federal Register publishes semiannual agenda

15349 **Atomic Energy** OMB reports proposal to rescind $17.0 million in funds appropriated for defense activities

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# Highlights

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# Rules and Regulations

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

## NATIONAL CREDIT UNION ADMINISTRATION

### 12 CFR Part 705

### Community Development Credit Union Program

**AGENCY:** National Credit Union Administration and Community Services Administration.

**ACTION:** Final rule.

**SUMMARY:** This rule implements a demonstration project called the Community Development Credit Union (CDCU) Program. The program will be jointly administered by the National Credit Union Administration (NCUA) and the Community Services Administration (CSA).

The program provides for seed capital funds and technical assistance to strengthen a limited number of credit unions, thereby enabling them to deliver improved services to, and aid in the revitalization and economic development of their communities.

**EFFECTIVE DATE:** March 10, 1980. Applications will be received through June 6, 1980.

**ADDRESS:** Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506.
National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

**FOR FURTHER INFORMATION CONTACT:**
Community Services Administration, Quinton Lynch, Business Analyst, Office of Economic Development at the agency's address. Telephone (202) 254–5415.
National Credit Union Administration, Wilmer Theard, Accounting Procedures Analyst, Office of Examination and Insurance or Robert Monheit, Office of General Counsel, at the agency's address. Telephone (202) 357–1065 (Mr. Theard), (202) 357–1030 (Mr. Monheit).

**SUPPLEMENTARY INFORMATION:** Pub. L. 96–123, signed November 20, 1979, established a revolving fund of $6,000,000 for community development credit unions. The fund will provide seed money to each qualified community based credit union. Major components of the program are (1) A revolving capitalization fund, (2) training and technical assistance and (3) an Interagency Coordinating Group.

Credit unions have existed in many disadvantaged communities. Many have survived at various levels of success. This program will offer the careful planning, training, technical assistance, and capital resources to make the selected credit unions a growing force for community betterment.

The CDCU program will demonstrate that these community financial cooperatives, with technical and limited financial assistance, can play a significant role in providing needed services to their respective communities. Their unique characteristics make them true neighborhood financial institutions with a stake in the success of local revitalization efforts.

The mission of any credit union is to promote thrift among its members and provide a source of creative credit at reasonable rates. Credit unions participating in the CDCU program will have an expanded mission to deliver needed ancillary labor intensive services to their community members. These services in some instances may not be cost effective. Therefore, the services may need to be sustained through cooperative efforts of other agency programs. An Interagency Coordinating Group, co-chaired by NCUA and CSA, will be formed to facilitate bringing into the CDCU program other agency programs.

A credit union participating in this program will have a Community Development Committee included in its organizational structure. The members of the committee will be representative of the community. It will be the function of the committee, among other things, to work and coordinate with developmental programs in the community, to represent the needs of the community to the CDCU's board of directors, and to act as a liaison with Federal and State agencies and other organizations active in the community.

A program evaluation will be initiated at the end of each fiscal year starting with the end of fiscal year 1981.

### Notice and Public Comment

A notice and public comment period will not be provided. Under the provisions of 5 U.S.C. 553(a)(2), which relates to public loans and benefits, this rule is exempt from the notice and public comment requirements of 5 U.S.C. 553(b) and the 30 day effective date requirement of 5 U.S.C. 553(d).

February 28, 1980.

**Graciela Olivarez,**
*Director, Community Services Administration.*

**Rosemary Brady,**
*Secretary, NCUA Board.*

Accordingly, a new Part 705 (12 CFR Part 705) is added to read as follows:

## PART 705—COMMUNITY DEVELOPMENT CREDIT UNION PROGRAM

Sec.
705.1 Purpose and scope.
705.2 Definitions.
705.3 Purpose of program.
705.4 Program participation.
705.5 Community services.
705.6 Application for chartering/participation.
705.7 CDCU field of membership.
705.8 Community Development Committee.
705.9 Business plan.
705.10 Capitalization.
705.11 State chartered credit unions.
705.12 Application period.

**Authority:** 12 U.S.C. 1745, 1758, 1759, 1766(f); sec. 101(g), Pub. L. 96–123 (93 Stat. 925), 42 U.S.C. 2981, and 2985(e)

### § 705.1 Purpose and scope.

(a) The purpose of this part is to establish the Community Development Credit Union (CDCU) program under joint administration of the National Credit Union Administration (NCUA) and the Community Services Administration (CSA).

(b) This part establishes the following:

(1) The application process for participation in the program;

(2) Prerequisites for program participation;

(3) Selection criteria for participation in the program; and

(4) Criteria for the receipt of seed capital and the time frame for return of such funds to the revolving fund.

**§ 705.2 Definition.**

For the purpose of this part, a Community Development Credit Union (CDCU) is a credit union chartered in accordance with this part, or an existing qualified credit union which has submitted an application and has been selected for participation in the CDCU program in accordance with this regulation.

**§ 705.3 Purpose of program.**

The CDCU program is to demonstrate that community base financial cooperatives, credit unions, with technical assistance and limited financial assistance in the form of seed capitalization, can play a significant role in providing needed financial and labor intensive services to their respective communities.

**§ 705.4 Program participation.**

The CDCU program is available to organizations proposing to form a credit union and to those existing credit unions which meet the criteria established in this part, submit an application in accordance with this part, and are selected by NCUA and CSA for participation in the program.

**§ 705.5 Community services.**

(a) In accordance with the CDCU program objectives, a credit union selected for participation in this program will be expected to provide services determined to be needed within the credit union's community.

(b) The following is a partial listing of typical services which may be recognized and provided by a CDCU.

(1) Member financial counseling—budget preparation; money management (Both preventative and remedial);

(2) Member/consumer education programs;

(3) Home owner counseling—resident purchasing, renting and leasing, mortgage information;

(4) Food stamp distribution;

(5) Check cashing—money orders;

(6) Bill paying services—utility and other reoccurring obligations;

(7) Direct deposit of social security checks;

(8) Stimulation and development of cooperative activities, i.e. buying club craft cooperatives, recycling projects and energy cost saving projects.

**§ 705.6 Application for chartering/participation.**

(a) Application to participate in the Community Development Credit Unions Program shall be submitted to:

National Credit Union Administration, Office of Examination and Insurance, Division of Community Development, 1776 G Street, N.W., Washington, D.C. 20456

(b) In addition to the prerequisites set forth below, the applying organizations and credit unions must demonstrate a sound financial position, ability to manage the day-to-day business affairs of a credit union, and a committment to achieve the program objectives. The application shall contain the following information:

(1) The geographical area constituting the community to be served, and what agency has designated the area (exact boundaries) as a "target area", "special impact area", "comprehensive action area", "neighborhood strategy area", "total service area" or other terminology.

(2) The community programs which have been successfully carried out by the organization applying for the charter and serving as the core unit or catalyst for the CDCU. (This organization may be an existing community credit union applying for conversion to a CDCU or a community organization applying for a new CDCU charter.)

(3) How the CDCU proposes to serve the needs of the community.

(4) How the CDCU proposes to cooperate with existing community development programs of such agencies as the Community Services Administration, the Economic Development Administration, Department of Housing and Urban Development, the Small Business Administration, the Minority Business Development Agency, and other agencies.

(5) Financial statements sufficient to determine financial condition of the credit union or the sponsor organization. Credit unions applying to participate in the program should submit the following for the most recent month-end and the twelve months preceding that month-end:

(i) Balance sheet;

(ii) Income and expense statement; and

(iii) Delinquent loan list

(6) Organizations proposing to form and sponsor a CDCU should submit information relative to the make-up of that organization. Suitable information would include type of organization (corporation, association, for profit, not for profit), purpose of the organization, community projects completed or engaged in, and time in operation. The organization should also indicate the type and amount of assistance it is committed to provide the proposed CDCU.

(7) Applicants should provide demographic data demonstrating that a major segment of the community to be serviced by the CDCU meets CSA Income Poverty Guidelines. The Guidelines may be obtained from any CSA regional office.

(c) NCUA will notify those organizations who, based on the information submitted in accordance with this regulation appear to qualify and are selected for participation in the CDCU program. Applicants not selected will be notified by NCUA.

**§ 705.7 CDCU field of membership.**

(a) The CDCU will serve the total community. Therefore, the CDCU's field of membership will correspond geographically to the designated program area and may include employees who regularly work in the described area, and businesses located within the area as well as the residents of the area.

(b) A number of contiguous neighborhoods may be covered in one Federal program target area and accordingly, the entire target area would be served by the CDCU. However, separated target areas may not be included in the field of membership of one CDCU.

(c) A typical CDCU field of membership may read as follows:

Persons who reside or work in that part of Small Town, Any State, designated (by the Economic Development Administration) as the "Special Impact Area" (SIA) bounded on the north by Baker Avenue, on the east by Interstate 85, on the south by First Street, and on the west by Grand Road; unremarried spouses of persons who died while within the field of membership of this credit union; employees of this credit union; members of their immediate families; organizations of such persons;

Individual proprietorship, partnerships, or corporations located within the above SIA and actively engaged in a legal business practice within the community; and

Incorporated or unincorporated associations located in the above SIA.

(d) A qualified Federal credit union may elect to participate in the CDCU program upon a majority vote of its board of directors and upon approval of its application for participation. Any credit union field of membership change to conform with a program area, as previously described, must be approved by the credit union's board of directors and the appropriate regulatory agency in accordance with established procedures.

**§ 705.8 Community Development Committee.**

The organizational structure of the CDCU will be the same as for all other credit unions except that each CDCU shall have, in addition, a Community Development Committee. The responsibilities of the Community Development Committee fall into two

interrelated categories: coordination (liaison) and identification of community needs.

(1) *Coordination.* The Community Development Committee must establish and maintain liaison with all government agencies and others having developmental projects in the community. The committee will maintain periodic contact with representatives of the Economic Development Administration, the Community Services Administration, the Department of Housing and Urban Development, State, county and municipal government representatives. This liaison will ensure a united effort at redeveloping the community with a minimum of duplication.

(2) *Community Needs Plan.* (i) Within 90 days after a credit union has been selected for participation in the CDCU program, or after chartering, as in the case of a credit union chartered in accordance with this regulation, the Community Development Committee will prepare and present to the CDCU's board of directors, a CDCU Community Needs Plan. This plan will set forth the coordination contacts established and the details of these initiatives. The plan will also contain, in priority sequence, a list of community needs which the credit union may or may not be able to fulfill. The committee need not attempt to limit these needs to what is currently "affordable", nor should it include "nice-to-have" extravagances which are not serious needs of the total community. The credit union's board of directors will make the decisions on what services can be provided and when. The committee's responsibility is to advise the board on needs and to provide sufficient cost estimates and "how to" recommendations to enable the board to reach the best decisions.

(ii) After the initial action plan is prepared and reviewed by the board of directors, the board will identify each service item as adopted, deferred, or rejected and establish time frames and procedures for implementing those items adopted. The committee is responsible for monitoring progress toward implementation, recommending changes in programs and recommending changes in program priorities. The Community Development Committee will report to the board of directors and the supervisory committee at least quarterly. Each report will include a statement of the progress made and any changes and recommendations deemed appropriate. The Community Development Committee will keep all involved government and private sector program coordinators informed of activities that the credit union has approved and is working toward implementing.

(b) The Community Development Committee shall be appointed by the board from among the members of the credit union, one of whom may be a director or member of the credit committee. The board shall determine the number of members on the committee which shall not be fewer than three nor more than five. Regular terms of the committee members shall be for 1 or 2 years as the board shall determine. *Provided, however,* That all terms shall be for the same number of years and until the appointment and qualification of successors. The regular terms shall expire at the first regular meeting of the board following each annual meeting.

(c) No member of the Community Development Committee may be compensated as such. The board of directors, however, may authorize paid credit union staff personnel to assist the committee in performing clerical functions and/or may authorize the committee to hire necessary clerical assistance.

(d) The Community Development Committee will report to the members at the annual meeting of members.

(e) Within 90 days after chartering or converting to a CDCU, the Community Development Committee will notify the CDCU's community of the chartering or conversion to a CDCU. Included in the notice will be the mission of the CDCU and the responsibilities of the Community Development Committee, the names of its members and its coordination and community needs function as described in this Part.

**§ 705.9 Business plan.**

(a) Once selected, the CDCU will construct a plan for growth and development of the credit union. The plan will set forth financial growth, credit union development, capitalizations and the means for achieving these objectives. Technical assistance in the development of the business development plan may be available to those credit unions that, in CSA's discretion, are deemed deserving of such assistance.

(b) The CDCU's development will be carefully monitored and evaluated by NCUA. Although seed capital funding may be possible, CDCU's will be encouraged to develop, as rapidly as possible, a permanent capital source of member shares.

**§ 705.10 Capitalization.**

(a) Credit unions selected for participation in this program will be eligible to receive up to $200,000 in seed capital. The amount of capitalization will be based on financial need and a demonstrated capability to provide community services. The capitalization is not a grant and shall be repayable in five (5) years in six month intervals as follows:

End of 6 months—interest only
End of 12 months and at each 6 month interval for the succeeding 42 months—interest due plus 10% of original principal (capitalization)
End of 60th month (last payment)—interest due plus remaining principal amount

(b) The interest rate shall be 2% APR computed on the unpaid balance; except that the interest may be waived by the Director, CSA based on appropriate supported justification.

(c) A provision shall be inserted in the capitalization agreement requiring the immediate repayment of the balance of the funds for improper use, or if uninvested cash remains unused for an unreasonable or unjustified period of time.

**§ 705.11 State chartered credit unions.**

State chartered credit union applicants approved for participation by NCUA and CSA must obtain written concurrence from their respective state regulatory authority.

**§ 705.12 Application period.**

Application for participation in programs will be accepted through June 6, 1980. Applications received during this period will be reviewed and qualified applicants will be selected. In the event an insufficient number of applicants qualify for participation, NCUA will reopen the program for receipt of applications.

[FR Doc. 80-7011 Filed 3-7-80; 8:45 am]
BILLING CODE 7535-01-M

## DEPARTMENT OF COMMERCE

### Economic Development Administration

### 13 CFR Part 305

### Public Works Projects Involving Industrial Parks and Sites

**AGENCY:** Economic Development Administration (EDA), Department of Commerce.

**ACTION:** Interim rule.

**SUMMARY:** This amendment makes a minor revision to the regulation regarding projects for industrial parks and sites under the Public Works and Development Facilities Program. Projects covered by this regulation are intended to provide facilities to enable

the grant recipient to attract industry to remain or to locate in the area. One part of this regulation prohibits recipients from using project facilities to benefit a single firm. In order to provide the Agency with greater flexibility to aid recipients in attracting or retaining a substantial firm, this rule deletes that prohibition.

**DATES:** Effective date: March 10, 1980. Comments by: May 9, 1980.

**ADDRESSES:** Send comments to: Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230.

**FOR FURTHER INFORMATION CONTACT:** Charles Coss, Director, Office of Public Investments, (202) 377–5265.

**SUPPLEMENTARY INFORMATION:** Title I of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131) authorizes EDA to make grants for public works projects which will help create or retain jobs in an economically distressed area. Projects which EDA may fund under title I include projects for public works and development facilities which will serve industrial parks or sites owned by public entities or nonprofit organizations. EDA may extend assistance for such projects to provide sites for new industries in order to accelerate the economic development of the community.

Currently, requirements governing such projects are set forth in Volume 13 of the Code of Federal Regulations at § 305.43. Paragraph (a)(3) of the regulation generally prohibits the extension of assistance for such projects if the project facilities would be transferred for the exclusive benefit of one user. Sub-paragraphs (i) and (ii) of § 305.43(c) allow exceptions to this rule if the "benefit" consists of measures to prevent soil erosion or if the project facilities may be made available to other users without the approval or consent of the single user.

EDA has determined that the limitations of § 305.43(a)(3) have unnecessarily restricted EDA's flexibility in funding projects which hold the greatest potential for creating or retaining jobs. Since the provisions of § 305.43(a)(3) were based on administrative considerations which EDA now has determined to be outweighed by the need for additional flexibility, EDA is deleting § 305.43(a)(3) with this interim rule. With the elimination of this rule, EDA will have greater flexibility in the program to fund projects which can attract or retain substantial firms to an area.

EDA has reviewed this revision of § 305.43 with respect to the requirements of Executive Order 12044 regarding improving government regulations. Under the criteria of that order for determining the "significance" of a regulation, EDA has determined that this rule is not "significant" for the following reasons:

1. This rule does not involve a major policy issue but represents a minor technical revision of program requirements;

2. This rule is not anticipated to be a matter of controversy or public interest inasfar as it affects a relatively small number of projects and provides grant recipients with greater flexibility in fashioning their projects by removing limitations on the types of projects eligible for funding;

3. This rule will not affect many businesses or other organizations;

4. This rule does not otherwise meet the criteria for determining the "significance" of regulations.

For these reasons, this regulation is not a "significant regulation" and is not subject to the procedural requirements imposed on issuing significant regulations. To provide interested individuals and organizations with an opportunity to comment, EDA is publishing this rule in interim form. EDA will not publish this rule in final for at least sixty days and interested individuals are encouraged to submit their comments in writing to the Assistant Secretary at the above address.

Accordingly, EDA amends 13 CFR § 305.43 by deleting paragraph (a)(3):

**§ 305.43 Industrial parks and sites.**

(a) * * *

(3) [Deleted]

* * * * * *

(Sec. 701, Pub. L. 89–136, 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10–4, as amended (40 FR 56702, as amended))

Dated: March 3, 1980.

**Robert T. Hall,**

*Assistant Secretary For Economic Development.*

[FR Doc. 80–7336 Filed 3–7–80; 8:45 am]

BILLING CODE 3510–24–M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. 80NE–09, Amdt. 39–3709]**

## Airworthiness Directives; Sikorsky S–76A Series Helicopters Certificated in All Categories

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** On January 30, 1980, a telegraphic Airworthiness Directive (AD), T80NE–5, was issued requiring initial and recurrent visual inspections to detect cracking of the main transmission support structure on Sikorsky Model S–76 helicopters. This action was required as a result of cracking found in a main transmission support structure beam.

This publishes that AD in the Federal Register.

**DATES:** This AD became effective upon receipt to all recipients of telegraphic AD issued January 30, 1980. This amendment to FAR Part 39 becomes effective March 10, 1980.

Compliance schedule—as prescribed in body of AD.

**ADDRESSES:** The applicable service bulletins may be obtained from Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602.

A copy of the service bulletins is contained in the Rules Docket at the FAA New England Region Headquarters, Burlington, Massachusetts.

**FOR FURTHER INFORMATION CONTACT:** Stephen J. Soltis, Airframe Section, ANE–212, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273–7336.

**SUPPLEMENTARY INFORMATION:** During a 100 hour inspection, a crack was found in the main transmission support structure. Since a failure of the main transmission support structure could result in loss of the helicopter, the agency had determined that the main transmission support structure must be visually inspected prior to the next flight and visually inspected at 30 hour intervals thereafter. Therefore, as an interim action, on January 30, 1980, a telegraphic AD, T80NE–5, was adopted and made effective immediately to all known United States operators of the

Sikorsky S–76A helicopter. That AD required initial and repetitive visual inspections for cracks in the main transmission support structure. It also required replacement of these components prior to further flight if cracks were found.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the AD effective immediately to all known United States operators of Sikorsky Model S–76A helicopters by individual telegrams dated January 30, 1980.

Since a situation exists that requires immediate adoption of the 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

Pursuant to the authority delegateed to me by the Administrator (31 FR 13697), an AD was adopted on January 30, 1980 (Docket No. 80NE–5), and made effective immediately by telegram to all known United States operators of Sikorsky S–76A helicopters. These conditions still exist, and the AD as revised herein is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13):

Sikorsky Aircraft. Applies to Sikorsky Model S–76A helicopters certificated in all categories.

1. For aircraft with more than 300 hours time in service, compliance required prior to next flight unless previously accomplished and thereafter at intervals not to exceed 30 hours time in service to prevent operation with cracked main transmission support structure. Accomplish the following:

a. Remove the passenger compartment interior lining to obtain access to the 76209–03001–041 and –042 main transmission support structure fittings.

b. Clean all accessible areas of the right-hand and left-hand transmission support structure fittings, P/N 76209–03001–041 and –042, using a clean cloth damp with solvent, P–D–680 Type II.

c. Using a light and mirror, visually inspect for cracks all accessible flanges and webs of the transmission support structure fittings. NOTE: Pay particular attention to the areas immediately adjacent to the main transmission attachments.

d. If a crack is found, replace the cracked main transmission support fitting, 76209–03001, with a serviceable component prior to next flight in accordance with a method approved by the Chief, Engineering and Manufacturing Branch, New England Region. If a cracked mold line skin is found, repair prior to further flight.

2. Report within 24 hours any discrepancies found during the inspections required herein to the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. Each report must include the length and location of the cracks and aircraft total time in service. Reporting approved by the Office of Management and Budget under OMB No. 04–R–174. Equivalent inspections and replacements must be submitted for approval to the Chief, Engineering and Manufacturing Branch, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Note.—Sikorsky References noted herein pertain to this AD:

1. Telex CST–SPT–80–066, dated January 31, 1980.

2. Alert Customer Service Bulletin No. 76–53–11, dated January 31, 1980.

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

This AD became effective upon receipt to all recipients of the telegraphic AD issued January 30, 1980. The amendment to FAR Part 39 becomes effective March 10, 1980.

The manufacturer's procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Sikorsky Aircraft, Stratford, Connecticut 06602. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and at the FAA, New England Region Headquarters, Burlington, Massachusetts.

The Federal Aviation Administration has determined that this action is an emergency nonsignificant regulation under Executive Order 12044 as implemented by Department of Transportation Policies and Procedures (44 FR 11034, February 26, 1979). A final evaluation is contained in the Rules Docket.

Issued in Burlington, Massachusetts, on February 27, 1980.

**Arthur Varnado,**

*Acting Director, New England Region.*

[FR Doc. 80–7083 Filed 3–7–80; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF DEFENSE

## Department of the Air Force

## 32 CFR Part 888f

## Military Personnel; Specified Period of Time Contract (SPTC)

**AGENCY:** Department of the Air Force, Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Air Force is amending Title 32, Chapter VII, of the Code of Federal Regulations, by deleting Part 888f, Specified Period of Time Contract (SPTC). This rule is deleted because of limited applicability to the general public. The intended effect is to insure that only regulations which substantially affect the public be maintained in the Air Force portion of the Code of Federal Regulations.

**EFFECTIVE DATE:** March 3, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Carol M. Rose, Air Force Federal Register Liaison Officer, AS/DASJR, Pentagon, Washington, D. C. 20330. Phone (202) 697–1861.

**SUPPLEMENTARY INFORMATION:** Accordingly, 32 CFR Chapter VII, is amended by deleting Part 888f.

## PART 888f—SPECIFIED PERIOD OF TIME CONTRACT (SPTC) [DELETED]

**Carol M. Rose,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 80–7257 Filed 3–7–80; 8:45 am]

BILLING CODE 3910–01–M

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 82

## [CGD 79–066]

## COLREGS Demarcation Lines; Boston Harbor Entrance

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is moving the COLREGS Demarcation Line at Boston Harbor Entrance seaward. Numerous segments of the marine industry and boating public had requested a relocation of the line because the navigation rules changed in the middle of the main shipping channels to Boston, Quincy, and Hingham. Relocating the line will allow seagoing vessels traversing the channels and small fishing vessels that criss-cross Broad Sound to use one set of rules (Inland Rules).

**EFFECTIVE DATE:** These amendments are effective on April 7, 1980.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (jg) George W. Molessa, Jr., Office of Marine Environment and Systems (G–WLE–4/11), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593, (202) 426–4958.

**SUPPLEMENTARY INFORMATION:** On November 8, 1979, the Coast Guard published a proposed rule (44 FR 64843) concerning these amendments. Interested persons were given until December 23, 1979 to submit comments. Six written comments were received in response to the proposed rule. No public hearing was held or requested.

**Drafting Information**

The principal persons involved in the drafting of this document are: Lieutenant (jg) George W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant John W. Salter, Project Counsel, Office of the Chief Counsel.

**Discussion of the Comments**

Of the six comments received, five supported the proposed change as published. The remaining comment was beyond the scope of the notice, proposing changes to COLREGS Demarcation Lines in other areas.

**Evaluation**

The Coast Guard has determined, in accordance with the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034), that these amendments are not significant. Since these amendments merely relocate an existing line, no economic impact is contemplated, and, accordingly, no final evaluation has been prepared.

In consideration of the foregoing, Part 82 of Title 33 of the Code of Federal Regulations is amended as follows:

1. By revising § 82.125 to read as follows:

**§ 82.125 Marblehead Neck, MA to Nahant, MA.**

The 72 COLREGS apply on the harbors, bays, and inlets on the east coast of Massachusetts from Marblehead Neck to the easternmost tower at Nahant, charted in approximate position latitude 42°25.4′ N., longitude 70°54.6′ W.

2. By revising § 82.130 to read as follows:

**§ 82.130 Boston Harbor entrance.**

A line drawn from the easternmost tower at Nahant, charted in approximate position latitude 42°25.4′ N., longitude 70°54.6′ W., to Boston Lighted Horn Buoy "B"; thence to the esternmost radio tower at Hull, charted in approximate position latitude 42°16.7′ N., longitude 70°52.6′ W.

3. By revising paragraph (a) of § 82.135 to read as follows:

**§ 82.135 Hull, MA to Race Point, MA.**

(a) Except inside lines described in this section, the 72 COLREGS apply on the harbors, bays, and inlets on the east coast of Massachusetts from the easternmost radio tower at Hull, charted in approximate position latitude 42°16.7′ N., longitude 70°52.6′ W., to Race Point on Cape Cod.

* * * * *

(Rule 1, International Regulations for Preventing Collisions at Sea, 1972, TIAS 8587; EO 11964; (14 U.S.C. 2); Pub. L. 95–75, 91 Stat. 310 (33 U.S.C. 1607); 49 CFR 1.46(b))

Dated: February 27, 1980.

**J. B. Hayes,**

*Admiral, U.S. Coast Guard Commandant.*

[FR Doc. 80–7013 Filed 3–7–80; 8:45 am]

BILLING CODE 4910–14–M

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**33 CFR Part 117**

**[CGD 79–079]**

## Drawbridge Operation Regulations; Delaware River (Back Channel), N.J.

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is revising the operation regulations for the Conrail bridge across Back Channel, mile 103.2, Delaware River, Camden, New Jersey, to provide that the draw need not open. This change is being made because no requests have been made to open the draw for at least 15 years. This action will relieve the bridge owner of the requirement to maintain the machinery in an operable condition and of having a person available to open the draw.

**EFFECTIVE DATE:** This amendment is effective on April 11, 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 June 11, 1979, the Coast Guard published a proposed rule (44 FR 33431) concerning this amendment. The Commander, Third Coast Guard District, also published these proposals as a Public Notice dated July 3, 1979. Interested persons were given until July 13, 1979 and August 3, 1979, respectively, 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**

Five comments were received. Three had no objection to the proposal. Two objected because they felt that the permanent closure of this bridge might be detrimental to industries and related labor. Access to the west end of Back Channel is becoming more difficult due to silting and sunken obstructions. The objectors have indicated that the Corps of Engineers has no plans in the foreseeable future to either dredge Back Channel or remove these obstructions. They therefore suggest that the draw be maintained in an operable condition so that access to the western end of Back Channel may be maintained. However, none of the industries located west of this bridge listed in the 1978 edition of Port Series No. 8, the Ports of Philadelphia, PA, Camden, NJ, Wilmington, DE, and Ports on the Delaware River, responded to the Coast Guard's notice. The commentors also objected because a commercial marina may be built in the Back Channel some time in the future. It is felt that even if such a marina is built, the west end of Back Channel rather than the east end would be the one most often used because it would provide the easiest egress and ingress.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.225(f)(18) to read as follows:

**§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.**

* * * * *

(f) * * *

(18) Delaware River (Back channel); CONRAIL bridge between Petty Island and Camden. The draw need not open and paragraphs (b) through (e) of this section shall not apply to this bridge.

* * * * *

(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: March 4, 1980.

**W. E. Caldwell,**

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

[FR Doc. 80–7339 Filed 3–7–80; 8:45 am]

BILLING CODE 4910–14–M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[FRL 1429-7]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice regarding conditional approval.

**SUMMARY:** On February 5, 1980 (45 FR 7803), the Environmental Protection Agency promulgated conditional approval of New York's State Implementation Plan with regard to its provisions for attainment of total suspended particulate, carbon monoxide, and ozone standards in four upstate areas (generally, Rochester, Syracuse, Capital District and Town of Catskill, and Southern Tier). The conditional approval was premised on, among other required actions, corrections to be made to the provisions of 6 NYCRR Part 229.

The purpose of this notice is to advise the public that this condition was fulfilled with regard to an interim requirement, submission of certification that public hearings were held by February 1, 1980, and, therefore, conditional approval is continued. This was provided by a February 20, 1980 letter from the New York State Department of Environmental Conservation to EPA. In view of the interim nature of this requirement, i.e., the condition requires revisions to Part 229 by August 1, 1980, no rulemaking action is being taken by EPA at this time.

**FOR FURTHER INFORMATION CONTACT:** William S. Baker, Chief, Air Programs Branch, EPA, Region II, 26 Federal Plaza, New York, NY 10007 (212) 264-2517.

Dated: February 27, 1980.

Charles S. Warren,

*Regional Administrator, Environmental Protection Agency.*

[FR Doc. 80-7218 Filed 3-7-80; 8:45 am]

BILLING CODE 6560-01-M

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of the Secretary

### 41 CFR Part 3-1

### Protection of Privacy of Individuals

**AGENCY:** Department of Health, Education, and Welfare.

**ACTION:** Final rule.

**SUMMARY:** The Office of the Secretary, Department of Health, Education, and Welfare is amending its procurement regulations by establishing a new section concerning the protection of privacy of individuals.

The section implements the Privacy Act of 1974 (Pub. L. 93-579, December 31, 1974; 5 U.S.C. 552a), the Department's implementation of the Privacy Act (45 CFR Part 5b), and the Federal Procurement Regulation implementation of the Privacy Act (41 CFR 1-1.327).

**EFFECTIVE DATE:** This amendment is effective March 10, 1980.

**FOR FURTHER INFORMATION CONTACT:** E. S. Lanham, Office of Procurement Policy, OGP-OASMB-OS, Room 538H, Hubert H. Humphrey Building, Department of Health, Education, and Welfare, Washington, D.C. 20201 (202-245-0481).

**SUPPLEMENTARY INFORMATION:** On November 23, 1979, the proposed rule concerning the protection of privacy of individuals was published in the **Federal Register** (44 FR 67183) and invited public comments by December 24, 1979. As a result, two responses were received—one from a State government and the other from an educational institution.

The State government recommended that paragraph (d) of § 3-1.327-5, Procedures, be modified to comply with the intent of the Federal Procurement Regulations (41 CFR 1-1.327-3(a)) by adding language "to require the contractor to assure that each employee knows the prescribed rules of conduct and that he can be subjected to criminal penalties." The Department agrees with this recommendation and has added a clarifying sentence to that paragraph.

The educational institution recommended two changes to the proposed regulation. The first concerned the insertion of a sentence in paragraph (a) of § 3-1.327-4 to illustrate instances where the Privacy Act should not apply. The Department does not agree with the inclusion of the recommended sentence because 45 CFR 5b.16 gives examples of systems, maintained by contractors, which are covered and systems, maintained by contractors, which are not covered under the Privacy Act. The instances cited by the educational institution are addressed in 45 CFR 5b.16.

The second recommendation made by the educational institution concerned the revision of the first sentence in paragraph (c) of § 3-1.327-4 by inserting additional phrases. The Department has reviewed the recommended changes and does not agree that they would enhance the present meaning and intent of the sentence. Therefore, the suggestions made by the educational institution are not accepted.

As indicated in the proposed rule, 45 CFR 5b.16 is a section in the Department's draft revision of its Privacy Act implementation rule which discusses Privacy Act coverage of Government contractors. The Department will issue this revision as a Notice of Proposed Rulemaking in the near future.

The provisions of this amendment are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Title 41 CFR Chapter 3 is amended as set forth below.

Dated: March 3, 1980.

E. T. Rhodes,

*Deputy Assistant Secretary for Grants and Procurement.*

Under Subpart 3-1.3, General Policies, of Part 3-1, General, § 3-1.327, Protection of the privacy of individuals, is added to 41 CFR Chapter 3 as indicated below. In addition, the table of contents of Part 3-1 is amended to add the following:

## PART 3-1—GENERAL

### Subpart 3-1.3—General Policies

* * * * *

Sec.

3-1.327 Potection of the privacy of individuals.
3-1.327-1 General.
3-1.327-2 [Reserved]
3-1.327-3 [Reserved]
3-1.327-4 Applicability.
3-1.327-5 Procedures.

* * * * *

### § 3-1.327 Protection of the privacy of individuals.

#### § 3-1.327-1 General.

(a) This section implements 45 CFR Part 5b, Privacy Act Regulations, and FPR § 1-1.327, protection of the privacy of individuals, which implement the Privacy Act of 1974 (Pub. L. 93-579, December 31, 1974; 5 U.S.C. 552a) and OMB Circular No. A-108, July 9, 1975.

(b) It is the Department's policy to protect the privacy of individuals to the maximum possible extent while permitting the exchange of records required to fulfill the Department's administrative and program responsibilities and its responsibilities for disclosing records to which the general public is entitled under the Freedom of Information Act (5 U.S.C. 552).

(c) In regard to the procurement process, it is the Department's policy to guard the individual's right of privacy

whenever a departmental system of records on individuals (see § 1–1.327–2(e) for definition) is operated under contract rather than by the Department. The individual's privacy will be protected by the Department requiring the contractor to observe all the rules of privacy that apply to the Department (See § 1–1.327–3).

**§ 3–1.327–2 [Reserved]**

**§ 3–1.327–3 [Reserved]**

**§ 3–1.327–4 Applicability.**

(a) The Privacy Act of 1974 and the Department's implementation under 45 CFR Part 5b apply "when an agency provides by a contract for the operation by or on behalf of the agency of a system of records to accomplish any agency function * * *" The key factor is whether a departmental function is involved. Therefore, the Privacy Act requirements apply to a departmental contract when, under the contract, the contractor must maintain or operate a system of records to accomplish a departmental function. 45 CFR 5b.16 gives examples of systems, maintained by contractors, which are covered and systems, maintained by contractors, which are not covered.

(b) The contracting officer, with the assistance of the program official, and, as necessary, the official designated as the activity's Privacy Act coordinator and the Office of General Counsel, shall determine the applicability of the Act to each procurement.

(c) Whenever the contracting officer determines that the Privacy Act is not applicable, but the resultant contract will involve the collection of individually identifiable personal data by the contractor, the contracting officer shall include provisions to protect the confidentiality of the records and the privacy of individuals identified in the records. In addition, the contracting officer shall include in the procurement file documentation of the determination that the Privacy Act is not applicable. However, documentation is not required for obvious procurements not involving the Privacy Act, such as supply contracts or contracts which do not involve the collection of data on individuals.

**§ 3–1.327–5 Procedures.**

(a) All procurements shall be reviewed by the contracting officer to determine whether the Privacy Act requirements are applicable. If applicable, the contracting officer shall accomplish the actions required by § 1–1.327–5 and shall include the solicitation notification and contract clause required by § 1–1.327–5(b) and (c), respectively, in all instances specified by those paragraphs. In addition, the contracting officer shall ensure that the solicitation notification, contract clause, and other pertinent information specified in this § 3–1.327 are included in any contract modification which results in the Privacy Act requirements becoming applicable to the contract.

(b) The contracting officer shall identify the system(s) of records on individuals in solicitations, contracts, and contract modifications to which the Privacy Act and the implementing regulations are applicable.

(c) The contracting officer shall include in the contract the disposition to be made of the system(s) of records on individuals upon completion of performance of the contract. For example, the contract may require the contractor to completely destory the records, to remove personal identifiers, to turn the records over to the Department, or to keep the records but take certain measures to keep the records confidential and protect the individuals' privacy.

(d) The contracting officer shall include a statement in the contract notifying the contractor that the contractor and its employees are subject to criminal penalties for violations of the Act (5 U.S.C. 552a(i)) to the same extent as employees of the Department. The statement shall require that the contractor assure that each contractor employee knows the prescribed rules of conduct and each contractor employee is aware that he/she can be subjected to criminal penalties for violations of the Act. The contracting officer shall provide the contractor with a copy of the rules of conduct and other requirements set forth in 45 CFR Part 5b.

(e) Whenever a procurement is determined to be subject to the Privacy Act requirements, a "system notice," prepared by the program official and describing the Department's intent to establish a new system of records on individuals, to make modifications to an existing system, or to disclose information in regard to an existing system, is required to be published in the **Federal Register**. A copy of the "system notice" shall be attached to the request for contract or purchase request. If a "system notice" is not attached, the contracting officer shall inquire about its status and shall obtain a copy from the program official for inclusion in the procurement file. If a "system notice" has not been published in the **Federal Register**, the contracting officer may proceed with the procurement but shall not award the contract until the "system notice" is published, and publication is verified by the contracting officer.

[FR Doc. 80–7346 Filed 3–7–80; 8:45 am]
BILLING CODE 4110–12–M

## GENERAL SERVICES ADMINISTRATION

### Automated Data and Telecommunications Service

### 41 CFR Ch. 101

**[FPMR Temp. Reg. F–494]**

### Revised Policy on Incoming Intercity Toll-Free Telephone Services

**AGENCY:** Automated Data and Telecommunications Service, General Services Administration.

**ACTION:** Temporary regulation.

**SUMMARY:** This regulation describes incoming intercity toll-free telephone services, further details the information required in agency toll-free service requests to GSA, and establishes a requirement that Federal agencies review annually these toll-free services for cost effectiveness.

**DATES:** Effective date: May 9, 1980.
Expiration date: May 9, 1981.
Comments due by: July 8, 1980.

**ADDRESS:** Comments should be addressed to: General Services Administration (CPEP), Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Robert R. Johnson, Policy and Evaluation Division (202–566–0834).

**SUPPLEMENTARY INFORMATION:** The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purpose of Executive Order 12044.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is listed in the appendix at the end of Subchapter F.

**[Federal Property Management Regs.; Temporary Reg. F–494]**

### Policy on Incoming Intercity Toll-Free Telephone Services Provided to the Public

February 28, 1980.

1. *Purpose.* This regulation provides a description of incoming intercity toll-free telephone services, clarifies the information needed by the General Services Administration, and establishes a requirement for the agencies to review annually these services to ensure cost effectiveness.

2. *Effective date.* May 9, 1980.

3. *Expiration date.* May 9, 1981.

4. *Background.* It is the policy of GSA to provide or approve the requirement for communications services for executive agencies that will meet their needs at the lowest overall cost to the Government. Recently the Congress expressed concern that the manner in which public toll-free telephone service is being acquired, used, and managed is not consistent with that objective. A review of information currently available indicates that this concern is well-founded. Federal agencies are spending about $25 million a year for these services, and there is no coordinated effort to manage the acquisition and use of toll-free services.

5. *Applicability.* This regulation applies to executive agencies to the extent specified in § 101–37.102.

6. *Description of toll-free telephone services.* The term "toll-free telephone service," as used in this regulation, has the following meaning: "Toll-free telephone service" means any incoming intercity circuit arrangement that allows the public to make a long-distance telephone call at Government expense. These arrangements include but are not limited to Inward Wide Area Telephone Service (INWATS or Dial 800) and foreign exchange (FX) circuits. They are usually used for providing or obtaining information concerning Government programs, such as social security, disaster aid, income tax, health, etc.

7. *Policy.* Intercity toll-free telephone service shall be established only when the service is: (1) Essential to mission accomplishment; (2) necessary to meet program requirements; or (3) required by statute, Executive order, or other regulatory document.

8. *Agency responsibilities.* (a) The acquisition and management of intercity toll-free telephone service should be centrally managed within executive agencies to the maximum practicable extent. Prior approval of a responsible agency official shall be obtained for the acquisition of toll-free services.

(b) The requirement for intercity telephone service must be approved by GSA. In addition to the requirements of § 101–37.203(b), requests for incoming intercity toll-free telephone service should include:

(1) The program to be supported,

(2) The purpose to be served,

(3) The type of service required, e.g., INWATS, FX, etc.,

(4) The location of each number (the telephone number is not required), terminations, and service band,

(5) The estimated monthly cost,

(6) The number of circuits serving each number,

(7) The proposed usage (number of hours, full period, etc.), and

(8) The title and date of the regulatory document if the service has been directed by a statute, Executive order, or other regulation; or certification of compliance with 31 U.S.C. 680(a).

(c) An annual review of incoming intercity toll-free telephone services shall be conducted in accordance with agency procedures. The results of these reviews shall be retained in agency files. As a minimum, this review shall address:

(1) The need for continuing the service at the same level,

(2) Whether the existing toll-free service is the most cost-effective method of satisfying the requirement, and

(3) Whether the intended program objectives are being achieved.

9. *GSA action.* GSA will assess the efficiency, service, and cost of using the requested service. If GSA determines that other means are in the best interest of the Government, the requester will be advised. GSA may also elect to provide telecommunications on behalf of the agency where GSA determines that this action is economical and efficient.

10. *Agency assistance.* For agency assistance concerning this regulation write:

General Services Administration (CT),
Washington, D.C. 20405

11. *Comments.* Comments may be submitted to the General Services Administration (CPEP), Washington, DC 20405. Comments will be considered prior to codification in Subpart 101–37.

12. *Information.* Further information concerning this regulation may be obtained from the General Services Administration (CPEP), Washington, DC 20405, or call the Procurement Policy and Regulations Branch, 202–566–0834.

**R. G. Freeman III,**

*Administrator of General Services.*

[FR Doc. 80-7337 Filed 3-7-80; 8:45 am]

BILLING CODE 6820-25-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### 49 CFR Part 571

**[Docket No. 72–6; Notice 06]**

### Federal Motor Vehicle Safety Standards; Motorcycle Helmets

**AGENCY:** National Highway Traffic Safety Administration (NHTSA).

**ACTION:** Final rule.

**SUMMARY:** The purpose of this notice is to amend Safety Standard No. 218, *Motorcycle Helmets*, to extend application of the current requirements to all helmets that can be placed on the size "C" headform. The amendment is an interim rule requiring the certification of all large-size and many small-size helmets, and will be in effect until test headform sizes "A" and "D" have been developed and incorporated in the standard. This extended application of the standard will establish a minimum level of performance for a large number of helmets that are currently not being tested and certified by manufacturers, but which are suitable for testing on the size "C" headform.

**DATES:** Effective date: May 1, 1980.

**ADDRESSES:** Any petitions for reconsideration should refer to the docket number and notice number and be submitted to: National Highway Traffic Safety Administration, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:** Mr. William J. J. Liu, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202–426–2264).

**SUPPLEMENTARY INFORMATION:** For reasons discussed below, on September 27, 1979, the NHTSA published a notice of proposed rulemaking to require, as an interim measure, the testing and certification of all motorcycle helmets that can be placed on the size "C" headform as described in Safety Standard No. 218 (44 FR 55612). Only one comment was received in response to that notice, supporting the proposal.

Safety Standard No. 218, *Motorcycle Helmets* (49 CFR 571.218), specifies minimum performance requirements for helmets designed for use by motorcyclists and other motor vehicle users. Currently, the standard is only applicable to a portion of the annual helmet production. Paragraph S3 of the standard provides:

> * * * The requirements of this standard apply to helmets that fit headform size C, manufactured on or after March 1, 1974. Helmets that do not fit headform size C will not be covered by this standard until it is extended to those sizes by further amendments.

"Fitting" is intended to mean something that is neither too small nor too large. It excludes not only helmets that are too small to be placed on the size "C" headform, but also helmets so large that they could be placed on the size "D" headform were it available. As explained below, that headform size is not currently available.

The standard references and describes in its appendix four test headform sizes ("A", "B", "C", and "D").

Currently only test headform size "C" has been developed, and it is identical to the American National Standard specifications for Protective Headgear for Vehicular Users, ANSI Z90.1–1971. The other test headforms are to be scaled proportionately from the ANSI Z90 (size "C") headform. The performance requirements of the standard for helmets fitting other than size C headforms were held in abeyance until these additional headform sizes could be developed (39 FR 3554, January 28, 1974). Because of problems with prototype headforms supplied to NHTSA under contract (the headforms did not meet dimensional tolerances considered acceptable), development of these additional headforms has been delayed over the past years. However, the agency now anticipates that the standard will include requirements for headform sizes "A" and "D" effective April 1, 1982 (size "B" will be deleted from the standard).

Last year, the Safety Helmet Council of America (SHCA) recommended that the agency require certification of all adult-size helmets on the size "C" headform. The SHCA stated that the delay in development of the additional headform sizes has led to confusion and unfair practices since many helmets are reportedly being improperly certified and many other helmets are not being certified that are required to comply with the standard. The agency has stated in the past that only helmets that are subject to compliance with Standard No. 218 should be certified and labeled with the "DOT" symbol. Apparently, some manufacturers have used the "DOT" label on untested helmets for competitive purposes. The SHCA stated that these practices have placed considerable burdens on the integrity of manufacturers of high quality helmets. The organization pointed out that under the ANSI standard only one headform (size "C") was used to test all helmets except child-size helmets, and that approximately 95 percent of current helmet production could and should be tested on the size "C" headform and certified for compliance with Standard No. 218.

The NHTSA Office of Vehicle Safety Standards has investigated the current labeling and certification practices of helmet manufacturers. It was found that most manufacturers currently test only "medium" size helmets on the size "C" headform, yet there is considerable variation among manufacturers as to which helmets are considered medium. Further, the agency found that the percentage of helmets subject to certification under the current applicability of the standard is substantially greater than the 40 percent that manufacturers are now testing on the size "C" headform. (Data from the investigation have been placed in the NHTSA docket under the docket number of this notice.)

As stated earlier, under the existing applicability requirements of the standard, only helmets that "fit" headform size "C" must be certified. Apparently, interpretation of the term "fit" by manufacturers has led to some mislabelings and failures to certify. Under the existing requirements, "helmets that fit headform size C" should be all helmets other than those that must be tested on the other headform sizes. To determine which helmets must be tested on a particular headform size, one follows the procedures of paragraph S6.1.1 of the standard. That paragraph provides in part:

> * * * Place the complete helmet to be tested on the reference headform of the largest size specified in the Appendix whose circumference is not greater than the internal circumference of the headband when adjusted to its largest setting, or if no headband is provided to the corresponding interior surface of the helmet.

Using the procedure of paragraph S6.1.1, manufacturers currently need only concern themselves with headform sizes "C" and "D", since small, child-size helmets that could not physically be placed on the size "C" headform would not have to be tested. As to the other helmet sizes, helmets that "fit headform size C" means any helmet that can be placed on the size "C" headform, except those helmets which the manufacturer can demonstrate could be placed on a size "D" headform. To make that demonstration, the manufacturer would have to show that the internal circumference of the helmet headband or the corresponding interior surface of the helmet is larger that the circumference of the size "D" headform. Even though the size "D" headform is not currently available, the dimensions of the headform are specified in the appendix of the standard, from which the manufacturer can make its determination. Regarding small, child-size helmets, the determination whether or not a particular helmet can be placed on the size "C" headform should be based on normal fitting procedures. This means, for example, that undue force should not be applied to forcibly push the headform into the helmet. However, efforts necessary for the ordinary wearing of the helmet should be employed, such as expanding the lower portions of a flexible-shell, full-face helmet. Apparently, many manufacturers have failed to use these procedures for determining which of their helmets "fit" headform size "C" and must be certified.

In light of the improper certification and the noncertification, the unavailability of the additional headform sizes at the present time, the need to ensure the safe performance of the large helmets and the apparent sufficiency of the size "C" headform for testing large helmets, the agency has concluded that the recommendations of the Safety Helmet Council of America have merit. Therefore, this notice amends Safety Standard No. 218 to require all motorcycle helmets that can be placed on the size "C" headform to be certified in accordance with the requirements of the standard. "Placed" is a broader term than "fit" primarily in that the former term does not imply any upper limit on helmet size.

Under these interim requirements, more than 90 percent of current helmet production will be tested on the size "C" headform. Only small, child-size helmets (size "A") will be excluded since they cannot physically be placed on the size "C" headform. As noted in the procedures discussed above, normal fitting procedures are used to determine if a particular helmet can be placed on the size "C" headform, without the use of undue force.

During its investigation, the NHTSA contacted manufacturers whose collective market share exceeds 80 percent of current annual helmet production. All of these manufacturers indicated that 90 percent or more of their helmet production could be placed and tested on the size "C" headform. Many of the manufacturers indicated that they are already testing the majority of their helmets on the size "C" headform for quality-control purposes, even though not required by the standard. Also, it was found that helmet shells and performance characteristics of a particular manufacturer's helmets do not generally vary significantly over the various size ranges of helmets produced.

This amendment is only an interim measure to establish a minimum level of performance for the large number of helmets that are currently not being certified for compliance with Standard No. 218. Testing extra-large helmets on the size "D" headform would require a higher level of performance for those helmets, since the weight of the size "D" headform is greater than that of the size "C" headform. Therefore, development of the size "A" and size "D" headforms has continued, and incorporation of requirements in the standard for these headforms will occur after development

is completed. However, until this is accomplished, the agency believes that the performance level that will be required by testing on the size "C" headform is preferable to an absence of any requirements whatsoever. As stated earlier, the ANSI standard for helmets specifies only one headform size ("C") for testing all helmets. The additional headform sizes were originally specified in Standard No. 218 in response to suggestions from some manufacturers that requirements be more "fine-tuned" for the various helmet sizes.

The agency has concluded that the new requirements will preclude the great majority of unsafe helmets currently on the road. Further, with all adult helmets certified, retailers and consumers will no longer be confused or misled concerning the DOT certification labels found in their helmets, and NHTSA's enforcement activities will become more effective and uniform.

Under these new requirements, extra-large helmets should be tested on the size "C" headform without the use of "shims" or other devices to obtain a secure fit of the helmet on the headform. Agency tests involving extra-large helmets on the size "C" headform show results that correlate well with tests of medium-size helmets on the size "C" headform. (Data from these tests have been placed in the NHTSA docket.) Therefore, the agency has concluded that repeatable results can be obtained under the existing procedures with the size "C" headform.

The effective date for extending the applicability of Standard No. 218 to all helmets that can be placed on the size "C" headform is May 1, 1980. The agency's past position has been that it would be "false and misleading," within the meaning of the statute (15 U.S.C. 1397(C)), for a "DOT" symbol to appear without qualification on helmets manufactured before the effective date of the standard. However, since the standard is currently effective for helmets that fit size "C" headforms, and since there is such a widespread variation among manufacturers as to which helmets they consider to fit the size "C" headform, the agency will allow voluntary certification and labeling of helmets prior to May 1, 1980. This, of course, would only apply to helmets that can be placed on the size "C" headform. Small helmets that could not be placed on the headform could not be certified with the "DOT" symbol until after the standard has been amended to include specifications for the size "A" headform. Also, helmets certified and labeled with the "DOT" symbol prior to the May 1, 1980, effective date will be subject to the general enforcement provisions of the National Traffic and Motor Vehicle Safety Act. Therefore, manufacturers will have to exercise "due care" to assure that any helmet they certify in fact complies with the performance requirements of Standard No. 218.

The agency has determined that this amendment does not qualify as a significant regulation under Executive Order 12044, "Improving Government Regulations." A final regulatory evaluation of this amendment has been placed in the docket for the benefit of all interested persons.

The engineer and lawyer primarily responsible for the development of this notice are William J. J. Liu and Hugh Oates, respectively.

In consideration of the above, paragraph S3 of Safety Standard No. 218, *Motorcycle Helmets* (49 CFR 571.218), is amended to read as follows:

**§ 571.218 Standard No. 218; motorcycle helmets.**

* * * * *

S3. *Application.* This standard applies to helmets designed for use by motorcyclists and other motor vehicle users. The requirements of this standard apply to all helmets that can be placed on the size C headform using normal fitting procedures. Helmets that cannot be placed on the size C headform will not be covered by this standard until it is extended to those sizes by further amendment.

* * * * *

(The second sentence in S6.1.1 of the standard relating to the selection of a reference headform should be disregarded until the standard is made effective for helmets that must be tested on headform sizes A and D.)

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on February 29, 1980.

**Joan Claybrook,**

*Administrator.*

[FR Doc. 80-7333 Filed 3-7-80; 8:45 am]

BILLING CODE 4910-59-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1033

**[Amdt. No. 2 to Service Order No. 1386]**

### Atchison, Topeka and Santa Fe Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co. at Alva, Okla.

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Amendment No. 2 to Service Order No. 1386.

**SUMMARY:** Amends Service Order No. 1386 which authorizes the Atchison, Topeka and Santa Fe Railway Company to operate over tracks of Chicago, Rock Island and Pacific Railroad Company (RI) at Alva, Oklahoma, and provides for the continuation of service to shippers which would otherwise be deprived of essential railroad services.

**EFFECTIVE DATE:** 11:59 p.m., March 2, 1980, and contining in effect until 11:59 p.m., March 23, 1980.

**FOR FURTHER INFORMATION CONTACT:** J. Kenneth Carter, (202) 275-7840.

Decided: February 27, 1980.

Upon further consideration of Service Order No. 1386 (44 FR 40068; 45 FR 785), and good cause appearing therefor:

*It is ordered:* § *1003 Service Order No. 1386* (the Atchison, Topeka and Santa Fe Railway Company Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Company at Alva, Oklahoma) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 23, 1980, unless otherwise modified, amended or vacated by order of this Commission.

*Effective date.* This amendment shall become effective at 12:01 a.m., March 2, 1980.

(49 U.S.C. (10304-10305 and 11121-11126))

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

**Agatha L. Mergenovich,**

*Secretary.*

[FR Doc. 80-7269 Filed 3-7-80; 8:45 am]

BILLING CODE 7035-01-M

## COMMUNITY SERVICES ADMINISTRATION

### 45 CFR Part 1076

### Community Development Credit Union Program; Cross Reference

**AGENCY:** Community Services Administration.

**ACTION:** Cross Reference.

**SUMMARY:** The Community Services Administration is publishing a cross reference in the Title of the Code of Federal Regulations under which CSA policies are published (Title 45, Chapter X). The cross reference is to rules governing the Community Development Credit Union Program issued jointly by the Community Services Administration and the National Credit Union Administration to be published in 12 CFR Part 705 and appearing elsewhere in this issue of the **Federal Register** refer to the table of contents at the front of this issue under National Credit Union Administration to determine the page number for the document. Publication of the cross reference will be an aid to the public in identifying all CSA program policies.

**FOR FURTHER INFORMATION CONTACT:** Quinton B. Lynch. Phone: (202) 254–5414. Teletypewriter: (202) 254–6218.

**Authority:** Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

**Thomas J. Mack,**

*Deputy General Counsel.*

45 CFR Part 1076 is amended to add the following cross reference immediately after the table of contents for Part 1076:

**Cross reference:** For policy governing the Community Development Credit Union Program, see 12 CFR Part 705 issued jointly by the Community Services Administration and the National Credit Union Administration.

[FR Doc. 80–7524 Filed 3–7–80; 10:10 am]

BILLING CODE 6315–01–M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 611

### Treatment of United States Observers Aboard Vessels

**AGENCY:** National Oceanic and Atmospheric Administration.

**ACTION:** Technical Amendment; correction.

**SUMMARY:** The portion of foreign fishing regulations dealing with the treatment of United States observers was published November 28, 1977 (42 FR 60682). Regulations on procedures to facilitate boarding and disembarking of observers were inadvertantly omitted. The regulations are amended to require the same procedures for observers as are extended to authorized enforcement officers, such as safe ladders.

**EFFECTIVE DATE:** March 10, 1980.

**FOR FURTHER INFORMATION CONTACT:** Denton R. Moore, Acting Chief, Permits and Regulations Division National Marine Fisheries Service 3300 Whitehaven Street, N.W., Washington, D.C. 20235. Telephone: (202) 634–7432

**SUPPLEMENTARY INFORMATION:**

The Assistant Administrator for Fisheries finds and determines that (1) this regulation is not significant within the meaning of Executive Order 12044, and (2) this regulation does not require the formulation of an Environmental Impact Statement under the National Environmental Policy Act of 1969.

Because this regulation affects the safety of United States observers at sea, the 30-day cooling-off period is waived.

Signed in Washington, D.C., this 5th day of March, 1980.

(16 U.S.C. § 1801 *et seq.*)

**Winfred M. Meibohm,**

*Executive Director, National Marine Fisheries Service.*

50 CFR 611 is amended as follows:

Add a new paragraph (d):

**§ 611.8 [Amended]**

* * * * *

(d) The procedures of § 611.6(c) must be followed when boarding or disembarking observers.

[FR Doc. 80–7544 Filed 3–7–80; 11:37 am]

BILLING CODE 3510–22–M

# Proposed Rules

Federal Register
Vol. 45, No. 48
Monday, March 10, 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.

## ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

1 CFR Ch. I

### Improving Government Regulations; Semiannual Agenda

**AGENCY:** Administrative Committee of the Federal Register.

**ACTION:** Semiannual agenda.

**SUMMARY:** The purpose of this agenda is to give a report of the rulemaking activities of the Administrative Committee of the Federal Register that might affect **Federal Register** publications. This information will allow the public and agencies to participate in the Committee's decisionmaking at an early stage.

**FOR FURTHER INFORMATION CONTACT:** Martha Girard, Office of the Federal Register, National Archives and Records Service, Washington, DC 20408, Telephone (202) 523–5240.

**SUPPLEMENTARY INFORMATION:** In response to President Carter's Executive order on improving Government regulations, the Administrative Committee of the Federal Register publishes this agenda (E.O. 12044). The regulations issued by the Administrative Committee of the Federal Register govern the **Federal Register** publications and are contained in Title 1 of the Code of Federal Regulations (CFR).

Previous agendas were published on January 8, 1979, at 44 FR 1802, and July 9, 1979, at 44 FR 40070.

#### Identification of Subjects in Agency Regulations

*Description*

This proposal would add new information to the CFR. Each CFR part would contain an entry, "List of Subjects in this Part." The list would help readers know whether a regulation was of interest to them, and identify persons or classes of persons affected by the regulation. The list would also help the Office of the Federal Register (OFR) prepare more complete and accurate indexes.

*Status*

Advance Notice of Proposed Rulemaking published on January 15, 1980, at 45 FR 2998; notice of meeting and extension of comment period published on February 29, 1980, at 45 FR 13715.

Comments must be received by March 31, 1980. The meeting will be held from 9:00 a.m. to 11:00 a.m. on March 18, 1980, in Room 9409, 1100 L Street, NW., Washington, DC.

*For Further Information Contact:*

Carol Mahoney, Office of the Federal Register, National Archives and Records Service, Washington, DC 20408, Telephone (202) 523–5266.

#### Full Text Amendment of the CFR

*Description*

The electronic printing system used for **Federal Register** publications may require that amendments to the CFR be published only in complete paragraphs and not by printing single word changes. If amendments were published in full paragraphs, the editing and publication of the CFR would be faster, more efficient and accurate. It would also permit more frequent updating of certain titles of the CFR when that is appropriate. This would make it easier for the **Federal Register** reader to see the significance of each change or proposed change in context.

An amendment of a citation of authority would also be set out in full if this plan is adopted.

*Status*

Advance notice of proposed rulemaking—August 1980.

#### Additional Preamble Headings

*Description*

Some agencies have asked to have headings at the beginning of a document in addition to those required by regulation (1 CFR 18.12). For example, "CLASSIFICATION: Significant regulation." The Administrative Committee is considering whether to allow these kinds of requests and whether amendment of the preamble requirements in 1 CFR 18.12 would be necessary.

*Status*

Proposed rule—August 1980.

#### Preamble Information in the CFR

*Description*

Questions have been raised as to how helpful information contained in a preamble can be preserved in the CFR. The Administrative Committee is considering some of the advantages, technical problems, and ways this information could be preserved.

*Status*

The Administrative Committee requests public comment on the usefulness of this suggestion. Send comments before June 1, 1980, to The Federal Register (Agenda Comment), National Archives and Records Service, Washington, DC 20408.

#### Agency Information Numbers in the CFR

*Description*

Present regulations require that each agency include certain information in the **Federal Register** publication of proposed rule and final rule documents. This information includes the name and telephone number of a person that may be contacted for information. The Administrative Committee is considering allowing agencies to include this information in the CFR. Other sources of information might also be included.

*Status*

The Administrative Committee requests public comment on the usefulness of this suggestion. Send comments before June 1, 1980, to The Federal Register (Agenda Comment), National Archives and Records Service, Washington, DC 20408.

**Ernest J. Galdi,**

*Secretary, Administrative Committee of the Federal Register.*

March 4, 1980.

[FR Doc. 80–7117 Filed 3–7–80; 8:45 am]

BILLING CODE 1505–01–M

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 19, 30, 40, 50, 70, 71, 150

### Protection of Employees who Provide Information

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission is considering amending its regulations in regard to protection for employees who provide information to the Commission. These amendments would (1) change the types of information to include not only information on radiological working conditions but also information on anti-trust, safety, and security matters, (2) make the employee protection provisions applicable not only to licensees but also to permittees, applicants, and their contractors and subcontractors, (3) make employers aware that discrimination against employees who provide such information to the Commission is prohibited, (4) make employees aware that, if such discrimination is believed to have occurred, a recourse for remedy is available through the Department of Labor, and (5) require posting on premises of licensees, permittees, and applicants of explanatory material relating to the prohibition and remedy.

**DATE:** Comments should be submitted May 9, 1980.

**ADDRESSES:** Written comments or suggestions concerning the proposed amendment should be mailed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Mr. W. E. Campbell, Jr., Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. (301–443–5913).

**SUPPLEMENTARY INFORMATION:** Section 10 of Public Law 95–601 amended the Energy Reorganization Act of 1974, as amended, by adding a new § 210, "Employee Protection." This new section identifies specific acts of employees as protected activities and prohibits employers from discriminating against employees who engage in those activities, provides the Department of Labor with new authority to investigate an alleged act of such discrimination, and provides a remedy to the discrimination by means of an administrative proceeding in the Department of Labor. This new authority of the Department does not in any way abridge the Commission's preexisting authority under Section 161 of the Atomic Energy Act to investigate an alleged discrimination and take appropriate action, for example withholding of a license, suspension of a license, or imposing a civil penalty.

The Nuclear Regulatory Commission and its predecessor the Atomic Energy Commission have promulgated some regulations that address the subject of workers who provide information to NRC, e.g., 10 CFR 19.16(c), and posting requirements, e.g., 10 CFR 19.11(c). Paragraph 19.16(c) is of limited scope and since it pertains to radiological working conditions it is applicable only to licensees. Paragraph 19.11(c) is also of limited scope in that it relates the posting requirements to radiation areas. NRC is considering whether a more comprehensive regulatory program for protection should be developed by it to complement the DOL program. DOL noticed effective rules for its program on January 8, 1980 (45 FR 1836).

Accordingly, the Commission proposes to amend the regulations not only to announce the prohibition of discrimination of the type described above and to announce the availability thru the Department of Labor of a remedy for employees who believe they have been discriminated against but also to require posting by specific types of licensees, permittees and applicants of explanatory material concerning the prohibition and remedy.[1] In addition, the Commission proposes to delete 10 CFR 19.16(c) but at the same time to amend Part 19 by the addition of 10 CFR 19.20. This new paragraph, when combined with proposed changes to Parts 30, 40, 50, 70, and 71 will extend the current prohibition of discrimination against workers who provide information concerning radiological working conditions to NRC to include employees who provide information relating to radiological health protection matters, safeguard matters that could affect the public health and safety or common defense and security or anti-trust matters.

Title 10, Chapter I contains provisions in various Parts, for example paragraph 40.25(e), to exempt specific categories of "general licensees" from the requirements of 10 CFR Part 19. This exemption is based on the nature of the licensed activity. On the basis of this exemption these general licensees are not required to post a copy of the current NRC Form 3. The proposed amendments continue this exemption for all general licensees except the general licensee carrier of special nuclear material (10 CFR 70.20a).

Title 10, Chapter I contains provisions, in Parts 30, 40, 50, 70, 71, and 150, for example §§ 30.61 and 30.63, that allow orders to be issued to suspend or revoke a license or to impose a civil penalty for violation of, or failure to observe, the terms and provisions of rules, regulations or orders of the Commission. The amending of the regulations based on the Atomic Energy Act, as amended, to prohibit specific discriminatory acts by licensees, permittees, and applicants will clarify the imposition of various enforcement orders in the event that licensees, permittees, or applicants engage in the specified types of discriminatory acts.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 19, 30, 40, 50, 70, 71, and 150, is contemplated. All interested persons who wish to submit comments or suggestions in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by May 9, 1980. Copies of the comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

## PART 19—NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

1. The table of contents for Part 19 is amended to add "19.20 Employee protection," immediately prior to "19.30 Violations.".

**§ 19.11 [Amended]**

2. 10 CFR 19.11(c) is amended to read as follows: "Form NRC—3, 'Notice to Employees,' shall be posted by each licensee as required by Parts 30, 40, 50, 70, and 71."

**§ 19.16 [Amended]**

3. In 10 CFR 19.16, paragraph (c) is deleted.

4. A new § 19.20 is added to read as follows:

**§ 19.20 Employee protection.**

Discrimination by a licensee, or a contractor or subcontractor of a licensee

[1] Copies of the material to be posted, NRC Form 3 (Proposed Revision 5/79) may be obtained by writing the Office of Administration, Document Management Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

against an employee for engaging in certain activities that are protected activities under this part or Parts 30, 40, 50, 70, or 71 is prohibited.

## PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

5. The table of contents for Part 30 is amended to add "30.7 Employee protection." immediately prior to the heading "Exemptions.".

6. A new § 30.7 is added to read as follows:

### § 30.7 Employee protection.

(a) Discrimination, including discharge of an employee by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant, against an employee for engaging in certain protected activities is prohibited. These protected activities are: (1) providing to the Commission (i) information about possible violations of requirements imposed under the Atomic Energy Act of 1954, as amended, or the Energy Reorganization Act of 1974, as amended; or (ii) information furthering the purposes of such Acts; or (2) requesting the Commission to institute action against his or her employer for the administration or enforcement of such requirements; or (3) testifying in any Commission proceeding. Such activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in the above protected activities may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. Such administrative proceeding must be initiated within 30 days after such alleged violation occurs by filing with the Department of Labor a complaint alleging such violation. The Department may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a) of this section by a licensee of the Commission may be grounds for revocation or suspension of the license or imposition of a civil penalty. A violation of paragraph (a) by an applicant for a Commission license may be grounds for denial of the license or imposition of a civil penalty.

(d) Form NRC–3 "Notice to Employees" shall be posted on the premises of each licensee and each applicant to inform employees (1) that certain activities by them are protected activities, (2) that discrimination by employers against individuals who engage in such protected activities is prohibited, and (3) that a remedy is available in the event an employee believes such discrimination has occurred. Posting shall be at locations sufficient to permit employees to observe a copy on the way to or from their place of work. Premises shall be posted not later than 30 days after an application is docketed and shall remain posted while the application is before the Commission and while licensed activities are being conducted.

Note.—Copies of Form NRC–3 may be obtained by writing to the Director of the appropriate U.S. Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix D, Part 20 of this chapter, or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(e) The general licenses provided in Parts 31 and 35 of this chapter are exempt from paragraph (d) of this section.

## PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

7. The table of contents for Part 40 is amended to add "40.7 Employee protection." immediately prior to the heading "Exemptions.".

8. A new § 40.7 is added to read as follows:

### § 40.7 Employee protection.

(a) Discrimination, including discharge of an employee by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant, against an employee for engaging in certain protected activities is prohibited. These protected activities are: (1) providing to the Commission (i) information about possible violations of requirements imposed under the Atomic Energy Act of 1954, as amended, or the Energy Reorganization Act of 1974, as amended; or (ii) information furthering the purposes of such Acts; or (2) requesting the Commission to institute action against his or her employer for the administration or enforcement of such requirements; or (3) testifying in any Commission proceeding. Such activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in the above protected activities may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. Such administrative proceeding must be initiated within 30 days after such alleged violation occurs by filing with the Department of Labor a complaint alleging such violation. The Department may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a) of this section by a licensee of the Commission may be grounds for revocation or suspension of the license or imposition of a civil penalty. A violation of paragraph (a) by an applicant for a Commission license may be grounds for denial of the license or imposition of a civil penalty.

(d) Form NRC–3 "Notice to Employees" shall be posted on the premises of each licensee and each applicant to inform employees (1) that certain activities by them are protected activities, (2) that discrimination by employers against individuals who engage in such protected activities is prohibited, and (3) that a remedy is available in the event an employee believes such discrimination has occurred. Posting shall be at locations sufficient to permit employees to observe a copy on the way to or from their place of work. Premises shall be posted not later than 30 days after an application is docketed and shall remain posted while the application is before the Commission and while licensed activities are being conducted.

Note.—Copies of Form NRC–3 may be obtained by writing to the Director of the appropriate U.S. Nuclear Regulatory Commission Inspector and Enforcement Regional Office listed in Appendix D, Part 20 of this chapter, or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(e) The general licenses provided in §§ 40.21, 40.22, and 40.25 of this chapter are exempt from paragraph (d) of this section.

## PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

9. The table of contents for Part 50 is amended to add "50.7 Employee protection." immediately prior to the heading "Requirement of License, Exceptions.".

10. A new § 50.7 is added to read as follows:

### § 50.7 Employee protection.

(a) Discrimination, including discharge of an employee by a Commission licensee, permittee, an applicant for a Commission license or

permit, or a contractor or subcontractor of a Commission licensee, permittee, or applicant, against an employee for engaging in certain protected activities is prohibited. These protected activities are: (1) providing to the Commission (i) information about possible violations of requirements imposed under the Atomic Energy Act of 1954, as amended, or the Energy Reorganization Act of 1974, as amended; or (ii) information furthering the purposes of such Acts; or (2) requesting the Commission to institute action against his or her employer for the administration or enforcement of such requirements; or (3) testifying in any Commission proceeding. Such activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in the above protected activities may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. Such administrative proceeding must be initiated within 30 days after such alleged violation occurs by filing with the Department of Labor a complaint alleging such violation. The Department may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a) of this section by a licensee or permittee of the Commission may be grounds for revocation or suspension of the license or permit or imposition of a civil penalty. A violation of paragraph (a) by an applicant for a Commission license or permit may be grounds for imposition of a civil penalty or for denial of the license or permit.

(d) Form NRC–3 "Notice to Employees" shall be posted on the premises of each licensee, permittee, and each applicant to inform employees (1) that certain activities by them are protected activities, (2) that discrimination by employers against individuals who engage in such protected activities is prohibited, and (3) that a remedy is available in the event an employee believes such discrimination has occurred. Posting shall be at locations sufficient to permit employees to observe a copy on the way to or from their place of work. Premises shall be posted not later than 30 days after an application is docketed and shall remain posted while the application is before the Commission and while licensed activities are being conducted.

**Note.**—Copies of Form NRC–3 may be obtained by writing to the Director of the appropriate U.S. Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix D, Part 20 of this chapter, or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

## PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

11. The table of contents for Part 70 is amended to add "70.7 Employee protection." immediately prior to the heading "Exemptions.".

12. A new § 70.7 is added to read as follows:

### § 70.7 Employee protection.

(a) Discrimination, including discharge of an employee by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant, against an employee for engaging in certain protected activities is prohibited. These protected activities are: (1) providing to the Commission (i) information about possible violations of requirements imposed under the Atomic Energy Act of 1954, as amended, or the Energy Reorganization Act of 1974, as amended; or (ii) information furthering the purposes of such Acts; or (2) requesting the Commission to institute action against his or her employer for the administration or enforcement of such requirements; or (3) testifying in any Commission proceeding. Such activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in the above protected activities may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. Such administrative proceeding must be initiated within 30 days after such alleged violation occurs by filing with the Department of Labor a complaint alleging such violation. The Department may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a) of this section by a licensee of the Commission may be grounds for revocation or suspension of the license or imposition of a civil penalty. A violation of paragraph (a) by an applicant for a Commission license may be grounds for denial of the license or imposition of a civil penalty.

(d) Form NRC–3 "Notice to Employees" shall be posted on the premises of each licensee and each applicant to inform employees (1) that certain activities by them are protected activities, (2) that discrimination by employers against individuals who engage in such protected activities is prohibited, and (3) that a remedy is available in the event an employee believes such discrimination has occurred. Posting shall be at locations sufficient to permit employees to observe a copy on the way to or from their place of work. Premises shall be posted not later than 30 days after an application is docketed and shall remain posted while the application is before the Commission and while licensed activities are being conducted.

**Note.**—Copies of Form NRC–3 may be obtained by writing to the Director of the appropriate U.S. Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix D, Part 20 of this chapter, or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(e) The general licenses provided in §§ 70.19 and 70.20 are exempt from paragraph (d) of this section.

13. In § 70.20a(a), the last sentence is revised to read as follows:

### § 70.20a General license to possess special nuclear material for transport.

(a) * * * The general license is subject to the applicable provisions of §§ 70.7 (a), (b), and (c); 70.32 (a) and (b), 70.42, 70.52, 70.55, 70.61, 70.62 and 70.71.

* * * * *

## PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

14. The table of contents for Part 71 is amended to add "71.5a Employee protection." immediately prior to the heading "Exemptions."

15. A new § 71.5a is added to read as follows:

### § 71.5a Employee protection.

(a) Discrimination, including discharge of an employee by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant, against an employee for engaging in certain protected activities is prohibited. These protected activities are: (1) Providing to the Commission (i) information about possible violations of requirements imposed under the Atomic Energy Act of 1954, as amended, or the Energy Reorganization Act of 1974, as amended; or (ii) information furthering the purposes of such Acts; or (2)

requesting the Commission to institute action against his or her employer for the administration or enforcement of such requirements; or (3) testifying in any Commission proceeding. Such activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in the above protected activities may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. Such administrative proceeding must be initiated within 30 days after such alleged violation occurs by filing with the Department of Labor a complaint alleging such violation. The Department may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a) of this section by a licensee of the Commission may be grounds for revocation or suspension of the license or imposition of a civil penalty. A violation of paragraph (a) by an applicant for a Commission license may be grounds for denial of the license or imposition of a civil penalty.

(d) Form NRC–3 "Notice to Employees" shall be posted on the premises of each licensee and each applicant to inform employees (1) that certain activities by them are protected activities, (2) that discrimination by employers against individuals who engage in such protected activities is prohibited, and (3) that a remedy is available in the event an employee believes such discrimination has occurred. Posting shall be at locations sufficient to permit employees to observe a copy on the way to or from their place of work. Premises shall be posted not later than 30 days after an application is docketed and shall remain posted while the application is before the Commission and while licensed activities are being conducted.

Note.—Copies of Form NRC–3 may be obtained by writing to the Director of the appropriate U.S. Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix D, Part 20 of this chapter, or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

## PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

16. In § 150.20, paragraph (b) is revised to read as follows:

**§ 150.20 Recognition of Agreement State licenses.**

* * * * *

(b) Notwithstanding any provision to the contrary in any specific license issued by an Agreement State to a person who engages in activities in a non-Agreement State under a general license provided in this section, the general license provided in this section is subject to the provisions of §§ 30.7(a), (b), and (c), 30.14(d), 30.34, 30.41, and 30.51 to 30.63 inclusive of Part 30 of this chapter; §§ 40.7 (a), (b) and (c), 40.41, 40.51, 40.61 to 40.63 inclusive, 40.71, and 40.81 of Part 40 of this chapter; and §§ 70.7 (a), (b), and (c), 70.32, 70.42, 70.51 to 70.56 inclusive, 70.61, 70.62, and 70.71 of Part 70 of this chapter; and to the provisions of Parts 19, 20, and 71 and Subpart B of Part 34 of this chapter. In addition any person who engages in activities in non-Agreement States under a general license provided in this section:

* * * * *

(Secs. 161 and 186, Pub. L. 83–703, 68 Stat. 948, 955 (42 U.S.C. 2101, 2236); sec. 234, Pub. L. 91–161, 83 Stat. 444 (42 U.S.C. 2282); sec. 10, Pub. L. 95–601, 92 Stat. 2591 (42 U.S.C. 5851)

Dated at Washington, D.C. this 3rd day of March, 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

*Secretary of the Commission.*

[FR Doc. 80–7343 Filed 3–7–80; 8:45 am]

BILLING CODE 7590–01–M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

**[Airspace Docket No. 80–NE–06]**

## Designation of Federal Airways, Area Low Routes, Controlled Airspace and Reporting Points; Proposed Designation of Lawrence Municipal Airport, Lawrence, Mass., Control Zone

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking

**SUMMARY:** This Notice (NPRM) proposes to designate a new control zone at Lawrence Airport, Lawrence, Massachusetts, to coincide with the establishment of a new air traffic control tower at Lawrence Airport on or about June 15, 1980.

**DATES:** Comments must be received on or before March 31, 1980.

**ADDRESS:** Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE–7, Attention: Rules Docket Clerk, Docket No. 80–NE–06.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

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

### Comments Invited

Interested persons may participate in the proposed rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the Office of the Regional Counsel, ANE–7, Attention: Rules Docket Clerk, Docket No. 80–NE–06, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before March 31, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in 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) 426–8085. Communications must identify the 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

On or about June 15, 1980, the Federal Aviation Administration (FAA), will commission an air traffic control tower at Lawrence Airport, Lawrence, Massachusetts. In order to provide for the control of air traffic, the FAA proposes to establish a control zone for Lawrence, Massachusetts. The zone will control a portion of airspace approximately 5 miles in radius around

the airport and an additional 8 miles within an 8 mile wide extension to the northeast.

**The Proposed Amendment**

Accordingly, pursuant to the authority deletgated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by designating a Lawrence Airport control zone as follows:

Within a 5 mile radius of the Lawrence Municipal Airport (latitude: 42°43'01.5"N, longitude: 71°07'26.2"W) and within 4.0 miles either side of the Lawrence VOR 042° radial extending from the VOR to 8 miles northeast, and within 1.5 miles either side of the Haget NDB 038° bearing extending from the 5 mile radius zone to the NDB. Excluding that airspace which overlaps the Beverly, Massachusetts Municipal Airport control zone. The Lawrence control zone will be effective from 0700 to 2300 hours (local time) daily or during the specific dates and times established in advance by a Notice to Airmen which, thereafter, will be continuously published in the airport facility directory.

(Sections 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749: 49 USC 1348(a) and Section 6(c) of the Department of Transportation Act (49 USC 1655(c) and 14 CFR 11.69))

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

Issued in Burlington, Massachusetts, on February 28, 1980.

**J. Stiglin,**

*Acting Director, New England Region.*

[FR Doc. 80-7089 Filed 3-7-80; 8:45 am]

BILLING CODE 4910-13-M

## Federal Highway Administration

## 23 CFR Part 657

**[FHWA Docket No. 79-34, Notice 2]**

## Maximum Weight of Trucks on Interstate System Highways; Variable Load Suspension Axles; Dummy Axles; Interpretation and Application of the Bridge Formula; Extension of Comment Period

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Extension of comment period.

**SUMMARY:** This document extends the period for comments on the advance notice of proposed rulemaking published on December 3, 1979 (44 FR 69586), requesting comments by March 3, 1980, on the FHWA's interpretation of 23 U.S.C. 127 pertaining to the maximum weight of motor vehicles that may lawfully use Interstate System Highways. The comment period is being extended until June 2, 1980, in order to provide interested parties additional time to respond to the advance notice.

**DATE:** Comments will be received until June 2, 1980.

**ADDRESS:** FHWA Docket No. 79-34, Federal Highway Administration, HCC-10, Room 4205, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m., ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

**FOR FURTHER INFORMATION CONTACT:** Mr. David C. Oliver, Attorney-Advisor, Motor Carrier and Highway Safety Law Division, (202) 426-0825. Office hours are from 7:15 a.m. to 3:45 p.m. ET, Monday through Friday.

(23 U.S.C. 127, 141, 315; 49 CFR 1.48(b))

Issued on March 5, 1980.

**John S. Hassell, Jr.,**

*Deputy Administrator.*

[FR Doc. 80-7341 Filed 3-7-80; 8:45 am]

BILLING CODE 4910-22-M

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 1

**[LR-52-79]**

## Discharge of Liabilities on the Sale or Other Disposition of Property; Public Hearing on Proposed Regulations

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Public hearing on proposed regulations.

**SUMMARY:** This document provides notice of a public hearing on proposed regulations relating to the computation under section 1001 of the Internal Revenue Code of 1954 of the amount realized on the sale or other disposition of encumbered property.

**DATES:** The public hearing will be held on April 10, 1980, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by March 31, 1980.

**ADDRESS:** The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-52-79), Washington, D.C. 20224.

**FOR FURTHER INFORMATION CONTACT:** Charles G. Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed regulations under section 1001 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Friday, December 28, 1979, at page 76815 (44 FR 76815).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by March 31, 1980.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

**Robert A. Bley,**

*Director, Legislation and Regulations Division.*

[FR Doc. 80-7334 Filed 3-7-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

## Permanent Program Submission From the State of Maryland

**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 Maryland.

**SUMMARY:** On March 3, 1980, the State of Maryland 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 9, 1980, from 7:00 p.m. to 9:00 p.m. or until all discussion has been completed. Written comments must be received on or before 5:00 p.m., April 11, 1980.

**ADDRESSES:** The public review meeting will be held at the Beall High School auditorium, E. Main St., Rt. 40, Frostburg, MD. Copies of the full text of the proposed program are available for review during regular business hours at the following locations:

Office of Surface Mining, Region I Office, 950 Kanawha Boulevard East, Charleston, WV 25301, Phone (304) 342–8125.

Office of Surface Mining, Morgantown Field Office, Second Floor—New Federal Building, 75 High Street, Morgantown, WV 26505, Phone (304) 291–5821.

Department of Natural Resources, Tawes State Office Building, Annapolis, MD 21401, Phone (301) 269–2261.

Bureau of Mines, P.O. Drawer C, Westernport, MD 21562, Phone (301) 359–3057.

Written comments should be sent to: Office of Surface Mining—Region I, Attention: Maryland Administrative Record, 950 Kanawha Boulevard East, Charleston, WV 25301.

Written comments will be available for public review at the OSM Region I Office Above, on Monday through Friday, 8:00 a.m.–4:00 p.m., excluding holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. David H. Halsey, Assistant Regional Director, Division of State and Federal Programs, Office of Surface Mining—Region I, 950 Kanawha Boulevard East, Charleston, WV 25301 Telephone (304) 344–2331.

**SUPPLEMENTARY INFORMATION:** On March 3, 1980, OSM received a proposed permanent regulatory program from the State of Maryland. The purpose of this submission is to demonstarte both the State's intent and its capability to assume responsibility for administering and enforcing the provisions of SMCRA and OSM's permanent regulatory program (30 CFR Chapter 7), as published in the **Federal Register** on March 13, 1979, (44 FR 15311–15463). This notice describes the nature of the 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 Sections 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 Maryland 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 Maryland.

By submitting a proposed program, Maryland has indicated that it wishes to be primarily responsible for this permanent program. If the submission, as hereafter modified, is approved by the Secretary of the Interior, the State of Maryland will have primary jurisdiction for the regulation of coal mining and reclamation and coal exploration on non-Federal lands in Maryland. 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 granted the opportunity 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.

Part 732 of the permanent program regulations established a schedule for the review of all State program proposals based upon a final submission date of August 3, 1979. On July 25, 1979, the U.S. District Court for the District of Columbia, in response to a suit filed by the State of Illinois, enjoined the Department of the Interior from requiring the submission of State programs under Section 503(a) of the Act until March 3, 1980. As a result of this court ordered change in the required submission deadline the Office announced an amendment to Section 731.12 of the final regulations in the October 22, 1979, **Federal Register** (44 FR 60969). The amended regulation revises the original schedule by making Sections 732.11, 732.12 and 732.13 inapplicable for post August 3, 1979, submissions. In lieu of this schedule, Section 731.12(d) authorizes the Regional Director to make adjustments in the timing of the review process for State programs.

The following time-table sets forth the general schedule for review of the Maryland proposed State regulatory program:

—A public review meeting will be held on April 9, 1980, as established in the above DATE section of this notice;
—the Regional Director will publish notice of his completeness determination approximately 20 days after completion of the review meeting;
—a final date for the submission of program changes by the State will be established approximately 45 days after announcement of the completeness determination;
—a public hearing will be held approximately 35 days after the deadline for the submission of program changes;
—a final date for the submission of public comments will be established approximately 5 days after the public hearing is completed;
—the initial decision of the Secretary will be announced approximately 40 days after the public hearing, approximately 180 days from the original date of the State submission.

At this time, OSM is primarily concerned with whether the proposed program constitutes a complete submission. The decision on completeness will be made by Dr. Charles A. Beasley, Acting Regional Director, OSM Region I. To assist in obtaining information on the completeness of the 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 handcarried to the Regional Director's Office above or may be handcarried to the public review meeting at the address above and submitted as exhibits to the proceeding. The comment period will close at 5:00 p.m. on April 11, 1980. Comments received after that time will not be considered in the Regional Director's completeness determination.

Representatives of the Regional Director's Office will be available to meet with members of the public to receive their advice and recommendations concerning the completeness of the proposed program. Persons wishing to meet with representatives of the Regional Director's Office during this time period may place such request with Mr. Dick Leonard, Public Information Office, telephone (304) 344–2470, at the Regional Director's Office above.

Meetings may be scheduled between 9:00 a.m. and noon and 1:00 p.m. and 4:00 p.m., Monday through Friday, excluding holidays 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 Maryland program. Under Section 702(d) of SMCRA (30 USC 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 USC 4332).

The following constitutes a summary of the contents of the Maryland submission:

The Maryland Department of Natural Resources has been designated by the Governor of Maryland to implement and enforce the Maryland Strip Mining Law, Natural Resources Article, Title 7, Subtitle 5, annotated Code of Maryland, in accordance with the Surface Mining and Reclamation Act of 1977 (Pub. L. 95–87). The Maryland Department of Natural Resources has developed State regulations to carry out the State mandate.

Contents of the State Program include:

1. Maryland's existing State laws and regulations and proposed laws and regulations: Maryland Strip Mining Law. Natural Resources Article, Title 7, Subtitle 5, Annotated Code of Maryland. Maryland Regulations—Operations and Reclamations of Bituminous Coal Strip Mines COMAR .08.13.04;
2. Other existing and proposed State laws and regulations;
3. Attorney General opinions as to adequacy of existing and proposed State laws and rules and regulations to meet the requirements of Pub. L. 95–87;
4. Designation of Department of Natural Resources as the State Regulatory Authority;
5. Descriptions and organization charts for agencies involved in the State program;
6. Description of the systems for the proposed permanent program;
7. Description of mining, reclamation and exploration statistics for 1979–1983;
8. Description of State Program existing and proposed staff;
9. Staff adequacy for implementation of the State program;
10. Description of use of other agencies by the State Regulatory Authority for the State Program;
11. State program budget;
12. State program Offices and Equipment;
13. Other programs administered by the Department of Natural Resources.

Dated: March 5, 1980.

**Patrick B. Boggs,**

*Acting Regional Director, Region I Office of Surface Mining.*

[FR Doc. 80-7382 Filed 3-7-80; 8:45 am]

BILLING CODE 4310-05-M

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**30 CFR Ch. VII**

## Receipt of Permanent Program Submission From the State of West Virginia

**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 West Virginia.

**SUMMARY:** On March 3, 1980, the State of West Virginia 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 9, 1980, from 7:00 p.m. to 9:00 p.m. or until all discussion has been completed. Written comments must be received on or before 5:00 p.m. on April 11, 1980.

**ADDRESSES:** The public review meeting will be held at the Capitol Complex Conference Center, Room A/B, 1900 Washington Street, East, Charleston, West Virginia. Written comments should be sent to: Office of Surface Mining—Region I, Attention: West Virginia Administrative Record, 950 Kanawha Boulevard East, Charleston, WV 25301. Written comments will be available for public review at the OSM Region I Office above, on Monday through Friday, 8:00 a.m.-4:00 p.m., excluding holidays. Copies of the full text of the proposed program are available for review at the locations set forth in Supplementary Information.

**FOR FURTHER INFORMATION CONTACT:** Mr. David H. Halsey, Assistant Regional Director, Division of State and Federal Programs, Office of Surface Mining—Region I, 950 Kanawha Boulevard East, Charleston, WV 25301, Telephone (304) 344–2331.

**SUPPLEMENTARY INFORMATION:** On March 3, 1980, OSM received a proposed permanent regulatory program from the State of West Virginia. 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 OSM's permanent regulatory program (30 CFR Chapter 7), as published in the **Federal Register** on March 13, 1979, (44 FR 15311–15463). This notice describes the nature of the 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 Sections 732.11 and 732.12 (44 FR 15326–15327). Additional information may be found under corresponding sections of the preamble to OSM's permanet program regulations (44 FR 149459–14960).

The receipt of the West Virginia 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 West Virginia.

By submitting a proposed program, West Virginia has indicated that it wishes to be primarily responsible for this permanent program. If the submission, as hereafter modified, is approved by the Secretary of the Interior, the State of West Virginia will have primary jurisdiction for the regulation of coal mining and reclamation and coal exploration on non-Federal lands in West Virginia. 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 granted the opportunity 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.

Part 732 of the permanent program regulations established a schedule for the review of all State program proposals based upon a final submission date of August 3, 1979. On July 25, 1979, the U.S. District Court for the District of Columbia, in response to a suit filed by the State of Illinois, enjoined the Department of the Interior from requiring the submission of State programs under Section 503(a) of the Act until March 3, 1980. As a result of this court ordered change in the required submission deadline the Office announced an amendment to Section 731.12 of the final regulations in the October 22, 1979, **Federal Register** (44 FR 60969). The amended regulation revises the original schedule by making Sections 732.11, 732.12 and 732.13 inapplicable for post August 3, 1979, submissions. In lieu of this schedule, Section 731.12(d) authorizes the Regional Director to make adjustments in the timing of the review process for State programs.

The following time-table sets forth the general schedule for review of the West Virginia proposed State regulatory programs:

—A public review meeting will be held on April 9, 1980, as established in the above DATE section of this notice;
—the Regional Director will publish notice of his completeness determination approximately 20 days after completion of the review meeting;
—a final date for the submission of program changes by the State will be established approximately 45 days after announcement of the completeness determination;
—a public hearing will be held approximately 35 days after the deadline for the submission of program changes;
—a final date for the submission of public comments will be established approximately 5 days after the public hearing is completed;
—the initial decision of the Secretary will be announced approximately 40 days after the public hearing, approximately 180 days from the original date of the State submission.

At this time, OSM is primarily concerned with whether the proposed program constitutes a complete submission. The decision on completeness will be made by Dr. Charles A. Beasley, Acting Regional Director, OSM Region I. To assist in obtaining information on the completeness of the 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 an 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 handcarried to the Regional Director's Office above or may be handcarried to the public review meeting at the address above and submitted as exhibits to the proceeding. The comment period will close at 5:00 p.m. on April 11, 1980. Comments received after that time will not be considered in the regional Director's completeness determination.

Representatives of the Regional Director's Office will be available to meet with members of the public to receive their advice and recommendations concerning the completeness of the proposed program. Persons wishing to meet with representatives of the Regional Director's Office during this time period may place such request with Mr. Dick Leonard, Public Information Officer, telephone (304) 344–2470, at the Regional Director's Office above.

Meetings may be scheduled between 9:00 a.m. and noon and 1:00 p.m. and 4:00 p.m., Monday through Friday, excluding holidays 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 West Virginia program. Under Section 702(d) of SMCRA (30 USC 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 USC 432).

The following constitutes a summary of the contents of the West Virginia submission:

The West Virginia Department of Natural Resources has been designated by the Governor of West Virginia to implement and enforce the Program, in accordance with the Surface Mining and Reclamation Act of 1977 (Pub. L. 95–87).

Contents of the State Program include:

1. West Virginia's existing and proposed State laws and existing regulations;
2. Other existing State laws and regulations;
3. Designation of the department of Natural Resources as the State Regulatory Authority;
4. Descriptions and organization charts for agencies involved in the State Program;
5. A copy of a supporting agreement between the Department of Natural Resources and the Department of Mines;
6. Description of the systems for the proposed permanent program;
7. Description of mining, reclamation and exploration statistics for 1977–1979;
8. Description of existing and proposed State Program staff;
9. Staff adequacy for implementation of the State Program;
10. Description of use of other agencies by the State Regulatory Authority for the State Program;
11. State Program budget;
12. State Program offices and equipment; and
13. Other programs administered by the Regulatory Authority.

Copies of the full text of the proposed program are available for review during regular business hours at the following locations:

Office of Surface Mining, Region I, 950 Kanawha Boulevard, East, Charleston, WV 25301. Phone: (304) 342–8125.
Office of Surface Mining, Beckley District Office, 19 Mallard Court, Beckley, WV 25801. Phone: (304) 225–5265.
Office of Surface Mining, Clarksburg Field Office, 501 West Main Street, DeSales Hall, Room 214, Clarksburg, WV 26301. Phone: (304) 623–2913.

Office of Surface Mining, Morgantown Field Office, New Federal Building, 2nd Floor, 75 High Street, Post Office Box 886, Morgantown, WV 26505. Phone: (304) 291–5821.
Office of Surface Mining, Pineville Field Office, 17 Main Street, Pineville, WV 24874. Phone: (304) 732–8850.
Department of Natural Resources, Division of Reclamation, Room 322, 1800 Washington Street, East, Charleston, WV 25305. Phone: (304) 348–3267.
Division of Reclamation, Morgantown Street, Bruceton Mills, WV 26525. Phone: (304) 379–2671.
Department of Natural Resources, Elkins Operations Center, Elkins, WV 26241. Phone: (304) 639–1767.
Department of Natural Resources, 1304 Goose Run Road, Fairmont, WV 26554. Phone: (304) 366–5880.
Division of Reclamation, Chalet Village, Mount Gay, WV 25637. Phone: (304) 752–6839.
Department of Natural Resources, Rt. 16, MacArthur, WV 25873. Phone: (304) 255–0401.
Department of Natural Resources, 312 Main Avenue, Nitro, WV 25143. Phone: (304) 755–9141.
Division of Reclamation, 117 South Main Street, Philippi, WV 26416. Phone: (304) 457–3219.
Division of Reclamation, 1180 Broad Street, Summersville, WV 26651. Phone: (304) 872–5616.
Division of Reclamation, Hicks Building, Welch, WV 24801. Phone: (304) 436–4507.

Dated: March 5, 1980.

**Patrick B. Boggs,**

*Acting Regional Director, Region I, Office of Surface Mining.*

[FR Doc. 80-7383 Filed 3-7-80; 8:45 am]

BILLING CODE 4310-05-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 117

[CGD 80-026]

## Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, (AIWW), Palm Beach County, Fla.

**AGENCY:** Coast Guard, DOT.

**ACTION:** Proposed Rule.

**SUMMARY:** At the request of the City of Delray Beach, the Coast Guard is considered revising the regulations governing the operation of the Atlantic Avenue bridge across the Atlantic Intracoastal Waterway (AIWW), mile 1039.6, to provide closed periods Monday through Friday during peak vehicular traffic when the draw need not open. The draw of the bridge presently opens on signal. These changes are being considered because of significant increase in vehicular traffic during these periods and should relieve vehicular traffic build-ups during the rush hours.

**DATE:** Comments must be received on or before April 11, 1980.

**ADDRESS:** Comments should be submitted to and are available for examination at the office of the Commander(oan), Seventh Coast Guard District, 51 Southwest First Avenue, Miami, Florida 33130.

**FOR FURTHER INFORMATION CONTACT:** James R. Kretschmer, Chief Bridge Administrator, Aids to Navigation Branch, Room 1006, Federal Building, 51 Southwest First Avenue, Miami, Florida 33130 (305) 350–4108.

**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. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed envelope or post card.

The Commander, Seventh Coast Guard District will evaluate all communications received and take a course of final action. The proposed regulations may be changed in the light of comments received.

### Drafting Information

The principal persons involved in drafting this proposal are: Robert N. Kessler, Bridge Administration Specialist, Office of Aids to Navigation Bridge Section and Lieutenant John M. Griesbaum, Office of Commander, Seventh Coast Guard District Legal.

### Discussion of the Proposed Regulations

These additional restrictions are being considered in an effort to relieve increased vehicular traffic during the peak periods on the Atlantic Avenue bridge. These changes are being considered due to the increase of vehicular traffic between 10 a.m. to 6 p.m. from 7,600 in 1974 to 11,500 in 1979, or a 60% increase. The Coast Guard, therefore, is presenting this proposal for comment from affected and interested parties.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 17.442b immediately after § 117.442a to read as follows:

**§ 117.442b AIWW, mile 1039.6, Atlantic Avenue Bridge, Delray Beach, Palm Beach County, Florida.**

(a) From 10:00 a.m. to 6:00 p.m., Monday through Friday, except as provided in paragraph (b) of this section, the draw need not be open except on the hour and half-hour to pass all accumulated vessels. At all other times, the draw shall open on signal.

(b) The draw shall open at any time for passage of public vessels of the United States, tugs with tows or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn or by shouting.

(c) The owner of or agency controlling the bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(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 105-1(g)(3))

Dated: February 25, 1980.

**R. C. Branham,**

*Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.*

[FR Doc. 80-7340 Filed 3-7-80; 8:45 am]

BILLING CODE 4910-14-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[FRL 1430-1]

## Approval and Promulgation of Implementation Plan: Ohio

**AGENCY:** U.S. Environmental Protection Agency (USEPA).

**ACTION:** Proposed rulemaking.

**SUMMARY:** On July 27, 1979, and on September 13, 1979, the State of Ohio submitted to USEPA, pursuant to Part D of the Clean Air Act (Act) as amended in 1977, proposed revisions to the carbon monoxide and ozone portions of the State Implementation Plan (SIP). Additionally, in December of 1979 and January of 1980 the State submitted amendments to the July 27, 1979 submittal.

In the November 2, 1979, Federal Register (44 FR 63114) the USEPA announced receipt and availability or public inspection of these proposed revisions. At that time USEPA indicated that a subsequent notice would be published to discuss USEPA's review of and proposed action on the Ohio submittal. The purpose of this notice is to discuss the results of USEPA's review

and propose rulemaking action on the Ohio submittal and to invite public comment.

The proposed revisions to the Ohio SIP apply to those urbanized areas of Ohio that have not attained the National Ambient Air Quality Standards (NAAQS) for ozone and/or carbon monoxide. As required by the Act, the purpose of these revisions is to implement measures for controlling the emissions of these pollutants in nonattainment areas and to demonstrate that these measures will provide for attainment of the standard as expeditiously as practicable, but not later than December 31, 1982 for the primary standards; or under certain conditions by December 31, 1987.

The requirements for an approvable SIP are described in a **Federal Register** notice published on April 4, 1979, (44 FR 20372), and are not reiterated in this notice. Supplements to the April 4, 1979, notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979, (44 FR 53761) and November 23, 1979 (44 FR 67182), discussing, among other things, additional criteria for SIP approval.

**DATE:** Comments on these revisions and on proposed USEPA action on the revisions are due by April 9, 1980.

**ADDRESSES:** Copies of these SIP revisions are available at the following addresses for inspection:

United States Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW, Washington, D.C. 20460.

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43215.

**WRITTEN COMMENTS SHOULD BE SENT TO:** Gary Gulezian, Acting Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

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

**SUPPLEMENTARY INFORMATION:**

## General Introduction

On March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, USEPA designated certain areas in each State as not meeting the National Ambient Air Quality Standards (NAAQS) for carbon monoxide and ozone. Part D of the Act, which was added by the 1977 Amendments, requires each State to revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions that date may be extended to no later than December 31, 1987, for ozone and/or carbon monoxide.

On July 27, 1979, the State of Ohio submitted plans for all of the designated urban ozone and/or carbon monoxide nonattainment areas in the State, with the exception of the Youngstown area. The State indicated that the Youngstown plan was being revised and would be submitted to USEPA at a later date. On December 28, 1979, the State submitted the Youngstown plan. Additionally, the Ohio Environmental Protection Agency (OEPA) submitted amendments to the July 27, 1979 transportation submission for Cleveland on December 28, 1979, Steubenville on January 8, 1980, Dayton and Toledo on January 15, 1980 and Cincinnati on January 16, 1980.

The plans submitted on July 27, 1979, contained control strategies designed to provide for a reduction in the emissions of carbon monoxide and/or hydrocarbons from mobile sources but did not include the required reasonable available control technology (RACT) measures for controlling volatile organic compound (VOC) emissions from stationary sources in nonattainment areas. However, regulations for the control of VOC emissions from stationary sources were submitted to USEPA on September 13, 1979.

USEPA has completed its review of the July 27, 1979 (and the above mentioned December and January amendments to the July submittal) and September 13, 1979, submittals and at this time solicits public comments on the provisions of the plan and on USEPA's proposed rulemaking as delineated in this notice. USEPA is presently reviewing the Youngstown plan submitted on December 28, 1979 and will publish a separate notice of proposed rulemaking for the plan.

For a State Implementation Plan to be considered approvable, each individual element of the submittal must be approved as a revision to the SIP, and the revised SIP as a whole must satisfy the requirements of Part D of the Clean Air Act. As discussed in the following sections of this notice USEPA has determined that specified individual elements of the stationary source regulations, transportation plans and vehicle inspection and maintenance program are either approvable, conditionally approvable or disapprovable and has proposed specific rulemaking actions with respect to those elements of the plan. With the exception of the I/M program, if the deficiencies specifically cited below are adequately corrected prior to USEPA final rulemaking USEPA will approve those specified elements.

Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the deficiencies will be adequately corrected according to a date negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve those specified elements and propose for approval the negotiated schedules in a subsequent **Federal Register** notice. Additionally, USEPA will propose rulemaking and solicit public comment on the adequacy of Ohio's legal authority to implement an I/M program at such time as the State submits its legal authority. If the State neither adequately corrects the deficiencies presented in this notice nor provides the required assurances, USEPA will disapprove those specified elements of the Ohio Ozone and Carbon Monoxide SIP in its final rulemaking.

USEPA specifically solicits public comment with respect to this approach and with respect to USEPA's proposal for rulemaking on specific elements of the stationary source regulations, transportation plans, and inspection and maintenance program.

The measures proposed for promulgation today will be in addition to, and not, in lieu of, existing SIP regulations. The present emission control regulations for any source will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations or if it chooses, challenging the new regulations. In some instances the present emission control regulations contained in the federally-approved SIP are different from the regulations currently being enforced by the State. In these situations, the present federally approved SIP will remain applicable and enforceable until there is compliance with the newly promulgated and federally approved regulations. Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any instance of delay or laps in the applicability or enforceability of the new regulations, because of a court

order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the requirements of the new regulations and the requirements of existing regulations such that it would be impossible for a source to comply with the pre-existing SIP while moving toward compliance with the new regulations. In these situations, the State may exempt a source from compliance with the pre-existing regulations. Any exemptions granted will be reviewed and acted on by USEPA either as part of these promulgated regulations or as a future SIP revision.

This notice discusses USEPA's review of the Ohio SIP submittal in three parts: (1) The strategies developed by Ohio to meet the NAAQS for carbon monoxide; (2) The Vehicle Inspection and Maintenance Program developed by the State; and (3) The strategies developed by Ohio to meet the NAAQS for ozone.

*Carbon Monoxide*

The following areas in the State of Ohio submitted plans to demonstrate attainment of the carbon monoxide NAAQS; Summit, Hamilton, Cuyahoga, Franklin, Montgomery, Lucas and Jefferson Counties.

In those areas of Ohio designated as nonattainment for carbon monoxide, with the exception of Jefferson County, the inventory of carbon monoxide emissions indicates that mobile sources are responsible for a significant majority of carbon monoxide emissions. In many instances emissions of carbon monoxide from stationary and area sources are minimal in comparison to the contribution from mobile sources. Consequently, the lead local agencies responsible for the development of a control strategy in each nontattainment area primarily relied upon mobile source controls to ensure attainment of the carbon monoxide NAAQS.

In the case of Jefferson County a recent reanalysis of the carbon monoxide data indicates that the carbon monoxide violations are due to stationary sources. The State has committed to develop the necessary RACT level of controls for those stationary sources contributing to the carbon monoxide problem in Jefferson County. The carbon monoxide RACT controls developed by the State will be reviewed at a later date with a rulemaking action initiated after USEPA has completed its review.

The control strategies developed by the lead local agency in each carbon monoxide nonattainment area are discussed in the following section of this notice. In many cases the strategies developed are adequate to ensure attainment of the NAAQS provided that the specific deficiencies discussed are corrected within the specified timeframe.

**Transportation Control Plans and Attainment Demonstrations for Carbon Monoxide and Ozone**

In each urban nonattainment area the designated lead local agency, in conjunction with the Ohio EPA and the Ohio Department of Transportation (DOT), developed the control strategy designed to ensure attainment of the carbon monoxide and/or ozone NAAQS in the area. As part of the control strategy the State submitted revised regulations for controlling VOC emissions from stationary sources, transportation control plans and, for those areas in the State which requested a five year extension, and I/M program.

In addition to these elements, the control strategies contained attainment demonstrations for carbon monoxide and/or ozone. This section of the notice discusses the transportation control plans and the attainment demonstrations submitted for each of the following urbanized areas:

*Metropolitan Area, and Counties*

(1) Akron—Summit and Portage Counties.
(2) Canton—Stark County.
(3) Cincinnati—Butler, Warren, Hamiton and Clermont.
(4) Cleveland—Cuyahoga, Geauga, Medina, Lake and Lorain Counties.
(5) Columbus—Franklin County.
(6) Dayton—Montgomery, Greene, Clark, Darke, Miami, and Preble Counties.
(7) Toledo—Lucas and Wood Counties.
(8) Steubenville—Jefferson County.

USEPA has evaluated the transportation control plans and the attainment demonstrations using the requirements for an approvable nonattainment area SIP which appeared in the April 4, 1979 **Federal Register** (44 FR 20372), the "USEPA–USDOT Guideline for Air Quality-Transportation Plans" and the Office of Transportation and Land Use Policy "Checklist for Transportation SIPs." To assist the public in preparing comments on the proposed SIP revisions a summary of the principal requirements is presented below.

*1. Technical Assessments, Demonstrations of Attainment, and Reasonable Further Progress.* Section 172 of the Act states that the SIP must include a program for selecting transportation measures to attain the emission reduction targets of the SIP. This program must include schedules for the expeditious implementation of adopted transportation measures and schedules for the analysis and adoption of additional transportation measures.

The April 4, 1979 **Federal Register** and its supplements details the requirements for acceptable attainment demonstrations. A brief summary is as follows:

a. A definition of the geographic areas covered by the plan.

b. An accurate, comprehensive, and current emission inventory.

c. Emission reduction estimates for each adopted or schedules control measure or for related groups of control measures.

d. A determination of the level of control needed to demonstrate attainment of the primary NAAQS by 1982 (1987 if attainment cannot be made by 1982 for ozone or carbon monoxide). This should include a consideration of future emission growth.

e. A provision for reasonable further progress (RFP) toward attainment of the primary standards prior to 1982 or 1987.

f. A provision for annual reporting on the progress toward meeting the compliance schedules outlined in the SIP.

g. An identification and quantification of an emissions growth increment, which will allow for major new or modified stationary sources. Alternatively, and emissions offset approach can be adopted to accommodate new sources.

*2. Interagency Agreements and Assignments of Tasks.* Pursuant to section 174 of the Act, the State and elected officials of affected local governments must determine respective responsibilities of the state air pollution control agency, other state agencies, the lead local agencies, and local units of government. This determination must identify the responsibilities for strategy evaluation, adoption, implementation, and enforcement.

*3. Analysis of Alternatives.* Pursuant to section 172(b)(2) of the Act, all reasonably available transportation measures must be evaluated and considered for implementation. At a minimum, the strategies listed in section 108(f) of the Act must be considered for each nonattainment area needing transportation related emission reductions. Areas that need an extension of the attainment date for carbon monoxide or ozone must commit to establish, expand, or improve public transit to meet Basic Transportation Needs (110(a)(3)(D), 110(c)(5)(B)).

*4. Implementor Commitments.* Pursuant to section 172(b)(10) of the Act, the SIP must include written evidence that the State and other units of government have adopted the necessary requirements in legally enforceable form. Further, the SIP must contain commitments to implement and enforce the SIP strategies as well as annual emissions reduction goals.

*5. Financial and Manpower Resources.* Pursuant to section 172(b)(7) of the Act, the SIP must identify the fiscal resources necessary to carry out the plan provisions.

*6. Reporting of Progress.* Pursuant to section 172(b)(5) of the Act, the SIP must contain procedures and schedules for periodic monitoring of progress in implementing strategies and in achieving annual emission reductions. Section 176(c) of the Act requires that the lead local agency determine the conformity of its transportation control plan and programs with the SIP

*7. Impacts of Plan Provisions.* Pursuant to section 172(b)(9)(A) of the Act, the SIP must identify and analyze the air quality, health, welfare, economic, energy, and social effects of the plan provisions and the alternatives considered.

*8. Public Participation.* Pursuant to section 172(b)(9) of the Act, the SIP must contain evidence of public, local government, and State legislative involvement and consultation regarding the planning process and proposal.

*9. Strategies.* Each State Implementation Plan must include strategies which will be used to demonstrate attainment of the NAAQS.

U.S. EPA has reviewed each of the eight transportation control plans and attainment demonstrations to determine if they have satisfied these requirements. A discussion of the review for each metropolitan area follows. Contained in this discussion is a brief description of the ability of the control stategy to satisfy the nine requirements listed above and a detailed explanation of those areas of the strategy which do not satisfy one or more of the requirements.

**Akron Urban Area**

Based on measured violations of the ozone National Ambient Air Quality Standard (NAAQS) occurring during the years 1976–1978, inclusive, Summit and Portage Counties, Ohio were designated as nonattainment areas for ozone. Additionally, based on measured violations of the 8-hour carbon monoxide primary NAAQS Summit County, Ohio was designated as a nonattainment area for carbon monoxide. The Akron Metropolitan Area Transportation Study (AMATS), as the designated lead local agency for the area, in conjunction with the Ohio Environmental Protection Agency (OEPA) and the Ohio Department of Transportation (ODOT) prepared the control stategy for the area. The strategy contains transportation control plans which are designed to reduce the levels of carbon monoxide and hydrocarbon emissions in the area.

The control strategy demonstrates attainment of the ozone NAAQS by 1982 with reduced hydrocarbon emissions occurrring primarily as the result of implementation of controls on stationary source of hydrocarbon emissions and as a result of the Federal Motor Vehicle Control Program (FMVCP). For carbon monoxide the attainment demonstration documents that due to traffic controls implemented in 1976 and the FMVCP, monitored carbon monoxide concentrations were reduced during 1977–1978. Additionally the plan predicts that with continued implementation of Transportation Systems Management (TSM) measures and the FMVCP, attainment of the carbon monoxide NAAQS will be achieved by 1982. The plan contains the representative stategies already adopted and to be implemented from 1979–1982 with the potential implementor as follows:

*Strategy and Potential Implementor*

New facility (innerbelt)—City of Akron
New facility (highway)—State of Ohio
New facility (highway)—Summit County
New facility (viaduct)—City of Akron
Grade separation—City of Barberton
Reconstruction—City of Cuyahoga Falls
Street widening—City of Akron
Street widening—Portage County
Street widening—City of Cuyahoga Falls

U.S. EPA has reviewed the control stategy developed for the Akron Metropolitan Area. (A document which details U.S. EPA's complete review is available for inspection during normal busines hours at the U.S. EPA Regional Office. The address of the Regional Office is stated at the beginning of this notice.) Except for the issues presented below, the transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously described for an approvable nonattainment area SIP. Therefore, U.S. EPA proposes to approve all of the portions of the transportation control plan except for the portions discussed below.

**I. Technical Assessments, Demonstrations of Attainment and Demonstrations of Reasonable Further Progress**

*A. Demonstration of Reasonable Further Progress (Ozone and Carbon monoxide)*

(1) The ozone design value was based on 1976 air quality data while the emissions inventory and the ozone RFP line were based on 1975 emissions. It is inconsistent to use 1975 Volatile Organic Chemical (VOC) emissions with 1976 air quality data since 1975 emissions cannot dictate 1976 air quality.

U.S. EPA proposes to approve the ozone Reasonable Further Progress (RFP) demonstration, if prior to final rulemaking the State submits to U.S. EPA either: (1) Documentation supporting the assumption that the emissions in the air quality design year are the same as the 1975 baseline emissions; or (2) adjustment of the 1975 baseline emissions based on FMVCP, Transportation Control Measures (TCM), shut-down/start-up of point sources, or increase/decrease in area source to coincide with the air quality design year. Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the above noted deficiency will be adequately corrected according to a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the above noted portion and propose for approval the negotiated date(s) in a subsequent **Federal Register** notice.

(2) Additionally, a required part of the carbon monoxide Reasonable Further Progress demonstration is the inclusion of a carbon monoxide Reasonable Further Progress line. USEPA requires the line to graphically display the annual incremental reduction in total emissions of carbon monoxide in the area. The carbon monoxide Reasonable Further Progress line is used to plot the annual progress made in attaining the carbon monoxide NAAQS by the statutory date of 1982. The RFP line was not submitted in the Akron SIP.

U.S. EPA proposes to approve the carbon monoxide Reasonable Further Progress demonstration if prior to final rulemaking the State submits an acceptably drawn carbon monoxide Reasonable Further Progress demonstration line. Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the above noted deficiency will be adequately corrected according to a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the above noted portion and propose for approval of the negotiated date(s) in a subsequent **Federal Register** notice.

**Canton Urban Area**

Based on measured violations of the ozone NAAQS occurring in the years 1975–1978 inclusive, Stark County, Ohio was designated as a nonattainment area for ozone. The Stark County Regional Planning Commission (SCRPC), as the designated lead local agency for the area, in conjunction with the Ohio EPA and the Ohio DOT prepared the control

strategy for the area. The strategy contains transportation control plans which are designed to reduce the level of hydrocarbon emissions in the area. (By reducing the amount of hydrocarbons in the area a similar reduction in ozone will occur.) Furthermore, the strategy projects that the percent reduction in hydrocarbon emissions required to ensure attainment of the ozone NAAQS in the area will be achieved by December 31, 1982. The plan also contains the representative TSM/SIP strategies to be implemented from 1979–1982 with the expected regional emission reduction and potential implementor as follows:

| Strategy | Potential implementor | Emission reduction |
|---|---|---|
| Traffic flow improvements | Arterial, collector and local roadways under local jurisdiction. | 191 tons per year (TPY). |
| Improve public transit | Canton Regional Transit Authority | Negligible. |
| Park and pool lots | State of Ohio | 0.7 (TPY). |
| Employer programs to encourage transit | SCATS and RTA | 0.05 (TPY). |
| Bicycle facilities | SCATS | Negligible. |
| Controls on extended vehicle idling | Corresponding jurisdiction | To be studied. |

USEPA has reviewed the control strategy designed for the Canton Metropolitan Area. (A document which details USEPA's complete review is available for inspection during normal business hours at the USEPA Regional Office. The address of the Regional Office is stated at the beginning of this notice.) Except for the issues presented below and transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously described for an approvable nonattainment area SIP. Therefore, USEPA proposes to approve all portions of the transportation control plan and the attainment demonstration except for the portion discussed below.

**I. Technical Assessments, Demonstrations of Reasonable Further Progress Demonstrations of Attainment**

*A. Demonstration of Attainment (Ozone)*

1. U.S. EPA questions the percent reduction in Volatile Organic Compound emissions which the plan predicts due to the implementation of a particular control measure.

The plan predicts that in 1982 due to the implementation of new rule 3745–21–09(N) there will be no emissions of Volatile Organic Compounds from the cutback asphalt category. (New rule 3745–21–09(N) limits the usage of cutback asphalt from April 15 to October 15 of each year.) This prediction translates into an assumption of 100% reduction in Volatile Organic Compound emissions from this category. However, there are problems with this assumption.

When computing the 1975 baseline emissions inventory, the Ohio EPA examined yearly cutback asphalt usage throughout the State and then apportioned the resulting emissions to each county on the basis of population. It was then assumed that a 100 percent reduction (i.e. zero emission in 1982) in Volatile Organic Compound emissions from this source category would result from the implementation of Ohio's new rule 3745–21–09(N). The emission reduction credits apportioned to each county were computed from a 12 month baseline emissions inventory. This 100% emission reduction credit has not been technically supported.

Furthermore, new rule 3745–21–09(N) does not completely ban the use of cutback asphalt the months of April 15 to October 15. It allows cutback asphalt usage under certain circumstances (i.e. when used as a penetrating prime coat or in long-life stockpiling). Consequently, the 100 percent reduction assumption may be excessive.

Finally, this 100 percent reduction of Volatile Organic Compound emissions (2,356 tons/year) is significant when one considers that total controlled Volatile Organic Compound emissions from stationary sources (assuming zero cutback asphalt emissions) is only 2,211 tons/year and that the 1982 growth cushion is only 5,854 tons/year.

USEPA proposes to approve this portion of the attainment demonstration if prior to final rulemaking the State submits either: (1) Technical support for this emission reduction estimate; or (2) a re-evaluation of its baseline emissions (including those emissions occurring only in the months of April–October) with the appropriate emission reduction calculations (accounting for the effect that the exemptions in new rule 3745–21–09(N) will have on the calculations); or (3) technical support demonstrating that the yearly usage occurs basically in the months of April–October with the emission reduction calculations reflecting the effect of the exemptions to new rule 3745–21–09(N). Alternatively, if the appropriate State Official(s) provide EPA with assurances that the above noted deficiency will be adequately corrected according to a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the above noted portion and propose for approval the negotiated date(s) in a subsequent **Federal Register** notice.

*(B) Demonstration of Reasonable Further Progress (Ozone)*

1. SCRPC has chosen a design value based on 1977 air quality but uses 1975 emissions data as a starting point for its RFP demonstration. (This issue is identical in nature to the issue raised in the Akron County RFP demonstration. For a detailed discussion of the issue the reader should refer to the Akron portion of this notice.) USEPA does not concur with the decision to use 1975 as a baseline for emissions with 1977 as the design value year. USEPA proposes to approve this portion of the ozone RFP demonstration if prior to final rulemaking the State submits either: (1) Documentation adjusting the 1975 emissions to reflect changes due to FMVCP, Transportation Systems Management (TSM) plans or shut-down/start-up of point sources or (2) documentation for the assumption that the 1977 emissions were similar to those in 1975. (In this case the RFP line would have to be redrawn to account for the shorter timeframe.) Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the above noted deficiency will be adequately corrected according to a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the above noted portion and propose for approval the negotiated date(s) in a subsequent **Federal Register** notice.

Additionally, U.S. EPA suggests that when the State re-examines the RFP demonstration, consideration should be given to the impact that the zero Volatile Organic Compound emission estimates from the cutback asphalt category will have on the 1982 growth cushion.

**Cincinnati Urban Area**

Based on measured violations of the ozone NAAQS occurring during the years 1975–1976 Butler, Clermont, Hamilton and Warren Counties, Ohio and Boone, Campbell and Kenton

Counties, Kentucky were designated as nonattainment areas for ozone. Additionally, based on measured violations of the 8-hour primary carbon monoxide NAAQS in 1977 Hamilton County, Ohio was designated as a nonattainment area for carbon monoxide. The Ohio-Kentucky-Indiana Regional Council of Governments (OKI) as the designated lead local agency for the area, in conjunction with the Ohio EPA and Ohio DOT prepared the control strategy for the area. The strategy contains transportation control plans which are designed to reduce the level of carbon monoxide and hydrocarbon emissions in the area.

The strategy developed by OKI does not predict attainment of either the carbon monoxide or the ozone NAAQS by December 31, 1982. However, the strategy does predict that through the implementation of controls on emissions of Volatile Organic Compounds from stationary sources, the FMVCP, additional TSM programs and extending the area of applicablility of the existing I/M program, that attainment of both the carbon monoxide and ozone NAAQS will be achieved by 1987. The representative list of TSM/SIP strategies to be implemented from 1979 to 1982 with the implementor is as follows:

*Strategy and Implementor*

Improve public transit (In Hamilton County, cites of Cincinnati, Middleton and Norwood established six park and ride lots)—OKI, Southwest Ohio Regional Transit Authority (SORTA)
Improve traffic flow (roadway, bridge, intersection improvements)—Cities of Cincinnati, Norwood and Middleton
Auto restricted zones (Cincinnati)—OKI, City of Cincinnati
Vapor emission (stage I)—State
Inspection and Maintenance—OKI, local municipalities

Consequently, since attainment of the NAAQS for these two pollutants has been demonstrated by 1987 and not 1982 the State, pursuant to the requirement of section 172 of the Act has requested a 5 year extension.

For those areas requesting such an extension, section 172 of the Act requires the implementation of certain additional measures. The additional measures requred by section 172 of the Act are: (1) The development, adoption, and implementation of a vehicle inspection and maintenance program, (2) the establishment of a program for the analysis of alternatives for those sources proposing to locate in the area, and (3) the identification of other measures necessary to provide for attainment of the NAAQS by December 31, 1987.

USEPA has reviewed the control strategy developed for the Cincinnati Metropolitan Area. (A document which details USEPA's complete review is available for inspection during normal business hours at the USEPA Regional Office. The address of the Regional Office is stated at the beginning of this notice.) Except for the issue presented below, the transporation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously described for an approvable nonattainment area SIP and provides for measures which will ensure attainment of the carbon monoxide and ozone NAAQS by December 31, 1987. (A discussion of the adequacy of the I/M program is presented in a separate portion of this notice. Additionally, since the program for the analysis of alternatives for those sources proposing to locate in the area will be embodied in the State's New Source Review (NSR) program, a discussion of the adequacy of the analysis of alternative programs will be presented in the **Federal Register** notice proposing rulemaking on the NSR program.)

Therefore, USEPA proposes to approve all of the portions of the transportation control plan and the attainment demonstration (including the request for a 5-year extension to demonstrate attainment of the carbon monoxide and ozone NAAQS) except for the portion discussed below.

**I. Technical Assessments, Demonstrations of Attainment and Demonstrations of Reasonable Further Progress**

*A. Demonstration of Reasonable Further Progress (carbon monoxide)*

(1) The Cincinnati Metropolitan Areas submittal has not adequately addressed the requirements for a carbon monoxide Reasonable Further Progress demonstration line. The carbon monoxide Reasonable Further Progress line graphically displays the annual incremental reduction in total emissions for carbon monoxide in the area. The carbon monoxide Reasonable Further Progress line is used to plot the annual progress made in attaining the carbon monoxide NAAQS.

USEPA proposes to approve the carbon monoxide Reasonable Further Progress demonstration if prior to final rulemaking the State submits an acceptable carbon monoxide Reasonable Futher Progress demonstration line. Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the above noted deficiency will be adequately corrected according to a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the above noted portion and propose for approval the negotiated date(s) in a subsequent **Federal Register** notice.

**Cleveland—Urban Area**

Based on measured violations of the ozone NAAQS occurring during the years 1975–1978 inclusive, Cuyahoga, Geauga, Lake, Lorain and Medina Counties, Ohio were designated as nonattainment for ozone. Additionally, based on measured violations of the 8-hour primary carbon monoxide NAAQS in 1976 and on measured violations of the one hour carbon monoxide NAAQS in 1975, Cuyahoga County, Ohio was designated as a nonattainment area for carbon monoxide. The Northeast Ohio Areawide Coordinating Agency (NOACA) as the designated lead local agency for the area, in conjunction with the Ohio EPA and the Ohio DOT prepared the control strategy for the area. The strategy contains transportation control plans which are designed to reduce the level of carbon monoxide and hydrocarbon emissions in the area and ensure attainment of the NAAQS.

The strategy developed by NOACA does not predict attainment of either the carbon monoxide or ozone NAAQS by December 31, 1982. Consequently, pursuant to section 172 of the Act the State has requested an extension until December 31, 1987. For those areas requesting such an extension, section 172 of the Act requires the implementation of certain additional measures. The additional measures required by section 172 are: (1) The development, adoption, and implementation of a vehicle inspection and maintenance (I/M) program, (2) the establishment of a program for the analysis of alternatives for those sources proposing to locate in the area, and (3) the identification of other measures necessary to provide for attainment of the NAAQS by December 31, 1987.

USEPA has reviewed the control plan developed for the Cleveland Metropolitan Area. (A document which details USEPA's review is available for inspection during normal business hours at the USEPA Regional Office. The address of the Regional Office is stated at the beginning of this notice.) Except for the issues presented below, the transportation control plan and attainment demonstration portion of the control strategy satisfy all of the nine requirements previously described for an approvable nonattainment area SIP

and provide for measures which will ensure attainment of the carbon monoxide and ozone NAAQS by December 31, 1987. (A discussion of the adequacy of the I/M program is presented in a separate portion of this notice. Additionally, since the program for the analysis of alternatives for those sources proposing to locate in the area will be embodied in the State's New Source Review (NSR) program a discussion of the adequacy of the analysis of alternatives program will be presented in the **Federal Register** notice proposing rulemaking on the NSR program.) U.S. EPA proposes to approve all of the portions of the transportation control plan and that attainment demonstration (including the request for a 5-year extension to demonstrate attainment of both the carbon monoxide and ozone NAAQS) except for the portions discussed below.

**I. Technical Assessments, Demonstration of Attainment and Demonstrations of Reasonable Further Progress**

*A. Demonstrations of Attainment (Ozone)*

1. *Volatile Organic Compound Emission Reduction Estimates.* As previously stated in this notice the April 4, 1979 **Federal Register** (44 FR 20372) requires that each demonstration of attainments contains an estimate of the reduction in emissions for each adopted or scheduled control measure or for related groups of control measures.

For the Cleveland Metropolitan Area submittal such estimated reductions are included. The control strategy predicts that due to the implementation of new rule 3745–21–09(N) there will be no Volatile Organic Compound emissions from the cutback asphalt category. Consequently, a 100 percent reduction is predicted. However, USEPA questions the validity of this 100 percent reduction in Volatile Organic Compound emissions claimed from the cutback asphalt category.

As delineated in the Canton Urban Area portion of this notice there are problems with assuming a 100 percent reduction. U.S. EPA proposes to approve this assumption only if the State prior to final rulemaking submits either: (1) Technical support for this emission reduction estimate; or (2) a re-evaluation of the baseline emissions (including those emission occurring only in the months of April-October) with the appropriate emissions reduction calculations (accounting for the effect that the exemptions in new rule 3745–21–09(N) will have on the calculations); or (3) technical support demonstrating that the yearly usage occurs basically in the months of April-October with the emission reduction calculations reflecting the effect of the exemptions to new rule 3745–21–09(N). Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the above noted deficiency will be adequately corrected according to a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the above noted portion and propose for approval the negotiated date(s) in a subsequent **Federal register** notice.

2. *Volatile Organic Compound Emissions Inventory.* The emissions inventory section indicates that there are no RACT stationary sources in Medina County. Even though it is possible that there are no RACT stationary sources in Medina County there exists the possibility of Volatile Organic Compound emissions from the use of cutback asphalt and/or from gasoline marketing. Significant emissions from these categories could have an adverse effect on the attainment demonstration. USEPA proposes to approve this portion of the emission inventory for Medina County if prior to final rulemaking the State submits to USEPA either: (1) Technical documentation demonstrating that there are no VOC emissions from the use of cutback asphalt or gasoline marketing; or (2) a re-evaluation and adjustment of the emissions inventory to include these sources. (It should be noted that if there are alterations made in the emissions inventory then concurrent changes must be made in the RFP and attainment demonstrations and must be submitted to USEPA for review and approval.) Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the above noted deficiency will be adequately corrected according to a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the above noted portion and propose for approval the negotiated date(s) in a subsequent **Federal Register** notice.

3. *Demonstration of Ozone Attainment.* As stated previously, the Cleveland plan does not demonstrate attainment of either the ozone or carbon monoxide NAAQS by December 31, 1982 and consequently the State has requested an extension until December 31, 1987. The plan submitted on July 27, 1979 predicts that through the implementation of the FMVCP, traffic improvements and an I/M program, emissions of carbon monoxide in the area would be reduced to a level that would ensure attainment of the carbon monoxide NAAQS by December 31, 1987.

For ozone, even though the State has requested an extension to demonstrate attainment by December 31, 1987 the plan developed and submitted on July 27, 1979 for the Cleveland Metropolitan Area does not predict that a sufficient reduction in hydrocarbon emissions will be realized to ensure attainment of the ozone NAAQS by December 31, 1987. The plan does contain an acceptable NOACA commitment to study additional TCM's and stationary source controls in cooperation with appropriate local, State and Federal agencies for implementation in the 1982–1987 time period. This commitment, however, does not entirely address the inability of the Cleveland Urban Nonattainment Area to attain the ozone standard by December 31, 1987. Therefore, in a letter dated December 28, 1979, Mr. James McAvoy, Director, Ohio EPA made a commitment to assure attainment of the ozone standard in Cleveland by 1987. Mr. McAvoy states in the letter that "In a coordinated effort to assure attainment, additional point source hydrocarbon reductions will be developed by Ohio EPA, and additional transportation measures will be implemented through NOACA's transportation planning process. Additional hydrocarbon area source controls will be evaluated and selected by NOACA."

USEPA believes that the additional reductions in hydrocarbon emissions necessary to demonstrate attainment can be achieved by December 31, 1987. Furthermore, USEPA concurs with the approach outlined in the December 28, 1979, McAvoy letter.

USEPA will approve the ozone attainment demonstration for the Cleveland Metropolitan Area if prior to final rulemaking the State submits the following:

a. A list of the additional TSM strategies to be implemented which in conjunction with the additional point source regulations will demonstrate attainment of the ozone NAAQS; and

b. A schedule which delineates the dates on which the additional point source controls will be developed and implemented.

Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the above noted corrective materials are submitted to USEPA on a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the Cleveland Ozone Attainment demonstration and propose for approval the negotiated date(s) in a subsequent **Federal Register** notice.

*B. Demonstration of Reasonable Further Progress*

The Cleveland submittal does not include a carbon monoxide RFP demonstration line. The carbon monoxide RFP line graphically displays the annual incremental reduction in total emissions of carbon monoxide in the area. The carbon monoxide RFP line is used to plot the annual progress made in attaining the carbon monoxide NAAQS.

USEPA proposes to approve the carbon monoxide RFP demonstration if prior to final rulemaking the State submits an acceptable carbon monoxide RFP demonstration line. Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the above noted deficiency will be adequately corrected according to a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the above noted portion and propose for approval the negotiated date(s) in a subsequent **Federal Register** notice.

**II. Implementor Commitments**

As discussed previously one of the nine requirements for an approvable nonattainment area SIP is the inclusion of commitments by the lead local agency and local or State units of governments to implement any reasonably available transportation measure. In addition, pledges to meet specific annual emissions reduction goals should be included from the regional policy board.

The Cleveland transportation control plan contains commitments to meet the annual emission reduction goals. However, the annual emission reduction goals designed to meet the NAAQS by 1987 were not specified in the submittal.

USEPA proposes to approve the implementor commitments portion of the Cleveland plan if prior to final rulemaking the State submits specific annual emission reduction targets designed to ensure attainment of the NAAQS by 1987 for the Cleveland Metropolitan Area. Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the above noted deficiency will be adequately corrected according to a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the above noted portion and propose for approval the negotiated date(s) in a subsequent **Federal Register** notice.

**III. Strategies Demonstrating Attainment**

The Cleveland submission includes an identification of air quality strategies from adopted TSM/SIP programs. These strategies to be implemented from 1978 to 1982 include: highway construction projects, railroad grade separations and traffic flow improvement. Although the plan contains general estimates of hydrocarbon and carbon monoxide emission reductions from mobile sources, the strategies listed are not representative of TSM/SIP strategies necessary to reduce emissions as required by the Clean Air Act. Furthermore, those areas requiring an extension of the attainment date must implement TSM type projects as expeditiously as practicable (section 172(b)(2)), and must provide a higher priority for public transit projects which also meet basic transportation needs, (section 110(c)(1)(B)).

USEPA proposes to approve this portion of the Cleveland transportation control plan if prior to final rulemaking the State submits a list of representative TSM strategies already implemented, or to be implemented, which will result in reduced hydrocarbon and carbon monoxide emissions. Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the above noted deficiency will be adequately corrected according to a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the above noted portion and propose for approval the negotiated date(s) in a subsequent **Federal Register** notice. The list should include twelve representative strategies for each pollutant in the following categories:

Projects to increase vehicle speed.
Projects to reduce congestion.
Projects to increase vehicle occupancy.
Projects to improve mass transit.

For each of these four, the submission must indicate the: project title, description and location, project status, responsbile agency, date of implementation, funding amounts and sources, and carbon monoxide and hydrocarbon emission reductions expected.

**Columbus Urban Area**

Based on measured violations of the ozone NAAQS occurring in the years 1976 and 1978 Franklin County, Ohio was designated as a nonattainment area for ozone. Additionally, based on measured violations of the 8-hour carbon monoxide NAAQS occurring in 1977, Franklin County, Ohio was also designated as a nonattainment area for carbon monoxide. The Mid-Ohio Regional Planning Commission (MORPC) as the designated lead local agency for the area, in conjunction with the Ohio EPA and the Ohio DOT, prepared the control strategy plan for the area. The strategy contains transportation control plans which are designed to reduce the level of carbon monoxide and hydrocarbon emissions in the area.

The strategy predicts attainment of the ozone NAAQS by 1982 with hydrocarbon emissions being reduced primarily through the implementation of the FMVCP and controls on stationary sources of hydrocarbons. Attainment of the carbon monoxide NAAQS is also predicted by 1982 with carbon monoxide emissions being reduced primarily through the implementation of the FMVCP. The strategy also contains the representative TSM/SIP strategies to be implemented from 1979 to 1982 with the potential implementor and the expected regional emission reduction as follows:

| Strategy | Potential implementor | Emission reduction |
|---|---|---|
| Improve public transit | Central Ohio Transit Authority bus system | 7.39 tons of HC by 1987. |
| Traffic flow improvements | Franklin County | 19.56 tons of HC by 1987. |
| Traffic flow improvements | Franklin County | 15 tons of HC by 1987. |
| Traffic flow improvements | Ohio DOT | Part of local jurisdiction reduction. |
| Traffic flow improvements | Arterial, collector and local roadways under local jurisdiction. | 3.0 tons of HC by 1987. |

USEPA has reviewed the Columbus Metropolitan Area. (A document which details U.S. EPA's complete review is available for inspection during normal business hours at the USEPA Regional Office. The address of the Regional Office is stated at the beginning of this notice.) Except for the issue presented below, the transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously described for an approvable nonattainment area SIP. Therefore, USEPA at this time proposes to approve all of the portions of the transportation control plan and the attainment

demonstration except for the portion discussed below.

**I. Technical Assessments, Demonstrations of Attainment and Demonstrations of Reasonable Further Progress**

*A. Demonstration of Attainment (Ozone)*

(1) The U.S. EPA questions the percent reduction in Volatile Organic Compound emissions which the plan predicts due to the implementation of a particular control strategy. When determining the estimated percent reduction in Volatile Organic Compound emissions that would be achieved by 1982 the plan states that the yearly emissions of Volatile Organic Compounds from the cutback asphalt category would be zero. This assumption is predicated on the implementation of revised rule 3745-21-09(N). However, as discussed in detail in the Canton portion of this notice, such an assumption may not be accurate. (For a detailed explanation of the issue the reader should refer to part "1" of the Canton portion of this notice.) Since this assumption, if it is inaccurate, may adversely affect the attainment demonstration USEPA proposes to approve this portion of the attainment demonstration if prior to final rulemaking the State submits either: (1) Technical support for its emission reduction estimates; (2) a re-evaluation of its baseline emissions (including those emissions occurring only in the months of April to October; or (3) technical support demonstrating that the yearly usage occurs basically in the months of April to October with the emission reduction calculations reflecting the effect of the exemptions in the rule. Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the above noted deficiency will be adequately corrected according to a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the above noted portion and propose for approval the negotiated date(s) in a subsequent **Federal Register** notice.

**Dayton Urban Area**

Based on measured violations of the ozone NAAQS occurring during the years 1976-1978 inclusive, Montgomery, Greene, Clark, Darke, Miami and Preble Counties, Ohio was designated as a nonattainment area for ozone. Additionally, based on measured violations of the 8-hour primary carbon monoxide NAAQS in 1975 Montgomery County, Ohio were designated as nonattainment areas for carbon monoxide. The Miami Valley Regional Planning Commission (MVRPC), as the designated lead local agency for the area, in conjunction with the Montgomery-Greene Transportation Coordinating Committee (MGTCC) the Ohio EPA and the Ohio DOT prepared the control strategy for the area. The strategy contains transportation control plans which are designed to reduce the level of carbon monoxide and hydrocarbon emissions in the area.

USEPA has reviewed the control strategy developed for the Dayton Metropolitan Area. (A document which details U.S. EPA's complete review is available for inspection during normal business hours at the USEPA Regional Office. The address of the Regional Office is mentioned at the beginning of this notice.) Except for the issues presented below, the transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously described for an approvable nonattainment area SIP. Therefore, U.S. EPA proposes to approve all of the portions of the transportation control plan and the attainment demonstration except for the portion discussed below.

**I. Technical Assessments, Demonstrations of Attainment and Demonstrations of Reasonable Further Progress.**

*A. Demonstrations of Attainment (carbon monoxide)*

1. This plan demonstrates attainment of the ozone NAAQS by 1982 with hydrocarbon emissions being reduced primarily through the implementation of the FMVCP and controls on stationary sources of hydrocarbon emissions and existing TSM programs.

For carbon monoxide, the plan submitted on July 27, 1979 predicts that in the Dayton area the percent reduction in carbon monoxide emission necessary to ensure attainment of the NAAQS for carbon monoxide will not be achieved by December 31, 1982. Consequently, in the Governor's letter transmitting the Dayton plan, a request was made for a 5-year extension to December 31, 1987, to demonstrate attainment of the carbon monoxide NAAQS. The letter further states that: "Although extensions are being requested at this time, "hot spot" analysis techniques for carbon monoxide attainment will be used to re-evaluate attainment status by December 31, 1982. Emission reductions from the Federal Motor Vehicle Control Program (FMVCP) and Transportation Control Measures (TCMs) may lead to a future request to withdraw the five-year extension in areas with localized carbon monoxide violations."

In a January 15, 1980 letter, Mr. James F. McAvoy (the Director of the Ohio EPA) states that a reanalysis of the data for the Dayton area indicates that by remedying the carbon monoxide "hot spot" problems in the area the appropriate reduction in carbon monoxide emissions can be achieved to ensure attainment of the carbon monoxide NAAQS by 1982. Consequently, Mr. McAvoy indicates that the 5-year extension request for Dayton is no longer necessary.

In the letter Mr. McAvoy states that MVRPC will submit to Ohio (1) a list of the "hot spot" areas; and (2) a schedule for the study, evaluation and implementation of control measure for each "hot spot" to assure attainment of the carbon monoxide NAAQS by December 31, 1982.

The schedules (one for each "hot spot" intersection) are to be forwarded to Ohio EPA by March 1, 1980, and are to include interim milestones toward the implementation of each selected control measure along with commitments from the appropriate implementor(s). The interim milestones should include: submit final control program (July 1, 1980); award construction contracts (to be determined); initiate on-site construction (to be determined); achieve final compliance (no later than December 31, 1982). The final date in the schedule must identify the date by which the control measure will be implemented (in no event can the final date extend beyond December 31, 1982).

In addition, to these control measures which are to be submitted, the July 27, 1979 submittal for Dayton contains a list of areawide representatives TSM/SIP strategies adopted for study and/or implementation from 1979 to 1982 with the potential implementor and the expected regional emission reduction as follows:

| Strategy | Potential implementor | Emission reduction |
|---|---|---|
| Channelization of traffic | Two county highway system | 142 tons HC (also will reduce concentrations at various hotspots. |
| Improve signalization and progressive timing of traffic signals. | City of Dayton and local jurisdictions | 139 tons HC (also will reduce CO concentrations at various hotspots. |
| Bicycle paths and exclusive routes to Dayton CBD. | Miami conservancy district | 52 tons HC combined with storage facilities. |
| Storage areas for bicycles | Private corporations or Miami Valley Regional Transit Authority (MVRTA). | |

| Strategy | Potential implementor | Emission reduction |
|---|---|---|
| Eliminate on-street parking in selected areas during peak. | City of Dayton and local jurisdictions | About 50 tons HC. |
| Staggered work hours and flexible | Employers | Undetermined. |
| Carpooling and other forms of ride-sharing | Employers | 538 tons HC in 1982. |
| Conversion of selected streets in Dayton CBD to exclusive bus use. | City of Dayton | 14 tons HC Dayton Central Business District (CBD). |
| Regulate number and price of public and private parking areas. | City of Dayton | 14 tons HC Dayton CBD. |
| Favor short-term parking rates over long-term rates. | City of Dayton | 14 tons HC Dayton CBD. |
| Develop parking surcharges | City of Dayton | 14 tons HC Dayton CBD. |
| Provide fringes and corridor parking | MVRTA, City of Dayton | 10 tons HC (strategy 12-13). |
| Provide shuttle transit service from Dayton CBD to fringe parking. | MVRTA | 10 tons HC (strategy 12-13). |
| Public transit improvements | City of Dayton | 318 tons HC for all transit strategies. |
| Bus preemption of traffic signals | Affected jurisdictions | |
| Provide park and ride lots | MVRTA, Greene County Transit Board and affected jurisdictions. | Undetermined. |

USEPA supports the efforts of the State to attain the carbon monoxide NAAQS as expeditiously as possible (in this case by 1982) and believes that through the implementation of the TSM/SIP strategies already scheduled for implementation and through the implementation of Reasonably Available Transportation Control Measures for the "hot spot" areas, the carbon monoxide NAAQS can be attained by December 31, 1982. USEPA, therefore proposes to conditionally approve the carbon monoxide attainment demonstration for the Dayton Metropolitan Area if prior to final rulemaking the State submits the following:

(1) Technical monitoring and modelling data on all monitored violations.

(2) A list of "hot spot" intersections in the Dayton area associated with carbon monoxide nonattainment monitors.

(3) A description of each TSM measure implemented or adopted for implementation between 1979 through 1982 to eliminate the hotspot violations.

(4) A schedule developed for the study evaluation and implementation of control measures for each "hot spot" to assure attainment by 1982. The schedule must specify the following: Submission of control plan; award of construction grants, initiate on site construction, achieve final implementation (no later than 12/31/82). Ohio EPA has committed to securing the above mentioned schedule and control plans from MVRPC by July 1, 1980. Ohio EPA must then submit the above mentioned schedule and schedule items to U.S. EPA within 30 days after receiving them from MVRPC. The control plan submission must include commitments from the appropriate implementor for each transportation control measure.

(5) Evidence that MGTCC will provide priority funding to accomplish the tasks specified in item #4 above and will support the use of Federal transportation funds, if necessary. Alternatively, if the appropriate State Official(s) provide USEPA with assurnaces that the above noted corrective materials are submitted to USEPA on a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the dayton carbon monoxide attainment demonstration and propose for approval the negotiated date(s) in a subsequent **Federal Register** notice.

*B. Demonstrations of Reasonable Further Progress (carbon monoxide)*

1. The Dayton Metropolitan Area submittal has not adequately addressed the requirements for a carbon monoxide Reasonable Further Progress line. The carbon monoxide Reasonable Further Progress line graphically displays the annual incremental reduction in total emissions for carbon monoxide in the area. The carbon monoxide Reasonable Further Progress line is used to plot the annual progress made in attaining the carbon monoxide NAAQS by the statutory date of 1982.

U.S. EPA proposes to approve the carbon monoxide Reasonable Further Progress demonstration if prior to final rulemaking the State submits an acceptable carbon monoxide demonstration line. Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the above noted deficiency will be adequately corrected according to a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the above noted portion and propose for approval the negotiated date(s) in a subsequent **Federal Register** notice

**Steubenville Urban Area**

Based on measured violations of both the one-hour and eight-hour primary carbon monoxide NAAQS, Jefferson County, Ohio was designated as a nonattainment area for carbon monoxide. Additionally, due to the close proximity of Jefferson county, Ohio to the urban nonatainment area of Pittsburgh, Pa. it was determined that Jefferson County should also be classified as a nonattainment area for ozone. Consequently, Jefferson County was designated as a nonattainment area for both ozone and carbon monoxide. The Brooke Hancock Jefferson Metropolitan Planning Commission (BHJ), as the designated lead local agency, in conjuction with the Ohio EPA and the Ohio, DOT, prepared a control strategy for the Steubenville Metropolitan Area (Jefferson county is located in the Steubenville Metropolitan Area).

USEPA has reviewed the control strategy developed for the Steubenville Metropolitan Area. (A document which details USEPA's complete review is available for inspection during normal business hours at the USEPA Regional Office. The address of the Regional Office is mentioned at the beginning of this notice.) Except for the issue presented below, the transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously iterated for an approvable nonattainment area SIP. Therefore, USEPA proposes to approve all of the portions of the transportation control plan and the attainment demonstration except for the portion discussed below.

**I. Technical Assessments, Demonstrations of Attainment and Demonstrations of Reasonable Further Progress.**

*A. Demonstrations of Attainment (carbon monoxide)*

1. The population of the Steubenville area is approximately 85,000. According to U.S. EPA guidance, for those areas with a population of less than 200,000 a specific plan to demonstrate attainment of the ozone NAAQS is not required. However, regardless of the population of the area, a plan is required to demonstrate attainment of the carbon monoxide NAAQS. Consequently, on July 27, 1979 the State of Ohio submitted a plan designed to demonstrate attainment of the carbon monoxide NAAQS.

The July 27, 1979 submittal for Steubenville relied exclusively on transportation control strategies to

achieve attainment of the carbon monoxide NAAQS. This approach to reducing the carbon monoxide levels in the area was predicated on the assumption that the high carbon monoxide violations were the result of transportation related problems. However, a recent reanalysis by the State of the carbon monoxide data indicates that this assumption is incorrect. Consequently, implementation of only transportation control strategies will not be sufficient to ensure attainment by December 31, 1982 of the carbon monoxide NAAQS in the Steubenvile area.

In an effort to demonstrate attainment of the carbon monoxide NAAQS by December 31, 1982 the State of Ohio in a January 8, 1980, letter from James McAvoy Director, Ohio EPA, to John McGuire Regional Administrator, USEPA committed to conduct additional studies of the carbon monoxide violations in the Steubenvile area and to determine the specific stationay sources of the carbon monoxide violations. As a result of the completion of the studies, the State will develop additional RACT regulations for the control and reduction of carbon monoxide from stationary sources in the area.

The U.S. EPA proposes to conditionally approve the carbon monoxide attainment demonstration for the Steubenville area. The conditions of this approval are that:

(1) Within one year after final rulemaking action has been taken on this SIP revision the State must submit an acceptable attainment demonstration which shows that the Steubenville area will meet the carbon monoxide NAAQS by December 31, 1982; and

(2) The State adheres to the schedule contained in the January 8, 1980, letter from Mr. James McAvoy. Additionally, the State must submit the scheduled items to USEPA for review and approval. The schedule is as follows:

1. January 2 to June 30, 1980, Ohio EPA will conduct a study to determine the cause of the carbon monoxide violations in Steubenville. The study will include such factors as: carbon monoxide sources, carbon monoxide violations from 1976 to 1979, wind velocity and direction, date and hour of peak concentrations, etc.

2. Based on the results of the study, the source of the carbon monoxide violations in Steubenville will be accurately determined. Regulations will be proposed by August 31, 1980 that require a RACT level of control for carbon monoxide sources that are contributing to the violation and/or other appropriate control strategies will be proposed.

3. December 31, 1980—RACT regulations will be effective.

4. December 31, 1982—Sources will be required to comply with RACT regulations as expeditiously as practicable but no later than December 31, 1982.

In addition to these control measures, to be submitted, the July 27, 1979 submittal for Steubenville contains the following list of areawide representative TSM/SIP strategies for carbon monoxide and hydrocarbon reductions to be implemented from 1979 to 1982:

| Project | Implementor | Completion | Reduction |
|---|---|---|---|
| McLister Ave., Mingo Junction | ODOT | 1975 | 1,856 gr/day in HC, 33,408 gr/day in CO. |
| Washington St., Steubenville | ODOT | 1976 | 16,127 gr/day in HC, 226,974 gr/day in CO. |
| Wayne Twp. Rd., 166A | City of Mingo Junction | 1977 | 24 gr/day in HC, 300 gr/day in CO. |
| Ohio Route 7, relocation | ODOT | 1977 | 146,935 gr/day in HC, 1,804,703 gr/day in CO. |
| 2nd St. Bridge, Dillonvale | Jefferson City | 1978 | 15 gr/day in HC, 209 gr/day in CO. |
| CR 10 Harrison Co. to Adena SCL and Adena NCL to SR 152 | ODOT | 1979 | 14,258 gr/day in HC, 160,398 gr/day in CO. |
| Sinclair Avenue, Steubenville | Jefferson City | 1979 | 3,554 gr/day in HC, 45,934 gr/day in CO. |
| Benita Dr.-West Mingo Junction | Jefferson City | 1979 | 2,551 gr/day in HC, 21,360 gr/day in CO. |
| Main Street, Toronto | City of Steubenville | 1979 | 2,557 gr/day in HC, 30,359 gr/day in CO. |
| U.S. 22 and SR 43, Wintersville | City of Mingo Junction | 1979 | 866,894 gr/day in HC, 71,391 gr/day in CO. |
| TR 181 CR 26 to Camp C. Ent. Road | Jefferson City | 1979 | 7,459 gr/day in HC, 953 gr/day in CO. |
| SR 150 .15 mi. E. TR 111 | ODOT | 1980 | 1,141 gr/day in HC, 100 gr/day in CO. |
| SR 150 .35 mi. W. CR 14 | ODOT | 1980 | 1,369 gr/day in HC, 119 gr/day in CO. |
| SR 150 at Rayland WCL | ODOT | 1980 | 2,578 gr/day in HC, 226 gr/day in CO. |
| Lovers Lane, Steubenville | ODOT | 1980 | 19,992 gr/day in HC, 1,999 gr/day in CO. |
| CR 34, SR 43 to U.S. 22 | ODOT | 1981 | 19,978 gr/day in HC, 1,665 gr/day in CO. |
| CR 69 Mingo Jct., NCL to CR 30 | City of Steubenville | 1981 | 3,376 gr/day in HC, 253 gr/day in CO. |
| Steubenville, Weirton Bridge | Jefferson City | 1982 | 802,433 gr/day in HC, 16,644 gr/day in CO. |
| SR 152 .62 mi. S. of TR 241 to .27 mi. S. of SR 213 | Jefferson City | 1982 | 34,088 gr/day in HC, 2,556 gr/day in CO. |
| SR 152 .2 mi. S. TR 611 to 1.07 mi. N. CR 56 | West Virginia Department of Highways | 1982 | 27,584 gr/day in HC, 1,971 gr/day in CO. |

### Toledo Urban Area

Based on measured violations of the ozone NAAQS occurring during the years 1976–1978, inclusive, Lucas and Wood Counties, Ohio were designated as nonattainment areas for ozone. Additionally, based on measured violations of the 8-hour carbon monoxide primary NAAQS in 1975 Lucas County, Ohio was designated as a nonattainment area for carbon monoxide. The Toledo Metropolitan Area Council of Governments (TMACOG), as the designated lead local agency for the area, in conjunction with the Ohio EPA and the Ohio DOT prepared a control strategy for the area. The strategy contains transportation control plans which are designed to reduce the level of carbon monoxide and hydrocarbon emissions in the area.

USEPA has reviewed the control strategy developed for the Toledo Metropolitan Area. (A document which details USEPA's complete review is available for inspection during normal business hours at the USEPA Regional Office. The address of the Regional Office is mentioned at the beginning of this notice.) Except for the issue presented below, the transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously mentioned for an approvable nonattainment area SIP. Therefore, USEPA proposes to approve all of the portions of the transportation control plan and the attainment demonstration except for the portion discussed below.

**I. Technical Assessments, Demonstrations of Attainment, and Demonstrations of Reasonable Further Progress**

*A. Demonstrations of Attainment (Carbon Monoxide)*

1. This plan demonstrates attainment of the ozone NAAQS by 1982 with hydrocarbon emissions being reduced primarily through the implementation of controls on stationary sources of hydrocarbon emissions, and as a result of the FMVCP and existing TSM programs.

For carbon monoxide the plan submitted on July 27, 1979 predicts that in the Toledo area the percent reduction in carbon monoxide emissions necessary to ensure attainment of the NAAQS for carbon monoxide will not be achieved by 1982. Consequently, in the Governor's letter transmitting the Toledo plan, a request was made for a 5-year extension, to December 31, 1987, to demonstrate attainment of the carbon monoxide NAAQS. The letter further stated that: "Although extensions are being requested at this time, hot spot analysis techniques for carbon monoxide attainment will be used to reevaluate attainment status by December 31, 1982. Emission reductions from the Federal Motor Vehicle Control Program (FMVCP) and Transportation Control Measures (TCMs) may lead to a future request to withdraw the five-year extension in areas with localized carbon monoxide violations."

In a January 15, 1980, letter, Mr. James F. McAvoy, Director, of the Ohio EPA stated that a reanalysis of the data for the Toledo area indicates that by remedying the carbon monoxide "hot spot" problems in the area the appropriate reduction in carbon monoxide emissions can be achieved to ensure attainment of the carbon monoxide NAAQS by 1982. Consequently, Mr. McAvoy indicates that the 5-year extension request for Toledo is no longer necessary.

In the letter Mr. McAvoy states that TMACOG will submit to Ohio EPA (1) a list of the "hot spot" areas; and (2) a schedule for the study, evaluation and implementation of control measures for each "hot spot" to assure attainment by December 31, 1982. The schedules (one for each "hot spot" intersection) are to be forwarded to Ohio EPA by March 1, 1980, and are to include interim milestones toward the implementation of each selected control measure along with commitments from the appropriate implementor(s). The interim milestones should include: submit final control program (July 1, 1980) award construction contracts (to be determined), initiate on-site construction (to be determined) and achieve final compliance (no later than December 31, 1982). The final date in the schedule must identify the date by which the control measure will be implemented (in no event can the final date extend beyond December 31, 1982).

In addition to these control measures which are to be submitted, the July 27, 1979 submittal for Toledo contains the following list of areawide representative TSM/SIP stategies to be implemented from 1979 to 1982 with the implementor and the expected regional emission reduction as follows:

| Strategy | Implementor | Emission reduction 1982 |
|---|---|---|
| Traffic flow improvements | Local and State governments | 21.2 TPY of HC; 235 TPY of CO. |
| Transit service improvements | Toledo Area Rapid Transit Authority (TARTA). | 20.2 TPY of HC; 224 TPY of CO. |
| Improved public transit | TARTA | No reduction in HC; no reduction in CO. |
| Preferential bus/carpool lanes | City of Toledo | No reduction in HC; no reduction in CO. |
| Areawide carpool program | TMACOG | 59.7 TPY in HC; 663.0 TPY in CO. |
| Vanpool program | TMACOG and major employers | 17.6 TPY of HC; 195 TPY of CO. |
| Work Schedule variations | TMACOG and area employers | 9.8 TPY of HC; 109.0 TPY of CO. |

U.S. EPA supports the efforts of the State to attain the carbon monoxide NAAQS as expeditiously as possible (in this case by 1982) and believes that through the implementation of the TSM/SIP strategies already scheduled for implementation and through the implementation of Reasonably Available Transportation Control Measures for the "hot spot" areas the carbon monoxide NAAQS can be attained by December 31, 1982.

USEPA proposes to approve the carbon monoxide attainment demonstration for the Toledo Metropolitan Area if prior to final rulemaking the State submits the following:

(1) Technical monitoring and modelling data on all monitored violations.

(2) A list of "hot spot" intersections in the Toledo area associated with CO nonattainment monitors.

(3) A description of each TSM measure implemented or adopted for implementation between 1979 through 1982 to eliminate the hotspot violations.

(4) A schedule developed for the study, evaluation and implementation of control measures for each "hot spot" to assure attainment by 1982. The schedule must specify the following: submission of control plan; award of construction grants, initiate on site construction, achieve final implementation (no later than 12/31/82). Ohio EPA has committed to securing the above memtioned schedule and control plans from TMACOG by July 1, 1980. Ohio EPA must submit the above mentioned schedule and schedule items to USEPA within 30 days after receiving them from TMACOG. The control plan submission must also include commitments from the appropriate implementor for each transportation control measure.

(5) Evidence that TMACOG will provide priority funding to accomplish the tasks specified in item #4 above and will support the use of Federal Transportation funds, if necessary.

Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the above noted corrective materials are submitted to USEPA on a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the Toledo carbon monoxide attainment demonstration and propose for approval the negotiated date(s) in a subsequent **Federal Register** notice.

**Vehicle Inspection and Maintenance**

"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 of vehicles can be included as well. Vehicles which do not comply with the program requirements can be prohibited from operating on public roads by requiring proof of compliance in order to purchase license plates or to register a vehicle.

Section 172(b)(11) of the Act requires the establishment of a specific schedule for the implementation of a vehicle emission control inspection and

maintenance (I/M) program when SIP revisions demonstrate that attainment of the primary standards for carbon monoxide (CO) and/or ozone are not possible in an area prior to December 31, 1982, despite the implementation of all reasonable emission control measures.

USEPA 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 those items are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking, 44 FR 23072, 23073, n. 6. The July 17, 1978, guidance should be consulted for details. The key elements for I/M SIP approval are as follows:

(1) *Legal Authority*—According to section 172(b)(10), States or local governments must have adopted the necessary statutes, regulations, ordinances, or other legally enforceable documents to implement and enforce the inspection/maintenance program. (Section 172(b)(10)). The legal authority must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decisionmaking 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 to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with plan revisions which 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 USEPA. The granting of such an extension, however, is an exceptional remedy to be utilized only when a State legislature has had no opportunity to consider enabling legislation.

(2) *Commitment to Implement*—Section 172(b)(10) of the Act also requires that written evidence of the appropriate governmental bodies' commitment to implement and enforce the appropriate elements of the program must be included.

(3) *Identification and Commitment to Resources*—Section 172(b)(7) of the Act requires that the necessary finances and resources to carry out the I/M program must be identified and committed.

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

(5) *Program Effectiveness*—In the July 17, 1978 I/M Policy Memorandum U.S. EPA stated that each State must commit to achieve a reduction of at least 25 percent in light duty vehicle exhaust emissions by 1987. This reduction is measured by comparing the levels of emissions 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 provisions * * * shall * * * provide for the implementation of all reasonably available control measures * * *"

To be acceptable, an I/M program must achieve the requisite 25 percent reductions in both hydrocarbons and carbon monoxide exhaust emissions from passenger cars by the end of Calendar Year 1987. The Act mandated "implementation of all reasonably available control as expeditiously as practicable." (Section 172(b)(2)). At the time of the 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 20 percent 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 has not undergone I/M before. 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 percent stringency factor, USEPA predicts the reductions of both CO and HC exhaust emissions of 25 percent 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 percent stringency factors, it is USEPA policy to use a 25 percent emission reduction as the criterion to determine compliance of the I/M portion with section 172(b)(2).

Ohio has demonstrated that attainment of the NAAQS for carbon monoxide and ozone is not possible in the Cincinnati and Cleveland Metropolitan Areas by December 31, 1982. Consequenlty, the State has requested an extension until December 31, 1987 for these two areas. According to the requirements of section 172(b)(11) of the Act an I/M program must be implemented in these areas.

On July 27, 1979, the State submitted to USEPA an I/M implementation schedule and a copy of Senate Bill #240 (Senate Bill #240 was introduced into the legislature on June 31, 1979 and has not yet been adopted). The inclusion of Senate Bill #240 was intended to show that the necessary legal authority for the implementation and enforcement of an I/M program would be achieved upon the enactment of the bill.

U.S. EPA has reviewed the I/M program submitted by the State on July 27, 1979 and finds it deficient in a number of areas. The specific deficiencies in the submittal are discussed in detail below:

(1) Legal Authority—Acceptable I/M enabling legislation, has not been enacted in Ohio. Consequently, the necessary legal authority does not exist for the implementation and enforcement of the I/M program.

(2) Commitment to Implement—The July 27, 1979 submittal contains no definitive statement which commits the State to establish an I/M program. The State must submit to U.S. EPA a statement which commits to the implementation and enforcement of an I/M program

(3) Identification and Commitment of Resources—The Ohio SIP does not identify the financial resources to implement an I/M program nor does the State commit to provide the necessary resources. As stated previously, section 172(b)(7) requires that the finances and resources necessary to carry out the I/M program must be identified and committed.

(4) Schedule for the Implementation of the Plan—As required by section 172(b)(11) a specific schedule for the establishment of the I/M program must be included in the proposed SIP revisions. The dates in the schedule should include the interim milestones described in the the July 17, 1978 I/M policy memorandum. The implementation schedule in the Ohio proposed SIP revisions does not include all of the interim milestones.

Senate Bill #240 does direct the Ohio Environmental Protection Agency to develop a schedule for the implementation of an I/M program. The schedule must be included as a revision to the SIP when completed since it will serve to assure implementation of the program by December 31, 1982. This schedule should include dates for the following milestones:

(a) Inititation of a public information program.

(b) Certification of legal authority

(c) Issue request for proposals for construction of facilities

(d) Award Contract(s)*

(e) Initiate construction of facilities

(f) Complete construction of facilities

(g) Adopt testing procedures and quality control requirements (including emission analyzer requirements)

(h) Equipment delivery

(i) Development and adoption of cutpoints

(j) Initiation of hiring and training of inspectors

(k) Initiation of pilot program

(l) Initiation of an information program to inform the public of service establishments with approved analyzers

(m) Initiation of mandatory inspection/voluntary repair

(n) Initiation of mandatory repair

(5) Program Effectiveness—As previously stated, the I/M program must achieve a 25 percent reduction in both hydrocarbon and carbon monoxide exhaust emissions from light duty vehicles.

While both the Cleveland and the Cincinnati sections of the SIP make reference to both hydrocarbon and carbon monoxide emission reductions, there are several estimates which do not indicate a 25 percent reduction. It is unclear whether these estimates are for light duty vehicles only or all motor vehicles. A demonstration of, or a commitment to a 25 percent reduction is a necessary element of an approvable Part D SIP.

Since the I/M portion of the Ohio carbon monoxide and ozone SIP contains neither the required legal authority to ensure for the implementation and effective enforcement of an I/M program in the State nor the required written commitment by the appropriate governmental bodies to implement and enforce the appropriate elements of the I/M program, U.S. EPA proposes to disapprove the I/M portion of the Ohio carbon monoxide and ozone SIP. To have a fully approvable I/M SIP the State must correct all the deficiencies discussed in this portion of the notice.

*Depends on type of system chosen (State or contractor run)

**Ozone**

Within the State of Ohio the following areas are classified as urban nonattainment areas for ozone: Akron (Summit and Portage Counties); Canton (Stark County); Cincinnati (Butler, Warren, Hamilton and Clermont Counties, Ohio). Cleveland (Cuyahoga, Geauga, Medina, Lake and Lorain Counties); Columbus (Franklin County); Dayton (Montgomery, Greene, Clark, Darke, Miami and Preble Counties); Toledo (Lucas and Wood Counties); Steubenville (Jefferson County); and Youngstown (Trumbull and Mahoning County).

On January 26, 1979 (44 FR 8820) USEPA revised the National Ambient Air Quality Standard from 0.08 part per million (ppm) total photochemical oxidants for a maximum hourly average, to 0.12 ppm ozone for a maximum hourly average. Part D of the Clean Air Act requires the State to revise its State Implementation Plan for all areas that have not attained the National Ambient Air Quality Standards. An adequate SIP for ozone is one which provides for sufficient control of volatile organic compounds (VOC) from stationary and mobile sources to provide for attainment of the standards.

For stationary sources, the plan must include, as a minimum, legally enforceable regulations reflecting the application of reasonable available control technology for those stationary sources for which USEPA has published a Control Techniques Guideline (CTG) by January 1978. In addition, by each subsequent January, RACT requirements for sources covered by the CTGs published by the preceding January must be adopted and submitted to USEPA. The submittal date for the first set of additional RACT regulations was revised from January 1, 1980 to July 1, 1980 by the **Federal Register** notice of August 28, 1979 (44 FR 50371). For mobile sources, the plan must provide for expeditious implementation of reasonable available transportation control measures. In addition to these requirements, any SIP which provides for attainment of the ozone standard after December 31, 1982 must contain a specific schedule for the implementation of a vehicle emission control inspection and maintenance (I/M) program; a program for the analysis of alternatives for stationary sources planning on locating in the area; and other transportation, public participation and RACT stationary source requirements designed to ensure attainment by December 31, 1987.

The regulations developed by the State to control hydrocarbon and carbon monoxide emissions from stationary sources are contained in Chapter 3745–21 of the Ohio Administrative Code and are discussed below.

**Hydrocarbon and Carbon Monoxide Emissions From Stationary Sources**

The carbon monoxide and hydrocarbon regulatory portion of the existing, and federally enforceable SIP for Ohio are embodied in the following sections of Chapter 3745–21 of the Ohio Administrative Code (hereinafter referred to as Chapter 3745–21):

| Rule | | Title |
|---|---|---|
| 3745–21–01 | (AP–5–01) | Definitions |
| 3745–21–02 | (AP–5–02) | Ambient air quality standards |
| 3745–21–03 | (AP–5–03) | Methods of measurement |
| 3745–21–04 | (AP–5–04) | Compliance time schedule |
| 3745–21–05 | (AP–5–05) | Nondegradation policy |
| 3745–21–06 | (AP–5–06) | Classification of regions |
| 3745–21–07 | (AP–5–07) | Control of emissions of organic materials from stationary source |
| 3745–21–08 | (AP–5–08) | Control of carbon monoxide emissions from stationary sources |

These rules were originally codified in 1973 as AP–5–01 through AP–5–08. However, on various occasions subsequent to 1973 the State numbering system for these rules has been changed. A consequence of these numbering changes is the recodification of the rules to reflect those changes. The rules are presently codified as 3745–21–01 through 3745–21–08.

Pursuant to the requirements of Part D of the Clean Air Act Amendments (Act) of 1977 the State of Ohio on July 27, 1979 and on September 13, 1979 submitted to U.S. EPA revisions to the SIP for carbon monoxide and ozone. Rules for the control of hydrocarbon and carbon monoxide emissions from stationary sources are embodied in the revised version of existing Chapter 3745–21. In addition to revisions to the existing portions of Chapter 3745–21 the following two portions were added:

–09 Control of emissions of organic compounds from stationary sources

–10 Compliance test methods and procedures

(A detailed discussion of revised Chapter 3745–21 will follow shortly.)

As part of the State rulemaking process, Ohio's Administrative Law required that existing Chapter 3745–21 had to be rescinded prior to the date on which the revised Chapter 3745–21 rules were to become effective. The effective date for the revised Chapter 3745–21 was October 19, 1979. Consequently, on the State level the revised Chapter 3745–21 is currently enforceable. However, it should be noted that existing Chapter

3745–21 remains the federally enforceable SIP for Ohio until such time as the revised Chapter 3745–21 is promulgated as federal rulemaking and compliance with the new promulgated rules has been achieved.

This notice announces proposed rulemaking action on the following portions of revised Chapter 3745–21:

—01 Definitions

This rule establishes the definitions of terms used in Chapter 3745–21. It includes definitions contained in Ohio's current SIP as well as new definitions that area required for the Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) regulations.

This rule exempts methyl chloroform (1,1,1 trichloroethane) and/or methylene chloride. These volatile organic compounds (VOC), 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.

With the exemption of these compounds, some sources, particularly existing degreasers, will be encouraged to utilize methyl chloroform in place of other more photochemically reactive degreasing solvents. Such substitution has already resulted in the use of methyl chloroform in amounts far exceeding that of other solvents. Endorsing the use of methyl chloroform by exempting it in the SIP can only further aggravate the problem by increasing the emissions produced by existing primary degreasers and other sources.

The EPA is concerned that the State has chosen this course of action without full consideration of the total environmental and health implications. The EPA does not intend to disapprove this portion of the State SIP submittal if, after due consideration, the State chooses to maintain these exemptions. However, we are concerned that this policy not be interpreted as encouraging the increased use of these compounds nor compliance by substitution.

The EPA does not endorse such approaches. Furthermore, state officials and sources should be advised that these is a strong possibility of future regulatory action to control these compounds. Sources which choose to comply by substitution may well be required to install control systems as a consequence of these future regulatory actions.

The definitions contained in this rule are appropriate and consequently, USEPA proposes to approve this rule in its entirety.

—02 Ambient Air Quality Standards and Guidelines

This rule revises the State's current air quality standards for carbon monoxide, photochemical oxidants and hydrocarbons. (Ohio has replaced all references to photochemical oxidants with the word ozone.) Ohio adopted the National Ambient Air Quality Standards for carbon monoxide and ozone and adopted the federal guideline for nonmethane hydrocarbons.

In adopting the NAAQS for ozone, Ohio considered 240 micrograms per cubic meter (u/m3) as being equivalent to 0.12 parts per million (ppm) ozone. In the **Federal Register**, dated February 8, 1979, and in 40 CFR 50.9, National Primary and Secondary Ambient Air Quality Standards for Ozone, 0.12 ppm is considered equivalent to 235 u/m3. This difference may not be significant, however, any attainment demonstration must be based on the Federal NAAQS.

The provisions of this rule are acceptable, and therefore, U.S. EPA proposes to approve this rule in its entirety.

—03 Methods of Ambient Air Quality Measurement

The State has readopted the Federal reference methods for monitoring carbon monoxide, ozone and nonmethane hydrocarbons. In addition, the State has specified that instruments used to monitor these pollutants must be "Reference Methods" or "Equivalent Methods" in accordance with 40 CFR Part 53, as it existed on July 1, 1977.

U.S. EPA finds the provisions of this rule to be acceptable and therefore proposes to approve this rule in its entirety.

—04 Attainment Dates and Compliance Time Schedules

This rule is composed of the following three sections:

(A) This section establishes the final date for attainment of the carbon monoxide and ozone NAAQS in the State. According to this section, attainment is to be achieved as expeditiously as possible but in no event later than December 31, 1987.

(B) This section requires sources affected by the Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) regulation provisions of Rule 3745–21–09 to certify compliance by December 1, 1979. A permit application shall be included as part of the certification requirements if the source does not have a valid permit. Every permit application is to include a compliance program which is designed to ensure implementation of all reasonable interim control measures prior to the final compliance date for the particular source. The compliance date for a particular source is to be no later than the dates specified in section C of this rule.

(C) This section contains increments of progress and the final compliance dates for the RACT industrial source categories regulated in new rules 3745–21–09 as well as final compliance dates for specific sources within the State.

The final compliance dates for the RACT industrial source categories range from January 1, 1981 to December 31, 1982 and are as follows:

| Final compliance date | Category |
|---|---|
| January 1, 1981 | Wastewater separators |
| April 1, 1981 | Solvent metal cleaning |
| April 15, 1981 | Cutback asphalt |
| July 1, 1981 | Bulk gasoline plants |
| | Bulk gasoline terminals |
| | Gasoline stations (stage I) |
| November 1, 1981 | Magnet wire, surface coating |
| January 1, 1982 | Fixed roof petroleum storage |
| April 1, 1982 | Larger appliances, surface coating |
| | Metal furniture, surface coating |
| | Vinyl and fabric, surface coating |
| | Paper, surface coating |
| | Cans, surface coating |
| | Metal coils, surface coating |
| December 1, 1982 | Automobile/light-duty trucks, Surface coating |
| December 31, 1982 | Vacuum producing systems |
| | Process unit turnarounds |

For certain specific sources this regulation provides for an extension of the applicable final compliance date listed above. The final compliance date for the specific sources range from July 1, 1981 to December 31, 1986 and are as follows:

| Final compliance date | Source |
|---|---|
| July 1, 1981 | Alside Inc.—Summit County |
| December 31, 1982 | General Motors—Norwood |
| December 31, 1984 | General Motors—Lordstown (light trucks) |
| December 31, 1985 | General Motors—Lordstown (auto) |
| December 31, 1986 | American Motors—Toledo |
| | Ford Motor Company—Avon Lake |
| | Ford Motor Company—Lorain |

For those sources for which compliance is exhibited after December 31, 1982 USEPA has reviewed technical support data from the source for the scheduled date. USEPA's review indicates that the data supporting the scheduled dates submitted for each of the sources and that these dates are expeditious. USEPA proposes to approve the above mentioned schedules for the individual sources and the final compliance dates for the above listed categories. Comments are requested on the expeditiousness of the dates.

In general, U.S. EPA finds the provisions of this rule to be acceptable

and proposes to approve this rule with the exception of the following: (a) The compliance schedule contained in revised rule 3745-21-04(C)(18) as it applies to any loading facility presently covered by the compliance schedule in existing rule 3745-21-04(C)(1). Revised rule 3745-21-04(C)(18) establishes the final date on which bulk gasoline terminals are to be in compliance with the provisions of new rule 3745-21-09(Q). This date is July 1, 1981. Existing rule 3745-21-04(C)(1) established the final compliance date on which bulk gasoline terminals were to be in compliance with the provisions of existing rule 3745-21-07(e). The date, as codified in 40 CFR 52.1875 was to be no later than July, 1975 and in some cases by May 31, 1975.

The requirements of existing rule 3745-21-07(e) are that a control system is to be installed on loading racks from bulk gasoline terminals with a throughput of more than 40,000 gallons per day. The control system required is a vapor collection system and the final compliance date was to be no later than July, 1975. (40 CFR 52.1875).

New rule 3745-21-09(Q) requires the same control system (a vapor collection system) as existing rule 3745-21-07(e) on loading racks from bulk gasoline terminals which receive gasoline via pipeline ship or barge, irrespective of the size of the terminal. The final compliance date for these sources is contained in revised rule 3745-21-04(C)(18) and is July 1, 1981. Thus, facilities affected in common by these two rules would have approximately 6 additional years to achieve compliance.

Since for the commonly affected facilities the control systems required by existing rule 3745-21-07 and new rule 3745-21-09 are identical this extension of the ultimate compliance dates for these facilities covered under the existing Ohio SIP may not be approved. Therefore, U.S. EPA proposes to disapprove the compliance schedule in revised Rule 3745-21-04(C)(18) as it applies to facilities presently covered by the compliance schedule in existing Rule 3745-21-04(C)(1).

—05 Nondegradation Policy

This is a revised version of Ohio's existing rule 3745-21-05 and states a general prohibition of significant and avoidable deterioration of air quality in any attainment area of the State of Ohio. U.S. EPA proposes to approve this rule in its entirety.

—06 Classification of Regions

This revised version of existing rule 3745-21-06 lists the counties in Ohio which are considered to be Priority I nonattainment regions. The Priority I classification is for the purpose of determining the applicability of Rule 3745-21-07, (Control of Emissions of Organic Materials from Stationary Sources), and 3745-21-08, (Control of Carbon Monoxide from Stationary Sources).

U.S. EPA has reviewed the provisions of this rule and finds it acceptable. U.S. EPA proposes to approve this rule in its entirety.

—07 Control of Emissions of Organic Materials from Stationary Sources

This rule is a revised version of existing rule 3745-21-07. The original rule applied to existing sources in the Priority I nonattainment counties listed in rule 3745-21-06 and to all new sources regardless of location. Additionally, the existing rule contained provisions for the control of organic emissions from the following operations: Storage of volatile photochemically reactive materials, volatile photochemically reactive materials loading facilities, volatile photochemically reactive material/water separation, operations using liquid organic materials, architectural coatings, disposal and evaporation of solvent, and waste gas disposal. The revised rule 3745-21-07 did not change these requirements. However, three changes were made to this rule in regard to its applicability.

Exemptions to this rule were given to: (1) Those sources which are in compliance with or specifically exempted from new Rule 3745-21-09.

(2) Those sources which are not in compliance with new Rule 3745-21-09 but which have complied with revised rule 3745-21-04(B)(1) (Rule 3745-21-04(B)(1) requires that either certification of compliance or a permit application must be submitted by 12/1/79 by a source regulated by new Rule 3745-21-09) and are able to demonstrate to the Director of the Ohio EPA that compliance with Rule 3745-21-07 would conflict with the achievement of compliance with Rule 3745-21-09. (This exemption grants discretionary authority to the Director of the Ohio EPA. It should be noted that the exercise of the discretionary authority granted to the Director of the Ohio EPA in this or any other portion of the rule constitutes a revision to the SIP and consequently must be submitted to USEPA for review and approval.)

(3) Those sources located in a facility with potential emissions of 100 tons/year or less and located in the following counties: Clark, Darke, Delaware, Fairfield, Geauga, Licking, Madision, Miami, Perry, Pickaway, Preble and Union counties.

USEPA has reviewed Rule 3745-21-07 and finds its provisions acceptable. USEPA proposes to approve Rule 3745-21-07 in its entirety.

—08 Control of Carbon Monoxide from Stationary Sources. The rule is identical to existing rule 3745-21-08. U.S. EPA has reviewed Rule 3745-21-08 and finds its provisions acceptable. Therefore, U.S. EPA proposes to approve Rule 3745-21-08 in its entirety.

—09 Control of Emissions of Organic Compounds from Stationary Sources. This is a new rule which applies to all existing sources of volatile organic compounds in the following counties: Butler, Clermont, Cuyahoga, Franklin, Green, Hamilton, Lake, Lorain, Lucas, Mahoning, Medina, Montgomery, Portage, Stark, Summit, Trumbull, Warren and Wood. In all other counties of the State, this rule applies only to existing sources of volatile organic compounds which are located at a facility having the potential to emit a total of 100 tons or more of organic compounds per calendar year.

Depending on the industrial category, this rule requires the source to meet either a specific emission limitation or a specific control requirement. Listed below is a summary of the requirements of this new rule.

| Source category | Control requirement or emission limitation [1] |
|---|---|
| 1. Surface coating: [1] | |
| (a) Large Appliances. | 2.8 lb/gal. |
| (b) Magnet Wire | 1.7. |
| (c) Metal Furniture | 3.0 |
| (d) Fabric Coating | 2.9. |
| (e) Vinyl Coating | 3.8. |
| (f) Paper Coating | 2.9. |
| (g) Coil Coating | 2.6. |
| (h) Automobile & Light Duty Trucks Electrodeposition (E-Coat). | 1.2 |
| Guidecoat/surfacer. | 2.9 |
| Prime, other than E-Coat. | 1.9. |
| Top Coat | 2.8 |
| Final Repair | 4.8. |
| (i) Can Coating: | |
| Basecoat | 2.8. |
| Overvarnish | 2.8. |
| Interior Body | 4.2. |
| End Sealing | 3.7. |
| Exterior Bottom End, 2 piece cans. | 4.2 |
| Side Seam, 3 piece cans. | 5.5. |
| 2. Fixed Roof Storage Tanks for Petroleum Liquids. | Internal Floating Roof or Equivalent. |
| 3. Petroleum Refinery Sources: | |
| (a) Vacuum Producing Systems. | Incineration or recovery in refinery fuel gas systems. |
| (b) Wastewater Separators. | Covers and/or seals. |
| (c) Process Unit Turnarounds. | Flaring, or combustion of vapor as refinery fuel gas. |
| 4. Cutback Asphalt in Road Paving. | Prohibition or replacement with emulsified asphalt. |
| 5. Solvent Metal Cleaning: | |
| (a) Cold Cleanser | Cover, drainage and good operating practice. |

| Source category | Control requirement or emission limitation [1] |
|---|---|
| (b) Vapor Degreaser. | Cover, safety switches, approved control devices and good operating practice. |
| (c) Conveyorized Degreaser. | Safety switches, approved control device and good operating practice. |
| 6. Bulk Gasoline Plant. | Submerged filling and vapor balance or other control systems. |
| 7. Bulk Gasoline Terminal. | Vapor control system. |
| 8. Gasoline Dispensing Stations. | Submerged filling and vapor balance or other control systems. |

[1] Pounds VOC/gal of coating excluding water.

Under the surface coating categories, each of the emission limitations is also based upon a weighted average of all coating materials, excluding water, delivered to the coating applicator in any one day. However, coating lines with a maximum application of coating materials less than or equal to 3 gallons per day are exempt.

The State adopted emission limitations for surface coatings are technically supported by the USEPA Control Techniques Guidelines (CTGs) (The CTGs provide information on available air pollution control techniques and recommendations of what U.S. EPA calls the "presumptive norm for RACT". U.S. EPA will approve VOC RACT regulations which are marginally different from the CTGs (within 5% of the controlled emissions on a source category basis) without requiring additional support.) The State also adopted a daily averaging time for these limitations. The technical information contained in the CTGs does not address the issue of averaging time. U.S. EPA has approved a daily weighted average approach for can coating ("RACT Options for Can Coating Operations," from Richard G. Rhoads, Director of Control Programs Development Division to Air and Hazardous Materials Division Directors, November 21, 1979) and a daily weighted average or arithmetic average of colors in use approach for the automobile assembly category ("Comments on Auto Industry Proposals," from Richard G. Rhoads, Director, Control Programs Development Division to Director, Air and Hazardous Materials Division, October 6, 1978).

Therefore, for these categories the use of the daily weighed average is acceptable. With respect to other categories of surface coating operations, USEPA has not reached a decision concerning the acceptability of the daily weighted average. USEPA specifically solicits comments on the use of the daily weighted average approach for those categories of surface coating operations covered by this rule and for which USEPA has not yet indicated the acceptability of the daily weighted average approach.

Other industrial categories also, have exemptions. These exemptions are described as follows:

(1) Under the category of fixed roof storage tanks for petroleum liquids, the control requirements exempt those tanks with a capacity of less than 40,000 gallons.

(2) Under the cutback asphalt category, the prohibition of cutback asphalt is lifted (a) during periods from October 15 thru April 15, (b) if used as a penetrating prime coat, or (c) where longlife stockpile storage is necessary. The State has submitted technical information justifying the usage of cutback asphalt during the period from October 15 to April 15.

The State has indicated that ambient air temperatures below 50F can occur in the ozone nonattainment areas during the months of October to April. At temperatures below 50F available emulsified asphalts cannot be effectively applied. Consequently, usage of cutback asphalt is necessary.

(3) Under the category of bulk gasoline plants, control is not required for those tanks whose average throughput is less than 4000 gallons of gasoline daily.

(4) Under the category of gasoline dispensing facilities, stations with an annual throughput of less than 240,000 gallons of gasoline are exempted from the requirements of Stage I vapor control.

(5) Under the category of wastewater separators from petroleum refineries, wastewater separators with forebay sections or any other separator sections which recover less than 200 gallons of organic compounds per day are exempt.

U.S. EPA has reviewed the emission limitations, specific control requirements and exemptions listed above and proposes to approve them as resenting RACT except as discussed below.

(A) USEPA believes that due to the widespread implementation in other states of a vapor balance system on all existing gasoline storage tanks of 2000 gallons capacity or more, this control represents RACT and should be required in Ohio for all existing gasoline dispensing storage tanks of a 2000 gallon capacity. In terms of throughput, USEPA calculations indicate that a throughput exemption of 120,000 gallons would be acceptable without any additional State generated technical support data.

USEPA proposes to approve the exemption contained in 3745-21-09(R)(3) for those facilities with a throughput equal to or less than 120,000 gallons per year. However, for those facilities with a throughput of greater than 120,000 gallons per year but less than 240,000 gallons per year USEPA proposes to conditionally approve the exemption if prior to final rulemaking the State submits either:

(1) Technical support documentation which justifies that the 240,000 gallon annual throughput exemption represents RACT; or

(2) Documents that the allowable emissions resulting from the proposed regulation differ no more than 5 percent from the allowable emissions resulting from a regulation which requires a vapor balance system on all gasoline dispensing storage tanks with a capacity of 2000 gallons or more; or

(3) If the State can not comply with 1 or 2 above, the State must make a commitment to extend the applicability of paragraph (R) to all gasoline dispensing facilities with storage tanks of 2000 gallon capacity or more, or to all facilities with an annual throughout of greater than 120,000 gallons of gasoline. This commitment must include the date on which the adopted revised regulation shall be submitted to USEPA.

Alternatively, if the appropriate State Offical(s) provide USEPA with assurances that the above noted corrective materials are submitted to USEPA on a date(s) negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the above noted portion and propose for approval the negotiated date(s) in a subsequent Federal Register notice.

(B) Under the category of wastewater separators for petroleum refineries, Rule 3745-21-09(M)(2) requires compliance with the schedules contained in revised Rule 3745-21-04(C)(13) for those forebay sections and any other separator sections which recover 200 gallons or more of organic compounds per day. However, as stated previously this rule exempts those wastewater separators with forebay sections or any other separator section which recovers less than 200 gallons of organic compounds per day. The State has not submitted technical imformation justifying that this exemption represents RACT. USEPA will approve this exemption if prior to final rulemaking the State submits either:

(1) Technical support documentation which justifies that the exemption represents RACT; or

(2) Documents that the allowable emissions resulting from the proposed regulation differ no more than 5 percent from the allowable emissions which would result from a regulation which requires compliance for those forebay sections or any other separator sections which recover less than 200 gallons of organic compounds per day; or

(3) If the State cannot comply with 1 or 2 above, the State must make a commitment to extend the applicability of paragraph (M)(2) to those forebay sections or any other separator sections which recover less than 200 gallons of

organic compounds per day. This commitment must include the date on which the adopted revised regulations shall be submitted to USEPA. Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the above corrective material will be submitted on a schedule negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve the above noted portion and propose for approval the negotiated schedules in a subsequent **Federal Register** notice.

-10 Compliance Test Methods and Procedures. This is a new rule which establishes test methods and procedures for sources governed by new Rule 3745-21-09. The test methods contained in this rule are based on published USEPA guidance. USEPA has reviewed the provisions of this regulation and finds them acceptable. USEPA proposes to approve this new rule.

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels proposed regulations, "specialized." I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979 by the Administrator and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This Notice of Proposed Rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended. A thirty day comment period is being used to enable publication of final action on the SIP revisions as soon as possible because of the July 1, 1979 statutory deadline in Section 172 of the Clean Air Act, and because notice of public availability of the SIP revisions was published in the **Federal Register** of November 2, 1979.

Dated: February 4, 1980.

**John McGuire,**

*Regional Administrator.*

[FR Doc. 80-7315 Filed 3-7-80; 8:45 am]

BILLING CODE 6560-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

**[Docket No. FI-3055]**

### National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Evansville, Vanderburgh County, Indiana.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 42 FR 34639 on or about July 6, 1977, and in the *Evansville Press and Courier*, published on or about June 28, and June 29, 1977, and hence supersedes those previously published rules.

**DATES:** The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the Office of the City Building Commission, Civic Center, Evansville, Indiana.

Send comments to: Honorable Michael Vanderneer, Mayor of the City of Evansville, City-County Building, Room 302, Evansville, Indiana 47708.

**FOR FURTHER INFORMATION:** Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance, (202) 426-1460 or Toll Free Line (800) 424-8872, Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** Proposed base (100-year) flood elevations are listed below for selected locations in the City of Evansville, Vanderburgh County, Indiana, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)) (presently appearing at its former Title 24, Chapter X, § 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to eight adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

**Proposed Base (100-Year) Flood Elevations**

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Indiana | Evansville, City, Vanderburgh County. | Ohio River | Downstream Corporate Limit | *378 |
| | | | Cherry Street Extended | *378 |
| | | | Upstream Corporate Limt | *378 |
| | | Pigeon Creek | Franklin Street | *378 |
| | | | Maryland Street | *378 |
| | | | Fifth Avenue | *378 |
| | | | North First Avenue | *379 |
| | | | Diamond Avenue | *379 |
| | | | Stringtown Road | *379 |
| | | | U.S. Highway 41 | *380 |
| | | | Oak Hill Road | *381 |
| | | | Upstream Corporate Limit | *382 |

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

Issued: February 25, 1980.

**Gloria M. Jimenez,**

*Federal Insurance Administrator.*

[FR Doc. 80-7152 Filed 3-7-80; 8:45 am]

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44 CFR Part 67

[Docket No. FEMA-5660]

## National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Katy, Harris County, Texas.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 42271 on or about July 19, 1979, and in the *Houston Post*, published on or about July 11, and July 18, 1979, and hence supersedes those previously published rules.

**DATES:** The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Hall, Katy, Texas.

Send comments to: Honorable John G. Morrison, Mayor of Katy, P.O. Box 617, 910 Avenue C, Katy, Texas 77450.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance, (202) 426–1460 or Toll Free Line (800) 424–8872, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** Proposed base (100-year) flood elevations are listed below for selected locations in the City of Katy, Harris County, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)) (presently appearing at its former Title 24, Chapter X, § 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

**Proposed Base (100-Year) Flood Elevations**

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Texas | Katy, City, Harris County | Cane Island Branch | Southern Corporate Limits | *133 |
| | | | Interstate Highway 10 (upstream) | *135 |
| | | | First Street (upstream) | *142 |
| | | | Tenth Street | *143 |
| | | | Franz Road (upstream) | *147 |
| | | | Morton Road | *153 |
| | | | Northern Corporate Limits | *158 |

Maps available for review at the Katy City Hall, Katy, Texas.

Send comments to Honorable John G. Morrison, Mayor of Katy, P.O. Box 617, Katy, Texas 77450.

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

Issued: February 25, 1980.

**Gloria M. Jimenez,**

*Federal Insurance Administrator.*

[FR Doc. 80-7153 Filed 3-7-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5702]

## National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations for the Town of Mansfield, Tolland County, Conn.

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Mansfield, Tolland County, Connecticut.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Willimantic Chronicle* on September 22, 1979 and September 29, 1979, and in 44 FR 57433 published on October 5, 1979, and hence supersedes those previously published rules.

**DATES:** The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood base (100 year) elevations are available for review at the Town Clerk's Office, Town Hall, Mansfield, Connecticut.

Send comments to: Mr. Martin H. Berliner, Town Manager, Town of Mansfield, Town Hall, 4 South Eagleville Road, Mansfield, Connecticut 06286.

**FOR FURTHER INFORMATION CONTACT:** Mr. R. Gregg Chapell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080, Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** Proposed base (100-year) flood elevations are listed below for selected locations in the Town of Mansfield, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Progam (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-Year) flood elevations for selected locations are:

**Proposed Base (100-year) Flood Elevations**

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Connecticut | (T) Mansfield, Tolland County | Willimantic River | Southern Corporate Limit | *250 |
| | | | At Cider Mill Road | *251 |
| | | | 500 feet upstream from Route 31 | *255 |
| | | | 1,000 feet downstream from Central Vermont Railway | *260 |
| | | | At Coventry Road | *266 |
| | | | 2,000 feet upstream from Central Vermont Railway (Northern Crossing). | *268 |
| | | | Just downstream from Eagleville Road | *275 |
| | | | Just upstream from Eagleville Dam | *284 |
| | | | Just downstream from Plains Road | *287 |
| | | | Just upstream from Plains Road | *291 |
| | | | Just downstream from Route 44A | *293 |
| | | | Just upstream from Route 44A | *296 |
| | | | About 150 feet upstream of Merrow Road | *315 |
| | | | Approximately 1,400 feet upstream from Merrow Road | *317 |
| | | | Just upstream from Tolland Road | *325 |
| | | | At Northern Corporate Limits | *330 |
| | | Conantville Brook | At Route 195 | *163 |
| | | | At west bound Interstate 84 | *166 |
| | | | At Conantville Road | *167 |
| | | | Just upstream from Conantville Dam | *196 |
| | | | At Ash Street | *236 |
| | | | At upstream dam | *240 |
| | | | At Pleasant Valley Road | *258 |
| Connecticut | (T) Mansfield, Tolland County | Natchaug River | 1,300 feet upstream from corporate limit | *163 |
| | | | Just downstream from Willimantic Dam | *168 |
| | | | Just upstream from Willimantic Dam | *184 |
| | | | Just downstream of Hollow Dam Road | *195 |
| | | Mount Hope River | About 2,100 feet upstream of Atwoodville Road | *260 |
| | | | 2,500 feet upstream from Atwoodville Road | *263 |
| | | | About 200 feet upstream from Juniper Lane | *287 |
| | | | Approximately 2,000 feet downstream from Laurel Lane | *297 |
| | | | Just upstream from Laurel Lane | *304 |
| | | | Just upstream of Mount Hope Road | *310 |
| | | | 2,300 feet upstream from Mount Hope Road | *333 |
| | | | At the upstream corporate limit | *340 |

Maps available at Town Clerk's Office, Town Hall, Mansfield, Connecticut.

Send comments to Mr. Martin H. Berliner, Town Manager, Town Hall, 4 South Eagleville Road, Mansfield, Connecticut 06268.

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

Issued: February 25, 1980.

Gloria M. Jimenez,

*Federal Insurance Administrator.*

[FR Doc. 80-7159 Filed 3-7-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5702]

## National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations for the Town of Darien, Fairfield County, Conn.

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Darien, Fairfield County, Connecticut.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Darien Review* and the *Darien News* on September 20, 1979 and September 27, 1979, and in 44 FR 57433 published on October 5, 1979, and hence supersedes those previously published rules.

**DATES:** The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood base (100-year) elevations are available for review at the Town Office, Public Works Office, Darien, Connecticut.

Send comments to: Mr. William Patrick, First Selectman, Town of Darien, Town Office, Darien, Connecticut 06820.

**FOR FURTHER INFORMATION CONTACT:** Mr. R. Gregg Chapell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** Proposed base (100-year) flood elevations are listed below for selected locations in the Town of Darien, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1962 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

**Proposed Base (100-Year) Flood Elevations**

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Connecticut | (T) Darien, Fairfield County | Five Mile River | Just upstream of Tokeneke Road | *12 |
| | | | Approximately 100 feet downstream of Conrail | *22 |
| | | | Approximately 100 feet upstream of Conrail | *29 |
| | | | Approximately 600 feet downstream of Old Kings Highway North | *32 |
| | | | Just downstream of Old Kings Highway North | *37 |
| | | | Just upstream of Old Kings Highway North | *42 |
| | | | Just upstream of Connecticut Turnpike | *46 |
| | | | At northern corporate limits | *49 |
| | | Noroton River | Just upstream of Boston Post Road | *12 |
| | | | Approximately 250 feet upstream of Connecticut Trunpike | *17 |
| | | | Approximately 200 feet downstream of Conrail | *30 |
| | | | Just upstream of Conrail | *38 |
| | | | Approximately 2,200 feet upstream of Middlesex Road | *42 |
| | | | Just upstream of Conrail | *74 |
| | | | Just downstream of Woodway Road | *94 |
| | | Goodwives River | Just upstream of Rings End Road | *12 |
| | | | Just upstream of Goodwives River Road | *13 |
| | | | Approximately 1,050 feet upstream of Goodwives River Road | *15 |
| | | | Approximately 1,200 feet upstream of Goodwives River Road | *19 |
| | | | Just upstream of Andrews Drive | *33 |
| | | | Approximately 250 feet downstream of Old Kings Highway South | *37 |
| | | | Just upstream of Conrail | *44 |
| | | | Just upstream Old Kings Highway North | *46 |
| | | | Approximately 75 feet downstream of Prospect Avenue | *62 |
| | | | Approximately 75 feet upstream of Prospect Avenue | *66 |
| | | | Just upstream of Granaston Lane | *85 |
| | | | Approximately 900 feet downstream of Overbrook Lane | *94 |
| | | | Approximately 850 feet downstream of Overbrook Lane | *99 |
| | | | Just upstream of Overbrook Lane | *109 |
| | | | Just upstream of Buttonwood Lane | *135 |

**Proposed Base (100-Year) Flood Elevations—Continued**

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| | | Stony Brook | At confluence with Goodwives River | *12 |
| | | | Just upstream of Renshaw Road | *16 |
| | | | Approximately 200 feet downstream of Connecticut Trunpike | *20 |
| | | | Approximately 150 feet upstream of Connecticut Turnpike | *26 |
| | | | Approximately 600 feet downstream of Conrail | *60 |
| | | | Approximately 75 feet downstream of Conrail | *66 |
| | | | Approximately 100 feet upstream of Conrail | *71 |
| | | | Just downstream of West Avenue | *73 |
| | | | Just upstream of West Avenue | *75 |
| | | | Approximately 1,400 feet upstream of West Avenue | *78 |
| | | | Approximately 900 feet downstresm of Middlesex Road | *92 |
| | | | Approximately 150 feet upstream of Middlesex Road | *95 |
| | | | Just downstream of High School Lane | *98 |
| | | | Just downstream of Hanson Road | *111 |
| | | Tokeneke Brook | Just upstream of Cross Road | *12 |
| | | | Approximately 150 feet downstream of Dam | *13 |
| | | | Just upstream of Dam | *25 |
| | | | Just upstream of Tokeneke Road | *27 |
| | | | Approximately 125 feet upstream of Conrail (first of three crossings) | *32 |
| | | | Just downstream of Conrail (second of three crossings) | *34 |
| | | | Just upstream of Conrail (second of three crossings) | *43 |
| | | | Just downstream of Conrail (third of three crossings) | *44 |
| | | | Just upstream of Conrail (third of three crossings) | *51 |
| | | Long Island Sound | Darien Coastline | *12 |

Maps available at Town Office, Public Works Office, Darien, Connecticut.

Send comments to Mr. William Patrick, First Selectmen, Town of Darien, Town Office, Darien, Connecticut 06820.

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

Issued: February 25, 1980.

**Gloria M. Jimenez,**

*Federal Insurance Administrator.*

[FR Doc. 80-7155 Filed 3-7-80; 8:45 am]

BILLING CODE 6718-03-M

**44 CFR PART 67**

**[Docket No. FEMA-5784]**

## National Flood Insurance Program; Proposed Zone and Base Flood Elevation Determinations for the City of Omaha, Nebr.

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed Rule.

**SUMMARY:** Technical information or comments are solicited on the proposed zones and base flood elevations as described below.

The proposed zones and base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above/named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zones and base flood elevations are available for review at the City of Omaha Planning Department, Suite 1110, Omaha/Douglas Civic Center, 1819 Farnam Street, Omaha, Nebraska.

Send comments to: The Honorable Albert Veys, Mayor, Omaha/Douglas Civic Center, 1819 Farnam Street, Omaha, Nebraska 68183.

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

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the proposed zones and base flood elevations for the City of Omaha, Nebraska, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67 (presently appearing at its former Section 24 CFR Part 1917).

These zones and base flood elevations, together with the flood plain management measures required by § 60.3 (presently appearing at its former §1910.3) of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zones and base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevation for selected locations in the annexed area are:

| Source of flooding | Location | Elevation in feet, national geodetic vertical datum |
|---|---|---|
| Big Papillion Creek..... | Downstream from Burlington Northern Railroad. | 1,002 |
| | U Street..... | 1,005 |

The proposed flood hazard zones for the extraterritorial jurisdiction areas are generally located as follows:

*Source of Flooding and Location*

North Branch West Papillion Creek, Entire Length.
West Papillion Creek, Entire Length.
Big Papillion Creek, Entire Length.
Thomas Creek, Entire Length.
Little Papillion Creek, Entire Length.
Three Tributaries to Little Papillion Creek, North of Bennington Road.
Mill Creek, South of Chicago and North Western Railroad.
Missouri River, Downstream from northern County Boundary.
Box Elder Creek, Entire Length
Hell Creek, Entire Length downstream from Pacific Street.

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

Issued: January 25, 1980.

**Gloria M. Jimenez,**

*Federal Insurance Administrator.*

[FR Doc. 80-7156 Filed 3-7-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 5785]

## National Flood Insurance Program; Proposed Flood Elevation Determinations

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper or local circulation in each community.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 and Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter X, § 1917.4(a)).

These elevations, together with the flood plain management measures required by Section 60.3 (formerly Section 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

**Proposed Base (100-Year) Flood Elevations**

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Arkansas | City of Wabbaseka, Jefferson County. | Wabbaseka Bayou | Approximately 100 feet upstream of Paw Paw Street | *198 |
| | | | Just upstream of U.S. Highway 79 | *200 |
| | Maps available at City Hall, Wabbaseka, Arkansas 72175. | | | |
| | Send comments to Mayor W. C. Ivey, City Hall, Wabbaseka, Arkansas 72175. | | | |
| California | Ontario (City), San Bernardino County. | Cucamonga Creek | Intersection of Hellman Avenue and Francis Street | |
| | | West Cucamonga Creek | | #1 |
| | | Intersection of Vineyard Avenue and Airport Street. | | #2 |
| | | | Intersection of State Street and Imperial Avenue | #1 |
| | | Deer Creek | Intersection of Center Avenue and G Street | #1 |
| | | Day Creek | Intersection of Rochester Avenue and G Street | #1 |
| | | San Antonio Drain | Intersection of San Antonio Avenue and Fourth Street | #1 |
| | | Ontario Motor Speedway Drain | Area from 50 feet east and 50 feet west of drain, south of Airport Drive. | #1 |
| | | East Etiwanda Creek | Intersection of creek and center of Santa Ana Street | #1 |
| | | Old Deer Creek | Intersection of Arcadian Shores Drive and Hazeltine Street | #1 |
| | | Magnolia Avenue Drain | Area northwest of the intersection of Pomona Freeway and Palmetto Avenue. | *824 |
| | Maps available at the City Engineer's Office, City Hall, 303 East B Street, Ontario, California. | | | |
| | Send comments to the Honorable R. E. Ellingwood, Mayor, City of Ontario, City Hall, 303 East B Street, Ontario, California 91764. | | | |
| Connecticut | City of Bristol, Hartford County | Pequabuck River | Downstream Corporate Limits | *196 |
| | | | Central Street (Upstream side) | *208 |
| | | | Confluence w/Copper Mine Brook | *216 |
| | | | Andrews Street (Upstream side) | *225 |
| | | | Broad Street (Upstream side) | *239 |
| | | | Middle Street (Upstream side) | *251 |
| | | | Downs Street (Upstream side) | *263 |
| | | | East Street (Upstream side) | *275 |
| | | | Mellen Street (Upstream side) | *286 |
| | | | 235 feet downstream from Main Street at culvert outlet | *293 |
| | | | 365 feet downstream from West Street at culvert inlet | *313 |
| | | | Confluence of Tributary 1 | *321 |
| | | | Jacobs Street (Upstream side) | *338 |
| | | | Tulip Street (Upstream side) | *352 |
| | | | Dutton Avenue (Upstream side) | *357 |
| | | | Terryville Road (Upstream side) | *392 |
| | | | Private Road (off Terryville Road) Upstream side | *412 |
| | | | Clark Avenue Extended | *440 |
| | | | 1,452 feet downstream from upstream Corporate Limits | *491 |
| | | | Upstream Corporate Limits | *508 |

**Proposed Base (100-Year) Flood Elevations**—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| | | North Creek | 180 feet upstream of North Farmington Street at culvert inlet | *349 |
| | | | North Main Street (Upstream side) | *360 |
| | | | James Street (Upstream side) | *373 |
| | | | Franklin Street (Upstream side) | *385 |
| | | | Private Road (Upstream side) | *404 |
| | | | Conrail (Upstream side) | *423 |
| | | | Private Road (Upstream side) | *431 |
| | | | 1,589 feet upstream from Private Road (Limit of Study) | *472 |
| | | Copper Mine Brook | Confluence w/Pequabuck | *216 |
| | | | Confluence of Tributary A | *223 |
| | | | West Washington Street (Upstream side) | *229 |
| | | | Foot bridge (Downstream side) | *239 |
| | | | Artisan Street (Upstream side) | *245 |
| | | | Farmington Avenue (Upstream side) | *255 |
| | | | Stevens Street (Upstream side) | *273 |
| | | | Jerome Avenue (Upstream side) | *288 |
| | | | Dam | *307 |
| | | | Upstream Corporate Limits | *320 |
| | | Polkville Brook | Confluence w/Copper Mine Brook | *256 |
| | | | Private Road (Upstream side) | *259 |
| | | | Jerome Avenue (Upstream side) | *280 |
| | | | Warner Street (Upstream side) | *297 |
| | | | 364 feet upstream from Warner Street (Limit of Study) | *318 |
| | | Negro Hill Brook | Confluence w/Copper Mine Brook | *257 |
| | | | Jerome Avenue (Upstream side) | *278 |
| | | | 976 feet upstream of Jerome Avenue | *294 |
| | | | Falls Brook Road (Upstream side) | *305 |
| | | | 1,441 feet upstream of Falls Brook Road (Limit of Study) | *328 |
| | | Tributary A to Copper Mine Brook | Confluence w/Copper Mine Brook | *223 |
| | | | Mechanic Street (Upstream side) | *241 |
| | | | Andrew Street (Upstream side) | *248 |
| | | Tributary B to Copper Mine Brook | Confluence w/Copper Mine Brook | *246 |
| | | | Stafford Avenue (Upstream side) | *254 |

Maps available at the Office of the City Clerk, City Hall, Bristol, Connecticut.

Send comments to Honorable Michael Werner, Mayor of Bristol, City Hall, 111 North Main Street, Bristol, Connecticut 06010.

| | | | | |
|---|---|---|---|---|
| Florida | Davenport (Town), Polk County | Lake Play | Intersection of Escambia Avenue and Bay Street | *129 |
| | | Lake Davenport | On West Boulevard 200 feet south of intersection with North Boulevard. | *121 |
| | | Palm Lake | On east side of West Boulevard 200 feet east of intersection with Holly Hill Drive. | *125 |
| | | Southeast Depression | Intersection of East Boulevard and Lemon Street | *123 |
| | | Shallow Flooding (Ponding) | Intersection of East Boulevard and Magnolia Street | *118 |

Maps are available at Town Hall, 1 Allapaha Street, Davenport, Florida.

Send comments to the Honorable Robert K. Bradbury, Mayor, Town of Davenport, Town Hall, P.O. Box 125, Davenport, Florida 33837.

| | | | | |
|---|---|---|---|---|
| Florida | Edgewater (City), Volusia County | South Canal | Northwestern side of Hamilton Drive along channel between Riverside Drive and U.S. Highway 1. | *8 |
| | | Indian River | Intersection of West Knapp Avenue and Riverside Drive | *8 |
| | | | Intersection of Park Avenue and Riverside Drive | *8 |
| | | | Intersection of Marion Avenue and Riverside drive | *8 |
| | | | Intersection of Boston Road and Riverside Drive | *8 |
| | | E Canal | Intersection of U.S. Highway 1 and channel | *8 |
| | | | Intersection of Fern Palm Drive and channel | *9 |
| | | | Approximately 40 feet upstream from the intersection of Florida East Coast Railroad and channel. | *10 |

Maps available from City Hall, 103 North Riverside Drive, Edgewater, Florida.

Send comments to the Honorable Robert H. Christy, Mayor, City of Edgewater, City Hall, P.O. Box 100, Edgewater, Florida 32032.

| | | | | |
|---|---|---|---|---|
| Georgia | Garden City, Chatham County | Dundee Canal | Area at intersection of U.S. Highway 80 (State Route 26) and Third Street. | *11 |
| | | | Area at end of Heidt Avenue approximately 1100 feet south of its intersection with U.S. Highway 80 (State Route 26). | *15 |
| | | Tributary to Salt Creek | Area south of Woodlawn Avenue approximately 1000 feet west of its intersection with Talmadge Drive. | *12 |
| | | | Area at U.S. Highway 80 (State Route 26) approximately 4200 feet west of its intersection with Russell Avenue. | *14 |
| | | Pipe Makers Canal | Intersection of Smith Avenue and Walberry Avenue | *11 |
| | | | Area west of Seaboard Coast Line Railroad | *12 |
| | | | Area north of Old Louisville Road approximately 5200 feet west of its intersection with Russell Avenue. | *14 |

Maps available at City Hall, City of Garden City, P.O. Box 7548, Garden City, Georgia 31408.

Send comments to Honorable Ralph O. Kessler, Mayor, City of Garden City, City Hall, P.O. Box 7548, Garden City, Georgia 31408.

| | | | | |
|---|---|---|---|---|
| Georgia | Ware County, Unincorporated Areas. | Satilla River | At center of Jamestown Road where it crosses the stream | *97 |
| | | | At center of U.S. Highway 1 and 23 and State Highway 4 where it crosses the stream. | *102 |
| | | Cox Creek | At center of Barton Road where it crosses the stream | *106 |
| | | | 100 feet upstream from center of Seaboard Coast Line Railroad | *141 |
| | | Cox Creek Tributary C | 100 feet upstream from center of Pineview Road | *129 |
| | | Cox Creek Tributary D | 100 feet upstream from center of dam | *122 |
| | | | 100 feet upstream from center of Macon Road | *136 |

**Proposed Base (100-Year) Flood Elevations**—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| | | Cox Creek Tributary E | At center of Pineview Road where it crosses the stream | *136 |
| | | Cox Creek Tributary J | 100 feet upstream from center of Pineview Road | *130 |
| | | Mill Creek | 100 feet upstream center of Morgan Road | *127 |
| | | | At center of Aycock Road where it crosses the stream | *131 |
| | | Mill Creek 2 | At center of Aycock Road where it crosses the stream | *131 |
| | | Kettle Creek | At center of Jamestown Road where it crosses the stream | *100 |
| | | | 100 feet upstream from center of Cherokee Avenue | *112 |
| | | | At intersection of Connecticut Avenue and Florida Street | *138 |
| | | Winona Park Canal | 100 feet upstream from center of Augusta Avenue | *118 |
| | | | 50 feet upstream from center of U.S. Highway 82 (Albany Avenue) | *129 |
| | | County Creek B | 50 feet upstream from Central Avenue | *120 |
| | | | At center of Vicker Road where it crosses the stream | *130 |
| | | Waycross Drainage Canal | At center of Morningside Drive where it crosses the stream | *89 |
| | | Tributary A | At center of Mt. Pleasant Road where it crosses the stream | *118 |
| | | Tributary A1 | At intersection of Dasher Street and Palmetto Drive | *137 |

Maps available at Ware County Courthouse, Church Street, Waycross, Georgia.

Send comments to Mr. Thomas E. Gray, Chairman, Ware County Commissioners, Ware County, Ware County Courthouse, P.O. Box 1069, Waycross, Georgia 31501.

| | | | | |
|---|---|---|---|---|
| Illinois | Inverness (Village), Cook County | Flint Creek | 40 feet upstream from center of Abbotsford Drive | *854 |
| | | Salt Creek | 50 feet upstream from center of Roselle Road | *769 |
| | | | Downstream side of Ela Road | *801 |
| | | Tributary A of Salt Creek | 25 feet upstream from center of Roselle Road | *766 |
| | | | Intersection of Jules Road and Willow Street | *812 |
| | | Tributary B of Salt Creek | 50 feet upstream from center of Ela Road | *819 |

Maps are available at Village Hall, 1940 Palatine Road, Inverness, Illinois.

Send comments to Mr. Russell V. Puzey, Village President, Village of Inverness, Village Hall, 1940 Palatine Road, Inverness, Illinois 60067.

| | | | | |
|---|---|---|---|---|
| Illinois | Winthrop Harbor (Village), Lake County. | North Branch Kellogg Ravine | 50 feet upstream from center of Adams Avenue | *632 |
| | | | 25 feet upstream from center of Monroe Avenue | *650 |
| | | Kellogg Ravine | 100 feet upstream from center of Sheridan Road | *615 |
| | | Lake Michigan Tributary | 75 feet upstream from center of Ravine Drive | *600 |
| | | | 25 feet upstream from center of Holdridge Avenue | *629 |
| | | Lake Michigan | Eastern end of Main Street | *584 |

Maps are available at City Hall, 830 Sheridan Road, Winthrop Harbor, Illinois.

Send comments to Honorable Arthur E. Fossland, Mayor, Village of Winthrop Harbor, Village Hall, 830 Sheridan Road, Winthrop Harbor, Illinois 60096.

| | | | | |
|---|---|---|---|---|
| Kentucky | Boyd County, Unincorporated Areas. | Ohio River | Intersection of river and U.S. Highway 60 | *547 |
| | | Big Sandy River | Intersection of river and Interstate Highway 64 | *551 |
| | | East Fork Little Sandy River | Intersection of Daniels Branch Road and Naples Road | *581 |
| | | | Intersection of Cannonsburg Big Run Road and State Highway 180 | *608 |
| | | | Intersection of McGlothen Road and Left Fork Trace Creek Road | *624 |
| | | Williams Creek | Intersection of Buena Fork Road and State Highway 5 | *589 |
| | | | 50 feet upstream from center Interstate Highway 64 (west bound) | *620 |
| | | Rush Creek | Intersection of State Road 854 and County Road 1654 | *641 |
| | | Shope Creek | 25 feet upstream from center of Booth Carlisle Road | *604 |
| | | | Intersection of creek and Greenfield Road | *631 |
| | | Marsh Run Creek | 25 feet upstream from center of Old Cannonsburg-Ashland Road | *602 |
| | | Laurel Creek | 130 feet upstream from center of State Highway 3 (upstream crossing). | *625 |
| | | Hood Creek | Intersection of creek and Zanesville Road | *553 |
| | | | Intersection of State Highway 5 and Daniels Fork Road | *594 |
| | | Rockhouse Fork Creek | 30 feet upstream from center of Indian Run Road | *612 |
| | | Durbin Creek (backwater from Big Sandy River). | Intersection of creek and State Highway 752 | *557 |
| | | Keys Creek (backwater from Ohio River). | Areas adjacent to City of Ashland corporate limits downstream of Valley View Road. | *550 |

Maps available at Boyd County Courthouse, Catlettsburg, Kentucky.

Send comments to the Honorable George R. Hall, County Judge Executive, Boyd County, Boyd County Courthouse, Catlettsburg, Kentucky 41129.

| | | | | |
|---|---|---|---|---|
| Kentucky | Elizabethtown (City), Hardin County. | Valley Creek | Intersection of Severns Street and Tabb Street | *679 |
| | | | At center of Illinois Central Gulf Railroad where it crosses the stream | *690 |
| | | Freeman Creek | 50 feet downstream from the center of College Street | *694 |
| | | Shaw Creek | 50 feet upstream from the center of St. John Road (State Highway 1357). | *709 |
| | | | 50 feet upstream from the center of State Highway 1600 | *733 |
| | | Billy Creek | 150 feet upstream from center of Illinois Gulf Central Railroad Bridge | *687 |
| | | | 150 feet upstream from the center of St. John Road (State Highway 1357). | *697 |
| | | Pear Orchard Tributary | Intersection of stream and center of Village Drive | *730 |
| | | | 25 feet upstream from the center of Broadway Avenue | *760 |
| | | Park Lane Tributary | 20 feet downstream from the center of Helm Street | *714 |
| | | | Intersection of Stream and center of West Poplar Drive | *731 |

Maps available at City Hall, 111 West Dixie Avenue, Elizabethtown, Kentucky.

Send comments to the Honorable James R. Pritchard, Mayor, City of Elizabethtown, City Hall, 111 West Dixie Avenue, Elizabethtown, Kentucky 42701.

| | | | | |
|---|---|---|---|---|
| Louisiana | Village of Albany Livingston Parish. | Little Natalbany River | Just downstream of U.S. Highway 190 | *34 |
| | | | Julia Street Extended | *36 |

Maps available at City Hall, P.O. Drawer D. Albany, Louisiana 70711.

Send comments to, Mayor George Stewart or Mr. Jessie W. Fletcher, Mayor Protem, City Hall, P.O. Drawer D. Albany, Louisiana 70711.

**Proposed Base (100-Year) Flood Elevations**—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Louisiana | Town of Madisonville, St. Tammany Parish. | Lake Pontchar-train | At the interssection of State Highway 1077 and the drainage canal. | *11 |
| | | Tchefuncta River | At intersection of St. Joseph Street and Main Street | *11 |
| | | | At intersection of Johnson Street and 6th street | *11 |
| | Maps available at, City Hall, St. Francis Street, Madisonville, Louisiana 70447. | | | |
| | Send comments to, Mayor Pete L. Gitz, City Hall, St. Francis Street, Madisonville, Louisiana 70447. | | | |
| Massachusetts | Tewksbury, Town, Middlesex County. | Merrimack River | Downstream Corporate Limits | *55 |
| | | | Upstream Corporate Limits | *58 |
| | | Strong Water Brook | Tew-Mac Airport Culvert (Upstream) | *88 |
| | | | Sewer Treatment Plant Road (Downstream) | *89 |
| | | | Sewer Treatment Plant Road (Upstream) | *96 |
| | | Marshall Brook | Confluence w/Strong Water Brook | *96 |
| | | | North Street (Upstream) | *112 |
| | | | State Route 38 (Upstream) | *116 |
| | | Darby Brook | Confluence w/Marshall Brook | *101 |
| | | | Lee Street (Upstream) | *112 |
| | | | State Route 38 (upstream) | *116 |
| | | Trull Brook | Confluence w/Merrimack River | *56 |
| | | | 3rd Golf Course Bridge Upstream of mouth (Downstream) | *75 |
| | | | 3rd Golf Course Bridge Upstream of mouth (Upstream) | *80 |
| | | | River Road (Upstream) | *95 |
| | | | Interstate Route 475 Culvert | *106 |
| | | Meadow Brook | Confluence w/Strong Water | *96 |
| | | | Kendall Road (Downstream) | *103 |
| | | Brook A | Confluence w/Shawsheen River | *76 |
| | | | South Street (Upstream) | *83 |
| | | Concord River | Corporate Limits | *107 |
| | | Merrimack River | DownstreamCorporate Limits | *55 |
| | | | Upstream Corporate Limits | *58 |
| | | Strong Water Brook | Tew-Mac Airport Culvert (Upstream) | *88 |
| | | | Sewer Treatment Plant Road (Downstream) | *89 |
| | | | Sewer Treatment Plant Road (Upstream) | *96 |
| | | Marshall Brook | Confluence w/Strong Water Brook | *96 |
| | | | North Street (Upstream) | *112 |
| | | | State Route 38 (Upstream) | *116 |
| | | Darby Brook | Confluence w/Marshall Brook | *101 |
| | | | Lee Street (Upstream) | *112 |
| | | | State Route 38 (Upstream) | *116 |
| | | Trull Brook | Confluence w/Merrimack River | *56 |
| | | | 3rd Golf Course Bridge Upstream of mouth Downstream | *75 |
| | | | 3rd Golf Course Bridge Upstream of mouth (Upstream) | *80 |
| | | | River Road (Upstream) | *95 |
| | | | Interstate Route 495 Culvert | *106 |
| | | Meadow Brook | Confluence w/Strong River Brook | *96 |
| | | | Kendall Road Downstream | *103 |
| | | Brook A | Confluence w/Shawsheen River | *76 |
| | | | South Street (Upstream) | *83 |
| | | Concord River | Corporate Limits | *107 |
| | Maps available at the Office of the Town Clerk, Town Hall, Tewksbury, Massachusetts. | | | |
| | Send comments to Mr. Richard K. Morris, Chairman, Board of Selectmen, Town Hall, Tewksbury, Masschusetts 01876. | | | |
| Michigan | Genesee (Township), Genesee County. | Kearsley Creek | 300 feet north of intersection of Eckinger Street and Carnation Court | *736 |
| | | | At confluence with Kearsley Reservoir | *737 |
| | | | At center of Genesee Road Bridge | *741 |
| | | Crampton Drain | 100 feet upstream from center of Genesee Road | *745 |
| | | | 100 feet upstream from center of Belsay Road | *750 |
| | Maps available at Township Hall, 7244 North Genesee Road. | | | |
| | Send comments to Mr. William Ayre, Township Supervisor, Township of Genesse, Genesee Township Hall, 7244 North Genesee Road, Genesee, Michigan 48437. | | | |
| New Jersey | Washington (Township), Bergen County. | Musquapsink Brook | Intersection of Musquapsink Brook and Lafayette Avenue | *54 |
| | | | Intersection of Musquapsink Brook and Pascack Road | *73 |
| | | | Intersection of Musquapsink Brook and Washington Avenue | *91 |
| | | Musquapsink Brook By-Pass | 65 feet upstream from center of Woodfield Road | *62 |
| | | Pine Brook | Intersection of Pine Brook and center of Pascack Road | *68 |
| | | | 40 feet upstream from center of Ridgewood Boulevard North | *84 |
| | Maps are available at Washington Township Municipal Building, 350 Hudson Avenue, Westwood, New Jersey. | | | |
| | Send comments to the Honorable John W. Stapleton, Mayor, Township of Washington, Washington Township Municipal Building, 350 Hudson Avenue, Westwood, New Jersey 07675. | | | |
| North Carolina | City of High Shoals, Gaston County. | South Fork Catawba River | Just upstream of U.S. Highway 321 | *707 |
| | | Lutz Branch | Just upstream of Southern Railway | *685 |
| | Maps available at, City Hall, P.O. Box 6, High Shoals, North Carolina 28077. | | | |
| | Send comments to, Mr. Ray Metcalf, City Manager, City Hall, P.O. Box 6, High Shoals, North Carolina 28077. | | | |
| Oklahoma | City of Cherokee, Alfalfa County | Cottonwood Creek (Stream Channel). | Just downstream of Washington | *1180 |
| | | Cottonwood Creek (Flow through Town). | Just downstream of Intersection Adams and Grand Avenues | *1183 |
| | | Shallow Flooding Area I | Intersection of Grand Avenue with northern corporate limits | #2 |
| | | Shallow Flooding Area II | Just west of the intersection of Washington Street extended and eastern corporate limits. | #1 |
| | | Shallow Flooding Area III | At the intersection of 8th and Massachusetts Avenue | *1178 |
| | Maps available at City Hall, 121 N. Grand, Cherokee, Oklahoma 73728. | | | |
| | Send comments to Mayor G. L. McDowell, City Hall, 121 N. Grand, Cherokee, Oklahoma 73728. | | | |

**Proposed Base (100-Year) Flood Elevations—Continued**

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Oklahoma | City of Guthrie, Logan County | Cottonwood Cr. | Just upstream of Noble Avenue | *933 |
| | | | Just upstream of Perkins Avenue | *937 |
| | | Bird Creek | Just downstream of Walnut Street | *932 |
| | | | Just downstream of Pine Street | *946 |
| | | Snake Creek | Just upstream of Oak Street | *940 |
| | | | Just upstream of Drexel Blvd. | *965 |
| | | | Just upstream of Pine Street | *982 |
| | Maps available at City Hall, 300 W. Oklahoma Avenue, Guthrie, Oklahoma 73044. | | | |
| | Send comments to Mayor Helen Holmes or Mr. Paul Buntz, City Manager, City Hall, P.O. Box 908, Guthrie, Oklahoma 73044. | | | |
| Oklahoma | Town of Lexington, Cleveland County. | Canadian River | Downstream corporate limits | *1032 |
| | | | Just upstream of U.S. Highway 77 | *1034 |
| | | Choteau Creek | Just downstream of Catalpa Street | *1033 |
| | | | Just downstream of Broadway | *1034 |
| | | | Just upstream of Center Street | *1035 |
| | Maps available at City Hall, 121 E. Broadway, Lexington, Oklahoma 73051. | | | |
| | Send comments to, Mayor Leroy Wilson or Ms. Margaret Watkins, City Clerk, City Hall, P.O. Drawer D, Lexington, Oklahoma 73071. | | | |
| Oklahoma | City of Moore, Cleveland County | North Fork River | Just upstream of Highway 77 | *1134 |
| | | | Just upstream of SE 34th Street | *1136 |
| | | | Just upstream of East Hill Drive | *1228 |
| | | Stream "A" | Just downstream of SE 34th Street | *1140 |
| | | | Just upstream of Sooner Drive | *1144 |
| | | Stream "B" | Just downstream of SE 19th Street | *1158 |
| | | Stream "C" | Just downstream of SE 4th Street | *1180 |
| | | | Just downstream of NE 12th Street | *1209 |
| | | Stream "D" | Just upstream of Bryant Avenue | *1158 |
| | | | Just upstream of SE 19th Street | *1170 |
| | | Little River | Approximately 100 feet upstream of SE 34th Street | *1177 |
| | | | Just upstream of SW 19th Street | *1195 |
| | | | Just upstream of SW 1st Street | *1220 |
| | | | Just upstream of NE 12th Street | *1245 |
| | | Stream "E" | Just downstream of SW 34th Street | *1178 |
| | Maps available at City Hall, 125 East Main, Moore, Oklahoma 73153. | | | |
| | Send comments to, Mayor Erbie Mercer or Mr. Harry B. Hill, Jr., City Hall 125 East Main, Moore, Oklahoma 73153. | | | |
| Pennsylvania | Centre, Township, Berks County | Tributary A | Upstream side of Dauberville Dam | *296 |
| | | | Upstream side of Gin Mill Road | *306 |
| | | | Upstream side of Centerport Road | *323 |
| | | | Approximately 100 feet downstream of Belleman's Church Road | *325 |
| | | Irish Creek | Upstream side of Dauberville Dam | *296 |
| | | | Upstream side of Grove Road | *300 |
| | Maps available at the Centre Township Building. | | | |
| | Send comments to Mr. Wilmer H. Phillips, Chairman of the Board of Supervisors of Centre, R. D. 1, Box 79D, Mohrsville, Pennsylvania 19541. | | | |
| Pennsylvania | Dover, Township, York County | Fox Run | Old Fox Run Road | *383 |
| | | | Cardinal Lane | *372 |
| | | | Bull Road | *364 |
| | | Tributary A to Fox Run | Upstream Corporate Limits | *401 |
| | | | Park Street Upstream | *389 |
| | | | Fox Run Road | *384 |
| | | | Confluence with Fox Run | *383 |
| | | Tributary B to Fox Run | Butter Road (Downstream) | *407 |
| | | | East Canal Road (Upstream) | *389 |
| | | | Old Fox Run Road (Upstream) | *385 |
| | | Tributary C to Fox Run | Mohawk Avenue (Extended) Upstream | *404 |
| | | | Thunderbird Road (Extended) | *394 |
| | | | Confluence with Fox Run | *383 |
| | | Little Conewago Creek | Confluence with Honey Run | *398 |
| | | | Carlisle Road | *383 |
| | | Honey Run | Taxville Road | *404 |
| | | | Private Drive approximately 750 feet downstream from Taxville Road (Upstream Side). | *403 |
| | | | Confluence with Little Conewago Creek | *398 |
| | | Conewago Creek | Approximately 975 feet upstream of Orts Mill Dam A | *389 |
| | | | Orts Mill Dam A (Downstream) | *388 |
| | | | Approximately 3,500 feet downstream of Orts Mill Dam A | *385 |
| | | | Harlacher Bridge (Downstream) | *378 |
| | | | Detters Mill Dam (Downstream) | *371 |
| | | | Fish and Game Road (Extended) (Downstream) | *361 |
| | Maps available at the Dover Township Building. | | | |
| | Send comments to Mr. Leon Lankford, Chairman of the Board of Supervisors of Dover, 2480 West Canal Road, Dover, Pennsylvania 17315. | | | |
| Pennsylvania | Eden, Township, Lancaster County. | Big Beaver Creek | Downstream Corporate Limits | *420 |
| | | | Private Road Upstream | *460 |
| | | | Upstream Stony Hill Road | *501 |
| | Maps available at the Eden Township Building, Stony Hill Road. | | | |
| | Send comments to Mr. William Counts, Jr., Chairman of the Board of Supervisors of Eden, R. D. 4, Correyville, Pennsylvania 17566. | | | |

**Proposed Base (100-Year) Flood Elevations**—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Pennsylvania | St. Lawrence, Borough, Berks County. | Antietam Creek | Downstream Corporate Limits | *260 |
| | | | Downstream side of Parkview Road | *281 |
| | | | Downstream side of Oley Turnpike | *296 |
| | | | Downstream side of St. Lawrence Avenue | *303 |
| | | | Upstream Corporate Limits | *320 |
| | Maps available at the St. Lawrence Borough Hall. | | | |
| | Send comments to Honorable John C. Tecklenberg, Mayor of St. Lawrence, 3379 Oley Turnpike Road, Reading, Pennsylvania 19606. | | | |
| Pennsylvania | Wayne, Township, Mifflin County.. | Juniata River | Corporate Limits (Downstream) | *512 |
| | | | State Route 103 Extended at Intersection with Private Road | *525 |
| | | | State Route 496 Extended at Intersection with Township Route 302 | *533 |
| | | | Pennsylvania Avenue (Upstream) | *559 |
| | | | Conrail (Upstream) | *559 |
| | | | Corporate limits (Upstream) | *569 |
| | Maps available at the residence of Mr. Cloyd Enyeart, Wayne Township Secretary, Front Street, Newton Hamilton, Pennsylvania. | | | |
| | Send comments to Mr. Chester Anders, Chairman of the Board of Supervisors of Wayne, Box 134, Newton Hamilton, Pennsylvania 17075. | | | |
| Pennsylvania | West Manchester, Township, York County. | Codorus Creek | Upstream Corporate Limits | *385 |
| | | | Indian Rock Dam Road (Upstream) | *382 |
| | | | Downstream Corporate Limits | *370 |
| | | Little Conewago Creek | Upstream Corporate Limits | *398 |
| | | | Carlisle Pike (Upstream) | *383 |
| | | | Poplars Road (Upstream) | *380 |
| | | | Bull Road at Downstream Corporate Limits (Upstream) | *374 |
| | | Shiloh Tributary to Little Conewage Creek. | Approximately 1000 feet upstream from Loman Drive extended | *427 |
| | | | Private Drive 1,160 feet upstream from Sunset Lane (Upstream) | *420 |
| | | | Private Drive 1,160 feet upstream from Sunset Lane (Upstream) | *413 |
| | | | Sunset Lane (Upstream) | *401 |
| | | | Thornbridge Road East (Upstream) | *391 |
| | | | Confluence with Little Conewago Creek | *386 |
| | | Honey Run | Approximately 2,400 feet upstream of Taxville Road | *420 |
| | | | Taxville Road (Upstream) | *405 |
| | | | Private Road 800 feet downstream from Taxville Road (Upstream) | *403 |
| | | | Confluence with Little Conewago Creek | *398 |
| | Maps available at the West Manchester Township Building. | | | |
| | Send comments to Ms. Laverne Rohrbaugh, Chairperson of the Board of Supervisors of West Manchester, 2501 Catherine Street, York, Pennsylvania 17404. | | | |
| Pennsylvania | Windsor, Township, Berks County | Kaercher Creek | Kaercher Creek Dam Upstream | *450 |
| | | | Upstream side of Downstream Private Road | *484 |
| | | | Upstream side of Upstream Private Road | *497 |
| | | | Approximately 40' downstream of Old Route 22 | *555 |
| | | Schuylkill River | Downstream Corporate Limits | *338 |
| | | | Kernsville Dam Upstream | *390 |
| | | | Upstream Corporate Limits | *393 |
| | Maps available at the Windsor Township Building. | | | |
| | Send comments to Mr. Luther S. Merkel, Secretary of Windsor Township, 635 State Street, Hamburg, Pennsylvania 19526. | | | |
| Pennsylvania | Wolf, Township, Lycoming County | Muncy Creek | Downstream Corporate Limits | *524 |
| | | | Confluence of Sugar Run | *546 |
| | | | T. R. 501 (Extended) | *551 |
| | | | State Route 118 (Upstream) | *574 |
| | | | U.S. Route 220 (Upstream) | *597 |
| | | | L. R. 41068 (Upstream) | *620 |
| | | | Upstream Corporate Limits | *639 |
| | | Sugar Run | Confluence with Muncy Creek | *546 |
| | | | Private Road (Upstream Side) | *563 |
| | | | State Route 118 (Upstream Side) | *581 |
| | | | Private Road (Upstream Side) | *613 |
| | | | Upstream Corporate Limits | *627 |
| | | Gregs Run | Confluence with Sugar Run | *559 |
| | | | State Route 118 (Upstream Side) | *574 |
| | | | T. R. 648 (Upstream Side) | *601 |
| | | | Corporate Limits Upstream | *612 |
| | | Laurel Run | Corporate Limits Downstream | *655 |
| | | | Corporate Limits Upstream | *664 |
| | | Wolf Run | Corporate Limits Downstream | *569 |
| | | | U.S. Route 220 (Upstream Side) | *604 |
| | | | Heidi Gray Road (Upstream Side) | *649 |
| | | | L.O.D.S. approximately 4,100 feet upstream of Heidi Gray Road | *706 |
| | Maps available at the Wolf Township Building, Route 405, by appointment. Call Mr. H. Donald Peterman, Secretary of the Township of Wolf at (717) 584-3283. | | | |
| | Send comments to Mr. Charles, Campbell, Chairman of the Board of Supervisors of Wolf, R.D. #1, Hughesville, Pennsylvania 17737. | | | |

**Proposed Base (100-Year) Flood Elevations**—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| South Carolina | Unincorporated areas of Greenville County. | Reedy River | Just upstream of Conestee Road | *770 |
| | | | Just downstream of Conestee Dam | *772 |
| | | | Just upstream of Conestee Dam | *819 |
| | | | Just upstream of Mauldin Road | *820 |
| | | | Just downstream of U.S. Highway 29 By-Pass (City of Greenville Corporate Limits). | *828 |
| | | | Just upstream of South Carolina Highway 183 | *941 |
| | | | Just upstream of South Carolina Highway 250 By-Pass | *963 |
| | | Brush Creek (Tributary to Reddy River). | Just downstream of Highway I-85 | *826 |
| | | | Just upstream of Chapman Road | *838 |
| | | | Just upstream of West Farris Road | *868 |
| | | Gilder Creek | Just upstream of Butler Road | *821 |
| | | Gilder Creek Tributary No. 3 | Confluence of Gilder Creek Tributary 3AS | *830 |
| | | Guilder Creek Tributary No. 3A | Just upstream of Corn Road | *834 |
| | | Horsepen Creek | Just upstream of Jonesville Road | *781 |
| | | Horsepen Creek Tributary | Approximately 100 feet downstream of Stokes Road | *820 |
| | | Big Durbin Creek | Just upstream of Corporate limits (Ponderosa Drive extended) | *788 |
| | | Big Durbin Creek (Tributary No. 1) | Sampit Lane Extended | *804 |
| | | Maple Creek | Just upstream of South Main Street | *895 |
| | | Brushy Creek (Tributary to Enoree River). | Approximately 100 feet upstream of Dry Pocket Road | *798 |
| | | | Just upstream of Ridge Road | *818 |
| | | | Just upstream of Boiling Spring Road | *842 |
| | | | Just upstream of Terramont Road | *855 |
| | | | Just upstream of Richbourg Road | *891 |
| | | Cane Creek | Approximately 100 feet upstream of Boiling Road | *844 |
| | | | Approximately 100 feet upstream of Brook Glen Road | *892 |
| | | Cane Creek Tributary | Just upstream of Berry Road | *838 |
| | | | Just downstream of Strange Road | *884 |
| | | Enoree River | Just upstream of Dry Pocket Road | *799 |
| | | | Just upstream of Dillard Road | *819 |
| | | | Just upstream of East Main Street | *845 |
| | | Laurel Creek East | Just upstream of Rocky Slope Road | *902 |
| | | | Woodruff Road Culvert Outlet | *952 |
| | | Laurel Creek Tributary | Just upstream of Ridge Road | *783 |
| | | Rocky Creek | Just upstream of Muddy Fork Road | *866 |
| | | | Just upstream of Riley Smith Road | *901 |

Maps available at Greenville County Planning Commission Office, Greenville County Courthouse, Greenville, South Carolina 29601.

Send comments to Mr. Frank Ellenberg, County Administrator or Mr. Royce Carter, Director of Planning Commission, Greenville County Courthouse, Room 113, Greenville, South Carolina 29601.

| | | | | |
|---|---|---|---|---|
| Texas | City of Hollywood Park, Bexar County. | Salado Creek Tributary | Approximately 200 feet upstream of U.S. Highway 281 | *872 |
| | | | Just upstream of Donella Drive | *886 |
| | | | Just upstream of Sagecrest Drive | *903 |

Maps available at City Hall, 2 Mecca Drive, Hollywood Park, Texas 78232.

Send comments to Mayor Ruby M. Weinholt or Mrs. Rosamond Adair, City Secretary, Hollywood Park City Hall, 2 Mecca Drive, San Antonio, Texas 78232.

| | | | | |
|---|---|---|---|---|
| Washington | Pacific (City), King County | White River | Intersection of southern corporate limits and centerline of river | *72 |
| | | | Approximately 1,500 feet west along East Hussy Road from its intersection with Skinner Road. | *77 |
| | | | East Valley Highway crossing over White River | *86 |

Maps available at City Hall, 100 3rd Avenue S.E., Pacific, Washington.

Send comments to the Honorable Howard G. Erickson, Mayor, City of Pacific, City Hall, 100 3rd Avenue S.E., Pacific, Washington 98047.

| | | | | |
|---|---|---|---|---|
| West Virginia | Unincorporated Areas of Mingo County. | Tug Fork | Confluence of Lower Burning Creek and Tug Fork | *626 |
| | | | Confluence of Upper Burning Creek and Tug Fork | *627 |
| | | | Confluence of Miller Creek and Tug Fork | *646 |
| | | | Confluence of Turkey Creek and Tug Fork | *662 |
| | | | Confluence of Lower Springtown Branch | *680 |

Maps available at County Court Clerk's Office, Mingo County Courthouse, Second Avenue, Williamson, West Virginia 25661.

Send comments to Mr. Gerald Chafin, President, Mingo County Commission, or Mr. Hugh Wellman, County Court Clerk, P.O. Box 1197, Williamson, West Virginia 25661.

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

Issued: February 20, 1980.

**Gloria M. Jimenez,**

*Federal Insurance Administrator.*

[FR Doc. 80-7151 Filed 3-7-80; 8:45 am]

BILLING CODE 6718-03-M

**44 CFR Part 67**

**[Docket No FEMA 5786]**

## National Flood Insurance Program; Proposed Flood Elevation Determinations

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION:** Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION CONTACT:** The Federal Insurance Administration gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 and Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter X, § 1917.4(a)).

These elevations, together with the flood plain management measures required by § 60.3 (formerly § 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

**Proposed Base (100-year) Flood Elevations**

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Massachusetts | Marion, Town, Plymouth County | Buzzards Bay | Entire Coastline | *14.5 |
| Maps available for review at the Town Clerk's Office, 2 Spring Street, Marion, Massachusetts. | | | | |
| Send comments to Mr. Joseph Tomlinson, Jr., Chairman of the Board of Selectmen, Town Office, 2 Spring Street, Marion, Massachusetts 02738. | | | | |

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

Issued: February 25, 1980.

**Gloria M. Jimenez,**

*Federal Insurance Administrator.*

[FR Doc. 80–7158 Filed 3–7–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA 5787]

## National Flood Insurance Program; Proposed Flood Elevation Determinations

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 and Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter X, § 1917.4(a)).

These elevations, together with the flood plain management measures required by § 60.3 (formerly § 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

**Proposed Base (100-Year) Flood Elevations**

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| New Hampshire | Lancaster, Town, Coos County | Connecticut River | Downstream Corporate Limits | *848 |
| | | | Upstream of south Lancaster Covered Bridge | *850 |
| | | | Upstream of U.S. Route 2 | *852 |
| | | | Upstream of Corporate Limits | *854 |
| | | Israel River | Confluence with Connecticut River | *852 |
| | | | Downstream of Main Street | *859 |
| | | | Upstream of Main Street | *867 |
| | | | Downstream of Mechanic Street | *879 |
| | | | Upstream of Mechanic Street | *884 |
| | | | Upstream of Boston & Maine Railroad | *921 |
| | | | Confluence of Otter Brook | *924 |
| | | Otter Brook | Confluence with Israel River | *924 |
| | | | Upstream of North Road | *933 |
| | | | Upstream of Garland Road | *964 |
| | | | Confluence of Burnside and Caleb Brooks | *972 |
| | | Burnside Brook | Confluence with Caleb Brook | *972 |
| | | | Upstream of Pleasant Valley Road | *976 |
| | | | Confluence of Whipple Brook | *985 |
| | | Whipple Brook | Confluence with Burnside Brook | *985 |
| | | | 2,000 feet upstream of confluence with Burnside Brook | *998 |
| | | | 4,000 feet upstream of confluence with Burnside Brook | *1,009 |
| | | | 6,000 feet upstream of confluence with Burnside Brook | *1,022 |
| | | Caleb Brook | Confluence with Otter Brook | *972 |
| | | | 2,000 feet upstream of confluence with Otter Brook | *983 |
| | | | Upstream of most downstream crossing of Pleasant Valley Road | *1,006 |
| | | | 2,000 feet upstream of most downstream crossing of Pleasant Valley Road. | *1,029 |
| | | | Upstream of middle crossing of Pleasant Valley Road | *1,052 |
| | | | 2,000 feet upstream of middle crossing of Pleasant Valley Road | *1,077 |
| | | | 4,000 feet upstream of middle crossing of Pleasant Valley Road | *1,113 |
| | | | 6,000 feet upstream of middle crossing of Pleasant Valley Road | *1,147 |
| | | | Upstream of McGary Road | *1,180 |
| | | | Upstream of most upstream crossing of Pleasant Valley Road | *1,240 |
| | | Redman Brook | Confluence with Caleb Brook | *1,060 |
| | | | 1,000 feet upstream of confluence with Caleb Brook | *1,074 |
| | | | 2,000 feet upstream of confluence with Caleb Brook | *1,099 |
| | | | 3,000 feet upstream of confluence with Caleb Brook | *1,130 |
| | | | Downstream of Pleasant Valley Road | *1,145 |
| | | | Upstream of Pleasant Valley Road | *1,153 |
| | | Indian Brook | Confluence with Connecticut River | *853 |
| | | | U.S. Route 3 | *853 |
| | | | Upstream of downstream crossing of Boston & Maine Railroad | *858 |
| | | | Summer Street | *858 |
| | | | Upstream of upstream crossing of Boston & Maine Railroad | *859 |
| | | | 4,400 feet upstream of upstream crossing of Boston & Maine Railroad | *931 |

Maps available for review at the Town Offices in Lancaster, New Hampshire.

Send comments to Mr. Larry P. Connary, Chairman of the Board of Selectmen of Lancaster, Town Offices, Lancaster, New Hampshire 03584.

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

Issued: February 25, 1980.

**Gloria M. Jimenez,**

*Federal Insurance Administrator.*

[FR Doc. 80-7159 Filed 3-7-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 5788]

## National Flood Insurance Program; Proposed Flood Elevation Determinations

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

**Proposed Base (100-Year) Flood Elevations**

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. Elevation in feet (NGVD) |
|---|---|---|---|---|
| Illinois | (V) Brookfield, Cook County | Des Plaines River | Within corporate limits | *615 |
| | | Salt Creek | At downstream corporate limit (about 880 feet downstream of Burlington Northern railroad). | 614 |
| | | | About 1.12 miles upstream of Logan Avenue | *620 |
| Maps available at Village Hall, 8820 Brookfield Avenue, Brookfield, Illinois. Send comments to Mr. Mylon O. Fisher, Village President, Village of Brookfield, Village Hall, 8820 Brookfield Avenue, Brookfield, Illinois 60513. | | | | |
| Illinois | (V) Glencoe, Cook County | Skokie River | Just upstream of Tower Road | *625 |
| | | | Upstream corporate limits (about 300 feet upstream of Dundee Road). | *626 |
| | | Lake Michigan | Shoreline | *584 |
| Maps available at Village Hall, 675 Village Court, Glencoe, Illinois. Send comments to Ms. Florence H. Boone, Village President, Village of Glencoe, Village Hall, 675 Village Court, Glencoe, Illinois 60022. | | | | |
| Illinois | (V) Gurnee, Lake County | Des Plaines River | About 300 feet upstream Belvidere Road | *662 |
| | | | About 1.2 miles upstream of U.S. Route 41 | *665 |
| | | Gurnee Tributary | Mouth at Des Plaines River | *664 |
| | | | Just downstream of Chicago, Milwaukee, St. Paul's Pacific Railroad | *666 |
| | | | Just upstream of First Street | *670 |
| | | | Just upstream of Greenleaf Street | *675 |
| | | | Just downstream of U.S. Route 41 | *682 |
| | | South Fork Gurnee Tributary | Mouth at Gurnee Tributary | *670 |
| | | | About 750 feet upstream of mouth | *671 |
| | | | Just downstream of Washington Street | *685 |
| Maps available at Village Hall, 4573 Grand Avenue, Gurnee, Illinois. Send comments to The Honorable Richard A. Welton, Mayor, Village of Gurnee, Village Hall, 4573 Grand Avenue, Gurnee, Illinois 60031. | | | | |
| Illinois | (V) North Riverside, Cook County | Des Plaines River | 1200 feet upstream of downstream corporate limits | *615 |
| | | | At the upstream corporate limits | 616 |
| | | Addison Creek | Entire reach within corporate limits | *620 |
| | | Salt Creek | At confluence with Addison Creek | *620 |
| | | | Approximately 1200 feet downstream from 17th Avenue | *620 |
| Maps available at Village Clerk's Office, Village Hall, 2400 South Avenue, North Riverside, Illinois 60546. Send comments to Mr. Richard Vlastnick, Village President, Village of North Riverside, Village Hall, 2400 South Avenue, North Riverside, Illinois 60546. | | | | |
| Illinois | (V) Richton Park, Cook County | Butterfield Creek East Branch | Downstream corporate limit | *704 |
| | | | 950 feet downstream of Sauk Trail | |
| | | | 705 | |
| | | | Just downstream of the north shopping center entrance | *708 |
| | | | Just upstream of the south shopping center entrance | *710 |
| | | | 630 feet upstream from the south shopping center entrance | *713 |
| | | | 1425 feet upstream from the south shopping center entrance | *717 |
| | | | Just downstream of tank farm driveway | *722 |

**Proposed Base (100-Year) Flood Elevations**—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. Elevation in feet (NGVD) |
|---|---|---|---|---|
| | | Butterfield Creek East Branch Tributary. | Just upstream of the Elgin Joilet and Eastern Railroad | *705 |
| | | | Just downstream of Sauk Trail | *711 |
| | | | Just upstream of Sauk Trail | *719 |
| | | | Just downstream of Cicero Avenue | *719 |
| | | | Just upstream of Cicero Avenue | *722 |
| | | | Just downstream of Imperial Drive | *724 |
| | | | Just downstream of Lake Shore Drive crossing | *737 |
| | | | About 160 feet downstream of corporate limit | *737 |
| | | | Just downstream of Steger Road | *739 |
| | | Tributary A | At confluence with Butterfield Creek East Branch Tributary | *722 |
| | | | Just upstream of Amy Drive | *727 |
| | | | Upstream corporate limits | *731 |
| | Maps available at the Village Hall, 4045 Sauk Trail, Richton Park, Illinois. Send comments to Mr. Frank Farrell, Village President, Village Hall, 4045 Sauk Trail, Richton Park, Illinois 60471. | | | |
| Illinois | (V) River Grove Cook County | Des Plaines River | About 9,400 feet downstream Grand Avenue | *622 |
| | | | Just downstream Belmont Avenue | 624 |
| | | Golf Course Tributary | Just downstream Thatcher Road | *622 |
| | Maps available at Village Manager's Office, Village Hall, 2621 North Thatcher, River Grove, Illinois. Send comments to Mr. Elmer E. Wolf, Village President, Village of River Grove, Village Hall, 2621 North Thatcher, River Grove, Illinois 60171. | | | |
| Illinois | (V) Riverside, Cook County | Des Plaines River | Just upstream Odgen Avenue | *600 |
| | | | Just downstream Hoffman Dam | 604 |
| | | | Just upstream Hoffman Dam | *609 |
| | | | Approximately 500 feet downstream confluence of Salt Creek | *612 |
| | | | Just downstream 31st Street | *615 |
| | Maps available at the Village Manager's Office, Village Hall, 27 Riverside Road, Village of Riverside, Illinois. Send comments to Village Manager, Village Managers Office, Village Hall, 27 Riverside Road, Riverside, Illinois 60546. | | | |
| Iowa | (C) Avoca, Pottawattamie County | East Branch West Nishnabotna River. | Downstream corporate limits | *1,135 |
| | | | About 0.51 mile upstream of State Route 83 | 1,141 |
| | | West Nishnabotna River | About 0.26 mile downstream of State Highway 83 | *1,130 |
| | | | About 200 feet upstream of State Route 83 | *1,133 |
| | | | About 2.0 miles upstream of State Highway 83 | *1,137 |
| | Maps available at City Hall, Avoca, Iowa. Send comments to The Honorable Harold Peterson, Mayor, City of Avoca, City Hall, Avoca, Iowa 51521. | | | |
| Iowa | (C) Chelsea, Tama County | Otter Creek | At downstream corporate limit | *783 |
| | | | Approximately 400 feet downstream Station Street | *784 |
| | | | Upstream corporate limit | *786 |
| | | Iowa River | Approximately 1600 feet downstream Station Street | *784 |
| | | | Approximately 400 feet upstream Station Street | *785 |
| | | | Approximately 9290 feet upstream Station Street | *788 |
| | Maps available at City Hall, Chelsea, Iowa. Send comments to The Honorable Clarence Eisenhower, Mayor, City of Chelsea, City Hall, Chelsea, Iowa 52215. | | | |
| Iowa | (C) Story City, Story County | Skunk River | About 1 mile downstream of Broad Street | *967 |
| | | | About 1.20 miles upstream of Broad Street | 975 |
| | | Unnamed Creek | About 500 feet downstream of Forest Avenue | *971 |
| | | | Just downstream of Eight Street | *980 |
| | | | Just downstream of Hillcrest Drive | *988 |
| | | | About 100 feet upstream of Grand Avenue | *997 |
| | Maps available at City Hall, Story City, Iowa. Send comments to Mr. Charles A. Button, City Administrator, City of Story City, City Hall, Story City, Iowa 50248. | | | |
| Maine | (T) Readfield, Kennebec County | Echo Lake | Shoreline | *318 |
| | | Lovejoy Pond | Shoreline | 305 |
| | | Maranacook Lake | Shoreline | *215 |
| | | Torsey Lake | Shoreline | *266 |
| | Maps available at the Town Office, Town of Readfield, Maine. Send comments to Mr. James Schmidt, Chairman of the Planning Board, Town of Readfield, Town Office, Readfield, Maine 04355. | | | |
| Missouri | (V) Tarsney Lakes, Jackson County. | West Fork | Approximately 120 feet downstream of Buckner Tarsney Road at west corporate limit. | *813 |
| | | | Northern corporate limit | 810 |
| | Maps available at the home of the Chairman of the Board, Village of Tarsney Lakes, Missouri. Send comments to Mr. Jerry Joseph, Chairman of the Board, Village of Tarsney Lakes, P.O. Box AG Grain Valley, Missouri 64029. | | | |
| Nebraska | (Uninc.), Douglas County | Platte River | Southern county boundary | *1,102 |
| | | | 3000 feet downstream of State Highway 92 | 1,120 |
| | | | 500 feet downstream of Union Pacific Railroad | *1,144 |
| | | | 400 feet upstream of Union Pacific Railroad | *1,146 |
| | | | One mile upstream of Union Pacific Railroad | *1,149 |
| | | | 400 feet upstream of State Highway 64 | *1,157 |
| | | | 3400 feet downstream of northern county boundary | *1,181 |
| | | | 600 feet downstream of northern county boundary | *1,189 |
| | | Elkhorn River | Southern county boundary | *1,104 |
| | | | Just downstream of Q Street | *1,108 |
| | | | Just upstream of U.S. Highway 275 | *1,116 |
| | | | Just downstream of State Highway 64 | *1,125 |
| | | | Just upstream of State Highway 64 | *1,129 |
| | | | Just upstream of State Highway 36 | *1,146 |
| | | | 1600 feet upstream of northern county boundary | *1,149 |

**Proposed Base (100-Year) Flood Elevations**—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. Elevation in feet (NGVD) |
|---|---|---|---|---|
| | | West Papillion Creek | About 5100 feet downstream of Union Pacific Railroad | *1,117 |
| | | | Just upstream of Union Pacific Railroad | *1,126 |
| | | | 4100 feet upstream of Union Pacific Railroad | *1,135 |

Maps available at County Permits & Inspection Office, 3015 Menke Circle, Omaha, Nebraska.
Send comments to Mr. Michael L. Albert, Chairman of the County Board of Commissioners, Unincorporated Areas of Douglas County, 1819 Farnum, Civic Center, Room LC2, Omaha, Nebraska 68183.

| | | | | |
|---|---|---|---|---|
| Pennsylvania | Akron, Borough, Lancaster County. | Cocalico Creek | Downstream Corporate Limits | *322 |
| | | | Upstream Corporate Limits | 325 |

Maps available at the Akron Borough Office.
Send comments to Mr. Melvin Mitchell, Chairman of the Board of Supervisors of Akron, 357 South 7th Street, Akron, Pennsylvania 17501.

| | | | | |
|---|---|---|---|---|
| Pennsylvania | Clay, Township Lancaster County. | Middle Creek | Southern crossing of Clay Road (Upstream side) | *355 |
| | | | U.S. Route 322 (Upstream) | *360 |
| | | | Extension of Township Route 981 | *362 |
| | | | Northern crossing of Clay Road | *368 |
| | | | Mount Airy Road (Upstream side) | *383 |
| | | | Pennsylvania Turnpike (Downstream side) | *396 |
| | | Furnace Run | Confluence with Middle Creek | *360 |
| | | | Yaummerdall Road (Upstream side) | *362 |

Maps available at the Clay Township Building.
Send comments to Mr. Clarence Stauffer, Chairman of the Board of Supervisors of Clay, R. D. 1, Ephrata, Pennsylvania 17522.

| | | | | |
|---|---|---|---|---|
| Pennsylvania | Earl, Township Lancaster County. | Conestoga River | 2,755 feet downstream of U.S. Route 322 | *327 |
| | | | U.S. Route 322 (Upstream Side) | *331 |
| | | | 3,208 feet upstream of U.S. Route 322 | *334 |

Maps available at the Earl Township Building, Huyard Road.
Send comments to Mr. Clarence Bush, Chairman of the Board of Supervisors of Earl, R. D. 3, New Holland, Pennsylvania 17557.

| | | | | |
|---|---|---|---|---|
| Pennsylvania | East Lampeter, Township Lancaster County. | Conestoga Creek | Downstream Corporate Limits | *267 |
| | | | Route 30 upstream | *274 |
| | | | Pine Road Upstream | *278 |
| | | | New Holland Pike Upstream | *280 |
| | | | Upstream Corporate Limits | *285 |
| | | Stauffer Run | At confluence w/Conestoga Creek | *275 |
| | | | Mill Cross Road Downstream | *289 |
| | | | Hempstead Road Upstream | *299 |
| | | | Trailer Park Access Road | *307 |
| | | | Approximately 0.72 mile upstream of the Trailer Park Access Road | *316 |
| | | Mill Creek | Downstream Corporate Limits | *296 |
| | | | Strasburg Pike Upstream | *303 |
| | | | Gridley Road Upstream | *311 |
| | | | Lincoln Highway Upstream | *314 |
| | | | Witmer Road Upstream | *320 |
| | | | East Brook Road Upstream | *324 |
| | | | Old Philadelphia Pike Upstream | *326 |

Maps available at the East Lampeter Township Building.
Send comments to Mr. Harry Landif, Chairman of the Board of Supervisors of East Lampeter, 2205 Old Philadelphia Pike, Lancaster, Pennsylvania 17602.

| | | | | |
|---|---|---|---|---|
| Pennsylvania | Shamokin, City Northumberland County. | Shamokin Creek | Downstream Corporate Limits | *711 |
| | | | Walnut Street (Upstream) | *716 |
| | | | Sixth Street (Downstream) | *719 |
| | | | Liberty Street (Upstream) | *727 |
| | | | Shamokin Street (Upstream) | *745 |
| | | | Upstream Corporate Limits | *749 |
| | | Carbon Run | Confluence with Shamokin Creek | *717 |
| | | | Spruce Street (Upstream) | *720 |
| | | | Willow Street (Upstream) | *731 |
| | | | Upstream Corporate Limits | *735 |
| | | Coal Run | Confluence with Shamokin Creek | *727 |
| | | | Shakespeare Street Culvert (Downstream) | *727 |
| | | | Shakespeare Street Culvert (Upstream) | *746 |
| | | | Upstream Corporate Limits | *748 |

Maps available at the City Clerk's Office, City Hall, Shamokin, Pennsylvania.
Send comments to Honorable Harold E. Thomas, Mayor of the City of Shamokin, City Hall, 47 East Lincoln Street, Shamokin, Pennsylvania 17872.

| | | | | |
|---|---|---|---|---|
| Pennsylvania | South Annville, Township Lebanon County. | Quittapahilla Creek | Downstream Corporate Limits | *394 |
| | | | Upstream side of State Route 934 | *401 |
| | | | Downstream side of South Spruce Street | *410 |
| | | | Upstream Corporate Limits | *417 |
| | | Bachman Run | Confluence with Quittapahilla Creek | *397 |
| | | | Approximately 600' upstream of Private Drive | *409 |
| | | | Upstream of Dam | *423 |
| | | Killinger Creek | Approximately 220' downstream of confluence of Gingrich Run | *414 |
| | | | Downstream side of Brandt Road | *426 |
| | | | Upstream side of Hinkle Road | *434 |
| | | | Downstream side of U.S. Route 322 | *446 |
| | | | Approximately 1,550' upstream of U.S. Route 322 | *457 |
| | | | Approximately 2,950' upstream of crossing of U.S. Route 322 | *464 |

Maps available at the Umberger Mill.
Send comments to Mr. Frank Yeager, Chairman of the Board of Supervisors of South Annville, Ridge Road, Annville, Pennsylvania 17003.

**Proposed Base (100-Year) Flood Elevations**—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. Elevation in feet (NGVD) |
|---|---|---|---|---|
| Pennsylvania | West Lampeter, Township Lancaster County. | Conestoga Creek | Approximately 0.42 mile downstream of the Abandoned Railroad | *241 |
| | | | Highland Avenue (Upstream) | *247 |
| | | | Corporate Limits (approximately 0.36 mile downstream of Strawberry Street). | *252 |
| | | | Corporate Limits (approximately 0.42 mile upstream of Strawberry Street). | *257 |
| | | | Buttercup Road Extended | *266 |
| | | | Most Upstream Corporate Limits | *267 |
| | | Mill Creek | Confluence with Conestoga Creek | *229 |
| | | | Eckman Road Upstream | *240 |
| | | | Hollinger Road Upstream | *247 |
| | | | Willow Street Pike Upstream | *253 |
| | | | Upstream of Park Drive | *265 |
| | | | Eshelman Mill Road Upstream | *269 |
| | | | Gypsy Hill Road Upstream | *278 |
| | | | Lampeter Road Upstream | *284 |
| | | | Upstream Corporate Limits | *295 |
| | Maps available at the West Lampeter Township Building. | | | |
| | Send comments to Mr. Henry Roux, Chairman of the Board of Supervisors of West Lampeter, 1711 Lampeter Road, Lampeter, Pennsylvania 17537. | | | |
| Rhode Island | (T) Cumberland, Providence County. | Blackstone River | Southeast corporate limits | *48 |
| | | | Just downstream of Conrail near Sayles Dam | 50 |
| | | | Just upstream of Sayles Dam | *61 |
| | | | Just downstream of Mendon Road | *64 |
| | | | Just downstream of Pratt Dam | *66 |
| | | | Just upstream of Pratt Dam | *69 |
| | | | Just downstream of Martin Street | *73 |
| | | | Just downstream of Ashton Dam | *77 |
| | | | Just upstream of Ashton Dam | *82 |
| | | | Just downstream of School Street | *85 |
| | | | Just downstream of Albion Dam | *90 |
| | | | Just upstream of Albion Dam | *97 |
| | | | Just downstream of Manville Road | *101 |
| | | | Just upstream of Manville Dam | *115 |
| | | | About 5,500 feet upstream of Manville Dam at corporate limits | *116 |
| | Maps available at Town Engineer's Office, Town Hall, Cumberland, Rhode Island. | | | |
| | Send comments to Mr. Francis Stetkiewicz, Town Administrator, Town Hall, Cumberland, Rhode Island 02864. | | | |
| Wisconsin | (V) Marshall, Dane County | Maunesha River | Southeastern corporate limit | *844 |
| | | | Downstream side of Marchall Dam | *844 |
| | | | Upstream side of Marshall Dam | *851 |
| | | | Northwestern corporate limit | *852 |
| | | Maunesha River unnamed Tributary. | Upsteam side of State Route 19 | *852 |
| | | | Upstream corporate limit | *852 |
| | Maps available at the Office of Village Clerk, Municipal Building, Marshall, Wisconsin. | | | |
| | Send comments to Mr. Barbara Berndt, Village Clerk, Village of Marshall, Municipal Building, Marshall, Wisconsin 53559. | | | |
| Wisconsin | (V) Rockdale, Dane County | Koshkonong Creek | At the sourthern corporate limit | *812 |
| | | | Just downstream of Rockdale Dam | *818 |
| | | | Just upstream of Rockdale Dam | *823 |
| | | | At the northern corporate limit | *823 |
| | Maps available at the Office of the Village Clerk, R.R. #2, Cambridge, Wisconsin. | | | |
| | Send comments to Mr. Robert Smithbeck, Village President, Village of Rockdale, R.R. #2, Cambridge, Wisconsin 53523. | | | |
| Wisconsin | (V) Saukville, Ozaukee County | Milwaukee River | Downstream corporate limits | *753 |
| | | | Just upstream State Highway 33 | |
| | | | Upstream corporate limits | *758 |
| | | Unnamed Tributary No. 1 | Downstream Chicago-Milwaukee-St. Paul and Pacific Railroad | *757 |
| | | | Upstream Chicago-Milwaukee-St. Paul and Pacific Railroad | *758 |
| | | | Upstream Progress Drive | *762 |
| | | | Upstream corporate limits | *768 |
| | Maps available at the Office of the Village Administrator/Clerk, Village Hall, 100 South Main Street, Saukville, Wisconsin. | | | |
| | Send comments to Mr. Paul E. Miller, Village President, Village of Saukville, Village Hall, 100 South Main Street, Saukville, Wisconsin 53080 | | | |

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

Issued: February 25, 1980.

**Gloria M. Jimenez,**

*Federal Insurance Administrator.*

[FR Doc. 80-7160 Filed 3-7-80; 8:45 am]

BILLING CODE 6718-03-M

## FEDERAL MARITIME COMMISSION

**46 CFR Part 527**

**[General Order No. 14; Docket No. 80-11]**

### Shippers' Requests and Complaints; Reporting Requirements

**AGENCY:** Federal Maritime Commission.

**ACTION:** Proposed rulemaking.

**SUMMARY:** To relieve carriers of unnecessary reporting burdens, the Federal Maritime Commission hereby proposes to reduce from quarterly to annually the frequency of reports by ratemaking groups of Shippers' Requests and Complaints.

**DATES:** Comments due (original and 15 copies) on or before April 9, 1980.

**ADDRESS:** Comments should be directed to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

**FOR FURTHER INFORMATION CONTACT:** Francis C. Hurney, (202) 523-5725.

**SUPPLEMENTARY INFORMATION:** Section 15 of the Shipping Act, 1916 (the Act), requires that the Commission shall disapprove any such agreement [conference or ratemaking] after notice and hearing, on a finding of failure or refusal to adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints. Part 527.4 of Title 46, Code of Federal Regualtions, presently requires the quarterly filing of reports of shippers' requests and complaints by each conference and ratemaking agreement. Two party ratemaking agreements are required to file an annual report.

The Commission is considering reducing this filing requirement from quarterly to annually. Under an annual filing requirement we can still fulfill our responsibility to see that reasonable procedures are maintained by conference and ratemaking agreements for promptly hearing and considering shippers' requests and complaints. Any relaxation of reporting requirements does not relieve carriers of their statutory duty of promptly hearing shippers' complaints.

An annual submittal will reduce the workload of the regulated parties. During the fiscal year from October 1978 through September 1979, 349 such reports were received. Based on this proposal only 87 reports would have been prepared and filed for the above period. The reporting and carry over of "pending" complaints should be reduced by three-fourths under this proposal.

Therefore, pursuant to section 4 of the Administrative Procedure Act 5 U.S.C. 553, and sections 15, 21, and 43 of the Shipping Act, 1916, 46 U.S.C. 814, 820, and 841a, take notice that the Commission proposes to amend Part 527 of Title 46, CFR, by revising § 527.4 to read as follows:

**§ 527.4 Reports.**

By January 31 of each year, each conference and each other body with rate-fixing authority under an approved agreement shall file with the Commission a report covering all shippers' requests and complaints received during the preceding calendar year or pending at the beginning of such calendar year. The first such report shall be filed by January 31, 1981. All such reports shall include the following information for each request or complaint:

(a) Date request or complaint was received.

(b) Identity of the person or firm submitting the request or complaint.

(c) Nature of request or complaint, i.e., rate reduction, rate establishment, classification, overcharge, undercharge, measurement, etc.

(d) If final action was taken, date and nature thereof.

(e) If final action was not taken, an identification of the request or complaint as "pending."

(f) If denied, the reason.

By the Commission.

**Francis C. Hurney,**

*Secretary.*

[FR Doc. 80-7317 Filed 3-7-80; 8:45 am]

**BILLING CODE 6730-01-M**

## FEDERAL COMMUNICATIONS COMMISSION

**47 CFR Part 73**

**[Docket No. 21474; RM-1968; RM-2810; RM-2978; FCC 80-62]**

### Broadcast Equal Employment Opportunity Rules and FCC Form 395

**AGENCY:** Federal Communications Commission.

**ACTION:** Termination of proposed rule proceeding (Second Report and Order).

**SUMMARY:** On June 28, 1978, the FCC adopted a Further Notice of Proposed Rule Making in Docket 21474. This Notice, published July 13, 1978, 43 FR 30078, stated that the FCC was considering amendment of its Equal Employment Opportunity ("EEO") rules to include handicapped persons. In this Second Report and Order, the FCC announces its determination that its EEO rules should not be amended to include the handicapped. The FCC also announces that it will designate a coordinator for "broadcasting and the handicapped," who will work with broadcasters and handicapped persons to increase opportunities for employment of the handicapped in the broadcasting industry.

**EFFECTIVE DATE:** Non-Applicable.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Steven A. Bookshester, Broadcast Bureau, (202) 632-7792.

**SUPPLEMENTARY INFORMATION:**

### Second Report and Order

Adopted: February 13, 1980.

Released: March 6, 1980.

By the Commission: Commissioner Lee concurring in part and dissenting in part and issuing a statement; Commissioner Fogarty issuing a separate statement in which Chairman Ferris joins; Commissioner Jones concurring in part and dissenting in part.

In the matter of amendment of Broadcast Equal Employment Opportunity Rules and FCC Form 395.

1. Presently before us is the matter of including the handicapped in our equal employment opportunity ("EEO") rules, as addressed in our *Further Notice of Proposed Rule Making*, FCC 78-468, released July 7, 1978, 43 FR 30078, published July 13, 1978, and the comments and reply comments filed in response to that *Notice*.[1]

### Background

2. A brief history of this proceeding will provide the proper perspective for resolving the issues raised in this matter. On November 18, 1977, we issued a *Notice of Proposed Rule Making*, 66 F.C.C. 2d 955, regarding the amendment of Form 395, the Annual Employment Report, as to minorities and women.[2] The *Notice* set forth a number of alternatives which had been suggested to remedy the problems of

[1] Comments were due by August 29, 1978; reply comments were due on or before September 13, 1978. On August 1, 1978, in response to a request of the National Association of Broadcasters ("NAB"), we extended the deadline for comments to September 15, 1978, and for reply comments to October 2, 1978. BC-3745, August 3, 1978.

[2] Broadcast licensees with five or more full-time employees are required to annually file with the Commission a completed Form 395 wherein they report the number of their full-time and part-time employees by sex and specified racial and ethnic groupings within each of nine general job categories.

misclassification of employees in Form 395 reporting. Subsequently, in our *Further Notice*, we observed that a petition, RM-2978, had been filed by the California Association of the Physically Handicapped, Inc. ("CAPH") on September 28, 1977, requesting the inclusion of qualified handicapped persons in the EEO programs required of our broadcast licensees, and other and related relief. We determined that the issues raised by CAPH might best be addressed in this, the Form 395 proceeding. On January 29, 1979, we issued our *First Report and Order* in this Docket, 70 F.C.C. 2d 1466. We announced that we had decided to revise the instructions for completing Form 395 as one method by which to resolve the misclassification problem. We declined at that time to adopt a proposal which would have required the reporting of salaries as a method by which to verify the categorization of employees on Form 395, but left the verification issue open for further action.[3] We noted in the *First Report and Order* that additional time was necessary for consideration of the aspect of this proceeding relating to handicapped individuals.

3. In our *Further Notice*, we stated that we were considering amendment of our Broadcast EEO rules [4] to include the handicapped and considering such changes in Form 395 as might be necessary to effectuate the purposes of the amended rules. While noting that comments on any aspect of the proposal would be welcomed, we specifically solicited comments on the following matters: (a) whether the handicapped should be included in our EEO rules; (b) what definitions might be used and what categories of handicapped persons should be included or excluded under any rule; (c) to what extent if any, a licensee should be required to modify its facilities to accommodate a physically handicapped employee; and (d) what laws, if any, applicable to licensees require facilities modification. We stated that comments making reference to the practical application of other laws and regulations regarding employment of the handicapped would be helpful. We noted that CAPH's petition requested that we go beyond EEO issues to consider action to increase broadcast ownership and management by physically handicapped persons, indicating that comment was also solicited on these matters. Specifically, CAPH suggested that the Commission consider giving preference to a new station applicant if the physically handicapped constitute a substantial part of ownership and management, as well as considering the ownership and management participation by physically handicapped individuals in connection with license renewal applications.

**Comments**

4. The threshhold issue discussed by both proponents and opponents of Commission action in this area is that of jurisdiction; that is, whether we are mandated or permitted by the Communications Act or any other statutes to include the handicapped in our EEO rules. CAPH and other proponents of Commission action expound two basic arguments in support of their assertion that we are both authorized and required to expand our EEO requirements to encompass handicapped individuals.

5. The first contention in favor of jurisdiction is essentially parallel to the argument employed by the Commission when it first asserted authority regarding EEO in 1968.[5] The proponents contend that there is a national policy to promote and expand employment opportunities for handicapped individuals. This policy, they suggest, is embodied primarily in Sections 503 and 504 of the Rehabilitation Act of 1973, as amended ("the Rehabilitation Act"), 29 U.S.C. 701 *et seq.*, in the White House Conference on Handicapped Individuals Act, T. III of Pub. L. 93-516, December 7, 1974, 88 Stat. 1631-1634, and in related Executive Orders, rules and regulations.[6] Additionally, proponents suggest, handicapped individuals constitute a particular minority with distinct tastes and views presently unserved by licensees. This argument suggests the nexus between equal opportunity in employment and provision of service to minorities within a community by our licensees which has been enunciated as the basis for our affirmative action EEO requirements and cited with approval by the Supreme Court.[7] Therefore, proponents conclude, our obligation to regulate in the public interest requires that we incorporate the handicapped in our EEO rules.

6. The proponent's second jurisdictional argument for including the handicapped in our EEO rules is based on Section 504 of the Rehabilitation Act. The proponents argue that a broadcast license is a monopoly interest granted by the Federal government. Since the licensee profits from the operations made possible by the license, proponents argue, the licensee is in effect a recipient of Federal financial assistance. Therefore, it is submitted, a broadcast licensee is directly subject to the mandates of Section 504 and the Commission is obligated to implement that Section.

7. Those opposing inclusion of the handicapped in our EEO requirements generally argue that we are neither permitted nor mandated to do so. Thus, some opponents argue that there is no national policy as to employment discrimination against the handicapped. In that vein, commenters such as the NAB state that the Rehabilitation Act's provisions are directed only to

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[3] A *Notice of Proposed Rule Making* encompassing this matter will be forthcoming.

[4] The *Further Notice* proposed to amend "our broadcast EEO rules," these being §§ 73.125, 73.301, 73.599, 73.680, and 73.793. Section 73.793 was inadvertently referred to in the *Further Notice* as § 73.99. The intent of the *Further Notice* was clearly stated and there can be no prejudice to any party as a result of this improper citation. By action announced in the *First Report and Order* in this proceeding, these identically worded sections, which were applicable separately to each broadcast service, have been replaced with § 73.2080, applicable in common to all broadcast services. Our EEO rules require both nondiscrimination and affirmative action.

[5] *Petition for Rule Making to Require Broadcast Licensees to Show Nondiscrimination in Their Employment Practices*, 13 F.C.C. 2d 766 (1968).

[6] Section 503 of the Rehabilitation Act of 1973 mandates inclusion of a provision that the contractor will enter into affirmative action to employ and advance qualified handicapped persons in most Federal contracts in excess of $2,500. Section 504 of that Act, on which proponents place most emphasis, states in part that no otherwise qualified handicapped individual shall, solely be reason of his or her handicap, ". . . be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. . . ." In the White House Conference on Handicapped Individuals Act, Congress found in pertinent part that ". . . it is of critical importance to this Nation that equality of opportunity, equal access to all aspects of society and equal rights guaranteed by the Constitution of the United States be provided to all individuals with handicaps. . . ." The Act authorized the President to call a conference, held in 1977, to develop recomendations and action plans to solve the problems of handicapped individuals.

[7] *NAACP* v. *FPC*, 425 U.S. 662, 669-670, n.7 (1976).

businesses or organizations which have contracts with or receive financial assistance from the Federal government. Simply put, opponents state, CAPH and its supporters have read the Rehabilitation Act's mandates too broadly. Other commenters opposing our action in this area, such as CBS, Inc., argue that there is no deficiency in licensee programming with respect to the viewpoints and tastes of handicapped persons. CBS suggests that the viewpoints and tastes of handicapped persons are in large measure those of the general population; whereas, the National Radio Broadcasters Association ("NRBA") asserts that because of the diverse nature of "the handicapped" as a group, the viewpoints and tastes in question are not clearly discernable, making it particularly difficult to determine whether there is appropriate programming to be fashioned. These comments attempt in this manner to refute the employment/programming nexus referred to above as the basis for our involvement in affirmative action EEO matters. Absent such a showing, opposing commenters suggest, we are without jurisdiction to expand our EEO requirements to include the handicapped under the public interest standard of the Communications Act. Opposing comments as to the direct applicability of Sections 503 and 504 to broadcast licensees put forth the view that broadcasters are not Federal contractors (Section 503) nor do they receive Federal financial assistance (Section 504), rejecting the proponents' analysis that a license is in effect a grant of Federal financial assistance.

8. Our request for comment as to what definitions might be applied if we include the handicapped in our EEO rules generated a substantial response. Those proponents of a rule commenting on this point generally support use of the definition adopted by the Department of Health, Education and Welfare ("DHEW") which is charged with coordination of Section 504 implementation through Executive Order 11914, 41 FR 17871, April 28, 1976.[8] This is the definition which was also commented on most frequently by those opposed to any Commission action in this matter. Opponents variously described DHEW's definition as being overly broad, imprecise, confusing and unworkable. A number of opponents point out that DHEW itself found it impossible to define the term "substantially limits" in subsection (j)(1)(i), which reads in part:

" 'Handicapped persons' means any person who . . . has a physical or mental impairment which substantially limits one or more major life activities . . . ."

*Analysis of Final Regulations,* 42 FR 22676, 22685 (May 4, 1977).

9. Comments opposing inclusion of handicapped persons in our EEO rules were frequently quite detailed, while the preponderance of supporting comments were in the nature of general statements. Thus, some opposing comments include lengthy presentations of the supposed difficulties of identifying handicapped persons and implementation of an appropriate program to serve their needs. American Broadcasting Companies, Inc. ("ABC") suggests that any definition of "handicapped person" utilized will necessitate, for implementation purposes *ad hoc* medical evaluations beyond the resources of the Commission or most licensees. This situation is distinguished from those involving race, sex, or national origin, which commenters suggest can be described in terms commonly understood and readily applied. The situation is further complicated by privacy issues, many commenters assert, stating that inquiries as to whether an individual is handicapped are improper intrustions into a person's privacy.

10. Commenters such as the Paralyzed Veterans of America, the National Federation of the Blind, and the National Center for Law and the Deaf support the inclusion of "handicapped" as a Form 395 reporting category. Many opposing comments on this point raise the privacy issue, suggesting in addition that persons with handicaps not readily ascertainable may not wish to disclose them, thus making any data reported to the Commission of questionable accuracy. Further, many commenters suggest that no meaningful data base exists by which the number of handicapped employees in a station's employ might be compared to the number of such individuals in the station's area labor force. In effectuating the Commission's EEO program, the percentage of minority and women employees in a station's workforce is compared for processing purposes with the percentage of similar individuals in the station's area labor force. The licensee's workforce should compare favorably to the overall labor force within what we have described as a "zone of reasonableness." NRBA suggests that there is U.S. Census data available by which to make such a comparison, but that the data is based upon self-reported work disability, which does not directly correlate with DHEW's definition of "handicapped." Further, NRBA comments, work disability in the population fluctuates by Standard Metropolitan Statistical Area ("SMSA") and region due to such diverse variables that a gross statistical comparison of employment data reported on Form 395 with such a base would produce a meaningless result. Field Communications Corporation states that it might have no objection to including the handicapped in Form 395, but cannot comment with certainty because we did not propose a specific definition in our *Further Notice.* The Office of Communication and Board for Homeland Ministries of the United Church of Christ ("UCC") suggests that we need to tailor any EEO action to the special needs of handicapped people, and that the "mere insertion" of handicapped as a Form 395 category would be of no real value to handicapped people but could dilute the effectiveness of EEO enforcement for women and minorities.

11. Many responses were received to our request for comments on the extent to which a licensee should be required to modify its facilities to accommodate a physically handicapped employee. Proponents of the need for "reasonable accommodation," such as the United Cerebral Palsy Association and the National Association of Broadcast Employees and Technicians, recommend

[8] The Department of Health, Education and Welfare's comprehensive definition, 45 CFR 84.3(j), is as follows:

"(j) "Handicapped person." (1) "Handicapped persons" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

(2) As used in paragraph (j)(1) of this section, the phrase:

(i) "Physical or mental impairment" means (A) 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, genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

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

(iii) "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.

(iv) "Is regarded as having an impairment" means (A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (B) has a physical or mental impaifment tht substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (C) has none of the impairments defined in paragraph (j)(2)(i) of this section but is treated by a recipient as having such an impairment."

following the regulatory definitions adopted by either the U.S. Department of Labor ("DOL") or DHEW.[9] Other commenters propose utilization of such modern technology as news printers equipped with braille print-out, modifying radio control boards for use by blind engineers, and installation of teletypewriter ("TTY") equipment for the hearing-impaired as appropriate. Mainstream, Inc. notes that only parts of facilities might need to be made accessible, while Galesburg Broadcasting and other commenters suggest that this is an issue which requires case-by-case resolution. The Easter Seal Society would require that licensees comply with the Architectural Barriers Act, 42 U.S.C. 4151 *et seq.* That Act requires that buildings constructed by the Federal government or with Federal funds be designed so as to be accessible to handicapped individuals.

12. Commenters opposed to the modification of facilities frequently suggest that it is not clear what degree of facilities modification would constitute "reasonable accommodation," and that requiring an active EEO program for handicapped persons, particularly one mandating "reasonable accommodation," would be unduly burdensome to licensees. We are also told that restructuring facilities may require a substantial expenditure of funds not justified by the limited utilization of these facilities by handicapped individuals.

13. Only limited comment was received on CAPH's proposal that the Commission institute a program to increase broadcast ownership and management by physically handicapped persons. CBS states that it is opposed to such a program because there has been no showing made of any relationship between handicapped status and ownership. Streator Broadcasting Corporation states that it is opposed because there is no data showing inadequate representation of handicapped persons in ownership or programming.

14. In response to our request for comment on other laws regarding the handicapped, Streator identified statutes in all 50 states and the District of Columbia having some relevance to discrimination against handicapped individuals. Also submitted was a group filing by a number of licensees identifying employment-related statutes in almost 40 states.

### Discussion and Conclusions

15. While recognizing the desire of numerous handicapped persons to be included in the Commission's EEO programs,[10] we must first address the issue of whether we are either authorized or required to act in the manner desired by petitioner. It is useful in this regard to briefly discuss the basis on which the Commission exercises jurisdiction over the employment practices of broadcasts licensees. The Commission's primary statutory mandate, set forth in Section 1 of the Communications Act of 1934, as amended, 47 U.S.C. 151 *et seq.*, is the regulation of interstate and foreign commerce by wire and radio, so as to make wire and radio communications services available to all the people of the United States. Under Sections 307 and 309 of the Act, we are charged with conducting the broadcast licensing process to the end that the "public interest" will be served thereby.

16. We first expressed our concern about employment discrimination in a 1968 *Memorandum Opinion and Order.*[11] In that document, we noted that there was a "national policy against discrimination in employment on the basis of race, religion, sex or nationality. . . ." which was "particularly embodied" in Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000 *et seq.* We then observed that broadcasters are licensed to operate in the public interest, and concluded that we could not make a finding that a broadcast applicant deliberately violating the national policy or preparing to do so could be said to serve the public interest. The thrust of our reasoning was that a violation of law raises questions as to an applicant's character and fitness to be a licensee.

17. Beyond the requirement that the law be obeyed, we stated our concern that the licensee who discriminated in employment might not be fulfilling its function as a "public trustee" to serve the entire public. The need to ensure that the licensee is making a good faith effort to serve its entire public so that the licensee's". . . programming fairly reflects the tastes and viewpoints of minority groups. . . ." [12] is the cornerstone of our requirement that beyond mere nondiscrimination there must be affirmative action on the part of licensees.[13] As to specific complaints of discrimination, we announced our intention to refer these complaints in the first instance to appropriate Federal, State or local agencies if any had jurisdiction over the licensee whose conduct was in question and to take action on complaints of discrimination, if warranted, after the appropriate agency had an opportunity to evaluate the complaint.[14] Over the past decade we have developed and strengthened our EEO rules in accordance with our mandate to regulate communication by wire and radio in the public interest.[15]

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[9] DHEW's description of "reasonable accommodation," at 45 CFR 84.12, is as follows:

(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.

(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 operation 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 the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

[10] We note that court action has been instituted to force us to take the action petitioned for. *California Association of the Physically Handicapped* v. *FCC*, Civil No. CV 79-0644-WPG (C. D. Cal.); *California Paralyzed Veterans Association* v. *FCC*, Civil No. CV 79-0501-WPG (C.D. Cal.); *Berkosky* v. *Department of Labor*, Civil No. CV 79-1633-WPG (C.D. Cal.). Two related cases dealing in large part with captioning for the hearing-imparied are also pending: *Greater Los Angeles Council on Deafness* v. *Community Television of Southern California d/b/a KCET*, Civil No. 78-4715-R (C.D. Cal.); *Gottfried* v. *FCC*, No. 79-1722 (D.C. Cir.).

[11] *Petition for Rule Making to Require Broadcast Licensees to Show Nondiscrimination in Their Employment Practices*, 13 F.C.C. 2d 766 (1968).

[12] *NAACP* v. *FPC*, *supra*.

[13] See, for example, *National Organization for Women* v. *FCC*, 555 F. 2d 1002, 1017 (D.C. Cir., 1977).

[14] We have recently taken steps to formalize the referral process with the Equal Employment Opportunity Commission ("EEOC"), the relevant Federal agency. *Memorandum of Understanding Between the Federal Communications Commission and the Equal Employment Opportunity Commission*, 70 F.C.C. 2d 2320 (1978). The Commission has always had and retains the authority to consider complaints of discrimination even absent a prior finding of another agency or a court.

[15] In 1969, we adopted specific rules requiring both nondiscrimination and affirmative action. *Petition for Rule Making to Require Broadcast Licensees to Show Nondiscrimination in Their Employment Practices*, 18 F.C.C. 2d 240 (1969). These rules did not cover discrimination on the basis of sex. In 1970, we added sex discrimination to the previously adopted rules, and also instituted use of Form 395, the Annual Employment Report. *Petition for Rule Making to Require Broadcast Licensees to Show Nondiscrimination in Their Employment Practices*, 23 F.C.C. 2d 430 (1970). Additionally, we instituted the requirement that equal employment opportunity programs be filed by renewal, transfer, assignment and construction permit applicants. We declined to add details on

Footnotes continued on next page

We have always recognized, however, that "the public interest mandate of a Federal regulatory agency is not a broad license to promote the general welfare . . ." and that "a general grant of authority to regulate in the 'public interest' does not authorize the regulation of employment discrimination *per se* . . .." *Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees*, 60 F.C.C. 2d 226, 229 (1976), citing *NAACP* v. *FPC, supra.* It is with this history in mind that we must treat the matter before us.

18. While national concern as to employment discrimination against handicapped individuals is clearly evidenced in Section 504 of the Rehabilitation Act, and in Section 503 as well, neither section makes private sector discrimination against handicapped persons illegal as such.[16] CAPH, the petitioner in this matter, notes in its own "Reply Comments" that Section 504 is almost identical to Section 601 of the Civil Rights Act of 1964 and Section 901 of the Education Amendments of 1972. All of these enactments, however, deal only with grantees of Federal financial assistance. Thus, even assuming that such Congressional enactments as exist constitute a "national policy" in some form, the nature of that policy is not the same as the absolute prohibition against discrimination embodied in Title VII of the Civil Rights Act which first led us to enter the EEO area.

19. Again, even assuming that there is in some fashion a "national policy," that finding alone would not require or make it advisable that we implement for handicapped individuals an EEO program of exactly the same sort as that which we presently have for minorities and women. It is helpful, in understanding why a distinction can and should be made, to turn to a comparison made by DHEW of Section 504 of the Rehabilitation Act with Title VI of the Civil Rights Act of 1964 and TITLE IX of the Education Amendments of 1972.[17] In a statement of its views, DHEW concluded that TITLE VI and TITLE IX are premised on the notion that there is no inherent difference between the general public and members of the "protected groups" (minorities and women). Therefore, minorities and women should not be discriminated against. However, DHEW states, the premise of Section 504 is that handicapped persons may require different treatment than others in order to receive equal access.

20. The manner in which "handicapped person" has come to be defined by DHEW, the Federal government's expert agency in this area, further dramatizes this distinction. The individuals covered are so diverse that case-by-case employer/employee resolutions will frequently be necessary if all are to be treated fairly. The definition, for example, encompasses individuals who have suffered cosmetic disfigurement and, at the same time, individuals suffering from mental illness such that the illness substantially limits their life activities. Further, the definition includes not only those who have a physical or mental impairment but also those who are "regarded" as having impairment which limits their activities.

21. Similarly, were we to determine that "handicapped persons," viewed as an entity, in some manner have particular programming needs, that would not of itself require that we include handicapped persons in our present EEO program. For even if we conclude both that a national policy exists and that handicapped persons have unique and unserved tastes and views, a decision not to take the action requested remains within our discretion to determine the most appropriate methods by which to carry out our responsibilities.[18] The Commission has considerable discretion not to promulgate rules even when it has the authority to do so. Before expanding upon this point, we turn briefly to the matter of direct Section 504 applicability. .

22. CAPH contends that Section 504 of the Rehabilitation Act applies directly to broadcast licensees because the benefits obtained by virtue of the license constitute Federal financial assistance. We have had occasion recently to treat this issue. *In the License Renewal Applications of Certain Television Stations Licensed for and Serving Los Angeles, California*, 69 F.C.C. 2d 451 (1978), *reconsid. denied*, 72 F.C.C. 2d 273 (1979). In our initial decision in the Los Angeles renewal cases, we found that Section 504 did not appear to apply to commercial licensees. We also commented in our initial Los Angeles decision that certain noncommercial licensees might be recipients of "Federal financial assistance" covered by Section 504, and stated our intention to consider findings of Section 504 violations made by DHEW, the expert agency primarily responsible for its implementation, in our treatment of broadcast applications.[19] On reconsideration, we affirmed and explicated our views on this point. Inspecting DHEW's definition of what constitutes a program or activity receiving Federal financial assistance,[20] we concluded that as a license does not convey any property right or interest[21]

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female employment to this requirement, but did take such action in 1971. *Equal Employment Program*, 32 F.C.C. 2d 831 (1971). In 1975, noting that the need for specific affirmative action implicit in our rules apparently was not clear to some licensees, we proposed to adopt a model Equal Employment Opportunity Program. *Nondiscrimination in the Employment Policies and Pratices of Broadcast Licensees*, 54 F.C.C. 2d 354 (1975). Such action was taken in 1976. *Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees*, 60 F.C.C. 2d 226 (1976).

[16] As to Section 503, see *Wood* v. *Diamond State Telephone Co.*, 440 F. Supp. 1003, 1009 (D. Del., 1977).

[17] 41 FR 20296, May 17, 1976.

[18] This is not to suggest that individuals with certain specific handicaps, such as the hearing-impaired, do not have specialized communications needs which it is properly within the province of the Commission to address. Neither do we conclude that handicapped persons are not a significant community group whose needs must be ascertained by licensees. Licensees have a continuing obligation to ascertain the problems, needs and interests of significant elements of the community they are licensed to serve and to present programming responsive to these problems, needs and interests. Many licensees presently ascertain the needs of the handicapped in their community, but this is not required. We have recently proposed to amend the *Primer on Ascertainment of Community Problems by Broadcast Renewal Applicants*, 57 F.C.C. 2d 418 (1976), so that ascertainment of significant elements in a community which are not specifically included in our nineteen category Community Leader Checklist would be required. This would, in many communities, include handicapped persons. *Amendment of the Primer on Ascertainment of Community Problems by Broadcast Renewal Applicants in Regard to the Community Leader Survey*, 69 F.C.C. 2d 1815 (1978).

[19] We do note that certain commercial licensees may, directly or through their relationships with affiliated entities, be covered by Section 503 provisions because the licensee or related entity is a Federal contractor. We would consider formal findings of Section 503 violations made by an agency or court with jurisdiction. We also note our intention to consider formal Section 504 findings made by any agency or court with jurisdiction. DHEW, while the lead agency, is not the only agency involved, and court action is also possible. We did not mean to imply in our Los Angeles decisions that we would limit our considerations only to DHEW's actions. Additionally, we do have jurisdiction under the public interest standard to consider alleged violations of law even before findings made by another agency, and circumstances may arise where such action would be appropriate.

[20] Defined by DHEW at 45 CFR 85(e) to include:

. . . any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the agency provides or otherwise makes available assistance in the form of:

(1) Funds;

(2) Services of Federal personnel; or

(3) Real and personal property or any interest in or use of such property, including:

(i) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

[21] See Sections 301 and 304 of the Communications Act, as amended, *FCC* v. *Sanders*

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and the Commission does not in the normal course of its business make payments or provide any other "financial assistance" to licensees, the mere grant of an application by the Commission does not submit a licensee to the requirements of Section 504.[22, 23]

23. Upon further consideration of the Section 504 issue, the Commission remains convinced that Congress did not intend the grant of a license to constitute Federal financial assistance. While the legislative history of Section 504 is sparse, that section in its operative terms is identical to the provisions of Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d). It is apparent that by using identical terminology in Section 504 Congress meant to give its provisions the same meaning as those in Title VI. Moreover, in adopting the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub. L. 95–602, Congress showed clearly that it intended Section 504 to have the same reach as Title VI. For these reasons, the legislative history of Title VI must be considered controlling in determining the intent of Section 504. The legislative history of Title VI shows clearly that Congress did not intend that the grant of a Federal license would be interpreted as "Federal financial assistance." To the contrary, an examination of the legislative history of Section 601 reveals that Congress intended the term "Federal financial assistance" to be understood in its ordinary meaning as funds and real or personal property. See, *e.g.*, H.R. Rep. No. 914, 88th Cong., 1st Sess., *reprinted in* [1964] U.S. Code Cong. & Admin. News 2355, 2511–12. *See also,* Civil Rights: Hearings before the House Judiciary Committee, 88th Cong., 1st Sess. 2731 (1963) (statement of Attorney General Robert F. Kennedy). Moreover, the contemporaneous administrative interpretation of the term "Federal financial assistance" as used in the Title VI context refutes the petitioner's assertion that the term includes the granting of licenses. As the agency responsible for coordination of implementation of Title VI, the Justice Department worked with all affected Federal departments and agencies required to issue Title VI regulations. The Commission was not advised to issue Title VI regulations by the Justice Department because it was the judgement of the Department that the Commission does not provide any "Federal financial assistance" within the meaning of Title VI. Accordingly, the Commission's grant of a broadcast license does not constitute "Federal financial assistance" within the meaning of Section 504. Having thus considered this issue again in this Docket, we are of the view that our determination as to the general inapplicability of Section 504 as set forth in the Los Angeles renewal cases was correct.

24. Even were petitioner and its supporters more successful than inspection has shown them to be in paralleling the rationale by which we have authority to require affirmative action in the employment practices of broadcast licensees as to minorities and women, we would still choose to exercise our discretion not to use that authority. Among the reasons for this decision is the unique nature of the situation of handicapped persons as compared to the areas of sex and race/ethnicity to which our present program is directed. It is apparent to us, for example, that data collection of the nature we presently do with Form 395 would not be viable as to handicapped persons, because of problems of definition, identification, and privacy. Some individuals who qualify as "handicapped" under DHEW's definition might well not wish to disclose an otherwise unapparent handicap. Additionally, the data base by which we compare an employer's workforce to its area labor force in order to ascertain performance does not exist in the same form for handicapped persons as it does for race and sex. Census data on the handicapped covers self-reported work disability and does not correlate directly with DHEW's definition. It would also seem that the issue of "reasonable accommodation" must be handled on a case-by-case basis because an employer must accommodate a particular handicap in the context of a particular job and worksite.

25. The Commission's present EEO program is geared largely to systemic discrimination; individual complaints of discrimination are, if the employer is above the jurisdictional limit, referred to the Equal Employment Opportunity Commission. Our model EEO program is based upon the premise that a pool of individuals with relevant skills who can be readily identified exists, and that it is the responsibility of the licensee to recruit and employ these individuals in a reasonable relationship to their presence in the labor force. It appears to us that this systemic approach would not be effective as to the handicapped. The Commission lacks both the staff and the expertise to make numerous judgements on individual cases related to handicapped persons. Further, absent a specific legislative mandate we are extremely reluctant to impose requirements which will require substantial expenditures for modification of facilities which may then be used by only one person for a limited period of employment. For the reasons stated aforesaid, we also decline to adopt a program to enhance ownership and management by the physically handicapped. We note that even when restricted to the physically handicapped, the definition problem would make implementation quite difficult. Furthermore, obstacles to ownership and management such as would suggest the need for a program were not shown in this proceeding.

**Our Future Course**

26. Although we have determined that it is inadvisable to include handicapped persons in our existing EEO rules, the model EEO program, or as a Form 395 category, we are taking meaningful action to aid the handicapped in having their needs met and their legal rights protected. As we observed when we first considered the matter of EEO more than a decade ago, an established violation of law clearly raises a question as to an applicant's qualifications to be a broadcast licensee. 13 F.C.C. 2d at 768–769 (1968). We announce our intention, as suggested in the Los Angeles renewal cases, to consider a finding of illegal discrimination on the basis of handicap made by any Federal, State or other governmental agency designated by law to make such a determination, or such finding made by any court of competent jurisdiction, as bearing on the character of an applicant for a broadcast license. Our consideration will be made in accordance with our normal procedures as to character issues.

27. Several commenters in this proceeding suggest that the Commission institute a program of an informational nature to facilitate the hiring of handicapped persons. We have determined that a clearinghouse

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*Bros. Radio Station,* 309 U.S. 470, 475 (1940), *Ashbacker Radio Corporation* v. *FCC,* 326 U.S. 327, 331–332 (1945).

[22] Similarly, we are not an agency charged by Executive Order 11914 with Section 504 implementation.

[23] The Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978, Pub. L. 95–602 (November 6, 1978), amended Section 504 to cover participation in programs or activities conducted by any executive agency. While the Commission is not an executive agency, there is some support for the view that Congress also intended this amendment to apply to independent regulatory agencies. The legislative history and the Supreme Court's recent decision in *Southeastern Community College* v. *Davis,* —— U.S. ——, 99 S. Ct. 2361 (1979), make it clear that this amendment only applies to an agency's own internal employment practices.

program, which would provide informaton to licensees regarding methods of facilities and equipment modification, equipment availability, and other means by which to increase employment of and service to handicapped individuals, would be a proper service for the Commission to institute. Therefore, we hereby announce our intention to designate a coordinator for "broadcasting and the handicapped," to be located in the Commission's Office of Public Affairs. The coordinator will have adequate staff support. It is our intent that the coordinator provide information to licensees on methods by which they may facilitate and increase employment of handicapped persons in all phases of licensee operations. The coordinator is also empowered to work with handicapped individuals and interest groups to increase awareness of opportunities for employment in the broadcast field. We believe that this action is in keeping with the spirit of recent Congressional enactments regarding the handicapped.

28. We would also like to draw attention to several other important actions recently taken in this area. On November 20, 1979, we adopted a *Notice of Proposed Rule Making* in PR Docket 79–315, which looks to reallocation of two low-band radio channels so that handicapped persons can communicate by means of a tactile (vibrating) paging device. This unit would, for example, enable parents to summon a deaf child home from play. Our concern that the communications needs of the hearing-impaired be provided for is also reflected in the issuance of a *Notice of Inquiry into Telecommunications Service for the Deaf and Hearing-Impaired*, 67 F.C.C. 2d 1602 (1978). Additionally, we have promulgated rules which make closed captioning of television programs possible, and note that DHEW has announced a cooperative closed captioning project with PBS, NBC and ABC which will result in significant amounts of captioned program service by early 1980.[24] Our recent action regarding the ascertainment of handicapped individuals by broadcast licensees has already been described in this document. We trust that, in establishing a coordinator for "broadcasting and the handicapped" by the present *Report and Order*, we will have taken another important step in our ongoing effort to enhance communications services to and for handicapped persons.

29. Accordingly, IT IS ORDERED, That, pursuant to the authority contained in Sections 4(i), 303(g), and 303(r) of the Communications Act of 1934, as amended, the policies as set forth herein are ADOPTED, and this aspect of this proceeding is hereby TERMINATED.[25]

30. For further information concerning this proceeding, contact Steven A. Bookshester, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission [26].

**William J. Tricarico,**

*Secretary.*

**Appendix A**

*Formal and Informal Comments*

Governor's Committee on Employment of the Handicapped (W. Va.)
Maryland Office for the Coordination of Services to the handicapped
National Association of Broadcasters
National Braille Press, Inc.
Alan L. Weiser
WCEC Radio
United Cerebral Palsy Associations Inc.
Metromedia, Inc.
San Francisco Public Library Communications Center
Los Angeles City Council for the Handicapped (Severin Grabin)
Bates County Broadcasting Company
Gregg R. Thompson
The Washington Ear, Inc.
State of New York, State Advocate for the Disabled
Board of Trustees, The California State University and Colleges (for KPBS–TV)
Broadmoor Broadcasting Corporation
Affiliated Leadership League of and for the Blind of America
National Trust for Historic Preservation
Fran C. Schmidt
Mainstream, Inc.
The Indoor Sports Club, Inc.
California Governor's Committee for Employment of the Handicapped
WBZK Radio
Paul J. McGeady
Central Ohio Radio Reading Service
American Alliance for Health, Physical Education & Recreation
Houston Gay Political Caucus
Michael A. Chatoff
Ohio Association of Broadcasters
Arizona Broadcasters Association
Disabled in State Service
Stebbins Communications, Inc.
Mayor's Office for the Handicapped, City of New York
National Easter Society for Crippled Children and Adults
The President's Committee on Employment of the Handicapped Epilepsy Foundation of America
KNFM Radio
Broadcast Financial Management Association
National Association of Broadcast Employees and Technicians, AFL–CIO
Tallahassee Broadcasting Company
Combined Communications Corporation and Gaylord Broadcasting Company (and their subsidiaries)
Streator Broadcasting Corporation
Maryland-District of Columbia-Delaware Broadcasters Association, Inc.
Galesburg Broadcasting Co. and Citizens Group for the Physically Handicapped
Harte-Hanks Southern Communications, Inc. and Basic Media, Ltd.
National Radio Broadcasters Association
Haley, Brader & Potts
Field Communications Corporation
National Center for Law and the Deaf and the National Capital Area Coalition of Citizens with Disabilities
Nationwide Communications, Inc.
CBS, Inc.
Forward Communications Corporation (and subsidiaries)
Group One Broadcasting Co. (and affiliates)
Guaranty Broadcasting Corporation
John H. Phipps Broadcasting Stations, Inc.
May Broadcasting Company
Plains Television Corporation
Southern Television Corporation
Sumit Radio Corporation
Winnebago Television Corporation
WKRG–TV, Inc.
Michiana Telecasting Corporation
Public Broadcasting Service
National Federation of the Blind*
Pennsylvania Association of Broadcasters*
Paralyzed Veterans of America*
Deaf Counseling, Advocacy and Referral Agency*
Bonneville International Corporation*
Dow, Lohnes & Albertson*
Office of Communication and Board for Homeland Ministries of the United Church of Christ*
WRNO Radio*
Colorado Broadcasters Association*

*Reply Comments*

American Broadcasting Companies, Inc.
Broadcast Financial Management Association
Storer Broadcasting Company

*The comments marked with an asterisk were late-filed but since their consideration is not prejudicial to any party and their lateness did not exceed a few days, we shall consider them in this proceeding.

[24] *Amendment of Subpart E, Part 73, of the Commission's Rules and Regulations to Reserve Line 21 of the Vertical Blanking Interval of the Television Broadcast Signal for Captioning for the Deaf*, 63 F.C.C. 2d 378 (1976). Closed captioning requires use of a decoder in order to make the caption visible. Under the DHEW project, Sears, Roebuck & Co. will sell decoders on a nonprofit basis. See *Broadcasting Magazine*, March 26, 1979, at 32–33, for details of the DHEW project.

[25] On September 15, 1978, the NAB filed a motion to sever our proceeding related to handicapped persons from Docket 21474. Comments in support of the NAB motion were also filed. In its main comments in this proceeding, filed on the same date, NAB requested that we terminate this phase of the proceeding or, in the alternative, grant its motion to sever. As we have in this document announced our intention not to adopt any new rule, and do terminate this phase of Docket 21474 with this *Report and Order*, we do not reach the merits of NAB's motion.

[26] See attached Statement of Commissioner Lee and Separate Statement of Commissioner Fogarty in which Chairman Ferris joins.

California Association of the Physically Handicapped, Inc.*

**Statement of Commissioner Robert E. Lee Concurring in Part and Dissenting in Part in Re Amendment of Broadcast Equal Employment Opportunity Rules and FCC Form 395**

My dissent is to that part of the Commission's descision creating a "clearinghouse" for information to facilitate the hiring of handicapped persons. I don't mean to be insensitive to the problems the handicapped face in the job market, and I certainly encourage broadcasters and others connected with telecommunications to hire handicapped persons.

My concern with the clearinghouse is the scope of its function. There is no realistic way the FCC can become expert about the myriad handicaps which afflict people or the design of buildings and equipment to accommodate these handicaps. Our expertise is electronic communications. Within the scope of our authority under the Communications Act, we have encouraged broadcasters and common carriers to make their services available to the handicapped, particularly the hearing impaired, and I expect to continue to do so.[1] But our expertise in electronics is of little value in designing the work environment for handicapped individuals.

Rather than divert personnel from other jobs in the Commission to perform what is, at best, a "busybody" function, I would like to see the Commission encourage both communicators and the handicapped to work with public and private organizations specializing in problems faced by the handicapped. We can't duplicate that expertise and we shouldn't. Referring people with questions to the appropriate organizations is a much more appropriate function for us than running a clearinghouse.

**Separate Statement of Commissioner Joseph R. Fogarty in Which Chairman Charles D. Ferris Joins**

*In Re:* Second Report and Order in Docket 21474—Petitions for Inclusion of Handicapped Persons in EEO Rules and Form 395.

The handicapped have a unique and strong claim on this nation's social conscience and public policy. Their right to "life, liberty, and the pursuit of happiness" is no less compelling than that of any other American, and, in a deep and real sense, the full recognition of their rights, aspirations, and potential for contribution is proving to be one of the greatest challenges to our democratic society and its fundamental humanist priniciples.

It is therefore with considerable reluctance that I feel constrained to join in the Commission's decision declining to include "handicapped persons" within the purview of our existing rules and policies on equal employment opportunity for minorities and women. However, as this *Second Report and Order* explains in detail, any assertion of Commission jurisdiction requiring nondiscrimination and affirmative action for the handicapped would have to rest on the most tenuous of grounds, and implementation of such a program would be so fraught with administrative uncertainty and difficulty as to vitiate any practical effectiveness.

Here, I believe it is particularly important to emphasize that the Commission is not ignoring the needs and legal rights of the handicapped as they relate to our regulatory responsibilities and mission. We have a clear duty to consider a finding of illegal discrimination against the handicapped made by a competent authority as reflecting adversely on the character of broadcast license applicants.[1] In a pending separate proceeding, we are looking toward a rule that the handicapped are entitled to have their problems, needs and interests ascertained where they constitute a significant element of the licensee's community.[2] We are establishing a clearinghouse program and coordinator to encourage and assist licensees in increasing employment of and service to the handicapped. And, as detailed in paragraph 28 of this decision, the Commission is engaged in efforts to stimulate and foster industry technological innovations responsive to the unique and special needs of the handicapped.[3] In accordance with our mandate to encourage the larger and more effective use of radio and television in the public interest, I expect that the Commission will continue to explore additional ways and means of expanding broadcasting's service and responsiveness to the handicapped.

[FR Doc. 80-7229 Filed 3-7-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Because of restrictions on ex parte communications, participation in docketed proceedings by clearinghouse personnel will be limited.

[1] See *Petition for Rulemaking To Require Broadcast Licensees To Show Nondiscrimination in Their Employment Practices*, 13 FCC 2d 766, 768-69 (1968).

[2] *Amendment of the Primers on Ascertainment of Community Problems by Commercial Broadcast Renewal Applicants and Noncommercial Educational Broadcast Applicants, Permittees and Licensees*, Notice of Proposed Rulemaking, 43 FR 35357 (August 9, 1978), Further Notice Proposed Rulemaking, 43 FR 41241 (September 15, 1978).

[3] See also *Use of Line 21 for Television Program Captioning for the Deaf*, 63 FCC 2d 378 (1976), Separate Statement of Commissioner Joseph R. Fogarty, *Id.* at 392.

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1108

**[Ex Parte No. 55 (Sub-No. 22)]**

### Revision of National Environmental Policy Act Guidelines

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Proposed rules.

**SUMMARY:** These proposed rules contemplate revision of existing Commission guidelines implementing section 102 of the National Environmental Policy Act of 1969 (NEPA). They are intended to enhance the Commission's NEPA process by providing for streamlined reporting requirements, brief and concise environmental documentation, and expeditious administrative treatment without sacrificing opportunities for public involvement. To facilitate review, explanations, where appropriate, are set out immediately following proposed sections or subsections.

**DATES:** Written comments should be filed on or before April 9, 1980.

**ADDRESS:** Comments should be submitted to Office of Policy and Analysis, room 5355, Interstate Commerce Commission, 12th & Constitution Ave., NW, Washington, D.C. 20423.

**FOR FURTHER INFORMATION CONTACT:** Carl Bausch or Steve Botts (Telephone: 202-275-7916).

**SUPPLEMENTAL INFORMATION:** Proposed sections of 49 CFR Part 1108 together with explanations, where appropriate, follow. The sections are proposed to replace the existing Part 1108.

**§ 1108.1 Purpose.**

These rules implement section 102 of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332, and are designed to assure adequate consideration of environmental factors throughout the decisionmaking process.

*Explanation:* Regulations of the Council on Environmental Quality (Council) implementing procedural provisions of NEPA became effective on July 30, 1979. The Council's regulations appear at 40 CFR Chapter V, Parts 1500 through 1508. The Interstate Commerce Commission, an independent regulatory agency, does not view the Council's regulations, issued pursuant to Executive Order 11991, of May 24, 1977, as binding upon its administrative actions. At the same time, however, the Commission recognizes the need for a uniform and consistent government-wide approach to implementing NEPA. Accordingly, as a matter of policy, the Commission intends to follow the Council's regulations to the extent practicable.

**§ 1108.2 Responsibility for administration of the Commission's NEPA regulations.**

The Director of the Office of Policy and Analysis is responsible for administration of the Commission's NEPA regulations.

**§ 1108.3 Information and assistance.**

Information, including the status of studies, reference materials, as well as informal interpretations of the Commission's NEPA process and other forms of assistance will be made available upon request to:

Energy and Environment Branch (Room 5377), Office of Policy and Analysis, Interstate Commerce Commission, 12th &

Constitution Ave., NW., Washington, D.C. 20423 (Telephone: 202–275–7916).

**§ 1108.4 Definitions.**

In addition to those definitions contained in the Council's regulations (40 CFR Part 1508), the following definitions apply to the Commission's NEPA process:

(a) "Act" means the Interstate Commerce Act, as amended.

(b) "Assessment" means a concise public document for which the Commission is responsible which serves to:

(1) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or to make a finding of no significant impact.

(2) Facilitate preparation of an environmental impact statement when one is necessary.

(c) "Commission" means the Interstate Commerce Commission.

(d) "Environmental Impact Statement" (EIS) means a detailed written statement as required by Sec. 102(2)(C) of NEPA.

(e) "Finding of No Significant Impact" is a document issued by the Commission briefly presenting the reasons why an action (not categorically excluded from treatment on environmental grounds) will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared.

(f) "Environmental Report" or "report" means an analytical document which briefly evaluates the environmental impacts of a proposed Federal action and alternatives. It is to be filed by an applicant with the Commission pursuant to the requirements of this part.

**§ 1108.5 Determinative criteria.**

In determining whether a "major Federal action," as that term is defined at 40 CFR Part 1508, has the potential to affect significantly the quality of the human environment, the Commission will be guided by the definition of "significantly" at 40 CFR Part 1508.

**§ 1108.6 Classification of actions.**

(a) Rail line construction is a class of action that has the potential for significant environmental impact and will normally require an Environmental Impact Statement (EIS).

(b) The following classes of action may involved significant environmental impacts but normally will be addressed in an environmental assessment:

(1) Abandonment, acquisition, or operation of a line of railroad;

(2) Railroad merger, control, or consolidation proceedings;

(3) Discontinuance of passenger trains;

(4) Individual and general freight rate proceedings involving recyclable commodities;

(5) Legislative proposals, policymaking, and rulemaking proposals affecting carrier operations.

(c) *Categorical Exclusions*—Environmental impacts associated with the following classes of action are insignificant (or ascertainable under other reporting requirements) and, therefore, environmental reports and documentation normally need not be prepared under this part:

(1) Interpretation of operating rights and tariffs;

(2) Proceedings involving only a change in ownership or similar changes, such as issuance of securities or reorganization, but not involving a change in carrier operations including overall levels of employment;

(3) Individual and general freight rate proceedings except to the extent recyclable commodities are involved;

(4) Motor and water carrier, broker, and freight forwarder licensing;

(5) Commutation or suburban passenger fare increases;

(6) Intercity bus fare adjustments;

(7) Revocation or substantial modification of motor carrier service;

(8) Applications for common use of rail terminals or for trackage rights;

(9) Any other action not included in §§ 1108.6 (a) and (b).

(d) The classifications established in paragraphs (a), (b), and (c) of this section are not invariable and, where circumstances warrant, the Commission, on its own motion, or upon request, may reclassify, waive or otherwise modify requirements with respect to any proposed action.

*Explanation:* The revisions reflect the Commission's experience in considering the significance of environmental effects in various actions and with judicial interpretation of the requirements of NEPA. In addition to revising the classification of actions a new subsection of "categorical exclusions" has been added.

"Discontinuance of passenger trains" has been removed from the list of those classes of action which have normally required an EIS. Experience indicates that this class of action infrequently creates environmental impacts so significant as to warrant preparation of an EIS. Of course, as with other less significant classes of action, in the exceptional instance in which potential environmental significance is detected, an EIS will be prepared.

Rail merger, control or consolidation applications involving two or more class I railroads have been reclassified from the list of actions that normally require preparation of an EIS and included with those for which the Commission would normally prepare an environmental assessment. The purpose of this change, including the revised reporting requirements for this class of action in § 1108.7(c)(2) is further to concentrate on truly significant analysis and insure that the consideration of environmental issues are identified early and run concurrently with decisionmaking in the proceeding.

Applications for common use of rail terminals have been evaluated infrequently and have never been found to have environmental significance. Similarly, trackage rights proceedings have not been found to have environmental significance. These classes of action therefore have been deleted from the list of proceedings for which environmental assessments are normally prepared.

Motor and water carrier, broker, and freight forwarder licensing proceedings have been categorically excluded for the reason that a decision by the Commission to grant or deny any single application normally will not produce significant environmental impacts. Master licensing and other proposals which may be advanced to ease entry control will be evaluated from the standpoint of their cumulative effect upon the quality of the human environment. Although the for-hire transportation of hazardous waste materials (including radioactive waste) and dangerous commodities is subject to Commission licensing procedures, provisions governing safety, containerization, and even routing are administered by other regulatory agencies including the Department of Transportation, the Nuclear Regulatory Commission, and the Environmental Protection Agency. Rather than add a layer of unnecessary regulation to these segments of the industry, we have categorically excluded the licensing of hazardous wastes movements from environmental analysis.

Previous environmental analyses of individual and general freight rate increase proposals have concentrated on evaluating the critical effects of diversion to less environmentally and energy efficient modes of transportation. Since these impacts must be addressed under the Commission's energy rules (49 CFR Part 1106), additional environmental evaluation under this part will not be required for future general freight rate increase proposals absent unusual circumstances. For the same reasons, commutation, motor carrier passenger and intercity bus fare increases and revocation or substantial modification of motor carrier regular-route passenger service have been included in the list of categorical exclusions.

Under the Railroad Revitalization and Regulatory Reform Act of 1976 (4–R Act), the Commission does not have jurisdiction to consider the reasonableness of individual railroad rate proposals, absent a finding that the carrier publishing the rate is market dominant. Since Commission action appears impossible absent a finding of market dominance, there is no need to analyze the environmental consequences of Commission action in this situation. Where there is a finding of market dominance, it may safely be assumed that (by definition) the possibilities of diversion to less environmentally and energy efficient modes are negligible. Accordingly, individual rail rate proposals will no longer require environmental analysis.

**§ 1108.7 Reporting requirements.**

(a) *General.* (1) Each applicant initiating one or more of the classes of action identified in sections 1108.6 (a) or (b) is required to submit an Environmental Report which will form the basis of any environmental document.

(2) In the interest of reducing duplication of effort and paperwork, where information required by this section is otherwise included in applicant's pleadings, it may be incorporated by reference into the Environmental Report.

(3) Each Environmental Report, shall contain the following:

(i) A brief description, in narrative form, of the proposed action together with a statement outlining the need for the action and a map depicting the affected area.

(ii) The identification of any similar or significant interrelated actions in the affected area and other Federal, State, or local governmental agencies which may be involved.

(iii) A discussion of alternatives to the proposed action.

(iv) A succinct description, in narrative form, of pertinent features of the affected environment and the effects, if any, of the proposed action and alternatives. Those subjects listed below should be treated to the extent necessary to understand the effects of the alternatives:

(A) Local land use plans.

(B) The existing transportation system including alternative transportation modes.

(C) Energy consumption.

(D) Air emissions, ambient conditions, and relevant Federal, State, and local standards.

(E) Bodies of water and overall water quality.

(F) Terrestrial and aquatic ecosystems and limited or unique resources and threatened or endangered species.

(G) Ambient noise levels.

(H) Existing or potential safety hazards.

(I) Cultural, historic, or archaeological sites listed or eligible for inclusion in the *National Register of Historic Places.* (Copies of correspondence or memoranda of communications with State Historic Preservation Officers and other officials must accompany the report.)

(J) A description of means through which adverse environmental impacts may be mitigated.

(4) All required information shall be developed in accordance with directions provided by the Branch.

(5) Submission of materials and information called for in Environmental Reports shall not preclude the Branch from requiring additional pertinent information from a party needed to make a determination concerning the environmental significance of a proposed action.

*Explanation:* General reporting requirements only are outlined above. They are not intended to be burdensome and, in most cases, can be met in a relatively brief time period. Rather than attempt to set out lengthy, all-encompassing methodologies, and in recognition of the uniqueness of each proceeding, individualized treatment is proposed. A reference manual outlining general methodologies is available upon request. However, a sample report which illustrates how the general reporting requirements as well as special reporting requirements applicable to rail abandonments may be complied with is attached as an appendix to this document. All reports should employ the sample format.

(b) *Special.* (1) Environmental Reports submitted for rail line construction shall address, in addition to general reporting requirements, the following:

(i) Any adverse environmental effects which cannot be avoided.

(ii) The relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity.

(iii) Any irreversible or irretrievable commitment of resources.

(iv) A description of alternative route corridors together with a statement of reasons for not selecting such corridors.

(v) A description of the proposed route corridor and line location by State, county, and subdivision with a plan view at a scale not to exceed 1:24,000 (7½ minute U.S.G.S. quadrangle map) showing the relationship to the existing transportation network including the location of all highway and road crossings together with right-of-way requirements according to ownership and land use type.

(vi) A description of construction plans including a schedule and labor force requirements, the location of borrow pits, if any, and earthwork estimates.

(vii) A description of operations to be conducted upon project completion including freight to be transported, the annual number of train movements and types of cars, motive power requirements, estimated labor force, and proposed maintenance of way practices.

(viii) A description of the effects, including down-line impacts, of probable diversion from othe railroads caused by operation of the new line.

(ix) A description of effects, including impacts on essential public services (e.g., fire, police, ambulance, neighborhood schools, etc.) for communities traversed by the proposed line.

*Explanation:* These special reporting requirements are designed to focus attention on areas which normally are most critical. They are not intended to be all-inclusive. All applicants, irrespective of class of action, are encouraged to consult early with the Branch for purposes of refining reporting requirements and facilitating compliance.

(2) Environmental Reports submitted for the classes of action identified below shall include, in addition to the general reporting requirements, the respective items of information:

(i) For abandonment of rail lines or operations provide:

(A) An accurate description of the line segment, the number of acres in the right-of-way, and ownership.

(B) A description of all buildings having potential significance in the context of the National Historic Preservation Act of 1966 (16 U.S.C. section 470 *et seq.*) along the line. Date of construction and photographs of structures over 50 years in age shall be provided as may be requested by the State Historic Preservation Officer.

(C) A description of anticipated salvage operations, particularly bridge removal and instream salvage plans, including duration of proposed salvage operations.

(D) Recent traffic data, including types of commodities transported, number of carloads and tons handled annually, and amount of traffic generated at each station.

(E) The location of primary markets or points of freight origin.

(ii) For rail merger, control or consolidation applications provide:

(A) Environmental Reports, which may be consolidated, for all related or reasonably anticipated actions, including potential abandonments.

(B) The identity of all line segments which will incur an increase in traffic and the current annual number of cars or number and length of trains on those line segments and the additional annual number of cars or number and length of trains expected as a result of the proposed action.

(C) A quantification of changes in the overall levels of energy consumption.

(D) A quantification of changes in noise levels and air quality for railyards which will incur an increase in the number of cars switched.

(E) (Rail protestants only) Environmental Reports, which may be consolidated, for all lines potentially subject to abandonment as a result of the proposed action.

(F) (Parties submitting protective conditions only) A description of conditions which may alter traffic flow

and the manner in which transportation patterns may be changed.

(iii) For passenger train discontinuances provide:

(A) An estimate, based on a passenger survey or other reliable ridership data, or probable passenger diversion, by mode, and the number of additional roadway passenger-miles which may be travelled as a result of the diversion, describing probable major routes.

(B) A concise description of the area's roadway system, including restrictions, and an estimate of the strain, if any, which the diversion will place on that system.

(C) A survey of alternative transportation modes and their capabilities to absorb the diversion.

(D) An account of the relevant modal accident rate and an estimate of the effects of diversion on that rate.

*Explanation:* The reporting requirements are self-explanatory. Although they are modest, they are technical in nature. For this reason applicants are encouraged to seek assistance and guidance from the Branch when questions arise.

**§ 1108.8 Scoping.**

(a) Scoping is to be employed in actions for which an EIS may be prepared (1) to identify and reduce the numerous possible concerns to only those significant environmental issues deserving of study and (2) to deemphasize insignificant issues, narrowing the scope of the environmental impact statement process accordingly. Where the Commission is preparing and EIS in conjunction with other government agencies, the scoping process may be used to allocate responsibility for the preparation of parts of the EIS among lead and cooperating agencies. Scoping normally will be employed for actions described in § 1108.6(a) of these rules. If, in preparing an environmental assessment for an action listed in §1108.6(b), it becomes apparent that the proposed action has the potential to affect significantly the quality of the human environment, the scoping process generally will be engaged.

(b) Scoping generally will be accomplished through written submissions. The notice of intent to prepare an environmental impact statement normally will also include a preliminary outline of the scope of the study to be conducted. Written comments addressing the proposed scope will be invited. All comments received will be considered before a final scoping plan for the environmental study of the proposed action is formulated and published. When appropriate, (typically where issues are complex and in dispute) scoping may take place at a meeting which will be open to interested agencies, parties, and the public.

*Explanation:* "Scoping" is a technique developed by the Council which has been employed successfully by the Branch in the past to reduce issues and problems to those germane to the proceeding. The new rules define the limits of and provide guidance for existing practice not heretofore delineated.

**§ 1108.9 Timing.**

(a) Every application filed in those classes of action listed in § 1108.6(a) and (b) shall be accompanied by a report as provided in § 1108.7. In instances in which it is determined that a report should be prepared by an applicant in a proceeding not listed in § 1108.6 (a) and (b), the applicant will be notified and shall submit such report at the earliest time in the proceeding and within the time limits specified in the notification.

(b) Upon a showing of good cause made prior to the time that a report is due, the reporting requirements contained in this part may be waived in whole or part. Application for waiver should be made directly to the Energy and Environment Branch.

(c) All applicants are strongly encouraged to consult with the Branch for guidance and consultation at the earliest possible time prior to or during the course of a proceeding. Failure to do so may substantially delay environmental analysis of the application.

*Explanation:* The new rules, like the existing guidelines, provide for the filing of an applicant's environmental report with its application and the waiver of reporting requirements upon a showing of good cause. While it may not be within the Commission's power to compel an applicant to consult with the Branch before filing an application, such pre-filing consultation is strongly recommended (particularly in larger and more complex proceedings) so that (1) the extent of the applicant's reporting burden may be established, refined, and, reduced to the extend possible at the earliest possible time, and (2) where necessary, environmental analysis of the proposal can be completed within time limits contemplated by the 4–R Act.

**§ 1108.10 Commission procedures and public involvement.**

(a) Reports and other material submitted in connection with proposed actions for which environmental evaluation is appropriate will be analyzed independently by the Branch at the earliest opportunity and environmental documentation, as necessary, will be prepared. All environmental documentation will be made available to parties and the public.

*Explanation:* Major decisional points are not identified in these rules because most major actions for which an EIS normally might be prepared are governed by time constraints established in the Railroad Revitalization and Regulatory Reform Act of 1976.

(b) A Notice of Intent to prepare an EIS will be published in the **Federal Register** upon a determination that a proposed major action has the potential for significant environmental impacts. The notice may include a preliminary scope of the environmental study.

(c) Both draft and final EIS's will be made available through a Notice of Availability which will be served on parties of record and published (normally by the Environmental Protection Agency) in the **Federal Register**. Notice of availability of a draft EIS will invite comments and fix the commenting period.

(d) Although draft and final EIS's are expected to satisfactorily address the pertinent issues, comments on a draft EIS will be reviewed and considered by the Branch. Should comments be, relevant any one or more of the following measures may be taken in response:

(1) Modify alternatives including the proposed action.

(2) Develop and evaluate alternatives of merit not previously given serious consideration.

(3) Supplement, improve, or modify the statement as relevant.

(4) Make factual corrections.

(5) Explain why comments do not warrant further response.,

(6) Take such other action as may be necessary consistent with the basic purposes of NEPA and relevant authorities.

(e) If any existing EIS is supplemented, notice and comment procedures outlined above will be followed to the extent practicable.

(f) Other environmental documents (e.g., Environmental Assessments and Findings of No Significant Impact) will be made available to the public.

(1) A Finding of No Significant Impact or an Assessment prepared for an action in which formal adjudicative proceedings are ordered will be made available through notice which will be served on parties of record and published in the **Federal Register** and/or published in newspapers in the affected area. The notice will invite comments and fix the commenting period.

(2) Comments on a Finding of No Significant Impact or an Assessment will be considered by the Branch. If warranted, any one or more of the measures outlined in paragraph (d) of this section may be taken in response to

comments on Findings or Assessments. In addition, if major issues suggesting substantial environmental impact were overlooked, further evaluation in the form of an EIS may be recommended.

(g) Oral hearing on any environmental document will be held only if good cause is shown. Good cause contemplates, among other things, a showing that normal written commenting procedures are inadequate.

*Explanation:* This provision follows the reasoning expressed in *Nat. Resources Def. Council* v. *U.S. Nuclear Reg. Com'n,* 539 F2d 824, 838–39 (2d Cir.) vacated and remanded to consider question of mootness 434 U.S. 1030 (1978), which is entirely appropriate for Commission proceedings.

(h) All final environmental documents together with comments and responses, if any, and other relevant material will be forwarded, at the earliest practicable time to the decisionmaker for appropriate consideration.

(i) Where the decisionmaker reaches conclusions on environmental issues which differ from the conclusions contained in an EIS or Assessment, the EIS or Assessment will be deemed to have been modified in accordance with the decisionmaker's conclusions.

(j) These rules repeal the reporting requirements contained in 49 CFR Part 1106 for those classes of action described in § 1106.5(a)(1), (2), (5), (7), and (9).

*Explanation:* It is the Commission's intention, consistent with its statutory obligations, to follow the Council's regulations with respect to timing of the NEPA process.

Because these rules contemplate evaluation of energy factors in classes of action for which Enviromental Reports must be submitted, they will repeal the reporting requirements contained in 49 CFR Part 1106, referred to above.

This notice of proposed rulemaking is promulgated under the authority of 42 U.S.C. 4332, 49 U.S.C. 10321 and 5 U.S.C. 553 and was adopted formally at a General Session of the Interstate Commerce Commission held at its office in Washington, DC, on the 22nd of February, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

**Agatha L. Mergenovich,**

*Secretary.*

**Appendix—Sample Environmental Report for a Rail Abandonment**

[Docket Number and Title]

1.0 *Purpose and Need.*—1.1 *Description of Action.* The Salt Lake Transportation Company (SLT) proposes to abandon its line between X and Y, MN, a distance of 10 miles (see Figure 1). The reasons for the proposed action are the low traffic volumes on the line and high cost of maintenance.

There are no other pending or proposed actions in the region that are related to the subject abandonment.

2.0 *Description of the Line and Operations.*—The subject right-of-way encompasses approximately 120 acres. About 80 percent is owned in fee title and the rest is held in easement. Much of the land corridor is overgrown with trees and shrubs.

A depot is the only building on the line. The depot was constructed in 1896 and is no longer used for rail purposes. However, the building is currently being leased to a local insurance company (see attached pictures).

No plans exist for disposal of the right-of-way if the abandonment is approved. No parties have contacted the railroad with offers to purchase the land corridor. The property held in fee title will be sold for the best obtainable price and the rest of the land will revert to adjacent landowners.

Salvage operations will be performed by applicant's crews. All structures including bridges will be removed. Ballast will be left undisturbed and no grading of the right-of-way will occur. Bridge abutments, piers, and rip rap will be left in place. Pilings will be cut off to the stream bottom. No instream salvage work will be required.

Trains operate on an "as needed" basis on the line. In 1978, 30 trains operated on the branch transporting a total of 250 cars. Of the total traffic on the line, 150 cars consisted of grain and 80 cars were composed of fertilizer. The remaining traffic was miscellaneous loads. All of this traffic was generated at X, MN. There is no overhead traffic.

3.0 *Alteration of the existing environment.*—3.1 *Land Use and Economic Development.* The subject line is located in a rural area where the primary economic activity is farming. Grain and fertilizer are the major commodities shipped on the line. A grain elevator at X is the primary shipper. Most of the grain generated in the area is shipped by truck to Minneapolis/St. Paul. Main-line railheads and barge transportation are available to ship fertilizer within 20 miles of the affected area. The proposed abandonment would not inhibit the flow of agricultural commodities in the area.

There are no industrial development plans or projects which are dependent on continued operations of the line.

Elimination of rail service is not expected to significantly affect unemployment in the area. Railroad employees will most likely be protected by imposition of labor protective conditions. Moreover, the grain elevator at X employs only 5 individuals and this company is expected to continue in business following abandonment.

3.2 *Transportation.* Should the abandonment be approved, approximately three trucks a day would be added to the local highways. This figure could increase to approximately 10 trucks daily during harvest season. Roads in the area are generally good and could accommodate this increase in traffic. Most of the grain traffic is expected to move over US 14 and US 52 to Minneapolis/St. Paul. These are high quality roads.

Fertilizer shipments could be transported by truck to or from main line rail or barge facilities in the area. These facilities are within 20 miles of the subject line.

3.3 *Energy.* Rail operations on the subject line consume approximately — gallons of diesel fuel a year. Should the line be abandoned, grain traffic would most likely be diverted to truck for short haul to the Twin Cities, a distance of 150 miles. Alternative transportation for fertilizer is available at barge or mainline rail facilities via a truck haul of 20 miles. The origin and destination of the remaining traffic is unknown. In a worst case situation, if all of the traffic was diverted to truck for haul between origin and destination, — additional gallons of fuel would be consumed annually.

3.4 *Air Quality, Noise and Safety.* The subject region is rural. Large farms are distributed throughout the territory. Air quality is good in the area and there are no major sources of pollution. Also ambient noise conditions are within acceptable levels. There are no safety hazards that would interfere with traffic movement.

In light of the low traffic movement on the line, diversion to trucks would not significantly alter ambient conditions.

3.5 *Aquatic and Terrestrial Ecosystem.* The region traversed by the subject line is flat and intensively farmed. The right-of-way in its overgrown condition provides important wildlife habitat. Depending on the disposition of the right-of-way following abandonment, this habitat may be eliminated. This action could have serious impact on local wildlife populations. No federally threatened or endangered species would be involved.

3.6 *Historic/Archaeologic.* There are no sites listed or eligible for inclusion in the *National Register of Historic Places* which would be affected by the proposed abandonment. Contact with the State Historic Preservation Officer (SHPO), however, has indicated that the single depot on the line may be eligible for listing in the *National Register.* A picture and description of the building is included in the Appendix.

4.0 *Alternatives to the Action.*—4.1 *Denial.* Denial of the proposed abandonment is the only feasible alternative, because traffic is generated at the end of the line and there are no prospects for development that would warrant discontinuance of operations only. Denial would maintain the status quo and avoid the impacts associated with the abandonment.

5.0 *Suitability of the Right-of-Way for Alternative Public Use.* The line runs through rural farm country. There are no unique natural features and not all of the right-of-way is salable. Contact with State and local agencies indicates that there is no interest in acquiring the right-of-way for recreational or other uses. In light of this, the right-of-way would not be suitable for alternative public use.

6.0 *Continued Rail Service.* The State has no interest in subsidizing continued rail service on the line. However, the Pepper Grain Co., the major shipper on the line, has expressed interest in providing subsidy money. No negotiations have occurred with the railroad, as yet. Continued rail operations via subsidy would avoid the adverse impacts associated with abandonment.

7.0 *Conclusion.*—The diversion of traffic to motor carriers for short or long haul would not significantly alter energy consumption or ambient air and noise conditions in the tributary area. Moreover, there are no economic development activities which would be precluded by the action.

Disposition of the right-of-way could seriously affect local wildlife populations and a site of potential historic value.

In light of the lack of significant environmental impacts, preparation of a detailed environmental impact statement is not required.

*Sources of Information.*—1. Name, position title, name of organization, location, date and means of contact.

2. Title of document, date of publication.

[FR Doc. 80-7295 Filed 3-7-80; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### 50 CFR Part 17

### Endangered and Threatened Wildlife and Plants; Reproposal of Critical Habitat for the Beaver Dam Slope Population of the Desert Tortoise; Public Hearing

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Reopening of the Comment Period; Notice of Public Hearing.

**SUMMARY:** The public comments on the Service's reproposal of Critical Habitat for the Beaver Dam Slope population of the Desert Tortoise is hereby reopened between March 25, 1980 and April 9, 1980. In addition, in response to requests, a public hearing will be held on this reproposal. The date, time, and place of the hearing are set forth below.

**DATES:** The Service will consider all comments on this reproposal received between March 25, 1980 and April 9, 1980. The public hearing will be held on Wednesday, March 25, 1980 commencing at 7:00 p.m.

**ADDRESS:** The public hearing will take place at the Hilton Inn, 1450 S. Hilton Inn Drive, St. George, Utah.

**FOR FURTHER INFORMATION CONTACT:** For further information on the reproposal of Critical Habitat or the hearing, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771) or the Area Manager, U.S. Fish and Wildlife Service, 1311 Federal Building, 125 S. State Street, Salt Lake City, Utah 84138 (801/524-5630).

**SUPPLEMENTARY INFORMATION:** In the Federal Register of December 7, 1979 (44 FR 70680-2) the Service reproposed Critical Habitat for the Beaver Dam Slope population of the Desert Tortoise. In that document there was an announcement that a public meeting would be held on January 10, 1980. This meeting was held as scheduled. Prior to and during this meeting requests were received from both Utah Senators Garn and Hatch for a public hearing. In the interest of insuring full public participation in the Critical Habitat designation process, the Service will hold a public hearing at the time and place specified above.

Accordingly, the comment period on the Service's reproposal of December 7, 1979 (44 FR 70680-2) regarding the Desert Tortoise is hereby reopened between March 25, 1980 and April 9, 1980.

A public hearing on this proposal will be held as set forth above. All comments and statements presented at this hearing will be made part of the public record of this species and will be considered before any final decisions are made concerning the proposal.

Dated: March 5, 1980.

**Lynn A. Greenwalt,**

*Director, Fish and Wildlife Service.*

[FR Doc. 80-7267 Filed 3-7-80; 8:45 am]

BILLING CODE 4310-55-M

# Notices

Federal Register
Vol. 45, No. 48
Monday, March 10, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Forest Service Procedures for Compliance With the Solid Waste Management Guidelines for Beverage Containers; Proposed Procedures

Notice is hereby given that the Forest Service is proposing to establish procedures for complying with the Solid Waste Management Guidelines for Beverage Containers.

The proposed procedures include requirements for preparation of non-implementation plans and the Forest Service decisionmaking process for approval of non-implementation reports. The procedures will be incorporated as amendments to the Forest Service Manual.

All persons who wish to submit written data, views, or objections pertaining to the proposed procedures may do so by submitting them to the Chief, Forest Service, U.S. Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013, on or before April 9, 1980.

The proposed wording follows:

*7462.41—Beverage Container Guidelines.* The Solid Waste Management Guidelines for Beverage Containers (40 CFR Part 244) is a Federal requirement and a form of processing solid wastes. The Guidelines for Beverage Containers (GBC) require that Federal facilities establish a system for the return of beverage containers to achieve the environmental benefits of reduced solid waste and litter, and to conserve energy and material resources. As an incentive to the consumer to return empty containers to the retail dealer, the GBC require that the consumer pay a minimum deposit of 5 cents on each beverage container. However, the GBC also recommends that Federal facilities apply higher deposit levels in localities where higher levels are ordinarily used, and lower deposit levels if the local area has an established return system with a minimum deposit level of less than 5 cents. The dealer is to refund the deposit when the consumer returns the container.

1. *Non-Implementation Plans*—The Guidelines allow non-implementation reports to be filed when certain conditions and circumstances exist that make compliance with requirements cited above impracticable. The Forest Service decision process for non-implementation requires documentation in the Environmental Assessment format as a minimum (FSM 1950). The unit, facility, or individual requesting non-implementation shall prepare a non-implementation plan including all necessary and available documentation and data.

a. The following conditions are considered to be valid reasons for determining that non-implementation is appropriate:

(1) Situations in which, after a trial implementation, there is no alternative available that results in meeting the objectives of the GBC in a cost effective manner (40 CFR 244.100(d)(3)(i)); or

(2) Situations in which no viable alternative can be found which avoids excessive irrecoverable costs to the facility or agency (40 CFR 244.100(d)(3)(ii)).

b. Regional Foresters may determine on a case-by-case basis that non-implementation is appropriate. The GBC (Section 244.100(d)) specify three conditions which are necessary in order to achieve the objectives of the GBC. These conditions should be considered in making a determination regarding implementation:

(1) That consumers continue to purchase beverages from dealers at Federal facilities;

(2) That empty containers be returned and then reused or recycled;

(3) That the costs of implementation are not prohibitive.

c. It may be possible to provide the necessary supporting documentation for non-implementation without a test or trial implementation; however, it will be difficult in most cases to substantiate claims without actual data. If a trial implementation has been made, include in the non-implementation report a description of the test, the kind of alternatives tried, and the reasons for rejecting the various alternatives.

d. The Regional Forester determines the appropriateness of a non-implementation report; the Chief will approve or disapprove it. It is anticipated and intended that successful implementation and continued experience with the GBC will provide a basis for the timely delegation of non-implementation report approval to the Regional Foresters.

(1) All approved non-implementation reports with supporting data will be forwarded to EPA.

(2) Both the non-implementation report and EPA's review will be made available to the public through notices in the Federal Register.

2. *Reporting*—Regional Foresters will submit to the Washington Office by December 1 of each year a status report on the implementation program for the Guidelines for Beverage Containers. This status report shall be prepared on EPA Headquarters Form 8700–9 (8–77), Beverage Containers Guidelines Implementation Status Report. The Washington Office will compile and submit the Forest Service annual status report to EPA, in accordance with Section 244.100(f)(2) of the GBC, by January 1 of each year.

**R. Max Peterson,**
*Chief.*

[FR Doc. 80-7265 filed 3-7-80; 8:45 am]
BILLING CODE 3410-11-M

## CIVIL AERONAUTICS BOARD

**[Docket No. 37563]**

### Delta Air Lines, Inc.; Civil Penalties for Violations; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Pope. Future communications should be addressed to Judge Pope.

Dated at Washington, D.C., March 4, 1980.

**Joseph J. Saunders,**
*Chief Administrative Law Judge.*

[FR Doc. 80-7321 Filed 3-7-80; 8:45 am]
BILLING CODE 6320-01-M

**[Docket No. 37795; Order 80-3-17]**

### Denver-Albuquerque/Kansas City Show Cause Proceeding

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Order 80–3–17, Denver-Albuquerque/Kansas City Show Cause Proceeding, Docket 37795.

**SUMMARY:** The Board is issuing an order in which it tentatively finds and concludes that it is in the public convenience and necessity to grant the application of Western Airlines for amendments to its certificate authorizing the air transportation of persons, property, and mail between the terminal point of Denver, Colo., and the alternate terminal points of Albuquerque and Kansas City.

**DATES:** All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than April 7, 1980, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

**ADDRESSES:** Objections to the issuance of a final order should be filed in Docket 37795, which we have entitled the *Denver-Albuquerque/Kansas City Show-Cause Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on American Airlines, Aspen Airways, Air Midwest, Air U.S., Air-Plains, Braniff International Airlines, Continental Airlines, Crown Aviation, Century Airlines, Capitol Air Service, Chapparal Airlines, Colorado Airlines, Command Airways, Delta Airlines, Desert Air Service, Eastern Airlines, Eagle Commuter Airlines, Lawrence Aviation, Frontier Airlines, Green Hills Aviation, Midway Airlines, Mississippi Pioneer Aviation, Republic Airlines, Rocky Mountain Airways, Roederer Aviation, Ross Aviation, Royal Air, Scheduled Skyways, Texas International Airlines, Trans World Airlines, United Airlines, USAir, Western Airlines; the governors and State commissioners or Departments of Transportation of the States of Colorado, New Mexico, and Missouri, and the mayors and airport managers of the cities of Denver, Albuquerque, and Kansas City.

**FOR FURTHER INFORMATION CONTACT:** Laurie Schaffer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., NW., Washington, D.C. 20428, (202) 673–5009.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 80–3–17 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Ave., NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80–3–17 to that address.

By the Bureau of Domestic Aviation: March 4, 1980.

**Phyllis T. Kaylor,**

*Secretary.*

[FR Doc. 80–7324 Filed 3–7–80; 8:45 am]

BILLING CODE 6320–01–M

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**[Docket No. 33363]**

## Former Large Irregular Air Service Investigation Phase III; Reassignment of Proceeding

This proceeding, except for the applications listed below, is reassigned to Administrative Law Judge William A. Pope, II. Future communications concerning all other applications and proceedings relating thereto should be addressed to Judge Pope.

*Name and Docket Numbers*

Ah Wee Charters & Tours, Ltd., d.b.a. Air "Ah Wee", 37022, 37023
Four Seas Airlines, Inc., 36489, 36490
International Travel Arrangers, Inc., 32548, 32549
Joseph S. Norman, Inc., 34922, 34923
K-Air, Inc., 36432, 36433
The Phoenix Corporation, Inc., 34107, 34108
Professional Travel, Inc., d.b.a. Aerostar, 36152, 36153
Robert G. Rutkowski d.b.a. Northeastern International Airways, 34281, 34282
San Diego Padres Air Travel, 37357, 37358
Silvas Air Lines, Inc., 36234
Sundance International, Inc. d.b.a. Sundance International, 34925
Tourlite, 35493, 35494
Travel-Go-Round, 32552, 32553
Worldwide Airlines, 32606, 32607.

Dated at Washington, D.C., March 5, 1980.

**Joseph J. Saunders,**

*Chief Administrative Law Judge.*

[FR Doc. 80–7319 Filed 3–7–80; 8:45 am]

BILLING CODE 6320–01–M

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**[Dockets Nos. 33363, 36489, and 36490]**

## Former Large Irregular Air Service Investigation and Applications of Four Seas Airlines, Inc., Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 25, 1980, at 10:00 a.m. (local time) in Room 1003, Hearing Room A, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C., March 4, 1980.

**William H. Dapper,**

*Administrative Law Judge.*

[FR Doc. 80–7320 Filed 3–7–80; 8:45 am]

BILLING CODE 6320–01–M

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**[Docket No. 37802; Order 80–3–23]**

## General Department of International Air Services (Aeroflot Soviet Airlines), Prior-Approval of Operations

### Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of March 1980.

Aeroflot Soviet Airlines holds a foreign air carrier permit, issued by Order 74–3–137, which authorizes it to engage in foreign air transportation of persons, property and mail between the U.S.S.R. and the United States cities of New York and Washington, with up to two scheduled round-trip flights per week. Aeroflot may also provide additional scheduled capacity ("extra sections") subject to the provisions of an airline agreement between Aeroflot and Pan American World Airways.[1] Under this agreement, which is provided for in the U.S.—U.S.S.R. Civil Air Transport Agreement, each airline is assigned the exclusive responsibility for providing ground handling services in its homeland and neither airline may offer extra sections unless it is first advised by the other that adequate facilities are available for handling the additional service. However, we have been informed by Pan American and the Department of State that Pan American has recently advised Aeroflot that, for reasons beyond its control, it is no longer able to provide ground handling or other services in the United States under the agreement.

Aeroflot's permit also authorizes the carrier to conduct charter trips in foreign air transportation, subject to the terms, conditions and limitations prescribed by Part 212 of our Economic Regulations. Under this authority, Aeroflot may now perform an unlimited number of on-route charters without any requirement for advance approval by the Board.[2]

By letter dated January 24, 1980, the Department of State has requested the Board to take all necessary steps to require prior approval by the Civil Aeronautics Board, with the concurrence of the Department of State,

[1] Agreement CAB 19949 was approved by Board Order E–26950, June 20, 1968 and amended by Order 76–11–59, November 11, 1976.

[2] Pursuant to § 212.4(b), the Board may at any time, with or without hearing, notify a foreign air carrier that it cannot perform on-route charter trips without prior Board approval.

of all charter and extra section flights by Aeroflot. In support of its request, the Department of State said that it "has examined our bilateral civil aviation relations with the Soviet Union subsequent to the reduction in the number of scheduled flights to the United States by Aeroflot,"[3] and has "concluded that it is in the national interest to establish a requirement for prior United States Government approval for Aeroflot operation of charters and additional scheduled capacity (extra sections)."

Under section 102 of the Act, the Board, when determining whether foreign air transportation is in the public interest, is directed to consider, among other things, the present and future needs of the foreign and domestic commerce and the national defense. Taking into consideration the foreign policy conclusions of the Department of State, and the inability of Pan American to provide services under its agreement with Aeroflot, we find that it is in the public interest to require Aeroflot to obtain our approval before operating (1) any charter trips (on-route and off-route), and (2) any scheduled service in excess of two weekly round trips during the period Pan American is unable to perform under its agreement with Aeroflot.

All requests for charter authority must conform to the requirements of § 212.4(b) of our Economic Regulations (14 CFR 212.4(b))

All requests for authority to provide additional scheduled capacity must conform to the requirements of Subpart A of Part 302 of our Procedural Regulations (14 CFR 302.1 *et seq.)*, and must contain at least the following information: (1) A description of the proposed operations, including the date, time and full itinerary of each additional flight and the total number of departures and passengers involved; (2) a description of the ground handling and fuel services available for the proposed flight; and (3) a detailed description of the facts relied on to establish that a grant of the request is in the public interest. Each request shall be filed with the Board and served upon the Department of State 30 days before the flight(s).[4] Additional information may be requested before we act.

We are delegating to the Director, Bureau of International Aviation, the authority to approve or deny requests for additional scheduled capacity filed pursuant to this order.[5]

Accordingly, 1. Effective 30 days after service of this order, Aeroflot Soviet Airlines shall not perform any charter trip to or from the United States unless specific authority in the form of a Statement of Authorization to conduct such charter trip has been granted by the Board under § 212.4(b) of its Regulations (14 CFR 212.4(b));

2. Aeroflot Soviet Airlines shall not provide any scheduled service, including extra sections, in excess of two round trips per week except upon application and approval by the Board, as provided herein;

3. We delegate to the Director, Bureau of International Aviation, the authority to approve or deny requests to provide additional scheduled flights, including extra sections, filed pursuant to this order, and authority to reduce the 30-day advance filing requirement upon showing of good cause; and

4. We shall serve copies of this order on Aeroflot Soviet Airlines, Pan American World Airways, the Port Authority of New York and New Jersey, the Administrator of the Federal Aviation Administration, the Ambassador of the Union of Soviet Socialist Republics in Washington, D.C., and the Departments of State and Transportation.

This order shall be published in the **Federal Register**, and will be transmitted to the President.

By the Civil Aeronautics Board.

**Phyllis T. Kaylor,**[6]

*Secretary.*

[FR Doc. 80-7325 Filed 3-6-80; 8:45 am]

BILLING CODE 6320-01-M

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**[Docket No. 37793; Order 80-3-14]**

## Minneapolis/St. Paul–Florida Points Show Cause Proceeding

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Order 80-3-14, Minneapolis/St. Paul–Florida Points Show Cause Proceeding, Docket 37793.

**SUMMARY:** The Board is issuing an order in which it tentatively finds and concludes that it is in the public convenience and necessity to grant nonstop authority to Pan American, Western, Republic, Northwest, and United in the Minneapolis/St. Paul, Orlando, Miami, Ft. Lauderdale, Tampa-St. Petersburg–Clearwater markets. Therefore, the Board is instituting the *Minneapolis/St. Paul–Florida Points Show-Cause Proceeding.* The tentative findings and conclusions will become final after a comment period and analysis of the submissions.

**DATES:** All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file by April 7, 1980, a statement of objections together with a summary of testimony, statistical data, and other materials expected to be ruled upon to support the stated objections. Such filings shall be served upon all parties noted below.

**ADDRESSES:** Objections to issuance of a final order shall be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C., Docket 37793, the *Minneapolis/St. Paul–Florida Points Show-Cause Proceeding.*

In addition, copies of such filings should be served on Air Florida, American Airlines, Braniff International Airlines, Continental Airlines, Delta Airlines, Eastern Airlines, Florida Air and Air South, Frontier Airlines, Golden South Airlines, Knight Airlines, National Airlines, Northwest Orient, Ozark Airlines, Pan American, Piedmont Airlines, Provincetown–Boston Airlines-Naples Airline Division, Republic Airlines, Texas International Airlines, Trans World Airlines, United Airlines, Western Airlines; the governors and State commissioners or Departments of Transportation of the States of Florida, Wisconsin, and Minnesota; the mayors of Minneapolis/St. Paul, Miami, Orlando, Tampa, St. Petersburg, Clearwater, Ft. Lauderdale; the managers of the airports in Minneapolis/St. Paul, Miami, Orlando, Tampa, St. Petersburg, Clearwater and Ft. Lauderdale.

**FOR FURTHER INFORMATION CONTACT:** Laurie Schaffer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5009.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 80-3-14 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 80-3-14 to the Distribution Section, Civil Aeronautics Board, Washington, D.C., 20428.

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[3] Order 80-1-43 terminated exemption authority that allowed Aeroflot to provide a third weekly round trip between the United States and the U.S.S.R.

[4] We are delegating to the Director, Bureau of International Aviation, the authority to reduce the 30-day advance filing requirement if good cause has been shown and the public interest so requires.

[5] Under § 385.26(f) of the Organization Regulations, the Director of the Bureau of International Aviation has delegated authority to approve or deny requests for off-route charter trips and on-route charter flights "for which prior approval is required under an order of the Board."

[6] All Members concurred.

By the Bureau of Domestic Aviation: March 4, 1980.

Phyllis T. Kaylor,

*Secretary.*

[FR Doc. 80-7322 Filed 3-7-80; 8:45 am]

BILLING CODE 6320-01-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Goshen College et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manfuactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 31, 1980.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 735 at 666-11th Street N.W., Washington, D.C.

Docket No. 80-00101. Applicant: Goshen College, Goshen, IN 46526. Article: Electron Microscope, Model JEM 100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of the effects of aging on the ultrastructure of tissues, cells, and cuticles in Drosophila melanogaster, the subcellular morphology associated with tip growth of cells, and ultra cytochemistry of cells. The main objective of this research is to obtain new information about the materials and phenomena studied at the ultrastructural level. In addition, the article will be used to instruct upper level college students in ultrastructural techniques so they may use this instrument as a tool to discover new information in their individual advanced research projects. Application received by Commissioner of Customs: December 26, 1979.

Docket No. 80-00102. Applicant: Department of Commerce, National Bureau of Standards, Chemistry Building, Room A121, Washington, D.C. 20234. Article: Accessories to an Electron Microscope consisting of: Image Selector, Multiple Display and Electron Energy Analyzer. Manufacturer: JEOL Ltd., Japan. Intended use of article: The articles are accessories to an electron microscope manufactured by the same manufacturer which are required to effectively carry out a wide range of projects employing electron microscopy. These projects will include the development of standards for microanalyses, the measurement and study of fundamental electron and x-ray parameters and theoretical investigations into electron beam interactions with various sample targets. Application received by Commissioner of Customs: December 26, 1979.

Docket No. 80-00103. Applicant: Department of Commerce, National Bureau of Standards, Chemistry Building, Room A121, Washington, D.C. 20234. Article: Electron Microscope, Model JEM 200CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the preparation of standards for the analyses of asbestos in air requiring the identification of not only asbestos fibers but other crystalline material by morphology, elemental composition and crystal structure. Another area of study involves the development of a quantitative analyses procedure for ultrafine particles less than 0.3 μm. Other studies will be initiated involving energy loss spectrometry which will address both molecular and elemental information. The article will also be used in the study of crystal structure chemical changes and intergrowths in mineral species. Application received by Commissioner of Customs: December 26, 1979.

Docket No. 80-00104. Applicant: Baylor College of Medicine, Department of Pathology, 6621 Fannin Street, Houston, Texas 77030. Article: Electron Microscope, Model JEM 100CX/SEG/ASID and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of surgically removed portions of the nervous system, liver, intestine, kidney, heart and other tissues of children and experimental animals, as well as tissue cultures from patients with various genetic and metabolic diseases and tumors. Critical qualitative and quantitative study of serial thin and semi-thin sections of these tissues, thereby making it possible clearly to elucidate the essential nature of ultrastructural changes. These modalities are required not only for modern diagnoses but for enhanced understanding of the mechanisms of disease. Application received by Commissioner of Customs: December 26, 1979.

Docket No. 80-00106. Applicant: Department of Health, Education, and Welfare, National Institutes of Health, Building 36, Room 5D-06, 9000 Rockville Pike, Bethesda, MD 20205. Article: Electron Microscope Model EM 400T. Manufacturer: N.V. Philips, The Netherlands. Intended use of article: The article is intended to be used for studies of normal and virally infected nerve cells. The experiment will include inoculation of cells or animal brain with neurotropic viruses and study of virus maturation thereafter. Application received by Commissioner of Customs: December 26, 1979.

Docket No. 80-00107. Applicant: Clemson University, Department of Chemistry & Geology, Clemson, South Carolina 29631. Article: NMR Spectrometer, Model JNM/FX-90Q and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following investigations:

1. Trace quantities of natural products and reactive intermediates and small quantities of materials isolated from complex reaction mixtures.
2. Low level $^{13}C$ measurements.
3. Measurement of $T_1$rho and accurate determination of $T_1$.
4. Spin-lattice relaxation of molecules; specific binding site on enzymes.
5. Determination of spectra of small quantities of samples isolated from flash vacuum pyrolysis experiment, which samples are unstable at ambient temperatures but can be measured at low temperatures.
6. Natural product chemistry.
7. Conformation studies.
8. Kinetics of catalyst reactions.

Application received by Commissioner of Customs: December 26, 1979.

Docket No. 80-00110. Applicant: University of California, Purchasing Department, 1156 High Street, Santa Cruz, CA 95064. Article: Scanning Electron Microscope, Model Nanolab 7, with Lanthanum Hexaboride Emitter System. Manufacturer: Semco Instruments Co., Ltd., Canada. Intended use of article: The article is intended to be used for analytical and morphological characterizations of various types of biological, chemical and geological samples. Suitably prepared samples ranging in size from diatomaceous rocks to nematode cuticles, cells, and isolated membranes, will be examined in such a way that the maximum yield of information regarding natural or artificial surfaces is obtained. The article will also be used for

educational purposes in the course Graduate Student Independent Study (Course #299) in which graduate students are instructed by individual professors on their doctoral research projects. Application received by Commissioner of Customs: December 26, 1979.

Docket No. 80–00111. Applicant: University of Washington School of Medicine, Pediatric Research & Training, Children's Orthopedic Hospital, 4800 Standpoint Way N.E., Seattle, Washington 98105. Article: STAPUT Device for Velocity Sedimentation. Manufacturer: O. H. Johns Scientific, Canada. Intended use of article: The article is intended to be used for separation of macrophages from cell preparations of human placentas. once isolated, the antimicrobial functions of these macrophages will be studied. This device will be used in one stage of the cell separation procedure. Application received by the Commissioner of Customs: December 27, 1979.

Docket No. 80–00112. Applicant: Pennsylvania Muscle Institute, Presbyterian-University of Pennsylvania Medical Center, 51 N. 39th Street, Philadelphia, PA 19104. Article: Electron Microscope, Model EM 400 and Accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of the smooth muscle in the wall of blood vessels as well as cardiac and skeletal muscle and some other vertebrate cell systems. The composition of cryo sectioned cells will be determined at a spatial resolution of down to approximately 20 Å units with electron probe X-ray and electron energy loss analysis. High resolution dark field and bright field structural studies will be conducted on negatively stained and unstained cryo sections through conventional means and image processing techniques of low dose electron micrographs. The effect of drugs on the fine structure and ionic composition of cells and intracellular organelles will be studied by these techniques that are designed to provide fundamental understanding of the normal processes of cell function and eventually lead to the prevention and cure of diseases of the cardiovascular system. Application received by Commissioner of Customs: December 28, 1979.

Docket No. 80–00113. Applicant: Cornell University, Baker Laboratory of Chemistry, Ithaca, New York 14853. Article: Excimer Laser, Model EMG 101. Manufacturer: Lambda-Physik, West Germany. Intended use of article: The article is intended to be used to provide a high energy source of light at numerous wavelengths in the ultraviolet. It will be used to produce large quantities of free radicals by surface photo-desorption for the study of the chemistry of surface catalysis, electron spin resonance spectroscopy, and energy transfer of the free radicals. The systems to be studied are relevant to energy conversion, surface chemistry and chain reaction chemistry. Two post-doctoral students and two graduate students will use the article for their research and will learn fundamental techniques of laser applications in chemical and physical research while using it. Application received by Commissioner of Customs: December 31, 1979.

Docket No. 80–00093. Applicant: University of Illinois, Medical Center, Department of Anatomy, 808 South Wood Street, Chicago, Illinois 60612. Article: Microscope accessories consisting of: Scanning Attachment, Backscattered Electron Detector, Image Selector Switch, Specimen Rotating Holder, Faraday Cage Holder, Supplementary Detection Unit, and Supplementary Power Supply. Manufacturer: JEOL Ltd., Japan. Intended use of article: The articles are attachments intended to be used in conjunction with microscopes to form a facility for backscattered electron imaging which will be used in biomedical research on the structure and function of cells and tissues. Specifically the research purposes for which the above attachments are intended are:

(a) Visualization of the cell microstructure and characterization of the cytochemistry of cell organelles in bone marrow cells by backscattered imaging.

(b) Visualization by backscattered imaging of cell organelle microstructure in proliferating embryonic cell populations.

(c) Visualization by backscattered imaging of chromosome organization in yeast cells undergoing division.

(d) Cytochemical localization of structures in sperm cells in backscattered imaging.

(e) Visualization of cell organization in the central nervous system by backscattered imaging.

Application received by Commission of Customs: December 12, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

**Frank W. Creel**

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 80–7249 Filed 3–7–80; 8:45 am]

BILLING CODE 3510–25–M

## Pacific Science Center et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of application for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 31, 1980.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 735 at 666–11th Street NW Washington, D.C.

Docket No. 80–00133. Applicant: Pacific Science Center, 200 Second Avenue North, Seattle, Washington 98109. Article: IMAX Projector with an air-cooled lamphouse, 1 hour double deck reel unit and C287 lens with related field flatteners. Manufacturer: IMAX Systems Incorporated Canada. Intended use of article: The foreign article is intended to be used in educating school children and the community in the science process. Application received by Commissioner of Customs: January 7, 1980.

Docket No. 80–00134. Applicant: Veterans Administration Medical Center, 1310 24th Avenue, South, Nashville, TN 37203. Article: Electron Microscope, Model H–600–3 and Accessories. Manufacturer: Hitachi Perkin-Elmer Ltd., Japan. Intended use of article: The article is intended to be used for studies of biological materials in their native state and after suitable incubations with hormones and drugs. Materials also include samples from tissue culture. Among the numerous experiments to be conducted are the effects of growth promoting substances

on organ and tissue cultures as well as tissues removed from whole experimental animals injected with various growth-promoting substances. Investigations of the immune nature of cellular reactions utilizing peroxidase labeled antibodies will also be performed. The article will also be used to study preparations of liver melochondria and muscle sarcoplasmic reticularis. In addition, the article will be used for educational purposes by pathology residents, senior medical students and investigators or research technologists. Application received by Commissioner of Customs: January 8, 1980.

Docket No. 80–00114. Applicant: Arizona State University, Department of Chemistry, Tempe, Arizona 85281. Article: Mass Spectrometer System, Model MAT 312 and Accessories. Manufacturer: Varian Mat, West Germany. Intended use of article: The article is intended to be used for the study of structure elucidation of potential antitumor agents isolated from natural products. Sensitivity of the article will be employed in EI mode to separate and identify mixture components from low resolution data (mass chromatograms). In addition, the article will be used for educational purposes in various chemistry courses. Application received by Commissioner of Customs: December 31, 1979.

Docket No. 80–00115. Applicant: Sandia Laboratories, P.O. Box 5800, Albuquerque, NM 87185. Article: Laser, Model TEA–103–2. Manufacturer: Lumonics Research, Canada. Intended use of article: The article is intended to be used to study laser-initiated discharge formation relevant to propagation of ion and/or electron beams in inertially confined fusion energy research. The phenomenon to be studied involves vibrational excitation of gas molecules with 100 nanosecond laser pulses. Application received by Commissioner of Customs: December 31, 1979.

(Calalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

**Frank W. Creel,**

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 80–7250 Filed 3–7–80; 8:45 am]
BILLING CODE 3510–25–M

## Texas A. & M. University et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897) Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 31, 1980.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 735 at 666–11th Street NW., Washington, D.C.

Docket No. 80–00116. Applicant: Texas A&M University, College Station, Texas 77843. Article: Waverider Receiver, Type WAREP Mark II F., and Accessories. Manufacturer: Datawell bv, The Netherlands. Intended use of article: The article is intended to be used to study the characteristics of ocean waves along the Texas coast. Wave heights, periods, directions and energy density spectra will be investigated. The data gathered will be analyzed to determine modification in wave conditions between buoy locations due to shoaling, refraction, diffraction and reflection. Application received by Commissioner of Customs: December 31, 1979.

Docket No. 80–00117. Applicant: Massachusetts Maritime Academy, Buzzards, Bay, Massachusetts 02532. Article: Loadicator. Manufacturer: Manufacturer Unknown, Sweden. Intended use of article: The article is intended to the be used to train approximately 300 ship's officers, and officer candidates each in problems of buoyancy, longitudinal trim, shear and bending stresses of tankers. The hydrostatic properties of vessels will be investigated in a continuing series of laboratory experiments, designed to train ship's officers in the safe handling of liquid petroleum products. Application received by Commissioner of Customs: December 31, 1979.

Docket No. 80–00118. Applicant: Iowa State University, Purchasing Department, Ames, IA 50010. Article: Mass Spectrometer, MAT–250 and Accessories. Manufacturer: Varian MAT, West Germany. Intended use of article: The article is intended to be used for precise measurement of $^{15}N/^{14}N$, $^{13}C/^{12}C$, and $^{18}O/^{16}O$ ratios in $N_2$, $N_2O$ and $CO_2$. Studies will involve determination of the isotopic composition of compounds in solids, of plant materials, and of gases released from soils. The experiments to be conducted shall be extensive and long-term studies of nitrogen transformation in soils during field and laboratory studies. Application received by Commissioner of Customs: January 3, 1980.

Docket No. 80–00119. Applicant: Louisiana State University and Agriculture and Mechanical College, Baton Rouge, Louisiana 70803. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of viruses, fungi, bacteria, protists, animal cells and animal tissues. Fine structural details will be observed during investigations of normal and diseased conditions. The research projects to be conducted range from investigations of changes in cardiac muscle during Cobalt induced heart failure through immuno-cytochemical investigations of tissue culture cells infected with bovine leukemia virus to clinical diagnosis of diarrhea through the identification of isolated negatively stained viruses. The article will also be used in the course VMED 5463 Special Training—Electron Microscopy in which the basic principles of electron microscopy in veterinary medicine will be taught. Application received by Commissioner of Customs: January 3, 1980.

Docket No. 80–00120. Applicant: University of California, Facility for Advanced Instrumentation, Davis, California 95616. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in training students in the theory of electron microscopy as well as for laboratory training in preparation techniques and microscope operation. Application received by Commissioner of Customs: January 3, 1980.

Docket No. 80–00121. Applicant: University of Colorado, Purchasing Department, Health Sciences Center, 4200 E. 9th Avenue, Denver, Colorado 80262. Article: Helium Dewar, Model MGD–203. Manufacturer: CTF Systems, Inc., Canada. Intended use of article: The article is intended to be used to house a low-level magnetic gradiometer that is being used to investigate the properties of the magnetic waves of the brain. This gradiometer must be operated in a superconducting configuration which means it must be suspended in liquid helium and held at 4°K. The article will provide a container

for the liquid helium. Application received by Commissioner of Customs: January 3, 1980.

Docket No. 80–00122. Applicant: The Johns Hopkins University, Charles & 34th Streets, Baltimore, Maryland 21218. Article: Electron Microscope, Model EM 10C and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to study the structure of cells, tissues, cell organelles, macromolecules, macromolecular assemblies, and viruses. In addition, the article will be used in the course "Optical Methods in Biology" and in the students' thesis research. Application received by Commissioner of Customs: January 3, 1980.

Docket No. 80–00123. Applicant: University of Illinois, Urbana-Champaign Campus, Purchasing Division, 223 Administration Building, Urbana, Illinois 61801. Article: Electron Microscope, EM 400 with Scanning Attachment. Manufacturer: Philips Electron Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of metals, allous, ceramics, glasses, minerals and plastics. Phase transformations and the accompanying microscopic phenomena will be investigated with particular attention to the electron diffraction effects from highly localized zones such as phase and grain boundaries and incipient precipitates in transforming materials. Room temperature observations as well as observations of the behavior of these materials at different temperatures will be made under varying diffracting conditions. The investigations will call for the observation of diffraction effects from zones on the order of 200 Angstrom units or less in extent. These studies will be conducted with the aim of shedding light on transformation mechanisms in martensitic phenomena, in spinodal decomposition and omega phase transformations in sintering reactions, corrosion phenomena and other related phenomena. Application received by Commissioner of Customs: January 3, 1980.

Docket No. 80–00125. Applicant: U.S. Department of Commerce, NOAA, National Marine Fisheries Service, 8604 La Jolla Shores Dr., P.O. Box 271, La Jolla, CA 92038. Article: Multiple Zooplankton Sampler "Messhai". Manufacturer: Institute fur Meereskunde, West Germany. Intended use of article: The article is intended to be used for studies of anchovy larvae vertical distribution. Application received by Commissioner of Customs: January 3, 1980.

Docket No. 80–00126. Applicant: University of California, Lawrence Livermore Laboratory, P.O. Box 5012, Livermore, California 94550. Article: Streaking and Framing Camera. Manufacturer: John Hadland Photographic Instrumentation Ltd., United Kingdom. Intended use of article: The article is intended to be used in research into prompt diagnostics instrumentation for the Nuclear Test Program for the study of optical fibers, pulsed light sources and fast image recording. The goals of this study are: (1) To develop optical components required to use optical fibers as a transmission link in nuclear weapons diagnostics, and (2) to develop techniques for time-resolved image recording of nuclear weapons radiation. In pursuit of the first goal, measurements will be made of the time dispersion of 50-ps light pulses transiting radiation-induced absorption cells and optical-fiber transmission links. Measurements will also be made of the temporal response of radiation-induced light sources. Time-resolved imaging will be studied using the camera's framing and multi-channel streak feature. Images will be recorded and compared quantitatively to images recorded using other techniques to define image distortion, resolution, uniformity and temporal smearing. Application received by Commissioner of Customs: January 3, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

**Frank W. Creel,**

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 80–7251 Filed 3–7–80; 8:45 am]

BILLING CODE 3510–25–M

## Minority Business Development Agency

### Financial Assistance Application Announcement; Florida; Correction

Correction of the announcement that appeared in the **Federal Register** on February 21, 1980 for the Jacksonville, Florida, Business Development Organization. (45 FR 11521) The funding level has been reduced from $96,000 to $87,000 and the period of performance has been reduced from 12 months to 11 months. The closing date of March 14, 1980 and the starting date of April 1, 1980 are not changed. An application kit can be obtained in writing or by telephoning for additional information (404) 881–4091.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: March 4, 1980.

**Allan A. Stephenson,**

*Deputy Director.*

[FR Doc. 80–7248 Filed 3–7–80; 8:45 am]

BILLING CODE 3510–21–M

## National Oceanic and Atmospheric Administration

### North Pacific Fishery Management Council and Scientific and Statistical Committee and Advisory Panel; Public Meetings

**AGENCY:** National Marine Fisheries Service, NOAA.

**SUMMARY:** The North Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94–265) and its Scientific and Statistical Committee (SSC) and Advisory Panel (AP) will hold joint and separate meetings.

**DATES:** The Council meeting will convene on Wednesday, March 26, 1980, at 8:30 a.m. and will adjourn on Friday, March 28, 1980, at 5 p.m. in the Alaska Room of the Anchorage/Westward/Hilton Hotel, 3rd & E Streets, Anchorage, Alaska. Joint meetings will be held with the Alaska Board of Fisheries on Thursday, March 27, 1980, at 8:30 a.m. adjourning at 5 p.m. in the Alaska Room. The SSC meeting will convene on Monday, March 24, 1980, at 1 p.m. and will adjourn on Tuesday, March 25, 1980, at 5 p.m. at the Council Conference Room, 333 W. 4th Avenue, Anchorage, Alaska. The AP meeting will convene on Tuesday, March 25, 1980, at 9 a.m. and will adjourn at 5 p.m. at the Anchorage/Westward/Hilton Hotel Alaska Room. The meetings may be lengthened or shortened depending upon progress on the agenda. The meetings are open to the public.

**FOR FURTHER INFORMATION CONTACT:** North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, telephone (907) 274–4563. Meeting agendas follow:

#### Council

*Special Note:* Preregistration (except in special or unusual cases) will be required for all public comments which pertain to a specific agenda topic. Preregistration is accomplished by informing the Agenda Clerk as early as possible of the agenda item to be addressed and the time requested. Preregistration and public comment may be scheduled for: *F. Old Business; G. Fishery Management Plans; H. New Business* agenda items. The following agenda items will be discussed by the

Council: *A. Call To Order; B. Approval Of Agenda; C. Approval Of Minutes; D. Executive Director's Report; E. Special Reports:* E–1. The Alaska Deaprtment of Fish & Game (ADF&G) Report on Domestic Fisheries, E–2. National Marine Fisheries Service (NMFS) Report on Foreign Fisheries, including Joint Ventures, E–3. U.S. Coast Guard (USCG) Report of Enforcement and Surveillance, E–4. Special SSC and AP Reports on Matters not on the Agenda, E–5. Report by Northwest & Alaska Fisheries Center on the Observer Program: What Happens with the Data?; *G. Fishery Management Plans (FMPs):* G–1. High Seas Salmon Fishery off the coast of Alaska East of 175° East Longitude FMP: discussion of recent amendment. G–2. Gulf of Alaska Groundfish FMP: proposed list of annual amendments, and comment on release of reserves. G–3. Bering Sea/Aleutian Islands Groundfish FMP: proposed list of annual amendments, and comments on release of reserves. G–4. Tanner Crab Off Alaska FMP: proposed amendment to modify closing date for *C. opilio* season in the Bering Sea, and discussion of pot storage issues. G–5. Bering/Chukchi Seas Herring Draft FMP: presentation of all public comments and work by the Management Plan Drafting Team. Schedule for April decision to approve plan *H. New Business:* H–1. A petition by the Environmental Defense Fund to Amend the Guidelines for Development of Fishery Management Plans: review and comment. H–2. April Council meeting. H–3. Other new business as necessary. *Special Agenda Item:* At the joint meeting with Alaska Board of Fisheries and the North Pacific Fishery Management Council (NPFMC) on March 27 and 28, 1980, the groups will listen to staff reports and receive public testimony on Tanner crab, herring, and troll salmon issues. *I. Reports, Contracts, and Proposals:* I–1. Contract: "The Development and Enhancement of a Computerized Fisheries Information System and the Bristol Bay Marine Mammal Study." I–2. Draft solicitation for proposal for work associated with the Troll Salmon FMP. I–3. Other related business. *J. Finance Report; K. General Comments; L. Chairman's Closing Comments; M. Adjournment. NPFMC and Alaska Board of Fisheries Workshop:* Additionally, on Saturday, March 29, 1980, a proposed workshop has been scheduled to discuss the broad and philosophical concerns of future crab managment strategies. *Scientific and Statistical Committee and Advisory Panel Agendas,* same as Council agenda.

Dated: March 5, 1980.

**Winfred H. Meibohm,**

*Executive Director, National Marine Fisheries Service.*

[FR Doc. 80-7344 Filed 3-7-80; 8:45 am]

BILLING CODE 3510-22-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Increasing Level of Restraint for Certain Cotton Fabrics From Pakistan

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Amending the bilateral agreement to increase the level of restraint established for other woven fabrics in Category 320, such as lawn, voile and napped fabrics (other than yarn-dyed) from 1 million square yards to 10 million square yards during the twelve-month period which began on January 1, 1980.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on 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), April 12, 1979 (44 FR 21843), and December 20, 1979 (44 FR 75441)).

**SUMMARY:** The Governments of the United States and Pakistan have agreed by an exchange of letters to amend the Bilateral Cotton Textile Agreement of January 4, 1978, as amended, to increase the designated consultation level established for cotton fabrics in Category 320 to 10 million square yards during the agreement year which began on January 1, 1980.

**EFFECTIVE DATE:** March 10, 1980.

**FOR FURTHER INFORMATION CONTACT:** Carl Ruths, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

**SUPPLEMENTARY INFORMATION:** On December 27, 1979, there was published in the **Federal Register** (44 FR 76572) a letter dated December 20, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton textile products, including Category 320, produced or manufactured in Pakistan, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980. In the letter published below, in accordance with the terms of the most recent amendment to the bilateral agreement, the Commissioner of Customs is directed by the Chairman of the Committee for the Implementation of Textile Agreements to increase the previously established level of restraint for Category 320 to 10 million square yards.

**Paul T. O'Day,**

*Chairman, Committee for the Implementation of Textile Agreements.*

March 5, 1980.

**Committee for the Implementation of Textile Agreements**

Commissioner of Customs,
*Department of the Treasury, Washington, D.C. 20229.*

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 20, 1979 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textile products, produced or manufactured in Pakistan.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 4, 1978, as amended, between the Governments of the United States and Pakistan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 5, 1977, you are directed to prohibit, effective on March 10, 1980, and for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 320, produced or manufactured in Pakistan, in excess of 10 million square yards.[1]

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions to 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 rulemaking 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.*

[FR Doc. 80-7288 Filed 3-7-80; 8:45 am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1979.

## CONSUMER PRODUCT SAFETY COMMISSION

[Petition No. CP 79-10]

### Consumer Products Containing n-Hexane; Denial of Petition

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Denial of petition.

**SUMMARY:** The Commission denies without prejudice a petition requesting it to issue a consumer product safety rule banning consumer products containing n-hexane. The Commission denies the petition because currently available information is insufficient to indicate that consumer products containing n-hexane present an unreasonable risk of injury to consumers. The Commission, however, is actively investigating the potential neurotoxicity hazard posed by the use of n-hexane in consumer products, and will pursue whatever regulatory options are appropriate as additional information is developed.

**ADDRESS:** Copies of the petition and the staff's briefing materials on the petition may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1111 18th St., NW., Washington, D.C. 20207.

**FOR FURTHER INFORMATION CONTACT:** Rory S. Fausett, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207 (301) 492-6557.

**SUPPLEMENTARY INFORMATION:**

#### 1. Background

Section 10 of the Consumer Product Safety Act (CPSA) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the **Federal Register.**

By letter dated July 23, 1979, Robert Marcus, Esq., petitioned (CP 79-10) the Commission to ban all spray adhesives and other petro-chemical chemicals of the alkane group (C5-C8). On August 20, 1979, Mr. Marcus filed an amendment to his petition, expressly limiting the original request only to products containing n-hexane. (GAS 110-54-3).[1]

The petitioner, who is representing a client who developed distal axonopathy, a neurological disorder, as an alleged result of exposure to n-hexane in spray adhesives, claimed that exposure to consumer products containing n-hexane may result in severe neurological injuries.

#### 2. Commission Consideration of the Petition

In its consideration of the petition, the Comission reviewed all available information, including information submitted by the petitioner and the Commission staff's investigation and analysis of injury and toxicity data and economic information.

A review of data from the Commission's National Electronic Injury Surveillance System (NEISS) and in-depth investigations yielded no reports of n-hexane intoxication aside from the case reported by the petitioner of a female artist who allegedly developed distal axonopathy as a result of exposure to spray adhesives containing n-hexane.

The Commission staff noted that there are over 400 cases reported in the literature concerning occupational exposure to high levels of n-hexane and the development of neuropathic disorders. The staff also reported that experimental evidence indicates that signs and symptoms developed in rats and cats are essentially similar to those seen in humans after intoxication with n-hexane. (Symptoms include weakness of upper and lower limbs and can include paralysis of upper and lower limbs after severe intoxication over a prolonged period; these effects, however, appear to be reversible to a large extent upon cessation of exposure.) In a long term study in mice, no definite abnormality was observed after exposure by inhalation for 24 hours/day, 6 days/week, for 1 year at 100 ppm of n-hexane vapor. However, neurotoxicity was observed in mice exposed to these same conditions at the 250 ppm concentration level. (NIOSH, 1977, Criteria for a Recommended Standard * * * Occupational Exposure to Alkanes (C5-C8).)

Preliminary economic data developed by the staff identifies the primary use of hexane in consumer products as a solvent in elastomeric adhesives and sealants. hexane is also present as a solvent in aerosol paints and varnishes, thinners, cleaners, and miscellaneous aerosols.

Based on the information gathered by the Commission staff, the Commission concludes that while prolonged exposure to high levels of n-hexane has caused neuropathy in animals and humans, the Commission has extremely limited information that consumer exposure to n-hexane-containing consumer products presents an unreasonable risk of injury. The Commission points out that current data deal almost exclusively with exposure in an occupational setting. The one case which could represent consumer exposure, that reported by the petitioner, may be a level that approximates occupational usage since the subject was using 6-12 cans per month of spray adhesives containing hexane. Accordingly, the Commission believes it has insufficient information at this time to indicate that exposure to consumer products containing n-hexane presents an unreasonable risk of injury to consumers and therefore, denies the petition.

The Commission exphasizes that his denial is without prejudice to possible future action by the Commission on consumer products containing n-hexane. The Commission has instructed the staff to continue to study the toxicity of n-hexane and to obtain technical data on levels of consumer exposure to products containing n-hexane to provide an assessment of the potential hazard. The Commission has also instructed the staff to evaluate the potential neurotoxic hazard of methyl n-butyl keton (MBK) (CAS 591-78-6) and the additive or synergistic effect of an accompanying chemical agent, methyl ethyl ketone (MEK) (CAS 78-93-3), used in the formulation of consumer products containing n-hexane and MBK.

Dated: March 4, 1980.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 80-7272 Filed 3-7-80; 8:45 am]

BILLING CODE 6355-01-M

[1] The CAS number refers to the Chemical Abstract Service Registry Number for n-hexane. This Service assigns a unique number to each structurally identifiable chemical reported in the literature.

## DEPARTMENT OF DEFENSE

### Department of the Army

### Part-Time Career Employment Program; Establishment

Summary: The Federal Employees Part-Time Career Employment Act of 1978 (Pub. L. 95-437) requires agencies to establish a part-time career employment program. Notice is hereby given that the Department of the Army has developed an internal program to accomplish that requirement. The proposed plan defines the program objectives, procedures, and responsibilities that will apply within the Department. Written comments, suggestions, or objections may be submitted to the Office of the Director of Civilian Personnel (mailing address: Department of the Army, HQDA (DAPE-CPS), Washington, D.C. 20310) on or

before May 9, 1980. For additional information contact Daniel M. Sheil (202) 695–3796.

Dated: March 5, 1980.

Fredric Newman,

*Director of Civilian Personnel.*

Accordingly, the following is published for comment.

Army Part-Time Career Employment Program

*1. Purpose.*

This implements Pub. L. 95–437, the Federal Employees Part-Time Career Employment Act of 1978, by establishing a continuing program in Department of the Army to provide civilian career part-time employment opportunities.

*2. Policy.*

It is the policy of the Department of the Army to provide career part-time employment opportunities in positions through GS–15 or equivalent subject to availability of resources and mission priorities.

*3. Definition of Terms.*

a. Career employment. For the purpose of this program, "career" employment means permanent employment in either competitive service or excepted service, in which the employee serves in tenure Group I or II. This includes employees serving on career, career-conditional, excepted, or excepted-conditional appointment.

b. Permanent part-time employee. An employee serving on a permanent appointment who works a regularly scheduled tour of duty from 16–32 hours per work week.

c. Temporary employment. For the purpose of this program, temporary employment includes employment under any appointment during which the employee serves in other than tenure groups I and II including: Temporary NTE, indefinite, term, TAPER, status quo, overseas limited, or any other nonpermanent appointment.

d. Intermittent employment. Employment on an irregular basis without a prescheduled tour of duty.

*4. Program Objectives.*

a. In the legislative action cited in paragraph 1, Congress found that:

(1) Many individuals in our society possess great productive potential which goes unused because they cannot meet the requirements of a standard workweek; and

(2) Part-time permanent employment—

(a) Provides older individuals with a gradual transition into retirement;

(b) Provides employment opportunities to handicapped individuals or others who require a reduced workweek;

(c) Provides parents opportunities to balance family responsibilities with the need for additional income;

(d) Benefits students who must finance their own education or vocational training;

(e) Benefits the Government, as an employer, by increasing productivity and job satisfaction, while lowering turnover rates and absenteeism, offering management more flexibility in meeting work requirements, and filling shortages in various occupations; and

(f) Benefits society by offering a needed alternative for those individuals who require or prefer shorter hours (despite the reduced income), thus increasing jobs available to reduce unemployment while retaining the skills of individuals who have training and experience.

b. Consistent with these findings, the Army Part-Time (APT) Program objectives are:

(1) To increase productivity and demonstrate the Department of the Army commitment as a concerned employer;

(2) To expand the number and scope of permanent part-time employment opportunities to include professional, administrative, technical, clerical, crafts, trades, and other occupations.

(3) To provide an additional management device to support the achievement of equal employment objectives.

(4) To encourage managers at all levels to eliminate any artificial constraints which inhibit expansion of part-time employment.

*5. Coverage.*

a. The provisions of this chapter apply to all civilian occupations and authorized positions in Grade GS–15 or below and equivalent grades in other pay systems, and to part-time career employees, as defined in paragraph 3 unless excluded under one of the following:

(1) Positions requiring a mixed tour of duty. A mixed tour of duty consists of annually recurring periods of full-time, part-time, or intermittent service;

(2) Positions requiring dual military/civilian status, i.e. Army Reserve Technicians and Army National Guard Technicians.

(3) MACOM approved exceptions. MACOM commanders may identify positions which cannot be staffed on a part-time basis due to mission or job requirements. Such decisions will be documented for the record.

(4) Temporary or intermittent employees. Employees who are in temporary or intermittent appointment status as defined in paragraph 3 above are specifically excluded from coverage under this chapter. The exclusion from this program should not be interpreted as a prohibition on the employment of intermittent or temporary part-time employees.

*6. Restrictions.*

a. No permanent part-time positions may be established with a scheduled tour of duty of less than 16 nor more than 32 hours per week. Permanent part-time employees who have continuous service on such a schedule beginning prior to April 8, 1979 are not affected by this restriction. This does not preclude temporary increase of hours worked above 32 hours for a limited time to meet workload or training needs; however, the employee's schedule must remain at 16–32 hours per week.

b. No positions occupied by a full-time employee will be abolished in order to make the duties of such positions available to be performed on a part-time basis, nor will any full-time employee be required to accept part-time employment as a condition of continued employment. This provision does not preclude changing a full-time employee to a part-time schedule at the voluntary request of the employee, nor does it preclude the offer of a vacant part-time position to a full-time employee who has been reached for release in a reduction in force.

*7. Responsibilities.*

a. Within the Department of the Army, the Deputy Chief of Staff for Personnel (DCSPER) has overall responsibility for administration of the APT program. DCSPER will:

(1) Establish and publish annual goals for expansion of permanent part-time opportunities in coordination with manpower and EEO program officials and in consideration of MACOM projections.

(2) Provide semiannual report to the Office of Personnel Management (OPM).

(3) Review activity programs during regular civilian personnel management evaluation surveys.

(4) Coordinate with other staff agencies to eliminate any Army imposed impediments to expansion of part-time opportunities.

(5) Provide advice and assistance, as necessary or requested, on program development.

(6) Designate an Army Part-time Employment Program Coordinator to serve as point of contact for the program.

b. Major Commands (MACOM) and HQDA Staff and Field Operating Agencies will:

(1) Establish and publish goals consistent with DA goals, mission needs and occupational mix. (Oversea commanders will support the APT program to the extent practicable, but are exempt from the requirement to establish goals.)

(2) Provide consolidated semiannual report to HQDA on program accomplishments within the MACOM.

(3) Identify and eliminate MACOM imposed procedures or policies which impede expansion of part-time career opportunities.

(4) Designate an APT Program Coordinator who will serve as a focal point within the MACOM on this program.

c. Activity Commanders will:

(1) Develop local APT program goals consistent with MACOM guidance.

(2) Review position vacancies as they arise and during cyclic surveys to determine feasibility of filling on a part-time basis.

(3) Based upon local surveys of interest, or other local methods of program publicity, maintain an inventory of current employees interested in part-time employment.

(4) Develop local procedures for considering and acting on requests for conversion to part-time employment.

(5) Publicize the local APT program and the availability of part-time employment opportunities as a part of regular recruiting programs. Recruiting efforts under the Federal Equal Opportunity Recruitment Program (FEORP) and Severely Handicapped Recruitment Program (SHARP) should include information on part-time employment.

(6) Designate an activity APT program coordinator.

(7) Ensure that part-time employees are provided training and development opportunities necessary to perform their assigned duties successfully. Criteria for providing such training should be comparable to that established for full-time employees.

*8. Program Operations.*

a. Part-time positions are subject to the same position classification standards and merit promotion procedures as full-time positions. Authorized positions need no other special designation on the approved TDA to be considered for fill on a part-time basis. Appropriate changes should be made to the TDA subsequent to a change of a full-time permanent (FTP) position to a part-time position using appropriate remarks code in AR 310–49.

b. While part-time employment is not intended to be a feeder system for staffing full-time positions, part-time employees may apply for and be considered for full-time positions. Any procedures developed for conversion of part-time employees to full-time positions should be designed to prevent the use of the APT program to circumvent merit principles. It would be improper to announce a promotional opportunity as a part-time position for the purpose of discouraging potential applicants and shortly after the promotion action to return the selectee to a full-time tour of duty.

c. Permanent part-time employees have the same appeal rights and protections in adverse actions and reduction in force proceedings as comparable full-time employees. Specifically included in the list of appealable adverse actions is the involuntary *reduction* in the scheduled number of hours of duty for a part-time employee. In a reduction in force part-time employees can compete only for other part-time jobs and are not entitled to full-time jobs if there are no part-time job available. Similarly, full-time employees do not have assignment rights to part-time jobs.

*9. Employment Ceiling.*

a. Effective 1 Oct 80, *permanent* part-time employees (regardless of length of scheduled workweek) will be counted as a fraction which is determined by dividing 40 hours into the number of hours of the part-time employee's regularly scheduled workweek the last pay period of the reporting period. Under this procedure, permanent part-time employees will continue to be counted against the total employment ceiling but not the FTP ceiling.

b. As a result of this change to fractional counting, Programs Budget submissions for FY 81 and out years should reflect a much lesser gap between man years and End Strength with only hirelag, intermittent, and temporary part-time being represented by the difference.

*10. Fringe Benefits.*

Permanent part-time employees are eligible for retirement, health, and life insurance.

a. *Retirement.* Retirement benefits are computed in the same way for all career employees, both full-time and part-time. Annuities are based on an employee's length of service and the highest average annual pay received for any 3 consecutive years (see FPM Suppl 831–1).

b. *Life Insurance.* Permanent part-time employees are eligible for coverage under the Federal Employees Group Life Insurance Program. The actual amount of insurance for which an employee is eligible is based on annual salary, but in any case not less than $10,000. A part-time employee's annual salary is the amount of hours scheduled to work times pay rate (see FPM Suppl 870–1).

c. *Health Benefits.* Permanent part-time employees are eligible to participate in the Federal Employees Health Benefit Program. The *coverage* is the same as that provided for full-time employees, but the employee cost for the premiums is greater for people who became part-time employees on or after April 8, 1979. For these employees the Government contribution is prorated according to the number of hours the part-timer is scheduled to work. For example, a part-time employee scheduled for 20 hours a week will pay the employee's share of the premiums *plus* one half the government's share. Part-time employees on board before April 8, 1979 can continue to receive the same Government contributions as full-time employees for as long as they remain part-time without a break in service. (see FPM Letter 890–22).

d. *Leave.*

(1) Annual leave is earned on a prorated basis depending upon the leave category the employee is in:

Leave Category 4—1 hour for each 20 hours of work.

Leave Category 6—1 hour for each 13 hours of work.

Leave Category 8—1 hour for each 10 hours of work.

Part-time employment status does not affect the amount of annual leave which may be carried over into the next leave year.

(2) Sick leave is earned at the rate of one hour for every 20 hours in pay status.

(3) Leave-without-pay (LWOP) is credited in the same way as for full-time employees.

(4) Court leave is credited in the same was as for full-time employees.

(5) A part-time employee is not eligible for military leave. (see FPM Chapter 630)

e. *Holidays.* Part-time employees are eligible for pay for the number of hours regularly scheduled to be worked on the day the holiday is legally observed (see CPR 990–2 Book 610).

*11. Reports.*

A semiannual report (RCS 0218–OPM–SA) covering the six months ending March 31, and September 30, is required. HQDA must provide these reports to OPM on May 15, and November 15, respectively. The format for these reports is provided in FPM Bulletin 340–

3 dated October 22, 1979. MACOM and independent reporting activity consolidated reports will be forwarded to HQDA: (PECC–FSS), 200 Stovall St, Alexandria, VA 22332, to arrive not later than 30 days after the end of the reporting period.

[FR Doc. 80–7238 Filed 3–10–80; 8:45 am]

BILLING CODE 3710–08–M

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

### Wayne Mullis d.b.a. Idlewild Exxon, Charlotte, N.C.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Proposed Remedial Order which was issued to Idlewild Exxon, Charlotte, North Carolina, on January 23, 1980.

This Proposed Remedial Order charges Idlewild Exxon with selling all grades of gasoline in excess of the Maximum Lawful Selling Price in violation of 10 CFR 212.93. It was determined that Idlewild Exxon violated the Federal Energy Pricing Guidelines by selling above the maximum lawful selling price in the amounts of 4.0¢ per gallon for Regular Leaded and 2.0¢ for Regular Unleaded. Additionally, Idlewild Exxon failed to properly post the Maximum Lawful Selling Price for each grade of gasoline as requied by 10 CFR 212.129.

Pursuant to 10 CFR 205.192, Idlewild Exxon is required by the Proposed Remedial Order to reduce its prices at the pump to the maximum lawful selling price for each grade to be in compliance with the Federal Energy pricing regulations.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James C. Easterday, District Manager of Enforcement, Southeast District Office of Enforcement, 1655 Peachtree Street, NE., Atlanta, Georgia 30309, Telephone number (404) 881–2661. On or before March 25, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia, on the 26th day of February 1980.

**James C. Easterday,**

*District Manager.*

Concurrence:

**Leonard F. Bittner,**

*Chief Enforcement Counsel.*

[FR Doc. 80–7253 Filed 3–7–80; 8:45 am]

BILLING CODE 6450–01–M

### Powerplant and Industrial Fuel Use Act; Granting of Certain Temporary Public Interest Exemptions; Extension of Time for Issuance of Final Orders Granting or Denying Certain Petitions for Temporary Public Interest Exemptions; Availability of Analysis

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Granting of certain exemptions, extension of time for issuance of certain final orders; and availability of analysis.

**SUMMARY:** (1) The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that on February 27, 1980, it issued orders granting certain temporary public interest exemptions pursuant to the authorities granted it by Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.*, and 10 CFR 501.68 and 10 CFR 508, from the prohibitions of Secton 301(a)(2) and (3) of the Act.

(2) Notice is also hereby given of an extension of time for issuance of final orders granting or denying certain other petitions for temporary public interest exemptions.

(3) On January 2, 1980, ERA invited public comment on several issues, particularly with respect to future natural gas supplies and sulfur levels of residual fuel oils, pertinent to its analysis of a number of pending petitions for temporary public interest exemptions which had been filed pursuant to 10 CFR 508. The comments which were received are summarized below. In reviewing the public comments, ERA prepared an analysis of those issues. Copies of that analysis are available for public inspection at the address given below.

#### Background

On May 11, 1979, and June 1, 1979, the Economic Regulatory Administration (ERA) issued notices accepting petitions for temporary public interest exemptions from the prohibitions of Sections 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978, (FUA or the Act), 42 U.S.C. 8301 *et seq*, to use natural gas as a primary energy source.

Those petitions were filed pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule).

Upon accepting the petitions, ERA also issued orders pursuant to Section 311(e) of the Act, proposing to grant the exemptions. As required by Section 701(c) of the Act, a 45 day public comment period applicable to the petitions commenced upon publication of the notices in the **Federal Register**, May 11, 1979, and June 1, 1979 (44 FR 27668 and 44 FR 31677).

Section 701(c)(3) of the Act requires that ERA issue a final order granting or denying petitions for exemptions within 6 months after the period for public comment and hearing unless such period is extended.

The pertinent public comment periods expired on June 22, and July 6, 1979, and the applicable 6 month period for issuance of final orders would have expired on December 22, 1979, and January 6, 1980, respectively.

On January 2, 1980, a notice was published in the **Federal Register** (45 FR 78) extending the time for issuance of final orders until February 15, 1980, and inviting further written comments on the manner in which the Special Rule should be implemented. On January 21, 1980, a notice was published in the **Federal Register** (45 FR 3953) extending to February 27, 1980, the deadline for issuance of final orders.

#### ERA Action on Petitions

1. *Granting of Certain Exemptions*— Upon review of the public comments and analysis by ERA, ERA determined to grant certain of the requested temporary public interest exemptions. Therefore, on February 27, 1980, ERA issued an order granting temporary public interest exemptions, pursuant to the authorities granted it by Section 311(e) of the Act, 10 CFR 501.68 and 10 CFR 508, from the prohibitions of Section 301(a)(2) and (3) of the Act to the following powerplants:

| Docket No. | Petitioner | Generating station | Powerplant identification |
|---|---|---|---|
| 50105–0170–01–41 | Arkansas Power & Light | Lake Catherine (Hot Springs, Ark.) | 1 |
| 50105–0170–02–41 | | | 2 |
| 50105–0170–03–41 | | | 3 |
| 50105–0170–04–41 | | | 4 |

| Docket No. | Petitioner | Generating station | Powerplant identification |
|---|---|---|---|
| 50105-0173-01-41 | | Ritchie (Helena, Ark.) | 1 |
| 50105-0173-02-41 | | | 2 |
| 50105-0169-02-41 | | Couch (Stamps, Ark.) | 2 |
| 50101-0116-01-41 | Arizona Public Service Co | Ocotillo (Tempe, Ariz.) | 1 |
| 50101-0116-02-41 | | | 2 |
| 50101-0117-04-41 | | West Phoenix (Phoenix, Ariz.) | 4 |
| 50101-0117-05-41 | | | 5 |
| 50101-0117-06-41 | | | 6 |
| 50101-0118-01-41 | | Saguaro (Tucson, Ariz.) | 1 |
| 50101-0118-02-41 | | | 2 |
| 50101-0120-01-41 | | Yuma (Yuma, Ariz.) | 1 |
| 50484-2480-02-41 | Central Hudson Gas & Electric Corp. | Danskammer Point (Newburgh, N.Y.) | 2 |
| 50570-2059-04-41 | City of Clarksdale Water & Light Department. | Third Street (Clarksdale, Miss.) | 4 |
| 50570-2059-05-41 | | | 5 |
| 50570-2060-06-41 | | South Plant (Clarksdale, Miss.) | 6 |
| 50570-2060-07-41 | | | 7 |
| 50769-0593-01-41 | Delmarva Power & Light | Edge Moor (Wilmington, Del.) | 1 |
| 50769-0593-03-41 | | | 3 |
| 50769-0593-04-41 | | | 4 |
| 51006-0617-01-41 | Florida Power & Light | Port Everglades (Port Everglades, Fla.) | 1 |
| 51006-0617-02-41 | | | 2 |
| 51006-0617-03-41 | | | 3 |
| 51006-0617-04-41 | | | 4 |
| 51006-0613-04-41 | | Lauderdale (Fort Lauderdale, Fla.) | 4 |
| 51006-0613-05-41 | | | 5 |
| 51006-0618-01-41 | | Palatka (Palatka, Fla.) | 1 |
| 51006-0618-02-41 | | | 2 |
| 51006-0619-01-41 | | Rivera (Rivera Beach, Fla.) | 1 |
| 51006-0619-02-41 | | | 2 |
| 51006-0619-03-41 | | | 3 |
| 51006-0619-04-41 | | | 4 |
| 51006-0621-01-41 | | Turkey Point (Florida City, Fla.) | 1 |
| 51006-0621-02-41 | | | 2 |
| 51006-0609-01-41 | | Cape Canaveral (Cocoa, Fla.) | 1 |
| 51006-0609-02-41 | | | 2 |
| 51006-0610-04-41 | | Cutler (Miami, Fla.) | 4 |
| 51006-0610-05-41 | | | 5 |
| 51006-0610-06-41 | | | 6 |
| 51006-0620-03-41 | | Sanford (Lake Monroe, Fla.) | 3 |
| 51007-0624-02-41 | Florida Power Corp | Avon Park (Avon Park, Fla.) | 2 |
| 51007-0630-01-41 | | Higgins (Oldsmar, Fla.) | 1 |
| 51007-0630-02-41 | | | 2 |
| 51007-0638-01-41 | | Suwanee River (Live Oak, Fla.) | 1 |
| 51007-0638-02-41 | | | 2 |
| 51007-0638-03-41 | | | 3 |
| 51007-9029-03-41 | | Turner (Enterprise, Fla.) | 3 |
| 51007-9029-04-41 | | | 4 |
| 51007-9030-02-41 | | Bartow (Weedon Island, Fla.) | 2 |
| 51007-9030-03-41 | | | 3 |
| 51025-0658-05-41 | Fort Pierce Utilities Authority | King (Fort Pierce, Fla.) | 5 |
| 51025-0658-07-41 | | | 7 |
| 51025-0658-08-41 | | | 8 |
| 51070-0663-01-41 | Gainesville Alachua | Deerhaven (Hague, Fla.) | 1 |
| 51070-0664-06-41 | | Kelly (Gainesville, Fla.) | 6 |
| 51070-0664-07-41 | | | 7 |
| 51070-0664-08-41 | | | 8 |
| 51186-2063-02-41 | Greenwood Utilities Commission. | Wright (Greenwood, Miss.) | 2 |
| 54015-2393-01-41 | Jersey Central Power & Light | Gilbert (Milford, N.J.) | 1 |
| 54015-2393-02-41 | | | 2 |
| 54015-2393-03-41 | | | 3 |
| 54015-2390-06-41 | | Sayreville (Sayreville, N.J.) | 6 |
| 51575-0675-01-41 | City of Lakeland, Department of Electric & Water Utilities. | McIntosh (Lakeland, Fla.) | 1 |
| 51575-0675-02-41 | | | 2 |
| 51694-1404-06-41 | Louisiana Power & Light | Sterlington (Sterlingon, La.) | 6 |
| 51694-9038-01-41 | | Waterford (Taft, La.) | 1 |
| 51887-2053-01-41 | Mississippi Power & Light Co. | Rex Brown (Jackson, Miss.) | 1 |
| 51887-2053-03-41 | | | 3 |
| 51887-2053-04-41 | | | 4 |
| 51887-2050-01-41 | | B. Wilson (Vicksburg, Miss.) | 1 |
| 51887-2050-02-41 | | | 2 |
| 51887-2051-01-41 | | Delta (Cleveland, Miss.) | 1 |
| 51887-2051-02-41 | | | 2 |
| 51887-2052-01-41 | | Natchez (Natchez, Miss.) | 1 |
| 54013-3236-09-41 | Narragansett Electric | Manchester (Providence, R.I.) | 9 |
| 54013-3236-10-41 | | | 10 |
| 54013-3236-11-41 | | | 11 |
| 52024-1407-01-41 | New Orleans Public Service | A. B. Patterson (New Orleans, La.) | 1 |
| 52024-1407-02-41 | | | 2 |
| 52024-1407-03-41 | | | 3 |
| 52024-1407-04-41 | | | 4 |
| 52024-1409-01-41 | | Michaud Steam (New Orleans, La.) | 1 |
| 52024-1409-02-41 | | | 2 |
| 52024-1409-03-41 | | | 3 |
| 52031-0681-01-41 | Utilities Commission, City of New Smyrna Beach, Fla. | W. E. Swope (New Smyrna) | 1 |
| 52189-0683-01-41 | Orlando Utilities Commission | Indian River (Titusville, Fla.) | 1 |
| 52189-0683-02-41 | | | 2 |
| 52189-0683-03-41 | | | 3 |
| 52189-0684-01-41 | | Lake Highland (Orlando, Fla.) | 1 |
| 52189-0684-02-41 | | | 2 |

| Docket No. | Petitioner | Generating station | Powerplant identification |
|---|---|---|---|
| 52189-0684-03-41 | | | 3 |
| 52564-0147-01-41 | Salt River Project | Kyrene (Tempe, Ariz.) | 1 |
| 52564-0147-02-41 | | | 2 |
| 52564-0141-01-41 | | Agua Fria (Glendale, Ariz.) | 1 |
| 52564-0141-02-41 | | | 2 |
| 52564-0141-03-41 | | | 3 |
| 52605-0686-01-41 | Sebring Utilities Commission | Dinner Lake Plant (Sebring, Fla.) | 1 |
| 52692-3285-01-41 | South Carolina Electric & Gas Co. | Hagood (Charleston S.C.) | 1 |
| 52692-3285-02-41 | | | 2 |
| 52692-3285-03-41 | | | 3 |
| 52703-2070-01-41 | South Mississippi Electric Power Assoc. | Moselle (Hattiesburg, Miss.) | 1 |
| 52703-2070-02-41 | | | 2 |
| 52875-0688-03-41 | City of Tallahassee | Purdom (St. Marks, Fla.) | 3 |
| 52875-0688-04-41 | | | 4 |
| 52875-0688-05-41 | | | 5 |
| 52875-0688-06-41 | | | 6 |
| 52875-0688-07-41 | | | 7 |
| 52875-0689-01-41 | | Hopkins (Tallahassee, Fla.) | 1 |
| 52875-0689-02-41 | | | 2 |
| 52885-1682-08-41 | Taunton Municipal | Cleary-Flood (Taunton, Mass.) | 8 |
| 52885-1682-09-41 | | | 9 |
| 52970-9039-01-41 | Tucson Electric Power Co. | Irvington (Tucson, Ariz.) | 1 |
| 52970-9039-02-41 | | | 2 |
| 52970-9039-03-41 | | | 3 |
| 52970-9039-04-41 | | | 4 |
| 52970-9040-01-41 | | DeMoss-Petrie (Tucson, Ariz.) | 1 |
| 52970-9040-02-41 | | | 2 |
| 52970-9040-03-41 | | | 3 |
| 52970-9040-04-41 | | | 4 |
| 53132-0693-01-41 | City of Vero Beach, Florida | Vero Beach Municipal (Vero Beach, Fla.) | 1 |
| 52132-0693-02-41 | | | 2 |
| 53132-0693-03-41 | | | 3 |
| 53132-0693-04-41 | | | 4 |
| 53266-1642-03-41 | Western Massachusetts Electric Co. | West Springfield (West Springfield, Mass.) | 3 |

The order granting these temporary exemptions shall be effective sixty calendar days following its publication in the **Federal Register** in accordance with Section 702(a) of FUA. Owners of the above-named powerplants have each received the Decision and Order by certified mail. The order is set forth following this notice.

These temporary exemptions shall be in effect, subject to the terms and conditions stated in the order, for an initial period from the effective date of the Decision and Order until October 31, 1981. Upon the request of the petitioners, these exemptions may be extended, at the option of ERA, for additional periods. However, a temporary public interest exemption, including all extensions, may not exceed the maximum 5 year period authorized by the Act. Requests for extension must be filed with ERA by July 31, 1981.

The temporary public interest exemptions granted by the Decision and Order are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any pertinent rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any pertinent State regulatory agency or from any public utility obligations to pertinent categories of customers.

2. *Extension of Time for Issuance of Certain Final Orders*—ERA is extending the period for issuance of final orders granting or denying certain petitions for temporary public interest exemptions to the following named powerplants until April 11, 1980, for the reasons set forth below:

| Docket No. | Petitioner | Generating station | Powerplant identification |
|---|---|---|---|
| 50104-2073-01-41 | Arkansas-Missouri Power Co. | Jim Hill Plant (Campbell, Mo.) | 1 |
| 50904-1239-01-41 | Empire District Electric Co | Riverton (Riverton, Kans.) | 1 |
| 50904-1239-02-41 | | | 2 |
| 50904-1239-03-41 | | | 3 |
| 50643-0881-01-41 | Commonwealth Edison Co | Ridgeland (Stickney, Ill.) | 1 |
| 50643-0881-02-41 | | | 2 |
| 50643-0881-03-41 | | | 3 |
| 50643-0881-04-41 | | | 4 |
| 51479-1250-02-41 | Kansas Power & Light Co | Lawrence (Lawrence, Kans.) | 2 |
| 51479-1248-04-41 | | Hutchinson (Hutchinson, Kans.) | 4 |
| 51479-1252-05-41 | | Tecumseh (Tecumseh, Kans.) | 5 |
| 51479-1252-06-41 | | | 6 |
| 51479-9028-01-41 | | Abilene (Abilene, Kans.) | 1 |
| 51479-9028-02-41 | | | 2 |
| 52786-2097-04-41 | St. Joseph Light & Power Co. | Edmond (St. Joseph, Mo.) | 16 |
| 52786-2097-05-41 | | | 17 |
| 52786-2097-07-41 | | | 18 |
| 52786-2098-01-41 | | Lake Road (St. Joseph, Mo.) | 1 |
| 52786-2098-02-41 | | | 2 |
| 52786-2098-03-41 | | | 3 |
| 52927-2877-09-41 | Toledo Edison Co | Acme (Toledo, Ohio) | 9 |
| 52927-2877-10-41 | | | 10 |
| 52927-2877-11-41 | | | 11 |
| 52927-2877-12-41 | | | 12 |

ERA has extended the period for issuing orders to the above-named powerplants pending further analysis of the impact granting such exemptions could be expected to have on refinery operations in Petroleum Administration for Defense District (PAD) Number 2. All of the above-named powerplants for which orders have not yet been issued are located in PAD 2 and presumably obtained their residual fuel oil from refineries located in PAD 2. Comments were received which asserted that granting exemptions to powerplants in this area would significantly reduce the demand for residual fuel oil in PAD 2. PAD 2 refineries apparently produce most of the residual fuel oil consumed in that District. A reduction in consumption of residual fuel oil in the amounts contemplated by the granting of exemptions to these powerplants could result in reducing refinery runs in PAD 2. It was asserted that such action could jeopardize the economic viability of PAD 2 refinery products, including gasoline. Upon review of these public comments, ERA has determined that additional analysis is appropriate which will focus on the consequences of granting temporary public interest exemptions to powerplants that may obtain their residual fuel oil from PAD 2 before any final orders are issued with respect to those powerplants.

3. *Availability of Analysis and Summary of Public Comments*—In the January 2, 1980, **Federal Register** Notice, ERA invited written comments on what sulfur levels, if any, ERA should consider in granting or denying temporary public interest exemptions for the use of natural gas in powerplants to displace the use of residual fuel oil. ERA also invited written comments to

assist it in an analysis to determine the appropriate scope of the Special Rule in light of expected future natural gas supplies. The comments which were received are summarized below. In reviewing the public comments, ERA prepared an analysis of those issues. Copies of that analysis are available for public inspection at the following address: Office of Public Information, Economic Regulatory Administration, U.S. Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C., 20461, (202) 634–2170.

ERA received comments from electric utilities, utility associations, gas pipelines, distribution companies, trade associations, oil refiners and distributors, gas consumers other than electric utilities, public officials and other interested persons.

The comments received generally expressed the following three points of view with respect to the issues ERA had raised as pertinent to its analysis of the pending petitions: (1) *Support for liberal granting of exemptions; A substantial number of the commenters expressed the view that ERA should not consider the sulfur content of the oil to be displaced in deciding whether to grant an exemption; (2) Opposition to the granting of exemptions;* Two commenters expressed the view that FUA exemptions should not be granted in a manner which prefers the use of natural gas over petroleum products; and (3) *Support for the granting of exemptions on a regional basis;* Several commenters were concerned that the granting of exemptions could cause regional problems and that ERA should grant or deny exemptions under the Special Rule on a regional basis. Specifically, the Midwest Fuel Oil Council representing refiners located in PAD 2, asserted that granting exemptions in the north-central and mid-western states would reduce the demand for residual fuel oil in that region enough to disrupt refinery operations.

The following sections, summarize the various comments received and ERA's response to them.

*1. Support for Liberal Granting of Exemptions*

More than 90 percent of the comments received by ERA urged that temporary public interest exemptions be granted to all electric utilities that have applied for them, regardlesss of the sulfur content of the oil that would be displaced. The public comments and ERA's analysis indicate that sufficient supplies of natural gas are expected to be available to meet the increased demand which would result if additional temporary exemptions are granted.

The view that there are sufficient near-term supplies of natural gas was supported by the electric utility industry. A comment from the Edison Electric Institute stated that "* * * to date, we have seen no solid evidence indicating that granting special exemptions for units displacing higher sulfur residual oil would jeopardize gas supplies for units displacing middle distillate or very low-sulfur residual oil."

The American Gas Association's (AGA) comments cited a recent survey indicating that natural gas supplies are available to displace at least 116,000 barrels of oil per day more than were being displaced in December, 1979. Most of the comments from individual gas suppliers supported the view that there are ample additional natural gas supplies available. For example, the Consolidated Gas Supply Corporation stated in its comment that it "* * * has experienced greater excess supplies of gas than were anticipated last year."

The AGA estimate of available gas supply was reviewed by ERA and determined to be very reasonable. The estimate is supported by other proceedings before ERA which reflect a surplus gas deliverability on major interstate pipeline systems. ERA believes that nationwide gas supplies will be sufficient to displace the oil being consumed by petitioners' powerplants. In addition, we note that Federal and state approved curtailment plans generally assign the use of natural gas by electric utilities the lowest priority. Should natural gas supplies be insufficient for anyone pipeline or local distribution company to serve all its customers, electric utility use would be curtailed first in order to serve higher priority users.

As a result of the ERA analysis and support by the public comments, ERA has concluded that the natural gas supply situation would permit granting temporary exemptions to all eligible petitioners.

*2. Opposition to the Granting of Exemptions*

A few of the comments received by ERA assert that temporary public interest exemptions should not be granted to powerplants if that results in preferring the use of natural gas over oil. These comments also stressed that granting these exemptions would be contrary to the intent of FUA, that gas supplies are limited, and that gas prices would be increased, if the exemptions were granted.

ERA reviewed these comments but does not believe that the granting of temporary public interest exemptions to burn natural gas instead of oil contravenes the purposes of FUA. It is essential that the Nation immediately reduce its reliance on imported oil. The need to protect the Nation's security of energy supplies and economic well-being, as well as the need to reduce the Nation's balance of payments deficit and the domestic inflation rate require immediate action. To the extent that the near-term choice for certain existing facilities is limited to petroleum or natural gas, we generally prefer the use of natural gas over petroleum products. Expanded use of natural gas in these facilities would be a significant step toward reducing our short-term oil consumption. Increased use of gas would help the United States meet its commitment to reduce its demand for imported oil.

*3. Support for the Granting of Exemptions on a Regional Basis*

A comment submitted by the Midwest Fuel Oil Council, an organization representing refiners, terminal operators, marketers, and transporters of fuel oil located in PAD 2 cites the potential for local problems associated with the granting of exemptions. Concern was expressed that increased use of natural gas would lead to a corresponding decrease in demand for residual fuel oil. This was expected to result in an oversupply of residual fuel oil which might further cause a reduction in refiner runs. The Council asserts that most of the residual fuel consumed in PAD 2 is refined in that district, and any reduction in residual fuel consumption would have to be absorbed largely by reduced production. According to the Council, PAD 2 refiners are already operating at minimum residual yield levels and have no additional storage capacity for residual production, therefore, additional cutbacks in residual fuel demand in the PAD 2 region would result in reduced refinery runs, could jeopardize the economic viability of the region, and could lead to shortages of other refinery products.

ERA has determined to extend the time for issuing orders granting or denying exemptions under the Special Rule to powerplants located in the PAD 2 district. This will permit ERA to further investigate the possible impact on PAD 2 refinery operations which might result if such exemptions were granted.

Issued in Washington, D.C., on March 4, 1980.

**Robert L. Davies,**

*Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.*

[FR Doc. 80–7331 Filed 3–7–80; 8:45 am]

BILLING CODE 6450–01–M

## Petitions for Temporary Public Interest Exemptions To Burn Natural Gas

*Decision and Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978*

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508, to the petitioners who own or operate the powerplants listed in the table below.

| Docket No. | Petitioner | Generating station | Powerplant identification |
|---|---|---|---|
| 50105-0170-01-41 | Arkansas Power & Light | Lake Catherine (Hot Springs, Ark.) | 1 |
| 50105-0170-02-41 | ... | ... | 2 |
| 50105-0170-03-41 | ... | ... | 3 |
| 50105-0170-04-41 | ... | ... | 4 |
| 50105-0173-01-41 | ... | Ritchie (Helena, Ark.) | 1 |
| 50105-0173-02-41 | ... | ... | 2 |
| 50105-0169-02-41 | ... | Couch (Stamps, Ark.) | 2 |
| 50101-0116-01-41 | Arizona Public Service Co | Ocotillo (Tempe, Ariz. | 1 |
| 50101-0116-02-41 | ... | ... | 2 |
| 50101-0117-04-41 | ... | West Phoenix (Phoenix, Ariz.) | 4 |
| 50101-0117-05-41 | ... | ... | 5 |
| 50101-0117-06-41 | ... | ... | 6 |
| 50101-0118-01-41 | ... | Saguaro (Tucson, Ariz.) | 1 |
| 50101-0118-02-41 | ... | ... | 2 |
| 50101-0120-01-41 | ... | Yuma (Yuma, Ariz.) | 1 |
| 50484-2480-02-41 | Central Hudson Gas & Electric Corp. | Danskammer Point (Newburgh, N.Y.) | 2 |
| 50570-2059-04-41 | City of Clarksdale Water & Light Department. | Third Street (Clarksdale, Miss.) | 4 |
| 50570-2059-05-41 | ... | ... | 5 |
| 50570-2060-06-41 | ... | South Plant (Clarksdale, Miss.) | 6 |
| 50570-2060-07-41 | ... | ... | 7 |
| 50769-0593-01-41 | Delmarva Power & Light | Edge Moor (Wilmington, Del.) | 1 |
| 50769-0593-03-41 | ... | ... | 3 |
| 50769-0593-04-41 | ... | ... | 4 |
| 51006-0617-01-41 | Florida Power & Light | Port Everglades (Port Everglades, Fla.) | 1 |
| 51006-0617-02-41 | ... | ... | 2 |
| 51006-0617-03-41 | ... | ... | 3 |
| 51006-0617-04-41 | ... | ... | 4 |
| 51006-0613-04-41 | ... | Lauderdale (Fort Lauderdale, Fla.) | 4 |
| 51006-0613-05-41 | ... | ... | 5 |
| 51006-0618-01-41 | ... | Palatka (Palatka, Fla.) | 1 |
| 51006-0618-02-41 | ... | ... | 2 |
| 51006-0619-01-41 | ... | Riviera (Riviera Beach, Fla.) | 1 |
| 51006-0619-02-41 | ... | ... | 2 |
| 51006-0619-03-41 | ... | ... | 3 |
| 51006-0619-04-41 | ... | ... | 4 |
| 51006-0621-01-41 | ... | Turkey Point (Florida City, Fla.) | 1 |
| 51006-0621-02-41 | ... | ... | 2 |
| 51006-0609-01-41 | ... | Cape Canaveral (Cocoa, Fla.) | 1 |
| 51006-0609-02-41 | ... | ... | 2 |
| 51006-0610-04-41 | ... | Cutler (Miami, Fla.) | 4 |
| 51006-0610-05-41 | ... | ... | 5 |
| 51006-0610-06-41 | ... | ... | 6 |
| 51006-0620-03-41 | ... | Sanford (Lake Monroe, Fla.) | 3 |
| 51007-0624-02-41 | Florida Power Corp | Avon Park (Avon Park, Fla.) | 2 |
| 51007-0630-01-41 | ... | Higgins (Oldsmar, Fla.) | 1 |
| 51007-0630-02-41 | ... | ... | 2 |
| 51007-0638-01-41 | ... | Suwanee River (Live Oak, Fla.) | 1 |
| 51007-0638-02-41 | ... | ... | 2 |
| 51007-0638-03-41 | ... | ... | 3 |
| 51007-9029-03-41 | ... | Turner (Enterprise, Fla.) | 3 |
| 51007-9029-04-41 | ... | ... | 4 |
| 51007-9030-02-41 | ... | Bartow (Weedon Island, Fla.) | 2 |
| 51007-9030-03-41 | ... | ... | 3 |
| 51025-0658-06-41 | Fort Pierce Utilities Authority | King (Fort Pierce, Fla.) | 5 |
| 51025-0658-07-41 | ... | ... | 7 |
| 51025-0658-08-41 | ... | ... | 8 |
| 51070-0663-01-41 | Gainesville Alachua | Deerhaven (Hague, Fla.) | 1 |
| 51070-0664-06-41 | ... | Kelly (Gainesville, Fla.) | 6 |
| 51070-0663-07-41 | ... | ... | 7 |
| 51070-0663-08-41 | ... | ... | 8 |
| 51186-2063-02-41 | Greenwood Utilities Commission. | Wright (Greenwood, Miss.) | 2 |
| 54015-2393-01-41 | Jersey Central Power & Light | Gilbert (Milford, N.J.) | 1 |
| 54015-2393-02-41 | ... | ... | 2 |
| 54015-2393-03-41 | ... | ... | 3 |
| 54015-2390-06-41 | ... | Sayreville (Sayreville, N.J.) | 6 |
| 51575-0675-01-41 | City of Lakeland, Department of Electric & Water Utilities. | McIntosh (Lakeland, Fla.) | 1 |

| Docket No. | Petitioner | Generating station | Powerplant indentification |
|---|---|---|---|
| 51575-0675-02-41 | | | 2 |
| 51694-1404-06-41 | Louisiana Power & Light | Sterlington (Sterlington, La.) | 6 |
| 51694-9038-01-41 | | Waterford (Taft, La.) | 1 |
| 51887-2053-01-41 | Mississippi Power & Light Co. | Rex Brown (Jackson, Miss.) | 1 |
| 51887-2053-03-41 | | | 3 |
| 51887-2053-04-41 | | | 4 |
| 51887-2050-01-41 | | B. Wilson (Vicksburg, Miss.) | 1 |
| 51887-2050-02-41 | | | 2 |
| 51887-2051-01-41 | | Delta (Cleveland, Miss.) | 1 |
| 51887-2051-02-41 | | | 2 |
| 51887-2052-01-41 | | Natchez (Natchez, Miss.) | 1 |
| 54013-3236-09-41 | Narragansett Electric | Manchester (Providence, R.I.) | 9 |
| 54013-3236-10-41 | | | 10 |
| 54013-3236-11-41 | | | 11 |
| 52024-1407-01-41 | New Orleans Public Service | A. B. Patterson (New Orleans, La.) | 1 |
| 52024-1407-02-41 | | | 2 |
| 52024-1407-03-41 | | | 3 |
| 52024-1407-04-41 | | | 4 |
| 52024-1409-01-41 | | Michaud Steam (New Orleans, La.) | 1 |
| 52024-1409-02-41 | | | 2 |
| 52024-1409-03-41 | | | 3 |
| 52031-0681-01-41 | Utilities Commission City of New Smyrna Beach, Fla. | W. E. Swoope (New Smyrna) | 1 |
| 52189-0683-01-41 | Orlando Utilities Commission | Indian River (Titusville, Fla.) | 1 |
| 52189-0683-02-41 | | | 2 |
| 52189-0683-03-41 | | | 3 |
| 52189-0684-01-41 | | Lake Highland (Orlando, Fla.) | 1 |
| 52189-0684-02-41 | | | 2 |
| 52189-0684-03-41 | | | 3 |
| 52564-0147-01-41 | Salt River Project | Kyrene (Tempe, Ariz.) | 1 |
| 52564-0147-02-41 | | | 2 |
| 52564-0141-01-41 | | Agua Fria (Glendale, Ariz.) | 1 |
| 52564-0141-02-41 | | | 2 |
| 52564-0141-03-41 | | | 3 |
| 52605-0686-01-41 | Sebring Utilities Commission | Dinner Lake Plant (Sebring, Fla.) | 1 |
| 52692-3285-01-41 | South Carolina Electric & Gas Co. | Hagood (Charleston, S.C.) | 1 |
| 52692-3285-02-41 | | | 2 |
| 52692-3285-03-41 | | | 3 |
| 52703-2070-01-41 | South Mississippi Electric Power Assoc. | Moselle (Hattiesburg, Miss.) | 1 |
| 52703-2070-02-41 | | | 2 |
| 52703-2070-03-41 | | | 3 |
| 52875-0688-03-41 | City of Tallahassee | Purdom (St. Marks, Fla.) | 3 |
| 52875-0688-04-41 | | | 4 |
| 52875-0688-05-41 | | | 5 |
| 52875-0688-06-41 | | | 6 |
| 52875-0688-07-41 | | | 7 |
| 52875-0689-01-41 | | Hopkins (Tallahassee, Fla.) | 1 |
| 52875-0689-02-41 | | | 2 |
| 52885-1682-08-41 | Taunton Municipal | Cleary-Flood (Taunton, Mass.) | 8 |
| 52885-1682-09-41 | | | 9 |
| 52970-9039-01-41 | Tucson Electric Power Co. | Irvington (Tucson, Ariz.) | 1 |
| 52970-9039-02-41 | | | 2 |
| 52970-9039-03-41 | | | 3 |
| 52970-9039-04-41 | | | 4 |
| 52970-9040-01-41 | | DeMoss-Petrie (Tucson, Ariz.) | 1 |
| 52970-9040-02-41 | | | 2 |
| 52970-9040-03-41 | | | 3 |
| 52970-9040-04-41 | | | 4 |
| 53132-0693-01-41 | City of Vero Beach Fla. | Vero Beach Municipal (Vero Beach, Fla.) | 1 |
| 53132-0693-02-41 | | | 2 |
| 53132-0693-03-41 | | | 3 |
| 53132-0693-04-41 | | | 4 |
| 53266-1642-03-41 | Western Massachusetts Electric Company. | West Springfield (West Springfield, Mass.) | 3 |

The petitioners filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule).

Notices of the petitions and proposed orders granting these temporary exemptions were published in the **Federal Register** on May 11, 1979 and June 1, 1979 with a request for public comments relating to the petitions and the proposed orders. On January 2, 1980 a Notice was published in the **Federal Register** (45 FR 78) extending the time for issuance of final orders and inviting further written comments on the manner in which the Special Rule should be implemented. On January 21, 1980 a Notice was published in the **Federal Register** (45 FR 3953) extending to February 27, 1980 the time for issuance of final orders by ERA. Upon review of the public comments and the purposes of FUA, ERA has determined to issue final orders granting temporary public interest exemptions to some of the petitioners where petitions were noticed on May 11, 1979 and June 1, 1979.

Based on the information provided by the petitioners, the listed powerplants are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas an a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow the listed powerplants to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, to displace consumption of fuel oils.

**Statement of Reasons and Rationale for Granting Exemptions**

In issuing the Special Rule, ERA recognized that in certain existing electric powerplants the choice of fuels is limited to either natural gas or petroleum fuel oils, and that in general, the near-term use of natural gas is preferred over petroleum. In promulgating the Special Rule, ERA stated that it intended to give priority to facilities displacing middle distillates. On January 2, 1980, ERA requested written comments on what sulfur levels, if any, ERA should consider in determining to grant or deny petitions for natural gas to displace residual fuel oil.

Based upon a survey and analysis conducted by ERA, it has been determined to grant exemptions to all eligible powerplants, irrespective of the sulfur content or type of oil to be displaced, with the exception of those powerplants located in the Nation's Petroleum Administration for Defense (PAD) District No. 2. ERA's survey and analysis concerned (1) the demand of natural gas and corresponding displacement of both middle distillate and residual oils by sulfur content of residual fuel oil, due to exemptions granted and which may be granted under the Special Rule, (2) availability of natural gas, (3) the impact on refinery operation due to possible reduced demand for residual fuel oil, and (4) a review of the public comments received on the manner in which the Special Rule should be implemented. ERA has determined that the granting of exemptions, irrespective of the sulfur content or the types of oil to be displaced, is in the public interest and in accordance with the purpose of FUA.

ERA's survey of gas companies and pipeline companies and the responses received to ERA's request for public comment indicate that there are

sufficient quantities of natural gas supplies available at the present for an increase in natural gas use to accommodate the granting of exemptions to all powerplants with petitions pending under the Special Rule.

ERA also analyzed the impact that increased natural gas use under the Special Rule would have on refinery operations and the demand for residual fuel oil in each of the Nation's PAD districts. ERA has ascertained that while the effect upon refinery operations varies from district to district, that refineries in each of the PAD districts with the exception of PAD 2 can accommodate a reduction in demand for residual oil without reducing their refinery runs. ERA will further review and examine the impact which granting exemptions under the Special Rule may have on PAD 2 refinery operations.

ERA's decision to grant these exemptions is not expected to have an adverse impact upon residential and commercial consumers of natural gas since current Federal Energy Regulatory Commission (FERC) and State gas curtailment regulations assign powerplants the lowest priority classification. These curtailment regulations are designed to ensure availability of natural gas to higher priority users should gas supplies be reduced. In addition, under the Special Rule, ERA may terminate these temporary exemptions to use natural gas upon six months written notice.

ERA has determined that natural gas use under the Special Rule is consistent with the specific purpose of FUA to reduce the consumption of imported petroleum. ERA also believes that such natural gas use will not reduce or postpone the FUA requirements that new electric powerplants be constructed with capability to utilize fuels other than petroleum or natural gas, or the conversion to alternate fuel use, such as coal, by existing electric powerplants. Generally, in the long term, the economics of power generation favor the use of coal.

**Eligibility for Temporary Public Interest Exemption**

Each of the above-named petitioners has demonstrated that each powerplant, for which it is requesting a temporary exemption, is an existing unit that is either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA.

Each petitioner has also certified that the proposed use of natural gas will displace consumption of fuel oil and will not displace the use of coal or any other alternate fuel in any facility in the petitioner's utility system, including the powerplants for which these temporary exemptions are issued. As a result, each petitioner has met the eligibility criteria of Section 508.2 of the Special Rule.

**Duration of Temporary Exemptions**

ERA grants these temporary public interest exemptions for an initial period from the effective date of this Decision and Order until October 31, 1981. Upon the request of the petitioners, these exemptions may be extended, at the option of ERA, for additional periods. However, a temporary public interest exemption, including all extensions, may not exceed the maximum 5 year period authorized by the Act. Requests for extension must be filed with ERA by July 31, 1981.

The temporary public interest exemptions granted by this Decision and Order are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

**Effective Date of Decision and Order**

This Decision and Order shall become effective on the sixtieth calendar day following its publication in the **Federal Register** (May 9, 1980) in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230), ERA will take no action with respect to any natural gas used by the exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

**Terms and Conditions**

Pursuant to Section 314 of FUA and 10 CFR 508.6, the temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as each petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natual gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced. This report will be submitted to ERA within thirty days after the effective date of this Decision and Order and thirty days after the close of each subsequent reporting period.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the initial period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) If a petitioner seeks to have an exemption extended, the petitioner shall, at that time, submit a fuel conservation plan covering the additional time period for which the extension is being sought, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit to ERA, within 30 days after the close of each year, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the fuel conservation plan.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any pertinent rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any pertinent State regulatory agency or from any public utility obligations to pertinent categories of customers.

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

**Robert L. Davies,**

*Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.*

[FR Doc. 80-7330 Filed 3-7-80; 8:45 am]
BILLING CODE 6450-01-M

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## Long Island Lighting Co.; Powerplant and Industrial Fuel Use Act Issuance of an Order Granting A Temporary Public Interest Exemption

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that on February 27, 1980, it issued an order granting a temporary public interest exemption, pursuant to the authorities granted it by Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.*, and 10 CFR 501.68 and 10 CFR 508, from the prohibitions of Section 301(a)(2) and (3) of the Act to the following powerplant:

| Docket No. | Owner | Generating station location | Powerplant identification | Daily middle distillate displacement (barrels) |
|---|---|---|---|---|
| 51685-2511-23-41 | Long Island Lighting Company | E. F. Barrett (Island Park, New York). | CT 11 | 46.5 |

Petitions were received and filed pursuant to CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230) with ERA for temporary public interest exemptions for the use of natural gas as a primary energy source. Notice of the petition and a proposed order granting this temporary exemption was published in the **Federal Register** on May 11, 1979, (44 FR 27668). Written comments were requested on the proposed order. All comments were considered by ERA.

A general comment from Allied Chemical Corporation expressed concern that the chemical industry has experienced production curtailments and plant shutdowns due to inadequate gas supplies for nonsubstitutable feedstock and process needs at the same time that DOE has concluded that excess supplies of natural gas are available. The Allied Chemical Corporation comment did not refer to any specific region nor did it specify impacts resulting from any particular petition or proposed order.

The State of New York Department of Environmental Conservation is "in favor of the use of natural gas wherever possible, since the environmental benefits are obvious * * *"

All comments that referred to specific petitions were supportive of them.

This temporary exemption will allow the above-named unit to burn an estimated total of 105,000 MCF of natural gas annually, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, displacing an estimated 46.5 barrels of middle distillate fuel oil per day (17,000 barrels annually).

The order granting this temporary exemption shall become effective sixty calendar days following its publication in the **Federal Register**, in accordance with Section 702(a) of FUA. The owner of the above-named powerplant has received the Decision and Order by certified mail. The order is set forth following this notice. This temporary exemption shall be in effect, subject to the terms and conditions stated in the order, for a period of five years and may be terminated by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office located in Room B-110, 2000 M Street, N.W., Washington, D.C. 20461.

Any questions regarding this temporary exemption should be directed to Mr. James W. Workman, Acting Director, Existing Facilities Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3128, 2000 M Street, N.W., Washington, D.C. 20461. (202) 254-7442.

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

**Robert L. Davies,**

*Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.*

[FR Doc. 80-7329 Filed 3-7-80; 8:45 am]

BILLING CODE 6450-01-M

**[ERA Docket No. 51685-2511-23-41]**

## Long Island Lighting Co.; Petition for a Temporary Public Interest Exemption To Burn Natural Gas

*Decision and Order Granting an Exemption Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978*

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting a temporary public interest exemption from the prohibitions of Section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Long Island Lighting Company (petitioner).

The petitioner filed for this temporary public interest exemption pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to the Special Rule) with ERA on May 7, 1979. Notice of the petition and a proposed order granting this temporary exemption was published in the May 11, 1979, **Federal Register** (44 FR 27668) with a request for public comments relating to the petition and the proposed order. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the requested temporary public interest exemption.

Based on the information provided by the petitioner, the powerplant listed in the table below is either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. This temporary exemption will allow this unit to burn natural gas, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

| Generating station | Powerplant identification | Middle distillate fuel oil (barrels) | Percent sulfur content |
|---|---|---|---|
| E. F. Barrett (Island Park, NY). | CT 11 | 46.5 | 0.37 |

This powerplant will burn an estimated 105,000 MCF of natural gas annually which will result in an estimated displacement of 46.5 barrels of middle distillate fuel oil per day (17,000 barrels annually).

### Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in this powerplant will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that this powerplant, for which it is requesting a temporary exemption, is an existing unit that is either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3)

of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a) (2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplant for which this temporary exemption is issued.

By establishing these facts the petitioner has met the eligibility criteria set out in § 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting this temporary exemption.

**Duration of Temporary Exemption**

ERA grants this temporary public interest exemption for a period of five years. The temporary exemption is subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

**Effective Date of Decision and Order**

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register** (May 9, 1980). In accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by this exempted powerplant between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

**Terms and Conditions**

Pursuant to Section 314 of FUA and 10 CFR 508.6, the temporary exemption granted under this Decision and Order is conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplant, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a systemwide fuel conservation plan to include the five year period covered by this temporary exemption, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year systemwide fuel conservation plan.

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

**Robert L. Davies,**

*Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.*

[FR Doc. 80-7328 Filed 3-7-80; 8:45 am]

BILLING CODE 6450-01-M

## City of Stillwater and Lake Worth Utilities Authority; Powerplant and Industrial Fuel Use Act of 1978 Withdrawal of Acceptance of Petitions for Exemptions Filed

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that it has withdrawn its acceptance of petitions for temporary public interest exemptions filed pursuant to Section 311(e) of the Powerplant and INdustrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* and 10 CFR Part 508. The petitions sought exemptions from the prohibitions of Section 301(a)(2) and (3) of the Act on behalf of the following Petitioners:

| Docket No. | Petitioner | Generating station | Unit identification |
|---|---|---|---|
| 52821-3000-01-41 | City of Stillwater | Boomer Lake | No. 1 |
| 52821-3000-02-41 | | | No. 2 |
| 64001-9014-01-41 | Lake Worth Utilities Authority. | Tom G. Smith Municipal Power Plant | No. 1 |
| 64001-9014-02-41 | | | No. 2 |
| 64001-9014-03-41 | | | No. 3 |
| 64001-9014-04-41 | | | No. 4 |

ERA previously published in the **Federal Register** on May 11, 1979 (44 FR 27668) and June 1, 1979, (44 FR 31677). Notice of Acceptance of the above mentioned petitions. In each case the petitioner had filed for a temporary public interest exemption pursuant to 10 CFR Part 508.

If granted, the exemptions would have allowed the petitioner's powerplants to use natural gas as a primary energy source, notwithstanding the prohibitions contained in Section 301(a)(2) and (3) of the Act.

In each of the previously accepted petitions, the petitioner represented that each powerplant for which the exemption was sought, was subject to the prohibitions of either Section 301(a)(2) or (3) of FUA. Based upon this information, ERA published its Notice of Acceptance of Petitions in the **Federal Register.**

The petitioners listed above have now informed ERA that they wish to withdraw their petitions for the above listed powerplants. In light of this information, ERA hereby publishes this notice of withdrawal.

Any questions regarding these temporary public interest exemptions should be directed to Mr. James W. Workman, Acting Director, Existing Facilities Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3128, 2000 M Street, NW., Washington, D.C. 20461, (202) 254-7442.

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

**Robert L. Davies,**

*Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.*

[FR Doc. 80-7327 Filed 3-7-80; 8:45 am]

BILLING CODE 6450-01-M

## Greenwood Utilities Commission; Powerplant and Industrial Fuel Use Act of 1978; Withdrawal of Acceptance of Petitions for Exemptions Filed

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that it has withdrawn its acceptance of petitions for temporary public interest exemptions filed pursuant to Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* and 10 CFR Part 508. The petitions sought exemptions from the prohibitions of Section 301 (a)(2) and (3) of the Act on behalf of the following Petitioner:

| Docket number | Petitioner | Generating station | Unit identification |
|---|---|---|---|
| 51186-2062-01-41 | Greenwood Utilities Commission | Henderson | No. 1 |
| 51186-2062-03-41 | | | No. 3 |
| 51186-2063-01-40 | Greenwood Utilities Commission | Wright | No. 1 |

The petitioner has been sent a letter by certified mail informing it that acceptance of its petitions for the above listed powerplants has been withdrawn since it now appears from information made available to ERA that the petitioner is not eligible to obtain an exemption from the prohibitions of Section 301(a)(2) and (3) of the Act for these powerplants.

**SUPPLEMENTARY INFORMATION:** ERA previously published in the **Federal Register** on May 11, 1979 (44 FR 27668) a Notice of Acceptance of Petitions. The petitioner had filed for temporary public interest exemptions pursuant to 10 CFR Part 508.

If granted, the exemptions would have allowed the petitioner's powerplants to use natural gas as a primary energy source, notwithstanding the prohibitions contained in Sections 301(a)(2) and (3) of the Act.

In each of the previously accepted petitions, the petitioner represented that each powerplant for which an exemption was sought, was subject to the prohibitions of either Section 301(a)(2) or (3) of FUA. Based upon this information, ERA published its Notice of Acceptance of Petitions in the **Federal Register.** After publication of the Notice of Acceptance, the petitioner submitted new information, on ERA Form 316, indicating that each powerplant can use coal as a primary energy source. Subsequent telephone conversations with the petitioner indicated that the powerplants are now using coal. It now appears that each of the above-named powerplants for which a petition was accepted is not eligible for an exemption from either Section 301(a)(2) and (3) of FUA. therefore, since the powerplants do not meet the eligibility requirements set forth in 10 CFR Part 508.2(b)(2), ERA has withdrawn its acceptance of the petitions filed on behalf of these powerplants.

Any questions regarding these temporary public interest exemptions should be directed to Mr. James W. Workman, Acting Director, Existing Facilities Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3128, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-7442.

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

**Robert L. Davies,**

*Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.*

[FR Doc. 80-7326 Filed 3-7-80; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

**[Docket No. ER80-236]**

### Puget Sound Power & Light Co.; Renotice of Cancellation

March 4, 1980.

Take notice that on February 11, 1980, Puget Sound Power & Light Company (Puget Sound) tendered for filing a notice of cancellation for electric service delivered to the City of Dupont and City of Dupont—Wilmington.

Puget Sound states that the proposed expiration date is December 17, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 14, 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. 80-7247 Filed 3-7-80; 8:45 am]

BILLING CODE 6450-85-M

## ENVIRONMENTAL PROTECTION AGENCY

### Environmental Criteria and Assessment Office

**[Docket No. ECAO-SR-79-3, FRL 1425-3]**

### Issue Paper Concerning the Need for a Hydrocarbon Criteria Document; Availability of First External Review Draft

Section 109(d)(1) of the Clean Air Act, as amended, 42 U.S.C. 7409(d)(1), requires that the national ambient air quality standards (NAAQS) established in 1971 and the air quality criteria documents on which they are based be reviewed by the Administrator, and, if appropriate, be revised not later than December 31, 1980. This notice describes EPA's review of the air quality criteria document for hydrocarbons to date, announces the availability of a draft report produced in connection with the review, and invites comments on the draft. As previously announced (45 FR 13191 (February 28, 1980)), the draft report will be considered at a meeting of the Clean Air Scientific Advisory Committee (CASAC) of EPA's Science Advisory Board starting at 9:15 am on March 17, 1980, to be held in Room 1101 West Tower, EPA, 401, M St., S.W., Washington, D.C.

For purposes of reviewing the criteria document for hydrocarbons, EPA's Environmental Criteria and Assessment Office (ECAO) initiated appropriate literature survey and review procedures in 1979. At this preliminary stage it appears that available data on hydrocarbons do not substantially alter, in most respects, the scientific position on hydrocarbons that prevailed when the existing criteria document was written in 1970. Furthermore, ECAO's preliminary review of the criteria developed in 1970 and of the data base on hydrocarbons compiled since then has called into question the need for revising the existing criteria document. Instead, the review suggested that the Agency should prepare an issue paper that would serve as the basis on which the Agency can decide whether: (1) to make an appropriate regulatory decision without revision of the existing criteria document; or (2) to prepare a revised criteria document that will serve as a basis for a subsequent regulatory decision.

Accordingly, ECAO has prepared a draft report entitled "Facts and Issues Associated with the Need for a Hydrocarbon Criteria Document." This paper is based on a thorough review of pertinent health and welfare effects information but is not intended to be an

exhaustive treatment of all aspects of hydrocarbon pollution. Instead, the paper focuses on: (1) aspects of hydrocarbons and the NAAQS for hydrocarbons that distinguish them from the other criteria pollutants and the corresponding NAAQS; (2) a review of the key criteria for hydrocarbons developed in 1970 and used in the standard-setting process in 1971; and (3) 1970–79 data on hydrocarbons, pertinent to those key criteria.

Comments are invited on the draft report, copies of which are available as discussed below. As indicated above, the draft report will also be considered at a meeting of the Clean Air Scientific Advisory Committee of EPA's Science Advisory Board. EPA plans to revise the draft report, if appropriate, in light of any comments received from the public or from the Clean Air Scientific Advisory Committee.

Copies of the draft report may be obtained by writing to Ms. Diane Chappel, Environmental Criteria and Assessment Office, MD–52, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. To place a telephone request, dial (919) 541–3746. Copies will also be available at the March 17 CASAC meeting.

Comments should be directed to Dr. Robert M. Bruce or Ms. Beverly E. Tilton at the address given above. The deadline for receipt of comments is May 1, 1980.

Dated: March 6, 1980.

**Stephen J. Gage, Ph.D,**

*Assistant Administrator for Research and Development.*

[FR Doc. 80–7518 Filed 3–10–80; 8:45 am]

BILLING CODE 6560–01–M

## FEDERAL MARITIME COMMISSION

### Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 31, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T–3099–B.

Filing Party: John C. Barnett, Assistant Chief, Leases and Operating Agreements Division, The Port Authority of New York and New Jersey, One World Trade Center, New York, New York 10048.

Summary: Agreement No. T–3099–B, between the Port Authority of New York and New Jersey (Port), the City of New York (City) and the State of New York (State), provides for the construction of a container cargo terminal at a portion of the Brooklyn waterfront known as Red Hook, and also provides for the leasing by Port from City of certain open area in connection with the operation of the terminal. The term of the agreement is fifty years. City and State will provide $20,000,000 for the construction of the terminal, and will share in subsequent revenues collected by Port.

Agreement No. T–3893.

Filing Party: Randall V. Adams, Traffic, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Florida 33404.

Summary: Agreement No. T–3893, between the Port of Palm Beach District (District) and Kennelly & Sisman Company, Detroit, Michigan (Corporation), provides for the lease agreement covering warehouse space rental at the Port of Palm Beach Warehouse A. The agreement stipulates that the Corporation shall hold the premises at Warehouse A, together with the improvements erected thereon, and the nonexclusive right to use the District's lands and dock facilities for the loading and unloading of the Corporation's vessels, if any, for the term of six months commencing January 1, 1980, (with renewal options). The agreement provides rental in the sum of $5,550 payable in 6 equal monthly installments of $925, plus the Corporation will pay all applicable Florida Sales Tax and Real Estate Taxes on the rental of the leased premises. The Corporation agrees, upon completion of construction by the District of additional warehousing to rent approximately 20,000 square feet in the new warehouse for a period of not less than five years. In addition, the Corporation will pay to the District all applicable charges as specified in the current terminal tariff plus keep in full force, during the life of the lease, public liability and property damage insurance respecting the leased premises.

Agreement No. T–3894.

Filing Party: Randall V. Adams, Traffic, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Florida 33404.

Summary: Agreement No. T–3894, between Port of Palm Beach (Port) and Johnson Shipping Agency, Inc. (JSA), provides for the leasing of warehouse space by Port at the Port of Palm Beach Terminal, City of Riviera Beach, Florida to JSA. As compensation, JSA shall port monthly installments of $577.05 in addition to all applicable charges specified in current tariff published by Port. JSA agrees that it shall ship through and over the docks of the Port a minimum of twelve thousand (12,000) short tons on an annual basis. The term of the agreement is for one year, with option to renew for additional one-year terms.

Agreement No. T–3895.

Filing Party: Evelyn D. Bredleau, Office Manager, The Port of Astoria, P.O. Box 569 Astoria, Oregon 97103.

Summary: Agreement No. T–3895, betweeen the Port of Astoria (Port) and Waterway Terminals Company (WTC) provides for the 3-year lease by the Port to WTC of a certain terminal area at Austoria to be used as a marine terminal under the provisions of the Port's Tariff No. 6.

Agreement No. 10168–2.

Filing Party: Ms. Margaret T. Chao, Kurrus Dyer & Jacobi, 1035 Thomas Jefferson Street, NW., Washington, D.C. 20007.

Summary: Agreement No. 10168–2 modifies the basic agreement of the Puerto Rico/United States Virgin Islands-European Trade Cooperative Working Agreement to expand the scope to include ports or points in Trinidad, Barbados, Jamaica, the Windward and Leeward Islands, British Virgin Islands, Turks and Caicos Islands, Cayman Islands, Netherlands Antilles, Haiti, Dominican Republic, Belize and the East Coast of Honduras, Guatemala and Nicaragua.

Agreement No. 10350–1.

Filing Party: J. D. Straton, Jr., Director, Conferences & Rates, Moore-McCormack Lines, Incorporated, 2 Broadway, New York, New York 10004.

Summary: Agreement No. 10350–1 amends the basic agreement between Moore-McCormack Lines, Incorporated, Sea-Land Service, Inc. and Empresa Lineas Maritimas Argentinas S.A., which provides for a cargo revenue pooling, sailing and equal access agreement in the southbound trade from the U.S. East Coast ports to Argentine ports. The purpose of Agreement No. 10350–1 is to amend Articles 2a) and b) and Article 5a) to reflect A. Bottacchi S.A. de Navegacion C. F. I. I. as a member to the agreement.

Agreement No. 10381.

Filing Party: Jorge Luis Wachter, Executive Administrator, Conferencia Interamericana de Fletes—Seccion "B" Lavalle 381—8° Piso (1047), Buenos Aires, Argentina.

Summary: Agreement No. 10381, between Empresa Lineas Maritimas Argentinas Sociedad Anonima and A. Bottacchi Anonima de Navigacion C. F. I. I., provides for the participation and quota apportionment of the above-mentioned Argentine carriers in

Inter-American Freight Conference and Pool Agreements.

By Order of the Federal Maritime Commission.

Dated: March 5, 1980.

**Francis C. Hurney,**

*Secretary.*

[FR Doc. 80-7302 Filed 3-7-80; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Affiliated Bankshares of Colorado, Inc.; Acquisition of Bank

Affiliated Bankshares of Colorado, Inc., Boulder, Colorado, 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 through its proposed new subsidiary Intermountain Bankshares of Colorado, Inc., 100 per cent of the voting shares of First National Bank, Westminster, Westminster, Colorado. 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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 28, 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 29, 1980.

**William N. McDonough,**

*Assistant Secretary of the Board.*

[FR Doc. 80-7306 Filed 3-7-80; 8:45 am]

BILLING CODE 6210-01-M

### Bank Holding Companies; Proposed de novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than March 28, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Manufacturers Hanover Corporation, New York, New York (commercial finance; Kentucky): to engage, through a direct subsidiary, Manufacturers Hanover Commercial Corporation (Del.), in making or acquiring, for its own account or for the account of others, loans and other extensions of credit, all such as would be made or acquired by a commercial finance company; and arranging or servicing such loans and extensions of credit for any person. These activities would be conducted from an office located in Atlanta, Georgia serving the State of Kentucky. Comments on this application must be received by March 31, 1980.

B. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261: The Wachovia Corporation, Winston-Salem, North Carolina (mortgage banking activities; South Carolina): to engage, through its subsidiary, Wachovia Mortgage Company, in mortgage banking activities, including the origination and processing of residential, construction, development, and income property mortgage loans, the purchase and sale or placement of mortgage loans, and the management and sale of properties acquired through foreclosure or transfers in lieu of foreclosure. These activities would be conducted from an office in Charleston, South Carolina, serving the Charleston SMSA, concentrated specifically in the northern portions of Charleston, Berkeley and Dorchester counties in the areas of North Charleston, Summerville, Goose Creek and Mancks Corner.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120: Imperial Bancorp, Inglewood, California (personal property broker activities, commercial finance activities; Alaska, Arizona, California, Nevada and Oregon): to engage through its subsidiary, Imperial Credit Corporation in the activities of making, acquiring or servicing loans and other extensions of credit for its own account and for the account of others as: (1) a licensed personal property broker in the State of California; and (2) an insurance premium finance company, primarily engaged in insurance premium financing consisting of financing of premiums relating to both commercial and consumer property and casualty insurance in Alaska, Arizona, Nevada and Oregon.

The Company's activities are headquartered and the executive offices are located in Inglewood, California. The Company's Oregon and Alaska activities will be conducted at its office in Bellevue, Washington. The Company's Arizona and Nevada activities will be conducted from its office in San Diego, California. Comments on this application must be received by March 20, 1980.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 27, 1980.

**William N. McDonough,**

*Assistant Secretary of the Board.*

[FR Doc. 80-7310 Filed 3-7-80; 8:45 am]

BILLING CODE 6210-01-M

### Drexel Bancshares, Inc.; Formation of Bank Holding Company

Drexel Bancshares, Inc., Drexel, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Drexel, Drexel, Missouri. 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. 80-7303 Filed 3-7-80; 8:45 am]

BILLING CODE 6210-01-M

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## First Bells Bankshares, Inc.; Formation of Bank Holding Company

First Bells Bankshares, Inc., Bells, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the First National Bank of Bells, Bells, Texas. 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 Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 28, 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 29, 1980

**William N. McDonough,**

*Assistant Secretary of the Board.*

[FR Doc. 80-7307 Filed 3-7-80; 8:45 am]

BILLING CODE 6210-01-M

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## First Noble Holding Co.; Formation of Bank Holding Company

First Noble Holding Co., Le Roy, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80.2 per cent or more of the voting shares of The First National Bank of Le Roy, Le Roy, Minnesota. 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 Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 31, 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 29, 1980.

**William N. McDonough,**

*Assistant Secretary of the Board.*

[FR Doc. 80-7311 Filed 3-7-80; 8:45 am]

BILLING CODE 6210-01-M

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## Philadelphia National Corp.; Proposed Transfer and Retention of Assets of Colonial Associates, Inc.

Philadelphia National Corporation, Philadelphia, Pennsylvania, has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to retain ownership of Colonial Associates, Inc., San Diego, California and to transfer substantially all of the assets thereof to Colonial Mortgage Service Company Associates, Inc., San Diego, California, an existing subsidiary of Philadelphia National Corporation.

Applicant states that Colonial Mortgage Service Company Associates, Inc. would continue to engage in the activities of originating residential mortgage loans previously engaged in by Colonial Associates, Inc. These activities would be performed from offices in San Diego, Inglewood, Sherman Oaks, Van Nuys, Arcadia, and San Jose, California, and Tucson, Arizona, and the geographic areas to be served are southwestern and west central California, and the city of Tucson, Arizona. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissable for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 28, 1980.

Board of Governors of the Federal Reserve System, February 26, 1980.

**William N. McDonough,**

*Assistant Secretary of the Board.*

[FR Doc. 80-7308 Filed 3-7-80; 8:45 am]

BILLING CODE 6210-01-M

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## Semo Bancshares, Corp.; Formation of Bank Holding Company

Semo Bancshares, Corporation; Walden, Missouri, 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 98.6 per cent of the voting shares of Walden State Bank, Walden, Missouri. 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 St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than 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. 80-7305 Filed 3-7-80; 8:45 am]

BILLING CODE 6210-01-M

### Southwest Bancshares, Inc.; Acquisition of Bank

Southwest Bancshares, Inc., Houston, Texas, 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 (less directors' qualifying shares) of the voting shares of Century Bank and Trust Company, Garland, Texas. 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 Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 31, 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 29, 1980.

**William N. McDonough,**

*Assistant Secretary of the Board.*

[FR Doc. 80-7304 Filed 3-7-80; 8:45 am]

BILLING CODE 6210-01-M

### Toronto Bancorporation, Inc.; Formation of Bank Holding Company

Toronto Bancorporation, Inc., Toronto, South Dakota, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent of the voting shares of Bank of Toronto, Toronto, South Dakota. 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)).

Toronto Bancorporation, Inc., Toronto, South Dakota has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire the business of Toronto Insurance Agency, Toronto, South Dakota.

Applicant proposes to directly engage in general insurance agency activities. These activities would be performed from offices of Applicant's subsidiary, Bank of Toronto, in Toronto, South Dakota, and the geographic area to be served includes the area within an eight mile radius of Toronto, South Dakota. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 31, 1980.

Board of Governors of the Federal Reserve System, February 29, 1980.

**William N. McDonough,**

*Assistant Secretary of the Board.*

[FR Doc. 80-7309 Filed 3-7-80; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Human Development Services

### White House Conference on Aging, National Advisory Committee; Meeting

The 1981 White House Conference on Aging National Advisory Committee was established by the Department of Health, Education, and Welfare to provide advice and recommendations to the Secretary of HEW and to the Executive Director of the 1981 White House Conference on Aging in the planning, conducting, and reviewing of the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 95-463, 5 U.S.C. App. 1, sec. 10, 1976) that the Committee will hold a meeting on March 24 and 25, 1980, from 9:30 a.m. to 4:30 p.m., Room 1331, Mary E. Switzer Building, 330 C Street, SW., Washington, D.C.

At this meeting the Committee will review an overview of the operational plan for the 1981 Conference, will receive basic orientation to the Conference Act and the Advisory Committee charter, as well as review the issues which the Conference will emphasize.

Further information on the Committee meeting may be obtained from Mr. Jerome R. Waldie, White House Conference on Aging, Room 4063, 330 Independence Avenue, SW., Washington, D.C. 20201, Telephone (202) 245-1914. Advisory Committee meetings are open for public observation.

**Arnold Sampson,**

*Human Development Services' Committee Management Officer.*

March 5, 1980.

[FR Doc. 80-7292 Filed 3-7-80; 8:45 am]

BILLING CODE 4110-92-M

### National Institutes of Health

### Meeting of Clinical Trials Review Committee

Pursuant to Pub. L. 92-463, notice is herby given of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, on March 27-28, 1980, at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland.

This meeting will be open to the public from 1:30 p.m. to 5:00 p.m. on March 27, 1980 for a committee workshop and from 8:00 p.m. to 9:00 p.m. to discuss administration details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 27, 1980, from 9:00 p.m. to adjournment, and from 8:30 a.m. to adjournment on March 28, 1980 for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal personal information concerning individuals associated with these applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 4A–21, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Room 548B, phone (301) 496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health)

Dated: February 27, 1980.

**Suzanne L. Fremeau,**

*Committee Management Officer, National Institutes of Health*

[FR Doc. 80–7258 Filed 3–7–80; 8:45 am]

BILLING CODE 4110–08–M

## Office of the Assistant Secretary for Health

### Select Panel for the Promotion of Child Health; Meeting

Notice is hereby given, pursuant to Pub. L. 93–463, that the Select Panel for the Promotion of Child Health, established pursuant to Section 211 of the Health Services and Centers Amendments of 1978 (Pub. L. 95–626), will meet on Thursday and Friday, April 10 and 11, at 9:00 a.m. in Room 729G, on the seventh floor of the Hubert H. Humphrey Building, Third Street and Independence Avenue, S.W., Washington, D.C. The Panel has responsibility for the formulation of national goals with respect to the promotion of the health status of children and expectant mothers, the development of a comprehensive national plan for the achievement of these goals and otherwise promoting the health of children in the United States, and, the transmittal of a report to the Secretary and the Congress detailing the comprehensive national plan and recommendations for administrative, legislative, and other actions necessary to implement this plan and to otherwise promote the health of children in the United States. This meeting of the Panel will be devoted to a preliminary discussion of recommendations on health protection, health promotion, and nutrition. Meetings of the Panel are open for public observation.

Further information on the Panel may be obtained by contacting John A. Butler, Staff Director, Select Panel for the Promotion of Child Health, Room 711, Riviere Building, 1832 M Street, NW., Washington, D.C. 20036, telephone (202) 634–4805.

Dated: February 29, 1980.

**John A. Butler,**

*Staff Director, Select Panel for the Promotion of Child Health.*

[FR Doc. 80–7239 Filed 3–7–80; 8:45 am]

BILLING CODE 4110–85–M

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

### Winnemucca District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Winnemucca District Grazing Board will be held on April 15, 1980. the meeting will begin at 10:00 a.m. in the conference room of the Bureau of Land Management Office at 705 East Fourth Street, Winnemucca, Nevada.

The agenda for the meeting will include: (1) BLM land use planning—Environmental Statement for grazing in relation to AMPs; (2) Interim management policy for lands in intensive wilderness inventory status; (3) Update on Wild Horse and Burro program; (4) Procedures for project development; (5) Reading of letters and public comment period; (6) Arrangement for next meeting and discussion of agenda items.

The meeting is open to the public. Interested persons may make oral statements to the Board between 1:00 and 2:00 p.m. on April 15, 1980 or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, 705 East Fourth Street, Winnemucca, Nevada 89445 by March 15, 1980. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection (during regular business hours) within 30 days following the meeting.

Dated: February 28, 1980.

**Robert J. Carroll,**

*Acting District Manager for State Director, Nevada.*

[FR Doc. 80–7291 Filed 3–7–80; 8:45 am]

BILLING CODE 4310–84–M

### Colorado; Mt. Mestas/Rough Mountain Vehicle Use Designation Order

Notice is hereby given in accordance with Title 43 CFR Part 8300, Recreation Management, and in conformance with the principles established by the National Environmental Policy Act of 1969 and the Federal Land Policy and Management Act of 1976, that approximately 12,600 acres of land located north and east of U.S. Highway 160 and south of Colorado State Highway 69 near Gardner, Huerfano County, Colorado, are designated in the "limited" category. The entire area is closed to all vehicular travel during the months of May and June. Vehicular use is prohibited except on certain existing roads during the balance of the year. These restrictions do not apply to emergency, law enforcement and federal or other government vehicles while being used for official or emergency purposes, or to any vehicle whose use is expressly authorized by the authorized officer or otherwise officially approved by BLM.

Maps of this designation are posted along with this notice, in the Canon City District, 3080 East Main St., and the Royal Gorge Resource Area, 831 Royal Gorge Boulevard, P.O. Box 1470, both in Canon City, Colorado 81212. Maps of the designated area are also available at these offices.

An interim offroad vehicle management plan has been prepared for the area through cooperation and careful review with other agencies. Primary direction for the plan came from the Raton Basin Management Framework Plan (MFP). Specific decisions in the MFP require that disruptive elements such as vehicular travel be limited in this critical elk calving area. Therefore, vehicular travel will not be allowed except as noted above unless written permission is obtained from the authorizing office in Canon City.

These restrictions apply to public lands in an area roughly bounded on the south and southwest by U.S. Highway 160, on the west by Huerfano County Road 572 (Pass Creek Road), on the north by Huerfano County Road 16, and on the east by Huerfano County Road 530 (Yellowstone Creek Road). The legal description of the affected lands is:

**Sixth Principal Meridian**

T. 26 S., R. 70 W.
Sec. 26 (all public lands)
Secs. 33, 34 and 35 (all public lands south of Huerfano County Road 559)
T. 27 S., R. 69 W.
Sec. 34 (all public lands)
T. 27 S., R. 70 W.
Secs. 2, 3, 4, 9, 10 and 11 (all public lands)
Secs. 12 and 13 (all public lands south of Huerfano County Road 16)
Secs. 14, 15, 22, 23, 24, 25, 26, 27, 34 and 35 (all public lands)
T. 28 S., R. 69 W.
Secs. 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 28, 29, 30, 31 and 32 (all public lands)
T. 28 S., R. 70 W.
Secs. 1, 2, 12, 13 and 24 (all public lands)

This interim designation will become effective immediately and will remain in effect until further notice.

**Stuart L. Freer,**

*Acting District Manager.*

[FR Doc. 80-7286 Filed 3-7-80; 8:45 am]

BILLING CODE 4310-84-M

## Colorado; Trickle Mountain Vehicle Use Designation Order

Notice is hereby given in accordance with the provisions of Title 43 CFR 8300, Recreation Management, and in conformance with principles established by the National Environmental Policy Act of 1969 and the Federal Land Policy and Management Act of 1976, that approximately 52,240 acres of land located in the Trickle Mountain area of south central Colorado are designated in the "limited" category. The entire area is closed to all motorized vehicles except on certain existing roads and trails. These restrictions do not apply to emergency, law enforcement and federal or other government vehicles while being used for official or emergency purposes, or to any vehicle whose use is expressly authorized by the authorized officer or otherwise officially approved by BLM.

The area affected by this designation lies approximately 15 miles west of the town of Saguache, Colorado. The specific boundaries include all public lands administered by the Bureau of Land Management that lie immediately north and east of State Highway 114. The eastern boundary is the ridge separating Findley Gulch and Dry Gulch. The northern boundary of this closure is the Rio Grande National Forest.

Maps of this designation are posted along with this notice, in the Canon City District Office, 3080 East Main Street, Canon City, Colorado 81212, and in the San Luis Resource Area Office, 1921 State Street, Alamosa, Colorado 81101. Maps of the designated area are also available in these offices.

The legal description of this area includes all public lands administered by the Bureau of Land Management with the areas described as follows:

New Mexico Principal Meridian

T. 45 N., R. 4 E.,
Secs. 1 and NE¼NE¼ of Sec. 12.
T. 45 N., R. 5 E.,
Secs. 1 through 26.
T. 45 N., R. 6 E.,
Secs. 1 through 14, 17, 18, 19, 24 and 30.
T. 45 N., R. 7 E.,
Secs. 4 through 9, 16 through 21, 28, 29 and 30.
T. 46 N., R. 4 E.,
Sec. 36.
T. 46 N., R. 5 E.,
Secs. 20 through 35.
T. 46 N., R. 6 E.,
Secs. 10, 13, 14, 15 and 20 through 36.
T. 46 N., R. 7 E.,
Secs. 18 and 19.

The purpose of this designation is to protect critical wildlife habitat, minimize resource damage, and to prevent wildlife harassment.

Notice is further given that certain existing roads within the Trickle Mountain area will have specific use restrictions. The specific use restrictions are as follows:

1. Use of snowmobiles is prohibited throughout this area with the exception of the Ward Gulch Road. The Ward Gulch Road branches off the Jack's Creek Road approximately 5 miles west and north of the junction of State Highway 114 and Jack's Creek Road. This road will be open to snowmobile use to provide access to the Rio Grande National Forest snowmobile area.

2. The Trickle Mountain Road (road 525566) is closed to all public vehicular use during the period December 1 to March 15 to protect this critical wildlife winter range during those years of unusually heavy snows. In normal snow years when wildlife is not heavily concentrated, the road will be opened to public use by specific notification in the local news media and by posting such action in the appropriate District and Resource Area offices.

3. South Trickle Mountain Road (road 69) which branches off to the south of the main Trickle Mountain Road approximately 1 mile west of State Highway 114, will be open to public vehicular use during the period August 1 to December 1 of each year. The road will be closed to vehicles the remainder of the year to protect the critical wildlife winter range and to prevent wildlife harassment.

This interim designation will become effective immediately and will remain in effect until further notice.

**Stuart L. Freer,**

*Acting District Manager.*

[FR Doc. 80-7287 Filed 3-7-80; 8:45 am]

BILLING CODE 4310-84-M

## Montana and North Dakota; Fort Union Regional Coal Team Briefing

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the responsibilities outlined in the Federal coal management regulations (43 CFR 3400.4), the regional coal team for the Fort Union Federal Coal Production Region will hold an organizational briefing on April 10, 1980. Public attendance at the briefing is welcome.

**DATES:** The regional coal team will meet at 8:30 a.m. on April 10, 1980.

**ADDRESSES:** The briefing will be held in the 6th floor conference room of the Montana State Office, Bureau of Land Management, 222 North 32nd Street, Billings, Montana 59107.

**FOR FURTHER INFORMATION CONTACT:** Clair M. Whitlock, Regional Coal Team Chairperson, (602) 261-3873.

**Ed Hastey,**

*Associate Director.*

March 5, 1980.

[FR Doc. 80-7285 Filed 3-7-80; 8:45 am]

BILLING CODE 4310-84-M

## Fish and Wildlife Service

## Endangered Species Permit; Receipt of Applications

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

*Applicant:* Roeding Park Zoo, Fresno, California 93728; PRT 2-6344.

The applicant requests a permit to import as a gift one captive-bred Asian elephant (*Elephus maximus*) from the Bombay West Rotary Club, Bombay, India for enhancement of propagation and survival.

*Applicant:* Lincoln Park Zoological Gardens, Chicago, Illinois 60614; PRT 2-6287.

The applicant requests a permit to import in foreign commerce eight (8) wild-caught Goeldi's marmosets (*Callimico goeldii*) from Bolivia for enhancement of propagation and survival.

*Applicant:* Zoological Musuem, University of Wisconsin, Madison, Wisconsin 53706; PRT 2-6295.

The applicant requests a permit to salvage (take) for scientific research and/or educational purposes specimens of endangered and threatened wildlife found in the United States (Wisconsin primarily) by State or Federal agents during the course of official duties.

*Applicant:* National Zoological Park, Washington, D.C. 20008; PRT 2-6297.

The applicant requests a permit to purchase in interstate commerce one South American tapir (*Tapirus terrestris*) from the Denver Zoological Gardens, Denver, Colorado for enhancement of propagation and survival.

*Applicant:* International Crane Foundation, Madison, Wisconsin 53913; PRT 2-6303.

The applicant requests a permit to import for enhancement of propagation and survival 12 viable black-necked crane (*Grus nigricolis*) eggs to be collected from the wild during June in the Tsinghai Province, Peoples Republic of China. The proposed activity is to be conducted in cooperation with the Beijing Institute of Zoology, Tsinghai Plateau Insititute of Biology.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, Washington, D.C. 20240.

Interested persons may comment on these applications on or before April 9, 1980 by submitting written data, views, or arguments to the Director at the above address.

Dated: March 4, 1980.

**Donald G. Donahoo,**

*Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish & Wildlife Service.*

[FR Doc. 80-7314 Filed 3-7-80; 8:45 am]

BILLING CODE 4310-55-M

## Endangered Species Permit; Receipt of Applications

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

*Applicant:* Duke University Primate Center, Duke University, Durham, NC 27705; PRT 2-6315.

The applicant requests a permit to sell in foreign and interstate commerce and export dead specimens (cadavers, tissue samples, etc.) of most species within the family Lemuridae that have been maintained at the Duke University Primate Center. The dead specimens or parts thereof will be sold to various institutes that conduct primate and/or biomedical research. A list of the recipient institutions is given in the application.

*Applicant:* Duke University Primate Center, Duke University, Durham, NC 27705; PRT 2-6217.

The applicant requests a permit to import in the course of a commercial activity one black lemur (*macaco*) from the Metropolitan Toronto Zoo, Ontario, Canada for enhancement of propagation and survival.

*Applicant:* National Zoological Park, Washington, DC 20008; PRT 2-6320.

The applicant requests a permit to import two golden lion marmosets (*Leontideus rosalia*) from the National Zoological Gardens, Pretoria, South Africa for enhancement of propagation and survival.

*Applicant:* American Museum of Natural History, New York, New York 10024; PRT 2-6326.

The applicant requests a permit to export and re-import for scientific research dead museum specimens of endangered and threatened wildlife that have already been accessioned into the museum's collection.

*Applicant:* Kansas City Zoological Gardens, Kansas City, Missouri 64132; PRT 2-6333.

The applicant requests a permit to purchase in interstate commerce one gaur (*Bos gaurus*) from the Henry Doorly Zoo, Omaha, Nebraska for enhancement of propagation and survival.

*Applicant:* Newell J. Bench, Littleton, Colorado 80123; PRT 2-6312.

The applicant requests a permit to import three (3) captive-bred tundra peregrine falcons (*Falco peregrinus tundrius*) from John LeJeune, Hope, British Columbia, Canada for enhancement of propagation and survival.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, Washington, D.C. 20240.

Interested persons may comment on these applications on or before April 9, 1980 by submitting written data, views, or arguments to the Director at the above address.

Dated: March 5, 1980.

**Donald G. Donahoo,**

*Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.*

[FR Doc. 80-7312 Filed 3-7-80; 8:45 am]

BILLING CODE 4310-55-M

## Endangered and Threatened Species Permit; Receipt of Application

*Applicant:* North Carolina State Museum of Natural History, P.O. Box 27647, Raleigh, North Carolina 27611.

The applicant requests a permit to salvage dead specimens of endangered and threatened animal taxa occuring in North Carolina for scientific purposes. No animals will be killed under this permit.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-6280. Interested persons may comment on this application on or before April 9, 1980 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: March 5, 1980.

**Donald G. Donahoo,**

*Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.*

[FR Doc. 80-7313 Filed 3-7-80; 8:45 am]

BILLING CODE 4310-55-M

## Intent To Prepare an Environmental Impact Statement on Minnesota Valley National Wildlife Refuge and Recreation Area

**AGENCY:** Fish and Wildlife Service, Interior Department.

**ACTION:** Notice.

**SUMMARY:** This notice advises the public that the Service intends to gather information necessary for the preparation of an Environmental Impact Statement (EIS) for the Minnesota Valley National Wildlife Refuge and Recreation Area (Pub. L. 94-466) near the Twin Cities, Minnesota. Public meetings regarding this proposal and preparation of the EIS will also be held. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are solicited.

**DATES:** Written comments should be received by April 9, 1980. A series of public meetings were held in January 1980 to assist the Service in determining if an EIS for the proposed action was needed and to obtain information and suggestions on the scope of issues to be addressed in the EIS.

A minimum of two additional series of public meetings located near the project area will be held. Announcement of these meetings will be made in the Service's Minnesota Valley Newsletter, area press releases and through the A-95 Clearinghouse. If anyone is not receiving the newsletter and would like to be placed on the mailing list, please contact Keith Beseke at the address below.

**ADDRESSES:** Comments should be addressed to: Regional Director

(Attention: Keith Beseke), U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

**FOR FURTHER INFORMATION CONTACT:** Keith Beseke, Environmental Engineer, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111 (612) 725–3306.

**SUPPLEMENTAL INFORMATION:** The Fish and Wildlife Service (FWS), Department of the Interior, proposes to develop a comprehensive environmental land use and management plan for the Minnesota Valley National Wildlife Refuge and Recreation Area. Public Law 94–466, that created the Minnesota Valley National Wildlife Refuge and Recreation Area, recognizes two distinct components. These include the federal refuge units (9,500 acres) and the adjacent lands to be used as public wildlife-oriented recreation areas (8,000 acres) located between Fort Snelling and Jordan, Minnesota. Also, the plan will provide for the Minnesota Valley Trail Corridor as authorized by Minnesota Statute, 1969 (Section 85.198). An "official" map identifying the two major components of the Minnesota Valley National Wildlife Refuge and Recreation Area is on file and available for public inspection in the offices of the U.S. Fish and Wildlife Service.

The refuge units will become a part of the National Wildlife Refuge System, and be managed by the U.S. Fish and Wildlife Service. The recreation areas will be acquired and managed by the State of Minnesota or any political subdivision thereof. Much of the Recreation Area is publicly owned. These lands will provide recreational opportunities compatible with the wildlife theme. Traversing the different land units will be the Minnesota Valley Trail, connecting Le Sueur, Minnesota and Fort Snelling State Park.

Although the refuge units, recreation areas, and trail will ultimately be managed by separate agencies, the comprehensive environmental and management plan will address the valley project as a single geographical unit. This comprehensive approach will avoid conflicts between land uses and ensure a diverse yet cohesive design for this valuable environmental resource.

A Minnesota Valley Planning Team, an interdisciplinary body composed of personnel from the U.S. Fish and Wildlife Service and Minnesota Department of Natural Resources, was established in mid-1979. To date, the planning team has concentrated on establishing the project goals and the data inventory of the valley. The overall goals, derived from Public Law 94–466, are as follows:

To preserve the valuable natural and cultural resources of the lower Minnesota River Valley while providing wildlife-oriented recreational and educational opportunities for a broad spectrum of the population. The importance of agency and community coordination, energy conservation, special population needs, and the integrity of wildlife and plant communities will be recognized in reaching this goal.

The data inventory consists of collecting and mapping natural and cultural resources in the study area. This included detailed studies on noise, hydrology, water quality, topography, soils, vegetation, wetlands, wildlife, archaeology, history, land use, zoning, land ownership, utilities, highways, recreational trails and facilities, and other special environmental concerns.

Now that most of the environmental data is available, the planning team will start to assess possible alternatives available. This assessment will include three phases. First is a determination of what recreation and wildlife activities will be included (i.e. snowshoeing, environmental education, wildlife observation, etc.). Second will be a determination as to how many/how much of each activity to provide for. The third phase is the altenative plan analysis. Public involvement is desired in all these phases.

This notice initiates the scoping process for the draft EIS. The public has expressed an interest in the proposal to date. The planning team has conducted several public meetings with local agencies and the public. These meetings have aided the FWS in the determination of the need for an EIS and suggestions and information on the scope of issues to be addressed in the EIS. Anyone else who has an interest in participating in the scoping process and the development of the EIS is invited to do so and should contact the Regional Director on or before April 9, 1980.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969 as amended (42 U.S.C. 4371 et seq.), Council on Environment Quality Regulations (40 CFR, Parts 1500–1508), other appropriate Federal regulations, and FWS procedures for compliance with those regulations.

We estimate the DEIS will be made available to the public by late 1980.

Dated: February 15, 1980.

**Charles A. Hughlett,**

*Acting Regional Director, U.S. Fish and Wildlife Service, Region 3, Twin Cities, Minnesota.*

[FR Doc. 80–7284 Filed 3–7–80; 8:45 am]

BILLING CODE 4310–55–M

## Water and Power Resources Service

### Interim Water Service Contracts; Intent To Negotiate Interim Water Service Contracts

The Water and Power Resources Service (Service), Department of the Interior, may enter into interim water service contracts for irrigation and municipal and industrial water when such water is available and surplus to project needs. Contracts of this type can be entered into upon short notice to meet emergency or temporary demands. However, such contracts may not exceed one year in duration and are limited to not more than 10,000 acre-feet per irrigation contract or 500 acre-feet per municipal and industrial contract. All interim contracts will specify quantities, rates and other terms and conditions in compliance with Reclamation law and Service policy.

The Regional Director of the Lower Missouri Region, Denver, Colorado, has authority to execute interim water service contracts in southeastern Wyoming, Colorado, Nebraska, and northern Kansas. At this time, it appears that water, surplus to project needs, will be available for sale from Glendo, Glen Elder, and Bonny Reservoirs of the Pick-Sloan Missouri Basin Program; Pathfinder Reservoir of the North Platte Project; and Reudi Reservoir and East Slope System of the Fryingpan-Arkansas Project. Other Service projects in the region with regulated reservoir storage may have minor quantities of surplus water available to meet temporary demands. All releases will be subject to State laws for beneficial use and prior appropriation rights.

Parties interested in receiving information about the Service's interim water marketing program should contact Mr. Robin McKinley or Mr. William Wyche, Water and Power Resources Service, P.O. Box 25247, Denver Federal Center, Denver, CO 80225, telephone (303) 234–3327. Unless significant public interest in the proposed interim water marketing program is demonstrated in response to this notice, announcement of the availability of negotiated draft contracts will be limited to those parties who have expressed an interest therein.

Parties interested in obtaining a temporary supply of water from a Service project should apply in writing

to the Regional Director, Lower Missouri Region, Water and Power Resources Service, at the above address.

Dated: March 3, 1980.

Clifford J. Barrett,

*Assistant Commissioner of Water and Power Resources.*

[FR Doc. 80-7284 Filed 3-7-80; 8:45 am]

BILLING CODE 4310-09-M

## INTERSTATE COMMERCE COMMISSION

### Motor Carrier Temporary Authority Applications

*Correction*

In FR Doc. 80-4278 appearing at page 9126 in the issue for Monday, February 11, 1980, on page 9133, in the second column before paragraph "MC 200 (Sub-431TA)" insert the line "Notice No. 258".

BILLING CODE 1505-01-M

### Permanent Authority Decision-Notice

*Correction*

In FR Doc. 80-5230 appearing at page 11202 in the issue of Wednesday, February 20, 1980, on page 11220, in the first column, the first line of the second complete paragraph reads "MC 52704 (Sub-141F) should be corrected to read "MC 52704 (Sub-242F)".

BILLING CODE 1505-01-M

### Permanent Authority Decisions Notice

*Correction*

In FR Doc. 80-5230, appearing at page 11202, in the issue of Wednesday, February 20, 1980 make the following correction.

On page 11219, 1st column, after the first complete paragraph, the heading "Volume No. 30" should be "Volume 301".

On page 11239, 3rd column, 1st complete paragraph, in the 1st line "MC 13869 (Sub-179F)" should have read "MC 138469 (Sub-179F)".

BILLING CODE 1505-01-M

### Permanent Authority Decisions; Decision-Notice

In FR Doc. 79-37855, appearing at page 71496, in the issue of Tuesday, December 11, 1979, make the following correction.

In MC 123048 (Sub-446F) on page 71513, 2nd column, 1st paragraph, between lines 6 and 7 insert: "(except commodities in bulk), from points in the United States".

BILLING CODE 1505-01-M

[Volume No. 51]

### Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack and Crate

*Correction*

In FR Doc. 80-5024 appearing at page 10911 in the issue for Tuesday, February 19, 1980, on page 10918, in the third column, the first line of the first full paragraph reading "MC 142658 (Sub-21 (MIF))" should be corrected to read "MC 142658 (Sub-2(MIF))".

BILLING CODE 1505-01-M

### Motor Carrier Temporary Authority Applications

**Important Notice**

The following are notices of filing of applications for temporary under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which is relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

**Note.**—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

**Motor Carriers of Property**

**[Notice No. 7]**

MC 11207 (Sub-523TA), filed January 21, 1980. Applicant: DEATON, INC., P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. *Metal containers and metal container ends,* from Atlanta and Perry, GA to points in FL, for 180 days. Supporting shipper(s): Continental Can Co., U.S.A., 22 Executive Park W., NE., Atlanta, GA 30329. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 19157 (Sub-56TA), filed January 25, 1980. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, NY 12306. Representative: Diane Price, Route 6, Box 15, North Little Rock, Arkansas 72118. *Radioactive material, new, and spent and associated material and equipment used in the development and operations of reactor power plants,* between Hanford, WA and Beatty, NV, on the one hand, and, on the other, points in the U.S. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hittman Nuclear & Development Corporation, 9190 Red Branch Rd., Columbia, MD 21045. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 26396 (Sub-343TA), filed January 31, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 1357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Insulating materials* from the facilities of Monsanto Co. at or near Addyston, OH to points in AL, CO, CT, FL, GA, IA, IL, IN, KS, MD, MA, MI, MN, MO, NC, NJ, NY, PA, TN, TX, VA, WI, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63166. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 29537 (Sub-9TA), filed December 31, 1979. Applicant: R. H. CRAWFORD, INC., 425 Poplar St., Hanover, PA 17331. Representative: J. Bruce Walter, 410 North Third St., P.O. Box 1146, Harrisburg, PA 17108. (1) *Food and food stuffs and* (2) *materials, equipment and supplies used or useful in the production, storage or distribution of food and foodstuffs,* between the

facilities of Hanover Brands Incorporated at or near Hanover, PA, on the one hand, and, on the other, points in NY, NJ, MD, GA, KY, ME, NC, NH, PA, SC, TN, VT, and WV, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Hanover Brands, Inc., R.D. #3, P.O. Box 334, Hanover, PA 17331. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 30837 (Sub-486TA), filed December 26, 1979. Applicant: KENOSHA AUTO TRANSPORT CORP., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., NW., Washington, D.C. 20005. *Automobiles and trucks, in secondary movements, in truckaway service,* from ports of entry at Baltimore, MD and Port Newark, NJ to points in IL, MI, MN, OH, and WI. Restricted to the transportation of Renault vehicles manufactured or assembled in France for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper: American Motors Corp., 14250 Plymouth Road, Detroit, MI 48232. Send protests to: Transportation Assistant, ICC, 210 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 32967 (Sub-4TA), filed January 21, 1980. Applicant: ATLANTIC COAST EXPRESS, INC., 2170 No. Fleet Street, Elizabeth, NJ 07201. Representative: Galland, Kharasch, Calkins & Short, Attn: Edward Greenberg, 1054 31st NW., Washington, D.C. 20007. (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) in containers or in trailers, having a prior or subsequent movement by water between New Haven, CT; Baltimore, MD; Boston, MA; New York, NY; Philadelphia, PA and Norfolk, VA, on the one hand, and, on the other, points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, NC, PA, RI, VT, VA, and WV; (2) *used chassis, used empty containers* and *used trailers* between points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, NC, PA, RI, VT, VA, and WV for 180 days. Supporting shipper(s): There are nine supporting shippers on file at Newark, NJ and Washington, DC. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 42487 (Sub-976TA), filed January 21, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: E. T. Liipfert, Suite 1100, 1660 L St. NW., Washington, DC 20036. *General commodities, (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment,* Between Mobile and Birmingham, AL, on the one hand, and, on the other, points in AL for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack with its existing authority and any authority it may acquire in the future. Supporting shipper(s): There are no Certificates of Support attached as all the testimony relates to operating efficiencies and economy accruing to the Applicant. The statement of support may be examined at the office listed below and at the Interstate Commerce Commission Headquarters, Washington, DC. Send protests to: Mr. Neil C. Foster, Suite 500, 211 Main Street, San Francisco, CA 94105.

MC 42487 (Sub-978TA), filed January 23, 1980. Applicant: CONSOLIDATED FREIGHTWAYS, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3962, Portland, OR 97208. Common Carrier; Regular routes; *General commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, assembled automobiles and commodities requiring special equipment),* Serving the facilities of Uniroyal, Inc., at or near Red Oak, IA and Union Carbide Corporation, Nixdorff Lloyd Chain Company, A C Lightning Security, Inc., Robbins Lightning, Inc., Lloyd Metal Products Steel and Wire Company and Uniroyal, Inc., at Maryville, MO, as an off-route point in connection with carrier's otherwise authorized regular route operations, for 180 days. Applicant intends to tack to its existing authority and any authority it may acquire in the future, and tack all of its present authority to perform service to and from its entire system. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): There are six (6) statements in support attached to this application which may be examined at the I.C.C. in Washington, DC or in the field office named below. Send protests to: D/S Neil Foster, Suite 500, 211 Main St., San Francisco, CA 94105.

MC 51146 (Sub-814TA), filed January 8, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (address same as applicant). *Materials and supplies used in the manufacture of industrial controls, electronic components, and magnetic materials* from Baltimore, MD; St. Louis, MO; and points in MA, NY, CT, IL, OH, IN, NJ, and PA to the facilities of the Allen Bradley Company at Milwaukee, WI for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Allen-Bradley Co., 1201 S. 2nd Street, Milwaukee, WI 53204. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 57697 (Sub-22TA), filed January 21, 1980. Applicant: LESTER SMITH TRUCKING, INC., 2645 E. 51st Avenue, Denver, CO 80216. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. *Lumber, Lumber Mill Products, Wood Products,* from WY to AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, NM, OK, PA, and WI, for 180 days. Restricted to shipments originating at the facilities of Cabria Forest Products at/or near Newcastle, WY. An underlying ETA requesting up to 90 days authority granted. Supporting shipper(s): Cambria Forest Industries, Inc., Box 490, Newcastle, WY 82701. Send protests to: District Supervisor R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 59367 (Sub-146TA), filed January 28, 1980. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Ctr., Des Moines, IA 50309. *Plumbing fixtures and plumbing supplies* from the facilities of Kohler Company (1) at Kohler, WI, to points in AR, CA, OK, TX, and WA and (2) at Brownwood, TX, to points in CA, IL, IN, IA, MN, NE, WA, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Kohler Company, 40 High St., Kohler, WI 53044. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 60177 (Sub-2TA), filed January 31, 1980. Applicant: POST & DANLEY TRUCK LINE, INC., 103 West 19th St. P.O. Box 646, Fort Scott, KS 66701. Representative: George G. (Greg) Post (address as above). *Furniture parts, components, accessories, materials and supplies used in the manufacturing and distribution of articles dealt in by Leggett & Platt, Incorporated (except in bulk, in tank vehicles)* from Carthage and Springfield, MO to Denver, CO and Ennis and Houston, TX for 180 days. Underlying ETA for 90 days filed. Supporting shipper: Leggett & Platt, Inc., 18th Rd., Carthage, MO 64836. Send protests to: Opal M. Jones, TCS, ICC, 411

West 7th St. Suite 600, Fort Worth, TX 76102.

MC 63417 (Sub-268TA), filed January 9, 1980. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). *New furniture and furniture parts* from (1) Altavista, Dublin, Pulaski, Rocky Mount, VA; and the facilities of Pulaski Furniture Corporation at or near Martinsville, VA; and (2) the facilities of Vaughan Bassett Furniture Company at or near Elkin, NC and Galax, VA; to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Lane Company, Inc., Altavista, VA 24517; Pulaski Furniture Corp., Pulaski, VA 24301; Vaughan Bassett Furniture Company, P.O. Box 779, Galax, VA 24333. Send protests to: ICC, 101 N. 7th ST., Philadelphia, PA 19106.

MC 91306 (Sub-25TA), filed February 1, 1980. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Ave, NE, Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. *Toilet paper* from Greenwick, NY and points in its commercial zone to points in MD, VA, NC, SC, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Biotec Mills, RFD 2, Greenwich, NY 10520. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd.—Rm. CC516, Charlotte, NC 28205.

MC 100327 (Sub-13TA), filed September 6, 1979. Applicant: LONGUEIL TRANSPORTATION, INC., 144 Shaker Road, P.O. Box 473, East Longmeadow, Massachusetts 01028. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Passengers, in special operations, beginning and ending at points in Springfield, East Longmeadow and Longmeadow, MA and extending to the plant and facilities of Terry Corporation of Connecticut at or near Windsor, CT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Terry Corporation of Connecticut, Lamberton Road, Windsor, CT 06095. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 105566 (Sub-216TA), filed January 31, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406 Executive Bldg., 609 Old Keene Mill Road, Springfield VA 22150. *Candy and materials, equipment and supplies necessary to operate candy stores in vehicles equipped with mechanical refrigeration* from the facilities of See's Candies, Inc. in South San Francisco, CA to St. Louis, MO for 180 days. Supporting shipper: See's Candies, Inc., 210 El Camino, South San Francisco, CA 94080. Send protest to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 108207 (Sub-552TA), filed January 31, 1980. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz St. (P.O. Box 225888), Dallas, TX 75265. Representative: M. W. Smith, (same as above). *Frozen foods (except commodities in bulk, in tank vehicles)* FROM Springfield, MO to points in KS, NE, IA, TX, OK, and AR for 180 days. Underlying ETA for 90 days filed. Supporting shipper: Tennessee Donut, 2975 Armory Dr., Nashville, TN 372044. Send protest to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 112617 (Sub-468TA), filed January 18, 1980. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (as above). Liquefied Petroleum Cases, in bulk, in tank vehicles, from the Refineries of Ashland Oil at or near Catlettsburg, KY, to points in OH and VA. Supporting shipper: Dan R. Kearns, Traffic Assistant, Ashland Oil Co., P.O. Box 391, Ashland, KY 41101. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 112617 (Sub-469TA), filed January 18, 1980. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21394, Louisville, KY 40221. Representative: Larry W. Thompson (as above). Liquid Edible Lard, in bulk, in tank vehicles, from Owensboro, KY. to Bradley, IL, Chattanooaga, TN, Memphis, TN, and St. Louis, MO. Supporting shipper: James R. Wiggs, Secy/Treas., Field Packing Company, P.O. Box 766, Owensboro, KY 43201. Send protests to: Ms. Clara L, Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 112617 (Sub-470TA), January 28, 1980. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (as above). Liquid Pitch, in bulk, in tank vehicles, from Mobil Oil, Augusta, KS to Columbia, TN. Supporting shipper: Margery J. Lexa, Transptn. Analyst, Union Carbide Corp., 270 Park Ave., New York, NY 10017. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 113106 (Sub-89TA), filed January 21, 1980. Applicant: THE BLUE DIAMOND CO., 4401 E. Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 1030 Fifteenth St., NW, Suite 366, Washington, DC 20005. *Salt, in packages,* from the facilities of Cargill, Inc. at Baltimore, MD, to points in WV on and north of US Hwy 50 for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Cargill, Inc., P.O. Box 150, Watkins Glen, NY 14891. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 116947 (Sub-80TA), filed January 23, 1980. Applicant: SCOTT TRANSFER CO., INC., 1190 Sylvan Road, Atlanta, GA 30310. Representative: William Addams, Suite 212, 5299 Roswell Rd., N.E., Atlanta, GA 30342. *Contract* carrier, irregular routes, *industrial cleaners, deodorizers, weed killers, insecticides and materials and supplies used in the sale of the named commodities,* between Atlanta, GA and Charlotte, NC; Birmingham, AL; Indianapolis, IN and Camp Hill, PA., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Oxford Chemicals, Inc., P.O. Box 80202, Atlanta, GA 30366. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 117686 (Sub-283TA), filed December 12, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach, same address as applicant. *Paper bags* from the facilities of Westvaco at New Orleans, LA to points in AL, AR, IA, IL, KS, KY, MN, MO, MS, NE, TN and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Westvaco, C.O. Perez, Jr., Traffic Manager, Bag Division, 1400 Annunciation Street, New Orleans, LA 70160. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 124306 (Sub-80TA), filed January 22, 1980. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: W. David Fesperman, same as above. *Antifreeze and cleaning compounds,* in bulk, in tank vehicles, (1) from Salem, VA to points in the US except AK and HI and (2) return loads from Ashland and Catlettsburg, KY to points in VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Viking Sales, Inc., 739 Kessler Mill Road, Salem, VA. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 124887 (Sub-110TA), filed January 23, 1980. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol. H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *(1) Iron and steel articles and (2) material, equipment and supplies necessary in the production of iron and steel articles* between points in and east of ND, SD, NE, KS, OK, and TX (restricted to movements originating at or destines to facilities of Tennessee Forging Steel Corp.) for 180 days. Supporting shipper: Tennessee Forging Steel Corp., P.O. Box 237, Harriman, TN 37748. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 126706 (Sub-10TA), filed December 26, 1979. Applicant: KLEYSEN TRANSPORT, LTD., 1495 Pembina Highway, Winnipeg, Manitoba R3T 3N5. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Contract carrier:* irregular routes: *Clay products, in bulk,* from the facilities of International Minerals & Chemical Corporation at or near Colony, WY, to the facilities of International Minerals & Chemical Corporation at or near Belvidere, Il for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper: International Minerals & Chemical Corp., 421 East Hawley St., Mundelein, IL 60060. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL. 60604.

MC 128007 (Sub-153TA), filed January 18, 1980. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, P.O. Box 1979, Topeka, KS 66601. *Feed ingredients* from Hutchinson, KS to Neosho, MO for 180 days. Underlying ETA filed. Supporting shipper: Ragland Mills, Inc., Route 8, Box 168, Neosho, MO 64850. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 128007 (Sub-154TA), filed January 31, 1980. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. (1) *Aluminum Dross and Scrap, for recycling purposes, and materials and supplies used in recycling aluminum dross and scrap,* from points in AR, CO, IL, IN, IA, KY, LA, MI, MN, MO, NE, NM, OH, OK, TN, TX and WI to the facilities of Pittsburg Aluminum Recycling Company, Inc. at or near Pittsburg, KS, (2) *Aluminum Ingots,* from the facilities of Pittsburg Aluminum Recycling Company, Inc. at or near Pittsburg, KS to points in AR, CO, IL, IN, IA, KY, LA, MI, MN, MO, NE, NM, OH, OK, TN, TX and WI, for 180 days. Supporting shipper: Pittsburg Aluminum Recycling Company, Inc., 2705 Old Rouse St., Pittsburg, KS 66762. Send protests to: Opal Jones, TCS, ICC, Suite 600, 411 W. 7th St. Fort Worth, TX 76102.

MC 128527 (Sub-138TA), filed February 1, 1980. Applicant: MAY TRUCKING COMPANY, P.O. Box 400, Payette, ID 83661. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Acids, animal health aid products, compressed gasses, herbicides and insecticides, feed, feed supplements, cleaning, washing and buffing compounds and chemicals, and equipment, materials and supplies used in the manufacture thereof,* between points in the U.S., except AK and HI. Restricted to shipments originating at or destined to the facilities used by Van Waters & Rogers division of Univar. Supporting shipper: Van Waters & Rogers, 3950 N.W. Yeon Avenue, Portland, OR 97210. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 128997 (Sub-3TA), filed January 28, 1980. Applicant: VALLEY VAN & STORAGE COMPANY, 504 S. Western Ave., Santa Maria, CA 93454. Representative: Denning & Wohlstetter, 1700 K St., NW., Washington, DC 20006. *Used household goods in containers, having a prior or subsequent movement by water,* between the ports of Oakland, San Francisco, Los Angeles, Wilmington, and San Diego, CA, on the one hand, and, on the other, points in CA; and between the airports of Norton Air Force Base and Travis Air Force Base, CA on the one hand, and, on the other points in CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper: There are approximately four supporting shippers. Their statements may be examined at the office listed below and at headquarters. Send protests to: Irene Carlos, T/A, ICC, 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 129387 (Sub-110TA), filed December 21, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye, P.O. Box 1271, Huron, SD 57350. *Foodstuffs* from Minneapolis and New Hope, MN and their commercial zones to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper: Creamette Co., 7300—36th Ave., N., New Hope, MN 55428. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 133336 (Sub-4TA), filed January 30, 1980. Applicant: CAROLINA TRANSIT LINES OF CHARLOTTE, INC., 224 Inverson Way, Charlotte, NC 28203. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. *Passengers and their baggage in special and charter operations* beginning and ending at points in Mecklenburg County, NC and extending to points in the US (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: There are 8 supporting shippers. Their statements may be examined at the office listed below or Headquarters. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 134286 (Sub-156TA), filed December 12, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert, (same address as applicant). *Weed killing compounds (except in bulk)* from the facilities of Eli Lilly & Co. at Lafayette, IN to Sioux Falls, SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Eli Lilly and Company, Perry M. Bourne, Reg. Traffic Coordinator-Corp. Traffic, 1555 S. Kentucky Avenue, Indianapolis, IN 46206. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 134286 (Sub-157TA), filed December 13, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert, (same address as applicant). *(1) Foodstuffs (2) Food ingredients (3) Spices (4) Food preservatives (5) Materials, equipment and supplies, not for resale, in the manufacture of the above commodities* from the facilities of B. Heller & Company at Bedford Park, IL to Somerville, NJ and points in PA, OH, MD, IN, or NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: B. Heller & Company, Tony Wahl, Traffic Manager, 6363 W. 73rd St., Bedford Park, IL 60638. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 134286 (Sub-158TA), filed January 2, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert, (same address as applicant). *(1) Paper, paper products, woodpulp, plastic, plastic articles, polyethylene; and (2) Materials, equipment, and supplies used in the manufacture and distribution of the named products in (1) above (except commodities in bulk, in tank vehicles)* between the facilities of International Paper Company located in or east of

MT, WY, CO and NM on the one hand, and on the other, points in or east of MT, WY, CO and NM for 180 days. Restricted to traffic originating at or destined to International Paper Company facilities. An underlying ETA seeks 90 days authority. Supporting shipper: International Paper Company, Daniel E. Loughnane, Supervisor Motor Carrier/Barge Princing Analysis, 220 E. 42nd Street, New York, NY 10017. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 134477 (Sub-403TA), filed January 31, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fishbach, P.O. Box 43496, St. Paul, MN 55164. *Commodities as are dealt in by retain department and catalog stores (except commodities in bulk)* from the facilities of Montgomery Ward at Northlake, IL to the facilities of Montgomery Ward at or near Bismarck, ND and points in Iowa for 180 days. Supporting shipper: Montgomery Ward, One Montgomery Ward Plaza, Chicago, IL 60671. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 135707 (Sub-5TA), filed February 1, 1980. Applicant: DIETZ TRUCKING, INC., Rich Hill Rd., Cheswick, PA 15024. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract; irregular: (1) Steel articles, reinforcing steel, wire mesh, road building materials (except in bulk),* from the facilities of W. N. Dambach, Inc. located in Pittsburgh, PA to points in OH, WV, MD, MI, and NY and (2) *Steel reinforcing bars, and wire mesh,* from points in OH, WV, MD, MI and NY to the facilities of W. N. Dambach, Inc. located in Pittsburgh, PA for 180 days. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with W. N. Dambach, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: W. N. Dambach, Inc., 26th & Jane Sts., Pittsburgh, PA 15203. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 135797 (Sub-306TA), filed January 4, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, same address as applicant. *Cedar shakes and shingles* from Port Angeles, WA to Aurora, CO, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: WIL-WIN Cedar Products, P.O. Box 668, Port Angeles, WA 98362. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135797 (Sub-307TA), filed January 7, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, same address as applicant. *Christmas trees, wreaths and novelties,* from the facilities of Mister Christmas at East Douglas, MA and Los Angeles, CA to points in the U.S. (except AK and HI), for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Mister Christmas, Inc., North Street, East Douglas, MA 01516. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135797 (Sub-308TA), filed January 7, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, same address as applicant. (1) *Recreational equipment and sporting goods* and (2) *Materials, equipment and supplies* used in the manufacture of the commodities in (1) (except in bulk), between facilities of Kransco Manufacturing located at Virginia Beach, VA and points in the U.S. (except AK and HI), for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: KRANSCO Manufacturing, 5816 Ward Court, Virginia Beach, VA 23455. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135797 (Sub-309 TA), filed January 18, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq., P.O. Box 130, Lowell AR 72745. *Such commodities as are dealt in or used by automotive supply and household appliance stores, (except commodities in bulk)* between points in the U.S. in and east of MN, IA, NE, KS, OK, and TX; and points in CA, OR, and WA. Restricted to traffic to or from the facilities of Western Auto Supply Company for 180 days. Supporting shipper: Western Auto Supply Company, 2107 Grand Avenue, Kansas City, MO 64108. Send protest to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 135797 (Sub-310 TA), filed January 31, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq., P.O. Box 130, Lowell, AR 72745. *Chemicals (except in bulk)* from the facilities of Degussa Corp. located at or near Mobile, AL to points in AR, CA, FL, IL, MA, MD, MI, MN, NJ, NY, OH, PA, and TX for 180 days. Supporting shipper: Degussa Corporation, P.O. Box 606, Theodore, AL 36582. Send protests to: Opal Jones, TCS, ICC, Suite 600, 411 W. 7th St., Fort Worth, TX 76102.

MC 135797 (Sub-311 TA), filed January 31, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq., P.O. Box 130, Lowell, AR 72745. (1) *Steel Nuts,* from the facilities of Amerace Corporation at Pocahontas, AR to points in IL, IN and OH, and (2) *Materials, equipment and supplies used in the manufacture of the commodities* in (1) above from points in IL, IN, MI, and OH to the facilities of Amerace Corporation at Pocahontas, AR, for 180 days. Supporting shipper: Amerace Corp.—ESNA Div., 3200 Country Club Rd., Pocahontas, AR 72455. Send protest to: Opal Jones, TCS, ICC, Suite 600 411 W. 7th St., Fort Worth, TX 76102.

MC 135797 (Sub-312 TA), filed January 31, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq., P.O. Box 130, Lowell, AR 72745. *Such commodities as are dealt in or used by manufacturers and distributors of feed, feed ingredients and feed products* between points in IA and IL on the one hand and on the other points in AR, CO, ID, KS, MN, MO, NE, NM, NV, OK, TX, UT, and WY for 180 days. ETA for 90 days filed. Supporting shipper: Feed Products, Inc., 1000 W. 47th Ave., Denver, CO 80211. Send protests to: Opal M. Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 138157 (Sub-221 TA), filed January 29, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d./b./a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). *Coal, wood and gas stoves and heaters and materials, equipment and supplies used in the manufacture, production, distribution and sale thereof,* from Chattanooga and S. Pittsburgh, TN to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, for 180 days. Restriction: Restricted against the transportation of commodities in bulk and commodities which because of size and weight require the use of special equipment. Supporting shipper: U.S. Stove Company, 3500 N. Hawthorn St., Chattanooga, TN 37406. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 139207 (Sub-15TA), filed January 29, 1980. Applicant: McNABB-WADSWORTH TRUCKING CO., 305 S. Wilcox Dr., Kingsport, TN 37665.

Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C. 20004. *Filtering agents and absorbent materials (except in bulk)* from the facilities of Mid-Florida Mining Company at or near Lowell, FL to points in NC, SC, VA, TN, MD, DC and points in GA on and north of I–20, for 180 days. Supporting shipper: Mid-Florida Mining Company, P.O. Box 68, Lowell, FL 32663. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 140247 (Sub-5TA), filed January 31, 1980. Applicant: ALLSTATE CHARTER LINES, INC., P.O. Box 9022, Fresno, CA 93790. Representative: J. P. Fischer, 256 Montgomery St.—5th Floor, San Francisco, CA 94104. *Passengers and their baggage* in the same vehicle with passengers, in charter and special operations: Beginning and ending at Visalia, Dinuba, Tulare, Goshen, and Hanford, CA, and extending to points in the counties of Washoe, Storey, Carson City, and Clark NV, in round trip and one way operations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 5 statements in support of this application which may be examined at the I.C.C. in Washington, DC, or copies which may be examined in the field office named below. Sent protests to: N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC141197 (Sub-43TA), filed January 31, 1980. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, MO 64151. Representative: Patricia F. Scott, Kretsinger & Kretsinger, 20 E. Franklin, Liberty, MO 64068. *Coal* from Vernon County, MO to Lonestar Cement located at or near Bonner Springs, KS, for 180 days. Supporting shipper: Midwestern Mining and Reclamation, Inc., P.O. Box 786, Ft. Scott, KS 66701. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th, Suite 600, Ft. Worth, TX 76102.

MC 141867 (Sub-19TA), filed January 15, 1980. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Ronald R. Brader (same as above). *Commodities as are dealt in or used by the manufacturers of pallets, bins and containers,* between points in the States of WA, OR, ID, UT, and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Nepa Pallet & Container Co., In., P.O. Box 349, Snohomish, WA 98290. Send protests to: Hugh H. Chaffee, D/S, ICC, 858 Federal Building, Seattle, WA 98174.

MC 143127 (Sub-66TA), filed February 1, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Mrs. Linda A. Calvo, Traffic Mgr. (same address as above). *Plastic articles,* from Hopkins, MN to Rochester, NY; Bardstown, KY; and Park Ridge, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Burroughs Corp., 40 Bronson Ave., Rochester, NY 14608. Send protests to: Anne Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo NY 14202.

MC 143267 (Sub-103TA), filed January 21, 1980. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156—15th St. NW., Washington, DC 20005. *Plastic pipe,* from the facilities of Bristol Products Co. at or near Leola, PA to points in ME, NH, VT, MA, CT, RI, NY, NJ, DE, MD, OH, WV, KY, VA, TN, NC, SC, GA, and FL for 180 days. Supporting shipper: Bristol Products Co., P.O. Box 778, Bristol, IN 46507. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 143387 (Sub-8TA), filed January 31, 1980. Applicant: ASSOCIATED COURIERS, INC., 342 Fee Fee Road, Maryland Heights, MO 63043. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 S. LaSalle, Suite 1600, Chicago, IL 60603. Contract carrier, irregular routes, *Radioactive pharmaceuticals, radioactive isotopes and medical testing kits,* between Maryland Heights, MO on the one hand, and, on the other, points in KY, LA, and NM, under a continuing contract or contracts with Mallinckrodt, Inc. for 180 days. Supporting shipper: Mallinckrodt, Inc., Box 10172 Lambert Field, St. Louis, MO 63405. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 143436 (Sub-39TA), filed December 31, 1979. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 8328 Hill Gail Drive, P.O. Box 41228, Indianapolis, IN 46241. Representative: Stephen M. Gentry, 1500 Main St., Speedway, IN 46224. *Paints, stains and varnishes, display and advertising material and materials and supplies used in the manufacture and distribution of paints, stains and varnishes* between the facilities of United Coatings, Inc., at or near Indianapolis, IN on the one hand, and, on the other, points in IL, KY, MI, MO, OH, TN, and WV. Restricted against the transportation of commodities in bulk for 180 days. Supporting shipper: United Coatings, Inc., 3050 N. Rockwell, Chicago IL 60618. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 143437 (Sub-6TA), filed December 19, 1979. Applicant: J.R.B., INC., 101 Wheatley Rd., Ashland, KY 41101. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Petroleum and petroleum products* (except commodities in bulk), from the plantsite of Gulf Oil Company—U.S., at or near Cicero, IL to the plantsite of John W. Clark Distributors, Inc. at or near Westwood, KY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Gulf Oil Co., P.O. Box 15678, Nashville, TN 37215. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 143607 (Sub-26TA), filed January 28, 1980. Applicant: BAYWOOD TRANSPORT, INC., Rt. 6, P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, DC 20001. Contract, irregular, *personal care products, drugs, chewing gum, anti-acid mints and candies,* from the Port of Houston, TX to Anaheim, CA, for 180 days. Underlying ETA filed. Supporting shipper: Warner-Lambert Company, 201 Tabor Rd., Morris Plains, NJ 07950. Send protests to: Marianne Minnich, TCS, ICC, Suite 600, 411 W. 7th St. Ft. Worth, TX 76102.

MC 144667 (Sub-16TA), filed January 30, 1980. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. (1) (a) *Meat, meat products, meat by-products and articles distributed by meat packinghouses from the facilities of Central Nebraska Packing,* Inc. at or near North Platte, NE to Chicago and Hamshire, IL; Detroit, MI; and Champlain, NY; and (b) *Prepared animal diets* from the facilities of Central Nebraska Packing, Inc. at or near North Platte, NE to points in the United States (except AK and HI); and (2) *Materials, equipment and supplies utilized in the production and distribution of commodities named in (1) above,* from points in the United States (except AK and HI) to the facilities of Central Nebraska Packing, Inc. at or near North Platte, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Central Nebraska Packing, Inc., Larry Baye, Traffic Manager, P.O. Box 550, North Platte, NE 69101. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 144827 (Sub-51TA), filed January 30, 1980. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main St., Memphis, TN 38103. *Apparel and material used in the manufacture of*

*apparel,* (1) from Memphis, TN to Burlington, NJ; (2) from Burlington, NJ to Hamilton, AL and Memphis, TN (3) From Hamilton, AL to Memphis, TN; (4) from Memphis, TN to Arkadelphia, AR and Paris, TX (5) from Arkadelphia, AR to Paris,TX, for 180 days. Restricted to shipments to, from or between facilities utilized by Vassarette, Div. of Munsingwear. An underlying ETA seeks 90 days authority. Supporting shipper: Vassarette, Civ. of Munsingwear, 4791 Burbank Ave., Memphis, TN 38118. Send protests to: Diana J. Porter, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 145267 (Sub-14TA), filed January 22, 1980. Applicant: CAMPBELL TRANSPORT, INC., Post Office Box 386', Vineland, NJ 08360. Representative: Mark D. Russell, Suite 348, Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Contract, irregular. Foodstuffs, and materials and supplies used in the manufacturing thereof, in temperature controlled equipment, except in bulk, between the facilities of Fearn International, Inc., at or near Franklin Park, IL and Los Angeles, CA on the one hand, and, on the other, points in the US (except AK and HI) under a continuing contract(s) with Fearn International, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Fearn International, Inc., 9353 W. Belmont Avenue, Franklin Park, IL 60131. Send protests to: Robert J. Latarewicz, TR&TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 145516 (Sub-9TA), filed January 16, 1980. Applicant: T. G. STEGALL TRUCKING COMPANY, INC., 8100 East Independence Blvd., Matthews, NC 28105. Representative: T. Gene Stegall, Jr. (same as above). *Meats, meat products, and meat by-products, as described in Section A of Appendix 1, descriptions in Motor Carriers certificates citation 61 MCC 209* from the facilities of Farmland Foods, Inc. consisting of facilities at or near Carroll, IA, Denison, IA, Iowa Falls, IA, and Crete, NE/storage facilities at or near Cherokee, IA, Des Moines, IA, Fort Dodge, IA, Sioux City, IA, Lincoln, NE and Omaha, NE to points in the states of AL, AZ, AR, CA, CO, FL, GA, KY, LA, MS, NV, NM, NC, OK, SC, TN, TX, UT, VA, and WV, for 180 days. Supporting shipper: Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd—Rm CC516, Charlotte, NC 28205.

MC 145577 (Sub-23TA), filed January 28, 1980. Applicant: GULLETT-GOULD, LTD., P.O. Box 406, Union City, IN 47390. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. *Castings, molds, machine parts, and clay parts used in the manufacture or production of glass containers* from points in Union City, Lancaster, Zanesville, and Toledo, OH, Winchester, IN and Reno, PA to points in CA. (2) *Castings and molds used in manufacture or production of glass containers* from Union City, OH and Winchester, IN to points in LA, KY, OK, PA, NY, and IL. (3) *Paint* from Washington, PA to Madera, CA for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Stuck Mould Works, Inc., P.O. Box 486, Lancaster, OH 43130; Glass Containers Corp., 535 N. Gilbert Avenue, Fullerton, CA 92634; Madera Glass Co., 24441 Avenue 12, Madera, CA 93637; Union City Mold and Dye Castings Corp., P.O. Box 231, Union City, IN; Overmyer Mould Co., #1 OMCO Square, Winchester, IN 47394. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 145597 (Sub-26TA), filed January 31, 1980. Applicant: JEM EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. *Such merchandise as is dealt in or used by wholesale and retail grocery stores* between the facilities of Griffin Wholesale Grocery Distributors, at or near Van Buren, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI. Restricted to the transportation of traffic originating at or destined to the facilities of Griffin Wholesale Grocery Distributors) for 180 days. Supporting shipper: Griffin Wholesale Grocery Dist., P.O. Box 126, Van Buren, AR 72956. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 145636 (Sub-14TA), filed December 20, 1979. Applicant: BOB BRINK, INC., 165 Steuben St., Winona, MN 55987. Representative: Edward H. Instenes, 128½ East Third St., Winona, MN 55987. *Candy requiring protection from heat and cold* from Winona, MN to Rock Hill, SC for 180 day (Corresponding ETA seeks 90 days authority.) Supporting shipper: Schuler Chocolates, Inc., 1000 West 5th, Winona, MN 55987. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 145997 (Sub-25TA), filed January 31, 1980. Applicant: JEM EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. *(1) Alcoholic liquors, in glass and/or barrels; and (2) materials, and supplies used in the manufacturing or sale of beverage products* between points in IL, on the one hand, and, on the other, Bardstown, KY for 180 days. Supporting shipper: Hiram Walker & Sons, Inc., P.O. Box 479, Peoria, IL 61651. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 146646 (Sub-83TA), filed February 1, 1980. Applicant: BRISTOW TRUCKING CO., P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (address same as the address of the applicant). *Printed paper forms, and game tickets,* between Chicago, IL; Detroit, MI; Atlanta, GA; Birmingham, AL; and points in the U.S., for 180 days. Supporting shipper: Wallace International, P.O. Box 22226, Birmingham, AL 35226. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 146787 (Sub-5TA), filed December 31, 1979. Applicant: DEAN ALBAUGH AND MICKEY ALBAUGH, d.b.a. ALBAUGH FARMS, R.R. 2, Ankeny, IA 50021. Representative: Thomas E. Leahy, Jr., 1980 Financial Ctr., Des Moines, IA 50309. *Wheels, hubs, tires, brakes and brake parts, spindles and chemicals, and equipment, materials, and supplies used in the manufacture thereof (except commodities in bulk)* between Des Moines, IA; Slinger, WI; and Dresden, TN, on the one hand, and, on the other, points in AL, FL, GA, LA, and MS, for 180 days, restricted to traffic originating at or destined to the facilities of Dico Company, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dico Company, Inc., 200 S.W. 16th St., Des Moines, IA 50305. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 146896 (Sub-4TA), filed December 21, 1979. Applicant: PAUL R. CHENEY, d.b.a. CHENEY TRUCKING CO., Route 1, Artesian St., Lemont, IL 60439. Representative: Patrick H. Smyth, 19 S. LaSalle St., Suite 521, Chicago, IL 60603. *Contract carrier:* irregular routes: *Such commodities as are dealt in by a manufacturer and distributor of starch and corn syrup (except commodities in bulk)* between points in the United States, except AK, AZ, CA, HI, ID, MT, NV, OR, UT, WA, and WY. Restricted to transportation originating at or destined to the facilities of The Hubinger Company under a continuing contract or contracts with The Hubinger Company for 180 days. Supporting shipper(s): The Hubinger Company, 601 Main St., Keokuk, IA 52632. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 147517 (Sub-2TA), filed January 16, 1980. Applicant: TEXAS HIGHWAY TRANSPORT, INC., 2311 Butler, Dallas, TX 75235. Representative: D. Paul

Stafford, Attorney, P.O. Box 45538, Dallas, TX 75245. See attached addendum for 180 days. Underlying ETA filed. Supporting shipper(s): Florida-Texas Freight, 2700 Gaston Avenue, Dallas, TX 75226. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 147547 (Sub-7TA), filed January 21, 1980. Applicant: R & D TRUCKING CO., INC., Church Rd. Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Adhesives, floor coverings, carpet strip and installation supplies and equipment,* between Ashville, NC, and points in the United States in and east of ND, SD, NE, CO, OK, and TX, for 180 days. Supporting shipper(s): Roberts Consolidated Industries, 600 N. Baldwin Park Blvd., City of Industry, CA 91749. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 147987 (Sub-1TA), filed January 14, 1980. Applicant: A & W TRUCKING 1975 LTD, 230 Burnette St., New Westminster, B.C., Canada V3L 3E4. Representative: L. D. Butler, Vice President (Same as above). *Contract carrier;* irregular routes; *Cedar lumber,* between points on the International Boundary between the U.S. and Canada at or near Blaine, Lynden or Sumas, WA and Lake Stevens, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Trans Ocean Lumber, Inc., 401–850 W. Hastings St., Vancouver, B.C., V6C 1E2. Cedar-Vale Products, Inc., Box 235, Lake Stevens, WA 98258. Send protests to: Hugh H. Chaffee, D/S, ICC, 858 Federal Building, Seattle, WA 98174.

MC 148337 (Sub-6TA), filed January 25, 1980. Applicant: WESTERKAMP TRUCKING, INC., Route 2, Pella, IA 50219. Representative: Robert R. Rydell, 1020 Savings & Loan Bldg., Des Moines, IA 50309. *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from the facilities of Tama Meat Packing Corporation, Tama, IA, to Tampa, Miami, and Jacksonville, FL; Atlanta, GA; and Gulfport, MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Tama Meat Packing Corporation, P.O. Box 209, Tama, IA 52339. Send protests to: Herbert W. Allen, DS ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 148437 (Sub-3TA), filed January 23, 1980. Applicant: BORK TRANSPORT, INC., 8555 Harbach Blvd., Suite 201, Des Moines, IA 50311. Representative: William L. Fairbank, 1980 Financial Ctr., Des Moines, IA 50309. *Alcohol, in bulk,* from the facilities of Agrifuels, Inc. in Atchison County, MO, to points in IA, for 180 days. An underlying ETA seeds 90 days authority. Supporting Shipper(s): Bro Oil Co., Inc., 606 S. E. 18th, Des Moines, IA 50317. Send protests to: Herbert W. Allen, DS ICC 518 Federal Bldg., Des Moines, IA 50309.

MC 148487 (Sub-1TA), filed January 18, 1980. Applicant: DAN L. HUFFMAN, d.b.a., HUFFMAN TRUCKING CO., 22215 Devonshire St., P.O. Box 973, Chatsworth, CA 91311. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Contract:* Irregular; *Plastic articles,* from the facilities of Scepter Manufacturing Company, Limited, located at Simi Valley, California, to Dallas, Fort Worth, Garland and Houston, Texas, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting Shipper(s): Scepter Manufacturing Company, Limited, Executive Vice President, 2350 Shasta Way, Simi Valley, CA 93065. Send protests to: Irence Carlos, TA ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 148697 (Sub-1TA), filed December 26, 1979. Applicant: TRINITY, INC., P.O. Box 740, Lenoir, NC 28645. Representative: W. G. Reese, III, P.O. Box 3004, Charlotte, NC 28203. *New furniture* from the facilities of Bernhardt Furniture Co., located in Cleveland, Iredell and Caldwell Counties, NC to points and places in Washington, OR, CA, NV, UT and AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Bernhardt Furniture Company, Box 740, Lenoir, NC 28645. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 149146 (Sub-1TA), filed December 26, 1979. Applicant: STONEY'S EXPRESS, INC., P.O. Box 1174, Pontiac, MI 48056. Representative: Alex J. Miller, 1520 N. Woodward Ave., P.O. Box 244, Bloomfield Hills, MI 48013. *Automobile parts and accessories* between Ypsilanti, MI and Louisville, KY for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting Shipper(s): Ford Motor Co., One Parklane Blvd., Dearborn, MI 48126. Send protests to: Transportation Assistant ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 149177 (Sub-1TA), filed January 4, 1980. Applicant: FRANCIS POWELL ENTERPRISES, INC., 106 Fifth Avenue, Grove Hill, AL 36451. Representative: Francis Powell (same address as applicant). *Lumber, plywood, particleboard, pressure-treated posts and pressure-treated lumber,* (1) between AL, on the one hand, and, on the other FL, GA, LA and MS; (2) from AL, to points in AR, IL, IN, IA, MI, MN, MO, NC, OH, SC, TN, TX, VA, WV and WI; (3) from MS, to FL, GA, LA, and TN; and (4) from TX, to AL, AR, FL, GA, MS and TN. Supporting shipper(s): Harrigan Lumber Company, Inc., P.O. Drawer 926, Monroeville, AL 36460; Scotch Plywood Company, 1 Main Street, Fulton, AL 36446; Dobbins Bros. Lumber Company, Inc., 1824–8th Avenue, Birmingham, AL 35203; Gulf Lumber Company, Inc., P.O. Box 1663, Mobile, AL 36601; and Scotch Lumber Company, 1 Main Street, Fulton, AL 36446. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616–2121 Bldg., Birmingham, AL 35203.

MC 149236 (Sub-1TA), filed January 31, 1980. Applicant: CUNDIFF TRUCKING CO., INC., P.O. Box 253, Russell Springs, KY 42642. Representative: William L. Willis, Atty., 708 McClure Bldg., Frankfort, KY 40601. (1) Cheese and cheese products and (2) materials, equipment and supplies used in the manufacture and distribution of cheese and cheese products, (1) from the facilities of Cudahy Foods located at Harrodsburg, Russell Springs, and Tompkinsville, KY, to points in the U.S. in and east of MN, IA, MO, AR and LA; and (2) from points in the U.S. in and east of MN, IA, MO, AR and LA to the facilities of Cudahy Foods, located at Harrodsburg, Russell Springs and Tompkinsville, KY. Supporting shipper(s): P. P. McNay, Cudahy Foods, 11 Factory St., Harrodsburg, KY 40330. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 149256 (Sub-1TA), filed January 29, 1980. Applicant: KEN-WAY TRUCKING, INC., 110 Brannon St., San Francisco, CA 94107. Representative: M. W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *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 Francisco, San Mateo, Alameda, Santa Clara, Sacramento, Fresno, and Los Angeles Counties, California, and Reno, Nevada, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Comet Air Freight, 708 S. Isis, Inglewood, CA 90301. Send protests to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 149266 (Sub-1TA), filed February 1, 1980. Applicant: CAN TRUCKING, INC., 13000 E. Temple Ave., City of Industry, CA 91749. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Contract:* Irregular: *Foodstuffs, metal cans and wooden pallets,* between the facilities of Kern Foods, Inc., located at City of Industry, CA, and points in AZ and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kern Foods, Inc., 13000 E. Temple Ave., City of Industry, CA 91749. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

[Notice No. 9]

MC 475 (Sub-5TA), filed February 1, 1980. Applicant: WYMORE TRANSFER CO., P.O. Box 448, Oregon City, OR 97045. Representative: Earle V. White, 2400 S.W. 4th Ave., Portland, OR 97201. Potato Starch, in bags: and potatoes, cooked, dried, dehydrated, diced, powdered, or shredded, in bags or cartons, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Crown Zellerbach Corp., 1500 S.W. First Ave., Portland, OR 97201. Longview Fibre Co. P.O. Box 639, Longview, WA 98632. Idaho Supreme Potatoes, P.O. Box 246, Firth, ID 83236. R. T. French & Co., 434 S. Emerson, Shelley, ID 83274. Rogers Potato Div. P.O. Box 2200 Idaho Falls, ID 83401. Send protests to: A. E. Odoms, D/S, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 4405 (Sub-620TA), filed January 29, 1980. Applicant: DEALERS TRANSIT, INC., P.O. Box 236, Tulsa, OK 74101. Representative: Leonard L. Bennett (same address as applicant). *Food processing machinery, I.E. peelers, washers, destoners, hoppers, dumpers, conveyors, bulk storage equipment,* from the plant site and facilities of Vanmark Corp. in or near Creston, IA, to points in the United States, (ex. AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vanmark Corporation, Industrial Parkway, Creston, IA 50801. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 18535 (Sub-69TA), filed February 1, 1980. Applicant: HICKLIN MOTOR LINE, INC., P.O. Box 377, St. Matthews, SC 29135. Representative: Robert H. Hicklin (same as above). *Aggregates* between points and places in Henderson County, NC and points and places in SC, for 180 days. ETA filed seeking 90 days authority. Supporting shipper(s): Pelham Roofing Company & Sheet Metal Works, Inc., 227 Huger Street, Charleston, SC 29403. Send protests to: E. E. Strotheid, D/S, ICC, 866 Strom Thurmond Federal Bldg., 1835 Assembly St., Columbia, SC 29201.

MC 30114 (Sub-9TA), filed January 30, 1980. Applicant: Mola Trucking, Inc., d.b.a. MITCHKO TRUCKING, 650 Myrtle Avenue, Boonton, NJ 07005. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Chemicals, compounds and materials, equipment and supplies used in the manufacture and sale of chemicals and compounds (except commodities in bulk) between Kearny, Harrison, Boonton, and Middlesex, NJ on the one hand, and, on the other, points in MA, MD, NJ, NY, PA, CT, ME, VT, NH, OH, IL, VA, WV, DE, NC and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Drew Chemical Corp., 1 Drew Chemcial Plaza, Boonton, NJ 07005. Send protests to: Joel Morrows, DS, ICC, 744 Broad Steet, Room 522, Newark, NJ 07102.

MC 35334 (Sub-86TA), filed January 29, 1980. Applicant: COOPER–JARRETT, INC., Hanover Plaza, Morristown, NJ 07960. Representative: William J. Hanlon, Hanover Plaza, Morristown, NJ 07960. Common, regular General commodities, except those of unusual value, Livestock, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (except those requiring temperature control) and those injurious or contaminating to other lading serving points in Orleans, Monroe, Ontario, Wayne and Genesee Counties, NY as off route points in connection with applicant's existing regular route operations for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack this authority with authority it presently holds in No. MC–35334. Supporting Shipper(s): There are nineteen (19) supporting shippers on file at Newark, NJ and Washington, D.C. Send protests to: Joel Morrows, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 53965 (Sub-174TA), filed December 13, 1979. Applicant: GRAVES TRUCK LINE, INC., P.O. Drawer 1387, Salina, KS 67401. Representative: Bruce A. Bullock (same). General commodities, (except articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), 1. Between Wichita, Kansas and Independence, Kansas, from Wichita over U.S. Hwy 81 to junction U.S. Hwy 160, then over U.S. Hwy 160 to Independence, and return over the same route, serving all intermediate points; and 2. Between Wichita, Kansas and Coffeyville, Kansas, from Wichita over KS Hwy 15 to junction U.S. Hwy 77, then over U.S. Hwy 77 to junction U.S. Hwy 166, then over U.S. Hwy 166 to Coffeyville, and return over the same route, serving all intermediate points; 3. Between junction KS Hwy 99 and U.S. Hwy 160 and junction KS Hwy 99 and U.S. Hwy 166, from junction KS Hwy 99 and U.S. Hwy 160 over KS Hwy 99 to junction U.S. Hwy 166, and return over the same route, serving no intermediate points; and 4. Between junction U.S. Hwy 75 and U.S. Hwy 160 and junction U.S. Hwy 75 and U.S. Hwy 166, from junction U.S. Hwy 75 and U.S. 160 over U.S. Hwy 75 to junction U.S. Hwy 166 and return over the same route, serving all intermediate points. Serving points in the commercial zones of all points of service on the above described routes, for 180 days. An underlying ETA seeks 90 days authority. Applicant request authority to interline at Kansas City, KS; Dallas, TX; Oklahoma City, OK; Tulsa, OK; Omaha, NE; Denver, CO; and Wichita, KS and to tack this authority with authority it presently holds in No. MC–53965. Supporting Shippers: Numerous Entities. Send Protests To: M. E. Taylor, D/S, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 53965 (Sub-175TA), filed January 8, 1980. Applicant: GRAVES TRUCK LINE, INC., P.O. Drawer 1387, 2130 South Ohio, Salina, KS 67401. Representative: Bruce A. Bullock, Vice President and General Counsel, P.O. Box 1387 South Ohio, Salina, KS 67401. *General commodities, except those of unsual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment.* Between Ft. Worth, TX and Amarillo, TX, from Ft. Worth over U.S. Hwy 287 to Amarillo, and return over the same route, serving Amarillo for purpose of joinder only, serving no intermediate points and serving all points in the Commercial Zones of Ft. Worth and Dallas, TX, for 180 days. Underlying ETA seeks 90 days authority. Applicant request authority to interline at Dallas and Denver, Colorado and to tack this authority with authority it presently holds in No. MC–53965. Supporting shipper(s): Graves Truck Line, Inc., Vice president—Operations, P.O. Drawer 1387, Salina, KS 67401. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Ft. Worth, TX 76102.

MC 67234 (Sub-28TA), filed January 8, 1980. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO

63026. Representative: B. W. La Tourette, Jr., 11 S. Mermec, Suite 1400, St. Louis, MO 63105. *Games & Toys & Toys & Game Parts used in the manufacture of Toys.* From Seattle, WA on the one hand to Toledo, OH & Mt. Clemens, MI on the other, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Fundimensions, Traffic Manager, 50925 Richard W. Blvd., Mt. Clemens, MI 48045. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 69454 (Sub-10TA), filed January 25, 1980. Applicant: DITTO FREIGHT LINES, 1575 Industrial Ave., San Jose, CA 95112. Representative: W. H. Walker, III, 100 Pine St., San Francisco, CA 94111. *Glass containers;* From points in Saugus and Los Angeles Basin Territory, CA; to points in Phoenix, AZ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thatcher Glass, P.O. Box 265, Elmira, NY 14902. Send protests to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 95084 (Sub-160TA), filed January 16, 1980. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Digger derricks and aerial buckets* from Watertown, SD, to points in the U.S. (except AK and HI), restricted to traffic originating at the facilities of Telelect, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Telelect, Inc., P.O. Box 26, Watertown, SD 57201. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 97275 (Sub-37TA), filed December 3, 1979. Applicant: ESTES EXPRESS LINES, 1405 Gordon Ave., Richmond, VA 23224. Representative: Harry J. Jordan, 1000 16 Street, NW, Washington, DC 20036. Common carrier: regular routes: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Winchester, VA and NC Highway 89 at or near Pine Ridge, NC: From Winchester over Interstate Hwy. 81 to junction Interstate Hwy. 77, then over Interstate Hwy. 77 to junction NC Hwy. 89 at or near Pine Ridge, serving all intermediate points. (2) Between Falls Church, VA and Winchester, VA: From Falls Church over U.S. Hwy. 50 to junction U.S. Hwy. 17, then over U.S. Hwy. 17 to Winchester, serving all intermediate points. (3) Between Fairfax, VA and Strasburg, VA: From Fairfax over U.S. Hwy. 29 to junction VA Hwy. 28 then over VA Hwy. 28 to junction VA Hwy. 234, then over VA Hwy. 234 to junction Interstate Hwy. 66, then over Interstate Hwy. 66 to junction U.S. Hwy. 11, then over U.S. Hwy. 11 to Strasburg, serving all intermediate points. (4) Between Fairfax, VA and New Market, VA: Over U.S. Hwy. 211, serving all intermediate points. (5) Between Fairfax, VA and Reidsville, NC: Over U.S. Hwy. 29, serving all intermediate points. (6) Between Winchester, VA and Interstate Hwy. 81 at or near Stuarts Draft, VA: From Winchester over U.S. Hwy. 522 to junction U.S. Hwy. 340, then over U.S. Hwy. 340 to junction Interstate Hwy. 81 at or near Stuarts Draft, serving all intermediate points. (7) Between Charlottesville, VA and Staunton, VA: Over Interstate Hwy. 64, (Also over U.S. Hwy. 250), serving all intermediate points. (8) Between Lynchburg, VA and South Boston, VA: Over U.S. Hwy. 501, serving all intermediate points. (9) Between Hillsville, VA and South Boston, VA: From Hillsville over U.S. Hwy. 58 to junction U.S. Hwy. 501, then over U.S. Hwy. 501 to South Boston, serving all intermediate points. (10) Between Lynchburg, VA and Lowgap, NC: From Lynchburg over U.S. Hwy. 460 to junction U.S. Hwy. 221, then over U.S. Hwy. 221 to junction VA/NC Hwy. 89, then over VA/NC Hwy. 89 to Lowgap, serving all intermediate points. (11) Between Blacksburg, VA and Christiansburg, VA: Over U.S. Hwy. 460, serving all intermediate points. (12) Between Roanoke, VA and Price, NC: Over U.S. Hwy. 220, serving all intermediate points. (13) Between Manassas, VA and Culpeper, VA: From Manassas over VA Hwy. 28 to junction U.S. Hwy. 29, then over U.S. Hwy. 29 to Culpeper, serving all intermediate points. *Alternate Routes for Operating Convenience Only:* (1) Between Fredericksburg, VA and Sperryville, VA: From Fredericksburg over VA Hwy. 3 to junction U.S. Hwy. 522, then over U.S. Hwy. 522 to Sperryville, and return over same route. (2) Between Culpeper, VA and Zion Crossroads, VA: Over U.S. Hwy. 15, and return over same route. (3) Between Gordonsville, VA and Harrisonburg, VA: Over U.S. Hwy. 33 and return over same route. (4) Between Charlottesville, VA and Richmond, VA: Over Interstate Hwy. 64, and return over same route. (5) Between Lynchburg, VA and Nottaway, VA: Over U.S. Hwy. 460, and return over same route. (6) Between Richmond, VA and South Boston, VA: Over U.S. Hwy. 360 to junction VA Hwy. 304, then over VA Hwy. 304 to South Boston, and return over same route. (7) Between Natural Bridge, VA and junction U.S. Hwy. 29 at or near Madison Heights, VA: Over VA Hwy. 130, and return over same route. (8) Between Buchanan, VA and Rocky Mount, VA: From Buchanan over VA Hwy. 43 to junction VA Hwy. 122, then over VA Hwy. 122 to Rocky Mount, and return over same route, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack with MC-97275 and Subs thereto and interline with other carriers at all points of interchange. Supporting shipper(s): There are 67 supporting shippers to this application. Their statements may be examined at the office listed below or Headquarters. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila. PA 19106.

MC 97275 (Sub-38TA), filed December 6, 1979. Applicant: ESTES EXPRESS LINES, 1405 Gordon Ave., Richmond, VA 23224. Representative: Joe W. Sherrill, same address as applicant. Common carrier, regular routes: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between N. Augusta, SC and Savannah, GA: From N. Augusta over U.S. Hwy. 25 to junction U.S. Hwy. 80, then over U.S. Hwy. 80 to Savannah, serving all intermediate points. (2) Between Allendale, SC and Brunswick, GA: From Allendale over U.S. Hwy. 301 to junction U.S. Hwy. 25, then over U.S. Hwy. 25 to Brunswick, serving all intermediate points. (3) Between Savannah, GA and Brunswick, GA: Over U.S. Hwy. 17, serving all intermediate points. (4) Between Savannah, GA and Brunswick, GA: From Savannah over U.S. Hwy. 17 to junction Interstate Hwy. 95, then over Interstate 95 to junction U.S. Hwy. 25, then over U.S. Hwy. 25 to Brunswick, serving all intermediate points. (5) Between Hazelhurst, GA and Jesup, GA: Over U.S. Hwy 341, serving all intermediate points. (6) Between Clarks Hill, SC and Hazelhurst, GA: Over U.S. Hwy. 22, serving all intermediate points. (7) Between McCormick, SC and Dublin, GA: From McCormick over U.S. Hwy. 378 to junction GA Hwy. 44, then over GA Hwy. 44 to junction U.S. Hwy. 441, then over U.S. Hwy. 441 to Dublin, serving all intermediate points. (8) Between Dublin, GA and Statesboro, GA: Over U.S. Hwy. 80, serving all intermediate points. (9) Between Augusta, GA and Baxley, GA: Over U.S. Hwy. 1, serving all intermediate points. (10) Between Mount Vernon, GA and Savannah, GA: From Mount Vernon over U.S. Hwy. 280 to junction U.S. Hwy. 80, then over U.S. Hwy. 80 to

Savannah, serving all intermediate points. (11) Between Milledgeville, GA and Statesboro, GA: Over GA Hwy. 24, serving all intermediate points. (12) Between Union Point, GA and Augusta, GA: From Union Point over U.S. Hwy. 278 to jucntion U.S. Hwy. 78, then over U.S. Hwy. 78 to Augusta, serving all intermediate points. (13) Between Washington, GA and Thomson, GA: Over U.S. Hwy. 78, serving all intermediate points. (14) Between Dublin, GA and Savannah, GA: From Dublin over U.S. Hwy. 319 to junction Interstate Hwy. 16, then over Interstate Hwy. 16 to Savannah, serving all intermediate points. (15) Between Greensboro, GA and Soperton, GA: Over GA Hwy. 15, serving all intermediate points. (16) Between Ludowici, GA and Eulonia, GA: Over GA Hwy. 99, serving all intermediate points. (17) Between Ludowici, GA and Midway, GA: Over U.S. Hwy. 82, serving all intermediate points. (18) Between Thomson, GA and Pooler, GA: Over GA Hwy. 17, serving all intermediate points. (19) Between Irvinton, GA and Aline, GA: Over GA Hwy. 57, serving all intermediate points. (20) Between Swainsboro, GA and Waynesboro, GA: Over GA Hwy. 56, serving all intermediate points. (21) Between Eatonton, GA and Wrens, GA: From Eatonton over GA Hwy. 16, to junction GA Hwy. 17, then over GA Hwy. 17 to Wrens, serving all intermediate points. (22) Between Warrenton, GA and Waynesboro, GA: Over GA Hwy. 80, serving all intermediate points. (23) Between Greensboro, GA and GA/SC State Line: From Greensboro over GA Hwy. 44 to junction Interstate Hwy. 20, then over Interstate Hwy. 20 to GA/SC State Line, serving all intermediate points. (24) Between Sandersville, GA and Wrens, GA: Over GA Hwy. 88, serving all intermediate points. (25) Between Milledgeville, GA and Sparta, GA: Over GA Hwy. 22, serving all intermediate points. (26) Between Glennville, GA and Sardis, GA: Over GA Hwy. 23, serving all intermediate points. (27) Between Baxley, GA and Glennville, GA: Over GA Hwy. 144, serving all intermediate points. (28) Between Millen, GA and Savannah, GA: Over GA Hwy. 21, serving all intermediate points. (29) Between Augusta, GA and Sardis, GA: From Augusta over GA Hwy. 56 to junction GA Hwy. 23, then over GA Hwy. 23 to Sardis, serving all intermediate points. (30) Between Hinesville, GA and the GA/SC State Line: Over GA Hwy. 119, serving all intermediate points. (31) Between Dublin, GA and Wadley, GA: Over U.S. Hwy. 319, serving all intermediate points, for 180 days. An underlying ETA seeks 90 days authority. Applicant requests authority to interline and to tack this authority with authority it presently holds in No. MC-97275 and Sub-Numbers thereto. Supporting shipper(s): There are 19 supporting shippers. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 106674 (Sub-459TA), filed December 13, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson, P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. *Mineral Wool Insulation,* from Marion and Shelby, OH to IL, IN, KY, MI, PA, WV, and WI, and from Memphis, TN to AL, AR, GA, IL, IN, KY, LA, MO, MS, OH, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Certainteed Corporation, P.O. Box 860, Valley Forge, PA 19482. Send protests to: Transportation Assistant, I.C.C.—Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 106674 (Sub-460TA), filed December 7, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (Same address as applicant). *Cornstarch, in bags,* from the facilities of A. E. Staley Manufacturing Company at or near Morrisville, PA to points in IL, IN, IA, MI, MN, OH & WI for 180 days. Supporting shipper(s): A. E. Manufacturing Company, E. Post Road, Morrisville, PA 19067. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Chicago, IL 60604.

MC 106674 (Sub-461TA), filed November 27, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Plastic articles and polysryene products* from the facilities of U.C. Industries, Inc., at Tallmadge, OH to points in CT, RI, MS, NY, PA, NJ, DE, MD, WV, VA, NC, SC, GA, FL, AL, and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: U.S. Gypsum Company, 101 S. Wacker Dr., Chicago, IL 60606. Send protests to: ICC, 219 S. Dearborn Chicago, IL 60604.

MC 106674 (Sub-462TA), filed November 29, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Silica sand* from the facilities of Ottawa Silica Company at or near Mystic, CT to Mount Braddock, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ottawa Silica Company, P.O. Box 577, Ottawa, IL 61350. Send protests to: ICC, 219 S. Dearborn St., Chicago, IL 60604.

MC 106674 (Sub-466 TA), filed January 3, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson, P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. *Paper and plastic articles* from the facilities of American Can Company at Lexington, KY to points in IL, IN, MI, MN, OH, PA, TN & WV for 180 days. Supporting shipper(s): American Can Co., Hurbison Road, P.O. Box 11661, Lexington, KY 40511. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386. Chicago, IL 60604.

MC 111214 (Sub-21TA), filed January 30, 1980. Applicant: GREENWOOD STORAGE & TRUCKING CO., INC., P.O. Box 943, Greenwood, MS 38930. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Contract carrier;* irregular routes; (1) *Hydraulic and mechancial press brakes, shears, and presses* which because of size or weight require the use of specialized equipment and (2) *materials and equipment used in the manufacture and distribution of the commodities in (1) above* (except commodities in bulk) between the facilities of Hydra-Tool Corp., at or near Greenwood, MS and Topeka, KS, on the one hand, and, on the other, points in and east of KS, NE, ND, OK, SD, and TX, under continuing contract or contracts with Hydra-Tool Corp., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Send protests to:

MC 113434 (Sub-154TA), filed December 31, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A-5235—144th Ave., Holland, MI 49423. Representative: Roger Van Wyk (address same as applicant). *Foodstuffs, except in bulk* from the facilities of American Home Foods, Division of American Home Products Corporation located at or near Milton, PA to Michigan and LaPorte, IN for 180 days. Supporting shipper(s): American Home Foods Division of American Home Products Corporation, 685 Third Ave., New York, NY 10017. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 114045 (Sub-558TA), filed January 7, 1980. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, Texas 75261. Representative: J. B. Stuart (address same as applicant). *Canned foodstuffs and canned pet foods* from Paris, TX to all points in FL, AL, GA, MS, LA, AR, OK, CO, NM, KS, MO, IA,

NE, KY, IL, TN, and WY for 180 days. Supporting shipper(s): Campbell Soup (Texas) Inc., P.O. Box 116, Paris, Pairs, Texas 75460. Send protest to: Opal M. Jones, TCS, I.C.C., 411 West 7th St., Suite 600, Fort Worth, Texas 76102.

MC 115654 (Sub-192TA), filed February 1, 1980. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 Thirteenth St. NW., Washington, DC 20004. *Such commodities as are dealt in by wholesale, retail, grocery, and food business houses (except in bulk) and materials, equipment and supplies used in the conduct of such businesses,* from Urbana, OH to points in AL, AR, GA, IL, IN, KY, LA, MO, MS, TN, and WV, for 180 days. Supporting shipper(s): The Drackett Company, 5020 Spring Grove Avenue, Cincinnati, OH 45232. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 116544 (Sub-108TA), filed January 8, 1980. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: R. G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Lead ingots, lead oxides, lead pipe, solder and lead sheets, bar lead and glazier lead between Seattle, WA to OR, ID, MT, CA, NV, UT, CO, AZ, NM, and WY for 180 days. Supporting shipper(s): R S R Corporation, 2700 16th Ave., SW, Seattle, WA 98134. Send protests to: D/S Neil C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 116544 (Sub-199TA), filed January 8, 1980. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: R. G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. *Canned and preserved foodstuffs;* from the facilities of Heinz USA at or near Muscatine and Iowa City, IA to points in Kansas and points in Missouri. Restricted to traffic originating at the named facilities and destined to the named states for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA, Div. of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: D/S Neil C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 116544 (Sub-200TA), filed January 7, 1980. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: R. G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. *Meats, meat products and articles* distributed by meat packinghouses as described in Motor Carrier Certificate 61, M.C.C. 209 and 766 (except hides and commodities in bulk); from the facilities of Swift & Company at Chicago, Rochelle and St. Charles, IL to CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC for 180 days only. An underlying ETA seeks 90 day authority. Supporting shipper(s): Swift & Co., 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: D/S Neil C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 116544 (Sub-201TA), filed January 8, 1980. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: R. G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. *Meats, meat products, meat by-products, dairy products and articles distributed by meat packing houses* as described in 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 Louisville, KY to: AL, CT, FL, GA, IL, IA, LA, MA, MS, MO, NJ, NY, RI, SC, TX, for 180 days only. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour & Co., Greyhound Tower, Phoenix, AZ 85077. Send protests to: D/S Neil Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 117574 (Sub-395TA), filed January 8, 1980. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same address as applicant); James W. Hagar, P.O. Box 1166, Harrisburg, PA 17108. (1) *Radioactive waste in containers,* (2) *radioactive waste containers,* and (3) *equipment, materials and supplies utilized in the treatment, processing, packaging or transportation of radioactive waste,* between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to facilities owned or used by ANEFCO, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): ANEFCO, 2222 Mamaroneck Ave., White Plains, NY 10605. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 117765 (Sub-287TA), filed January 30, 1980. Applicant: HAHN TRUCK LINE, INC., 1100 S. McArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *Crypts and vaults,* from Tulsa, OK, to AR, KS, MO, & TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clark Casket & Vault, 8545 So. Garnett, Tulsa, OK 74145. Send protests to: Connie Stanley, ICC., Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 117765 (Sub-288TA), filed January 30, 1980. Applicant: HAHN TRUCK LINE, INC., 1100 S. McArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). (1) *Such merchandise dealt in by wholesale, retail, chain grocery and food business houses and feed businesses; soy products; paste; flour products; dairy based products;* and (2) *materials, ingredients and supplies used in the manufacture, distribution and sale of products in (1) above,* (except in bulk), between the manufacturing and distribution facilities of Ralston Purina Company located at or near Oklahoma City, OK, on the one hand, and on the other, points in AR, LA, MS, NM, TN, & TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company, 13700 N. Lincoln Blvd., Edmond, OK 73034. Send protests to: Connie Stanley, ICC., Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 117815 (Sub-332TA), filed January 31, 1980. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th St., Des Moines, IA 50317. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy, Park Ridge, IL 60068. *Canned goods and canned pet food* from the facilities of Campbell Soup Company at Paris, TX, and points in its commercial zone to points in IN on and south of U.S. Highway 50, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Campbell Soup Company, P.O. Box 116, Paris, TX 75460. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 118224 (Sub-5TA), filed January 7, 1980. Applicant: STANDARD FRUIT & VEGETABLE CO., INC., 2111 Taylor Street, Dallas, Texas 75201. Representative: Lawrence A. Winkle, Winkle, Wells & Stafford, A Professional Corp., Suite 1125 Exchange Park, Dallas, Texas 75235. *(1) merchandise as dealt in by wholesale, retail, chain grocery and food business houses; (2) materials, ingredients and supplies used in the manufacture, distribution and sale of the products referred to in (1),* from Oklahoma City, OK to points in AR, LA and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ratston Rurina Co., 13700 N. Lincoln Blvd., Edmond, OK 73034. Send protests to: Opal M. Jones, TCS, I.C.C., 411 West 7th St., Suite 600, Fort Worth, Texas 76102.

MC 118304 (Sub-8TA), filed January 31, 1980. Applicant: CALDWELL TRANSPORT LTD., Florenceville, New Brunswick, Canada. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. *Woodchips, in bulk,* from ports of entry on the

International Boundary Line between the U.S./Canada located in ME to Millinocket, ME., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Juniper Lumber Co., Ltd., Juniper, New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, ICC, 76 Pearl St., Rm. 303, Portland, ME 04101.

MC 119755 (Sub-9TA), filed January 4, 1980. Applicant: WEST-TRADE TRANSPORT LTD, 2453 Gilmore Avenue (PO Box 5300), Burnaby, B.C., Canada V6B 4B6. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. *Equipment, materials and supplies used in the production of operas (restricted to shipments in foreign commerce),* between ports of entry on the U.S.-Canada International boundary in WA, ID, MT, ND, MN, MI, NY, VT, NH and ME on the one hand, and, on the other, points in the U.S. (except AK & HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vancouver Opera Association, 111 Dunsmuir St., Vancouver, B.C. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 123405 (Sub-79TA), filed December 6, 1979. Applicant: FOOD TRANSPORT, INC., R.D. #1, York, PA 17364. Representative: Christian V. Graf, Esq., 407 N. Front St., Harrisburg, PA 17101. *Foodstuffs,* from Cade and Lozes, LA to points in GA and FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bruce Foods Corporation, P.O. Drawer 1030, New Iberia, IA 70560. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 125254 (Sub-71TA), filed Janaury 28, 1980. Applicant: MORGAN TRUCKING CO., P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. *Equipment, materials, and supplies (except commodities in bulk) used in the manufacture of food products* from Detroit and Lansing, MI, and Fostoria, OH, to the facilities of Heinz USA at or near Muscatine and Iowa City, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA, Division of H.J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 127505 (Sub-79TA), filed November 16, 1979. Applicant: RALPH H. BOELK, d.b.a. R.H. BOELK TRUCK LINES, INC., R.R. 2, Mendota, IL 61342. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Machinery, machine parts, and all materials, equipment and supplies relating thereto,* between Mendota, IL and its commercial zone on the one hand, and, on the other points in each of the continental forty-eight (48) states for 180 days. Supporting shipper(s): HEICO, Inc., S. 14th Ave., Mendota, IL 61342; Black Bros. Company, 501 9th Avenue, Mendota, IL 61342; Hart-Carter, Company, 1501 1st Ave., Mendota, IL 61342. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 127524 (Sub-25TA), filed January 14, 1980. Applicant: QUADREL BROS. TRUCKING CO., INC., 1603 Hart Street, Rahway, NJ 07065. Representative: David L. Middleton, 1603 Hart Street, Rahway, NJ 07065. Aluglas varnish Type A and Type B from points in Bergen, Essex, Hudson, Passaic and Union Counties, NJ to points in Cook County, IL for 180 days. Supporting shipper(s): Sicpa, North America, 25 McLean Boulevard, Paterson, NJ 07514. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 127905 (Sub-3TA), filed January 7, 1980 Applicant: LYNN H. SCOTT, INC., 8532 Blossvale Road, Blossvale, NY 13308. Representative: Lynn H. Scott, Lemoyne D. Scott, same address. *Sand in tank vehicles, sand in dump vehicles, sand in bags in a van or flat bed vehicle,* from the Town of Annsville (Oneida County), NY to IN and MI, for 180 days. Supporting shipper(s): Whitehead Brothers Co., 60 Hanover Road, Florham Park, NJ 07932. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 129645 (Sub-81TA), filed December 4, 1979. Applicant: SMEESTER BROS., INC., 1330 South Jackson Street, Iron Mountain, MI 49801. Representative: H. G. Denny (same address as applicant). *Construction materials and materials and supplies (except commodities in bulk),* between facilities of the Celotex Corporation at or L'Anse, MI on the one hand, and, on the other, points in CO, MT, ND, OK, SD, TX, and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jim Walter Corporation, P.O. Box 22601, Tampa, FL 33622. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 133095 (Sub-293TA), filed January 7, 1980. Applicant: TEXAS–CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Texas 76039. Representative: Kim G. Meyer, Watkins & Daniell, P.C., P.O. Box 56387, Atlanta, Georgia 30343. *Cleaning, buffing and polishing compounds and toiletries (except commodities in bulk).* From the facilities of American Cynamid Company at or near Jackson, MS to points in IA, IL, IN, MI, MO, OH, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Cyanamid Company, Division Transportation Group Manager, Berdan Avenue, Wayne, NJ 07470. Send protests to: Opal M. Jones, TCS, I.C.C., 411 West 7th St., Suite 600, Fort Worth, Texas 76102.

MC 133095 (Sub-294TA), filed January 7, 1980. Applicant: TEXAS CONTINENTAL EXPRESS, INC.—a Texas corporation. P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan (address same as applicant). *Aluminum and aluminum products, zinc and zinc products, copper and copper products and other non-ferrous products.* From the facilities of or utilized by Gulf Reduction Division (1) at or near Houston, TX to OK, AR, KS, TN, KY, LA, MS, AL, GA, IL, CO, & OH and (2) From GA & AL to TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gulf Metal Industries, Gulf Reduction Division, P.O. Box 611, Houston, TX 77001. Send protests to: Opal M. Jones, Transportation Consumer Specialist, 411 West 7th St., Suite 600, Fort Worth, TX 76102

MC 133095 (Sub-295TA), filed January 8, 1980. Applicant: TEXAS CONTINENTAL EXPRESS, INC.—a Texas corporation. P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan (address same as applicant). *Salt and salt products, materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when shipped in mixed loads with salt and salt products.* From the facilities of Grand Saline, Texas to points in LA, AR, MO, OK, KS, & NM, for 180 days. Supporting shipper(s): Morton Salt Company, division of Morton-Norwich Products, Inc., Manager, Motor Transport Services, 110 North Wacker Drive, Chicago, IL 60606. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600 Ft. Worth, TX 76102.

MC 133565 (Sub-19TA), filed January 9, 1980. Applicant: TRUE TRANSPORT, INC., 15 Stockton Street, P.O. Box 829, Newark, NJ 07101. Representative: Leamon McCoy, 15 Stockton Street, Newark, NJ 07101. (1) 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 special equipment) restricted to freight having a prior or

subsequent movement by water (2) empty containers, chassis and trailers between piers, wharves or harbors in CT, MA, MD, NJ, NH, NY, PA, RI and VA for 180 days. Supporting shipper(s): Cross Ocean Shipping Co. (Jouglinija Steamship Line), 1 World Trade Center, New York, NY. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 133655 (Sub-206TA), filed January 8, 1980. Applicant: TRANS-NATIONAL TRUCK, INC., 4601 Langland Road, P.O. Box 402535, Dallas, TX 75240. Representative: Mathew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *(1) Fiberglas materials and products, fibrous glass textile materials and products, and plastic materials and (2) materials, supplies, machinery, and equipment* used in the manufacture, packing, and installation of the commodities named in (1) above in straight or mixed shipments between the facilities of Owens-Corning Fiberglas Corporation at or near Amarillo, TX on the one hand, and on the other, points in the United States (except AK and HI). Restriction: the above authority is restricted against the transportation of commodities in bulk, in tank, hopper, or dump vehicles, for 180 days. Supporting shipper(s): Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH 43659 (James K. Terry). Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Ft. Worth, TX 76102.

MC 133655 (Sub-207TA), filed January 8, 1980. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Matthew J. Reid, P.O. Box 2298, Green Bay, WI 54306. *Sodium bicarbonate, in packages, and phosphates, in packages, when moving in mixed loads with sodium bicarbonate, in packages*, from the facilities of Stauffer Chemical Company at Chicago Heights, IL to points in AL, AR, CO, FL, GA, KS, LA, MS, NM, NC, OK, SC, TN, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stauffer Chemical Company, Transportation Manager, Westport, CT 06880. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Ft. Worth, TX 76102.

MC 133655 (Sub-208TA), filed January 8, 1980. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Matthew J. Reid, P.O. Box 2298, Green Bay, WI 54306. *Boxed Cookies*. From Between Peachtree City, GA on the one hand, and, on the other, points in TX, OK, KS, NE, IA, MO, AR, LA, MS, AL, GA, FL, SC, TN, NC, KY, IL, IN, OH, WV, VA, MD, DE, NJ, PA, NY, CT, RI, MA, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Souther Baking, Traffic Manager, 310 Highway 74, Peachtree City, GA 30269. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Ft. Worth, TX 76102.

MC 135185 (Sub-47TA), filed January 3, 1980. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Garry Avenue, Santa Ana, CA 92705. Representative: James P. Beck, 717—17th Street, Suite 2600, Denver, CO 80202. *Contract;* Irregular; *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)*, from the facilities of Iowa Beef Processors, Inc., at or near Wallula, Washington, to points in Arizona, California, Nevada and Oregon, under a continuing Contract(s) with Iowa Beef Processors, Inc., for 180 days. Supporting shipper(s): Iowa Beef Processors, Inc., Mgr. Rates & Regulatory Affairs, P.O. Box 515, Dakota City, Nebraska 68731. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 135235 (Sub-8TA), filed January 3, 1980. Applicant: LOMA CARTAGE, INC., 11359 Franklin Avenue, Franklin Park, IL 60131. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *Floor coverings and materials and supplies used in the installation of floor coverings* from points in Cook, Lake, and DuPage Counties, IL to points in Adams, Columbia, Green Lake, Juneau, Marathon, Marquette, Portage, Sauk, Waupaca, Waushara, and Wood Counties, WI for 180 days. Supporting shipper(s): (Eight supporting shippers). Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 135895 (Sub-82TA), filed January 31, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Sta., Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. *Such commodities as are manufactured, processed, packaged, sold, and dealt in or used by regional farm supply, manufacturing and marketing cooperatives* (except commodities in bulk and those requiring special equipment) between points in and east of ND, SD, NE, CO and NM, for 180 days. NOTE: Restricted to the transportation of traffic originating at or destined to the facilities, members, subsidiaries, affiliates and customers of MFC Services, Inc. (AAL). An underlying ETA seeks 90 days authority. Supporting shipper(s): MFC Services, Inc. (AAL), P.O. Box 500, Madison, MS 39110. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 136315 (Sub-102TA), filed January 3, 1980. Applicant: OLEN BURRAGE TRUCKING, INC., Rt. 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. (1) *Wire and wire products, fence and fencing materials* from the facilities of Bekaert Steel Wire Corp. at or near Van Buren, AR, to points in U.S. in and east of TX, OK, KS, NE, SD and ND; and (2) *equipment, materials and supplies* (except in bulk, in tank vehicles) *used in the manufacture, production and distribution of the commodities named in (1) above* in the reverse direction, for 180 days. Supporting shipper(s): Bekaert Steel Wire Corp., P.O. Box 668, Van Buren, AR 72956. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 136605 (Sub-145TA), filed January 4, 1980. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59801. Representative: Allen P. Felton (same address as applicant). *Brick and masonry supplies* from CO to WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wyo-Ben Supply, P.O. Box 20317, Billings, MT. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 138225 (Sub-7TA), filed January 30, 1980. Applicant: HEDRICK ASSOCIATES, INC., R.R. No. 2, Box 10A2, Douglas Road, Far Hills, NJ 07931. Representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Contract carrier, irregular routes for 180 days. (1) Swimming pools, swimming pool parts and materials, supplies and equipment used in connection with swimming pools (except commodities in bulk) from the facilities of Heldor Associates, Inc., at or near Morristown, NJ to points in the United States (except AK and HI) and (2) Materials, equipment and supplies (except commodities in bulk, the transportation of which because of size or weight require the use of special equipment) used in the manufacture of installation of swimming pools from points in the United States (except AK and HI) to the facilities of Heldor Associates, Inc., at or near Morristown, NJ. Restriction: The operations

authorized herein are limited to a transportation service to be performed under continuing contract or contracts with Heldor Associates, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heldor Associates, Inc., 1 Corey Road, Morristown, NJ 07960. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 138875 (Sub-272TA), filed January 11, 1980. Applicant: SHOEMAKER TRUCKING CO., 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same as above). *(1) Plastic articles (except commodities in bulk); and (2) materials and supplies (except in bulk) used in the manufacture and distribution of plastic articles,* (1) from the plantsite and shipping facilities of Mobil Chemical Co. at or near Channahon Township and Joliet, IL to points in the U.S. (except AK and HI); and (2) from points in the U.S. (except AK and HI) to the plantsite and shipping facilities of Mobil Chemical Co. at or near Channahon Township and Joliet, IL, for 180 days. Restricted to the transportation of shipments from or to the facilities of Mobil Chemical Co. at or near Channahon Township and Joliet, IL. Supporting shipper(s): Mobil Oil Corporation, 8350 North Central Expressway, Campbell Centre, Suite 522, Dallas, TX 75206. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 139244 (Sub-7TA), filed December 14, 1979. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62656. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract Carrier:* irregular routes: *Hardwood Flooring,* from Nashville, TN to points in IL, IA IN, MN and WI, for 180 days, for the account of Bruce Hardwood Flooring. Supporting shipper(s): Bruce Hardwood Flooring, Division of Triangle Pacific Corporation, 5400 Centennial Blvd., Nashville, TN 37209. Send protests to: Transportation Assistant, I.C.C.—Rm 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 139244 (Sub-8TA), filed December 28, 1979. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62656. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Contract carrier:* irregular routes: *Aluminum and plastic pipe and fittings,* (a) from Garden City, KS to points in AL, AR, IL, IN, FL, GA, LA, MO, MN, MS, MI, NC, OH, SC and WI for the account of Peerless Plastic, Inc., and (b) from York, NE to points in AL, AR, IL, IN, FL, GA, LA, MO, MN, MS, MI, NC, OH, SC and WI for the account of Kroy Metal Products for 180 days. Supporting shipper(s): Kroy Metal Products, Box 309 Industrial Site, York, NE 68467; Peerless Plastic, Inc., 1600 West Mary Street, Garden City, KS 67846. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 139495 (Sub-527TA), filed January 8, 1980. Applicant: NATIONAL CARRIERS, INC., 1501 East Eight St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. *Paper and paper products.* From the plantsite and storage facilities at or near Mobile, AL, CT, IL, IN, MD, MA, MI, MO, NJ, NY, and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Scott Paper Company, Staff Transportation Manager, Scott Plaza II, Philadelphia, PA 19113. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Ft Worth, TX 76102.

MC 139935 (Sub-4TA), filed Jaunary 30, 1980. Applicant: WOLF TRUCKING, INC., Ault, CO 80610. Representative: Robert C. Burroughs, 115 Second Ave., Ault, CO 80610. *Contract carrier,* irregular route: *(1) Inedible portions of fresh or frozen animal meat, fat, organs, and scraps as bi-products for further processing as pet food* from Torrington, WY and Burlington, CO to Peoria, IL; Topeka and Ft. Dodge, KS; Muscatine, IA; Kankakee, IL; York, Omaha and Lincoln, NE; Altoona, PA; Jefferson, WI; St. Joseph, MO; Los Angeles, CA; Forest Grove, OR; and Denver, CO and *(2) All animal bi-products, hides (green and salted), dead livestock, barrels of grease and inedible portions of animal meat* from Boxelder, SD to Torrington, WY for 180 days. ETA filed seeking 90 days authority. Supporting shipper(s): John Rueb Associates d/b/a BI-PRO CO., Torrington, WY 82240. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 140294 (Sub-10TA), filed January 24, 1980. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Middleburg Pike, Hagerstown, MD 21740. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Printed matter, materials and supplies (except in bulk), used in the manufacture and distribution thereof,* between the facilities of Regency Greetings, Inc., located at Waynesboro, PA, on the one hand, and, on the other, Hagerstown, MD, and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to interline. Supporting shipper(s): Regency Greetings, Inc., 725 Clayton Ave., Waynesboro, PA 17268. Send protests to: ICC, 620 Fed. Res. Bank Bldg., 101 N. 7th St., Phila., PA 19106.

MC 140334 (Sub-4TA), filed January 31, 1980. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. *Contract carrier,* irregular routes: *Tires* from Ports of Entry on the U.S.-Canada Boundary Line located in ME to Baltimore, MC; Charleston, SC; Atlanta, GA; and Jacksonville, FL. Restrictions: (1) Restricted to the transportation of traffic destined to the facilities utilized by Michelin Tire Corporation (2) Restricted to a transportation contract, or contracts with Michelin Tire Corporation of New York, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Michelin Tire Corporation, P.O. Box 2846, Greenville, SC 29602. Send protests to E. E. Strotheid, D/S, ICC, 866 Strom Thurmond Fed. Bldg., 1835 Assembly Street, Columbia, SC 29201.

MC 140665 (Sub-90TA), filed January 4, 1980. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786 Ravenna, OH 44266. *Chemicals and anti-freeze preparations* (except commodities in bulk) from the plantsites of Jefferson Chemical Co., Inc., at Austin, Port Neches, and Youens, TX and from the facilities utilized by Jefferson Chemical Co., Inc., in the commercial zone of Huston, TX to points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jefferson Chemical Co., Inc., P.O. Box 430, Bellaire, TX 77401. Send protests to Vernon V. Coble, DS, ICC, 600 Room 911 Walnut St., Kansas City, MO 64106.

MC 140665 (Sub-91TA), filed January 2, 1980. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Commodities manufactured or distributed by the Union Carbide Corporation, and materials and supplies used in the production of the above commodities* (except commodities in bulk), from the facilities utilized by the Union Carbide Corporation at or near Detroit, Holland, and Owosso, MI; Milford and E. Hartford, CT; E. Butler, Pittsburg, N. Warren, and Philadelphia, PA and points in the Philadelphia commercial zone; Freehold, Wayne, and Teterboro, NJ; Houston and Texas City, TX; Rogers, AR; Carterville, GA; Buffalo, and New York, NY and commercial zone; San Francisco and Milpitas, CA; Minneapolis, MN; Danville, IL; Tampa,

FL; Baltimore, MD; and Hamilton and Cincinatti, OH to points in the United States except Alaska and Hawaii, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Carbide Corporation, 270 Park Avenue, New York, NY 10017. Send protests to: Vernon V. Coble, DS, ICC, Room 600, 911 Walnut St., Kansas City, MO 64106.

MC 142364 (Sub-29TA), filed January 2, 1980. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, 2802 Kibler Rd., Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. *Charcoal, charcoal briquettes, hickory chips, vermiculite, charcoal lighter fluid, compressed sawdust, wax-impregnated fireplace logs, barbecue materials, equipment and supplies,* from the facilities of Kingsford Company, at or near Belle, MO to points in AR, AZ, CA, CO, IA, ID, IL, KS, LA, MN, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WI, and WY, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Kingsford Company, 940 Commonwealth Bldg., Louisville, KY 50201. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 142574 (Sub-5TA), filed January 3, 1980. Applicant: CIRCLE C TRANSPORTATION COMPANY, 5800 York Street, Denver, CO 80216. Representative: William J. Lippman, Suite 330 Steele Park, 50 S. Steele Street, Denver, CO 80209. *Malt Beverages and Related Advertising Materials,* from the facilities of Anheuser-Busch at or near St. Louis, MO to the facilities of Clear Creek Distribution Co. near Idaho Springs, CO, for 180 days. An underlying ETA requesting up to 90 days authority. Supporting shipper(s): Clear Creek Distributing Co., Box 460, Idaho Springs, CO. Send protests to: District Supervisor H. C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO. 80202.

MC 143255 (Sub-2TA), filed January 22, 1980. Applicant: R & D TRANSPORTATION CORPORATION, P.O. Box 1908, Des Moines, IA 50306. Representative: Donald B. Strater, 1350 Financial Ctr., Des Moines, IA 50309. Contract carrier—irregular routes *bagged and/or packaged animal concentrate feeds* from the facilities of Triple "F," Inc. at or near Des Moines and Westside, IA, and Ralston, NE, to points in CA, MT, UT, ID, WA, OR, and WY, under a continuing contract(s) with Triple "F," Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Triple "F," Inc., P.O. Box 3600, Des Moines, IA 50322. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 143594 (Sub-22TA), filed January 7, 1980. Applicant: NATIONAL BULK TRANSPORT, INC., 624 Holcomb Bridge Rd., Suite 13, Roswell, GA 30075. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Resins, in bulk in tank vehicles, having an immediate prior movement by rail* from Houston, TX to points in TX and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cargill, Incorporated, Cottage Ave. & Lake Marian Rd., Carpentersville, IL 60110. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 145195 (Sub-6TA), filed January 10, 1980. Applicant: DEEJAY TRANSPORTATION, INC., P.O. Box 641, Horace, ND 58047. Representative: Charles E. Johnson, 418 East Rosser, P.O. Box 1982, Bismarck, ND 58501. *Iron and steel articles* from Chicago, IL; Minneapolis, MN; and Muscoda, WI and points in their commercial zones to the facilities of Rugby Hydraulic Co., Rugby, ND, for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Rugby Hydraulic Co., Route 1, Box 10, Rugby, ND 58368. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 145384 (Sub-46TA), filed January 8, 1980. Applicant: ROSE-WAY, INC., P.O. Box 4644, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Ctr., Des Moines, IA 50309. *Canned foodstuffs* from Oakland, CA, to points in IA, IL, MN, MO, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Har Trading Company, 2501 Grand Ave., Des Moines, IA 50305. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145384 (Sub-47TA), filed January 30, 1980. Applicant: ROSE-WAY, INC., 1914 E. Euclid, Des Moines, IA 50313. Representative: James M. Hodge, 1980 Financial Ctr., Des Moines, IA 50309. *Rubber compound, in containers,* from the facilities of Adcoat, Inc. at Placentia, CA, to points in CT, KS, MO, OK, TX, and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Adcoat, Inc., 172 East LaJolla Rd., Placentia, CA 92670. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145664 (Sub-16TA), filed January 9, 1980. Applicant: STALBERGER, INC., 223 South 50th Avenue West, Duluth, MN 55807. Representative: John M. LeFevre, James S. Holmes, Holmes & Graven, 4610 IDS Center, Minneapolis, MN 55402. *Plywood and or laminated panels* from the United States-Canada International Boundary Line at or near Grand Portage, MN to points in TX. Restricted to traffic originating at facilities of MacMillan Bloedel Building Materials Limited at or near Nipigon, Ontario, Canada for 180 days. (Corresponding ETA seeks 90 days, authority.) Supporting shipper: MacMillan Bloedel Building Materials, Ltd., Box 910, Nipigon, Ontario, Canada. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 147554 (Sub-2TA), filed January 18, 1980. Applicant: ARAB CARTAGE AND EXPRESS CO., INC., P.O. Box 217, Arab, AL 35016. Representative: John R. Frawley, Jr., Atty., 5506 Crestwood Blvd., Birmingham, AL 35212. Automotive equipment and parts and the supplies, materials and accessories used in the manufacture, sale and distribution of automotive equipment and parts (except commodities in bulk), between Arab, AL, on the one hand, and, on the other, all points in states east of NM, CO, WY, MT, for 180 days. An underyling ETA seeks 90 days authority. Supporting shipper: Fuel Systems Inc., P.O. Box 647 Arab, AL 35016. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 148685 (Sub-1TA), filed November 5, 1979. Applicant: TAD TRUCKING LTD., 923 Reddin Ave., Neenah, WI 54956. Representative: Norman Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Contract carrier: irregular routes; *Precast, stressed concrete members and components used to manufacture these products* between the facilities of Hufschmidt Engineering Co., Inc. at or near Sussex, WI on the one hand, and on the other, points in CO, IA, IL, IN, KY, MI, MN, MO, NE, ND, OH, SD, and WY, under continuing contact(s) with Hufschmidt Engineering Co., Inc. of Sussex, WI, for 180 days. An underyling ETA seeks 90 days authority. Supporting shipper: Hufschmidt Engineering Co., Inc., Hwy 164, Sussex, WI 53089. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 148945 (Sub-TA), filed November 16, 1979. Applicant: NORFOLK BEVERAGE COMPANY, INC., 206 East Northwestern Avenue, Norfolk, NE 68701. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Medical instruments, equipment and supplies (except commodities in bulk)* (1) From Norfolk, NE to Libertyville and Elgin, IL, (2) From St. Louis, MO to Norfolk, NE for 180 days.

Supporting shipper: Sherwood Medical, Division of Brunswick Corp., Donald P. Maxon, Director of Transportation, 1831 Olive St., St. Louis, MO 63103. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 149005 (Sub-1TA), filed January 3, 1980. Applicant: DONALD C. MOORE, 6867 Wendy Jean Drive, Morrow, GA 30260. Representative: Ariel V. Conlin, 53 Sixth St., N.E., Atlanta, GA 30308. *Contract carrier*—irregular routes *printing machinery* between Glendale, NY and Atlanta, GA, on the one hand, and the states of FL, NC, SC, GA, AL, MS, LA, TN, VA, TX, and AR, on the other hand for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Heidelberg Eastern, Inc., 2100 Faulkner Rd., N.E., Atlanta, GA 30324. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 149015 (Sub-1TA), filed December 19, 1979. Applicant: UNLIMITED SERVICE PICK-UP & DELIVERY INC., 500 Richards Blvd., Sacramento, CA 95810. Representative: Robert Fuller (213) 945–3002, Suite 310, 13215 East Penn Street, Whittier, CA 90602. *Common carrier,* regular routes; *General commodities* (except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment because of size and weight) restricted to interchange with authorized motor common carriers at Sacramento, CA., Between Sacramento, CA and Turlock, CA, From Sacramento via CA Hwy 99 to Turlock, and return via the same route. Between Sacramento, CA and Fairfield, CA, From Sacramento via Interstate Hwy 80 to Fairfield, and return via the same route. Between Sacramento, CA and Chico, CA, From Sacramento via CA Hwy 99 to Chico, and return via the same route. Between junction CA Hwys 70 and 99 north of Verona, CA and Chico, CA, From junction CA Hwys 70 and 99 north of Verona via CA Hwy 70 to Oroville, CA then via CA Hwy 149 to junction CA Hwy 99 then via CA Hwy 99 to Chico, and return via the same route. Between Sacramento, CA and Woodland, CA, From Sacramento via Interstate Hwy 5 to Woodland, and return via the same route. Between Roseville, CA and Marysville, CA, From Roseville via CA Hwy 65 to junction CA Hwy 70 then via CA Hwy 70 to Marysville, and return via the same route. Between Sacramento, CA and Colfax, CA, From Sacramento via Interstate Hwy 80 to Colfax, and return via the same route. Between Sacramento, CA and Camino, CA, From Sacramento via U.S. Hwy 50 to Camino, and return via the same route. Between Jackson, CA and Nevada City, CA, From Jackson via CA Hwy 49 to Nevada City, and return via the same route. Between Woodland, CA and Redding, CA, From Woodland via Interstate Hwy 5 to Redding, and return via the same route. Serving all intermediate points and off-route points within 25 miles of the above named regular routes for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are nine shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 149035 (Sub-1TA), filed January 16, 1980. Applicant: HARLAN D. RUDD, P.O. Box 57, Drakesville, IA 52552. Representative: Harlan D. Rudd (same as applicant). Contract Carrier—Irregular Routes: *Filters and replacement tractor parts* from Omaha and Kearney, NE, and Great Falls, MT, to international boundary line at Sweetgrass, MT, for 180 days. An underlying ETA seeks 90 days authority. Service will be performed under contract with Union Tractor Ltd. Supporting shipper: Union Tractor Ltd., 4210 Calgary Trail, Box 8010, Edmonton, Alta, T6H 4S4. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 149074 (Sub-10TA), filed October 26, 1979. Applicant: J. BALLEW & SONS, INC., P.O. Box 47, Stuarts Draft, VA 24477. Representative: Frankie C. Coyner, P.O. Box 33, Stuarts Draft, VA 24477. *Contract carrier:* Irregular routes: *Containers* from Nibco of Stuarts Draft, VA to the Norfolk-Portsmouth Marine Terminals, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Stuarts Draft Division, Nibco Inc., Route 1, Box 315–A, Stuarts Draft, VA 24477.

MC 149085 (Sub-1TA), filed January 7, 1980. Applicant: AMERICAMP TOURS, 23771 Avenida Facilitar, Mission Viejo, CA 92691. Representative: William T. Knoke (same address as above). *Foreign language passengers on camping tour, will transport baggage, camping equipment, and food for use en route,* Los Angeles to San Francisco, then Yosemite, then Grand Canyon, then San Antonio, TX, then New Orleans, LA, then Atlanta, GA, then New York, NY, for 180 days. Supporting shipper(s): Council on International Educational Exchange, Associate Director, Western Region, 1093 Broxton Avenue, Los Angeles, CA 90024; WIT Travel, President, 3331 E. Pacific Coast Hwy, Corona del Mar, CA 92625; Novotours Ltd., Director, 850 North Kings Road, Suite 204, Los Angeles, CA 90069. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 149244 (Sub-1TA), filed January 30, 1980. Applicant: PEAKE, INC., 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same address as applicant). *Cement, in bulk, in tank vehicles,* from Rapid City, SD, to Holdredge, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Chris Lien Ready Mix, Inc., 1st & Denver Sts., Holdredge, NE 68949. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 148444 (Sub-2TA), filed January 7, 1980. Applicant: RAHMEIER TRUCKING, INC., P.O. Box 283, Salina, KS 67401. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110 L, Topekas, KS 66612. *Contract, Irregular, Wood stoves; fireplace inserts and accessories, equipment, materials and supplies used in conjunction with or in the maintenance of Wood Stoves and Fireplace Inserts* (a) From the facilities of Big M Manufacturing & Equipment, Inc. at or near Nickerson, KS to points in AR; NE; MO; OK and Bow, NH, and (b) From the facilities of Cullinson Manufacturing, Inc. at or near Alva, OK to points in AR; KS; NE; MO and Bow, NH, and (c) From the facilities of Fisher Stoves Co., Inc. at or near Wichita, KS to points in AR; NE; OK; MO and Bow, NH. *Part (2) Woodburing Stove Components; Fireplace Insert Components; Equipment Accessories, materials & Supplies used in the manufacture, maintenance and/or transportation of commodities in part one above.* From the Commercial Zone of Granite City and Wheaton, IL; Bow, NH; Memphis, TN; Salem, VA; Dover, OH; Eugene, OR; Everett and Avon, MA; E. Hartford, CT; Jamaica, Li, NY and Philadelphia, PA to the facilities of Big M Manufacturing & Equipment, Inc. at or near Nickerson, KS and the facilities of Cullinson Manufacturing, Inc. at or near Alva, OK for 180 days. Supporting shipper: Fisher Stoves Co., Inc., Distribution Director and Chief Accountant, 104 S. Broadway, Douglas Bldg., Suite 1111, Witchita, KS 67202. Send protests to: Opal M. Jones, TCS, I.C.C., 411 West 7th St., Suite 600, Fort Worth, Texas 76102.

**[Notice No. 10]**

February 25, 1980.

MC 200 (Sub-439TA), filed January 8, 1980. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Representative:

H. Lynn Davis (same as applicant). *Agricultural Chemicals; Tree & Weed Killing Compounds, and Cleaning and Rust Preventive Compounds,* from St. Joseph, MO to Milwaukee, WI and points in TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): AMCHEM Products, Inc., 317 W. Florence Road, St. Joseph, MO 64504. Send protests to: Vernon V. Coble, DS, ICC, 600 Fed. Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 2900 (Sub-417TA), filed January 8, 1980. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408–R, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (address as applicant). *(1) Mineral oil in bulk containers or trailers restricted to shipments having prior or subsequent movement by water and (2) Empty containers* Between Lake Charles, LA; New Orleans, LA; Jacksonville, FL; on the one hand, and on the other, Gretna, LA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Johnson & Johnson Baby Products Co., 240 Centennial Avenue, Piscataway, NJ 08854. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 8771 (Sub-64TA), filed January 25, 1980. Applicant: S M TRANSPORT INC., 1018 Saw Mill River Road, Yonkers, NY 10710. Representative: John R. Rims, Jr., 425, 13th St., NW, Washington, DC 20004. *(1) Electrical antipollution systems and mechanical antipollution systems, and (2) parts for the commodities named in (1) above,* from the facilities of Van Huffel Tube Corp. at or near Warren, OH, to Lakeland, FL, and Belle River MI; for 180 days; an underlying ETA seeks 90 days authority. Supporting shipper(s): Van Huffel Tube Corp., Dietz Road, Warren, OH 44482. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 11220 (Sub-199TA), filed January 14, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. *Conduit or pipe, cement, containing asbestos fibre and fittings therefor,* from the facilities of Cement Asbestos Products Co. (Subsidiary of ASARCO) at or near Ragland, AL, to points in the US in and east of MN, IA, MO, AR and TX, for 180 days. Supporting shipper(s): Cement Asbestos Products Co., 611 Olive St., Suite 1755, St. Louis, MO 63101. Send protests to: Diana J. Porter, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 15511 (Sub-30TA), filed December 28, 1979. Applicant: CARSTENSEN FREIGHT LINES, INC., Highway 30 West, Clinton, IA 52732. Representative: Paul J. Maton, Suite 1620, 10 S. LaSalle St., Chicago, IL 60603. Common carrier over regular routes, *general commodities (except household goods, class A or B explosives, commodities in bulk, articles of unusual value, and commodities requiring special equipment)* between Davenport, IA, and its commercial zone and Iowa City and Coralville, IA, over U. S. Highway 6, serving the intermediate points of Durant and Wilton, IA; between Cedar Rapids, IA, and Iowa City and Coralville, IA, over Interstate 380, for operating convenience only; and between Cedar Rapids, Amana, Iowa City, and Coralville, IA, over Iowa Highway 149 to Amana, thence Iowa Highway 220 and U. S. 6 to Iowa City and Coralville, and return; also returning via Interstate 380, where practicable, if granted for operating convenience, for 180 days. Applicant intends to tack with presently held authority and interline at Davenport, IA, and its commercial zone; Cedar Rapids, IA; and the Chicago commercial zone. Supporting shipper(s): There are 14 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 19550 (Sub-7TA), filed January 18, 1980. Applicant: OBSERVER TRANSPORTATION CO., INC., P.O. Box 34245, Charlotte, NC 28234. Representative: Joe F. Radovanic (same as above). *Packages, bundles, rolls, bales of yarn, piece goods, plastic scrap, weighing over 100 and 250 pounds* between Charlotte, NC and points in NC and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chelsea Industries, Inc., 1360 Soldiers Field Road, Boston, MA 02135. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm CC516, Charlotte, NC 28205.

MC 29910 (Sub-251TA), filed January 25, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 S. Eleventh St., Fort Smith, AR 72902. Representative: Joseph K. Reber, 301 S. Eleventh St., Fort Smith, AR 79202. *Canned foodstuffs,* from Terre Haute, IN to poins in MI, for 180 days. Supporting shipper(s): Doxsee Food Corp., 8840 Kelso Dr., Baltimore, MD 21221. Send protests to: Marianne Minnich, TCS, ICC 411 W. 7th, Suite 600, Fort Worth, TX 76102.

MC 29910 (Sub-252TA), filed January 9, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 S. 11 St., Ft. Smith, AR 72901. Representative: Josehp K. Reber (same address as applicant). Common carrier over regular routes: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, those requiring special equipment and household goods as defined by the Commission), serving the facilities of International Electrical Corporation, at or near San Marcos, TX as an off-route point, in connection with applicant's regular route operations between San Antonto and Dallas, TX, for 180 days. Underlying ETA seeks 90 days authority. Applicant intends to tack and interline. Supporting shipper(s): International Electrical Corporation, P.O. Box 1381, San Marcos, TX 78666. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 29910 (Sub-253TA), filed January 7, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 S. 11 St., Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). Common carrier 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 and those requiring special equipment), serving facilities of Caterpillar Tractor Company at or near Delavan, IL as an off-route point in connection with carrier's regular route service between Peoria, IL and St. Louis, MO, for 180 days. Underlying ETA seeks 90 days authority. Applicant intends to tack and interline. Supporting shipper(s): Caterpillar Tractor Company, 100 NE. Adams St., Peoria, IL 61629. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 35320 (Sub-531TA), filed January 31, 1980. Applicant: T.I.M.E.–DC INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. *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, for 180 days. Underlying ETA filed. Supporting shipper(s): Duval Sales Corporation, 700 Milan St., P.O. Box 2967, Houston, TX 77001. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 35320 (Sub-532TA), filed January 31, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). 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 Minneapolis/St. Paul, MN. and their commercial zones and Denver, CO., and its commercial zone. From Minneapolis/St. Paul, MN. over Interstate 35 to its junction with Interstate 90, then over Interstate 90 to its junction with U.S. Highway 16, then over U.S. Highway 16 to its junction with U.S. Highway 85, then over U.S. Highway 85 to its junction with Interstate 25, then over Interstate 25 to Denver and return over the same route. An underlying Emergency Temporary Authority application seeks ninety (90) day authority. Supporting shipper(s): None. Alternate route for the elimination of needless miles as well as fuel savings. Send protests to: Mrs. Opal Jones, Transportation Consumer Specialist, Interstate Commerce Commission, 411 West 7th Street, Suite #600, Ft. Worth, TX 76102.

MC 35320 (Sub-533TA), filed January 31, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). 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 Bailey Division of U.S.M. Corporation, at or near Belvidere, IL. as an off-route point in connection with carrier's otherwise authorized regular route operations. Supporting shipper: Bailey Division of U.S.M. Corporation, Hopkinsville, KY. Send protests to: Mrs. Opal Jones, Transportation Consumer Specialist, Interstate Commerce Commission, 411 West 7th Street, Suite 600, Ft. Worth, TX. 76102.

MC 35320 (Sub-534TA), filed January 31, 1980. Applicant: T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas, P.O. Box 2550, Lubbock, TX 79408. *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) for 180 days.* Supporting shipper(s): No supporting shippers. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 35320 (Sub-535TA), filed January 31, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). 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 Chicago, IL. and its commercial zone and Memphis, TN. and its commercial zone serving the intermediate point of St. Louis, MO. and its commercial zone. From Chicago, IL. over Interstate Highway 55 to Memphis, TN. and return over the same route; for 180 days. An underlying Emergency Temporary Authority application seeks ninety (90) day authority. In that this application is being submitted as an alternate route in connection with applicant's regular route authority for the elimination of needless miles as well as for fuel savings, there is no supporting shipper(s) support statement. Send protests to Mrs. Opal Jones, Transportation Consumer Specialist Interstate Commerce Commission, 411 West 7th Street, Suite 600, Ft. Worth, TX. 76102.

MC 35320 (Sub-536TA), filed January 31, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). 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 Cincinnati, OH. and its commercial zone and Louisville, KY. and its commercial zone. From Cincinnati, OH. over Interstate 71 to Louisville, KY. and return over the same route for 180 days. An underlying Emergency Temporary Authority application seeks ninety (90) day authority. Supporting shipper(s): None. Alternate route for the elimination of needless miles as well as fuel savings. Send protests to Mrs. Opal Jones, Transportation Consumer Specialist, Interstate Commerce Commission, 411 West 7th Street, Suite #600, Ft. Worth, TX. 76102.

MC 35320 (Sub-537TA), filed January 31, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). 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 Cincinnati, OH. and its commercial zone and Hagerstown, MD. and its commercial zone. From Cincinnati, OH. over Interstate 71 to Columbus, OH. thence over Interstate 70 to its junction with U.S. Highway 11, thence over U.S. Highway 11 to Hagerstown, MD. and return over the same route and Between Cincinnati, OH. and its commercial zone and Winchester, VA. and its commercial zone. From Cincinnati, OH. over U.S. Highway 50 to Winchester, VA. and return over the same route for 180 days. An underlying Emergency Temporary Authority seeks 90 day authority. Supporting Shipper(s): None. Alternate route for the elimination of needless miles as well as fuel savings. Send protests to Mrs. Opal Jones, Transportation Consumer Specialist, Interstate Commerce Commission, 411 West 7th Street, Suite #600, Ft. Worth, TX. 76102.

MC 35320 (Sub-538TA), filed January 31, 1980. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same as applicant). *General commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* between Little Rock, AR and its commerical zone, and Dallas, TX and its commerical zone, serving no intermediate points. From Little Rock over Interstate Highway 30 to Dallas and return over the same route for 180 days. Underlying ETA filed. Supporting shipper(s): None. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 35320 (Sub-539TA), filed January 31, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same 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), between Salt Lake City, UT., and its commerical zone and El Paso, TX. and its commerical zone. Serving the intermediate point of Albuquerque, NM. and its commerical zone for the purpose of joinder only. From Salt Lake City, UT. over Interstate Highway 15 to its junction with U.S. Highway 6, then over U.S. Highway 6 to its junction with U.S. Highway 666, then over U.S. Highway 666 to its junction with U.S. Highway 64, then over U.S. Highway 64 to its junction with New Mexico Highway 44,

then over New Mexico Highway 44 to its junction with Interstate Highway 25, then over Interstate Highway 25 via Albuquerque, NM. to El Paso, TX. and return over the same route for 180 days. An underlying Emergency Temporary Authority application seeks ninety (90) day authority. Supporting shipper(s): None. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 44801 (Sub-14TA), filed January 21, 1980. Applicant: DICK HARRIS and SON TRUCKING COMPANY, INC., P.O. Box 10277, Lynchburg, VA 24506. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Printed matter,* from Lynchburg, VA to Atlanta, GA, Baltimore and Brentwood, MD, Bethany, CT, Buffalo, NY, Charlotte, NC, Chicago, IL, City of Commerce, CA, Columbus, OH, Dallas, TX, Denver, CO, Des Moines, IA, Harrisburg, PA, Houston, TX, Indianapolis, IN, Jacksonville, FL, Kansas City, MO, McKees Rocks, PA, Memphis, TN, Metairie, LA, Milwaukee, WI, N. Bergen, NJ, Oklahoma City, OK, Phoenix, AZ, Portland, OR, Seattle, WA, Minneapolis and St. Paul, MN, Warren, MI, Salt Lake City, UT and Butte, MT, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Meredith/Burda, Inc., 4201 Murray Place, Lynchburg, VA 24506. Send protests to: ICC, 620 Fed. Res. Bank Bldg., 101 N. 7th St., Phila., PA 19106.

MC 52750 (Sub-25TA), filed January 18, 1980. Applicant: BLUE LINE TRANSPORTATION CO., INC., 2303 S.E. Silver Springs Road, Milwaukie, OR 97222. Representative: Randy Imes, 1407 N. Baldwin, Portland, Oregon 97217. *Ashphalt products* in bulk, in tank vehicles from Richmond, CA to Portland, OR. Supporting shipper(s): Gibson-Homans Co., 3419 S.W. Moody Ave., Portland, OR. Send protests to: A. E. Odoms, DS, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 60271 (Sub-12TA), filed January 31, 1980. Applicant: HARPER TRUCK LINE, INC., P.O. Box 288, Monroe, LA 71201. Representative: W. C. Littleton, address same as applicant. *Rough green lumber* from Haughton, LA to Huttig, AR for 180 days. Supporting shipper: Olinkraft, Inc., P.O. Box 488, West Monroe, LA 71291. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 61440 (Sub-184TA), filed January 17, 1980. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. *Common carrier: Regular route: 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), serving the facilities of Holley Carburetor, Division of Colt Industries, Inc., located at Bowling Green, KY, as an off route point in connection with carrier's otherwise authorized regular route operations, for 180 days. Note: Applicant intends to tack with existing authority and applicant would propose to interline where necessary at points on its system to serve off line points in connection with interline carriers. An underlying ETA seeks 90 days authority. Supporting shipper: Holley Carburetor, Division of Colt Industries, Inc., 11955 East Nine Mile Road, Warren, MI 48090. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 77061 (Sub-30TA), filed January 18, 1980. Applicant: SHERMAN BROS., INC., 29534 Airport Road, P.O. Box 706, Eugene, OR 97402. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. *Wood beams and prestress concrete beams* of such length that require pole or steering trailers to transport from Douglas, Linn, Lane and Clackamas Counties in OR to points in CA. Supporting shipper(s): Bohemia, Inc., 2280 Oakmont Way, Eugene, OR 97401; TIMFAB, Inc., 10037 S.E. Mather Road, Clackamas, OR; Riddle Laminators, P.O. Box 66, Riddle, OR 97469; Morse Bros. Pre-Stress, P.O. Box 181, Harrisburg, OR 97445; Pacific Roof Structure, 500 W. Grove Ave., Orange, CA 92665; Philip's Lumber Sales, Inc., 1 West Thousand Oaks Blvd., Thousand Oaks, CA 91360; Glu-Lam Sales Co., 13371 Coral Reef Rd., Tustin, CA 92680. Send protests to: A. E. Odoms, DS, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 85970 (Sub-30TA), filed January 22, 1980. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *General commodities,* except classes A & B explosives, household goods as defined by the Commission, commodities in bulk, articles which require special equipment and items of unusual value, (1) Between Dyersburg, TN and Newbern, TN. From Dyersburg over U.S. Hwy 51 to Newbern and return. (2) Between Dyersburg, TN and St. Louis, MO. From Dyersburg, TN over Interstate Highway 155 to junction Interstate Highway 55, then over Interstate Highway 55 to St. Louis, MO and return, serving no intermediate points. Applicant intends to tack this authority to authority held in MC 85970 and Subs thereunder at Dyersburg, TN. Applicant also intends to interline at Memphis, TN, Nashville, TN, Union City, TN, Dyersburg, TN and St. Louis, MO. Supporting shipper(s): There are sixteen (16) certificates of support. Send protests to: Diane J. Porter, Suite 2006—100 N. Main St., Memphis, TN 38103.

Note.—The purpose of this application is to remove the following restriction in Docket No. MC 85970 Sub 8. Service at the St. Louis, MO and East St. Louis, IL commercial zone is restricted against the handling of traffic originating at or destined to, but not against traffic interchanged at Dyersburg and/or Newbern, TN, and their respective Commercial Zones as defined by the Commission.

MC 95540 (Sub-1156TA), filed January 23, 1980. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Rd., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher, same address as applicant. *Such commodities as are dealt in by wholesale or retail department chains* (except commodities in bulk) between points in the U.S., restricted to traffic originating at or destined to the facilities of Ardan's Wholesale, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ardan Jewelers & Distributors, 2320 Euclid Ave., Des Moines, IA 50310. Send protests to: Donna M. Jones, T/A, ICC–BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 97310 (Sub-35TA), filed: January 28, 1980. Applicant: SHARRON MOTOR LINES, INC., P.O. Box 31066, Birmingham, AL 35222. Applicant's representative: Bruce E. Mitchell, Suite 520, Lenox Towers South, 3390 Peachtree Road, N.E., Atlanta, GA 30326. 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 Birmingham, AL and Huntsville, AL as follows: From Birmingham over U.S. Highway 31 to Decatur, AL, thence over alternate U.S. Highway 72 to Huntsville, and return over the same route serving all intermediate points. From Birmingham over U.S. Highway 31 to Junction Alabama State Highway 26, thence over Alabama State Highway 26 to Junction U.S. Highway 231, thence over U.S. Highway 231 to Huntsville and return over the same routes serving all intermediate points; and (2) From Memphis, TN and Huntsville, AL as follows: From Memphis over U.S.

Highway 72 to Huntsville, AL and return over the same route serving only those intermediate points located in the state of AL. From Memphis over U.S. Highway 72 to Junction alternate U.S. Highway 72, thence, over alternate U.S. Highway 72 to Huntsville and return over the same routes serving all intermediate points located in the state of AL. Joinder with existing authority and the right to interchange is requested at Birmingham and Huntsville, AL and Memphis, TN. Service is requested at points in the commercial zones of all authorized points herein. Supporting shipper(s): There are 25 statements in support attached to this application which may be examined at the I.C.C. in Washington, D.C. or copies of which may be examined in the field office named below. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 103490 (Sub-80TA), filed January 18, 1980. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, NY 12550. Representative: Eugene M. Malkin, Suite 1832—2 World Trade Center, New York, NY 10048. *Petroleum wax,* in bulk, in tank vehicles, from Petrolia, PA to Passaic, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Hercules Chemical Company, Inc., 111 South Street, Passaic, NJ 07055. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Room 338, Springfield, MA 01103.

MC 106401 (Sub-81TA), filed January 17, 1980. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 31577, Charlotte, NC 28231. Representative: Roger W. Rash, (same as above). *(1) Iron and steel articles* from the facilities owned or utilized by Formetco, Inc., at Atlanta, GA and at or near Duluth, GA to points in TX and those points in the US in and east of AR, IA, LA, MN and MO (2) *materials, supplies and equipment, (except commodities in bulk), used in the manufacture, sales and distribution of iron and steel articles;* from points in TX and those points in the US in and east of AR, IA, LA, MN and MO to the facilities owned or utilized by Formetco, Inc. at Atlanta, GA and at or near Duluth, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Formetco, Inc., P.O. Box 687, Duluth, GA 30136. Send protest to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 110541 (Sub-18TA), filed January 31, 1980. Applicant: MARK E. YODER, INC., P.O. Box 346, Schuylkill Haven, PA 17972. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. *Petroleum coke, in dump vehicles* from the facilities of Pennsylvania Power and Light Co. in Monroe Twp., Snyder County, PA to Wilmington, DE for export for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Pennsylvania Power and Light Co., Ten N. Ninth St., Allentown, PA 18101. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 111231 (Sub-297TA), filed January 11, 1980. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, AR 72764. Representative: John C. Everett, P.O. Box A, Prairie Grove, AR 72753. *Glazed building blocks, concrete building blocks, and tile;* from Lubbock, TX to all points and places in AR, KS, LA, MS, and OK, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Featherlite Corp., 1508 Erskine Road, Lubbock, TX 79408. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 112520 (Sub-383TA), filed January 11, 1980. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32202. Representative: Sol H. Proctor 1101 Blackstone Building, Jacksonville, FL 32202. *Sodium Aluminate, in bulk, in tank vehicles* from Riceboro, GA to Tulsa, OK for 180 days. An underlying ETA seeks 90 authority. Supporting shipper(s): Coastal Aluminate Company, Inc., P.O. Box 888403, Atlanta, GA 30338. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 112520 (Sub-384TA), filed January 21, 1980. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200 Tallahassee, FL 32320. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Sodium Aluminate, in bulk, in tank vehicles,* from Riceboro, GA to Kingsport, TN and Ashland, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coastal Aluminate Company, Inc., P.O. Box 888403, Atlanta, GA 30338. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 114211 (Sub-440TA), filed December 28, 1979. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). *Such commodities as are manufactured, dealt in, distributed, or used by manufacturers, distributors, and dealers of heating and cooling machinery and equipment, air compressors, power generating machinery and equipment, and contractors' equipment and supplies* from Michigan City, IN, to points in IL in and west of Carroll, Whiteside, Henry, Knox, Warren, and Henderson Counties, IL; points of in IA; and points in NE east of Sheridan, Garden, and Deuel Counties; and between points in IA; points in NE east of Sheridan, Garden, and Deuel Counties; and points in IL in and west of Carroll, Whiteside, Henry, Knox, Warren, and Henderson Counties, for 180 days. Supporting shipper(s): Iowa Air Power Limited, 4880 Hubbell Ave., Des Moines, IA 50317. Send protests to: Herbert W. Allen, DS ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114211 (Sub- 441TA), filed January 23, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). *Such commodities as are manufactured, distributed, dealt, in, or used by manufacturers, distributors, or dealers of construction, contractors' mining and logging machinery, equipment and supplies, and parts, attachments, and accessories for such commodities* between Seattle and Spokane, WA, on the one hand, and, on the other, points in the U.S., for 180 days. Supporting shipper(s): Airpro Equipment, Inc., E. 3920 Boone Ave., Spokane, WA 99202. Send protests to: Herbert W. Allen, DS ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114211 (Sub-442TA), filed January 30, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). *Such commodities as are manufactured, dealt in, distributed, or used by manufacturers, distributors, or dealers of agricultural and industrial machinery and equipment,* from Allenton, WI, to points in ME, VT, MA, NH, CT, NY, PA, OH, IN, MI, KY, IL, MO, IA, MN, SD, NE, and KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kasten Manufacturing Company, Allenton, WI 53002. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114211 (Sub-443TA), filed January 31, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). *Such commodities as are manufactured, dealt in, distributed, or used by manufacturers, dealers, and distributors of agricultural, industrial, and construction machinery and equipment,* from Menahs, WI, to points in SD, NE, KS, MN, IA, IL, IN, MI, OH, PA, NY, KY, TN, MS, AL and GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kools Bros., 867 Valley Rd., Menasha, WI 54952. Send protests to: Herbert W.

Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 115730 (Sub-83TA), filed January 23, 1980. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. (1) *metal buildings, wire mesh, furniture racks, grain tanks, grain crop dryers, and hydraulic presses and component parts thereof* from the facilities of Behlen Manufacturing Company at or near Columbus, NE, and Princeton, NC, to points in AL, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV; and (2) *materials and supplies used in the manufacture of the commodities named in (1) above* from points in the destination states named in (1) to the facilities of Behlen Manufacturing company at Columbus, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Behlen Manufacturing Company, Columbus, NE 68601. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 115840 (Sub-117TA), filed January 25, 1980. Applicant: COLONIAL FAST FREIGHT LINES, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *(1) Fabricated fiberglass structural members, electrical cable tray in various widths and lengths; and (2) Pultruded FRB fiberglass, channels, I-Beams and Tubing,* (1) From Houston, TX to points in the U.S.; and (2) from Bristol, VA to Houston, TX, for 180 days. Supporting shipper(s): JCB Enterprises, Inc., P.O. Box 728, Houston, TX 77001. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 116300 (Sub-73TA), filed January 23, 1980. Applicant: NANCE & COLLUMS, INC., P.O. Drawer 30, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. *Proppant* from New Iberia, LA to points in OK, MS and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): The Carborundum Company, Star Route B, Box 390C, New Iberia, LA 70560. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 116300 (Sub-74TA), filed January 23, 1980. Applicant: NANCE & COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. *Herbicides and Pesticides,* in packages, from Weeks Island, LA, to points in AL, AR, FL, GA, MS, OK and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Morton Chemical Co., Div. of Morton-Norwich Products, 2 No. Riverside Plaza, Chicago, IL 60606. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 117820 (Sub-43TA), filed September 4, 1979. Applicant: AURELIA TRUCKING CO., 2121 Pitit Street, Port Huron, MI 48060. Representative: Robert D. Schuler, 100 West Long Lake Road—Ste. 102, Bloomfield Hills, MI 48013. *Commodities dealt in by retail and wholesale automotive supply houses;* from the facilities of Amsoil, Inc. at Superior, WI to points in CO, FL, GA, IL, KS, MA, MN, NE, OH, PA, TN and TX. For 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Amsoil, Inc., Amsoil Building, Superior, WI 54880. SEND PROTESTS TO: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 118420 (Sub-7TA), filed January 17, 1980. Applicant: BULLDOG TRUCKING OF GEORGIA, INC., P.O. Box 357, Carnesville, GA 30521. Representative: K. Edward Wolcott, P.O. Box 56387, Atlanta, GA 30343. *Insulating materials and glass fibre products,* from the facilities of Certain-Teed Products Corp. in Clarke County, GA to Savannah, GA for export, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Certain-Teed Products Corp., P.O. box 860, Valley Forge, PA 19482. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 119531 (Sub-183TA), filed January 14, 1980. 1980. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, OH 44482. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. *Metal containers,* from LePorte, IN to Sharonville, OH; Detroit, MI and St. Louis, MO and between, Obetz, OH, on the one hand, and, on the other, Frankenmuth and Detroit, MI; Evansville, IN; St. Louis, MO; Madisonville, KY; Oakcreek, WI; Chicago, IL and Baltimore, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The National Can Corp., 8101 Higgins Rd., Chicago, IL 60631. Send protests to: ICC, 620 Fed. Res. Bank Bldg., 101 N. 7th St., Phila., PA 19106.

MC 119700 (Sub-68TA), filed Janaury 24, 1980. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Manfactured wire products* between Madill, OK, on the one hand, and, on the other, points in the states of AR, AL, IA, IL, IN, KY, KS, LA, MI, MN, MO, MS, NE, ND, OH, SD, TN, TX and WI for 180 days. Supporting shipper(s): Oklahoma Steel and Wire, P.O. Box 220, Madill, OK 73446. Send protests to: Marianne Minnich, TCS, ICC, 411 West 7th, Suite 600, Fort Worth, TX 76102.

MC 119741 (Sub-254TA), filed January 21, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles)* from the facilities of Kor-Bert, Inc. at or near Klemme, IA, to points in FL, GA, IL, MN, and NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kor-Bert, Inc. P.O. Box 276, Klemme, IA 50449. Send protests to: Herbert W. Allen, DS ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 124821 (Sub-78TA), filed January 23, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg RD, Camp Hill, PA 17011. *Beds, folding, upright, door and wall, disappearing type, and accessories therefor, mattresses, bedding and furniture,* from Elizabeth, NJ to Albany, NY and points in its commercial zone, and points in NY on and west of US Hwy. 11, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Simmons Co., Brunswick Ave. & Allen St., Elizabeth, NJ 07207. Send protests to: ICC, 620 Fed. Res. Bank Bldg., 101 N. 7th St., Phila., PA 19106.

MC 124821 (Sub-79TA), filed January 31, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. *Leather and leather products, and materials used in the manufacturing, sale and distribution of such products,* between Wilkes-Barre, PA, on the one hand, and, on the other, points in MA and ME for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John A. Frye Shoe Co., 730 San Souci Pkwy, Wilkes Barre, PA 18703. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 124821 (Sub-80TA), filed January 31, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. *Paints, varnishes, caulking, and materials and supplies used in the manufacture, sale and distribution of paints, varnishes and caulking* between Scranton, PA, on the one hand, and, on the other, points in IL, MI, IN, OH, MD and CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United Gilsonite Laboratories, Jefferson Ave at New York St., Scranton, PA 18501. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 126930 (Sub-32TA), filed January 29, 1980. Applicant: BRAZOS TRANSPORT CO., P.O. Box 2746, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. *Iron and steel pipe, coated and wrapped,* from the facilities of Gaido-Lingle Co., Inc. located at Pearland, TX, El Reno, OK and Fort Collins, CO to points in KS, NE, WY, OK, TX, AR, LA, MO, IA, CO and UT, for 180 days. Supporting shipper(s): Gaido-Lingle Co., Inc., 7820 W. Glen, Houston, TX. Send protests to: Marianne Minnich, TCS, ICC, Suite 600, 411 W. 7th St., Fort Worth, TX 76102.

MC 129631 (Sub-78TA), filed December 21, 1979. Applicant: PACK TRANSPORT, INC., 3975 S. 300 West, Salt Lake City, UT 84107. Representative: G. D. Davidson (same address). *Iron and Steel Articles as described in Appendix V to the report of the Commission in Ex Parte No. 45, Descriptions in Motor Carrier Certificates,* 61 MCC 209, between Baker, OR on the one hand, and points in OR and WA on the other, to be tacked at Baker, OR with applicant's sub. 38 and E–23 for a through-line single service, for 180 days. This application is filed so that there will be no interruption in service. Supporting shipper(s): 14 supporting shippers (see appendixes to application). Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 133591 (Sub-92TA), filed January 10, 1980. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: Wessley Daniel, P.O. Box 303, Same as applicant. *Frozen Foodstuff* from Chickasha, OK to points in IL, MN, IA, MO, AR, LA and all states west of that line and including Memphis, TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pet, Incorporated, Frozen Foods Division, 400 South Fourth Street, St. Louis, MO 63102. Send protests to: Vernon V. Coble, DS, I.C.C. 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 133591 (Sub-93TA), filed January 11, 1980. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Suite 210, Sioux Falls, SD 57101. *Disposable Diapers,* from the facilities of Chicopee at or near East Camden AR to points in the commercial zones of Houston, Fairbanks, Brownsville, McAllen and Dallas, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chicopee, P.O. Box 1151, New Brunswick, NJ 08903. Send protests to: Vernon V. Coble, DS, ICC, 600 Fed. Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 135070 (Sub-149TA), filed January 25, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, 720 N. Grand St., Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Coffee and coffee products,* from the facilities of The Proctor & Gamble Distributing Company and the Folger Coffee Company, at or near Sherman, TX to CA, CO, IL, KS, LA, MI, MN, MO, NJ, OH, and OR, for 180 days. Supporting shipper: Proctor & Gamble Distributing Co., P.O. Box 599, Cincinnati, OH 45230. Send protests to: Marianne Minnich, TCS, ICC, Suite 600, 411 W. 7th, Ft. Worth, TX 76102.

MC 135221 (Sub-18TA), filed December 4, 1979. Applicant: DICK SIMON TRUCKING, INC., P.O. Box 26724, Salt Lake City, UT 84125. Representative: Chester A. Zyblut, 1030 15th St., NW, Suite 366, Washington, D.C. 20005. *Such Commodities as are distributed by manufacturers of explosives and materials and supplies used in the manufacture and distribution of explosives, oxidizers, and boosters,* from Kingsbury, IN to points in the United States (except HI, AK and IN), for 180 days. Supporting shipper: Ireco Chemicals, Inc., Kennecutt Bldg., Suite 700, Salt Lake City, UT 84133. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT 84138.

MC 135221 (Sub-19TA), filed December 5, 1979. Applicant: DICK SIMON TRUCKING, INC., P.O. Box 26724, Salt Lake City, UT 84125. Representative: Chester A. Zyblut, 1030 15th St., NW., Suite 366, Washington, D.C. 20005. *Such Commodities as are distributed by manufacturers of cosmetics and toilet preparations and materials, equipment, and supplies used in the manufacture and distribution of the aforementioned commodities (except in bulk),* between the facilities utilized by Max Factor, Inc. at or near Los Angeles, CA and Clearfield, UT, on the one hand, and, on the other, Dayton, NJ and points in their respective commercial zones for 180 days. Supporting shipper: Max Factor & Co., 1655 N. McCadden Place, Hollywood, CA 90028. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT 84138.

MC 135680 (Sub-9TA), filed January 23, 1980. Applicant: BEVERAGE DISTRIBUTORS, INC., P.O. Box 1180, Yakima, WA 98907. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. Contract, irregular, *wine and malt beverages* from points in Los Angeles, Napa, San Francisco, Madera, San Joaquin, Santa Clara, Sonoma and Stanislaus Counties, CA to Wenatchee, WA for 180 days. An ETA has been filed and a permanent will be filed. Supporting shipper: Burns Distributing Co., P.O. Box 155, 901 S. Columbia, Wenatchee, WA 98801. Send protests to: D. Merine Galbraith, T/A, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 138000 (Sub-62TA), filed January 24, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Malt beverages* from Pittsburgh, PA including its commercial zone to NJ, NY, MA, DC, VA, MD and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Pittsburgh Brewing Co., 3340 Liberty Ave., Pittsburgh, PA 15201. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 140061 (Sub-11TA), filed December 28, 1979. Applicant: DONALD MULDER d.b.a. DON MULDER TRUCKING, 1735 North 50th Street, Lincoln, NE 68504. Representative: Lavern R. Holdeman, 521 S. 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. *Charcoal, wood chips, lighter fluid and sawdust and wax-impregnated fireplace logs (except in bulk)* from the facilities of The Kingsford Company at or near Belle, MO to points in CO, IL, IA, KS and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Kingsford Company, Richard A. Parks, Distribution Manager, P.O. Box 1033, Lousiville, KY 40201. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 143061 (Sub-7TA), filed January 22, 1980. Applicant: ELECTRIC

TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews, same as above. *Contract carrier*—irregular routes: *Packaging products and supplies, materials and equipment used in the manufacture, sale and distribution of packaging products* between points in Caldwell and Richmond counties, NC, on the one hand, and, on the other, points in the US except HI and AK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shur-Pak Packaging Corp., P.O. Box 1735, Lenoir, NC 28645. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 143471 (Sub-23TA), filed December 27, 1979. Applicant: DAKOTA PACIFIC TRANSPORT, 308 W. Boulevard, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. *Contract carrier:* irregular routes: *Stone, stone aggregates and whiting* from points in Platte County, WY to points in AR, CA, CO, ID, IL, IA, KS, MN, MO, MT, NE, NV, ND, OK, OR, SD, UT, WA and WI for 180 days. Supporting shipper(s): Basins Engineering Co., P.O. Box 845, Wheatland, WY 82201. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 144041 (Sub-42TA), filed January 28, 1980. Applicant: DOWNS TRANSPORTATION CO., INC., P.O. Box 465, Conyers, GA 30207. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301. *Plastic articles, expanded and non-expanded (except in bulk),* between points in the US (except AK and HI), restricted to traffic originating at or destined to the facilities of Amoco Foam Products Co. Supporting shipper(s): Amoco Foam Products Co., 2111 Powers Ferry Road, N.W., Suite 200, Atlanta, GA 30339. Send protests to: Sara K. Davis, T/A, Interstate Commerce Commission, 1252 West Peachtree Street, N.W., Suite 300, Atlanta, GA 30309.

MC 144061 (Sub-12TA), filed January 22, 1980. Applicant: SICOMAC CARRIERS, INC., 347 Sicomac Avenue, Wyckoff, NJ 07481. Representative: Jack L. Schiller, 345 Webster Avenue, Brooklyn, NY 11230. Contract, irregular. *Petroleum oils and liquid chemicals,* in bulk, from the facilities of Amoco Chemicals Corporation located at or near Wood River, IL to points in AL, AR, GA, KY, LA, ME, MA, MI, NJ, NY, PA and TX. *Petroleum oils and liquid chemicals* from Wood River, IL to Joliet, IL. Conditions: (1) Restricted in (2) above to traffic having a prior movement by water. (2) Restricted in (1) and (2) above to service to be performed under a contract or continuing contracts with Amoco Chemicals Corp., of Chicago, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Amoco Chemical Corporation, 200 East Randolph Drive, Chicago, IL 60680. Send protests to: Joel Morrows, D/S, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 144330 (Sub-90TA), filed January 17, 1980. Applicant: UTAH CARRIERS, INC., P.O. Box 1218 Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff, same address. *Lumber, Lumber Millworks and Wood Products,* from AZ to LA, for 180 days. There is an underlying ETA seeking 90 days authority. Supporting shipper: Rocklin Forest Products, Inc., P.O. Box 400, Roseville, CA 95678. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 144330 (Sub-91TA), filed January 17, 1980. Applicant: UTAH CARRIERS, INC., P.O. Box 1218 Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff, same address. *Lumber Millwork and Wood Products,* from AR to IA, MN, MO, NE, ND, and SD, for 180 days. There is an underlying ETA seeking 90 days authority. Supporting shipper: Continental Timber, 116 N. Main, Halstead, KS 67056. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 144710 (Sub-4TA), filed January 24, 1980. Applicant: MONROE CONTRACTORS EQUIPMENT, INC., 1640 Penfield Rd., Rochester, NY 14625. Representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, NY 14580. *Carbon electrodes,* between St. Mary's, PA, on the one hand, and, on the other, Buffalo, Massena and Niagara Falls, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Airco Speer, Carbon Graphite Division Airco, Inc., 4861 Packard Rd., Niagara Falls, NY 14302. Send protests to: Anne Siler, TA, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 145420 (Sub-3TA), filed January 14, 1980. Applicant: FREE SPIRIT TRUCKING, INC., 824 O'Neal Lane, Henderson, TN 38340. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main St., Memphis, TN 38103. *(1) Shredded metal from the facilities of H. O. Forgy & Son, Inc. at Jackson, TN to Tennessee Forging Steel Co. facilities of Newport, AR; and (2) chopped up car bodies from the facilities of Hummelstein Iron and Metal Processing Co. at Jonesboro, AR to facilities of H. O. Forgy & Son, Inc. at Jackson, TN, in dump vehicles,* for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: H. O. Forgy & Son, Inc., P.O. Box 908, Jackson, TN 38301. Send protests to: Diana J. Porter, Suite 2006—100 N. Main St., Memphis, TN 38103.

MC 145441 (Sub-93TA), filed January 25, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, N. Little Rock, AR 72119. *Foodstuffs (except commodities in bulk)* from Egypt, Rushville, Red Creed, Phelps, Shortsville, Alton, Brockport, Holley, LeRoy, Leicester, and Oakfield, New York to points in and east of TX, OK, KS, MO, IL, IN and MI for 180 days. Supporting shipper(s): Curtice Burns, Inc., Lent Ave., LeRoy, NY 14482. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 145441 (Sub-94TA), filed January 25, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, address same as carrier. *Foodstuffs (except in bulk)* from the facilities of American Home Foods, Division of American Home Products Corp. at or near LaPorte, IN to points in AR, TX, LA, and MS for 180 days. Supporting shipper(s): American Home Foods, Div., American Home Products Corp., 685 Third Ave., New York, NY 10017. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 145441 (Sub-95TA), filed January 28, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, address same as carrier. *Such merchandise as is dealt in by wholesale and retail variety and food stores* from all points in the U.S. (except AK and HI) to Little Rock, AR, for 180 days. Supporting shipper(s): Affiliated Food Stores, Inc. 10003 New Benton Hwy, Little Rock AR 72206. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 145441 (Sub-96TA), filed January 31, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, same as above. *General commodities (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commmodities in bulk, and those requiring special equipment)* from the facilities of the Ohio Valley Shippers Association at Cincinnati, OH to points in FL, TX, and GA for 180 days.

Supporting shipper(s): Ohio Valley Shippers Association, 1428 Dalton St., Cincinnati, OH 45214. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 145441 (Sub-97TA), filed January 10, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, AR 72119. *Frozen foodstuffs* (except in bulk) from the facilities of American Home Foods at or near Milton, PA to points in TX, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): American Home Foods Division, American Home Products Corp., 685 Third Ave., New York, NY 10017. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145441 (Sub-98TA), filed January 4, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey, same address as applicant. *Such merchandise* as is dealt in by wholesale and retail discount, variety, and department stores from points in NY on and east of U.S. Highway 15; CT; Wilmington, DE; MA; NH; NJ; RI; and points in PA on and east of U.S. Highway 15 to Little Rock, AR, for 180 days. Supporting shipper(s): Sterling Stores Co., Inc., 6500 Forbing Road, Little Rock, AR 72203. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 146361 (Sub-9TA), filed January 31, 1980. Applicant: WOLTER TRUCK LINES, INC., RD 1 Box 102, Greenwood, DE 19950. Representative: John E. Carpenter (same as applicant). *Fertilizer and fertilizer ingredients* from the facilities of Lebanon Chemical, Baltimore, MD to points in Nassau and Suffolk Counties, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lebanon Chemical Corp., 2400 S. Clinton St., Baltimore, MD 21224. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 146701 (Sub-7TA), filed January 30, 1980. Applicant: WEAVER TRUCKING CO., INC., P.O. Box 45, Eton, GA 30724. Representative: John P. Tucker, Jr., 2200 Century Parkway, Suite 202, Atlanta, GA 30345. *Contract* carrier, over irregular routes, to transport *resins (except in bulk)* from the facilities of Pacific Resins and Chemicals, Inc., at or near Peachtree City, GA to those points in the US in and east of NM, CO, NE, ND, and SD, under a continuing contract(s) with Pacific Resins and Chemicals, Inc., Tacoma, WA, for 180 days. An underlying ETA seeks 90 days operating authority. Supporting shipper(s): Pacific Resins and Chemicals, Inc., Eastern Division, P.O. Box 710, Newark, OH 43055. Send protests to: Sara K. Davis, T/A, Interstate Commerce Commission, 1252 West Peachtree Street, N.W., Suite 300, Atlanta, GA 30309.

MC 147120 (Sub-4TA), filed January 15, 1980. Applicant: DLT INC., R. R. 5, Box 396, Muscatine, IA 52761. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. *Feed and feed ingredients (except in tank vehicles)* from Fremont, Lexington, and Cozad, NE, to the facilities of Eldon Stutsman, Inc. at or near Hills, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Eldon Stutsman, Inc., Hills, IA 52235. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 147211 (Sub-1TA), filed September 11, 1979. Applicant: THOMAS MENDT, d.b.a. CERRITOS VALLEY REFRIGERATED FREIGHT LINES, 1269 Fieldstone, P.O. Box 7848, Riverside, CA 92513. Representative: James H. Lyons, 523 West Sixth Street, Suite 1216, Los Angeles, CA 90014. *Contract:* irregular: *glassware, glass containers* and *closures,* between the City of Industry and Mira Loma, CA, on the one hand, and, on the other, Chandler, Glendale, Kingman, Mesa, Nogales, Phoenix, Prescott, Scottsdale, Tempe, Tucson and Yuma, AZ, and Henderson, Las Vegas, and Stateline (Clark County), NV, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper: Owens-Illinois, Inc., P.O. Box 5244, San Mateo, CA 94402. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 147641 (Sub-1TA), filed July 6, 1979. Applicant: ANGELES GRAVEL & SUPPLY, INC., P.O. Box 110, Port Angeles, WA 98362. Representative: Donald A. Nailor, same as above. *Wood building materials, specifically plywood, shakes and shingles,* from Clallam County, WA to Sacramento, Stockton, and San Jose, CA. Supporting shipper(s): J & L Weaver Forest Products, Inc., 201 West Main, Medford, OR 97501. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 147820 (Sub-1TA), filed September 6, 1979. Applicant: RODGER M. BURRIS, 36789 San Pedro Drive, Fremont, CA 94536 Representative: Rodger M. Burris (same as above) (415) 796–5624. *Sodium Phosphate, in bulk,* from Newark, CA to Salt Lake City, UT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): FMC Corporation, 2000 Market Street, Philadelphia, PA 19103. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 148000 (Sub-5TA), filed January 17, 1980. Applicant: C. H. DREDGE & CO., INC., 918 S. 2000 West, Syracuse, UT 84111. Representative: Bruce Shand, 430 Judge Building, Salt Lake City, UT 84111. *Plastic Containers,* from the facilities of Trinadad Corp. at or near Las Vegas, NV to Salt Lake City, UT, for 180 days. Supporting shipper(s): Trinidad Corporation, 826 Commerce, Las Vegas, NV 89106. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 148061 (Sub-1TA), filed December 18, 1979. Applicant: TWIN CITY AIR FREIGHT, 4592 Wichita Trail, Hamel, MN 55340. Representative: Edward H. Instenes, 128½ East Third, Winona, MN 55987. *General commodities having prior or subsequent movement via air (except commodities in bulk, explosives, those of unusual value, livestock, household goods, or those which require special handling due to size or weight)* between Winona, MN and the International Airport air terminals located in Bloomington, MN for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): (Six supporting shippers). Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 148061 (Sub-2TA), filed January 5, 1980. Applicant: TWIN CITY AIR FREIGHT, INC., 4592 Wichita Trail, Hamel, MN 55340. Representative: Edward H. Instenes, 128½ East Third St., Winona, MN 55987. (1) *Machine parts* and (2) *Such articles as are used in the manufacture, assembly, distribution and sale of those commodities named in (1)* between Lake City, MN and the International Airport air terminals at Bloomington, MN restricted to shipments having prior or subsequent movement via air for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Di Arco, Inc., Jefferson Ave., Lake City, MN. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 148540 (Sub-1TA), filed January 30, 1980. Applicant: DIXIE GAS, INC., P.O. Box 40, Marks, MS 38646. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. *Anhydrous ammonia,* in bulk, in tank vehicles, (1) from the facailities of Mississippi Chemical Corp., at or near Yazoo City, MS, to points in AL, AR, LA, and TN; and (2) from the facilities of Mid-South Terminal, Inc. at Memphis,

TN, to points in AL, AR, KY, MS, and MO, for 180 days. Supporting shipper(s): Mississippi Chemical Corp., P.O. Box 388, Yazoo City, MS 39194. Send protests to: Alan C. Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 148641 (Sub-1TA), filed November 5, 1979. Applicant: GEORGE WILLIAM NEAL and BUENA VIOLET NEAL d.b.a. GEORGE WILLIAM NEAL, Star Route, Conner, MT 59827. Representative: Koch, McKenna & Goheen, P.O. Box 389, Hamilton, MT 59840. *Precut log buildings, knocked down or in sections* and *materials, components, equipment and supplies used in the construction, installation and erection of precut log buildings* from the facilities of Montana Sundown, Inc., d/b/a Rocky Mountain Log Homes in Ravalli County, MT and the facilities of Timber Utilization, Inc. in Mineral County, MT to all points and places in the United States, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Montana Sundown, Inc. d/b/a Rocky Mountain Log Homes, Rt. 1, Box 1255, Hamilton, MT 59840; Timber Utilization, Inc., P.O. Box 272, St. Regis, MT 59866. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 148791 (Sub-1TA), filed December 17, 1979. Applicant: TRANSPORT-WEST, INC., 247 W. 1400 South, Salt Lake City, UT 84115. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. *Such Commodities as are dealt in or used by Wholesale or Discount Retail Department, Discount or Variety Stores,* from Reno, NV and its commercial zone to points in WA, MT, NM, WY, CO, AZ, TX, ID, and UT, for 180 days. Supporting shipper(s): K-Mart Corporation, 3100 W. Big Beaver Road, Troy, MI 48084. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 148791 (Sub-2TA), filed January 15, 1980. Applicant: TRANSPORT-WEST, INC., 247 W. 1400 South, Salt Lake City, UT 84115. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. *Evaporative Coolers and related parts and supplies,* from Phoenix, AZ to points in CA, UT, ID, NV, CO and El Paso, TX, for 180 days. Supporting shipper(s): McGraw-Edison Co., Intnl. Metal Div., 6991 E. Camelback Road, Scottsdale, AZ 85251. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 148811 (Sub-1TA), filed February 1, 1980. Applicant: SURGICAL CENTER OF VERMONT, INC., 207 North Street, Bennington, VT 05201. Representative: Philip J. O'Neill same address as applicant. *IV solutions and fluids, pharmaceutical and biological products (drugs, kits, syringes, expendable administration sets),* from Bennington, VT to points in NH, VT, Berkshire, Franklin, Hampshire and Hampden Counties, MA, and Essex, Franklin, Washington, Rensselaer, Columbia, Schenectady, Saratoga and Clinton Counties, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cutter Laboratories, Inc., 2200 Powell Street, Emeryville, CA 94608. Send protests to: Carol A. Perry, TA, ICC, PO Box 548, Montpelier, VT 05602.

MC 148891 (Sub-1TA), filed December 21, 1979. Applicant: WESTERN HOT SHOT, INC., 1084 E. Northern Hills Drive, Bountiful, UT 84010. Representative: David S. Cook, 85 W. 400 North, Bountiful, UT 84010. *(1) Machinery, equipment, materials and supplies used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; and (2) Machinery, equipment, materials and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling pipelines, including the stringing and picking up thereof,* between points in WY, UT, ID, NV, CA, MT, OR and WA, on the one hand, and on the other, points in WY, UT, ID, NV, CA, MT, OR and WA, for 180 days. There is an identical 90-day ETA authorized. Supporting shipper(s): Pierce Construction, Box 348, Evanston, WY 82930; National Supply Div. of Armco, Inc., Evanston, WY 82930; Schlumburger Well Service, Box H, Evanston, WY 82930; DRILTROL, #64 Trailer Site, Evanston, WY 82920; and N.L. Acme Tool, Drawer N, Evanston, WY 82930. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 149121 (Sub-1TA), filed January 18, 1980. Applicant: GROAT BROTHERS, INC., d.b.a. RIDGEFIELD WOODWASTE CO. & COLUMBIA WOODWASTE CO., 618 W. Scott Ave., Woodland, WA 98674. Representative: Robert Sanders, Beaver Lumber Co., P.O. Box 96, Clatskanie, OR 97016. Contract, irregular. *Wood residuals* from Clatskanie, OR to Longview, WA. Supporting shipper(s): Beaver Lumber Co. of Clatskanie, OR, P.O. Box 96, Clatskanie, OR 97016. Send protests to: D. Merine Galbraith, Transportation Asst., Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 149190 (Sub-1TA), filed January 30, 1980. Applicant: CALIFORNIA TRANSPORT ENTERPRISES, INC., 8900 Bellanca Ave., Los Angeles, CA 90045. Representative: Donald S. Burris, 1801 Century Park East, Suite 1720, Los Angeles, CA 90067. *Ready-to-wear garments,* from Seattle, Washington to Los Angeles, California, for 180 days. An underlying ETA seeks 90 days operating authority. Supporting shipper(s): Brittania Sportswear, Pier 91, Bldg. 47, P.O. Box "C" 98, Seattle, WA 98119. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 149211 (Sub-1TA), filed January 7, 1980. Applicant: CONMAC STAGE LINES, LTD, 2280 Beacon Avenue, Sidney, B.C., Canada V8L 1X1. Representative: Gerry Conrod (same as above). *Passenger in round trip charter operations,* beginning and ending at ports of entry on the International Boundary line between the U.S. and Canada in WA state and extending to ski areas in WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Budget Travel Limited, 1066 Douglas St., Victoria, B.C., Canada V8W 2CS; Victoria Airport Travelodge, 2280 Beacon Ave., Sidney, B.C., Canada V8L 1X1. Send protests to: Hugh H Chaffee, D/S, ICC 858 Federal Building, Seattle, WA 98174.

MC 149240 (Sub-1TA), filed January 31, 1980. Applicant: DEE DECKERT d.b.a. DECKERT TRUCKING CO., General Delivery, Tescott, KS 67484. Representative: Dee Deckert d.b.a. Deckert Trucking Co. (same address as above). *Dolomite Limestone and Silica Sand in bulk,* from Roff & Mill Creek in the state of Oklahoma to the Westinghouse Electric Corporation plantsite in or at Salina, KS, for 180 days. Supporting shipper(s): Westinghouse Electric Corporation, RR #4 Box 57, Salina, KS 67401. Send protests to: Marianne Minnich, TCS, ICC, Suite 600, 411 W. 7th St., Fort Worth, TX 76102.

MC 149301 (Sub-1TA), filed January 30, 1980. Applicant: FRANKLIN J. DAVIS, d.b.a. DAVIS TRUCK LINE, Stanhooe, IA 50246. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. *Building and construction materials (except commodities in bulk) and materials and supplies used in the manufacture and distribution of building and construction materials (except commodities in bulk)* between the facilities of The Celotex Corporation at or near Lagro, IN; Chicago, Wilmington, Charleston, and

Quincy, IL; and Dubuque and Ft. Dodge, IA, on the one hand, and, on the other, points in IA, IL, IN, MN, MO, NE, ND, SD, and WI, for 180 days. Supporting shipper(s): Jim Walter Corporation, 1500 N. Dale Mabry, Tampa, FL 33607. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

**Notice No. 11**

February 27, 1980.

MC 3005 (Sub-12TA), filed January 8, 1980. Applicant: CHICAGO KANSAS CITY FREIGHT LINE, INC., 1200 Power & Light Building, 106 West 14th Street, Kansas City, MO 64105. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City MO 64105. *General commodities (except livestock, classes A and B explosives, commodities in bulk, articles of unusual size or value, and household goods including office furniture, uncrated)* between all points in the Counties of Champaign, Dewitt, Ford, Iroquois, Kankakee, LaSalle, Livingston, Marshall, McLean, Peoria, Piatt, Tazewell, Vermilion, and Woodford, IL for 180 days. Underlying ETA filed. NOTE: Applicant does intend to tack and interline. Supporting shipper: Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH 43659. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 8515 (Sub-37TA), filed December 17, 1980. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 89, Spring Valley, IL 61362. Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. *Alcoholic liquors in glass and/or bulk,* in barrels and materials and supplies used in the production thereof; between points in IL on the one hand, and Bardstown, Cox's Creek, Frankfort, and Louisville, KY on the other for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Hiram Walker & Sons, Inc., P.O. Box 479, Peoria, IL 61651. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 14215 (Sub-81TA), filed February 1, 1980. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Aluminum and aluminum products* from the facilities of Kaiser Aluminum & Chemical Corp. at or near Ravenswood, WV, to points in the U.S. in and east of MN, IA, MO, AR, and TX for 180 days. Supporting shipper: Kaiser Aluminum & Chemical Corp., P.O. Box 98, Ravenswood, WV 26164. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 19945 (Sub-75TA), filed December 17, 1979. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IL 62264. Representative: Joseph R. Behnken (address same as applicant). *Ammonium nitrate,* in bulk, from the plantsite of American Cynamid Company near Palmyra, MO to pts in IN and KY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Peabody Coal Company, 301 N. Memorial Drive, St. Louis, MO. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Rm. 1386, Chicago, IL 60604.

MC 44735 (Sub-50TA), filed January 31, 1980. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th St., Kansas City, MO 64126. Representative: William B. Barker, 641 Harrison St., Topeka, KS 66603. *(1) Irrigation systems and parts and accessories therefore, pipe, tubing, light poles, mast arms, brackets, bases and transmission poles, and equipment and supplies used in the installation thereof (except commodities in bulk)* from the plantsite of Valmont Industries, Inc., located at or near Valley, NE to points in AR, IL, IN, IA, KS, MN, MO, OK, TX, and WI; *(2) Equipment, materials, and supplies used in the manufacture of the commodities named in part (1) above* from points in AR, IL, IN, IA, KS, MN, MO, OK, TX, and WI to the plantsite of Valmont Industries, Inc., located at or near Valley, NE for 180 days. Underlying ETA for 90 days filed. Supporting shipper: Valmont Industries, Inc., Valley, NE 68064. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 44735 (Sub-51TA), filed January 31, 1980. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th St., Kansas City, MO 64126. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. *Lumber and lumber products, posts, poles and timber,* from Hugo, OK to points in IA, KS, MO, and NE for 180 days. Underlying ETA for 90 days filed. Supporting shipper: Central Forest Products, Inc., 5225 West 75th St., Shawnee Mission, KS 66208. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 58035 (Sub-26TA), filed January 16, 1980. Applicant: TRANS-WESTERN EXPRESS, LTD., 48 E. 56th Avenue, Denver, CO 80216. Representative: Paul D. Amen, President (same address). *(1) Construction material, equipment and supplies; and (2) Contractor's material, equipment and supplies,* between points in CO, WY, MT, SD, and ND, for 180 days. An underlying ETA requesting 90 days granted. Supporting shipper(s): 14 supporting shippers. Send protests to: District Supervisor, R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 58035 (Sub-27TA), filed January 4, 1980. Applicant: TRANS-WESTERN EXPRESS, LTD., 48 E. 56th Avenue, Denver, CO 80216. Representative: Edward T. Lyons, Jr., 1600 Lincoln Center Bldg., Denver, CO 80264. *Photographic Equipment, Materials, Supplies and Products,* (1) between facilities of Eastman Kodak Co. at or near Dallas, TX; the facilities of Eastman Kodak Co. at or near Windsor, CO and points in its commercial zone; (2) between facilities of Eastman Kodak Co. at or near Dallas, TX and Pueblo, CO and points within its commercial zone; Colorado Springs, CO and points within its commercial zone; and Albuquerque, NM and points within its commercial zone, for 180 days. There is presently an underlying identical ETA authorized. Supporting shipper: Eastman Kodak Company, 2400 Mount Read Blvd., Rochester, NY 14650. Send protests to: District Supervisor R.L. Buchanan, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 59655 (Sub-40TA), filed January 23, 1980. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, NY 10901. Representative: George A. Olsen, P.O.B. 357, Gladstone, NJ 07934. (1) *Foodstuffs,* from Millsboro, DE, to points in the states of CT, MA, NY, and PA; (2) *Materials, equipment, and supplies used in the manufacture and sale of foodstuffs,* from points in the states of CT, MA, NY, and PA, to Millsboro, DE; restricted against the transportation of commodities in bulk; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Vlasic Foods, Inc., 33200 W. 14 Mile Road, West Bloomfield, MI 48033. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 73165 (Sub-501TA), filed January 9, 1980. Applicant: EAGLE MOTOR LINES, INC., 830 N. 33rd St., Birmingham, AL 35222. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. *Paper and paper articles,* from the facilities of Crown Zellerbach and those facilities under a continuing contract or lease with Crown Zellerbach, located in Houston and Dallas, TX to all points in AR, CO, LA, MO, NM, OK, and TN, for 180 days. Restricted to traffic originating at named

facilities. Supporting shipper: Crown Zellerbach Corp., P.O. Box 1060, Bogalusa, LA 70427. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616 2121 Bldg., Birmingham, AL 35203.

MC 99455 (Sub-4TA), filed January 30, 1980. Applicant: M. H. HILLERY, INC., 100 Western Avenue, Allston, MA. 02134. Representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, DC 20036. *Alcoholic commodities* from Boston, MA to Suffield, Bridgeport, Hartford and New Haven, CT. Restricted to shipments having a prior or subsequent movement by rail or water. Supporting shipper: Colony Steamship Co., 131 State Street, Boston, MA 02109. Send protests to: John B. Thomas, D/S, I.C.C., 150 Causeway Street, Boston, MA 02114.

MC 105774 (Sub-8TA), filed September 5, 1979. Applicant: JOHNSON TRUCK LINE, INC., Jct U.S. Hwy 281 & U.S. Hwy 24, Osborne, KS 67473. Representative: Erle W. Francis, Suite 719, 700 Kansas Avenue, Topeka, KS 66603. 1. *Iron and steel articles, parts and materials used for the manufacture of agricultural machinery and implements:* From Quincy, Chicago, Sterling and Alton, IL; Davenport, IA; Shelby and Youngstown, OH; Midland, PA; Kansas City, MO; Clearfield, UT; Nobleford, Alberta, Canada; Bentonville, AR; Pueblo, CO and Stratton, NE to the facilities of Ideal Industries at or near Quinter, KS. From Alton, Chicago, Elk Grove, Des Plaines, Granite City, Hennepin and Riverdale, IL; Ashland, KY; Gerald, Kansas City and Marysville, MO; Middletown and Warren, OH; Midland, PA, and Winnipeg, Canada to the facilities of Royal Industries at or near Clay Center and Lincoln, KS. From Chicago, East Alton and Quincy, IL; Butler, IN; Kansas City, MO; Antlers and Tulsa, OK, and Midland, PA to the facilities of CrustBuster, Inc. at or near Spearville, KS. From points and places in CA, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NY, OH, OK, PA, TN, TX, and WI to the facilities of Great Bend Manufacturing Co. at or near Great Bend, KS. From points and places in AL, AZ, CA, CO, CN, FL, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SD, TN, TX, UT, VA, WA, WV, WI, DC, and Canada to the facilities of Excel Industries, Inc. at or near Hesston, KS. 2. *Lumber for dunnage:* From Boise-Cascade Mills in MT, OR, UT, WA, and WY to the facilities of Royal Industries at or near Clay Center and Lincoln, KS. 3. *Agricultural machinery, implements and parts:* From the plantsite and facilities of Ideal Industries, Inc. located in Gove County at or near Quinter, KS to all points and places in the states of CO, IL, IN, IA, MI, MO, MT, NE, NM, ND, OH, OK, SD, and TX. From the plantsite and facilities of Royal Industries located at or near Clay Center and Lincoln, KS to all points and places in the continental United States and Canada. From the plantsite and facilities of CrustBuster, Inc. located at or near Spearville, KS to all points and places in the states of AL, AZ, AR, CA, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY. From the plantsite and facilities of Great Bend Manufacturing Company located at or near Great Bend, KS to all points in the United States except Alaska, Hawaii, and Canada. From the plantsite and facilities of Exel Industries, Inc. at or near Hesston, KS to all points and places in AL, AR, CA, CO, CN, FL, GA, IL, IN, IA, KY, LA, MD, MA, MI, MN, MO, MT, NJ, NY, NC, OH, OR, PA, SD, TX, UT, WA, WI, and DC and Canada for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ideal Industries, Inc., P.O. Box 424, Quinter, KS 67752; Hutchinson Div-Royal Industries, Box 33, Clay Center, KS 67432; Crustbuster, Inc., Box 337, Spearville, KS 67876; Great Bend Manufacturing Co., Inc. 705 So. Harrison, Great Bend, KS 67530. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 106195 (Sub-27TA), filed January 7, 1980. Applicant: CLARK BROS. TRANSFER, INC., 900 North First, Norfolk, NE 68701. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Such commodities as are dealt in by grocery stores, chain stores and food businesshouses (except commodities in bulk in tank vehicles)* from points in IL, IA, KS and MO to the facilities of Affilitated Foods Cooperative, Inc. at Norfolk, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Affiliated Foods Cooperative, Inc., Charles Svoboda, Vice President, Warehouse Operations, P.O. Box 1067, Norfolk, NE 68701. Send protests to: D/S Carroll Russell, ICC Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 107295 (Sub-966TA), filed December 21, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr, P.O. Box 146, Farmer City, IL 61842. *Construction materials and supplies (except in bulk)* from Muskegon, MI to points in AL, DC, GA, KS, LA, MD, MS, NC, OK, SC, TX, VA and WV for 180 days. Supporting shippers: Upco Company, 4805 Lexington Ave., Cleveland, OH 44103. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 107515 (Sub-1334TA), filed January 9, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Cleaning Compounds* from the facilities of Blue Cross Laboratories at or near North Hollywood, CA to points in AR and points in the US in and east of WI, IL, KY, TN and MS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Blue Cross Laboratories, 7376 Greenbush Ave., North Hollywood, CA 91605. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 107515 (Sub-1335TA), filed January 11, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC. P.O. Box 308, Forest Park GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., NE., 5th Floor, Atlanta, GA 30309. *Frozen potatoes and potatoe products,* from Sioux Falls and Clark, SD to points in LA and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Chef Reddy Foods Corp.-Midwest, Clark, SD 57225. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 107515 (Sub-1336TA), filed January 11, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd. N.E., 5th Floor, Atlanta, GA 30326. *Malt beverages, (except in bulk),* from Ports of Entry on the U.S.-Canada Border located in MI and MY to points in AZ, CA, CO, FL (except Jacksonville and Miami), GA, NV, NM, NC and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Molson's Brewery Ontario, LTd., 640 Fleet Street, Toronto, Ontario, Canada. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 107515 (Sub-1337TA), filed January 17, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd. N.E., 5th Floor, Atlanta, GA 30326. *Electrical appliances (humidifiers, de-humidifiers),* from Albion, MI to the facilities of Menard, Inc., at Eau Claire, LaCrosse and Wausau, WI; Rochester, St. Cloud, Belgrade and the Minneapolis

commercial zone, MN; and Cedar Rapids, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Menard, Inc., Route 2, Eau Claire, WI 54701. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 107515 (Sub-1338TA), filed January 17, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd. N.E., 5th Floor, Atlanta, GA 30326. *Wood or coal burning stoves,* from Chattanooga, TN and Pawtucket, RI to the facilities of Menard, Inc., at Eau Claire, LaCrosse and Wausau, WI, Rochester, St. Cloud, Belgrade and the Minneapalis commerical zone, MN; and Cedar Rapids, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Menard, Inc., Route 3, Eau Claire, WI 54701. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 107515 (Sub-1339TA), filed January 11, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd. N.E., 5th Floor, Atlanta, GA 30326. *Unfrozen fruit juices and fruit juice products (except in bulk),* from the facilities of Orchard Grove Co., Lansing, MI to Lexington, KY and Indianapolis, IN and points in their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Orchard Grove Co., P.O. Box 23097, Lansing, MI 48909. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 110325 (Sub-130TA), filed January 16, 1980. Applicant: TRANSCON LINES, 101 Continental Blvd., El Segundo, CA 90245. Representative: Griffin, Dysart, Taylor, Penner & Lay, P.C., 1221 Baltimore Ave., Kansas City, MO 64105. *Common:* Regular: *General commodities,* (except Classes A and B explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment serving the facilities of Lozier Corporation at Scottsboro, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Lozier Corporation, 401 Taylor St., Scottsboro, AL 35768. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

Note.—Applicant does intend to interline and tack.

MC 111045 (Sub-183TA), filed January 23, 1980. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant). *Citrus by-products,* in bulk, from Bradenton and Ft. Pierce, FL to Clairton, PA, Newark, East Hanover and Boonton, NJ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tropicana Products, Inc., P.O. Box 338, Bradenton, FL 33506. Send protests to: Donna M. Jones, T/A, ICC-BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 114725 (Sub-110TA), filed December 4, 1979. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: Greg A. Dickinson, Stern & Becker, P.C., Suite 610; 7171 Mercy Road, Omaha, NE 68106. *Liquified petroleum gases, in bulk, in tank vehicles* (1) from points in IA to points in WI; and (2) from at or near Geneva, Greenwood and Norfolk, NE to points in MN and SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Farmers Union Central Exchange (CENEX), Elmer Brenna, Traffic Supervisor-Petroleum Division, P.O. Box 43089, St. Paul, MN 55164. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 114725 (Sub-111TA), filed December 13, 1979. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, NE 68106. Representative: Greg A. Dickinson, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Liquified petroleum gases in bulk, in tank vehicles* (1) from at or near Geneva, NE to points in IA, MN, ND, and SD and (2) from at or near Clay Center and McPherson, KS and at or near Kearney, MO to points in IA, MN, NE, ND and SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Land O'Lakes, Inc., Ron J. Webb, Truck Operations Manager, 2827 8th Avenue, South, Ft. Dodge, IA 50501. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 115975 (Sub-41TA), filed December 28, 1979. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, IL 62095. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Contract carrier,* irregular routes, *Waste lube oil, in bulk, in tank vehicles* from Milwaukee, WI to McCook, IL, under a continuing contract, or contracts, with Estech Oil Co. for 180 days. Supporting shipper(s): Estech Oil Co., 7601 W. 47th St., McCook, IL 60525. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 117815 (Sub-334TA), filed December 18, 1979. Applicant: PULLEY FREIGHT LINES, INC., 405 S. E. 29th St., Des Moines, IA 50317. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. *Canned goods and canned pet food* from the facilities of Campbell Soup Company at Paris, TX, and points in its commercial zone to points in IL, IA, KS, KY, MO, NE, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Campbell Soup Company, P.O. Box 116, Paris, TX 75460. Send protest to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 125535 (Sub-19TA), filed January 21, 1980. Applicant: NATIONAL SERVICE, LINES, INC. OF NEW JERSEY, 12015 Manchester Road, Suite 118, St. Louis, MO 63131. Representative: Donald S. Helm, 12015 Manchester Road, Suite 118, St. Louis, MO 63131. Contract, irregular routes, *(1) paper and paper products, foil backed with paper, plastic and plastic products, and (2) commodities used in the manufacture and distribution of commodities in (1) above (except commodities in bulk in tank vehicles)* between New Castle DE, Florence KY, Greensburg IN, Orange TX, Hazelwood MO, on the one hand; and on the other, points in the U.S. in and east of KS, NE, ND, OK, SD, and TX for 180 days. Underlying ETA filed. Supporting shipper: Crown Zellerbach Corporation, One River Street, South, Glen Falls, NY 12801. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 126305 (Sub-137TA), filed January 21, 1980. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. *Quarry tile and clay products; and supplies, materials, and equipment used in the manufacture thereof,* between the facilities of Universal Ceramics, Inc., at or near Adairsville, GA, on the one hand, and points in the United States in and east of WI, IL, MO, AR, and LA, on the other hand, for 180 days. Supporting shipper(s): Universial Ceramics, Inc., Highway 140 W., P.O. Box 483, Adairsville, GA 30103. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616—2121 Bldg., Birmington, AL 35202.

MC 126305 (Sub-138TA), filed January 15, 1980. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1,

Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Lumber, plywood, and veneer,* from the facilities of Woodkraft at or near Madison, GA to points in and east of MS, TN, KY, IL, and WI, for 180 days. Supporting shipper(s): Woodkraft, Division of Georgia Kraft Co., P.O. Box 2489, Peachtree City, GA 30269. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 126305 (Sub-139TA), filed January 21, 1980. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, Transportation Consultant, P.O. Box 357, Gladstone, NJ. (1) *Traffic control products, pavement marking compounds, ballotini, and materials, equipment and supplies used in the installation thereof;* and (2) *Materials, equipment and supplies used in the manufacture, sale, distribution and installation of the commodities named in (1),* (except commodities in bulk), between the facilities of Pave-Mark Corporation in Cobb County, GA, and points in the United States in and east of MN, IA, MO, AR, and LA. Supporting shipper: Pave-Mark Corporation, 3141 Nifda Blvd., Smyrna, GA 30081. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 126305 (Sub-140TA), filed January 23, 1980. Applicant: BOYD BROTHERS TRANSPORTATION COMPANY, INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, Transportation Consultant, P.O. Box 357, Gladstone, NJ 07934. *Alcoholic beverages, equipment, materials, and supplies used in or in connection therewith,* from all points in the United States to points in AL. Supporting shipper(s): Alcoholic Beverage Control Board of the State of Alabama, P.O. Box 115, Montgomery, AL 36130; Schenley Distillers, Inc., 36 E. 4th Street, Cincinnati, OH 45202. Send protests to: Mabel E. Holston, T/A, I.C.C., Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 127115 (Sub-17TA), filed December 19, 1979. Applicant: MILLER'S TRANSPORT, INC., 510 W. 4th North, Hyrum, UT 84319. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. Contract Irregular: *Meat, Meat Products, Meat By-products, and articles dealt in by meat packinghouses, as described in Sections A & C to Appendix I in the Report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766,* (1) from points in CA, CO, IA, NE, SD, WA, and Boise, ID and Portland, OR to points in Weber, Salt Lake City, Davis, and Cache Counties, UT; and (2) from Hyrum, UT to points in AZ, CO, ID, IA, NE, SD, TX and WY, for 180 days. Supporting shipper(s): Tri-Miller Packing, 510 W. 4th North, Hyrum, UT 84319. Send protests to: Patricia P. Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT 84138.

MC 127115 (Sub-18TA), filed December 18, 1979. Applicant: MILLER'S TRANSPORT, INC., 510 West 4th North, Hyrum, UT 84319. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. Contract Irregular: *Frozen Foods and Frozen Foods when moving in mixed truckloads with exempt commodities,* (1) from CA, OR, and WA to Salt Lake City, UT Boise, ID; (2) between Salt Lake City, UT, and Boise, ID, for 180 days. Supporting shipper(s): Booth Fisheries, Inc., 1911 S. 900 West, Salt Lake City, UT 84125. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 127115 (Sub-19TA), filed November 29, 1979. Applicant: MILLER'S TRANSPORT, INC., 510 W. 4th North, Hyrum, UT 84319. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. Contract Irregular: *(1) Over-Snow Tracked Vehicles and related parts; and (2) Used Over-Snow Tracked Vehicles, and materials, equipment and supplies used in the manufacturing and distribution of over-snow tracked vehicles,* (a) from Logan, UT to points in CA, CO, IL, ME, NV, NY, NH, VT, OR, PA, WA, WI and Baltimore, MD; and (b) from Pollock Pines, CA; Grand Junction, CO; Harvey, IL; Lafayette, IN; Coffeeville, KS; Stroudsburg, PA; Lynwood, WA; and Stevens Point, WI, to Logan, UT, for 180 days. There is an identical ETA requesting up to 90 days authority. Supporting shipper(s): DeLorean Manufacturing Co., P.O. Box 407, Logan, UT 84321. Send protests to: Patricia Allegier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT 84138.

MC 128095 (Sub-39TA), filed January 7, 1980. Applicant: IBCO TRUCK LINE INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, Jackson, MS 39205. *Expanded plastic material, film pads, padding, sheets or sheeting and articles,* from the facilities of E. I. du Pont de Nemours & Co. at Wurtland, KY to Keokuk, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): E. I. de Pont de Nemours & Co., 1007 Market St., Wilmington, DE 19898. Send protests to: Diana J. Porter, Suite 2006—100 N. Main St., Memphis, TN 38103.

MC 128575 (Sub-16TA), filed January 22, 1980. Applicant: GOLDEN WEST TRUCKING CO., 12780 S. W. Prince Albert St., Tigard, OR 97223. Representative: William F. Fox, 12780 S. W. Prince Albert St., Tigard, OR 97223. Contract irregular, *laminated wooden beams, connecting hardware, lumber, plywood trusses* from Mason County Washington to OR, CA, ID, MT, NV & WY, for 180 days. A permanent will be filed soon. Supporting shipper: Al Disero Lumber Co., P.O. Box 42247, Portland, OR 97242. Send protests to: A. E. Odoms, D/S, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 133095 (Sub-29TA), filed January 31, 1980. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan (same as above). *Alcoholic beverages (except in bulk)* from Lynchburg, TN to NV for 180 days. Supporting shipper(s): Jack Daniels South Bottleing, Lynchburg, TN. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600 Fort Worth, TX 76102.

MC 133095 (Sub-296TA), filed January 18, 1980. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan, P.O. Box 434, Euless, TX 76039. *Alcoholic beverages and materials and supplies used in the distribution of alcoholic beverages* from MO to TX, LA and AR for 180 days. Underlying ETA filed. Supporting shipper(s): Key Distributors, Inc., P.O. Box 303, Houston, TX 77001. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 133095 (Sub-298TA), filed January 31, 1980. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan, (same as above). *Malt beverages (except in bulk)* from Laredo, TX to points in IL, NY, MI, MO, AR, WV, NC, SC, MS, TN, KY, AZ, and CA for 180 days. Supporting shipper(s): Cibco Importing Company, Inc., 2636 Walnut Hill, Dallas, TX 75225. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600 Fort Worth, TX 76102.

MC 133485 (Sub-31TA), filed January 14, 1980. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminister Street, Providence, RI 02909. Representative: Morris J. Levin, 1050 Seventeenth St., N.W., Washington, DC 20036. *Precious metals* and *used coin,* between New York, NY; Memphis,

TN; Providence, RI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mocatta Metals Corporation, Four World Trade Center, Suite 5200, New York, NY 10048. Send protests to: Gerald H. Curry, DS, ICC, 24 Weybosset St. Room 102, Providence, RI 02903.

MC 133805 (Sub-49TA), filed January 31, 1980. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. *Vinyl siding and plastic articles* from the facilities of Robintech, Incorporated at or near Weatherford, TX to points in AL, GA, FL, CA, IL, KY, MA, MI, MO, NY, OR, NC, OH, OK, PA, TN, UT, VA, WA, and WI for 180 days. Supporting shipper(s): Robintech, Incorporated, P.O. Box 835, Weatherford, TX 76086. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 133805 (Sub-50TA), filed January 31, 1980. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Orange juice in bottles, in crates,* from the facilities of Superbrand Dairies in Fort Worth, TX to the facilities of Winn Dixie Stores in New Orleans, LA and empty crates in return movements, for 180 days. Supporting shipper: Superbrand Dairys, 3517 Conway Street, Ft. Worth, TX 76111. Send protests to: Opal Jones, TCS, ICC, Suite 600, 411 W. 7th, Fort Worth, TX 76102.

MC 133965 (Sub-17TA), filed January 31, 1980. Applicant: CALZONA TRANSPORTATION, INC., P.O. Box 6558, Phoenix, AZ 85005. Representative: William B. O'Morrow, (same address as applicant). *(1) Refined petroleum products (except asphalts, road oils and residual fuels) in tank vehicles and (2) contaminated petroleum products, in bulk in tank vehicles,* (1) from points in CA (except Colton, Los Angeles and Niland, CA) to points in AZ, and San Juan, McKinley, Valencia, Catron, Bernalillo, San Doval and Rio Arriba Counties, NM and (2) from Phoenix and Tucson, AZ to points in CA (except Niland and Colton, CA), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shell Oil Co., P.O. Box 2099, Houston, TX 77001; Chevron USA, Inc., P.O. Box 7945, San Francisco, CA 94120. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 134405 (Sub-95TA), filed February 1, 1980. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Asphalt,* from the facilities of Trumbull Asphalt, a Division of Owens Corning Fiberglas Corp., at or near Houston, TX, to Mobile, AL and points in LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Trumbull Asphalt, a Division of Owens Corning Fiberglas Corp., 59th and Archer Road, Summit, IL 60501. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 138635 (Sub-103TA), filed December 18, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton, P.O. Box 3995, Gastonia, NC 28052. *Meat, meat products, and meat by-products* from the plantsite and cold storage facilities utilized by Iowa Beef Processors, Inc. at or near Wallula and Walla Walla, WA to points in the state of TX, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack the authority here applied for to MC 138635, Sub-37. Supporting shipper(s): Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, NE 68731. Send protests to: Sheila Reece, TA, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 138875 (Sub-273TA), filed January 15, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same as above). *Binder and baler twine,* from Albert Lea, MN to points in ID and MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): North Pacific Trading Company, P.O. Box 3915, Portland, OR 97208. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise ID 83702.

MC 138875 (Sub-274TA), filed January 16, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same as above). *Laminated wooden beams,* from points in ID and OR to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wholesale Lumber Co., 7117 Delhaven Way, No. Highland, CA 95660. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise ID 83702.

MC 140635 (Sub-26TA), filed January 8, 1980. Applicant: ADAMS LINES, INC., 2619 "N" Street, Omaha, NE 68107. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. *Paper, paper products, plastic, plastic products and products manufactured and distributed by manufacturers and converters of paper and paper products, plastic and plastic products and materials, equipment, and supplies used in the manufacture and distribution of the above named commodities (except in bulk)* from Hodgkins and Shelbyville, IL to points in CO, IA, KS, MN, MO and NE for 180 days. Supporting shipper(s): Continental Group, Inc., Continental Bondware Division, Walter L. Weart, Manager—Traffic Methods & Control, 800 East Northwest Highway, Palatine, IL 60067. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140635 (Sub-27TA), filed December 13, 1979. Applicant: ADAMS LINES, INC., 2619 "N" Street, P.O. Box 7343, Omaha, NE 68107. Representative: Russell S. Callahan, 24 Meadow Lane, Bridgewater, MA 02324. *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 points in Essex and Clinton Counties, NY; MA, VT to points in CO, IL, IN, KS, MN, MO and NE, for 180 days. Restricted to the transportation of traffic originating at the facilities of New England Shipping Association Cooperative or at the facilities of its members originating at the named origins and destined to the indicated destinations. An underlying ETA seeks 90 days authority. Supporting shipper: New England Shipping Association Cooperative, John Seidensticker, President, 1029 Pearl St., Brockton, MA 02403. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140665 (Sub-94TA), filed January 31, 1980. Applicant: PRIME, INC., Rt. 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *General commodities, (except articles of unusual value, Class A and B explosives, household goods as defined by the Commission, articles requiring special equipment, and commodities in bulk)* between the facilities utilized by the Union Carbide Corporate Distribution Center in Chicago, IL, on the one hand, and, on the other, points in the US in and West of ND, SD, IA, MO, AR, and LA, restricted to traffic originating at or destined to the above facility, for 180 days. Supporting shipper: Union Carbide Corporation, 270 Park Avenue, New York, NY 10017. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 140665 (Sub-95TA), filed January 31, 1980. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Plastics, chemicals, and materials and supplies used in the marketing of these commodities (except in bulk)* from Hattiesburg, MS and Lake Charles, LA to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, for 180 days. Supporting shipper: Hercules, Incorporated, One Maritime Plaza, San Francisco, CA 94111. Send protests to: Opal M. Jones, TCS, ICC, 411 West Seventh St., Suite 600, Fort Worth, TX 76102.

MC 141124 (Sub-53TA), filed September 7, 1979. Applicant: EVANGELIST COMMERCIAL CORP., P.O. Box 15000, Wilmington, DE 19850. Representative: Boyd B. Ferris, 50 W. Broad Street, Columbus, OH 43215. Garments, on hangers or in cartons and such commodities as are dealt in or used by retail department stores, except in bulk, (1) between points in Hudson County, NJ and the New York, NY Commercial Zone, on the one hand, and on the other, points in the US; and (2) between San Francisco and Los Angeles, CA; Portland, OR; Seattle, WA; Denver, CO; Omaha, NE; Minneapolis, and St. Paul, MN; Milwaukee, WI; Chicago, IL; Detroit, MI; Indianapolis, IN; Cincinnati, Cleveland, and Columbus, OH; Dallas, TX; New Orleans, LA; Memphis, TN; Atlanta, GA; Jacksonville and Miami, FL; Charlotte, NC; Richmond, VA; Pittsburgh and Philadelphia, PA and Boston, MA, and Houston, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Federated Department Stores, Inc., 7 W. Seventh St., Cincinnati, OH 45202. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 141205 (Sub-45TA), filed January 23, 1980. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 South Cherry Street, Denver, CO 80222. Representative: F.R. Reeder and James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. Contract irregular: *Crude oil, scrubber oil and condensate,* from points in Rice, Pratt, and Harper Counties, KS, to the Husky Oil Company pipeline injection station on Arapahoe Pipeline near Anton, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Husky Oil Company, 600 South Cherry Street, Denver, CO 80222. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 141945 (Sub-2TA), filed January 22, 1980. Applicant: LOWER FULTONVILLE TRUCKING CO., INC., 120 Ashford Street, Allston, MA 02134. Representative: Robert Rothberg, Choate, Hall & Stewart, 60 State Street, Boston, MA 02109. *Contract carrier;* irregular route; *malt beverages in containers* from Fulton, NY to Auburn and Danvers, MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Atlas Distributing Corp., 44 Southbridge Street, Auburn, MA 01501. Send protests to: John B. Thomas, D/S, ICC, 150 Causeway Street, Boston, MA 02114.

MC 142204 (Sub-10TA), filed September 13, 1979. Applicant: ROBERT R. GUNVILLE, JR., Star Route 2 Lot 27 Bob's Mobile, Iron Mountain, MI 47801. Representative: Michael S. Varda, 121 S. Pinckney Street, Madison, WI 53701. Contract Carrier; irregular routes; (1) *Paper and paper products,* from Niagara, WI to points in IL, MI and MN; (2) Equipment, materials and supplies (except commodities in bulk) used or useful in the manufacture and distribution of paper and paper products, from points in the destination states named in (1) above to Niagara, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Niagara of Wisconsin Paper Corporation, 1101 Mills Street, Niagara, WI 54151. Send protests to: C. R. Flemming, I.C.C., Room 201 Corr Building, Lansing, MI 48933.

MC 143775 (Sub-144TA), filed December 20, 1979. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke, (same address as applicant.) *Canned and preserved foodstuffs,* from Wenatchee, WA to the facilities of Heinz USA at or near Grand Prairie, TX, Greenville, SC, Harrison, NJ, Iowa City, IA, Jacksonville, FL, Mechanicsburg and Pittsburgh, PA and Toledo, OH, and in each case restricted to traffic originating at the named origin and destined to the named facilities, for 180 days. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 144165 (Sub-3TA), filed January 10, 1980. Applicant: ALAGA WHITFIELD LINES, INC., 1101 North Court St., Montgomery, AL 36104. Representative: R. S. Richard, Atty., P.O. Box 2069, Montgomery, AL 36103. Contract irregular: (1) Foodstuffs (except in bulk, in tank vehicles), from the facilities of Ocean Spray Cranberries, Inc., at or near Bordentown, NJ, Kenosha, WI, Middleboro, MA, Vero Beach and Lake Wales, FL, Montgomery, AL, North East, PA, Eau Claire, MI, and Sulphur Springs, TX, to AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI, under a continuing contract or contracts with Ocean Spray Cranberries, Inc., of Kenosha, WI, for 180 days. Supporting shipper(s): Ocean Spray Cranberries, Inc., 7800 S. 60th Ave., Kenosha, WI 53142. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616–2121 Bldg., Birmingham, AL 35203.

MC 145935 (Sub-5TA), filed January 31, 1980. Applicant: ALL STATES TRANSPORTATION, INC., Rt. 1, Box 27, Fort Worth, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Insulation, adhesives, and materials and supplies in the installation thereof, (except in bulk)* from Waco and Chilton, TX to points in the US (except AK and HI) for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Thermo Products Company, 2508 New Marlin Highway, Waco, TX 76705. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 145935 (Sub-6TA), filed January 31, 1980. Applicant: ALL STATES TRANSPORTATION, INC., Rt. 1, Box 27, Fort Worth, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Frozen foodstuffs (except in bulk)* from Laredo, TX to points in and East of the States of TX, OK, KS, NE, SD, and ND for 180 days. Underlying ETA filed. Supporting shipper(s): Impex International, Inc., 2636 Walnut Hill Lane #261, Dallas, TX 75229. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 146015 (Sub-2TA), filed January 31, 1980. applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma, Jr. (same as applicant). *Contract; irregular: (1) Such merchandise as is dealt in by wholesale, retail, chain grocery and good business houses, dairy based products, soy products, paste, flour products (2) ingredients, materials and supplies used in the manufacture, distribution and sale of products in (1) above* between the plant sites and storage facilities of Ralston Purina Co. at or near Hampden Township Cumberland County, PA and Union City, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Co., 6509 Brandy Lane, Mechanicsburg, PA 17055.

Send protests to: I.C.C., Fed Res. Bank Bldg., 101 N. 7th St., Rm. 630, Philadelphia, PA 19106.

MC 146265 (Sub-7TA), filed September 12, 1979. Applicant: JIM ENGLAND TRUCKING, 3905 Shamrock Drive, Huntsville, AL 35810. Representative: J. Michael May, Suite 508, 1447 Peachtree Street, NE, Atlanta, GA 30309. *Contract, irregular: Steel acetylene cylinders and parts for cylinders; and materials and supplies used in the production and distribution of cylinders* (except commodities in bulk) (1) from Huntsville, AL, to Albert Lea, MN and Miami, FL; and (2) from Milwaukee, WI; Memphis, TN; Washington, PA; Granite City, IL; Houston, TX and Camden, AR, to Huntsville, AL. Restricted to traffic moving under a continuing contract or contracts with Coyne Cylinder Company, Huntsville, AL, for 180 days. Supporting shipper(s): Coyne Cylinder Co., 521 Green Cove Road, SE, Huntsville, AL 35803. Send protests to: Mabel E. Holston, T/A, Suite 1616, 2121 Building, Birmingham, AL 35203.

MC 146725 (Sub-9TA), filed December 13, 1979. Applicant: FREEPORT TRANSPORT, INC., P.O. Box 27327, Salt Lake City, UT 84125. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. *Hardwood Lumber and Hardwood Flooring,* from Nashville, TN to Denver, CO, for 180 days. Supporting shipper(s): Mountain States Distributing Co., Inc., P.O. Box 16444, Denver, CO 80216. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 146985 (Sub-1TA), filed December 21, 1979. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731 South Main Street, Elkhart, IN 46515. Representative: Phillip A. Renz, Suite 200, Metro Bldg., Fort Wayne, IN 46802. *Contract carrier,* irregular routes, Air conditioners, generators, industrial floor and carpet and cleaning machines, refrigerators, and all other appliances and parts, not specifically named herein, for recreational vehicles. Between points and places in Elkhart, Indiana, and its commercial zones, on the one hand, and on the other hand, points and places in the following cities and other commercial zones: Phoenix, Arizona, Chula Vista, California, Los Angeles, California, Mountain View, California, Redding, California, Sacramento, California, Denver, Colorado, Fort Lauderdale, Florida, Jacksonville, Florida, Winter Garden, Florida, Boise, Idaho, Bloomington, Illinois, Chicago, Illinois, Macomb, Illinois, Des Moines, Iowa, Forest City, Iowa, Wichita, Kansas, New Orleans, Louisiana, Baltimore, Maryland, Hagerstown, Maryland, Brown City, Michigan, Davison, Michigan, Grand Rapids, Michigan, Jenison, Michigan, Quincy, Michigan, Elk River, Minnesota, Woodbridge, New Jersey, Albuquerque, New Mexico, New York, New York, Syracuse, New York, Charlotte, North Carolina, Edgerton, Ohio, Jackson Center, Ohio, Versailles, Ohio, Portland, Oregon, Doylestown, Pennsylvania, Charleston, South Carolina, Dallas, Texas, Houston, Texas, Salt Lake City, Utah, Spokane, Washington. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Domestic Sales Corp., 2320 Industrial Parkway, Elkhart, IN 46515. Send protests to: Beverly J. Williams, 429 Federal Building & U.S. Court House, 46 East Ohio Street, Indianapolis, IN 46204.

MC 147635 (Sub-1TA), filed July 19, 1979. Applicant: BOWLING GREEN-NASHVILLE LIMOUSINE SERVICE INC., 295 Plus Park Blvd., One Plus Executive Offices, Nashville, TN 37201. Representative: Robert L. Estes, 14th Floor, Third National Bank Bldg., Nashville, TN 37219. (1) *Passengers and their baggage* between Nashville Metropolitan Airport in Nashville, Davidson County, Tennessee, on the one hand, and on the other hand, points in Warren County, Kentucky. Restrictions: The transportation of passengers and their baggage is restricted to those passengers and their baggage having a prior or subsequent movement by air and to the transportation of not more than 19 passengers in each vehicle, not including the driver thereof. (2) *Small Express packages* between points in Metropolitan Nashville, Davidson County, Tennessee on the one hand, and on the other hand, points in Warren County, Kentucky. Restrictions: The transportation of small express packages is limited to packages having linear dimensions no greater than 80 inches nor weighing more than 50 pounds, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 7 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 148135 (Sub-1TA), filed August 31, 1979. Applicant: C. C. CASTOR, 64 danridge Court, Antioch, CA 94509. Representative: Clarence C. Castor (same address as applicant), PH: (415) 757–9472. *Contract carrier, irregular* routes: *Houses or Buildings NOI, iron,* steel or wood, separate of combined, KD, or Wall, Roof or Floor Sections, between Sacramento County, CA and the following counties in AZ: Apache, Gila, Maricopa, Pinal, Yuma, Cochise, Grahan, Mohave, Santa Cruz, Navajo, Coconino, Creenlee, Pima and Yavapai. Between Sacramento County, CA and the following counties in NV: Carson City, Douglas, Eureka, Lincoln, Nye, Washoe, Churchill, Elko, Humboldt, Lyon, Pershing, White Pines, Clark, Esmaralda, Lander, Mineral and Storey. Between Apache, Gila, Maricopa, Pima, Yavapai, Cochise, Craham, Mohave, Pinal, Yuma, Coconino, Greenlee, Navajo, and Santa Cruz Counties, AZ and the following counties in NV: Carson City, Douglas, Eureka, Lincoln, Nye, Washoe, Churchill, Elko, Humboldt, Lyon, Pershing, White Pines, Clark, Esmeralda, Lander, Mineral and Storey. Supporting Shipper(s): Capp Homes, a Div. of Evans Products, 10547 Stockton Blvd., Elk Grove, CA 95624. Send protest to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 148815 (Sub-1TA), filed December 5, 1979. Applicant: HUSKER DISTRIBUTION, INC., 2245 Harrison, Lincoln, NE 68502. Representative: Lavern R. Holdeman, Peterson, Bowman & Johanns, 521 South 14th Street, Suite 500, P.O. Box 81849, Lincoln, NE 68501. Contract carrier, irregular routes: *Laundry care products, home care products, beauty care toiletry products, stainless steel cookware, cutlery and food supplements (except commodities in bulk)* from the facilities of Husker Distribution, Inc. at or near Lincoln, NE to points in LA and NE under contract with Amway Corporation for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Amway Corporation, Richard M. Harding, Transportation Supervisor, 7575 East Fulton Road, Ada, MI 49355. Send protest to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 148875 (Sub-1TA), filed January 17, 1980. Applicant: KELLY H. WATSON d.b.a. WATSON TRUCKING CO., 8477 Aero Drive, San Diego, CA 92123. Representative: William R. Daly, 4340 Vandever, Suite "S", P.O. Box 20521, San Diego, CA 92120. *Contract:* Irregular: *Games or toys NOI,* between points in San Diego, and Los Angeles International Airport and Los Angeles and Long Beach Harbors, for 180 days. Supporting Shipper(s): Gremilin Industries, 8401 Aero Dr., San Diego, CA. Send protest to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 148885 (Sub-1TA), filed January 17, 1980. Applicant: MICHAEL INDUSTRIES, INC., P.O. Box 794, Rt. 7,

Monroe, NC 28110. Representative: Robert D. Hoagland, Esquire, 1204 Cameron Brown Building, Charlotte, NC 28204. *Borax, boric acid, chromic acid, cleaning compounds, alkalines, solvents, coatings, plastics, resins, salts, and plasterizers* between points in the US for 180 days. Supporting Shipper(s): Industrial and Agricultural Chemical, Inc., Rt. 2, Box 521–C, Red Springs, NC 28377, Park Trading Company, P.O. Box 9521, Providence, RI 02940. Send protest to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 149095 (Sub-2TA), filed January 31, 1980. Applicant: EAGLE EXPEDITING, INC., 5215 Jolly-Cedar Court, Lansing, MI 48909. Representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, MI 48084. *Automobile parts and materials, supplies, equipment and related articles used in the manufacture and production of motor vehicles* between the Willow Run Airport located at or near Ypsilanti, MI, and the Detroit Metropolitan Wayne County Airport located at or near Romulas, MI on the one hand, and, on the other, the facilities of General Motors Corporation, located in the lower peninsula of MI restricted to shipments weighing not more than 5,000 pounds from one consignee, to one consignor and having a prior or subsequent movement by air for 180 days. Supporting shipper(s): General Motors Corp. 30007 Van Dyke Ave., Warren, MI 48909. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 149135 (Sub-1TA), filed December 31, 1979. Applicant: HAILEY & SON TRUCKING AND LEASING, INC., Rt. 6, Box 252, High Point, NC 27260. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *(1) Wire and cable* from Atlanta, Ga and Baltimore, MD and points in their commercial zones, to points in NC; (2) *empty wire and cable reels,* from points in NC and Gaston, SC to Atlanta, GA and Baltimore, MD and points in their commercial zones; *(3) scrap wire, scrap cable and scrap wire and cable reels,* from points in NC to Gaston, SD and *(4) telephone directories* from Atlanta, GA and points in its commercial zone to points in NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southern Bell Telephone and Telegraph Co., 800 Robie St., Winston-Salem, NC 27107. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd, Rm CC516, Charlotte, NC 28205.

MC 149145 (Sub-1TA), filed December 26, 1979. Applicant: ITOFCA TRUCK LINE, INC., P.O. Box 250, Lansing, IL 60438. Representative: Charles W. Singer, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. *Contract carrier:* irregular routes: *General commodities (except articles of unusual value, Class A and B explosives, household goods, and commodities requiring special handling or equipment)* between St. Louis, MO and Louisville, KY and points in CT, DE, DC, IL, IN, IA, ME, MD, MA, MI, MN, NH, NJ, NY, OH, PA, RI, VT, VA, WV and WI, under a continuing contract with ITOFCA, Inc. for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): ITOFCA, Inc., 2 Walker Ave., Clarendon Hills, IL 60514. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 149155 (Sub-2TA), filed January 14, 1980. Applicant: JOHN W. PEPPER d.b.a. MIDWEST CARTAGE COMPANY, an individual, P.O. Box 318, Atchison, KS 66002. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. *Ammonia, household; bleach, liquid; bleach, dry; cleaning, washing, scouring compounds, liquid and dry; soap, bar; fabric softner, liquid, cloth impregnated, and foam impregnated; pot scouring pads with or without soap; bluing, laundry* from the Commercial Zone of St. Louis, MO, to the Commercial Zones of Kansas City, KS; Omaha, Lincoln and Norfolk, NE; and from the Commercial Zone of Omaha, NE, to the Commercial Zone of St. Louis, Mo for 180 days. Underlying ETA filed. Supporting shipper(s): Purex Company, 6901 McKissick, St. Louis, MO 63147. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 149155 (Sub-3TA), filed January 11, 1980. Applicant: JOHN W. PEPPER d.b.a. MIDWEST CARTAGE COMPANY, Box 318, Atchison, KS 66002. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman, Denver, CO 80203. *Cartons and paper products and related materials and supplies* from the facilities of Westvaco, Container Division, at or near Kansas City, KS to points in IA, MO, and NE for 180 days. Underlying ETA filed. Supporting shipper(s): Westvaco Container Division, 530 Sunshine Road, Kansas City, KS 66115. Send protests to: Opal Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 149175 (Sub-1TA), filed January 4, 1980. Applicant: MEACHAM LEASING, INC., 3701 North Grove Street, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract Irregular: *Inedible animal fats and vegetable oils, in bulk, in tank vehicles* between Fort Worth, TX, on the one hand, and, on the other, points in the U.S., except AK and HI, under continuing contract(s) with Wommack Grease Service, Inc. and Wommack International, Inc., both of Fort Worth, TX for 180 days. Underlying ETA filed. Note: Proposed services involve "intercorporate movements" (one corporation hauling for subsidiary corporations). Supporting shipper(s): Wommack Grease Service, Inc., 3701 N. Grove, Fort Worth, TX 76106. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 149195 (Sub-1TA), filed January 16, 1980. Applicant: ARCADIAN MOTOR CARRIERS, INC., 1831 Simpson, Kingsburg, CA 93631. Representative: James F. Hauenstein, 1831 Simpson, Kingsburg, CA 93631. *Charcoal and charcoal briquettes, lighter fluid, hickory chips, and equipment materials, and supplies used in distribution or manufacture of charcoal and charcoal briquettes;* from Medford, OR to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky Industries, 62 Perimeter Center East, Medford, OR. Send protests to: D/S Neil Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 149205 (Sub-1TA), filed February 1, 1980. Applicant: BILL D. HAVENS AND WILLIAM S. HAVENS, 1609 East 27th, Farmington, NM 87401. Representative: Roger V. Eaton, P.O. Drawer 965, Albuquerque, NM 87103. *Uranium ore, in bulk;* from Gunnison, CO to Milan, Churchrock, and St. Anthony, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Homestake Mining Co., 320 North Main Street, Gunnison, CO 81230. Send protests to: Joyce E. Abbott, TA, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW, Albuquerque, NM 87101.

MC 149305 (Sub-1TA), filed January 31, 1980. Applicant: REBEL EXPRESS, INC., Rt. 1, Box 66, Dry Prong, LA 71423. Representative: Gerald F. Nugent Sr. (same as above). Contract carrier, irregular routes, *Safety valves, safety relief valves, forged steel-globe, gate and check valves not exceeding 1500 pounds* from the plant site and facilities of Dresser Industrial Valve & Instrument at or near Alexandria, LA to points in AL, AR, TX, MS, OK, TN, GA, and FL for 180 days. Underlying ETA filed. Supporting shipper(s): Dresser Ind., P.O. Box 1430, Alexandria, LA 71301. Send protests to: Opal M. Jones, TCS, ICC, 411

West 7th St., Suite 600, Fort Worth, TX 76102.

MC 116004 (Sub-58TA), filed August 16, 1979, and published in **Federal Register** issue of September 26, 1979, and republished as corrected this issue. Applicant: TEXAS OKLAHOMA EXPRESS, INC., 2222 E. Grauwyler Road, Irving, TX 75061. Representative: Doris Hughes, P.O. Box 47112, Dallas, TX 75247. Regular Routes, common carrier, *General Commodities (except those of unusual value, Classes A & B Explosives, Household Goods as defined by the Commission, commodities in bulk or those requiring special equipment)* between Los Angeles, CA and its commercial zone, on the one hand, and on the other Amarillo, TX and its commercial zone, over IS Hwy 40 and US Hwy 66, serving no intermediate points. Applicant intends to tack authority. Applicant intends to interline with other carriers. For 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): There are approximately 72 supporting shippers. Send protests to: Opal M. Jones, ICC, 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102. The purpose of this republication is to show the correct route description.

[Notice No. 12]

MC 31533 (Sub-17TA), filed April 13, 1979, and published in the **Federal Register** issue of February 19, 1980, and republished as corrected this issue. Applicant: SOUTH BEND FREIGHT LINE, INC., 1200 South Oliver Street, South Bend, IN 46624. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Michigan City, IN and Junction IN Hwy 15 and U.S. Hwy 6: From Michigan City over U.S. Hwy 35 to Junction U.S. Hwy 6, then east over U.S. Hwy 6 to Junction IN Hwy 15, and return over the same route, serving all intermediate points, (2) Between South Bend, IN and Walkerton, IN: From South Bend over IN Hwy 23 to Walkerton, and return over the same route, serving all intermediate points, (3) Between South Bend, IN and Warsaw, IN: From South Bend over U.S. Hwy 31 to Junction U.S. Hwy 30, then east over U.S. Hwy 30 to Warsaw, and return over the same route, serving all intermediate points, and the off-route point of Plymouth, IN, (4) Between Gary, IN and Junction U.S. Hwy 31 and U.S. Hwy 30: From Gary over Interstate Hwy 65 to Junction U.S. Hwy 30, then east over U.S. Hwy 30 to Junction U.S. Hwy 31, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, (5) Between Elkhart, IN and Warsaw, IN: From Elkhart over U.S. Hwy 33 to Goshen, then south over IN Hwy 15 to Warsaw, and return over the same route, serving all intermediate points, (6) Between Elkhart, IN and Shipshewana, IN: From Elkhart over U.S. Hwy 20 to Junction IN Hwy 5, then north over IN Hwy 5 to Shipshewana, and return over the same route, serving all intermediate points and the off-route point of Middlebury, IN. From Elkhart over IN Hwy 120 to Junction IN Hwy 5, then south over IN Hwy 5 to Shipshewana, and return over the same route, serving all intermediate points. (7) Between Nappanee, IN and Paw Paw, MI: From Nappanee over IN Hwy 19 to the IN–MI state line, then northeast over MI Hwy 205 to Junction U.S. Hwy 12, then east over U.S. Hwy 12 to Junction MI Hwy 40, then north over MI Hwy 40 to Paw Paw, and return over the same route, serving all intermediate points. (8) between Michigan City, IN and Kalamazoo, MI, from Michigan City over U.S. Hwy 12 to junction Interstate Hwy 94, then northeast over Interstate Hwy 94 to Kalamazoo, and return over the same route, serving all intermediate points, and the off-route points of Mattawan, Hartford, Lawrence, Keeler, Lakeside and Harbert, MI; (9) between Watervlint, MI and South Haven, MI, from Watervliet over MI Hwy 140 to South Haven, and return over the same route, serving all intermediate points; (10) between Niles, MI and junction Interstate Hwy 94 and MI Hwy 51 from Niles over MI Hwy 51 to junction Interstate Hwy 94, and return over the same route, serving all intermediate points; (11) between Niles, MI and Three Rivers, MI, from Niles over MI Hwy 60 to Three Rivers, and return over the same route, serving all intermediate points; (12) between New Buffalo, MI and Kalamazoo, MI, from New Buffalo over U.S. Hwy 12 to junction U.S. Hwy 131, then north over U.S. Hwy 131 to Kalamazoo, and return over the same route, serving all intermediate points; and (13) between Marcellus, MI and junction U.S. Hwy 131 and MI Hwy 216, from Marcellus over MI Hwy 216 to junction U.S. Hwy 131, and return over the same route, serving all intermediate points, for 180 days. Supporting shipper(s): There are 39 shippers which can be examined at Headquarters in DC or at ICC Field Office listed below. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn Street, Chicago, IL 60604. The purpose of this republication is to show the complete authority requested.

Note.—Applicant intends to serve the commercial zones of all points requested and will tack with existing authority in MC–31533 at Gary, Michigan City, Elkhart, and South Bend, IN. Applicant also intends to interline with other carriers at Rockford and Chicago, IL and South Bend, IN.

MC 52793 (Sub-46TA), filed October 17, 1979, and published in the **Federal Register** issue of January 7, 1980, and republished as corrected this issue. Applicant: BEKINS VAN LINES, CO., 333 South Center Street, Hillside, IL 60162. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Penn. Ave. & 13th St., NW., Washington, DC 20004. *New furniture, including institutional furniture,* from York, PA, to points in MI, IN, WI, IL, KY, TN, AR, MO, IA, MN, KS, OK, TX, NM, CO, UT, NV and AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thonet Industries, Div. Simmons, U.S.A., 419 East Princess St., York, PA 17405. Send protests to: Irene Carlos, TA, ICC, 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, CA 90012. The purpose of this republication is to correctly show the origin point to read "York, PA" in lieu of "Red Lion, PA" as previously published.

MC 52793 (Sub-49TA), filed October 18, 1979, and published in the **Federal Register** issue of January 7, 1980, and republished as corrected this issue. Applicant: BEKINS VAN LINES, CO., 333 South Center Street, Hillside, IL 60162. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Penn. Ave. & 13th St., NW., Washington, DC 20004. *Store fixtures and equipment,* from Red Lion, PA, to points in VT, NH, MA, CT, RI, NY, NJ, DE, MD, VA, WV, NC, SC, GA, FL, AL, MS, LA, AR, TN, KY, MO, IL, IN, OH, MI, WI, MN, IA, KS, OK, TX, NM, CO, UT, NV and AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Zell Brothers, Inc., Church Lane, P.O. Box 327, Red Lion, PA 17356. Send protests to: Irene Carlos, TA, ICC, 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, CA 90012. The purpose of this republication is to correctly show the origin point to read "Red Lion, PA" in lieu of "York, PA" as previously published.

MC 58923 (Sub-55TA), filed December 12, 1979. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Rd., SE., P.O. Box 6944, Atlanta, GA 30315. Representative: William W. Eest (same address as applicant). Common carrier, regular routes; (A) *general commodities* with the usual exceptions, (1) between

Memphis, TN, and Montgomery, AL, from Memphis over U.S. Hwy 72 to the junction of Alt. U.S. Hwy 72, then over Alt. U.S. Hwy 72 to the junction of U.S. Hwy 31 (also over U.S. Hwy 78 to the junction of U.S. Hwy 31), then over U.S. Hwy 31 to Montgomery, and return over the same route; (2) between Montgomery, AL, and Pensacola, FL, from Montgomery over U.S. Hwy 31 to the junction of U.S. Hwy 29, then over U.S. Hwy 29 to Pensacola, and return over the same route; (3) between Montgomery, AL, and Cottondale, FL, from Montgomery over U.S. Hwy 82 to the junction of U.S. Hwy 431, then over U.S. Hwy 431 to the junction of U.S. Hwy 231, then over U.S. Hwy 231 to Cottondale, and return over the same route; (4) between Mobile, AL, and Madison, FL, from Mobile over U.S. Hwy 90 to Madison, and return over the same route; (a) serving all intermediate points in connection with (1) through (4) above (b) serving as off-route points, in connection with (1) through (4), points in AL, and (c) serving as off-route points, in connection with (2) through (4), points in and west of Hamilton, Madison, and Taylor Counties, FL, and (B) over irregular routes, general commodities with the usual exceptions, between points in the commercial zone of Memphis, TN, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack and combine all of the above referenced authority with its authorized operations, and to interline with other carriers. Supporting shipper(s): There are 27 shippers which can be examined at the office listed below or headquarters. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309. The purpose of this republication is to show the applicant intends to tack and interline.

MC 138882 (Sub-345TA), filed January 2, 1980, and published in the **Federal Register** issue of February 19, 1980, and republished as corrected this issue. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same as applicant). *Such commodities as are dealt in and sold by Wholesale Electric Storage Battery and Golf Cart distributorships* (except commodities in bulk, in tank vehicles), between the plantsite of Dynacraft Corp. located at or near Troy, AL, on the one hand, and, on the other, Atlanta, GA, Jacksonville and Miami, FL, Baton Rouge, LA, Wichita, KS, Charleston and Sumter, SC and Candler, Charlotte, and Raleigh, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dynacraft Corp., Henderson Hwy. Industrial Park, Troy, IL 36081. Send protests to: Mabel E. Holston, TA, ICC, Rm 1616—2121 Bldg., Birmingham, AL 35203. The purpose of this republication is to show the correct spelling of "Gold Cart" to read "Golf Cart" which was published in error.

MC 145653 (Sub-4TA), filed December 6, 1979, and published in the **Federal Register** issue of January 28, 1980 and republished as corrected this issue. Applicant: KIRCHWEHM BROS. CARTAGE CO., INC., 1700 West Carroll Avenue, Chicago, IL 60612. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. Contract carrier; irregular routes: *Materials, equipment, and supplies used or useful in the manufacture, sale, or distribution of such commodities as are dealt in by the wholesale and retail grocery industry,* except commodities in bulk, between points in the Chicago, IL Commercial Zone on the one hand, and, on the other, points in OH, under a continuing contract(s) with the Procter & Gamble Distributing Company of Cincinnati, OH, for 180 days. Supporting shipper(s): The Proctor & Gamble Co., P.O. Box 599, Cincinnati, OH 45201. Send protests to: ICC, 219 S. Dearborn St., Rm 1386, Chicago, IL 60604. The purpose of this republication is to show the complete authority requested.

MC 146392 (Sub-3TA), filed October 1, 1979, and published in the **Federal Register** issue of December 17, 1979 and republished as corrected this issue. Applicant: AMALGAMATED TRANSPORTATION, INC., 121—12th St., NW, Cedar Rapids, IA 52405. Representative: Dennis L. Wengert (same address as applicant). Contract carrier; irregular routes; *general commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment) between Anamosa, Belle Plaine, Burlington, Centerville, Council Bluffs, Clinton, Davenport, Decorah, Des Moines, Dubuque, Fairfield, Fort Dodge, Fort Madison, Grinnell, Keokuk, Iowa City, Marshalltown, Cedar Rapids, Montezuma, Monticello, Mt. Pleasant, Mason City, Muscatine, Newton, Oelwein, Ottumwa, Oskaloosa, Sioux City, Spencer, Washington, Waterloo, West Union, and Williamsburg, IA, and their respective commercial zones on the one hand, and, on the other, Chicago, IL, and its commercial zones, for 180 days. Authority sought would be performed under contract with Iowa Air Freight, Inc. An underlying ETA seeks 90 days authority. Restricted to traffic having prior or subsequent transportation by air. Supporting shipper(s): Iowa Air Freight, Inc., 404 W. Main St., Marshalltown, IA 50158. Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309. The purpose of this republication is to include Cedar Rapids, IA as an origin point and to show the correct supporting shipper.

MC 148413 (Sub-2TA), filed November 16, 1979. Applicant: MIDSOUTH TRANSPORTATION, INC., P.O. Box 53, National Stock Yards, IL 62071. Representative: William G. Hunter, 326 Julia, Belleville, IL 62223. Contract carrier; irregular routes; *brewers wet grains* from East St. Louis, IL commercial zone to AL, AR, IN, IA, KS, KY, MO, MS, OH, OK and TN, under a continuing contract(s) with The Pillsbury Company, for 180 days. Supporting shipper(s): The Pillsbury Company, 608 Second Ave., S. Maples, MN 55402. Send protests to: ICC, 414 Federal Bldg. and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

**[Notice No. 255]**

MC 1117 (Sub-26TA), filed December 19, 1979. Applicant: M.G.M. TRANSPORT CORP., 70 Maltese Drive, Totowa, NJ 07512. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Containers. From Philadelphia, PA and Passaic County, NJ to Greensboro, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): DeSoto, Inc., 1700 South Mt. Prospect Road, Des Plaines, IL 60018. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 1756 (Sub-33TA), filed December 20, 1979. Applicant: PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, NJ 07105. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Containers and ends from Williamsburg, VA to Newark, NJ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ball Corporation, 345 S. High Street, Muncie, IN 47302. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 11207 (Sub-513TA), filed December 10, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. (1) *Machinery and machinery parts,* and (2) *materials and supplies used in the manufacture of machinery and machinery parts,* between Dallas, Irving, and McGregor, TX, on the one hand, and, on the other, points in the United States in and east of AR, IA, LA, MN, and MO, for 180 days. Supporting

shipper(s): Delta Brands, Inc., 2204 Century Center Blvd., Irving, TX 75060. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 26396 (Sub-317TA), filed December 14, 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. *Agricultural chemicals* (except in bulk), from East Helena, MT to Kansas City, MO; Omaha, NE; Orlando, FL; Bainbridge, GA; Marshall, TX; Kankakee, IL and Des Moines, IA, for 180 days. Supporting shipper(s): American Chemet Corporation, Drawer D, East Helena, MT 59635. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 26396 (Sub-518TA), filed December 12, 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. *Fertilizer* and *raw materials used in the manufacture of fertilizer* from ports of entry on the International Boundary line between the U.S. and Canada located in MT to points in ID, NV, OR, UT and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Occidental Chemical, 8700 S.W. 26th Avenue, Portland, OR 97219. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 26396 (Sub-324TA), filed December 20, 1979. Applicant: POPELKA TRUCKING CO. d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Hardwood Lumber* from St. Louis, MO; Memphis, TN; Wilmington, NC; Vicksburg, MS; Champion, PA; Calion, AR; and Stuttgart, AR to ports of entry on the International Boundary line between the U.S. and Canada located in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): McKillican Hardwood, Ltd., 14803–134 Avenue, Edmonton, AB, Canada T5L 4V5. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 26396 (Sub-325), filed December 26, 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. *Caustic soda,* in bags, from Wichita, KS to the U.S.-Canada International Boundary line at ports of entry located in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United Mud Supply, Ltd., 4316–D 64th Avenue SE, Calgary, AB, Canada T3C 2B3. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 26396 (Sub-326TA), filed December 27, 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. *Drilling mud additives* from East St. Louis, IL and Appleton, WI to the U.S.-Canada International Boundary line at or near ports of entry in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United Mud Supply, Ltd., 4316–D 64th Avenue SE, Calgary, AB, Canada T3C 2B3. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 26396 (Sub-327TA), filed December 27, 1979. Applicant: POPELKA TRUCKING CO. d.b.a. THE WAGGONERS, P.O. Box 31357, Billings, MT 59107. Representative: Barbara S. George, P.O. Box 31357, Billings, MT 59107. *Agricultural chemicals* (except in bulk), from points in IL to points in IA, ID, MN, ND, SD, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: American Cyanamid Company, P.O. Box 400, Princeton, NJ 08540. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billing, MT 59101.

MC 28067 (Sub-22TA), filed December 13, 1979. Applicant: WILLIAMS MOTOR TRANSFER, INC., South Vine Street, Barre, VT 05641. Representative: John P. Monte, 61 Summer Street, Barre, VT 05641. *Stone, Granite (except monumental stone and granite) and materials and machinery used in the manufacturing of stone and granite,* (A) between Barre and Bethel, VT, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, CO, OK and TX, and (B) between Concord, NH, on the one hand, and, on the other points in the United States in and east of ND, SD, NE, CO, OK and TX, for 180 days. Supporting shipper: Rock of Ages Corporation and Rock of Ages Building Granite Corporation, Box 482, Barre, VT 05641. Send protests to: Carol A. Perry, TA, ICC, P.O. Box 548, Montpelier, VT 05602.

MC 41116 (Sub-70TA), filed December 13, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman (same address as applicant). Applicant is seeking authority to operate as a *contract carrier,* over irregular routes, transporting *Paper and paper products* between the plantsite of Boise Cascade located at Elizabeth, LA, on the one hand, and, on the other, points in LA, for 180 days. Restricted to traffic having a subsequent movement in foreign commerce. Supporting shipper: Boise Cascade Corporation, P.O. Box 7747, Boise, Idaho 83707. Send protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Bldg., 701 Loyola Avenue, New Orleans, LA 70113.

MC 42487 (Sub-964TA), filed December 11, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, Oregon 97208. Common carrier; regular routes: Classes A and B explosives, between Wells, NV and Salt Lake City, UT, serving no intermediate points, and serving Wells, NV for purposes of joinder only: from Wells over Interstate Hwy 80 (or U.S. Hwy 40 as to those portions of the route not presently designated as Interstate Hwy 80) to Salt Lake City, and return over the same route, for 180 days; an underlying ETA seeks 90 days authority. Authority is sought to serve all points in the Salt Lake City, UT Commercial Zone. Applicant intends to tack to its existing authority and any authority it may acquire in the future. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Send protests to: D/S Neil C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 48386 (Sub-15TA), filed September 21, 1979. Applicant: GRAVER TRUCKING COMPANY, INC., Route 7, Box 7655, Stroudsburg, PA 18360. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. *Sand, Gravel and Stone,* from Monroe County, PA to Passaic County, NJ, for 150 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Co-Operative Concrete Corporation, 355 Minisink Road, Totowa, NJ 07512. Send protests to: ICC Federal Reserve Bank Bldg., 101 N. 7th Street, Phila., PA 19106, Room 620.

MC 60186 (Sub-65TA), filed December 10, 1979. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, CT 06066. Representative: Clifford J. O. Nelson, same address as applicant. *Common carrier:* irregular routes: *frozen foods* from Seabrook, New Jersey, to points in Vermont, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Seabrook Foods, Inc., Seabrook, New

Jersey 08302. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Hartford, CT 06103.

MC 67156 (Sub-4TA), filed December 10, 1979. Applicant: CONTAINER TRANSPORT COMPANY, P.O. Box 1409, Antioch, CA 94509. Representative: Patrick W. Pollock (same address as applicant). *Contract carrier,* irregular routes: (a) *paper and paper articles, including pulpboard and woodpulp, in sea van containers,* for export by water carrier, from the plant site of Fibreboard Corporation at Antioch, CA to Oakland and San Francisco, CA; and (b) *Empty sea van containers* from Oakland and San Francisco, CA to the plant site of Fibreboard Corporation at Antioch, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hanjin Container Lines, Ltd., 2150 Franklin Street, Suite 610, Oakland, CA 94612. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 67156 (Sub-3TA), filed December 10, 1979. Applicant: CONTAINER TRANSPORT COMPANY, P.O. Box 1409, Antioch, CA 94509. Representative: P. W. Pollock (same address as applicant). *Contract carrier,* irregular routes: *Gypsum products, plaster and lime* from points in Clark County, NV to points in Los Angeles and Orange Counties, CA; and *Fibreboard or pulpboard, Lumber and Plywood* from points in Los Angeles and Orange Counties, CA to points in Clark County, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Louisiana-Pacific Corporation, 2041 E. Rosecrans, Suite 300, El Segundo, CA 90245; The Flintkote Company, 5500 S. Alameda St., Los Angeles, CA 90058. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 78687 (Sub-75TA), filed December 31, 1979. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, Moravia, NY 13118. Representative: Norman T. Fowlkes III, 805 McLachlen Bank Bldg., 666 Eleventh Street NW, Washington, DC 20001. *Newsprint and paper products,* from the facilities of Bear Island Paper Company at or near Ashland, VA to points in CT, DE, GA, FL, MD, NJ, NY, NC, PA, SC, WV and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Bear Island Paper Company, 80 Field Point Rd., Greenwich, CT 06830. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 97127 (Sub-14TA), filed December 26, 1979. Applicant: BATESVILLE TRUCK LINE, INC., P.O. Box 2496, Batesville, AR 72501. Representative: Don A. Smith, P.O. Box 42, Ft. Smith, AR 72902. Common carrier over regular routes: *General commodities* (except those of unusual value, commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and those which because of size or weight require the use of special equipment). (1) Between Clinton, AR and Mountain View, AR, serving all intermediate points: From Clinton over AR Hwy 16 to Shirley, AR, then over AR Hwy 9 to Mountain View and return over the same route; (2) Between Shirley, AR and Edgemont, AR, serving all intermediate points: From Shirley, AR over AR Hwy 16 to Edgemont and return over the same route; (3) Between Junction AR Hwy 16 and AR Hwy 330 and Fairfield Bay, AR, serving all intermediate points: from Junction AR Hwy 16 and AR Hwy 330 to Fairfield Bay, over AR Hwy 330 and return over the same route. (4) Between Springhill, AR and Harrison, AR, serving all intermediate points: From Springhill over U.S. Hwy 65 to Harrison and return over the same route; (5) Between Harrison, AR and Marshall, AR, serving all intermediate points: From Harrison over AR Hwy 7 to Junction AR Hwy 14, then over AR Hwy 14 no intermediate points: From Springhill over U.S. Hwy 65 to Little Rock and return over the same route. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): 42 supporting shippers. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 108297 (Sub-31TA), filed October 17, 1979. Applicant: FOX TRANSPORT SYSTEM, 8 Oregon Ave., Philadelphia, PA 19148. Representative: James J. Fox, same address as applicant. *Cable, scrap, lead covered copper and reels; cable, electric on vehicles with specialized equipment for loading and unloading,* between points in PA in and east of Potter, Clinton, Centre, Blair and Bedford counties, on the one hand, and, on the other, New York, NY and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Telephone & Telegraph Co., 16 N. Salem, Dover, NJ 07801. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7 St., Philadelphia, PA 19106.

MC 111656 (Sub-11TA), filed December 12, 1979. Applicant: FRANK LAMBIE, INC., Pier 79 North River, New York, NY 10018. Representative: Edward M. Alfano and John L. Alfano, Esqs., Alfano & Alfano, P.C., 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract carrier,* irregular routes: *Such commodities as are dealt with by a manufacturer or distributor of paint products; food and food products; powder metals and metal products; paper and paper products; supplies and equipment used in connection therewith, except commodities in bulk,* (a) between Cook, DuPage, Elgin, Grundy, Kankakee, Kendall, Lake, McHenry and Will Counties, IL, and Lake County, IN, on the one hand, and, on the other, points in CT and MA, and (b) between Baltimore, MD, Ashtabula and Wickliffe, OH, Johnstown, Parkesburg, Phoenixville, Reading, Royersford and Shiremanstown, PA, and Petersburg, WV, on the one hand, and, on the other, points in CT, IL, IN, MD, MA, MI, NJ, NY, NC, OH, PA and SC; restricted to a transportation service to or from the facilities of SCM Corporation and to be performed under continuing contract(s) with SCM Corporation of Cleveland, OH; for 180 days. Supporting shipper(s): SCM Corporation, 900 Union Commerce Building, Cleveland, OH 44115. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 114897 (Sub-132TA), filed December 12, 1979. Applicant: WHITFIELD TANK LINES, INC., 124 W. Thomas, P.O. Box 7676, Phoenix, AZ 85011. Representative: Michael K. Siner, P.O. Box 12278, 485 Coates Dr., El Paso, TX 79912. *Jet fuel (aviation fuel),* from the facilities of Tesoro at or near Carrizo Springs, TX to Tucson, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hydrocarbon Trading & Transport Co., Inc., 811 Rusk, Suite 733, Houston, TX 77002. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 114897 (Sub-133TA), filed December 17, 1979. Applicant: WHITFIELD TANK LINES, INC., 124 W. Thomas, P.O. Box 7676, Phoenix, AZ 85011. Representative: Michael K. Siner, 485 Coates Dr., P.O. Box 12278, El Paso, TX 79912. *Jet fuel,* Carrizo Springs, TX to Maricopa County, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hydrocarbon Trading & Transport Co. Inc., 811 Rusk, Suite 733, Houston, TX 77002. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Avenue, Phoenix, AZ 85025.

MC 115557(Sub-30TA), filed December 17, 1979. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, PA 16242. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. *Molds, equipment,*

*materials and supplies used in the manufacture of molds and glass containers* (excluding commodities in bulk), between the facilities of Glass Containers Corporation at Antioch, Fullerton, Hayward and Vernon, CA; Dayville, CT; Forest Park, GA; Gas City and Indianapolis, IN; Jackson, MI; Knox, Marienville, Parker and Reno, PA; and Palestine, TX, for 180 days. Supporting shipper(s): Glass Containers Corporation, 1301 South Keystone Ave., Indianapolis, IN 46203. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 115826 (Sub-565TA), filed December 13, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). A–(1) *Floor coverings and (2) materials, equipment and supplies* used in the installation of floor coverings from Ames, IA and Philadelphia, PA and points in their respective commercial zones to points in CA; B–*Chemicals* (except in bulk) from Pennsauken, NJ and points in its commercial zone to points in CA, for 180 days. Supporting shipper(s): B. R. Funsten & Co., 2045 Evans St., San Francisco, CA 94124. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 115826 (Sub-570TA), filed December 17, 1979. Applicant: W. J. DIGBY, INC., 6015 E. 58th Avenue, Commerce City, CO 80022. Representative; Howard Gore (same address). *Shampoo, toilet preparations, hair mist and cosmetics,* from Los Angeles, CA and points in its commercial zone to points in AL, AR, CT, DE, ID, IA, KS, KY, LA, ME, MD, MN, MO (except Kansas City and St. Louis, MO), MT, NE, NM, NH, NV, ND, OK, OR, RI, SC, SD, TN, VT, VA, WV, WI, and WY, for 180 days. There is an underlying ETA seeking 90 days authority. Supporting shipper(s): Vidal Sassoon, Inc., 9640 Owensmouth Ave., Chatsworth, CA 91311. Send protests to: District Supervisor H. C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 117786 (Sub-78TA), filed December 3, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Paper and paper forms and related products and commodities used in the manufacturing and distribution of paper and paper forms,* from Columbus, OH to Kansas City, MO, Minneapolis, MN, Dallas, TX, Atlanta, GA and Chicago, IL, for 180 days. Supporting shipper: The Standard Register Co., P.O. Box 1167, Dayton, OH 45401. Send Protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 117786 (Sub-77TA), filed November 21, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Crushed tuff,* from the mine site of Tufa Mining Corp. located approximately 3 miles west of Black Canyon City, AZ to points in NM and CA, for 180 days. Supporting shipper: Tufa Mining Corp., 130 W. San Juan, Phoenix, AZ 85013. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 117786 (Sub-79TA), filed December 4, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Commodities used or dealt in by wholesale and retail grocery outlets,* from the facilities of Associated Grocers in Phoenix, AZ to Gallup, NM, for 180 days. Supporting shipper(s): California Superama, Inc., 403 W. Aztec, Gallup, NM 87301; Calmar, Inc., 1120 E. 66th Ave., Gallup, NM 87301; and Associated Grocers, 624 S. 25th Ave., Phoenix, AZ 85009. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper(s): California Superama, Inc., 403 W. Aztec, Gallup, NM 87301. Calmar, Inc., 1120 E. 66th Ave., Gallup, NM 87301. Associated Grocers, 624 S. 25th Ave., Phoenix, AZ 85009. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 117786 (Sub-87TA), filed December 17, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Alcoholic beverages,* from the facilities of Schenley Distillers, Inc. at Lawrenceburg, IN to OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Schenley Distillers, Inc., 36 E. 4th St., Cincinnati, OH 45202. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 118377 (Sub-10TA), filed December 17, 1979. Applicant: RICHARD R. JOHNCOX, Route 104, Williamson, NY 14589. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Ctr., New York, NY 10048. *Foodstuffs (except in bulk),* from Marion, Williamson, East Williamson, Newark, Oaks Corners, Dundee, Himrod, and Penn Yan, NY to points in ME, MA, NH, CT, RI, VT, NY, NJ, PA, DE, MD and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Seneca Foods Corporation, Marion, NY 14505. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 118696 (Sub-27TA), filed November 19, 1979. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. New furniture, from the facilities of Jasper Stylemasters. Division of Kimball International, Inc., at Jasper, IN to Chicago, IL, Framingham, Newburyport, Norwood, Westwood, Wilburn and Wilmingham, MA, Benton Harbor, MI, Portsmouth, NH, Gaffney, SC, and Newport, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jasper Stylemasters, Div. of Kimball International, Inc., P.O. Box 520, Jasper, IN 47546. Send protests to: Transportation Assistant ICC, 219 S. Dearborn, Chicago, IL 60604.

MC 118776 (Sub-44TA), filed December 12, 1979. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. *Scrap Paper,* from AR, IN, IA, KS, KY, MI, MN, MO, NE, OH, SD, TN, and WI to Quincy, IL for 180 days. Supporting shipper(s): Quincy Recycle Paper Inc., 526 South 6th, Quincy, IL 62301. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 119577 (Sub-27TA), filed November 27, 1979. Applicant: OTTAWA CARTAGE, INC., P.O. Box 458, Ottawa, IL 61350. Representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, IL 60601. *Sand,* from the facilities of Manley Bros. at or near Bridgman, MI and Troy Grove, IL to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, for 180 days. Supporting shipper(s): Manley Bros. of Indiana, Inc., P.O. Box 538, Chesterton, IN 46304. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Chicago, IL 60604.

MC 119656 (Sub-70TA), filed November 7, 1979. Applicant: NORTH EXPRESS, INC., P.O. Box 247, Winamac, IN 46996. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. *(1) Leaf Springs,* from the facilities of Winamac Steel Products Division, Norris

Industries at Fayetteville, AR to points in IN, OK, KS, LA, MO, IA, and NE; and *(2) Steel,* from Lake County, IN and points in KY to the facilities of Winamac Steel Products Division, Norris Industries, at Fayetteville, AR for 180 days. Supporting shipper(s): Winamac Steel Products Division, Norris Industries, 616 W. Eleventh St., Winamac, IN. Send protests to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 119656 (Sub-71TA), filed November 21, 1979. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, IN 46996. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. *Fluxing Compounds,* from North Judson, IN to Detroit, MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cravens Insul Co., Inc., P.O. Box 157, North Judson, IN 46266. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 121336 (Sub-7TA), filed December 19, 1979. Applicant: SUPERIOR FAST DRAYAGE, d.b.a. SUPERIOR EXPRESS, 611 North Mission Road, Los Angeles, CA 90033. Representative: David M. Westurn (same address as above). *General commodities (except those of unusual value, classes A and B explosives, livestock, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment) moving on Bills of Lading of freight forwarders operating pursuant to Part IV of the Interstate Commerce Act,* between points in California on the one hand and, on the other hand, points in Oregon, Washington, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Superior Fast Freight, Executive Vice President, 611 N. Mission Rd., P.O. Box 60100, T.A., Los Angeles, CA 90060. Send protests to: Irene Carlos, TA, ICC, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 123407 (Sub-625TA), filed November 14, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rte. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Flat glass;* from the facilities of M. L. Burke Co., located at or near Cornwells Hgts, PA, to points in the United States (except AK and HI), for 180 days. Supporting shipper(s): M. L. Burke, Div. of ATI, Inc., Box 370, Cornwells Heights, PA 19020. Send protests to: Transportation Assistant, ICC—219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 123407 (Sub-626TA), filed November 27, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Wooden and plastic articles (except commodities in bulk),* from the facilities of Abiti Corporation at or near Middlebury, IN, to points in the United States (except AK and HI), for 180 days. Supporting shipper(s): Abitibi Corporation, P.O. Box 509, Middlebury, IN 46540. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 123476 (Sub-49TA), filed December 12, 1979. Applicant: CURTIS TRANSPORT, INC., #23 Grandview Industrial Ct., Arnold, MO 63010. Representative: David G. Dimit, (same address as above). *Liquefied petroleum gases,* in bulk, in tank vehicles, between Wood River, and Cahokia, IL, on the one hand, and, on the other, points in MO, for 180 days. Supporting shipper(s): Empire Gas Corp., P.O. Box 303, Lebanon, MO 65536. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 125506 (Sub-36TA), filed December 17, 1979. Applicant: JOSEPH ELETTO TRANSFER, INC., 33 W. Hawthorne Avenue, Valley Stream, NY 11580. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract* carrier, irregular routes: *Such merchandise as is dealt in or used by retail department stores (except in bulk),* between Jersey City, NJ, on the one hand, and, on the other, Philadelphia, Cheltenham, Upper Darby, Lancaster, Media, King of Prussia and Langhorne, PA, and Voorhees Township and Morristown, NJ, under a continuing contract(s) with Gimbel Bros., Inc., Philadelphia, PA; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Gimbel Bros., Inc., 937 Market Street, Philadelphia, PA 19105. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 126276 (Sub-213TA), filed December 5, 1979. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, IL 60513. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Contract carrier:* irregular routes: *Containers and container closures:* from the facilities of the Continental Group, Inc., at or near Perry and Atlanta, GA and Houston and Longview, TX to St. Louis, MO, Quincy, IL, Cincinnati, Columbus and Worthington, OH, Austin and Indianapolis, IN, St. Joseph, Benton Harbor, Shoreham and Holland, MI, and Memphis, TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Continental Can Company, 11550 Mosteller Rd., Cincinnati, OH 45241. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 126736 (Sub-131TA), filed December 27, 1979. Applicant: FLORIDA ROCK AND TANK LINES, INC., P.O. Box 1559, Jacksonville, FL 32201. Representative: M. J. Van Malsen for L. H. Blow (same address as applicant). *Granulated slag, in bulk, in tank vehicles,* from Charlton County, GA to points in FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Reading U.S., Inc., 234–C Industrial Loop Road, P.O. Box 1238, Orange Park, FL 32073. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 128837 (Sub-13TA), filed December 6, 1979. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. (1) *Glass containers,* and (2) *materials and supplies used in the manufacture and distribution of glass containers,* from the facilities of Midland Glass Company, Inc. at Terre Haute, IN to St. Louis, MO, and from the St. Louis, MO-East St. Louis, IL commercial zone to Terre Haute, IN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Midland Glass Company, Inc., P.O. Box 557, Cliftwood, NJ 07721. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 128927 (Sub-5TA), filed December 18, 1979. Applicant: MARTIN TRUCKING COMPANY, INC., P.O. Box 118, Wilton, WI 54670. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Malt beverages,* from La Crosse, WI, and St. Paul, MN to Waukegan, IL. Restriction: restricted to transportation performed to the facilities of Andro Pucin Distributing Company, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Andro Pucin Distributing Company, Inc., 405 Oakwood Avenue, Waukegan IL 60085. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 129326 (Sub-34TA), filed December 26, 1979. Applicant: CHEMICAL TANK LINES, INC., Highway 60 West, Mulberry, FL 33860. Representative: Keith Alexander, same address as applicant. *Blackstrap*

*molasses mixtures,* in bulk, in tank vehicles, from Westwego, LA to points in Caldwell, Catahoula, Concordia, East Carrol, Franklin, LaSalle, Madison, Moorehouse, Ouachita, Richland, Tensas, Union, and West Carrol Parishes, LA when short-line mileage is by Interstate routes, and to points in AR, AL, and MS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: USS Agri-Chemicals Dvsn. United States Steel Corp., 233 Peachtree St., N.E., Atlanta, GA 30303. Send protests to: Donna M. Jones, T/A, ICC—BOP, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 129387 (Sub-104TA), filed December 13, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). *Meat, meat products, meat by-products, dairy products, articles distributed by meat packinghouses and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers as described in 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 & Co. at Portland, OR and San Francisco and Oakland, CA and their Commercial Zones to points in the United States (Except AK and HI). Restricted to traffic originating at the facilities of Armour and Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour and Company, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 133136 (Sub-6TA), filed December 11, 1979. Applicant: ENGELMANN TRUCKING COMPANY, INC., 240 Broadway, Huntington Station, NY 11746. Representative: William J. Augello, Augello, Pezold & Hirschmann, P.C., 120 Main St., Huntington, NY 11743. *Contract* carrier, irregular routes: Electron beam accelerator machinery, equipment and supplies, cork and plastic products, and medical disposable products, between Plainview, NY, on the one hand, and, on the other, points in CT, DE, IN, ME, MA, NH, NJ, NY, PA, VA and VT; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Radiation Dynamics, Inc., 316 So. Service Road, Melville, NY 11747. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 134467 (Sub-56TA), filed December 10, 1979. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Such merchandise as is dealt in by retail, discount, department or variety stores,* except commodities in bulk, from points in AL, FL, GA, NC, and SC to the facilities of Wal-Mart Stores, Inc. at or near Bentonville, Searcy, and Ft. Smith, AR for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 134477 (Sub-393TA), filed December 12, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Polyvinyl chloride plastic foam, cellular or expanded,* from Mapleton, IL to St. Cloud, MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 135797 (Sub-291TA), filed December 18, 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. *Animal feed additives and ingredients* between the facilities of Micro Blenders at Liberty, MO and points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MS, NE, NC, NV, OH, OK, OR, SC, TN, TX, UT, VA, and WV for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Micro Blenders, P.O. Box 357, Liberty, Missouri 64068. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135797 (Sub-272TA), filed December 18, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq., P.O. Box 130, Lowell, AR 72745. *Such commodities as are dealt in or used by manufacturers and distributors of feed, feed ingredients and feed products* between points in AR, CO, ID, KS, MN, MO, NE, NM, NV, OK, TX, UT and WY for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Feed Products, Inc., 1000 W. 47th Ave., Denver, CO 80211. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135846 (Sub-6TA), filed December 11, 1979. Applicant: M. S. MOLITOR d.b.a. MOLITOR TRUCKING, P.O. Box 259, Boulder, MT 59632. Representative: John R. Davidson, Davidson, Veeder, Baugh, Broeder & Poppler, Suite 805, First Bank Bldg., Billings, MT 59101. *Malt beverages, in containers,* from Fairfield, CA to Helena, MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Meagher Distributing, Inc., BN Industrial Site, Helena, MT 59601. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 138157 (Sub-206TA), filed December 12, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). *Floor covering materials and materials, equipment and supplies used in the manufacture, production and distribution of floor covering materials,* from Lancaster and Landisville, PA to points in and west of ND, SD, NE, MO, AR, LA, and TX, for 180 days. Restrictions: Restricted to traffic originating at the facilities of Armstrong Cork Co. Further restricted aganist the transportation of commodities in bulk. Supporting shipper(s): William Volker & Co., 945 California Dr., Burlingame, CA 94010. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 138157 (Sub-207TA), filed December 14, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). *Floor covering materials and materials, equipment and supplies used in the manufacture, production and distribution of floor covering materials,* from the facilities of Armstrong Cork Company at Southgate, CA and the facilities of Ozite Corp. at Anaheim, CA to points in the U.S. in and east of MT, WY, UT and NM, for 180 days. Supporting shipper(s): William Volker & Co., 945 California Dr., Burlingame, CA 94010. Send protests to: Glenda Kuss, TA, ICC, A–422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 138157 (Sub-208TA), filed January 2, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). *Such merchandise sold in and distributed by hardware and home improvement centers,* from the facilities of Industrial Industries International at Northridge, CA to points in the U.S. in and east of

MT, WY, CO & NM, for 180 days. Supporting shipper: Industrial Industries International, 19411 Londelius St., Northridge, CA 91324. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 138157 (Sub-209TA), filed January 2, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). *Packaging materials and materials, equipment and supplies used in the manufacture, sale and distribution of packing materials,* from the facilities of Western Kraft Paper Group of Willamette Industries, Inc. at Camarillo, CA to points in AL, LA, GA, AR, KS, MO, TX, OK and TN, for 180 days. Supporting shipper(s): Western Kraft Paper Group, Willamette Industries, Inc., 2000 Pleasant Valley Rd., Camarillo, CA 93010. Send protests to: Glenda Kuss, TA, ICC, A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 138676 (Sub-14TA), filed October 23, 1979. Applicant: O–J TRANSPORT COMPANY, 10290 Gratiot, Detroit, MI 48213. Representative: Willis C. Bullard, Jr., 999 West Big Beaver Road, Suite 1002, Troy, MI 48084. *Malt beverages,* from Detroit, MI to St. Charles, IL and the commercial zone thereof for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Quad County Distributing Company, 248 Randle Road, St. Charles, IL 60174. Send protests to: Transportation Assistant, I.C.C., 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 138676 (Sub-15TA), filed November 6, 1979. Applicant: O–J TRANSPORT COMPANY, 10290 Gratiot, Detroit, MI 48213. Representative: Robert E. McFarland, McFarland & Bullard, 999 West Big Beaver Road, Suite 1002, Troy, MI 48084. *Automobile parts and materials, supplies, equipment, and related articles used in the manufacture and production of motor vehicles,* from Fort Wayne, IN to Detroit, MI and to the Commercial zone thereof for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ford Motor Company, Parkland Towers East, Dearborn, MI 48126. Send protests to: Transportation Assistant, I.C.C., 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 139457 (Sub-20TA), filed December 12, 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. Contract carrier, irregular routes, *canned and preserved foodstuffs, and canned and packaged animal food* from the facilities of Campbell Soup (Texas) Inc., at or near Paris, TX to points in MN, ND and SD for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Campbell Soup (Texas) Inc., Paris, TX 75460. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 139457 (Sub-21TA), filed December 14, 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. Contract carrier, irregular routes, *canned and preserved foodstuffs, and canned and packaged animal food* from the facilities of Campbell Soup (Texas) Inc., at or near Paris, TX, to points in IL, IA, KY, and TN for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Campbell Soup (Texas) Inc., Paris, TX 75460. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600, Fort Worth, TX 76102.

MC 139577 (Sub-45TA), filed December 18, 1979. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Foodstuffs and animal feeds,* from the facilities of Carnation Company at Ft. Wayne, IN; Trenton, St. Joseph and Kansas City, MO; Elwood, KS; Rochelle, IL; Jefferson, Oconomowoc and Milwaukee, WI; Chilton, WI; Jacksonville, IL; Ft. Dodge, and Waverly, IA; Kokomo, IN; Chattanooga, TN; Jacksonville, FL; Mechanicsburg, PA; and Garland, TX to points in and east of ND, SD, NE, CO, OK and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Carnation Company, 5045 Wilshire Blvd., Los Angeles, CA 90036. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 140016 (Sub-10TA), filed December 20, 1979. Applicant: TRANSPORTATION SERVICES, INC., 1320 E. Glendale Avenue, Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *General commodities* (except those of unusual value; Classes A and B explosives; household goods as defined by the Commission; commodities in bulk; and commodities requiring special equipment) between facilities of Silver State Shippers Association located in Washoe County, NV and points in CA, AZ, OR, and WA for 180 days. Supporting shipper(s): Silver State Shippers Association, 1320 Glendale Avenue, Sparks, NV 89431. Send protests to: DS W. J. Huetig, I.C.C., 705 North Plaza Street, Carson City, NV 89701.

MC 140656 (Sub-5TA), filed December 17, 1979. Applicant: TROCHU TRUCKING SERVICES, LTD., Box 8, Station T, Calgary, AB, Canada T2H 2G7. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. *Barite,* in bulk, from Dunphy, NV to ports of entry on the International Boundary line between the U.S. and Canada located in MT, ID and WA, in foreign commerce only, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): N. L. Baroid/N. L. Industries, Inc., Box 1675, Houston, TX 77001. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 140806 (Sub-4TA), filed December 17, 1979. Applicant: HERMS TRUCKING, INC., 620 Pear Street, Trenton, NJ 08648. Representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Contract, irregular. *Lighting fixtures and parts, accessories, materials and supplies used in the manufacture and distribution of lighting fixtures.* Between the facilities owned or utilized by Keystone Lighting Corporation in Philadelphia and Bucks County, PA on the one hand and on the other, points in the US east of the western boundaries of ND, SD, NE, KS, OK and TX. Restriction: the operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Keystone Lighting Corporation, for 180 days. Supporting shipper(s): Keystone Lighting Corporation, 1119 Beaver Street, Bristol, PA 19007. Send protests to: District Supervisor Latarewicz, ICC, 744 Broad Street, Rm. 522, Newark, NJ 07102.

MC 141396 (Sub-8TA), filed December 20, 1979. Applicant: DELP, INC., P.O. Box 369, Springdale, AR 72764. Representative: Stanley W. Ludwig, 529 S. Holcomb St., Springdale, AR 72764. *Green coffee* from New Orleans, LA; Laredo and Houston, TX, to Duluth, MN, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Andresen-Ryan Coffee Company, 14 E. Michigan St., Duluth, MN 55802. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 141867 (Sub-17TA), filed October 11, 1979. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Ronald R. Brader (same as above). *Particle or fibreboard,* from Columbia Falls, MT to Seattle, WA, for

180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): CD Lumber Industries, Inc., 27 School Street, Boston, MA 02108. Send protests to: Shirley M. Holmes T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 142126 (Sub-6TA), filed December 17, 1979. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale Street, Wilmington, MA 01887. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Contract, Irregular. *Expanded polystyrene and rubberized coir,* from South Plainfield NJ to points in ME, NH, VT, MA, CT, RI and NY. Restriction: restricted to a transportation service to be performed under a contract or continuing contract with Blocksom & Company, South Plainfield, NJ. Supporting shipper(s): Blocksom & Company, 161 Helen Street, South Plainfield, NJ 07080. Send protests to: John B. Thomas, D/S, I.C.C., 150 Causeway Street, Boston, MA 02114.

MC 142686 (Sub-30TA), filed November 28, 1979. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Avenue, Santa Fe Springs, CA 90670. Representative: Joseph Fazio, same address as above. *Contract;* Irregular; *Carbon Alloy, stainless and aluminum rod, sheet, and tubing, machinery including material moving equipment and conveyor rollers; materials and supplies used in the manufacture, and distribution thereof,* commodities to be transported between points within the following states: California, Oregon, Washington, Colorado, Oklahoma, Kansas, Texas, Louisiana, Alabama, Georgia, North Carolina, South Carolina, Ohio, Pennsylvania, Indiana, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Kilsby Tubesupply, 9500 Telstar Avenue, El Monte, CA 91731. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 142857 (Sub-5TA), filed November 29, 1979. Applicant: MCC TRANSPORTATION CO., INC., Route 2, Box 107–B, Hope, AR 71801. Representative: Mark J. Andrews, Suite 1100, 1660 L St., N.W., Washington, D.C. 20036. Contract carrier over irregular routes: *Greeting cards, cut and uncut; paper, in rolls; envelopes, books; candles; games and toys; earthenware and china; paper napkins, placemats and tablecloths; wrapping paper, foil and ribbon; such other commodities* as are dealt in by retail greeting card stores; and *equipment, materials and supplies* used in the manufacture or distribution of the above-described commodities, except commodities in bulk, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): American Greetings Corp., 10500 American Rd., Cleveland, OH 44144. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 142916 (Sub-2TA), filed November 14, 1979. Applicant: WILLIAM DALE GAINES, Bowen, IL 62316. Representative: Stanley L. Tucker, Attorney, Hartzell, Glidden, Tucker & Neff, 608 Wabash, Carthage, IL 62321. *Contract carrier:* irregular routes: steel; from Gary, IN to Knapheide Mfg. Co., Quincy, IL, for the account of The Knapheide Mfg. Co., for 180 days. Supporting shipper: The Knapheide Mfg. Co., 436 S. Sixth St., Quincy, IL. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 143127 (Sub-63TA), filed December 21, 1979. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo, Traffic Mgr., 6070 Collett Rd., Victor, NY 14564. *Tobacco products,* from Owensboro, KY to Charlotte, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Pinkerton Tobacco Co., 1121 Industrial Drive, Owensboro, KY 42301. Send protests to: Anne Siler, TA, ICC, 910 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

MC 143276 (Sub-25TA), filed December 13, 1979. Applicant: WEAVER TRANSPORTATION COMPANY, 5452 Oakdale Rd., Smyrna, GA 30080. Representative: James L. Brazee, Jr., P.O. Box 32309, Decatur, GA 30032. *Limestone and limestone products* from Luttrell, Union County, TN to all points in the States of KY, IN, OH, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Luttrell Mining Company, P.O. Box 11705, Knoxville, TN 37919. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 143407 (Sub-3TA), filed December 13, 1979. Applicant: MODERN TRANSPORT, INC., 30127 Austin, Warren MI 48092. Representative: William B. Elmer, 21635 E. Nine Mile Rd., St. Clair Shores, MI 48080. *Materials and supplies used in the manufacture of glass and glass products, in bulk,* from Rockwood, MI, to Greenville, OH and Charleroi, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Corning Glass Works, P.O. Box 544, Corning, NY 14830. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 143417 (Sub-9TA), filed December 3, 1979. Applicant: FLASH INTERSTATE DELIVERY SYSTEM, INC., 4711 W 16th Street, Cicero, IL 60650. Representative: Barry Roberts, 888 17th St., NW., Washington, DC 20006. *Canned goods:* from Jessup, MD; Secaucus, NJ; and Port Elizabeth to points in PA, OH, MI, IN and IL for 180 days. Supporting shipper: Castle & Cooke, Inc., 500 California St., San Francisco, CA 94111. Send protests to: Transportation Assistant, ICC—219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 143636 (Sub-7TA), filed December 5, 1979. Applicant: RON SMITH TRUCKING, INC., R.R. No. 2 Box 4, Newman, IL 61942. Representative: Douglas G. Brown, P.C., The INB Center—Suite 555, Springfield, IL 62701. *Anhydrous ammonia, in bulk, in tank vehicles,* from Vigo County, IN to points in IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: FS Services, Inc., 1701 Towanda Avenue, Bloomington, IL 61701. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604,

MC 144117 (Sub-51TA), filed December 14, 1979. Applicant: T. L. C. LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, Atty., Suite 200, 205 W. Toughy Ave., Park Ridge, IL 60068. *Such commodities as are dealt in or used by manufacturers of photographic products (except commodities in bulk),* from the facilities of Eastman Kodak Company at San Ramon, CA and points in its commercial zone, to Portland, OR and Seattle, WA and points in their commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Eastman Kodak Company, 2400 Mt. Read Blvd., Rochester, NY 14650. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 144117 (Sub-52TA), filed December 12, 1979. Applicant: T. L. C. LINES, INC., 1666 Fabick Dr., Fenton, MO 63026. Representative: Jack H. Blanshan, 205 W. Toughy Ave., Suite 200, Park Ridge, IL 60068. *Foodstuffs (except frozen foods and commodities in bulk),* in vehicles equipped with mechanical refrigeration, from the facilities of Hershey Chocolate Company, Div. of Hershey Foods Corp., at Derry Township, (Dauphin County) and Hampton Township, (Cumberland County) PA and the facilities of Y & S Candies, Inc., at E. Hempfield Township,

(Lancaster County, PA to Denver, CO, Milwaukee, OR, Phoenix, AZ, and Salt Lake City, UT, and points in their commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Hershey Chocolate Company, 19 E. Chocolate Ave., Hershey, PA 17033. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 144407 (Sub-18TA), filed December 14, 1979. Applicant: DECKER TRANSPORT COMPANY, INC., 412 Route 23, Pompton Plains, NJ 07444. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. (1) *Motor vehicles, automobile parts, hardware, conveyors and conveyor equipment, furniture, power equipment, wheel goods and bicycles;* (2) *parts, attachments, and accessories for the commodities in (1) above;* and (3) *materials, equipment and supplies (except commodities in bulk) used in the manufacture or sale of the commodities in (1) and (2) above,* between the facilities of MTD Products, Inc., Brownsville Division, located at or near Brownsville, TN, on the one hand, and, on the other, points in the US (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: MTD Products, Inc., 979 S. Conwell, P.O. Box 329, Willard, OH 44890. Send protests to: D/S Morrows, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 144527 (Sub-9TA), filed November 7, 1979. Applicant: BULS EYE TRANSPORT, INC., Suite 2424, 33 N. Dearborn St., Chicago, IL 60602. Representative: Patrick H. Smyth, Suite 521, 19 LaSalle St., Chicago, IL 60603. *Meats, packinghouse products and commodities used by packinghouses, except commodities in bulk and hides,* from Archbold, Defiance, and Troy, OH, to points in CT, FL, GA, KY, ME, MD, MA, NH, NJ, NY, NC, PA, SC, TN, DE, VA, RI, VT, WV, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Dinner Bell, Inc., P.O. Box 386, Defiance, OH 43512. Send protests to: Transportation Assistant, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 144527 (Sub-10–TA), filed November 7, 1979. Applicant: BULS EYE TRANSPORT, INC., Suite 2424, 33 N. Dearborn St., Chicago, IL 60602. Representative: Patrick H. Smyth, Suite 521, 19 S. LaSalle St., Chicago, IL 60603. *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses, except commodities in bulk and hides,* from Salem, OH to Atlanta, GA, Charlotte and Hickory, NC, Orlando, FL, Kansas City, MO, and New Orleans, LA, for the account of The Great Atlantic and Pacific Tea Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Great Atlantic and Pacific Tea Co., Inc., 2 Paragon Dr., Montvale, NJ 07645. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 144527 (Sub-11–TA), filed November 8, 1979. Applicant: BULS EYE TRANSPORT, INC., Suite 2424, 33 N. Dearborn St., Chicago, IL 60602. Representative: Patrick H. Smyth, Suite 521, 19 S. LaSalle St., Chicago, IL 60603. *New furniture,* from Archbold, OH, to points on and east of the Mississippi River beginning at the Canadian-U.S. Border south through MO, then those points on and north of TN and GA to the Atlantic Ocean (except OH, RI and DE), for the account of Sauder Woodworking Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Sauder Woodworking Co., 502 Middle St., Archbold, OH 43502. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 144557 (Sub-15TA), filed December 17, 1979. Applicant: HUDSON TRANSPORTATION, INC., P.O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Such commodities as are dealt in by wholesale, retail, and chain grocery and food business houses* (except commodities in bulk and those requiring refrigeration), from the facilities of Hunt-Wesson Food, Inc., at or near Atlanta, GA, to points in AL, for 180 days. Supporting shipper: Hunt-Wesson Foods, Inc., P.O. Box 61770, New Orleans, LA 70161. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 144827 (Sub-48TA), filed December 10, 1979. Applicant: DELTA MOTOR FREIGHT, 2877 Farrisview, Memphis, TN 38118. Representative: Connor Wiggins, Suite 909, 100 N. Main St., Memphis, TN 38103. *Paints, stains and varnishes, caulking compound, with related display and advertising materials, and materials, equipment and supplies used in the manufacture of paints, stains and varnishes and caulking compound (except commodities in bulk),* between the facilities of United Coatings, Inc. located at Charlotte, NC; Chicago, IL; Indianapolis, IN; and Memphis, TN on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA, (except between Memphis, TN on the one hand, and on the other, points in AL, AR, IL, KY, LA, MS, MO, and TN), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: United Coatings, Inc., 3050 N. Rockwell, Chicago, IL 60618. Send protests to: Floyd A. Johnson, Rm. 2006, 100 N. Main St., Memphis, TN 38103.

MC 144846 (Sub-10–TA), filed December 14, 1979. Applicant: TRANSTATES, INC., 3216 East Westminster, Santa Ana, CA 92703. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. *Metal duct work, fittings, duct heaters and materials and supplies used in the installation of heating and cooling systems,* from the facilities of Holbook Co., Inc. in Kaysville, UT to CA, TX, PA, MI, and Kimberly, WI, for 180 days. Supporting shipper: Holbook Co., Inc., Production Manager, 151 North 600 West, Kaysville, UT 84037. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 145227 (Sub-2–TA), filed December 4, 1979. Applicant: ROGERS TRANSPORTATION COMPANY, INC., 1316 South Blount St., Raleigh, NC 27611. Representative: David H. Permar, P.O. Box 527, Raleigh, NC 27602. *Contract* carrier-Irregular routes; *Petroleum and petroleum products in bulk in tank vehicles* from points in NC to points in Southampton, Brunswick, Lunenburg, Mecklenburg, Sussex and Charlotte Counties, VA and Richmond, Emporia and Greenville, VA, under continuing contracts with Rogers Oil Company, Inc. of Raleigh, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Rogers Oil Company, Inc., 1316 South Blount St., Raleigh, NC 27611. Send protests to: Sheila Reece, TA, 800 Briar Creek Rd.—Rm. CC516, Charlotte, NC 28205.

MC 145457 (Sub-1–TA), filed October 18, 1979. Applicant: B & M EXPRESS, INC., 500 S. Western, Oklahoma City, OK 73109. Representative: C. L. Phillips, 1411 N. Classen, Oklahoma City, OK 73106. *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses,* (except frozen commodities and commodities in bulk), from the facilities of the Clorox Company at or near Houston, TX, to all points in OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Clorox Company, 1221 Broadway St., Oakland, CA 94612. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 145476 (Sub-1–TA), filed December 20, 1979. Applicant: RAY

MABRY d.b.a. MABRY TRUCKING SERVICE, 307 Lime St., Auburndale, FL 33823. Representative: John G. Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. *Frozen foods and food products* (except commodities in bulk) in vehicles equipped with mechanical refrigeration from Louisville, KY to points in TN, AL, LA, MS, MO, AR, IN, OH, IL, and GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Frozen Foods Distributors, Inc., 1300 Outer Loop, Louisville, KY 40219. Send protests to: Donna M. Jones, T/A, ICC—BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 145516 (Sub-24–TA), filed December 5, 1979. Applicant: T. G. STEGAL TRUCKING COMPANY, INC., P.O. Box 1286, Matthews, NC 28105. Representative: T. Gene Stegall, Jr., 8100 E. Independence Blvd., Matthews, NC 28105. *(1) Petroleum products and (2) empty petroleum products containers used,* (1) from Sewaren, NJ to Charlotte, NC and (2) from Charlotte, NC to Newark, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Purser Oil Company, 1500 Saint George St., Charlotte, NC 28205. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd—Rm CC516, Charlottee, NC 28205.

MC 145726 (Sub-9–TA), filed December 21, 1979. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 S. Lawrence St., Montgomery, AL 36104. *(1) Malt beverages and related advertising materials, and (2) Materials, equipment and supplies used in the manufacture and sale of malt beverages* between the facilities of Miller Brewing Co., 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, for 180 days. Supporting shipper: Miller Brewing Co., 3939 W. Highland Blvd., Milwaukee, WI 53208. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 145747 (Sub-5–TA), filed November 27, 1979. Applicant: R & S TRANSPORT, INC., 3601 Wyoming Avenue, Dearborn, MI 48120. Representative: David A. Turano, Baker & Hostetler, 100 East Broad Street, Columbus, OH 43215. *Nitrocarbonitrate and Ammonium Nitrate Fertilizer and Blasting Supplies (except in Bulk)* from New Lexington, OH to points in IN, KY, MI, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63166. Send protests to: Transportation Assistant, I.C.C., 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 145797 (Sub-12–TA), filed December 13, 1979. Applicant: NANCY TRANSPORTATION, INC., 429 Stablestone Dr., Chesterfield, MO 63017. Representative: R. Thomas Grasso (same as above). *Plastic bags, wrapping paper, paper gowns and paper bags* from St. Louis, MO to Albany and Syracuse, NY; North Bergen, NJ; Waterville, CN and Boston, MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Central States Diversified, Inc., 5221 Natural Bridge Ave., St. Louis, Mo 63115. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 145797 (Sub-13TA), filed December 13, 1979. Applicant: NANCY TRANSPORTATION, INC., 429 Stablestone Dr., Chesterfield, MO 63017. Representative: R. Thomas Grasso (same as above). *Floor coverings and related articles, linoleum, felt, surface facing, floor tile, adhesive, paste and cement* from Marcus Hook, PA and Trenton, NJ to St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Flooring Distributors, Div. of Lowy Enterprises, Inc., 4101 Geraldine, St. Louis, MO 63115. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 145836 (Sub-1TA), filed December 7, 1979. Applicant: TRYCO TRUCKING CO., INC., 2508 Starita Rd., Charlotte, NC 28213. Representative: W. G. Reese, III, P.O. Box 3004, Charlotte, NC 28203. *Such commidities as dealt in by retail department stores,* between the facilities of Belks Stores, Inc., on the one hand, and, on the other, points and places in NC, SC, VA, GA, FL, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Belk Stores Services, Inc., P.O. Box 31788, Charlotte, NC 28231. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd—Rm CC516, Charlotte, NC 28205.

MC 145956 (Sub-7TA), filed December 26, 1979. Applicant: TRANSMEDIC CARRIERS, INC., P.O. Box 1394, Largo, FL 33540. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701. *Blood, derivatives of blood, plasma, medical and dental products and materials, equipment and supplies used for these commodities* between points in the U.S. (except AL and HI) restricted to the transportation of shipments originating at or destined to the facilities of Hyland Therapeutics Divn., of Travenol Laboratories for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hyland Therapeutics Div., Travenol Laboratories, 444 W. Glenoaks Blvd., Glendale, CA 91202. Send protests to: Donna M. Jones, T/A, ICC—BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 146396 (Sub-3TA), filed December 27, 1979. Applicant: COBRA TRUCKING, INC., P.O. Box 2137, Clinton, MS 39056. Representative: John A. Crawford, P.O. Box 22567, Jackson, MS 39205. *Contract carrier;* irregular routes; *comforters, sleeping bags and cozy sacks* from points in Rankin and Lauderdale Counties, MS to points in AZ, CA, FL, IL, IN, MI, NJ, NY, OH, OR, PA, TN, UT, VA and WA for the account of Continental Leisure Products, Inc., Meridian, MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Continental Leisure Products, Inc., P.O. Box 1661, Meridian, MS 39301. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 146536 (Sub-7TA), filed November 30, 1979. Applicant: WALTER SHORT AGENCY, INC., 5000 Wyoming, Dearborn, MI 48126. Representative: Edwin M. Snyder—Sullivan and Leavitt, P.C., 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. *Iron rotary blowers and parts thereof, gear or speed increasing or reducing machines and parts thereof,* from the facilities of American Standard Industrial Division located at or near Dearborn, MI to Cumberland City, TN; Kosmosdale, KY; Bakersfield, CA; Aquasco, MD; Montpelier, IA; and Muleshoe, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Standard Industrial Division, 8111 Tireman, Dearborn, MI 48121. Send protest to: Transportation Assistant, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 146646 (Sub-65TA), filed October 9, 1979. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 63558, Birmingham, AL 35217. Representative: John R. Frawley, Jr., 5506 Crestwood Blvd., Birmingham, AL 35212. *Floor covering, carpet, carpeting and the materials, and supplies used in the manufacture, sale and distribution of floor covering, carpet and carpeting.* Between the facilities of Masterpiece Finishing Co., Inc., located in or near Dalton, GA and Calhoun, GA on the one hand, and on the other all points in the United States, for 180 days. Supporting shipper(s): Masterpiece Finishing Co., Inc., P.O. Box 1708, Dalton, GA 30720. Send protest to: Mabel E. Holston, T/A, ICC, 1616 room—2121 Building, Birmingham, AL 35203.

MC 14646 (Sub-71TA), filed October 30, 1979. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). *Zinc, zinc oxide, zinc dust, lead sheet, metallic cadmium, zinc dross, zinc residue, zinc skimmings, and materials, equipment and supplies used in the production there of,* between the facilities of St. Joe Zinc located at Josephtown, PA and points in AL, FL, GA, IL, KY, and TN, for 180 days. Supporting shipper(s): St. Joe Zinc Co., 2 Oliver Plaza, Pittsburgh, PA 15222. Send protest to: Mabel E. Holston, TA, ICC, Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 146646 (Sub-72TA), filed November 14, 1979. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). *Lead, materials, equipment and supplies used in the processing of lead,* between the facilities of Master Metals, Inc., located at Cleveland, OH on the one hand, and, on the other, points in the east of ND, SD, NE, KS, OK, and TX, for 180 days. Supporting shipper(s): Master Metals, Inc., 2850 W. Third Street, Cleveland, OH 44113. Send protest to: Mabel E. Holston, TA, ICC, room 1616—2121 Bldg., Birmingham, AL 35203.

MC 146646 (Sub-73TA), filed November 19, 1979. Applicant: BRISTOW TRUCKING CO., P.O. Box 6355–A, Birmingham, AL 35217. Representative: Henry Bristow, Jr., address same as applicant. (1) *Furniture parts, components, and accessories thereto,* between the facilities of Leggett and Platt, Incorporated, its divisions and subsidiaries located at St. Louis, MO; Winchester, KY; Ennis, TX; Oklahoma City, OK; Phoenix, AZ; Springfield, MO; Dalton, IL; Lawrence, MA; Kenyon, MN; Carthage, MO; Social Circle, GA; Houston, TX; Litchfield, MI; Hominy, OK; Atlanta, GA; Mason, OH; Orlando, FL; Nashville, TN; Birmingham, AL; Independence, LA; Jersey City, NJ; Memphis, TN; Austin, TX; Miami, FL; Kansas City, KS; Middlefield, OH; Cherry Hill, NJ; University City, MO; Edwardsburgh, MI; Newton, KS; High Point, NC; Jacksonville, FL; Nicholasville, KY; Ferndale, MI; Simpsonville, KY; Dallas, TX; Little Rock, AR; Maxton, NC; Tupelo, MS; Newton, NC; Linwood, NC; Crafton, WI; Forest City, NC, on the one hand, and, on the other, points in and East of ND, SD, NE, KS, OK and TX; and (2) *Materials, equipment and supplies used in the manufacture and processing of furniture parts and components,* from points in and east of ND, SD, NE, KS, OK, and TX, to the facilities of Leggett and Platt, Incorporated, its division and subsidiaries located at cities named in (1) above. Supporting shipper(s): Leggett & Platt, Incorporated, 18th Road, Carthage, MO 64836. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 146646 (Sub-74TA), filed December 18, 1979. Applicant: BRISTOW TRUCKING CO., P.O. Box 6355 A. Representative: Henry Bristow, Jr., (same address as applicant). (1) *Beverages,* except in bulk, from the facilities of Shasta Beverages, Inc., at or near Birmingham, AL, to points in FL, GA, LA, MS and TN, for 180 days. Supporting shipper(s): Shasta Beverages, Inc., 26901 Industrial Blvd., Hayward, CA 94545. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616—2121 Bldg., Birmingham, AL 35203.

MC 146807 (Sub-13TA), filed December 10, 1979. Applicant: S N W ENTERPRISES, INC., 1 Passan Drive, Wilkes-Barre, PA 18702. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. *Wire used in the manufacture of wire cable,* from Hanover Township and Kingston, PA to Atlanta, GA; Denver, CO; Houston and Odessa, TX; New Orleans, LA and Tulsa, OK, for 180 days. Supporting shipper(s): Bridon American, Inc., P.O. Box 6000, Wilkes-Barre, PA 18702. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th Street—Room 620, Philadelphia, PA 19106.

MC 146836 (Sub-3TA), filed December 26, 1979. Applicant: DE BETTA & SONS TRUCKING, INC., 115 Shinbone Lane, Commack, NY 11725. Representative: Jeremy Kahn, Esq., Kahn and Kahn, 1511 K Street, NW., Washington, DC 20005. *Contract* carrier—irregular routes: See Appendix A, attached hereto. Supporting shipper(s): Seaboard World Airlines, Seaboard World Building, J.F.K. International Airport, Jamaica, NY 11430. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 146927 (Sub-4TA), filed December 13, 1979. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *Sugar,* except in bulk, from Gramercy, LA, and the facilities of Godchaux-Henderson Sugar Co., at or near Reserve and Kenner, LA, to points in FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Colonial Sugars, A Div. of Borden, Inc., 129 S. Fifth Avenue, Gramercy, LA 70052; Godchaux-Henderson, Sugar Co., Inc., P.O. Drawer AM, Reserve, LA 70084. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol Street, Jackson, MS 39201.

MC 146927 (Sub-5TA), filed December 26, 1979. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *Paper and paper products, and pulp board,* from the facilities of American Can Company at or near Naheola and Livingston, AL and Meridian, MS, to points in MS and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Can Company, P.O. Box 315, Butler, AL 36904. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol Street, Jackson, MS 39201.

MC 147107 (Sub-5TA), filed October 4, 1979. Applicant: ROBERT L. BUELL AND LAWRENCE W. DERRY, d.b.a. SPOKANE—ST. MARIES AUTO FREIGHT, North 3012 Sullivan, Bldg. S–5, Space A, Spokane, WA 99216. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Beverages, except in bulk,* from the commercial zones of Spokane, Seattle and Vancouver, WA; Portland, OR; and Los Angeles and Fairfield, CA to the facilities of Beck Distributing, Inc. at St. Maries, ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Beck Distributing, Inc., P.O. Box 405, St. Maries, ID 83861. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 147657 (Sub-2TA), filed December 6, 1979. Applicant: FLEETCO, INC., 801 N. Interstate 85, Charlotte, NC 28216. Representative: W. G. Reese, III, P.O. Box 3004, Charlotte, NC 28203. *KD metal buildings & supplies used in manufacture thereof* between the facilities of Jewell Building Systems, Inc. located at Dallas, NC, on the one hand, and, on the other, points and places in continental US, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jewell Building Systems, Inc., P.O. Box 397, Dallas, NC 29034. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd, Rm CC516, Charlotte, NC 28205.

MC 147807(Sub-7TA), filed December 14, 1979. Applicant: TERESI TRUCKING, INC., 900½ Victor Road, Lodi, CA 95240. Representative: Eldon M. Johnson, 650 California St, Suite 2808, San Francisco, CA 94108 (PH: (415) 986–8696). *Asbestos cement pipe and fittings and plastic pipe and fittings* from Stockton and Long Beach, CA to all points in AZ and NV.

for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Johns-Mansville Corporation, 2600 Campus Drive San Mateo, CA 94403. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 147896 (Sub-7TA), filed December 21, 1979. Applicant: WESTERN SONTEX, INC., P.O. Box 667 Seal Beach, CA 90740. Representative: Miles L. Kavaller, Mandel & Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Contract;* Irregular; *candles, candles in glass, candle sets and candle holders,* from Liverpool (syracuse), NY to Phoenix, AZ, Denver, CO, Los Angeles, CA, Abilene, Junction City and Kansas City, KS, New Orleans, LA, St. Louis, MO, Edmond, Oklahoma City and Tulsa, OK and Dallas, Ft. Worth and Houston, TX., for 180 days. Supporting shipper(s): Muench Kreuzer Candle Co., Inc. (Emkay Candle Company), Traffic Manager, 4577 Buckley Rd., Liverpool, NY 13088. Send protests to: Irene Carlos, TA, ICC, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 148596 (Sub-1TA), filed December 18, 1979. Applicant RONALD LAZARO d.b.a. J. LAZARO TRUCKING, 24 Freeman Street, Newton, MA. 02166. Representative: George C. O'Brien, 12 Vernon Street, Norwood, MA. 02062. *Clay products, viz: face brick and fire brick* from Bridgewater, MA to points in Providence County, RI Supporting shipper(s): The Styles & Hart Brick Co., Cook Street, Bridgewater, MA. 02324. Send protests to: John B. Thomas D/S, I.C.C., 150 Causeway Street, Boston, MA. 02114.

MC 148726 (Sub-1TA), filed November 9, 1979. Applicant: TRS, INC., P.O. Box 668, 123 N. Ave., Addison, IL 60101. Representative: Bernard J. Kompare, Esq., 10 S. LaSalle St., Suite #1600, Chicago, IL 60603. *Contract carrier:* irregular route: (1) *Such commodities as are dealt in by mfgs. of water and air treatment equipment (except commodities in bulk),* from the facilities of the FMC Corp., Environmental Equipment Division, located at or near Itasca, IL, to points in IA, IN, MI, MN, MO, OH, and WI; (2) *Equipment, materials, and supplies used in the mfg. and distribution of water and air treatment equipment (except commodities in bulk),* from the points in IA, IN, MI, MN, MO, OH, and WI, to the facilities of FMC Corp., Environmental Division, located at or near Itasca, IL; for the account of FMC Corp., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): FMC Corp., Environmental Equipment Division, 1800 W. FMC Dr., Itasca, IL 60143. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 148736 (Sub-1TA), filed December 3, 1979. Applicant: CAROLINA TRANSPORTATION SERVICES INC., P.O. Box 522, Highway 51, Pineville, NC 28134. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, 301 South McDowell St., Charlotte, NC 28204. *Contract* carrier-Irregular routes; *Bottled water* from the facilities of Carolina Mountain Spring Water Company, Inc., at or near Cashiers, NC to points in FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carolina Mountain Spring Water Company, Inc., P.O. Box 407, Cashiers, NC 28717. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 148757 (Sub-1TA), filed November 23, 1979. Applicant: ASSOCIATED FREIGHT CONSOLIDATORS, INC., 73 176th Street, Surrey, B.C. Canada V3S 5J9. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Contract carrier;* irregular routes; *general commodities (except those of unusual value, commodities in bulk, household goods as defined by the Commission, classes A & B explosives and those requiring special equipment),* between points in the commercial zones of Bellingham, WA and Seattle, WA on the one hand, and, on the other, ports of entry in the state of WA on the international boundary line between the U.S. and Canada, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shippers Express Association, 224 West 11th Avenue, Vancouver, B.C. Canada. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 148786 (Sub-1TA), filed December 11, 1979. Applicant: JOE GOOD, d.b.a. GOOD TRANSPORTATION, P.O. Box 335, Lovell, WY 82431. Representative: Steven K. Kuhlmann, 717 17th Street, Suite 2600, Denver, CO 80202. Gypsum, gypsum products, building materials, and materials and supplies used in the installation thereof, from Heath, MT to points in CO and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): U.S. Gypsum Co., 620 No. Brand Blvd., Glendale, CA 91203. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm. 105 Federal Bldg & Crt House, 111 South Wolcott, Casper, WY 82601.

MC 148796 (Sub-1TA), filed November 26, 1979. Applicant: MILLER BUS INC., New Hackensack Heights Road, Wappingers Falls, NY 12590. Representative: Sidney J. Leshin, 575 Madison Avenue, New York, NY 10022. Passengers and their baggage in special operations, beginning and ending in Bronx, New Rochelle and Mt. Vernon, NY and extending to the City of Philadelphia, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 25 shippers. Their statements may be examined at the office below and at Headquarters. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 148847 (Sub-1TA), filed December 10, 1979. Applicant: WALDEN SAWMILL, INC., Route 5, 1618 Church Street, Booneville, MS 38829. Representative: Connor Wiggins, Suite 909, 100 N. Main St., Memphis, TN 38103. *Crossties,* from the facilities or suppliers of Kerr-McGee Chemical Corp. at or near Savannah, Selmer, Crump, Henderson and Grand Junction, TN to facilities of Kerr-McGee Chemical Corp. at or near Columbus, MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kerr-McGee Chemical Corp., P.O. Box 25861, Oklahoma City, OK 73125. Send protests to: Floyd A. Johnson, Rm. 2006, 100 N. Main St., Memphis, TN 38103.

MC 148887 (Sub-1TA), filed December 10, 1979. Applicant: PORT TERMINAL REFRIGERATED TRANSPORT, INC., Foot of Algiers Street, Bldg. 153, Port Newark, NJ 07114. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Road, NE., Atlanta, GA 30326. Contract carrier, irregular routes for 180 days. Bananas and bananas moving in mixed loads with exempt agricultural commodities, when moving in mechanically refrigerated equipment from New York City, NY; Newark, NJ and Philadelphia, PA to points in PA, OH, MI, IN, IL, and WI. An underlying ETA seeks 90 days authority. Supporting shipper(s): Castle & Cooke Foods, 350 Vanderbilt Motor Parkway, Hauppauge, NY 11787. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 148896 (Sub-1TA), filed December 13, 1979. Applicant: PAR DELIVERY SERVICE, INC., 4250 So. Sante Fe, Englewood, CO 80110. Representative: Edward T. Lyons, Jr., 1660 Lincoln St., Denver, CO 80264. *Contract* carrier: *irregular* routes: *Such commodities as are dealt in by home products distributors* from the facilities of Amway Corporation and Ajax Warehouse, Inc., located at or near Denver, CO to points in CO, WY, NE, NM, UT, ND, SD and El Paso, TX under

a continuing contract or contracts with Amway Corporation for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): Amway Corporation, 14703 E. 38th Place, Aurora, CO 80011. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 148976 (Sub-1TA), filed December 12, 1979. Applicant: H & W TRANSFER AND CARTAGE SERVICE, INC., 611 S. Main St., Cedartown, GA 30125. Representative: Ray A. Lewis, Route 2, Cedartown, GA 30125. *General commodities, with usual exception, having prior or subsequent movement by rail with T.O.F.C. service* between Atlanta, GA and all points located in Fulton, Polk and Floyd Counties, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are twelve (12) statements of support. They may be examined at the regional office. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., NW., Room 300, Atlanta, GA 30309.

MC 148987 (Sub-1TA), filed December 10, 1979. Applicant: W. C. CARRIERS, INC., P.O. Box 519, Bethany, OK 73008. Representative: Richard Manley, 5229 Northwest 5th, Oklahoma City, OK 73127. *Contract* carrier: *Irregular routes: Drilling mud, drilling mud chemicals, drilling mud additives, loss circulation materials and other chemicals used in the exploration, development and completion of oil and gas wells,* except commodities in bulk, in tank vehicles, between points in AR, AZ, CA, CO, KS, LA, MT, NE, ND, NM, NV, SD, TX, UT, WY, OK, WA, OR, and ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Moon Petro-Chem., Inc., P.O. Box 519, Bethany, OK 73008. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 149007 (Sub-1TA), filed January 2, 1980. Applicant: R. WINYARD TRUCKING LIMITED, 292 Caithness Street East, Caledonia, Ontario NOA 1AO. Representative: William J. Hirsch, Esq., 43 Court Street, Suite 1125, Buffalo, NY 14202. Contract carrier-irregular routes. *Granola cereal, and containers in the reverse direction,* from port of entry on the International Boundary line between the United States and Canada located at Buffalo, NY to Brocton, NY, and empty containers in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): MAV Sales Company, 104 Niagara Frontier Food Terminal, Buffalo, NY. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

MC 149047 (Sub-1TA), filed December 5, 1979. Applicant: (New Applicant) BENNY MAGNESS, d.b.a. MAGNESS OIL COMPANY, P.O. Box 146, Cotter, AR 72626. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. *Gasoline, diesel fuels, aviation fuels and kerosene,* in bulk, in tank vehicles, from Lawrence, Greene and Jasper Counties, MO, to Carroll, Boone, Marion, Baxter, Izard, Searcy, Independence and Stone Counties, AR, for 180 days. Supporting shipper(s): 5 supporting shippers. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 149047 (Sub-TA), filed December 5, 1979. Applicant: (New Applicant) BENNY MAGNESS, d.b.a. MAGNESS OIL COMPANY, P.O. Box 146, Cotter, AR 72626. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. *Gasoline, diesel fuels, aviation fuels and kerosene,* in bulk, in tank vehicles, from Shelby County, TN to Carroll, Boone, Marion, Baxter, Izard, Searcy, Independence and Stone Counties, AR for 180 days. Supporting shipper(s): 5 shippers. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

**Notice No. F–7**

The following applications were filed in Region 1.

Send protests to: Complaint/Authority Center, I.C.C., 150 Causeway Street, Room 501, Boston, MA 02114.

MC 1423 (Sub-1–1TA), filed February 27, 1980. Applicant: MELNI BUS SERVICE, INC., 29 River Road, Chatham, NJ 07928. Representative: S. Harrison Kahn, Attorney-at-law, Kahn and Kahn, Suite 733 Investment Building, 1511 K Street NW., Washington, DC 20005. *Common carrier:* regular routes: transporting *passengers and their baggage, express, mail, and newspapers,* between Madison, NJ and New York, NY, from Danforth Road and Park Avenue, Madison, NJ to Main Street, then right on Green Village Road to Shunpike Road, then right on Green Village Road; left to Hickory Place to Southern Boulevard; left to Shunpike Road to Chatham Townshp line at Noe Avenue continuing to Watchung Avenue to Summit line at Ciba; then north on River Road, Summit, NJ to Kennedy Boulevard to Canoe Brook Road, then via NJ Hwy 24 to Newark Airport; enter NJ Turnpike to New York, NY Port Authority Terminal via Lincoln Tunnel. Service will be rendered between Chatham, Chatham Township, New Vernon, Green Village, Madison and Summit, NJ on the one hand, and, on the other, New York, NY for 180 days. Supporting shipper: There are 16 statements of shipper support attached to the application which may be examined at the ICC Regional Office in Boston, MA.

MC 150254 (Sub-1–1TA), filed February 27, 1980. Applicant: POST ROAD STAGES, INC., 1105 Strong Road, South Windsor, CT 60674. Representative: Barbara D. Cicala, Room 800, South, 1800 M Street NW., Washington, DC 20036. *Passengers and their baggage,* (1) in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Hartford and Tolland Counties, CT, and points in Hampden County, MA, east of the town boundaries of Hampden, Wilbraham, and Ludlow, MA, and extending to points in the U.S., including AK but excluding HI; (2) in special operations, in one-way sightseeing and pleasure tours, from points in Hartford and Tolland Counties, CT, and points in Hampden County, MA, east of the town boundaries of Hampden, Wilbraham, and Ludlow, MA, to points in the U.S., including AK but excluding HI; and (3) in special operations, in one-way sightseeing and pleasure tours from points in the U.S. including AK but excluding HI, to points in Hartford and Tolland Counties, CT, and points in Hampden County, MA, east of the town boundaries of Hampden, Wilbraham, and Ludlow, MA, for 180 days. Supporting shippers: there are 20 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 150154 (Sub-1–1TA), filed, February 26, 1980. Applicant: THOMAS J. REALE CO., INC., 111 First Street, Jersey City, NJ 07302. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Confectionery,* in temperature controlled vehicles, between the facilities of Thomas J. Reale Co., Inc., located at Jersey City, NJ, on the one hand, and, on the other, points in CT; Suffolk County, NY; and Philadelphia, PA Commercial Zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Thomas J. Reale Co., Inc., 111 First Street, Jersey City, NJ 07302.

**Federal Register Caption Summary**

MC 48956 (Sub-1–1TA), filed February 19, 1980. Applicant: OWENS BROS., INC., P.O. Box 247, Dansville, NY 14437. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. *Wine (except in bulk),* from the New York, NY Commercial zone, as defined in 1048.101 CFR, to points in CT, NJ, NY, PA, IL, IN, OH, MI, WI, DE, MD, MA, RI, KY, MN, VT and DC; and Richmond, VA,

Charleston, WV, Kansas City and St. Louis, MO, for 180 days. Applicant has filed an underlying ETA seeks 90 days of operating authority. Supporting shipper: K. Michael Hanna, Manager of Distribution, The Taylor Wine Company, Inc., Hammondsport, New York 14840.

MC 1485 (Sub-1–1TA), filed February 22, 1980. Applicant: SCHROLL TRANSPORTATION, INC., 360 Governor Street, East Hartford, CT 06108. Representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. *Frozen and refrigerated meats, packing house products, foods and dairy products* from Hartford, Newington, New Haven and Stamford, CT to Waterford and Albany, NY; points in Suffolk and Nassau Counties, NY; and points in the New York, NY Commercial Zone for 180 days. Supporting shippers: Connecticut Cold Storage, 241 Park Avenue, East Hartford, CT 06108; Pepperidge Farm Stores Division, 542 Westport Avenue, Norwalk, CT; Crestridge Foods, Inc., Fenn Road, Newington, CT 06111; M & R Packing Company, Inc., 666 Windsor Street, Hartford, CT.

MC 143563 (Sub-1–1TA), filed February 19, 1980. Applicant: R. C. MOORE, INC., Box 346, Waldoboro, ME 04572. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, D.C. 20005. *Shoes and materials and supplies used in the manufacture of shoes (except commodities in bulk),* between Scarboro, ME, and Santa Rosa, CA., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Joseph Herman Shoe Company, Route 1, Scarboro, ME 04074.

MC 150161 (Sub-1–1TA), filed February 19, 1980. Applicant: TRANS COURIER SYSTEMS, INC., 470 Torrey Street, Brockton, Mass., 02401. Representative: Lawrence R. Ovian, Director of Operations, 470 Torrey Street, Brockton, MA 02401. Contract carrier, irregular routes, *high priority envelopes, packages and containers and documents requiring expedited courier service, also data processing tapes and film, computer printouts, data processing cards, machinery parts, couplings;* and related commodities, all requiring express or expedited handling. Authority is sought to perform said transportation between points in Massachusetts and points in the NH Counties of Cheshire, Hillsboro, Merrimack, Rockingham and Stratford and the ME Counties of Androscoggin, Cumberland, Oxford, Sagadahoc and York, and between all points named, for 180 days. The above sought transportation will be performed only under a continuing contract which applicant has with Bay State Gas Company, Canton, Mass. Supporting shipper: Bay State Gas Co., 120 Royall St., Canton, MA 02021.

MC 143236 (Sub-1–2TA), filed February 26, 1980. Applicant: WHITE TIGER TRANSPORTATION CO., INC., 40 Hackensack Avenue, S. Kearny, NJ 07032. Representative: Elizabeth E. Murphy, 40 Hackensack Avenue, S. Kearny, NJ 07032. *Commodities, materials, supplies, and equipment as are dealt in by department stores* between the facilities of May Department Stores (Famous-Barr Div.) located at or near St. Louis, MO on the one hand and on the other points in MA and PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Famous-Barr Company, 601 Oliver Street, St. Louis, MO 63101.

MC 150153 (Sub-1–1TA), filed February 25, 1980. Applicant: AVION TRANSPORT, INC., P.O. Box 452, Merrimack, NH 03054. Representative: Maurice McCarthy, 210 Beacham Street, Everett, Mass, 02149. *Contract carrier,* irregular routes, *Paper and paper products, copying machines, inks, tapes and computer machine parts and equipment, materials and supplies used in the manufacture and distribution there of.* Between points in State of IL; NH; MA; NE; NY; and points in the United States. Primary movements would be on shipments originating or destined to our plant sites in Chicago, IL; Nashua and Merrimack, NH; Chelmsford, MA; Watervliet, NY; and Omaha, NE. For the account of Nashua Corporation for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Nashua Corporation, 44 Franklin Street, Nashua, NH 03061.

MC 150122 (Sub-1–1TA), filed February 19, 1980. Applicant: DYSART SERVICE, INC., MRC Box 156, Bangor, ME 04401. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. *Coal,* from points in PA and WV to points in ME located on and south of Maine State Hwy. 16 for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Michael J. Doherty, President, Rings Energy Company, 53 Main Street, Yarmouth, ME 04096.

MC 48956 (Sub-1–1TA), filed February 26, 1980. Applicant: JAMES FLEMING TRUCKING, INC., 761 East Street, Suffield, CT 06078. Representative: S. Michael Richards, P.O. Box 225, Webster, New York 14580. *Contract carrier,* irregular routes, transporting: *such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses (except in bulk),* from all points in NJ and PA to Suffield and Windsor Locks, CT (except as otherwise authorized), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Joel A. Leavitt, Executive Vice President, Springfield Sugar and Products Co., P.O. Box 385, Windsor Locks, CT 06096

MC 142603 (Sub-1–2TA), filed February 26, 1980. 1980. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. *Contract carrier,* irregular routes, transporting: *hot rolled coil steel,* from Cleveland, OH and its commercial zone to South Bend, IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Howard D. Benkie, General Traffic Manager, Bendix Brake & Steering Division of Bendix Corporation, 401 N. Bendix Drive, South Bend, IN 46620.

MC 42261 (Sub-1–1TA), filed February 26, 1980. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, NJ 07303. Representative: W.C. Mitchell, 370 Lexington Avenue, New York, NY 10017. Transporting containers, container ends and container closures, and materials, equipment, and supplies used in the manufacture and distribution of containers, container ends, and closures, from Jacksonville, FL, to Atlanta, GA, and Mobile, AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Kaiser Aluminum & Chemical Sales, Inc., P.O. Box 225297, Dallas, TX 75265.

MC 4941 (Sub-1–1TA), filed February 26, 1980. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan, 1093 North Montello Street, Brockton, MA 02403. Transporting *abrasives, except in bulk,* from the facilities of Washington Mills Abrasive Co. at Worcester, North Grafton and Shrewsbury, MA to points in NY, PA, VA, OH, IN, MI and IL for 180 days. Supporting shipper: Washington Mills Abrasive Co., North Grafton, MA 01536.

MC 2359 (Sub-1–2TA), filed February 26, 1980. Applicant: DAMEO TRUCKING, INC., 568 Central Avenue, Bridgewater, NJ 08807. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract, Irregular:* Fibrous glass products and materials; insulating materials and products; building, wall and insulating boards; asphalt and

asbestos products and materials; and materials, supplies and equipment used in connection with the production and distribution of the foregoing commodities (except in bulk), between the facilities of Johns-Manville Sales Corp. at or near Penbryn, Winslow Township, NJ, on the one hand, and, on the other, points in NC and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Johns-Manville Sales Company, 200 North Main Street, Manville, NJ 08835.

MC 111729 (Sub-1–1TA), filed February 25, 1980. Applicant: Purolator Courier Corp., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11042. Representative: Elizabeth L. Henoch (same address as applicant). Machine parts, replacement and repair; Toner for copying machines: Printing paper (other than newsprint); Stationery and stationery supplies; Chilled metal shot; 1. Between Boston, MA, on the one hand, and, on the other, points in CT, ME, NH and RI. 2. Between Secaucus, NJ, on the one hand, and, on the other, points in the PA counties of Adams, Bedford, Berks, Blair, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntington, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuykill, Snyder, Sullivan, Susquehana, Tioga, Union, Wayne, Wyoming and York; and points in CT, ME, MA, NH, NY and RI. 3. Between Pennsauken, NJ, on the one hand, and, on the other, points in DE, MD and PA. 4. Between Syracuse, NY, on the one hand, and, on the other, points in PA. 5. Between Webster, NY, on the one hand, and, on the other, points in the Ohio counties of Ashland, Ashtabula, Belmont, Carroll, Columbiana, Coshocton, Cuyahoga, Erie, Franklin, Geauga, Guernsey, Harrison, Holmes, Huron, Knox, Lake, Licking, Lorain, Mahoning, Medina, Muskingum, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas and Wayne; points in CT, DE, ME, MA, MD, NH, NJ, PA, RI, and the District of Columbia. 6. Between Springfield, VA, on the one hand, and, on the other, points in the PA counties of Allegheny, Armstrong, Beaver, Butler, Gambria, Clarton, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington and Westmoreland; points in DE, MD, NJ, and the District of Columbia. 7. Between Charlotte, NC, on the one hand, and, on the other, points in SC and VA. 8. Between Cleveland, OH, on the one hand, and, on the other, points in the PA counties of Allegheny, Armstrong, Beaver, Butler, Cambria, Clarton, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington and Westmoreland. 9. Between points in Ohio, on the one hand, and, on the other, points in W. Va. except the Counties of Berkeley, Brooke, Grant, Hampshire, Hancock, Hardy, Jefferson, Marshall, Mineral, Morgan, Ohio, Pendleton, Tucker and Wetzel. 10. Between Detroit, MI, on the one hand, and, on the other, Indianapolis, IN, points in Indiana on and North of U.S. Hwy #24, and points in OH. 11. Between Kansas City, MO, and Wichita, KS. 12. Between St. Louis, MO, on the one hand, and, on the other, points in IL and IN. 13. Between Omaha, NE, on the one hand, and, on the other, points in IA and SD. 14. Between Minneapolis, MN, on the one hand, and, on the other, points in IA, ND, SD, and WI. 15. Between Portland, OR, on the one hand, and, on the other, points in Western WA. 16. Between Seattle, WA, on the one hand, and, on the other, points in Western OR. 17. Between Des Plaines, IL, on the one hand, and, on the other, points in the OH counties of Allen, Auglaize, Brown, Butler, Champaign, Clark, Clinton, Clermont, Defiance, Darke, Franklin, Fulton, Greene, Hamilton, Hancock, Henry, Highland, Logan, Lucas, Mercer, Miami, Montgomery, Ottawa, Paulding, Preble, Putnam, Sandusky, Seneca, Van Wert, Warren, Wood, and Williams, and points in IN, IA, MI, MO, and WI for 180 days. Applicant has filed for underlying Emergency Temporary Authority. Supporting shipper: Xerox Corporation, 800 Phillips Road, Webster, NY.

MC 34564 (Sub-1–1TA), filed February 26, 1980. Applicant: ADOPLH J. DAROSKA, 50 Concord Hill, Pittsfield, NH 03263. Representative: Same as above. *Fertilizer and materials and supplies* used in the manufacture thereof, (1) from Milton, VT to points in ME, NH, MA, RI and CT (2) from Detroit, MR to points in NH, MA, RI, and CT (3) from Auburn, ME to points in NH and MA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Agway, Inc., P.O. Box 4933, Syracuse NY 13221. Green Mountain, Sunset Avenue, Milton, VT 05468.

MC 133841 (Sub-1–1TA), filed February 21, 1980. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main Street, Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Industrial ovens, industrial washers and washing machines, heat and air exchangers, thermal incinerators, and materials, equipment, and supplies used in the manufacture, sale, and installation of the foregoing commodities (except commodities in bulk),* between Boonton, NJ, on the one hand, and, on the other, Nashville and Camden, AR; Athens, PA; Columbia, SC; Denver, CO; and points in OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: J. R. Greene, 710 Myrtle Ave., Boonton, NJ 07005.

MC 46219 (Sub-1–1TA), filed February 12, 1980. Applicant: STERNBERGER MOTOR CORP., 45–55 Pearson Street, Long Island City, NY 11101. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St., N.W., Washington, DC 20004. New household furnishings, uncrated or crated (when moving in the same vehicles as crated), when moving from retail department stores or retail furniture merchants or from storage or terminal facilities maintained by such stores, between New York, NY, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX and WV, for 180 days. Supporting shipper: John Stuart Inc., 979 Third Ave., New York, NY 10022.

MC 143095 (Sub-1–1TA), filed February 25, 1980. Applicant: NEW ENGLAND TRANSPORT, INC., LTD., P.O. Box 27, Chester Depot, VT 05144. Representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 367, Arlington, VA 22201. Transporting iron and steel articles from the facilities of Raritan River Steel Company at or near Perth Amboy, NJ, to points in CT, DE, IL, IN, KY, MA, MD, MI, NC, NJ, NY, OH, PA, RI, SC, VA, and WV for 180 days. An underlying ETA seeking 90 days authority was granted February 20, 1980. Supporting shipper: Raritan River Steel Company.

MC 129600 (Sub-1–1TA), filed February 29, 1980. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner, 176 King Street, Hanover, MA 02339. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Section A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Dakota City, NE, Emporia, KS and Wichita, KS to points in and east of WI, IL, KY, TN and AL, for 180 days. An underlying ETA seeks 90 days authority.

Supporting shipper: Iowa Beef Processors, Inc.

MC 128866 (Sub-1–1TA), filed February 29, 1980. Applicant: B & B TRUCKING, INC., 9 Brade Lane, P.O. Box 128, Cherry Hill, NJ 08034. Representative: J. Michael Farrell, 1725 K Street, N.W., Suite 814, Washington, D.C. 20006. *Contract carrier:* irregular routes: *Aluminum food containers* from the plant site of Penny Plate, Inc. at Searcy, AR and Deerfield, IL to the plant site of Chef Pierre, Inc. at Forest, MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Penny Plate, Inc., P.O. Box 458, Haddonfiled, NJ 08033.

MC 125522 (Sub-1TA), filed February 28, 1980. Applicant: SUNBURY TRANSPORT LTD., P.O. Box 3217, Station "B", Cliff Street, Fredericton, New Brunswick, Canada E3A 5G9. Representative: Fritz R. Kahn, Suite 1100, 1660 L. Street, N.W., Washington, D.C. 20036. *Contract carrier,* irregular routes, transporting: *wookdpulp* from the ports of entry on the United States-Canadian boundary line at or near Calais, Houlton, Vanceboro, Fort Kent, Jackman, and Madawska, ME: Beecher Falls, NH: Derby Line, Norton, Richford, and Swanton, VT, on the one hand, to all points in the states of ME, NH, VT, MA, RI, CT, NY and NJ on the other hand, under continuing contract(s) with Irving Pulp and Paper Limited. (Hearing site: Boston, MA or Washington, DC.)

MC 150181 (Sub-1–1TA), filed February 28, 1980. Applicant: RUDY'S LIMOUSINE SERVICE, INC., 15 Neil Lane, Riverside, CT 06878. Representative: John R. Sims, Jr./Dennis D. Kirk, 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004, (202) 737–1939. *Passengers and their baggage,* in vehicles of six passengers or less, in special or charter operations between Fairfield County, CT, NY, and Passaic, Bergen, Essex, Middlesex, Somerset, Union, Morris, and Hudson Counties, NJ, for 180 days. An underlying ETA seeks 90 days authority. The supporting shippers are: There are 15 statements in support attached to this application which may be examined at the Interstate Commerce Commission Regional Office in Boston, MA.

MC 146440 (Sub-1–6TA), filed February 28, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA 02149. *Paper and Paper Products,* from points in Hampden County, MA to points in the United States (except Alaska and Hawaii) for 180 days. Supporting shipper: Linweave, Inc., Linweave Drive, Holyoke, MA 01040.

MC 150176 (Sub-1–1TA), filed February 27, 1980. Applicant: DE MASE TRUCKING CO., INC., Page & Schuyler Avenues, Lyndhurst, NJ 07071. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Adhesives, waxes, and starch binders, and materials, equipment, and supplies used in the manufacture and sale of adhesives, waxes, and starch binders (except commodities in bulk),* between the facilities of Malcolm Nichol & Co., Inc., located at or near Lyndhurst, NJ, on the one hand, and, on the other, Chicago, IL; Marietta, Miamisburg, Troy, Cincinnati, Massillon, Rossford, and West Carrollton, OH; Pittsburgh and Philadelphia, PA, Parkersburg, WV; Lenoir, NC; Clinton, CT; and Randolph, Middleton, and Boston, MA and their Commercial Zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Malcolm Nichol & Co., Inc., Page Ave. and Orient Way, Lyndhurst, NJ 07071.

MC 99938 (Sub-1–1TA), filed February 28, 1980. Applicant: VAN'S AUTO & AIR EXPRESS, INC., C.P.O. Box 609, Kingston, NY 12401. Representative: Bruce J. Robbins, Esq., Robbins & Newman, 118–21 Queens Boulevard, Forest Hills, NY 11375. *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods when transported as a separate and distinct service in connection with so-called "household movings", commodities requiring dump or tank trucks, and those injurious or contaminating to other lading), between the facilities of Emery Air Freight Corp. at or near Stewart Airport, Newburgh, NY and Rye, NY, on the one hand, and, on the other, the facilities of Emery Air Freight Corp. at or near Stratford, CT. Restriction: Restricted to shipments having a prior or subsequent movement by air. An underlying ETA seeks 90 days authority. There is one shipper statement which is available for inspection at the Boston, MA office of the Interstate Commerce Commission.

MC 146700 (Sub-1–1TA), filed February 27, 1980. Applicant: TRAVELERS TRANS. CO., INC., Room 8, Commonwealth Pier 5, Boston, MA 02110. Representative: J. Albert Johnson, 8 Whittier Place, Boston, MA 02114. *Contract carrier,* irregular routes, transportating: *Meat, meat product, meat by-products and articles distirbuted by meat packinghouses* (except commodities in bulk), from Worthington, MN, Huron, SD, and Madison, NE to points in NY, NJ, RI, MA, CT, VT, NH and ME under continuing contract or contracts with Armour Food Company located in Phoenix, AZ.

MC 150124 (Sub-1–1TA), filed February 27, 1980. Applicant: MARBERN TRUCKING, INC., R.D. #1, Box 75, Albany Street, West Winfield, NY 13491. Representative: Murray J. S. Kirshtein, Esq., 118 Bleecker Street, Utica, NY 13501. *Contract carrier:* irregular routes: transporting Electrical Appliances, Fabricated Metal Products and Materials and Supplies used in the manufacture of Electrical Appliances and Fabricated Metal Products between Hartford, WI and Old Forge, PA, under contract with Broan Manufacturing Co., Inc., Hartford, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Broan Manufacturing Co., Inc., Hartford, WI 53027.

**Caption Summary**

MC 144783 (Sub-1TA), filed February 6, 1980. Applicant: ODIS McGEE, d.b.a. McGEE'S TRANSPORT, Little Bay Road, Newington, NH 03801. Representative: Odis McGee, Little Bay Road, Newington, NH 03801. *Contract carrier,* irregular routes, *petroleum products,* in bulk, in tank vehicles, from Chelsea, Revere, and Braintree, Massachusetts, to points in New Hampshire and Maine, under a continuing contract with Pickering Oil Heat, Inc., of Chelsea, Massachusetts. Supporting shipper is Pickering Petroleum Co., Chelsea, MA 02150. The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 59957 (Sub-II–2TA), filed February 21, 1980. Applicant: MOTOR FREIGHT EXPRESS, P.O. Box 1029, York, PA 17405. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107. *Common carrier:* regular routes: *General commodities,* except those of unusual value, and except dangerous explosives, household goods, livestock, commodities in bulk, commodities requiring special equipment (other than those requiring refrigeration), and those injurious or contaminating to other lading; Between Pittsburgh, PA and Albany, NY: From Pittsburgh, PA over US Hwy 19 to Erie, PA, then over US Hwy 20 to Silver Creek, NY, then over NY Hwy 5 to Batavia, NY, then over NY Hwy 33 to Rochester, NY, then over NY Hwy 31 to Weedsport, NY, then over NY Hwy 31B to junction NY Hwy 5 (near Elbridge, NY), then over NY Hwy 5 to Albany and return over the same route, serving all intermediate points; Between Westfield,

NY and Troy, NY: From Westfield over NY Hwy 17 to Binghampton, NY, then over NY Hwy 7 to Troy and return over the same route, serving all intermediate points and the off-route points in the Counties of Cattaraugus, Allegany, Steuben, Chenango and Delaware; Between Jersey City, NJ and Wilkes-Barre, PA: From Jersey City over US Hwy 1 to junction NJ Hwy 3, then over NJ Hwy 3 to junction of US Hwy 46, then over US Hwy 46 to junction of US Hwy 611, then over US Hwy 611 to Scranton, PA, then over US Hwy 11 to junction PA Hwy 315, then over PA Hwy 315 to Wilkes-Barre, and return over the same route, serving all intermediate points and the off-route points in the Counties of Atlantic, Warren and Hunterdon; Between Reading, PA and Scranton, PA: From Reading, PA over PA Rt. 61 to PA Hwy 895, then PA Hwy 895 to PA Hwy 443, then PA Hwy 443 to PA Hwy 309, then PA Hwy 309 to Wilkes-Barre, the PA Hwy 315 or US Hwy 11 to Scranton, PA, and return over the same route, serving all intermediate points and the off-route points in the Counties of Carbon, Lackawanna, Monroe, Northampton, Pike and Wayne; Between Baltimore, MD and Hagerstown, MD: From Baltimore, MD over US Hwy 40 to Hagerstown, and return over the same route, serving all intermediate points in the Counties of Carroll, Frederick, Montgomery and Washington; Between Washington, DC and Frederick, MD: From Washington, DC via MD Hwy 355 to Frederick, and return over the same route, serving all intermediate points; Between Harrisburg, PA and Williamsport, PA: From Harrisburg, PA over US Hwy 22 to Clarks Ferry, PA, then over PA Hwy 147 to junction US Hwy 220, then over US Hwy 220 to Williamsport, PA, and return over the same route, serving all intermediate points, and the off-route points in Lycoming County, PA; Between Harrisburg, PA and Williamsport, PA: From Harrisburg over US Hwy 22 to junction US Hwy 15 (near Amity Hall, PA), then over US Hwy 15 to Williamsport, and return over the same route, serving all intermediate points, and the off-route points in Lycoming County, PA. Supporting shipper(s): There are 54 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Philadelphia, PA.

MC 133099 (Sub-II–3TA), filed February 25, 1980. Applicant: THE GLASGOW & DAVIS COMPANY, P.O. Box 1717, Salisbury, Maryland 21801. Attorney: Daniel B. Johnson, 4304 East-West Highway, Washington, D.C. 20014, (301) 654–2240. *Brick and block products* from Beltsville and Williamsport, MD, Canton, OH, Lewis Run, New Oxford, Reading, Shoemakersville, Sugar Creek, and Summerville, PA, Lawrenceville and Manassas, VA, and Martinsburg, WV, to points in DE, MD, and VA, south of the Chesapeake & Delaware Canal and east of the Chesapeake Bay for 180 days. Supporting shipper: Salisbury Brick Company, P.O. Box 254, Salisbury, Maryland 21801.

MC 110191 (Sub-2–2TA), filed February 25, 1980. Applicant: TURNER'S EXPRESS, INC., 1300 Shelton Ave., P.O. Box 1006, Norfolk, VA 23501. Representative: D. L. Turner (same as applicant). *Automobile parts, supplies and equipment,* between Norfolk, VA and New Stanton, PA and points within 25 miles of New Stanton, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Sheller Glober Corp., 8900 Hampton Blvd., Norfolk, VA 23505.

MC 43594 (Sub-II–1TA), filed February 26, 1980. Applicant: FUNK'S HAULING SERVICE, INC., 2750 Grant Avenue, Philadelphia, PA 19114. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. *General commodities,* (except those of unusual value), Classes A and B Explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and commodities in vehicles, equipped with mechanical refrigeration, from the facilities of John Wanamaker Company in Pennsauken, NJ, to points in Pennsylvania, east of the western boundaries of Tioga, Lycoming, Union, Snyder, Juniata and Franklin Counties, Wilmington, DE, and New York, NY, for 180 days. A corresponding ETA seeks 90 days authority. Supporting shipper: John Wanamaker, 13th and Market Streets, Philadelphia, PA.

MC 138438 (Sub-II–1TA), filed February 25, 1980. Applicant: D.M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Avenue, Hagerstown, MD 21740. *Stone (crushed, ground, dust, waste, building or paving) and materials and supplies used in the construction of tennis courts,* from Hagerstown, MD, and Blue Ridge Summit, PA, and their respective commercial zones, to all points in and east of WI, IL, KY, TN, and AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Har-Tru Corporation, 1637 Salem Avenue, Hagerstown, MD 21740.

Note.—Dual operations may be involved.

MC 124821 (Sub-II–1TA), filed February 8, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. *Boards, building, wall and insulating,* and *accessories* for the installation thereof, from the facilities of the Celotex Corporation at or near Pittston, PA, to points in FL, GA, KS, LA, MI, TX and WI. Supporting shipper: Jim Walter Corporation, P.O. Box 22601, Tampa, FL 33622.

MC 125533 (Sub-II–1), filed February 11, 1980. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. *(1) Clay and shale products, fitting compounds, and materials and supplies used in the manufacture, distribution and installation of the above-mentioned commodities* from Gulf, NC to GA, *(2) materials and supplies used in the manufacture, distribution, and installation of clay and shale products and fitting compounds* from Columbia, SC to Gulf, NC, and *(3) clay and shale products, fitting compounds, and materials and supplies used in the manufacture, distribution and installation of the above-mentioned commodities* from Milledgeville, GA to Gulf, NC for 180 days. Supporting shipper: Pomona Pipe Products Division of Pomona Corporation, P.O. Box 20400, Greensboro, NC 27420.

MC 146298 (Sub-II–1TA), filed February 25, 1980. Applicant: KESS TRANSPORTATION, INC., Box 5091, Cincinnati, OH 45205. Applicant's representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC 20005. *Empty plastic bottles* from Cincinnati, OH, and points in its commercial zone to Buckner, KY, and points in its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rigo Company, Junction Highway 146 & Interstate 71, Buckner, KY 40010.

MC 1824 (Sub-2–1TA), filed February 21, 1980. Applicant: PRESTON TRUCKING CO., INC., 151 Easton Blvd., Preston, MD 21655. Representative: Thomas M. Auchincloss, Jr., 700 World Center Bldg., 918—16th St., N.W, Washington, DC 20006. *Common; regular: General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* serving points in Ashtabula Co., OH as off-route points in conjunction with applicant's presently authorized regular route

between Akron, OH and Buffalo, NY for 180 days. Applicant intends to tack authority sought with authority held under docket MC 1824 and all subs thereunder. Applicant intends to interline with present connecting carriers at authorized points including but not limited to Philadelphia, PA, Ft. Wayne, IN, Norfolk, VA, Baltimore, MD and Pittsburgh, PA. Supporting shipper(s): There are 12 supporting shippers. Their statements may be examined at the office listed below.

MC 119632 (Sub-II–1TA), filed February 25, 1980. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Representative: Wayne C. Pence, 634 Ralston Avenue, Defiance, OH 43512. *(1) Cleaning compounds, bleach, textile softeners, starch, aqua ammonia, and detergents; and (2) materials, equipment and supplies used or useful in the manufacture, production, and distribution of commodities in (1) above (except commodities in bulk)* between points in DC, DE, IL, IN, KY, MD, lower peninsula of MI, MO, NJ, NY, OH, PA, VA, and WV. Restricted to the transportation of shipments originating at or destined to facilities of Purex Corporation. An ETA seeking authority for 90 days has been filed. Supporting shipper(s): Purex Corporation, 6120 N. Detroit Avenue, Toledo, OH 43696.

MC 147655 (Sub-II–2TA), filed February 25, 1980. Applicant: PAYNE, INC., P.O. Box 112, Brandy Station, VA 22714. Applicant's Attorney: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. *Materials and supplies,* in bulk, used and useful in the manufacture and production of glass fiber products between points in the United States in and east of WI, IL, KY, TN, and MS, restricted to the transportation of traffic destined to the facilities of Owens-Corning Fiberglas Corporation, for 180 days. Supporting shipper(s): Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH 43659.

MC 50069TA (Sub-II–2TA), filed February 25, 1980. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, OH 43616. Representative: William P. Fromm (address same as applicant). *Petroleum and petroleum products, in bulk, in tank vehicles* from Lima, OH to points in NC, SC and GA, for 180 days. Supporting shipper(s): Larand Chemical Corporation, 1118 Sky Hill Road, Bridgewater, NJ 08807.

The following applications were filed in Region 3. Send protest to: ICC, P.O. Box 7520, Atlanta, GA 30309.

MC 128555 (Sub-3–1TA), filed February 22, 1980. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: Raymond P. Keigher, 1400 Gerard Street, Rockville, MD 20850. *Contract carrier*—irregular routes: (1) *canned and preserved foodstuffs,* and (2) *equipment, materials, and supplies* used in the manufacture or distribution of canned and preserved foodstuffs (except commodities in bulk), between the facilities of Owensboro Canning Co., Inc., at Owensboro, KY, on the one hand, and, on the other, those points in the United States in or east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Owensboro Canning Co., Inc., of Owensboro, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Owensboro Canning Co., Inc., P.O. Box 734, Owensboro, KY 42301.

MC 125368 (Sub-51TA), filed February 22, 1980. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher (same as above). *Meat products, meat by-products and articles distributed by meat packinghouses, as described in Section A, B, and C, of Appendix 1 to the report in descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* between the facilities of Tama Meat Packing Company, Tama, IA, on the one hand, and, on the other, points in the U.S., except AK and HI, for 180 days. An underlying ETA seeking 90 days authority has been filed. Supporting shipper: Tama Meat Packing Company, P.O. Box 209, Tama, IA.

MC 116254 (Sub-3–1TA), filed February 12, 1980. Applicant: CHEMHAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Mr. M. D. Miller (same address as above). *Ferro-phosphorus,* in bulk, in dump vehicles, from Memphis, TN to Marshall, TX.

MC 111302 (Sub-3–2), filed February 5, 1980. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, Knoxville, TN 37919. Representative: David A. Petersen, P.O. Box 10108, Knoxville, TN 37919. *Liquid chemicals,* in bulk, in tank vehicles from Plaquemine, LA, to points in and east of MI, TE, KY, IL, WI, and MN.

MC 134105 (Sub-3–1TA), filed February 22, 1980. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossdille Avenue, Chattanooga, TN 37408. Applicant's representative: Daniel O. Hands, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Lighting fixtures and lighting fixture parts and accessories,* from the facilities of Lithonia Lighting Company at Cochran and Conyers, GA to Chattanooga, TN, for 180 days. An underlying ETA seeking up to 90 days operating authority has been filed. Supporting shipper: Lithonia Lighting Company, 1335 Industrial Blvd., P.O. Box A, Conyers, GA 30207.

MC 119777 (Sub-3–6TA), filed February 22, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Box Drawer "L", Madisonville, KY 42431. *Wire and wire products* from the facilities of Essex Wire, Hoisington, KS to Oakland, CA, Brooklyn, NY and Houston, TX, restricted to traffic having a subsequent movement by water, for 180 days. Supporting shipper: Essex Group, Inc., P.O. Box 1216, Fort Wayne, IN 46801.

MC 146256 (Sub-3–2TA), filed February 22, 1980. Applicant: SHORT LINE TRUCKING CO., INC., P.O. Box 20026, Louisville, KY 40220. Applicant's representative: Lavern R. Holdeman, Peterson, Bowman & Johanns, 521 South 14th St., Suite 500, P.O. Box 81849. Lincoln, NE 68501. (1) *Such commodities as are dealt in by wholesale, retail and chain, grocery, drug and food business houses* and (2) *materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in (1) above* (except in bulk), between the facilities of Hunt-Wesson Foods, Inc., at or near Chicago, IL, and Toledo, OH, on the one hand, and, on the other, points in IN and KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Hunt-Wesson Foods, Inc., E. T. Bergfeld, Divisional Traffic Manager, Box 127, Rossford, OH, 43460.

MC 140176 (Sub-3–1TA), filed February 22, 1980. Applicant: POWELL TRUCKING CO., INC., Route 3, Box 13, Sumrall, MS 39482. Applicant's representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Authority sought to operate, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of *treated poles, posts, pilings, timbers and lumber* from the facilities of Mississippi Wood Preserving Company at or near Brookhaven, MS to points in TN, LA, AL, MO, IL, OH, IN, GA, KS, NE, IA, MI, MN, WI, KY, AR, NJ, and PA under a continuing contract or contracts with Mississippi Wood Preserving Company, for 180 days.

MC 145219 (Sub-3–1TA), filed February 22, 1980. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 2726, Savannah, GA 31402. Applicant's representative: B. M. Shirley (address same as applicant). *Tires* and *materials, equipment and supplies* used in the distribution or manufacture of tires, except commodities in bulk between Warren, OH on the one hand, and, on the other, points in AL, FL, GA, MS, NC, SC, TN and VA. Supporting shipper: Denman Rubber Manufacturing Co.

MC 147644 (Sub-3–2TA), filed February 22, 1979. Applicant: J.M.C. TRANSPORT, INC., P.O. Box 11507, Louisville, Kentucky 40211. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Alcoholic beverages (except in bulk) from Owensboro, Frankfort, Louisville, and Bardstown, KY, Dundalk, MD, Boston, MA and Lawrenceburg, IN to Baton Rouge, LA, for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper: Baton Rouge Wholesale Liquor, Inc., 1876 Sorrel Avenue, Baton Rouge, LA 70802.

MC 13300 (Sub-3–2TA), filed February 22, 1980. Applicant: CAROLINA COACH COMPANY d.b.a. CAROLINA TRAILWAYS, 1201 S. Blount Street, Raleigh, NC 27611. Applicant's representative: Lawrence E. Lindeman, 425 13th Street, N.W., Suite 1032, Washington, DC 20004. Passengers and their baggage, and express and newspapers in the same vehicle with passsengers, between Annapolis, MD, and Washington, DC, serving no intermediate points, via U.S. Hwy. 50; restricted against transporting passengers whose entire ride is between Annapolis and Washington, for 180 days. An underlying ETA seeks 90 day authority. Supporting shippers: There are 17 certificates of support filed with the application.

MC 144688 (Sub-3–2TA), filed February 8, 1980. Applicant: READY TRUCKING, INC., 2717 Campbell Blvd., Ellenwood, GA 30049. Applicant's representative: Lavern R. Holdeman, PETERSON, BOWMAN & JOHANNS, 521 S. 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. (1) *Empty bottles,* from Atlanta, GA, and points in its commercial zone to French Lick, IN, and points in its commercial zone; and (2) *Cleaning compounds,* from French Lick, IN, and points in its commercial zone to the facilities of The Clorox Company at or near Houston, TX, Atlanta, GA, Tampa, FL, and Charlotte, NC, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper: The Clorox Company, G. E. Hayes, Regional Traffic Manager, 17 Lake Mirror Road, Forest Park, GA, 30050.

MC 144688 (Sub-3–1TA), filed February 8, 1980. Applicant: READY TRUCKING, INC., 2717 Campbell Blvd., Ellenwood, GA 30049. Applicant's representative: Lavern R. Holdeman, PETERSON, BOWMAN & JOHANNS, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. *Fireplaces and fireplace accessories,* from the facilities of Marco Manufacturing, Inc., at or near Louisville, KY, to points in the U.S. in and east of MN, IA, NE, KS, MO, AR and LA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper: Marco Manufacturing, Inc., Allan Parnell, Plant Manager, 8191 National Turnpike, Louisville, KY 40214.

MC 147888 (Sub-3–1TA), filed February 14, 1979. Applicant: SALEM CONTRACT CARRIER, INC., P.O. Box 26945, Charlotte, NC 28213. Applicant's representative: Francis W. McInerny, Esq., 1000 16th Street, NW, Washington, DC 20036. *Contract carrier,* over *irregular routes,* transporting such merchandise as is dealt in by wholesale and retail chain department and food stores and equipment, material, and supplies used in the conduct of such businesses: between points in CT, DE, GA, IL, IN, IA, KS, KY, ME, MD, MA, MI, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI, for 180 days under a continuing contract or contracts with Kmart Corporation and restricted to shipments moving from, to, or between facilities used by Kmart Corporation. Applicant is a wholly-owned subsidiary of McLean Trucking Company, a motor common carrier, so *dual operations* are involved.

MC 145541 (Sub-3–1TA), filed February 22, 1980. Applicant: SUNWAY CORP., Post Office Box 2129, Thomasville, NC 27360. Applicant's representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. New furniture, furniture parts and materials used in the manufacturing of new furniture, from points in Orange and Los Angeles Counties, CA, and Phoenix, AZ, to points in NC and GA.

The following applications were filed in the Chicago Regional Office. Send protests to: ICC, Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 150133 (Sub-4–1TA), filed February 21, 1980. Applicant: D.D.I. TRANSPORT, INC., an Illinois Corporation, 1010 Jorie Blvd., Oak Brook, IL 60521. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. Intravenous solutions, drugs and health-care products, hospital supplies, (except commodities in bulk; from the facilities of Abbott Laboratories, located at or near North Chicago, Illinois to Los Angeles, San Francisco and Santa Fe Springs, California; Atlanta, Georgia; Des Moines, Iowa; Louisville, Kentucky; Boston, Massachusetts; Rocky Mountain, North Carolina; Buffalo, New York; Cincinnati and Cleveland, Ohio; Philadelphia and Pittsburgh, Pennsylvania and Seattle, Washington. Supporting shipper: Abbott Laboratories, 14th and Sheridan Rds., N. Chicago, IL 60064.

MC 108185 (Sub-4–3), filed February 20, 1980. Applicant: JACK COLE, DIXIE HIGHWAY COMPANY, 215 So. 11th Street, Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minnesota. (1) *Iron and Steel Articles,* From the facilities of North Star Steel Company located at Monroe, Michigan to points in AL, FL, GA, LA and MS; and (2) *Materials, Equipment and Supplies (except in bulk) Used in the Manufacture and Distribution of Iron and Steel Articles* From the destination points in (1) above to the facilities of North Star Steel Company located at Monroe, MI. Supporting shipper: North Star Steel Company, 2901 Metro Drive, Minneapolis, MN 55420, Leonard Huberty, Corporate Traffic Manager.

MC 108185 (Sub-4–1TA), filed February 20, 1980. Applicant: JACK COLE–DIXIE HIGHWAY COMPANY, 215 So. 11th Street, Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minnesota. *Cast iron pipe, cast iron pipe fittings,* and *accessories,* from Holt Alabama, to points in Illinois, Kentucky, Michigan and Wisconsin. Supporting shipper: The Central Foundry Company, P.O. Box 188, Holt, AL 35404, Mr. Walter J. Mayfield, Traffic Manager.

MC 142096 (Sub-4–1TA), filing date February 19, 1980. Applicant: MILLER BROS. TRUCKING CO., INC., 4100 West Mitchell Street, Milwaukee, Wisconsin 53215. Applicant's Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6425 Odana Road, Madison, Wisconsin 53719. *Empty metal containers* from Rockford, IL, to WI. Supporting shipper: National Can Co., 8108 W. Higgins Rd., Chicago, IL 60631.

MC 142059 (Sub-4–1TA), filed February 21, 1980. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, Illinois 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, Illinois 60436. Calcined magnesite in packages from the facilities of Glasrock Products, Inc. near Tuscumbia, AL to Franklin, TN;

Hammond, IN; Lakewood, NJ; Murfreesboro, TN; New Haven, CT; Ogden, UT; Pittsburgh, PA and Windham, OH. Supporting shipper: Glasrock Products, Inc., P.O. Box 518, Tuscumbia, Alabama 35674.

MC 119654 (Sub-4–2TA), filed February 21, 1980. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, P.O. Box 509, Marion, IN 46952. Representative: Norman R. Garvin, SCOPELITIS & GARVIN, 1301 Merchants Plaza, Indianapolis, IN 46204. *Corrugated and solid containers, and corrugated sheets,* from the facilities of Smurfit Industries, Inc., at or near Centralia, IL, to points in IN and KY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Smurfit Industries, Inc., Centralia Industrial Park, Centralia, IL 62801.

MC 82492 (Sub-4–1TA), filed February 21, 1980. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, Michigan 49003. Representative: Neil E. Hannan (same Address as Applicant). *Cleaning, softening, sizing, finishing, bleaching and bluing products* (except in bulk), from the facilities of The Purex Corporation at St. Louis, MO, to points in IL, IN, IA, KY, MI, MN, NE, OH, TN, and WI. (Hearing site: Chicago, IL; Washington, D.C.) Supporting shipper: Purex Corporation, 6901 McKissock Ave, St. Louis, MO 63147.

MC 108523 (Sub-4–2TA), filed February 19, 1980. Applicant: POLMAN TRANSFER, INC., Route 3, Box 470, Wadena, MN 56482. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minnesota. *Contract* carrier: Canned and preserved foodstuffs, from the facilities of Heinz U.S.A. at or near Fremont, OH; Holland, MI; and Pittsburgh, PA to points in Illinois, Iowa, Minnesota, North Dakota, South Dakota and Wisconsin; and from the facilities of Heinz USA at or near Muscatine and Iowa City, IA to points in Illinois, Minnesota, North Dakota, South Dakota and Wisconsin, and in each case restricted to traffic originating at the named facilities and destined to the named states. Supporting shipper: Heinz U.S.A.

MC 150090 (Sub-4–1TA), filed February 14, 1980. Applicant: CHEMLINE DELIVERY SERVICE, INC., 2700 River Road, Des Plaines, IL 60018. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Contract carrier,* irregular: *Acids and chemicals,* in bulk, in tank vehicles: Between points in IL, IN, IA, KY, MI, MN, MO, NY, OH, PA, WV and WI, restricted to transportation performed under a continuing bi-lateral contract or contracts with K. A. Steel Chemicals, Inc. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: K. A. Steel Chemicals, Inc., 1 North Buchanan Street, Gary, IN 46401.

MC 128270 (Sub-4–1), filed February 15, 1980. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, Lake Station, Indiana 46405. Representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, Illinois 60601. *Iron and Steel articles and materials, equipment and supplies used in the manufacture of same* from the plantsites and facilities used by Valley Steel Products Company located at or near Centralia, Irvington, Flora, Sparta and Carlinville, IL., to points in the states of TX, LA, OK, KS, MO, AR, WI, IA, IN, MI, KY, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Valley Steel Products Company, P.O. Box 429–Centralia, IL 62801.

MC 51146 (Sub-4–4TA), filed February 15, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr., Assistant Commerce Manager. *Glass products* from the facilities of Pittsburgh Corning Corporation at Port Alleghany, PA and Sedalia, MO to points in AL, AR, FL, GA, IL, IN, IA, LA, MI, MN, MS, NE, OH, OK, TX, WI, WV, VA, NC, SC, KY, TN, KS, and MO for 180 days. Supporting shipper: Pittsburgh Corning Corporation, 800 Presque Isle Drive, Pittsburgh, PA 15239 (Russell Balint).

MC 51146 (Sub-4–3TA), filed February 15, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Foodstuffs* (except commodities in bulk) from the facilities of Nabisco, Inc. at Philadelphia, PA to the facilities of Nabisco, Inc. at Cairo, Chicago, Decatur, Elk Grove Village, Rock Island, and Peoria, IL; Evansville, Fort Wayne, Indianapolis, and South Bend, IN; Louisville and Lexington, KY; Escanaba, Farmington, Flint, Grand Rapids, and Lansing, MI; Duluth and Minneapolis, MN; Columbus, Hamilton, Bellaire, Mansfield, Macedonia, Toledo, and Youngstown, OH; Fargo, ND; Sioux Falls, SD; and Green Bay, LaCrosse, Madison, and New Berlin, WI, for 180 days. Supporting shipper: Nabisco, Inc., East Hanover, NJ 07936 (Peter D. Sweeney.)

MC 150089 (Sub-4–3TA), filed February 7, 1980. Applicant: THOMAS TUFNELL, JOSEPH TUFNELL and ARTHUR RUPERD, a partnership, d.b.a. T & R TRUCKING CO., Route 2, P.O. Box 268D, Escanaba MI 49829. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Contract carrier, irregular routes, pallets, pallet parts, and wood chips,* from Escanaba, MI, to points in IL, IN, IA and WI, and, on return, *equipment, materials, and supplies,* used or useful in the manufacture and distribution of the above-named commodities from the above-named destination states to Escanaba, MI, under continuing contract with Lakestate Industries, Inc., Escanaba, MI, for 180 days. Supporting shipper: Lakestate Industries, Inc., P.O. Box 279, 1831 North 21st Street, Escanaba, MI 49829.

MC 148383 (Sub-4–1TA), filed February 7, 1980. Applicant: H. PRUITT TRUCKING, INC., 233 Wadsworth, Saginaw, Michigan 48601. Representative: Robert E. McFarland, McFarland & Bullard, 999 West Big Beaver Road, Suite 1002, Troy, MI 48084. *Contract carrier, irregular routes,* (1) *waste and reclaimed petroleum and petroleum products in bulk, in tank vehicles,* from the facilities of General Motors Corporation, at or near Athens, AL, to the facilities of Metalworking Lubricants, Inc., at or near Indianapolis, IN, and (2) *petroleum and petroleum products, in bulk, in tank vehicles from Detroit, MI* and the commercial zone thereof to the facilities of General Motors Corporation at or near Athens, AL, and Metalworking Lubricants, Inc., at or near Indianapolis, IN. Supporting shipper: General Motors Corp., 30007 Van Dyke, Warren, MI 48090.

MC 150092 (Sub-4–1TA), filed February 11, 1980. Applicant: HIGHLAND TRUCK COMPANY, 25520 Woodvilla, Southfield, MI 48075. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, MI 48226. *Contract carrier,* irregular: *Foodstuffs,* in mechanically refrigerated equipment between the facilities of Detroit City Dairy, Inc. at Highland Park, MI, on the one hand, and, on the other, points in WI, IL, OH, IN and St. Louis, MO. Supporting shipper: Detroit City Dairy, Inc., 15004 Third Street, Highland Park, MI 48203.

MC 108119 (Sub-4–1TA), filed February 14, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. *Common* carrier, irregular: *Iron or steel posts, tubing and pipe,* from Bossier City, LA to the facilities of Hurricane Steel Industries Company at Orlando, FL; Tallahassee, FL; Albuquerque, MN;

Amarillo, TX; Charlotte, NC; Corpus Christi, TX; East Point, GA; El Paso, TX; Lubbock, TX; Mobile, AL; Austin, TX; Waco, TX; Houston, TX; LaGrange, TX; Odessa, TX; Oklahoma City, OK and San Antonio, TX. Supporting shipper: Hurricane Steel Industries Company, P.O. Box 552, LaGrange, TX 78945.

Note.—Common control may be involved.

MC 107295 (Sub-4–1TA), filed February 19, 1980. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as above). *Common carrier, irregular: Composition board and water repelling materials* (except commodities in bulk), from Kalamazoo, MI; to Mesa, AZ; Riverside, CA; Denver, CO; Eaton Park, FL; Macon, GA; to Mesa, AZ; Riverside, CA; Halstead, KS; Aurora, NE; Leola, PA; Halstead, KS; New Ulm, MN; Aurora, NE; Salisbury, NC; Portland, OR; Leola, PA; Waco, TX; and Prairie Du Chien and Spencer, WI; and from Macon, GA; and Waco, TX; and *inbound materials (water repelling materials except commodities in bulk),* from Slattersville, RI; and West Point, VA; to Kalamazoo, MI. (Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shepherd Products Co., P.O. Box 427, Kalamazoo, MI 49005.

MC 110420 (Sub-4–2TA), filed February 19, 1980. Applicant: QUALITY CARRIERS, INC., 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., Goff, Sims, Cloud, Stroud & Shepherd, 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. *Liquid chemicals,* in bulk, in tank vehicles, from Mapleton, IL to points in IN, MD, MI, MO, NJ, OH, PA, VA, and WI. Supporting shipper: Sherex Chemical Company, Inc., 5200 Blazer Parkway, Dublin, OH 43017.

MC 144378 (Sub-4–1), filed January 4, 1980. Applicant: SKY CORPORATION, P.O. Box 838, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 1982, 418 East Rosser Avenue. *Contract; irregular; lumber, lumber products, and wood products* (1) from points in ID, WA, OR, and MT, to points in ND, SD, MN, WI, MI, IA, MO, IL, CO, UT, and WY; and (2) from points in CA to points in ND, SD, MN, WI, MI, and IA, restricted to a transportation service to be performed under a continuing contract or contracts with Idaho Forest Industries, Inc. Supporting shipper: Idaho Forest Industries, Inc., 825 SW Nimbus Ave., Suite 106, Beaverton, OR 97005.

MC 135924 (Sub-4–1), filed January 4, 1980. Applicant: SIMONS TRUCKING CO., INC., 3851 River Road, Grand Rapids, MN 55744. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Machinery parts for paper making machinery (paper mill machinery)* between Grand Rapids, MN on the one hand, and on the other hand, Appleton, Beloit, Green Bay, and Neenah, WI: An underlying ETA seeks 90 days authority. Supporting shipper: Blandin Paper Co., 115 S.W. First Street, Grand Rapids, MN 55744.

MC 124078 (Sub-4–4), filed January 4, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (address same as applicant). *Flour, in bulk* (1) from Hastings, MN to points in IA, IL, IN, KY, MI, MO, OH and WI and (2) from Alton, IL to points in IA, IN, KY, MI, MN, MO, OH and WI. Supporting shipper: Peavey Company, Peavey Building, 730 Second Avenue South, Minneapolis, MN 55402.

MC 126346 (Sub-4–3TA), filed January 4, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Applicant's representative: Elaine M. Conway, Sullivan & Associates, Ltd., 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Contract; Irregular; Container caps, covers or closures,* from the facilities utilized by Reynolds Metals Company at Bristol, VA to points in FL, restricted to traffic moving under continuing contract(s) with Reynolds Metals Company. Supporting shipper: Reynolds Metals Co., Richmond, VA 23261.

MC 55709 (Sub-4–1), filed January 4, 1980. Applicant: ANDING TRANSIT, INC., P.O. Box 112, Arena, WI 53503. Applicant's representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Butter, yogurt, cheese and cheese products, and synthetic cheese and cheese products* between Arena, WI on the one hand, and on the other hand, various points in AR, CO, CT, ID, IL, IN, IA, KS, KY, MA, MI, MN, MO, NE, NJ, NY, ND, OH, PA, SD, TN, UT and WY, restricted to shipment originating at or terminating the facilities of M & L Cold Storage, Inc., Arena, WI. An underlying ETA seeks 90 days authority. Supporting shipper: L & L Cold Storage, Inc., P.O. Box 112, Helena Road, Arena, WI 53503.

MC 106674 (Sub-4–3TA), filed January 4, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). *Processed sawdust in bags and processed wood shavings in bags* from the facilities of Robert L. Ciuferi Sawdust Milling, Inc., in Chattanooga, TN to points in: AL, AR, FL, GA, IL, IN, KY, LA, MO, MS, NC, OH, VA, WV. Supporting shipper: Robert L. Ciuferi Sawdust Milling, Inc., 314 West Main St., Collinsville, IL 62234.

MC 107295 (Sub-4–3TA). Filed January 4, 1980. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Applicant's representative: Duane Zehr (same address as above). *Composition board,* from Marinette, WI, to points in AR, IL, IN, IA, OH, MI, VA, NC, TX, and SC. Supporting shipper: Rodman Industries, Inc., Box 76, Marinette, WI 54143.

MC 145882 (Sub-4–1). Filed December 31, 1979. Applicant: KUVASZOK TRANSPORT, INC., 1630 Rhonda Road, St. Joseph, MI 49085. Applicant's representative: J. Joseph Daly, Globensky, Gleiss, Henderson & Bittner, 610 Ship St., P.O. Box 558, St. Joseph, MI 59085. *Lubricating oil, in drums and cases, and other packaged petroleum products* from the facilities of Universal Cooperatives, Inc. at or near Kenton, OH to points in MI; and *anti-freeze* from the facilities known as Lake River Terminal at or near Berwin and Bedford Park, IL to points in MI. Supporting shipper: Farm Bureau Services, Inc., 7373 West Saginaw Hwy, Lansing, MI 48917.

MC 51146 (Sub-1–8TA), filed January 4, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Applicant's representative: Matthew J. Reid, Jr. (same address as applicant). *Such commodities as are dealt in, or used by, manufacturers and distributors of farm and construction equipment* from points in IA, IL, IN, KY, MI, OH, and Baltimore, MD to Racine, WI. An underlying ETA seeks 90 days authority. Supporting shipper: J. I. Case, 700 State Street, Racine, WI 53404.

MC 147338 (Sub-4–1). Filed January 16, 1980. Applicant: POWER PACKAGING TRANSPORTATION CORP., 1150 Powis Road, West Chicago, IL 60185. Applicant's representative: Abraham A. Diamond, 29 S. LaSalle St., Chicago, IL 60603. (a) *Foodstuffs,* (b) *materials, equipment and supplies used or useful in the manufacture, sale and distribution of the commodities in (a) above* between the facilities of Power Packaging Transportation Corporation at or near Chicago, IL, Grand Prairie, TX and Plancenta, CA, and their commercial zones on the one hand, and, on the other, points in the United States, other than AK and HI, restricted to traffic originating at or destined to the named facilities. An underlying ETA seeks 90 days authority. Supporting shippers: General Foods Corporation, 250 North Street, White Plains, NY 10625

and RJR Foods, Inc., P.O. Box 3037, Winston-Salem, NC 27102.

MC 126346 (Sub-4–4TA), filed January 4, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. *Contract; irregular; such commodities as are dealt in or used by manufacturers and distributors of lawn mowers,* between the facilities utilized by Roper Lawn Products Division at or near McRae and Swainesboro, GA and points in the United States, restricted to traffic moving under continuing contract(s) with the Roper Corporation. Supporting shipper: Roper Corporation, 12052 Middleground Road, Savannah, GA 31406.

MC 140265 (Sub-4–1), filed January 4, 1980. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Candy and confectionery* from Robinson, IL to Los Angeles and San Francisco, CA, Denver, CO, Harahan, LA, Kansas City, MO, Portland, OR, Dallas and Houston, TX; and *dessert preparation, candy, confectionery and almonds* from Belmont, Union City, Sacramento, Bakersfield, CA to Robinson, IL. Supporting shipper: L. S. Heath & Sons, Inc., 206 South Jackson Street, Robinson, IL 62454.

MC 121079 (Sub-4–1), filed January 16, 1980. Applicant: THRIFT TRUCKING, INC., 192 Elm Tree Lane, Elmhurst, IL 60126. Representative: Walter L. Weart, 548 Anita St., Des Plaines, IL 60016. *Paper and paper articles, materials, equipment and supplies except commodities in bulk* between Chicago and Shelbyville, IL and points in IL; restricted to shipments originating at or destined to the facilities of the Continental Group, Inc., Bondware, Division located at or near Chicago and Shelbyville, IL. Supporting shipper: The Continental Group, Inc., Bondware Division, 800 E. Northwest Hwy., Palatine, IL 60667.

MC 149042 (Sub-4–2), filed January 25, 1980. Applicant: JBT SERVICE, INC., P.O. Box 971, Oshkosh, WI 54902. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract; irregular; precast concrete products* from Omro, WI to points in IA, IL, IN, MI and MN, under a continuing contract(s) with Precast Concrete Specialties, Inc., and underlying ETA seeks 90 days authority. Supporting shipper: Precast Concrete Specialties, Inc., P.O. Box 412, Omro, WI 54963.

MC 127840 (Sub-4–1), filed: January 4, 1980. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60438. *Hexamethylamine Diamine, in bulk, in tank vehicles* from the DuPont plants at or near Orange and Victoria, TX to the DuPont plants at Seaford, Delaware, Richmond, Waynesboro and Martinsville, Virginia; Camden, South Carolina and Chatanooga, TN. Supporting Shipper: E. I. DuPont De Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

MC 110988 (Sub-4–1TA), filed January 7, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Chemicals,* in bulk, from Chicago, IL and points in its commercial zone to points in GA, SC, NC, VA, TN, and FL. An underlying ETA seeks 90 days authority. Supporting shippers: Cargill, Inc., Cottage Avenue and Lake Marian Road, Carpentersville, IL 60110; and Nalco Chemical Company, 2901 Butterfield Road, Oak Brook, IL 60521.

MC 149042 (Sub-4–1), filed: January 7, 1980. Applicant: JBT SERVICE, INC., P.O. Box 971, Oshkosh, WI 54902. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract; irregular; Precast concrete products* from the facilities of Duwe Concrete Industries, Inc. at or near Oshkosh, WI to points in IA, IL, IN, MI and MN under a continuing contracts(s) with Duwe Concrete Industries, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Duwe Concrete Industries, Inc., P.O. Box 2068, Oshkosh, WI 54902.

MC 106674 (Sub-4–4TA), filed: January 7, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Plastic Articles and Plastic Sheeting* from the facilities of Trio Products Inc., at Elyria, Ohio to Red Oak, Iowa; Ada, Alleganand, Kalamazoo, Michigan, Maryville, Missouri; Asheboro, and Greenville, North Carolina; Elizabethton and Johnson City, Tennessee. Supporting shipper: Trio Products, Inc., 250 Warden Ave., Elyria, OH 44035.

MC 134453 (Sub-4–1), filed January 5, 1980. Applicant: STERNLITE TRANSPORTATION CO., Winsted, MN 55395. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract; irregular;* (1) *Aluminum extrusions* and (2) *scrap aluminum and aluminum billets* (1) from Yankton, SD to points in CT, DE, FL, ME, MD, MA, MN, NH, NJ, NY, NC, PA, RI, SC, VT, VA and WV and (2) from points in the United States named in (1) above, to Yankton, SD. An underlying ETA seeks 90 days authority. Supporting shipper: Alumax Extrusions, Inc., P.O. Box 681, Yankton, SD 57078.

MC (Sub-4–1TA), filed January 21, 1980. Applicant: MINNESOTA CONSUMER'S SUPPLY CO., INC., 5720 East River Road, Apt. 102, Minneapolis, MN 55432. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A. 7400 Metro Boulevard, Suite 411, Edina, MN 55435. (1) *Plastic and stainless steel consoles and modules and propietary plating solution used in the metal finishing industry;* and (2) *materials, supplies, and accessories used in the manufacture and production of the commodities named in (1) above (except commodities in bulk)* between the facilities of Circuit Services, Inc. at or near Minneapolis, MN, on the one hand, and, on the other, points in CT, DC, DE, FL, GA, IL, IN, MA, MD, MI, NH, NJ, NY, OH, PA, RI, VA, VT, and WI, restricted to traffic originating at or destined to the facilities of Circuit Services, Inc. Supporting shipper: Circuit Services, Inc., 8400 Pillsbury Avenue South, Minneapolis, MN 55420.

MC 149141 (Sub-4–1), filed January 21, 1980. Applicant: MELVIN STEEN, R.F.D. #3, Princeton, IL 61356. Representative: Edward D. McNamara, Jr., 907 S. Fourth St., Springfield, IL 62703. *Tires and rubber products* from Freeport, IL; Rockford, IL; and Rock Falls, IL to various points in the states of IA, NE, KS, MO, TN, IN, MI, OH, AR and WI. An underlying ETA seeks 90 days authority. Supporting shipper: Murphy-Kullen's Warehouse, 525 East Stephenson, Freeport, IL 61032.

MC 110988 (Sub-4–6TA), filed January 21, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Plastic materials,* in bulk, in tank vehicles, from Monaca, PA and Luke, MD to points in the United States in and east of MN, IA, MO, AR, and LA. Supporting shipper: Arco Polymers, Inc., 1500 Market Street, Philadelphia, PA 19101.

MC 145276 (Sub-4–1), filed January 7, 1980. Applicant: MINNESOTA EXPRESS, INC., 2400 Trott Avenue, S.W., P.O. Box 427, Willmar, MN 56201. Representative: Stanley C. Olsen, Jr., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Meat, meat products, meat by-products, and related products distributed by meat packing houses* between the facilities of Howard Beef Processing Company at or near Howard,

SD on the one hand, and on the other, Minneapolis, St. Paul, Willmar, MN and points in their commercial zones. An underlying ETA seeks 90 days authority. Supporting shippers: Ellison Meat Co., 2540, 24th Avenue, South, Minneapolis, MN 55406; Howard Beef Processors, P.O. Box 606, Howard, SD 57349.

MC 135231 (Sub-4–2), filed January 8, 1980. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. (1) *Cleaning and polishing compounds, textile softeners, lubricants, hypoclorite solution, deodorants, disinfectants, paints, stains, varnishes, plastic bags and filters;* and (2) *materials, supplies and equipment used in the manufacture of commodities named in (1) above (except commodities in bulk)* between the facilities of Economics Laboratory, Inc. at or near San Jose and City of Industry, CA; Detroit, MI; Joliet, IL; Beloit, WI; St. Paul, MN; Garland, TX; Hanover, PA; Woodbridge, Palisades Park and South Plainfield, NJ on the one hand, and points in the United States (except AK and HI) on the other hand. An underlying ETA seeks 90 days authority. Supporting shipper: Economics Laboratory, Inc., Osborn Building, St. Paul, MN 55102.

MC (Sub-4–1), filed January 10, 1980. Applicant: FRED F. OSTERBUR, JR. and MARVIN F. OSTERBUR, d.b.a. OSTERBUR TRUCKING, Box 26, Royal, IL 61871. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Rock, gravel and limestone* from Kentland and Covington, IN to points in Vermilion and Champaign Counties, IL. An underlying ETA seeks 90 days authority. Supporting shippers: St. Joseph Township, 701 Lincoln, St. Joseph, IL 61873; Ehler Brothers, Inc., R.R. #1, Thomasboro, IL 61878; Stanton Township, R.R. #1, St. Joseph, IL 61873.

MC 147876 (Sub-4–1), filed January 16, 1980. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. *Contract; irregular; Plastic bottles* from Denver, CO to Los Angeles, CA. Supporting shipper: Hoover Universal, Inc., Route 2, Triporte Road, Georgetown, KY 40324.

MC 107295 (Sub-4–4TA), filed January 16, 1980. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as above). *Steel wire rod, coils of wire rod, or bars,* from Saukville, WI, to points in IL, IN, MI, OH and NJ. Supporting shipper: Charter Rolling, 1658 Cold Spring Dr., Saukville, WI 53080.

MC 15735 (Sub-4–1), filed January 9, 1980. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Ronald C. Nesmith (address same as applicant). *New furniture, cartoned* from the facilities of Crown Redwood Company at Fortuna, CA to CT, DE, MD, MA, MI, MO, RI, VA, WI, MN, CO, IL, OH, IN, PA, NY, NJ and NE. An underlying ETA seeks 90 days authority. Supporting shipper: Crown Redwood Company, P.O. Box 577, Fortuna, CA 95540.

MC 51146 (Sub-4–9TA), filed January 21, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. (a) *Agricultural insecticides or fungicides, weed killing compounds, medicinal feeding compounds, chemicals, drugs, medicines, and related articles;* and (b) *equipment, materials, and supplies used or useful in the manufacture, processing, sale, and distribution of the commodities named in (a) above* between Kalamazoo, MI and points in its commercial zone on the one hand, and, on the other, points in the United States, restricted to the transportation of traffic originating at or destined to the facilities of the Upjohn Company. Supporting shipper: The Upjohn Company, 701 E. Milham Road, Kalamazoo, MI 49001.

MC 146519 (Sub-4–1TA), filed February 7, 1980. Applicant: CALIANA MARKETING, INC., 2120 Prarieton Road, Terre Haute, IN 47802. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. *Contract carrier:* Irregular Routes: *Dry corn products,* except in bulk, from the facilities of Illinois Cereal Mills, Inc. at or near Paris, IL, to points in AL, FL, GA, MS, NC, and TN, under continuing contract(s) with Illinois Cereal Mills, Inc. of Paris, IL, for 180 days. Supporting shipper: Illinois Cereal Mills, Inc. Paris, Illinois 61944.

**Federal Register Caption**

MC 146808 (Sub-4–1TA), filed February 7, 1980. Applicant: D&B TRUCKING, INC., d.b.a. ALCO EXPRESS, 4800 West Jefferson, Detroit, Michigan 48209. Representative: Peter A. Greene, 900 17th Street NW., Washington, DC 20006. *Iron and steel articles,* between points in the Lower Peninsula of MI. Restricted to traffic having a prior or subsequent out-of-state movement by rail, water, air or motor vehicle, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Approximately four certifications of support have been filed with the application.

MC 134477 (Sub-4–5TA), filed February 14, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Alcoholic beverages, cocktail mixes, and bitters (except malt beverages and commodities in bulk),* from points in CA and Cincinnati, OH to Bismarck and Fargo, ND for 180 days. Supporting shipper: Ed Phillips and Sons, P.O. Box 1978, Fargo, ND.

MC 123407 (Sub-4–8TA), filed February 4, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Hardwood flooring* from Melbourne, AR, to Carson, CA, and Houston, TX. Supporting shipper: Color Tile Supermart, Inc., P.O. Box 2475, Ft. Worth, TX 76113.

MC 123407 (Sub-4–9TA), filed February 4, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Ceramic wall tile* from Houston, MS, to Houston, TX, and Jessup, MD. Supporting shipper: Color Tile Supermart, Inc., P.O. Box 2475, Ft. Worth, TX 76113.

MC 146643 (Sub-4–1TA), filed February 4, 1980. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INC., 655 East 14th Street, Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Contract carrier: irregular routes: *Cleaning and polishing compounds, textile softeners, lubricants, hypochlorite solutions, deodorants, disinfectants, paints, stains, varnishes, plastic bags and filters (except commodities in bulk),* from the facilities of Economics Laboratory, Inc., at or near Joliet, IL, to St. Louis, and Kansas City, MO; Indianapolis, IN; Cleveland, OH; and points in WI, and the Lower Peninsula of MI. Supporting shipper: Economics Laboratory, Inc., Osborn Building, St. Paul, MN 55102.

MC 107323 (Sub-4–1TA), filed February 11, 1980. Applicant: GILLILAND TRANSFER CO., 7180 West 48th Street, Fremont, MI 49412. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. *Such commodities as are used, manufactured, sold or distributed by manufacturers of baby foods and baby food products (except commodities in bulk),* from the facilities of Gerber Products Company, at or near Fremont, MI, to points in PA and Cattaraugus,

Chautauqua and Erie Counties, NY. Supporting shipper: Gerber Products Co., 445 State St., Fremont, MI 49412.

MC 135052 (Sub-4–1TA), filed February 11, 1980. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, IN 46176. Representative: Warren C. Moberly, 320 North Meridian Street, Indianapolis, IN 46204. *Mineral wool and insulation products and materials, and materials and supplies used in the manufacture of mineral wool and insulation products and materials* from points in the States of AL, AR, CT, DE, FL, GA, IA, IL, KS, KY, LA, MD, ME, MA, MI, MN, MO, MS, NE, NH, NJ, NC, NY, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI, to Shelbyville and Indianapolis, IN. Supporting shipper: Knauf Fiber Glass, 240 Elizabeth Street, Shelbyville, IN 46176.

MC 138482 (Sub-4–2TA), filed February 4, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Bakery mixes and bakery supplies,* from the facilities of J. W. Allen Co., at or near Chicago, IL to Grand Rapids and Vassar, MI, Massillon, OH and Tampa, Orlando and Ocala, FL. Supporting shipper: J. W. Allen Co., 110 North Peoria, Chicago, IL 60607 (Hobert Melton).

MC 139482 (Sub-4–2TA), filed February 13, 1980. Applicant: New Ulm Freight Lines, Inc., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Televisions, video tape recorders, microwave ovens and parts and accessories therefor, from Franklin Park, IL to Denver, CO. Supporting shipper: Quasar Company, 9401 West Grand Avenue, Franklin Park, IL 60131.

MC 123272 (Sub-4–2TA), filed February 13, 1980. Applicant: Fast Freight, Inc., 9651 Ewing Avenue, Chicago, IL 60617. Representative: James E. Hardman, 33 North La Salle St., Chicago, IL 60602. Such commodities as are dealt in or used by manufacturers of Glass and glass products, between points in IL, IN, FL, OH, NY, MN, and PA, on the one hand, and, on the other hand, points in and east of ND, SD, NE, KS, OH, and NM, restricted to traffic originating at or destined to the facilities of the Anchor Hocking Corporation and its subsidiaries. Supporting shipper: Anchor Hocking Corporation, 109 North Broad Street, Lancaster, OH 43130.

MC 147983 (Sub-4–1TA), filed February 8, 1980. Applicant: MIAMI TRUCKING, INC., 585 East Fifth Street, Peru, Indiana 46970. Representative: Warren C. Moberly, Harrison, Moberly & Gaston, 777 Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, Indiana 46204. (1) *Raw materials for processing or mixing into fertilizer,* and (2) *Fertilizer, dry, in bulk and in bags,* between points in IN. on the one hand, and, on the other, points in OH. on and west of U.S. Hwy. 75, and between points in IN. and points in IL. in Cook, Will, Kankakee, Iroquois, Vermilion, Edgar, Clark, Crawford, Lawrence, Wabash, Edwards, White and Gallatin Counties. Supporting shipper: Indiana Farm Bureau Cooperative, Association, Inc., 120 E. Market St., Indianapolis, IN 46204.

MC 145623 (Sub-4–1TA), filed February 8, 1980. Applicant: O. K. MESSENGER SERVICE, INC., 9107 Telegraph Road, Taylor, MI 48180. Representative: Edwin M. Snyder, Sullivan and Leavitt, P.C., 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, (313) 349–3980. Contract carrier: irregular routes: *Structural steel beams, angles, channels, and plates* from Plymouth, MI to points in NC under a continuing contract with Federal Pipe & Steel Corporation. Supporting shipper: Federal Pipe or Steel Corp., 41600 Joy Rd., Plymouth, MI.

MC 146643 (Sub-4–2TA), filed February 5, 1980. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INCORPORATED, 655 East 114th Street, Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. *Contract* carrier, over *irregular* routes, transporting: *Aminal feed, in bags,* from Louisville, KY, to points in CT, NY, NJ, MI, IL, IN, OH, WV, PA, and MA. Supporting shipper: Hubbard Milling Company, 424 N. Front St., Mankato, MN 56001.

MC 150074 (Sub-4–1TA), filed February 12, 1980. Applicant: A & D HITCHCOCK TRUCKING, INC., 2990 Gramer Road, Webberville, MI 48892. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Crushed limestone,* in bulk, in dump vehicles, from points in Ottawa County, OH, to points in MI. Supporting shipper: Edward Kraemer & Sons Inc., White Rock Quarry, Clay Center, OH 43408.

MC 138432 (Sub-4–1TA), filed February 11, 1980. Applicant: GARLAND GEHRKE, 1800 N. Jefferson, Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Foodstuffs,* from Louisville, KY to points in AR, IL, IN, IA, KS, MO, OH, and OK. Supporting shipper: Paramount Foods, P.O. Box 13025, Louisville, KY 40213.

MC 144757 (Sub-4–1TA), filed February 11, 1980. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 308 West Boulevard, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, South Dakota 57701. *Lumber and Lumber Products* from points on the United States-Canadian Border in WA, ID, MT and ND to points in CO, IL, IA, MN, NE, ND, SD, WI, and WY for 180 days. There are six shippers supporting this application.

MC 134477 (Sub-4–10TA), filed February 4, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Automotive parts* (except commodities in bulk), from Ellicottville, Syracuse, Buffalo, and LeRoy, NY to the facilities of Ford Motor Company at St. Paul, MN for 180 days. Supporting shipper: Ford Motor Company, One Parklane Blvd., Parklane Towers East, Suite 200, Dearborn, MI 48126.

MC 134477 (Sub-4–12TA), filed February 4, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. (1) *Cleaning compounds, calking compounds and concrete sealer, fertilizer and petroleum products and* (2) *equipment, materials and supplies used in the distribution of commodities named in* (1) *above (except commodities in bulk) in (1) and (2)),* from the facilities of Conklin Company, Inc., at or near Shakopee, MN to Battle Creek, MI for 180 days. Supporting shipper: Conklin Company, Inc., Valley Park Drive and Hwy 101, Shakopee, MN 55379.

MC 134477 (Sub-4–9TA), filed February 4, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Foam rubber seat pads* from Brodhead, WI to St. Paul, MN for 180 days. Supporting shipper: Ford Motor Company, One Parklane Blvd., Parklane Towers East, Suite 200, Dearborn, MI 48126.

MC 112223 (Sub-4–1TA), filed February 4, 1980. Applicant: QUICKIE TRANSPORT CO., 1700 New Brighton Boulevard, Minneapolis, MN 55413. Representative: Earl Hacking (same as above). *Edible sugar,* dry, in bulk, in tank vehicles, from Chaska, Crookston, Moorhead and Renville, MN, and Wahpeton, ND to Battle Creek, MI; Evansville and Lafayette, IN; Chicago and Kankakee, IL. Supporting shipper: General Foods Corp., White Plains, NY.

MC 102817 (Sub-43TA), filed February 4, 1980. Applicant: PERKINS FURNITURE TRANSPORT, INC., P.O. Box 24335, Indianapolis, IN 46254. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. *New furniture*, from Culpepper, VA, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH and WI, for 180 days. Supporting shipper: Keller Manufacturing Co., Inc., P.O. Box 8, Corydon, IN 47112.

MC 55896 (Sub-4–1TA), filed February 13, 1980. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: George E. Batty (same address as applicant). *Sand on skids or skidded containers, (except commodities in bulk, in tank vehicles),* from the Acme Resin Corporation at Oregon, IL to points in IA, WI, MO, MN, KY, PA, OH, MI and IN. Supporting shipper: Acme Resin Corporation, Devil's Backbone Rd., P.O. Box 130, Oregon, IL 61061.

MC 109595 (Sub-4–1TA), filed February 4, 1980. Applicant: REX TRANSPORTATION CO., Suite 207, Clausen Building, 1520 North Woodward Avenue, Bloomfield Hills, MI 48013. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Cement*, from Alpena, MI, to the international boundary line between the United States and Canada located at or near Sault Ste. Marie, MI, for furtherance to points in Canada. Supporting shipper: Cement Division, Honeywell Center, 17515 W. Nine Mile Rd., Southfield, MI 48075.

MC 146643 (Sub-4–3TA), filed February 5, 1980. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INCORPORATED, 655 East 114th Street, Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Contract carrier: irregular routes: *Animal feed, in bags*, from Louisville, KY, to points in CT, NY, NJ, MI, IL, IN, OH, WV, PA, and MA. Supporting shipper: Hubbard Milling Company, 424 N. Front St., Mankato, MN 56001.

MC 134769 (Sub-4–1TA), filed February 4, 1980. Applicant: BILL BURTON & SONS, INC., P.O. Box 404, Newberry, MI 49868. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Woodchips, bark, wood slabs, sawdust, and pulpwood, from points in the Upper Peninsula of MI to points in WI. Supporting shipper: Cliffs Forest Products Co., P.O. Box 520, Iron Mountain, MI 49801.

MC 123407 (Sub-4–1TA), filed February 4, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Ceramic wall tile* from Canton, OH, to Jessup, MD. Supporting shipper: Color Tile Supermart, Inc., P.O. Box 2475, Ft. Worth, TX 76113.

MC 146643 (Sub-4–2TA), filed February 5, 1980. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INCORPORATED, 655 East 114th Street, Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Contract carrier: irregular routes: *Dog food,* (1) from Minneapolis, MN, to CT, NY, NJ, MI, IL, IN, OH, WV, PA & MA, and, (2) from Mankato, MN, to IL, IN, IA, & WI. Supporting shipper: Hubbard Milling Company, 434 N. Front St., Mankato, MN 56001.

MC 147259 (Sub-4–2TA), filed February 11, 1980. Applicant: CHURCHILL TRANSPORTATION, INC., 5000 Wyoming, Dearborn, MI. 48126. Representative: Gerald E. Churchill, President, Churchill Transportation, Inc., 5000 Wyoming, Dearborn, MI. 48126. *Meat, meat products, and meat by-products; articles distributed by meat packing houses; and commodities used by meat packers; and such commodities as are used by meat packers in the conduct of their business:* Between Points in the Commercial Zone of Chicago, IL and Points in ND, SD, MN, NE, KS, OK, TS, AR, LA, MS, AL, FL, GA, TN, KY, IN, WV, PA, OH, MI, MO, IA, WI, WA, OR, CA, MT, NV, AZ, NM, UT, WY, ID, and CO. Supporting shipper: Agar Food Products Co., 700 E. 107th St., Chicago, IL 60624.

MC 110988 (Sub-4–4TA), filed February 11, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Liquid chemicals,* in bulk, in tank vehicles from the facilities of E. I. du Pont de Nemours & Company at Seneca, IL to points in the United States (except AK and HI). Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: E. I. du Pont de Nemours & Company, 1007 Market Street, Wilmington, DE 19898 (George W. Fillingame).

MC 136899 (Sub-4–2TA), filed February 19, 1980. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 192, Richland Center, WI 53581. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Show displays and exhibits and machinery, equipment, materials and supplies* used in connection therewith, for display and show purposes only, between Chicago, IL and points within the Chicago, IL commercial zone, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Stevens Exhibits and Displays, Inc., 1750 West Belmont Avenue, Chicago, IL.

MC 1718 (Sub-4–1TA), filed February 14, 1980. Applicant: ALFRED M. FLATEGRAFF, d.b.a. GARDNER TRUCK LINE, P.O. Box 22, Pine River, MN 56474. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *(1) Wooden spoons, wooden reels, wooden reel heads and wooden cooperage, and (2) materials, equipment, supplies and accessories used in the manufacture and installation of the commodities named in (1) above,* between the facilities of Durkee Manufacturing Co., Inc., at or near Pine River, MN on the one hand, and, on the other, points in CO, MT, and UT for 180 days. Supporting shipper: Durkee Manufacturing Co., Inc., Box 67, Pine River, MN 56474.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street—Suite 600, Fort Worth, TX 76102.

**Republication**

MC 144622 (Sub-5–2TA), filed February 6, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert D. Gisvold (Attorney), 1000 First National Bank Bldg., Minneapolis, MN 55402. *Plastic articles, rubber articles and plastic and rubber ariticles,* from the facilities of Entek Corporation of America at Irving, TX, to AZ, CA, CO, FL, ID, IL, IN, KY, MI, MO, MT, NV, NJ, NM, NY, OH, OR, PA, UT, WA, WV, and WY.

MC 144622 (Sub-5–3TA), filed February 15, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses (except frozen commodities and commodities in bulk)* originating from the facilities of the Clorox Company located at Houston, TX and destined to statewide points in OK. Supporting shipper: The Clorox Co., 1221 Broadway, Oakland, CA 94612.

MC 135070 (Sub-5–1TA), filed February 15, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Such commodities as are dealt in or used by retail filling stations and*

*automobile service centers or are required in the distribution of such commodities (except in bulk),* (1) from the facilities of Texstar Automotive Distribution Group, Inc., at or near St. Louis, MO, to points in LA, MS, NJ, OK, and TX, and (2) from Houston and Port Arthur, TX, to St. Louis, MO, Detroit, MI, and Mt. Laurel, NJ, and points in their commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Texstar Automotive Distribution Group, Inc., R. W. Linnenbom, Director of Corporate Transportation, 9060 Latty Avenue, St. Louis, MO.

MC 135797 (Sub-5–2TA), filed February 19, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant (same address as applicant). *Foodstuffs* from the facilities of Arrowhead Mills located at Hereford, TX to points in AL, DE, DC, ID, IN, IA, KS, KY, LA, ME, MN, MS, MT, NE, NV, NH, NJ, NM, ND, OH, RI, SC, SD, TX, UT, VA, WV and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Arrowhead Mills, Hereford, TX.

MC 135797 (Sub-5–4TA), filed February 7, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esquire, Post Office Box 130, Lowell, Arkansas 72745. *Plastic articles* (except in bulk) between Little Rock, AR and points in and east of MN, NE, KS, OK and TX. Restricted to traffic originating at or destined to Williams Plastics Co., Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Williams Plastics Co., Inc., Little Rock, AR.

MC 111401 (Sub-5–1TA), filed February 15, 1980. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic, Groendyke Transport, Inc., P.O. Box 632, Enid, OK 73701. *Diesel fuel,* in bulk, in tank vehicles, from Brownsville, TX to El Paso, TX, in foreign commerce only. Supporting shipper: Petroleos Mexicanos, P.O. Box 4696, Brownsville, TX, 78520.

MC 135797 (Sub-5–5TA), filed February 7, 1980. Applicant: J. B. Hunt Transport, Inc., Post Office Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esquire, Post Office Box 130, Lowell, Arkansas 72745. *Evaporative air coolers* from Phoenix, AZ to points in CA, CO, FL, ID, MT, NC, NM, NV, OK, OR, TX, UT and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Phoenix Manufacturing, Inc., 415 S. 7th St., Phoenix, AZ 85036.

MC 531 (Sub-5–1TA), filed February 8, 1980. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). *Drilling mud,* in bulk, in pneumatic tank vehicles, from the plantsite facilities of Milchem Incorporated, located at or near Mineral Point, Missouri, to Intracoastal City, Lake Charles, Jennings and Cameron, Louisiana, and Whitehouse, Palestine and Tyler, Texas. An underlying ETA seeks 90 days authority. Supporting shipper: Milchem, Inc., P.O. Box 22111, Houston, Texas, 77027.

MC 115730 (Sub 5–2TA), filed February 15, 1980. Applicant: THE MICKOW CORP., P.O. Box 1774, 531 S.W. Sixth Street, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50307. *Iron and Steel Articles* from the facilities of Granite City Steel Division of National Steel Corp. in Granite City, IL to points in IA. Supporting shipper: Granite City Steel Division of National Steel Corp., 20th & State Sts., Granite City, IL 62040.

MC 139190 (Sub 5–1TA), filed February 13, 1980. Applicant: KOCH TRUCK LINE, INC., 619 Iowa Street, Sabetha, Kansas 66534. Representative: Eugene W. Hiatt, HIATT, CROCKETT, HIATT & CARPENTER, CHARTERED, 207 Casson Building, 603 Topeka Boulevard, Topeka, Kansas 66603, Phone (913) 232–7263. *Contract carrier;* irregular routes; *Metal, livestock panels, portable corrals, loading chutes, hay bale movers, hay bale feeders, livestock handling equipment* from Plymouth, NE, to WY, CO, MT, ID, UT, CA, OR, NM, AZ, KS, ND, SD, WI; *steel products, steel plates, steel tubing for livestock handling equipment* from IA, IL, MO, IN, KS, and OH, to Plymouth, NE. An underlying ETA seeks 90 days authority. Supporting shipper: Molzer Manufacturing Company, P.O. Box 217, Plymouth, NE 68424.

MC 113908 (Sub 5–1TA), filed: February 15, 1980. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 10068 G.S., Springfield, MO 65804. Representative: Jim G. Erickson, Assistant Traffic Manager (Same address as Applicant). *Apple juice concentrates, in bulk,* From: Yakima, WA, and the commercial zone thereof To: Fremont, WI, and the commercial zone thereof. Supporting shipper: Speas, Division of Pillsbury Co., 608 2d Avenue South, Minneapolis, MN 55402.

**Caption Summary**

MC 150104 (Sub 5–1TA), filed: February 13, 1980. Applicant: WAYNE MOLES TRUCKING CO., 1313 Southwest 3rd. St., Okla. City, OK 73108. Applicant's Representative: Wayne Moles Trucking Co., 1313 Southwest 3rd. St. Okla. City, OK 73108. (1) *Such merchandise dealt in by wholesale, retail, chain grocery and food business houses and feed businesses; soy products; paste; flour products; dairy based products and (2) materials, ingredients and supplies used in the manufacture, distribution and sale of products in (1) above except in bulk.* Between the manufacture and distribution facilities of Ralston Purina Company located at or near Oklahoma City, Oklahoma on the one hand, and on the other hand, points in Arkansas, Louisiana and Texas. Supporting shipper(s): Ralston Purina Company, 13700 N. Lincoln Blvd., Edmond, Oklahoma 73034.

MC 115730 (Sub-5–1TA), filed February 15, 1980. Applicant: THE MICKOW CORP., P.O. Box 1774, 531 S.W. Sixth Street, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50307. (1) *Metal buildings, wire mesh, furniture racks, grain tanks, grain crop dryers, and hydraulic presses and component parts thereof, and (2) materials and supplies* used in the manufacture of the commodities named in Part (1) above, From (1) the facilities of Behlen Manufacturing Company at or near Columbus, NE and Woodland, CA to points in AZ, CA, ID, MT, NV, NM, OR, UT, and WA; and (2) from points in the destination states named in (1) above to the facilities of Behlen Manufacturing Company at Columbus, NE. Supporting shipper: Behlen Manufacturing Co., Columbus, NE.

MC 30844 (Sub-5–3TA), filed February 15, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 4616 E. 67th Street, Tulsa, OK 74121. Applicant's representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. 1. *Canned goods, groceries, and candy,* from Chicago, IL to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 2. *Canned goods,* from the Lower Peninsula of Michigan to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 3. *Canned goods and groceries,* between Minneapolis-St. Paul, Rochester and Winona, MN and LaCrosse, WI, on the one hand, and, on the other, points in IL on and south of U.S. Hwy 36, and points in AR, CO, IN

(except Indianapolis), KS, MO, NE, OH, OK, and TX. 4. *Canned goods and groceries*, from Pittsburgh, PA to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 5. *Malt beverages, canned goods, groceries, and candy*, from St. Louis, MO, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 6. *Canned goods* in mixed loads with frozen foods, in vehicles equipped with mechanical refrigeration, from Decatur, Lawton, and Mattawan, MI, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 7. *Canned goods*, from the plant sites and warehouse facilities of Curtice-Burns, Inc., at Alton, Leroy, Mt. Morris, Oakfield, and South Dayton, NY, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 8. *Packing house products*, between Bay City, MI and points in MI on and South of a line extending from Muskegon, MI, along MI Hwy 46 through Newaygo and Saginaw, MI, to Port Sanilac (except Detroit, Flint and Saginaw, MI), points in OH on and north of a line extending from the Indiana-Ohio State line along U.S. Hwy 40 through Springfield and Columbus, OH, to junction OH Hwy 440 (formerly portion U.S. Hwy 40), near Kirkersville, OH, thence along OH Hwy 440 to junction U.S. Hwy 40, near Brownsville, OH, thence along U.S. Hwy 40 through Cambridge and Bridgeport, OH, to the Ohio-West Virginia State line (except Columbus and Toledo, OH), Altoona, PA, and points in PA on and west of a line extending from the Maryland-Pennsylvania State line along U.S. Hwy 219 through Salisbury, Johnstown, Du Bois, and Bradford, PA, to the New York-Pennsylvania State line, and Buffalo, Niagara Falls, Rochester, Syracuse, and Utica, NY, on the one hand, and, on the other, Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 9. *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses*, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI to points in CT, DE, IN (except points in Indiana located within the Chicago, IL, Commercial Zone, as defined by the Commission), KS, ME, MD, MA, MO (south of U.S. Hwy 40), NE, NH, NJ, NY (except Buffalo, Niagara Falls, Rochester, Syracuse, and Utica), PA (except points on and west of U.S. Hwy 219), RI, VT, WV, and the District of Columbia. 10. *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from Sioux City, IA, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 11. *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, MO, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 12. *Meats, meat products, and meat by-products* (other than frozen) as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Quakertown, PA, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 13. *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Great Bend, KS, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 14. *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI to Garner, NC, and points in GA and TN. 15. *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Omaha, NE, to points in CT, DE, IL, IN, MD, MA, ME, MI, NH, NJ, NY, OH, PA, RI, and VA. 16. *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the plant site of Farmland Industries, Inc., Garden City, KS, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 17. *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses*, as described in the appendix to the report in Modifications of Permits—Packing House Products, 48 M.C.C. 628, between Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI, on the one hand, and, on the other, Colorado Springs, Denver, and Pueblo, CO, Lawrence and Topeka, KS, Detroit, Flint, and Saginaw, MI, Joplin and Kansas City, MO, Cincinnati, Columbus, Dayton, and Toledo, OH, and Henrietta, Muskogee, Oklahoma City, Okmulgee, and Tulsa, OK. 18. *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Decatur, Lawton, and Mattawan, MI, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 19. *Frozen manufactured or prepared foods*, from Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI, to points in AL, LA, MS and TN. 20. *Prepared frozen foods*, from Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI, to points in CT, DE, IL (except points on and south of U.S. Hwy 36, and except Aurora, Chicago, Elgin and Joliet), MD, MA, the Lower Peninsula of MI, MN, NJ, NY, PA, RI, WV, and the District of Columbia. 21. *Frozen foods, and potatoes and potato products* when moving in mixed loads with frozen foods, from points in Montcalm County, MI, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 22. *Frozen potatoes, and potato products*, from Easton, Portland, and Presque Isle, ME, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 23. *Frozen foods*, from Omaha, NE, to points in CT, DE, IL (except points on and south of U.S. Hwy 36, and except Aurora, Chicago, Elgin and Joliet), MD, MA, MI (except Ann Arbor, Detroit, Livonia and Ypsilanti), MN, NJ, NY, PA, RI, WV, and the District of Columbia. 24. *Frozen foods*, from Omaha, NE, to points in AL, LA, MS and TN. 25. *Flour and feed*, from Atchinson and Hutchinson,

KS, and Kansas City and St. Joseph, MO to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 26. Cocoa beans, from New York, NY, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 27. *Coffee beans*, from New York, NY, and Philadelphia, PA, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 28. *Tea*, from Hoboken, Jersey City, and Port Newark, NJ, and New York, NY, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 29. *Candy, confectionery, and confectionery products* (except commodities in bulk, in tank vehicles), from the plant site and warehouse facilities of Topps Chewing Gum, Inc., at or near Duryea, PA, to points in Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 30. *Foodstuffs* (except frozen foods, meat, meat products, meat by-products, and commodities in bulk), from the plant sites of Standard Brands, Inc., at Suffolk, VA, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 31. *Malt beverages*, in containers, from Pueblo, CO, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 32. *Glassware*, (a) from Winchester, IN to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI, and their respective Commercial Zones, and (b) from Ada, Blackwell and Okmulgee, OK, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 33. *Glassware and glass articles*, (a) from Fort Smith, AR; Kansas City, MO; and Ada, Blackwell, Okmulgee, and Sapulpa, OK, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 34. *Paper and paper articles*, from Denver, CO; Hutchinson, Lawrence and Wichita, KS, and Tulsa, OK, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 35. *Fibreboard, paper, and paperboard containers and metal container ends*, from Oil City, PA, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. *Printed material*, from Trevose, PA, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 36. *Such materials, supplies and accessories as are dealt in by electrical contractors*, from Athens, TN, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 37. *Oil*, in containers, from Coffeyville, KS, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 38. *Petroleum products*, from El Dorado, KS, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 39. *Petroleum products* in containers, from Bartlesville, Enid, Muskogee, Okmulgee, and Ponca City, OK, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial. 40. *Fertilizer, fertilizer ingredients, and agricultural chemicals*, except in bulk, from Columbus, OH, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 41. *Farm machinery, farm machinery parts, farm implements, and hardware*, from Chicago, East Moline, Moline, Rock Falls, Rock Island, Sandwich, and Sterling, IL, and Milwaukee and Racine, WI, to Rochester, Winona, Minneapolis-St. Paul, MN, LaCrosse, WI and their respective Commercial Zones, Waterloo and Charles City, IA. 42. *Truck trailer and railroad car heating and cooling machines*, from Louisville, GA, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 43. *Farm tractor engines and farm tractor parts*, from Waukesha, WI, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 44. *Soaps, toilet preparations and cleaning compounds*, in containers, from Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and the District of Columbia. 45. *Soaps, toilet preparations and cleaning compounds*, in containers, from Chicago, IL, Indianapolis, IN, Cedar Rapids, Des Moines, Davenport, and Iowa City, IA and their respective Commercial Zones, to points in (a) CO, KS, MN, NE, OK, and TX, and (b) AL, AR, CT, DE, FL, GA, KY, LA, ME, MD, MA, MI, MN, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI and DC. 46. *Soaps, toilet preparations and cleaning compounds*, in containers, from Omaha, NE to points in AL, AR, CT, DE, FL, GA, IL (except Chicago and points in the Chicago Commercial Zone), KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI and DC. 47. *Soaps, toilet preparations and cleaning compounds*, in containers, from Kansas City, MO, to points in AL, AR, CT, DE, FL, GA, IL (except Chicago), KS, ME, MD, MA, MI, MN (except Minneapolis-St. Paul and Commercial Zone), NH, NJ, NY, OK, PA, RI, VT, VA, WV, WI and DC. 48. *Prepared infant foods and infant clothing and supplies*, from Fremont, MI, to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones. 49. *Infant's and children's clothing and supplies*, from Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI and their respective Commercial Zones, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and the District of Columbia. 50. *Infant's and children's clothing and supplies*, from Chicago, IL, Indianapolis, IN, Cedar Rapids, Davenport, and Des Moines, IA and their respective Commercial Zones, to points in CO, MN, MO, NE, OK, and TX. 51. *Infant's and children's clothing and supplies*, from Omaha, NE, to points in AL, AR, CT, DE, FL, GA, IL (except Chicago and its Commercial Zone), KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. 52. *Canned goods and groceries*, between Omaha, NE, on the one hand, and, on the other, points in IL on and south of U.S. Hwy 36, AR, MS, IN and OH. 53. *Prepared frozen foods*, from Omaha, NE, to points in CT, DE, IL (except points on and south of U.S. Hwy 36, and except Aurora, Chicago and Joliet), MD, MA, ME, NJ, NY, PA, RI, WV, and DC. 54. *Prepared frozen foods*, from Stromsburg, NE and 10 miles thereof, on the one hand, and, on the other, points in that part of NE on and east of NE Hwy 61 and points in CT, DE, IL (except points on and south of U.S. Hwy 36, and except Aurora, Chicago and Joliet), MD, MA, MN, NJ, NY, PA, RI, WV, and DC. 55. *Canned goods and groceries*, between Stromsburg, NE and 10 miles thereof, on the one hand, and, on the other, points in that part of NE on and east of NE Hwy 61 and points in IL (on and south of U.S. Hwy 36), IN, OH, AR, and MO. 56. *Canned goods and groceries*, between points in AR, CO, KS, MO, NE, OK, and TX, on the one hand, and, on the other, Chicago, IL and Indianapolis, IN and their respective Commercial Zones. 57. *Coffee beans*, from New York, NY, Hoboken, NJ and Philadelphia, PA, to Kansas City, MO and Omaha, NE. 58. *Cocoa beans*, from New York, NY to Kansas City, MO and Omaha, NE. 59. *Tea*, from Hoboken, NJ to Kansas City,

MO and Omaha, NE. 60. *Prepared food products*, from points in NY to Rochester, Winona, Minneapolis-St. Paul, MN and LaCrosse, WI.

(The purpose of this application is to eliminate interline service in conjunction with commonly controlled carriers.)

MC 147003 (Sub-5–1TA), Filed: February 15, 1980. Applicant: RAWHIDE CARRIERS, INC., P.O. Box 1171, Grand Island, NE 68801. Applicant's Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. (1) *Metal scaffolding towers (knocked down), conveyors, pumps, and parts and accessories therefor*, from Yankton, SD to points in the U.S. (except AK, HI, and SD) and (2) *Materials and supplies (except commodities in bulk, in tank vehicles) used in the manufacture and production of (1) metal scaffolding towers, (2) conveyors, (3) pumps and (4) parts and accessories of the commodities specified in (1), (2) and (3) above*, from points in the U.S. to the facilities of Morgen Manufacturing Co., at Yankton, SD. An underlying ETA in part seeks 90 days authority. Supporting Shipper: Morgen Manufacturing Co., P.O. Box 160, Yankton, SD 57078.

MC 111710 (Sub-51TA), Filed: February 7, 1980. Applicant: ARKANSAS TRANSIT CO., INC., 1200 Crutcher Street, P.O. Box 287, Springdale, AR 72764. Applicant's Representative: Michael H. Mashburn, Blair, Cypert, Waters & Roy, 111 Holcomb Street, P.O. Box 869, Springdale, AR 72764. *Metal containers, metal container closures and materials, equipment and supplies used in the manufacture, sale and distribution of metal containers and metal container closures*, from Mansfield, TX, and its commercial zone to Stuttgart, AR, for 180 days. An underlying ETA seeks 90 days' authority. Supporting Shipper: Carnation Company, 5045 Wilshire Blvd., Los Angeles, CA 90036.

MC 145904 (Sub-51TA), Filed: February 14, 1980. Applicant: South West Leasing, Inc., 170 W. 18th Street, P.O. Box 152, Waterloo, IA 50704. Applicant's Representative: Roger D. Herman, 170 W. 18th Street, P.O. Box 152, Waterloo, IA 50704. Such commodities as are dealt in by wholesale and retail merchandising outlets (except commodities in bulk) in equipment capable of providing protection from heat or cold, from the facilities of Procter & Gamble Company at Chicago, IL and points in its Commercial Zone to points in IA, MN and NE, restricted to shipments originating at the named origin point and destined to the named states. Supporting Shipper: Proctor & Gamble Company Cincinnati, OH 45201.

MC 141443 (Sub-52TA), filed February 14, 1980. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton Street, Sapulpa, OK 74066. Applicant's Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Furniture parts and materials and supplies used in the manufacture and distribution thereof, from Aurora, MO to Los Angeles, CA, for 180 days. Supporting shipper(s): Leggett & Platt, Incorporated, P.O. Box 757, Carthage, MO 64836.

No. MC 128988 (Sub-5–4TA), filed February 14, 1980. Applicant: JO/KEL, INC., 15580 South 169 Highway, Olathe, Kansas 66061. Applicant's Representative: John T. Pruitt, 15580 South 169 Highway, Olathe, Kansas 66061. *Contract* carrier, irregular routes, transporting *outdoor recreational equipment, heating and air conditioning apparatus and parts, and materials and supplies used in the manufacture and distribution of such commodities* between points in the United States (except AK and HI), restricted to the transportation of shipments moving from, to, or between the facilities of The Coleman Company, Inc. for 180 days. Supporting shipper: The Coleman Company, Inc., 250 N. St. Francis Avenue, Wichita, Kansas 67201.

No. MC 109397 (Sub-5–1TA), filed February 14, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Applicant's Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. *Foamed Plastic Carpet Cushion* from the Urethane Foam Division of Leggett and Platt in High Point, NC to points in and east of MN, IA, MO, AR, and LA. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

MC 149210 (Sub-5–2TA), filed February 14, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, Arkansas 72745. Applicant's Representative: Paul R. Bergant, Esquire, Post Office Box 130, Lowell, Arkansas 72745. *Contract carrier, irregular* routes, transporting: *Foodstuffs* from the facilities of Mexican Original Products, Inc. located at or near Fayetteville, AR; Atlanta, GA; Indianapolis, IN; Detroit, MI and Dallas, TX to points in and east of ND, SD, NE, CO, OK and TX; and points in CA under a contract or continuing contract(s) with Mexican Original Products, Inc. and restricted to traffic originating at or destined to the named facilities.

MC 135797 (Sub-5–2TA), filed February 14, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, Arkansas 72745. Applicant's Representative: Paul R. Bergant, Esquire, Post Office Box 130, Lowell, Arkansas 72745. (1) *Swimming pools and components* and, (2) *Materials, equipment and supplies* used in the manufacture, erection and maintenance of the commodities named in (1) above (a) Between East Greenwich, RI and Indianapolis, IN, and (b) From Indianapolis, IN to points in IL, KY, MI, MO, OH, OK, WI and WV. Supporting shipper: Weatherking Pools West, Inc., P.O. Box 50384, Indianapolis, IN 46250.

MC 147196 (Sub-5–1TA), filed February 6, 1980. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Donald A. Larousse, 3813 Lake Trail Drive, Kenner, LA 70062. Paper and paper products between the plantsite of Crown Zellerbach Corporation in Bogalusa and Zee, Louisiana and all points in the States of Arizona, California, Colorado, Connecticut, New Hampshire, New Mexico, Oregon, Pennsylvania, and Washington. Supporting shipper: Crown Zellerbach Corp., P.O. Box 1060, Bogalusa, LA 70427.

MC 148209 (Sub-5–1TA), filed February 14, 1980. Applicant: MARRIOTT & RIDDLE, INC., Green Meadow Acres, P.O. Box 23, Green Forest, AR 72638. Representative: Michael H. Mashburn, Blair, Cypert, Waters & Roy, 111 Holcomb Street, P.O. Box 869, Springdale, AR 72764. *Furniture products and materials, equipment and supplies used in the manufacture of furniture products*, from Harrison, AR, to AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY, for 180 days. An underlying ETA seeks 90 days' authority. Supporting shipper: Harrison Furniture Mfg. Co., Inc., P.O. Box 340, Harrison, AR 72601.

MC 144682 (Sub-5–1TA), filed February 15, 1980. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Plumbing goods: lavatories, commodes, bathtubs, and sinks* from Dallas and Hearne, TX to AL, KS, UT, AR, LA, WA, GA, NV, MO, OK, ID, MS, OR and IL for 180 days. An underlying ETA seeks 90 days' authority. Supporting shipper: Verson Allsteel Press Company, 8300 South Central Expressway, Dallas, TX 75215.

MC 136786 (Sub-5–2TA), filed February 11, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, Iowa 50306. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. *Foodstuffs, drugs, plastic articles, and rubber products* (except commodities in bulk), from Sturgis, MI, and Columbus, OH, to points in OR & WA. Supporting shipper: Ross Laboratories, Columbus, OH 43216.

MC 149004 (Sub-5–1TA), filed February 19, 1980. Applicant: WHITE BROS., INC., R. R. #1, Box 566, Oakwood Station, Hannibal, Mo. 63401. Representative: Thomas P. Rose, Attorney at Law, P.O. Box 205, Jefferson City, Mo. 65102. Contract Carrier: Irregular Routes: (1) Synthetic rubber Crude, from Mounds, IL and Akron, OH to Hannibal, MO, (2) Carbon Black, in containers, from big Spring, TX to Hannibal, MO, and (3) Chemicals used in the production of Synthetic Rubber Compounds, in containers, from Akron, OH to Hannibal, MO—for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Huntington Rubber Company of Hannibal, Mo. 63401.

MC 150099 (Sub-5–1TA), filed February 19, 1980. Applicant: All State Trucking Co., Inc., 3400 Mesa Drive, Houston, TX 77013. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Iron and steel articles* from (1) Houston, TX to points in TX; (2) From Houston and Dallas, TX, to points in OK; and (3) From Port of Muskogee, Kingfisher, Oklahoma City, and Port of Catoosa, OK, to Dallas, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Liberty Steel Co., Inc., 10340 Denton Drive, Dallas, TX, 75220, and Ex-cel Steel Corp., 2811 Mican Drive, Dallas, Texas.

MC 1440033 (Sub-5–1TA), filed February 19, 1980. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Bakery goods, prepared, not frozen,* from Dallas, TX, Marietta, OK, and Louisville, KY, to Boise, ID; Salem, Eugene, and Medford, OR, Monterey and Los Angeles, CA; Denver, CO; Artesia and Santa Fe, NM; Pine Bluff, AR; Alexandria and Shreveport, LA; New Rochelle, NY; Pittsburgh and Norristown, PA; Woburn and Lawrence, MA; Pawtucket, RI; Salt Lake City, UT; Tucson and Phoenix, AZ; and Dallas, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Little Brownie Bakers, P.O. Box 249, Marietta, OK 73448.

MC 119988 (Sub-5–1TA), filed February 19, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., Post Office Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Electric storage batteries, spent batteries, and materials and supplies used in the manufacture and distribution of electric storage batteries, including lead pigs and ingots (except in bulk), from Seattle, WA; Portland, OR; Phoenix, AZ; and points in San Francisco, San Mateo, Contra Costa, Alameda, and Santa Clara Counties, CA to Dallas, TX and Heflin, LA. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street—Suite 600, Fort Worth, TX 76102.

MC 146602 (Sub-5–1TA), filed February 28, 1980. Applicant: ODEAN DUANE BAKKEN d.b.a. BAKKEN TRUCK LINE, 304 11th Street South, Northwood, Iowa 50459. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. *(1) Plastic Articles, and (2) Upholstered Parts,* (1) From Minneapolis, MN, to Northwood, IA; and (2) From Northwood, Iowa, to points in MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Carroll George, Inc., P.O. Box 144, Northwood, IA 50459.

MC 150188 (Sub-5–1TA), filed February 28, 1980. Applicant: HICKS AND SHARP TRUCK LEASING, INC., Salmon Lane, Harrison, AR 72601. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. (1) *Commodities and supplies used in the manufacture of chalkboards, bulletin boards, display cases and trophy cases* from points in IN, OH, IL, MI, MO, AR and MS to the facilities of Claridge Products and Equipment, Inc. in Harrison, AR; (2) *fencing and fencing products and materials and supplies used in the manufacture of fencing and fencing products* between the facilities of Anchor Post Products, Inc. in Harrison, AR, on the one hand, and, on the other, points in IN, IL, OH, TN, KY, KS, MD, MO, MI, GA, AL and FL; and (3) *lumber and lumber products* (a) from the facilities of White Wood Treating, Inc. at or near St. Joe, AR to points in IN, OH, IL, MI, MO, AR, MS, LA, TX, and GA; and (b) from the facilities of F & H Lumber Company at or near Jasper, AR to points in IL, IN, OH, MO, MS, LA, TN, and TX. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: See (1), (2) and (3) above for name and location of supporters.

MC 147321 (Sub-5–1TA), filed February 27, 1980. Applicant: BILL STARR TRUCKING, INC., 1716 Berry Road, Independence, MO 64057. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Beer, malt beverages and related advertising materials* transported in mixed loads from San Antonio, TX to Kansas City, St. Joseph and Excelsior Springs, MO, and their respective commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): James H. Overton Company, 503 Renick Street, St. Joseph, MO; Orin T. Miller Dist. Co., Inc., R.R. #1, Hwy 92, Excelsior Springs, MO; Kansas Distributors, Inc., 1855 N. 9th St., Kansas City, KS; and Northland Distributing, Inc., 1112 Swift, N. Kansas City, MO.

MC 145441 (Sub-5–6TA), filed February 27, 1980. Applicant: A.B.C. TRUCKING, INC., P.O. Box 5130, North Little Rock, Arkansas 72119. Applicant's representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, Arkansas 72119. *Power operated saws, generators, hedge trimmers, and earth drilling machines,* from the facilities of McCulloch Corporation at Lake Havasu City, AZ to points in AR, GA, IL, LA, NC, SC, and TX. Supporting shipper: McCulloch Corporation, 900 Lake Havasu, Lake Havasu City, AZ 86403.

MC 144761 (Sub-5–2TA), filed February 27, 1980. Applicant: R. B. (PARKER) GOODLOE d.b.a. GOODLOE TRUCKING CO. Applicant's Representative: Richard Hubbert, Sims, Kidd, Hubbert & Wilson, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Such commodities as are dealt in or used by meat packing houses, in bulk, in tank vehicles, from the facilities of MBPXL Corp. at Friona, TX, and Plainview, TX, to Houston, TX, for export only.

MC 143383 (Sub-5–2TA), filed February 27, 1980. Applicant: DALE E. NICHOLSON, P.O. Box 97, Potosi, MO 63664. Applicant's Representative: Dale E. Nicholson, same address as applicant. Mine props or timbers, from points in Washington County, MO, to points in IL on and south of U.S. Hwy 36. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Potosi Wood Products, Inc., Potosi, MO 63664.

MC 142672 (Sub-5–3TA), filed February 27, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72927. Applicant's Representative: Don Garrison, Esq., Post Ofice Box 1065, Fayetteville, AR 72701. *Gas furnaces; sheet steel and cast aluminum gas broilers; sheet steel coal or woodburning fireplaces, and equipment, materials and supplies used in the manufacture, sale and distribution*

*thereof*—between the facilities of Tem Tex Products, Inc., at or near Nashville, TN, on the one hand, and, on the other, points in IL, IN, MA, MI, NJ, NY, OH, OK, TX and WI.

MC 136220 (Sub-5–1TA), filed February 27, 1980. Applicant: SULLIVAN'S TRUCKING CO., INC., P.O. Box 2164, Ponca City, OK 74601. Representative: G. Timothy Armstrong 200 North Choctaw, P.O. Box 24, El Reno, OK 73036. *Petroleum Coke,* in bulk, in dump vehicles, from Westlake, LA to Columbia, TN, for 180 days, common, irregular. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Carbide Corporation, 270 Park Avenue, New York, NY 10017.

MC 135797 (Sub-5–9TA), filed February 27, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, Arkansas 72745. Applicant's representative: Paul R. Bergant, Esquire, Post Office Box 130, Lowell, Arkansas 72745. *Office furniture* From Jasper, IN to points in FL, GA, LA, MD, MA, MI, MN, NY, OH and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Pfister Industries.

MC 135070 (Sub-5–6TA), filed February 4, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Applicant's representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Petroleum products and lubricating oils, NOI, (except in bulk), automobile parts and accessories, and such commodities as are used or dealt in by retail fuel stations and automobile service centers, Between the facilities of Exxon Company, U.S.A., at or near Bayonne and Bayway, NJ; Baton Rouge, LA; Baytown, TX; and Pittsburgh, PA, on the one hand, and, on the other, all points in the United States (except AK and HI), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Exxon Company, U.S.A., T. A. Ellaby, Traffic Advisor, P.O. Box 2180, Houston, TX.

MC 134467 (Sub-5–2TA), filed February 27, 1980. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Applicant's representative: Jack B. Wolfe, KIMBALL, WILLIAMS & WOLFE, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, Colorado 80203, (303) 839–5856. Cheese, cheese products and synthetic cheeses (except commodities in bulk), from the facilities of L. D. Schreiber Cheese Co., Inc., in Jasper, Newton, Barry and Lawrence Counties, MO to points in KY, TN, MS, AL, GA, FL, NC, SC, VA, CT, MA, RI, and DE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: L. D. Schreiber Cheese Co., Inc., P.O. Box 610, Green Bay, WI 53405.

MC 129908 (Sub-5–5TA), filed February 27, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Okla. City, OK 73107. Applicant's representative: T. J. Blaylock, 8125 S.W. 15th Street, Okla. City, OK 73107. Drugs, medicines, toilet preparations, packaging materials, and commodities used in the manufacture or packaging thereof from the facilities of Beecham Laboratories, Bristol, TN to Omaha, NE, Myerstown, PA and Piscataway, NJ and from points in DE, IL, PA, MD, MO, NJ, and NY to the facilities of Beecham Laboratories, Bristol, TN for 180 days. An underlying ETA application seeks 180 days authority. Supporting shipper is Beecham Laboratories, Bristol, TN.

MC 129908 (Sub-5–4TA), filed February 19, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Okla. City, OK 73107. Representative: T. J. Blaylock, 8125 S.W. 15th Street, Okla. City, OK 73107. Vacuum cleaners, floor polishers and vacuum cleaner bags from the facilities of Electrolux Corporation, Bristol, VA to Riverdale, IA for 180 days. An underlying ETA applicant seeks 90 days authority. Supporting shipper is Electrolux Corporation of Bristol, VA.

MC 119493 (Sub-5–5TA), filed February 19, 1980. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, Missouri 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, Missouri 64801. Equipment, iron and steel articles, and materials and supplies used in the manufacture and distribution and installation thereof (except commodities in bulk) Between: Memphis, TN; Newton, NC; Salyersville, KY; Sherman, TX; and Winfield, AL on the one hand and Points in the U.S. (except AK & HI) on the other hand. Supporting shipper: Continental Conveyor & Equipment Company, P.O. Box 400, Winfield, AL 35594.

MC 118959 (Sub-5–2TA), filed February 27. 1980. Applicant: JERRY LIPPS, INC., 130 S. Frederick, Cape Girardeau, MO. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, Illinois. *General commodities (except commodities in bulk, Class A&B explosives and commodities which because of size or weight require the use of special equipment),* between the facilities of General Warehouse and Transportation, Inc. in Chicago, IL, and points in its commercial zone, on the one hand, and, on the other, points in IN and MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: General Warehouse & Transportation, Inc., 7401 South Cicero, Chicago, Illinois 60629.

MC 117119 (Sub-5–2TA), filed February 13, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean, P.O. Box 188, Elm Springs, AR 72728. *Pulpboard, fibreboard, and boxes* (except commodities in bulk), from Stockton, CA to the facilities of J. R. Simplot Company located at Caldwell and Heyburn, ID, restricted to traffic originating at and destined to the named points. Supporting shipper(s): J. R. Simplot Company, P.O. Box 27, Boise, ID 83707.

MC 100666 (Sub-5–1TA), filed February 27, 1980. 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. (1) Skelp, from Lone Star, TX to Fort Collins, CO; (2) Iron and steel articles, from Fort Collins, CO to points in KS, MT, NM, ND, OK, SD, TX, UT, and WY, for 180 days. Supporting shipper: Lone Star Steel Company, P.O. Box 35888, 2200 Mockingbird Lane, Dallas, TX 75235.

MC 147536 (Sub-5–1TA), filed February 20, 1980. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, 3305 Range Line, Joplin, MO 64801. Representative: Mr. David L. Sitton, P.O. Box 1567, 3305 Range Line, Joplin, MO 64801. *Popcorn, Popcorn with oil, silt, materials and supplies used in the manufacture and distribution of the above commodities* (except commodities in bulk, in tank vehicles), between the facilities of National Oats Co., Inc., Wall Lake, IA, and Points in Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Oregon, Tennessee, Texas, and Wisconsin for 180 days. (Restricted to shipments originating at or destined to the facilities of National Oats Co., Inc.) An underlying ETA seeks 90 days authority. Supporting shipper: National Oats Co., Inc., 1515 H Avenue, N.E., Cedar Rapids, IA 52402.

MC 148479 (Sub-5–2TA), filed February 7, 1980. Applicant: MIDWEST SOLVENTS CO., INC., 1300 Main Street, Atchison, Kansas 66002. Representative: Bob W. Storey, Attorney at Law, 310 Columbian Title Building, 820 Quincy Street, Topeka, Kansas 66612, (913) 232–9383. Beverage alcohol in bottles in case lots, and cereal malt beverages in one case lots and kegs, between Topeka,

Kansas, on the one hand and all points and places within New York, New Jersey, Maryland, Florida, Louisiana, Texas, Kentucky, Tennessee, Illinois, Indiana, Michigan, Ohio, Pennsylvania, California, Massachusetts, Missouri, and Kansas on the other, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Lux-Witwer Company, Inc., d.b.a. Sunflower Sales Co. of Topeka, 129 North Kansas Avenue, Topeka, Kansas 66603.

MC 145950 (Sub-5–1TA), filed February 25, 1980. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, Texas 76707. Representative: Arthur W. Grimes, 2611 University Parks Drive, Waco, Texas 76706. *Plastic packaging articles only,* from Jackson, Mississippi and Dallas, Texas & Houston, Texas for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Sewell Plastics, 595 Industrial Drive, Jackson, Mississippi 39209.

MC 100666 (Sub-5–2TA), filed February 29, 1980. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). Casual or leisure furniture between the facilities of Sun Terrace Casual Furniture at or near Brooksville, FL and Nacogdoches, TX. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper: Sun Terrace Casual Furniture, P.O. Box 2377, Clearwater, FL 33517.

MC 134405 (Sub-5–1TA), filed February 28, 1980. Applicant: BACON TRANSPORT CO., P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Barite, in bulk, from Washington County, MO to points in OK, for 180 days. Supporting shipper: Dresser Industries, Inc., P.O. Box 6504, Houston, TX 77005.

MC 145384 (Sub-5–1TA), filed February 28, 1980. Applicant: ROSE–WAY, INC., P.O. Box 4644, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. (1) Water purification equipment, from Ames, IA, (2) Sand and gravel, in bags, from Muscatine, IA and Eau Claire, WI, and (3) Anthracite coal, in bags, from Delano, PA, to points in the United States (except AK and HI). Supporting shipper: General Filter Company, R. R. #1, Arrasmith Trail, Ames, IA 50010.

MC 126118 (Sub-5–4TA), filed February 28, 1980. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as above). *Plastic articles,* from Omaha, NE and points in its commercial zone to points in the United States (except AK and HI), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Airlite Plastics, M. L. Arendt, Traffic Manager, 13724 Industrial Road, Omaha, NE 68137.

MC 129908 (Sub-5–6TA), filed February 28, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Okla. City, OK 73107. Applicant's representative: T. J. Blaylock, 8125 S.W. 15th Street, Okla. City, OK 73107. Household appliances from the facilities of Magic Chef, Div. of Magic Chef, Inc., Cleveland, TN to KS, NE, OK, and TX for 180 days. An underlying ETA application seeks 90 day authority. Supporting shipper is Magic Chef Div., Magic Chef, Inc., Cleveland, TN.

MC 146078 (Sub-5–2TA), filed February 28, 1980. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 394, Malvern, AR 72104. Applicant's representative: John C. Everett, P.O. Box A, 140 Buchanan, Prairie Grove, AR 72753. *Non-woven synthetic fibers, paper and paper products and material, equipment and supplies used in the manufacture of such items:* Between the facilities of Paper-Pak Products, Inc. at or near Laverne, CA, on the one hand, and, on the other, points and places in WA, OR, CA, ID, KS, MO, AR, LA, MS, IA, NB, NC, IN, CO, AZ, NM, AL, TN, IL, TX, OK, UT, NV, SC, GA, KY, MT, and WY for 180 days. Supporting shipper: Paper-Pak Products, Inc., 1941 White Avenue, Laverne, CA 91750.

MC 148943 (Sub-5–1TA), filed February 28, 1980. Applicant: TEJAS OESTE TRUCK LINES INC., 2209 Mills St., El Paso, Texas 79901. Applicants representative: Greg J. Evans, Vice President, Tejas Oeste Truck Lines Inc., 2209 Mills St., El Paso, Texas 79901. Common Carrier, Regular Routes, in the transportation of general commodities, freight of all kinds, other than bulk liquid commodities in tank vehicles, or bulk commodities requiring special equipment or commodities which either due to size, weight or value that would require special equipment, to and from El Paso, Tx. via Hwys. 62–180 & Hwy 285 to & from Artesia, N.M., via Hwys 285 or Alt 285 to & from Roswell, N.M., via Hwy 380 to & from Tatum, N.M., also via Hwy 70 to & from Clovis, N.M., to include Cannon AFB, via Hwys 70 & 18 to & from Lovington, N.M., via Hwy 82 to & from Artesia, N.M. Serving all intermediate points & commercial zones, for 180 days. Underlying ETA seeks 90 days authority. Supporting shippers: El Paso Terminal Whse, 421 Fredericks, El Paso, Tx.,, H.L.S. Distributing Co., 3324 Durazno St., El Paso, Tx., Hardware Specialties & Glass Co., 1931 Mills, El Paso, Tx., J-Tex Inc., 911 S. El Paso St., El Paso, Tx. Kessler Industries, Inc., 8600 Gateway East, El Paso, Tx., Romney Implement Co. Inc., 3610 Montana, El Paso, Tx., Darbyshire Steel Co. Inc., P.O. Box 12903, El Paso, Tx., Albert Mathias & Co. Inc., P.O. Box 391, El Paso, Tx., Kmart #8285, 1120 McRae, El Paso, Tx., Goodyear Tire & Rubber Co., 1144 E. Market St., Akron, Ohio, Vinton Pipe and Steel Co., P.O. Box 9858, El Paso, Tx., American Hospital Supply Corp., 2607 S. 20th Place, Phoenix, Az., Simmons Co., 3513 Rosa, El Paso, Texas, El Paso Pipe & Supply Co., P.O. Box 9858, El Paso, Tx.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 124679 (Sub-6–4TA), filed February 25, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Representative: Daniel E. England, 975 West 2100 South, Salt Lake City, Utah 84119. *Frozen cherries* from Clearfield, Ogden and Provo, Utah to points in Michigan, Ohio and Pennsylvania and New Jersey.

**Note.**—Applicant holds motor contract carrier authority in number MC 124679 and sub numbers thereunder, therefore dual operations may be involved.

MC 148445 (Sub-6–1TA), filed February 27, 1980. Applicant: WLD TRUCKING CO., 4527 N. 16th Street, Phoenix, AZ 85064. Representative: Phil B. Hammond, Esq., Evans, Hammond & Milliken, 3003 N. Central, Suite 2201, Phoenix, AZ 85012. (A) *Materials, equipment and supplies* used in the manufacture of wooden flush doors, and wooden flush doors and component parts thereof, over irregular routes, from points in the United States (except AK and HI) to the facilities of Walled Lake Door Company at Orange, CA. Between the facilities of Walled Lake Door Company at Tupelo, MS, Cameron, TX, Mobile, AL, Gila Bend, AZ, and Orange, CA. (B) *Wooden flush doors and component parts* thereof, over irregular routes, from the facilities of Walled Lake Door Company at Orange, CA, to points in the United States (except AK and HI), for the account of Walled Lake Door Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Walled Lake Door Company, 4527 N. 16th Street, Phoenix, AZ 85064.

MC 112989 (Sub-6–2TA), filed February 27, 1980. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr., 85647 Highway 99 South, Eugene, OR 97405. *Aluminum and aluminum articles,* from the facilities of Kaiser Aluminum & Chemical Corporation at Trentwood, WA to Bridgeview, Rockford, Roselle, Northbrook, Evanston, Chicago, Bensenville and Shiller Park, IL; Wanatah, Gary, Spencer, Indianapolis and North Vernon, IN; Beech, Wichita and Newton, KS; Chalmette, New Orleans and LaFayette, LA; Central City, Sioux City and Marion, IA; Pontiac, Detroit, Jackson, Sturgis, Livonia, Cadillac, Alma and Grand Rapids, MI; St. Louis, St. Charles, Lebanon, Odessa and Kansas City, MO; Hillside, South Plains and Port Elizabeth, NJ; Albany, Deer Park, Mineola, Athens, Rochester, Buffalo and Tarrytown, NY; Cleveland, Newark, Toledo, Findlay, Lordstown, Sandusky, Akron, Cincinnati, Perrysburg, Dayton, Chillicothe, Elyria and Columbus, OH; Erie, Andalusia, York, Carbondale, McKees Rocks and Pittsburgh, PA; Memphis and Madison, TN; Dallas, Benbrook, Grand Prairie, San Antonio, Houston, Ft. Worth, Sherman, Great Southwest and Longview, TX; and Milwaukee, Butler and Manitowoc, WI.

MC 144315 (Sub-6–1TA), filed January 29, 1980. Applicant: PORT CITY LEASING, INC., P.O. Box 498, Lewiston, ID 83501. Representative: Boyd Hartman, Attorney at Law, P.O. Box 3641, Bellevue, WA 98009. *Lumber and Lumber Products* from points in ID in and north of Idaho County, WA in and east of the Western Boundaries of Okanogan, Chelan, Yakima, Kittitas, Klititact Counties, and in OR in and east of the Western Boundaries of Wasco, Jefferson, Deschutes and Klamath Counties, to points in CA and AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Bennett Lumber Company, P.O. Box 49, Princeton, ID 83857, Whitaker Forest Products, P.O. Box 1518, Chico, CA 95927, Wholesale Industries, Inc., Rt. #1, Box 250 B, Portland, OR 97231, O'Kelly Lumber Co., Inc., P.O. Box 1973, Palm Desert, CA 92261.

MC 139171 (Sub-6–3TA), filed February 27, 1980. Applicant: CONTROLLED DELIVERY SERVICE, INC., P.O. Box 1299, City of Industry, CA 91749. Representative: Ronald N. Cobert, Esq., Suite 501, 1730 M Street NW., Washington, DC 20036. *Contract carrier,* over *irregular routes* in the transportation of: *Ceramic Tile* from El Paso, TX, to the commercial zones of Phoenix, Tucson, AZ; Birmingham, Huntsville, Mobile, Montgomery, AL; Little Rock, AR; Los Angeles, San Diego, San Francisco, San Jose, CA; Denver, CO; New Milford, CT; Wilmington, DE; Washington, DC; Fort Lauderdale, Miami, Tampa, FL; Tucker, GA; Chicago, IL; Des Moines, IA; Lexington, Louisville, KY; Baltimore, Landover, Rockville, Timonium, Tuxedo, MD; Detroit, MI; Minneapolis, MN; Jackson, MS; Kansas City, St. Louis, MO; Sweet Grass, MT; Omaha, NE; Reno, NV; Pennsauken, NJ; Albuquerque, Santa Fe, NM; Charlotte, Greensboro, Raleigh, Winston-Salem, NC; Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, OH; Oklahoma City, Tulsa, OK; Portland, OR; King of Prussia, Philadephia, Pittsburgh, PA; Columbia, SC; Knoxville, Memphis, Nashville, TN; Austin, Corpus Christi, Houston, Lubbock, Midland, San Antonio, Tyler, TX; Salt Lake City, UT; Fairfax, Falls Church, Newington, Norfolk, Richmond, VA; Seattle, Spokane, WA; Green Bay, Milwaukee, WI; and Ports of entry at or near Jackman, Presque Isle, St. Albans, MA; Detroit, MI; Crosby, Emerson, International Falls, Sault Ste. Marie, MN; East Port, Sweet Grass, MT; Ambrose, Antler, Carbury, Fortuna, Hansboro, Kella, Maida, Neche Northgate, Portal, St. John, Sherwood, Walhalla, ND; Niagara Falls, Massena, NY; Blaine, Grand Forks, Oroville, WA. Restriction: The operations are to be limited to a transportation service to be performed, under a continuing contract or contracts, with Interceramics, Inc. (Supporting shipper: Interceramics, Inc.)

MC 147315 (Sub-6–1TA), filed February 27, 1980. Applicant: TRIWAYS, INC., 2455 East 27th St., Los Angeles, CA 90058. Representative: William Davidson, Registered Practitioner, 2455 E. 27th St., Vernon, CA 90058. *Contract carrier,* irregular routes, transporting: *Wearing apparel,* on hangers, loose, alone, or in mixed loads with *wearing apparel* in packages, from Carson, CA to Salt Lake City, UT, under a continuing contract with K-Mart Apparel Corp., located at North Bergen, NJ. (Hearing site: Los Angeles, CA.)

MC 129857 (Sub-6–1TA), filed February 27, 1980. Applicant: G.R.M., INC., d.b.a. PORT TERMINAL TRANSPORT, INC., 700 Henry Ford Avenue, Long Beach, California 90801. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Boulevard, 1800 United California Bank Building, Los Angeles, California 90017. Imported trucks, from the facilities of Toyota Motor Sales located in Long Beach, CA, to St. George, UT. Supporting shipper: Toyota Motor Sales U.S.A., 2055 W. 190th St., Torrance, CA 90504.

MC 139043 (Sub-6–1TA), filed February 27, 1980. Applicant: S.A.C. TRANSPORTATION, INC., 4010 Main, Spokane, WA 99202. Representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, WA 99201. Contract carrier: Irregular route. *Malt beverages and wine* from points in Napa, San Francisco, Alameda, Santa Clara, San Joaquin, Kern, San Mateo, Sonoma, Solano, Fresno, Los Angeles and Orange Counties, CA, to points in Whitman County, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Danday, Inc., d.b.a. Dantini Distributing, P.O. Box 362, Pullman, WA 99163.

MC 136407 (Sub-6–1TA), filed February 27, 1980. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, Jones, Meiklejohn, Kehl & Lyons, 1660 Lincoln Center, 1600 Lincoln Street, Denver, CO 80264. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes transporting: (1) trunks and traveling bags, and (2) materials and supplies used in the manufacture of trunks and traveling bags, (except commodities in bulk), between Denver, CO and El Paso, TX and their respective commercial zones. Restricted to a transportation service to be performed under a continuing contract(s) with Samsonite Corporation for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Samsonite Corporation, Denver, CO.

MC 115865 (Sub-6–1TA), filed February 27, 1980. Applicant: QUIMBY TRUCKING, INC., P.O. Box 807, Hermiston, Oregon 97838. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oregon 97210. *Lumber* and *wood products,* between points in Umatilla and Morrow Counties, OR and points in ID, WA and UT. Supporting shipper: Richard Payless, P.O. Box 131, Hermiston, Oregon 97838.

MC 125433 (Sub-6–6TA), filed February 27, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). Transporting *lumber and lumber mill products used in the manufacture of mobile homes,* between points in the United States (except AK and HI). Restricted to traffic originating at or destined to the facilities utilized by Rehcon, Inc.

MC 141804 (Sub-6–10TA), filed February 28, 1980. Applicant: WESTERN EXPRESS, Division of INTERSTATE

RENTAL, INC., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Bicarbonite of soda, cleaning, washing, and scouring compounds* from Green River, WY to all points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Robert J. Braine, Manager Corporate Traffic, Church & Dwight Co., Inc., P.O. Box 369, Piscataway, NJ 08854.

MC 150175 (Sub-6–1TA), filed February 28, 1980. Applicant: RICKETTS TRUCKING, LTD., 1001 West Magnolia, Phoenix, AZ 85031. Representative: Andrew V. Baylor, 337 East Elm Street, Phoenix, AZ 85012. *Carpet grip strips, wire, plywood products, nails, adhesives, underlay padding and carpet accessories,* used or useful in the installation of floor covering, from the port of entry on the International Boundary line between the U.S. and Canada located near Sweetgrass, MT to points in AZ, AR, CA, CO, ID, IA, KS, NM, LA, MN, NV, ND, OK, OR, SD, TX, UT, WA, and WY, for 180 days. Supporting shipper: Maurice Despins, Manager, Quick Grip Industries, Ltd., 12542 125 Street, Edmonton, AB, Canada, T5LOT3.

MC 119555 (Sub-6–1TA), filed February 28, 1980. Applicant: OIL AND INDUSTRY SUPPLIERS, LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. *Talon C17 Fungicide, (Class B Poison),* in bulk, in tank vehicles, from Pittsburg, CA to the United States/Canada International Boundary Line located at or near ports of entry in MI. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Dow Chemical Company, P.O. Box 1398, Pittsburg, CA 94565.

MC 144921 (Sub-6–1TA), filed February 27, 1980. Applicant: JERRY'S MOBILE HOME TRANSPORTING, INC., 5794 High Banks Road, Springfield, OR 97477. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Avenue, Portland, OR 97210. *Mobile homes and sectionalized buildings,* from the plant site of Lancer Mobile Homes at Moses Lake, WA to points in OR. Supporting shipper: Logan's Welcome West Mobile Homes, Inc., 4675 W. 11th, Eugene, OR 97402.

MC 143503 (Sub-6–4TA), filed February 28, 1980. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, California 93031. Applicant's Representative: T. M. Brown, Morgan Brown & Schneider, P.O. Box 1540, Edmond, Oklahoma 73034. *New furniture, furnishings, and appliances,* from the facilities of the Levitz Furniture Corporation, at or near Burnesville and St. Paul, MN to points in St. Croix, Pierce, Barron, Buffalo, Chippewa, Dunn, Eau Claire, Pepin and Polk Counties, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Levitz Furniture Corporation, 1317 N.W. 167th Street, Miami, FL 33169.

MC 150173 (Sub-6–1TA), filed February 28, 1980. Applicant: HAMILTON DISTRIBUTING, INC., 345 West Meats Avenue, Orange, CA 92665. Applicant's Representatives: Floyd L. Farano, Attorney at Law, 2555 East Chapman Ave., Suite 705, Fullerton, CA 92631; Alan F. Wohlstetter, Denning & Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006. Contract carrier: Irregular Route: (1) *Wall Texturing Compound* from points and places in Orange County, California to points and places in the states of AZ, CO, ID, KS, MT, NM, NV, OR, UT, WA, WY; *Clay,* from points and places in the states of NV and WY, to points and places in Los Angeles and Orange Counties, California; *Mica,* from points and places in the state of NM, to points and places in Orange and Los Angeles Counties, California; *Lumber,* from points and places in the states of ID, MT and NV to points and places in the state of CA. Supporting shipper: Hamilton Materials, Inc., 345 West Meats Avenue, Orange, CA 92665, Attn: Mr. Fred Baca.

MC 138875 (Sub-6–4TA), filed February 27, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, An Idaho Corporation, 11900 Franklin Road, Boise, Idaho 83709. Applicant's Representative: F. L. Sigloh, as Above. *Twine-synthetic cordage products,* from the plantsite of Exxon Chemical Company, Inc. located at or near Kingman, KS to points in CA, ID, MT, NV, OR, UT, WA and WY. Supporting shipper(s): Gene Lamb, Business Manager, Exxon Chemical Company, Inc., P.O. Box 517, Kingman, KS 67068.

MC 136818 (Sub-6–1TA), filed February 28, 1980. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Applicant's Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. *Building and construction materials and materials and supplies used in the manufacture and distribution thereof* (except in bulk), from and to the facilities of The Celotex Corporation, at or near Tracy, CA, on the one hand, and, on the other those points in the United States in and west of MN, IA, MO, AR and LA (except Alaska and Hawaii), for 180 days. Supporting shipper: Jim Walter Corporation, 1500 N. Dale Mabry, Tampa, FL 33607.

MC 44605 (Sub-6–1TA), filed February 26, 1980. Applicant: MILNE TRUCK LINES, INC., 2500 West California Ave., Salt Lake City, UT 84104. Applicant's representative: Edward J. Hegarty, Loughran & Hegarty, 100 Bush Street, 21st Floor, San Francisco, CA 94104. Common carrier, 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 Rock Springs, WY and points in the Denver, CO commercial zone: (1) From Rock Springs over Interstate Hwy 80 to junction Interstate 25, then over Interstate Hwy 25 to Denver and return over the same route, serving the commercial zones of the intermediate and off-route points of Fort Collins, Loveland, Greeley, Longmont, and Boulder, CO and Cheyenne, WY; (2) From Rock Springs over Interstate Hwy 80 to junction U.S. Hwy 287, then over U.S. Hwy 287 to junction CO Hwy 14 at or near Fort Collins, CO, then over CO Hwy 14 to junction Interstate Hwy 25, then over Interstate Hwy 25 to Denver and return over the same route, serving the commercial zones of the intermediate and off-route points of Fort Collins, Loveland, Greeley, Longmont, and Boulder, CO; (3) From Rock Springs over Interstate Hwy 80 to junction U.S. Hwy 287, then over U.S. Hwy 287 to Denver and return over the same route, serving the commercial zones of the intermediate and off-route points of Fort Collins, Loveland, Greeley, Longmont, and Boulder, CO. An underlying ETA seeks 90 days authority. There are 65 shippers. Their statements may be examined at the office listed below: Interstate Commerce Commission, 211 Main Street, Suite 500, San Francisco, CA 94105.

Note.—Applicant requests authority to tack and interline. Common control may be involved.

MC 120583 (Sub-6–1TA), filed February 28, 1980. Applicant: COWEN TRANSFER AND STORAGE CO., P.O. Box 476, Colorado Springs, CO 80907. Applicant's representative: Raymond M. Kelley, Esq., Thompson and Kelley, 450 Capitol Life Center, Denver, CO 80203, Tel: 303–861–8046. *Fabricated cement products and concrete products.* From points in El Paso County, CO to points in the states of KS, NE, NM, OK, UT, and WY for 180 days. An underlying

ETA has been filed for 90 days. Supporting shipper: Stresscon, P.O. Box 7367, Colorado Springs, CO 80933. Send protests to: ICC, P.O. Box 7413, San Francicso, CA 94105.

MC 141804 (Sub-6–6TA), filed February 12, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Rubber or plastic hose and material equipment and supplies used in the manufacture of hose* between Bucyrus, OH; Stillwater, OK; Dallas, TX; Los Angeles, CA; Lexington and Elkton, TN and Sparks, NV. Restricted to traffic originating at or destined to the facilities of Swan Hose, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Norman D. Crawford, District Manager, Swan Hose, Division of Amerace Corp., P.O. Box 509, Worthington, OH 43085.

MC 141804 (Sub-6–7TA), filed February 14, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). *Canned goods,* from Longview, WA to points in NE, IA, KS, IL, WI, OK, MN, MI, and AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Don V. DeBolt, Port Longview, P.O. Box 1258, Longview, WA 98632.

MC 150015 (Sub-6–1TA), filed February 15, 1980. Applicant: BENETO, INC., 1700 South River Road, W. Sacramento, CA 95691. Representative: Jonathan M. Lindeke, Thorpe & Loynd, 100 Bush Street, No. 428, San Francisco, CA 94104. Contract carrier: Irregular routes: *Petroleum oil (except in bulk, in tank vehicles),* from Richmond, CA to points in Washoe, Douglas, Lyon, and Storey Counties, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Witco Chemical Corporation, 10100 Santa Monica Blvd. Los Angeles, CA 90067.

MC 141532 (Sub-6–1TA), filed February 15, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Aluminum and aluminum products* from the facilities of Kaiser Aluminum & Chemical Corporation at Trentwood, WA to points in AR, IA, IL, IN, KS, KY, LA, MI, MO, NJ, NY, OH, OK, PA, TN, TX, WI, and WV. Supporting shipper: Kaiser Aluminum & Chemical Corporation, 300 Lakeside Drive, Oakland, CA 94643.

MC 42487 (Sub-6–5TA), filed February 19, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, California 94025. Representative: V. R. Oldenburg, Commerce Supervisor, P.O. Box 3062, Portland Oregon 97208. Common carrier: Regular routes: *General commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment),* (1) Between Jacksonville, FL and Mobile, AL, serving the intermediate points of Lake City, Tallahassee, Pensacola, and Monticello, FL and serving junction U.S. Hwy 90 and U.S. Hwy 231 for purpose of joinder only: From Jacksonville over U.S. Hwy 90 to Mobile, and return over the same route. (2) Between junction U.S. Hwy 231 and U.S. Hwy 90 and Pensacola, FL, serving the intermediate points of Panama City, Fort Walton Beach and Mary Esther, FL: From junction U.S. Hwy 231 and U.S. Hwy 90 over U.S. Hwy 231 to Panama City, FL, then over U.S. Hwy 98 to Pensacola, and return over the same route. (3) Between Dothan, AL and junction U.S. Hwy 231 and U.S. Hwy 90 serving no intermediate points: From Dothan, over U.S. Hwy 231 to junction U.S. Hwy 231 and U.S. Hwy 90, and return over the same route. Serving Port St. Joe, and Niceville, FL as off-route points in connection with routes described above. Applicant seeks to serve all points in the Commercial Zones of points of service authorized above. Supporting shipper: There were approximately 271 shipper support statements filed with this application.

Note.—Applicant intends to tack the authorities described above. Applicant also intends to tack to its existing authority and any authority it may acquire in the future.

Note.—Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission.

MC 124679 (Sub-6–2–TA), filed February 19, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England, 975 West 2100 South, Salt Lake City, UT 84119. *Flour* from Ogden, UT to Omaha, NE, Billings, MT, and points in CA and ID.

MC 150100 (TA 6–1–TA), filed February 19, 1980. Applicant: SUN WEST STAGES, INC., 124 Marshall, St. Helens, OR 97051. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. Contract, regular route, *Passengers,* (1) from Ocean Park, WA over Wash. Hwy 103 and/or Sand Ridge Road to Ilwaco, WA then over US Hwy 101 to Astoria, OR and return over the same route, serving all intermediate points; (2) from Naselle, WA over Wash. Hwys 401 and 4 to Megler, WA then over US Hwy 101 to Astoria, OR and return over the same route, serving all intermediate points; under a continuing contract with Pacific Transit System, Box 97, South Bend, WA 98586. Underlying ETA seeks 90 days authority.

MC 1977 (Sub-6–1–TA), filed February 22, 1980. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5321 Monroe Street, Denver, CO 80216. Applicant's representative: Leslie R. Kehl, Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center, 1600 Lincoln Street, Denver, CO 80264. Common carrier, regular routes transporting: general commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk; and those requiring special equipment); between Seattle, WA and Albuquerque, NM serving as intermediate points for joinder only, the junction I–80N and U.S. 30, the junction of U.S. 39 and I–40 and Murray, UT. (1) From Seattle, WA over I–90 to junction I–82 then over I–82 to junction U.S. 12 then over U.S. 12 to WA 14 to U.S. 395 then over U.S. 395 to I–80N, then over I–80N to junction I–15 then over I–15 to junction U.S. 89 then over U.S. 89 to junction I–40 then over I–40 to Albuquerque and return. (2) From junction I–80N and U.S. 30 over U.S. 30 to junction U.S. 93 then over U.S. 93 to junction I–40 then over I–40 to junction U.S. 89 and return, for 180 days. An underlying ETA seeks up to 90 days authority. Applicant seeks authorization to tack and interline. Application supported by approximately 115 public witnesses. Applicant states it already holds and operates authority providing the requested service and the purpose of the within application is to provide more direct regular routes and thus result in operating economies and conservation of fuel.

MC 42487 (Sub-6–6–TA), filed February 22, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier,* regular routes transporting: *Classes A and B explosives,* between Wells, NV and Salt Lake City, UT, serving no intermediate points, and serving Wells, NV for purposes of joinder only: From Wells over Interstate Hwy 80 (or U.S. Hwy 40 as to those portions of the route not

presently designated as Interstate Hwy 80) to Salt Lake City, and return over the same route. Authority is sought to serve all points in the Salt Lake City, UT Commercial Zone. Supporting shippers: There are no Certificates of Support attached as this is an application for substitution of single line for joint line service and all the testimony relates to operating efficiencies accruing to the Applicant. The statement of support may be examined at the office listed below and at the Interstate Commerce Commission Headquarters.

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will be tacked or joined with present authority of Applicant at Wells, NV and Salt Lake City, UT. At Wells, NV it will be joined with Lead Certificate MC 42487. At Salt Lake City, UT, it will be joined with Docket No. MC 42487 Subs 315, 367, 431 and 798. This will permit Applicant to perform single line service over a shorter route between points in AK, CA, ID, NV, OR and WA and points in CO, IL, MN, MT, and WY.

Note.—Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission.

MC 107576 (Sub-6–1TA), filed February 19, 1980. Applicant: SILVER WHEEL FREIGHTLINES, INC., 1321 S. E. Water Aveune, Portland, Oregon 97214. Representatives: Ben D. Browning and Ronald D. Browning, 1321 S. E. Water Avenue, Portland, Oregon 97214. *General commodities* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk in tank vehicles, and those requiring special equipment), over regular routes: Between Seattle, WA, Tacoma, WA, and Eugene, OR, on the one hand, and Medford, OR, on the other, serving all intermediate and off-route points located in Jackson and Josephine Counties, OR. From Seattle, WA via Interstate Hwy 5 to Medford, OR and return over the same route. Also requested is authority to tack, interline and serve the commercial zones of the above-named points. There are 76 supporting shippers. Their statements may be examined at the office listed below.

MC 77061 (Sub-6–2TA), filed February 22, 1980. Applicant: SHERMAN BROS., INC., 29534 Airport Road (Box 706), Eugene, Oregon 97402. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oregon 97205. *Construction materials, heavy machinery & contractors' equipment and components, and roadbuilding materials and supplies* between Lane County, OR and points in WA. An underlying ETA seeks 90 days authority. Supporting shipper: Alaska Timber Corp., P.O. Box 6538, Ketichikan, AK 99901.

MC 139906 (Sub-6–1TA), filed February 22, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, Utah 84127. Applicant's representative: Mr. Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Household Products* (except in bulk) from the facilities of Blue Cross Laboratories, Inc., at or near North Hollywood, CA to Dumas, AR; Miami and Orlando, FL; Atlanta, GA; Chicago, Des Plaines, and Milan, IL; Scottsville, KY; Boston and Lawrence, MA; Detroit, MI; Kansas City and St. Louis, MO; Linden, NJ; Denver, Philadelphia, Stockton and York, PA; Greenville, SC; and Milwaukee, WI and points in their commercial zones. Supporting shipper: Blue Cross Laboratories, 7376 Greenbush Avenue, North Hollywood, CA 91605.

MC 139906 (Sub-6–2TA), filed February 21, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, Utah 84127. Applicant's representative: Mr. Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Office Furniture and Plastic Articles* (except in bulk) from the facilities of Wright Line, Inc., (a subsidiary of Barry Wright, Inc.), at or near Worcester, MA, to Los Angeles, CA and San Francisco, CA; Chicago, IL; Detroit, MI; and Dallas and Houston, TX; and points in their respective commercial zones.

MC 141205 (Sub-6–3 TA), filed February 25, 1980. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 South Cherry Street, Denver, CO 80222. Representative: F. Robert Reeder, James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting *crude oil, scrubber oil and condensate* from points in Fall River County, SD to the Mush Creek Station of Wyoming Pipeline Company near Newcastle, WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky Oil Company, 600 South Cherry Street, Denver, CO 80222.

MC 141548 (Sub-6–1 TA), filed February 22, 1980. Applicant: INTERIOR TRANSPORTATION, INC., P.O. Box 3347, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. (1) *Aluminum and steel culvert;* and (2) materials used in the fabrication of (1) above from, to or between the following points or areas: Shipment of commodities described in (1) from the facilities of Northwest Culvert in Spokane County, Washington to points in and west of Wisconsin, Illinois, Missouri, Arkansas, and Texas, except Alaska and Hawaii and shipment of commodities described in (2) from points in and west of Michigan, Pennsylvania, Ohio, Indiana, Illinois, Missouri, Arkansas and Texas, except Alaska and Hawaii to the facilities of Northwest Culvert in Spokane County, Washington.

MC 26396 (Sub-6–3 TA), filed February 25, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. Inedible corn flour, inedible starch and sealing compounds (except in bulk) from McPherson, KS and points in its commercial zone to points in ID, UT and WA, for 180 days. Supporting shipper: Chemstar Products Company, P.O. Box 19086, Minneapolis, MN 55419.

MC 26396 (Sub-6–4 TA), filed February 25, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. Mineral mixtures for livestock and poultry feeding, animal and poultry feed, insecticides in containers, pesticides, livestock and poultry feeders and equipment, and advertising matter and premiums from the facilities of Moorman Manufacturing Company at or near Quincy, IL to points in AR, LA and MS, for 180 days. Supporting shipper: Moorman Mfg. Co., 1000 North 30th Street, Quincy, IL 62301.

MC 149261 (Sub-6–1TA), filed February 25, 1980. Applicant: HARRIS TRUCKING, INC., 7702 Jackson Street, Paramount, CA 90723. Representative: James L. Harris, 7702 Jackson Street, Paramount, CA 90723. *Contract Carrier,* irregular routes, transporting: *Building Materials* necessary for the Construction of Mobile Homes. Between: Points in Los Angeles and Orange Counties, CA and: Points in AZ under a continuing contract with Far West Fir Sales, for 180 days. Supporting shipper: Far West Fir Sales, P.O. Box 1970, Huntington Beach, CA.

MC 124230 (Sub-6–2TA), filed February 25, 1980. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, CO 82321. Representative: David E. Driggers of Jones, Meiklejohn, Kehl & Lyons, Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, CO 80264.

*General commodities (except those of unusual value, classes A & B explosives and household goods as defined by the Commission)* between Grand Junction, CO, on the one hand, and, on the other, Blanding, UT, restricted to transportation of traffic having an immediately prior or subsequent movement by rail for 180 days. An underlying ETA seeks 90 days authority. The application is supported by the following shipper: B. F. Goodrich, 500 South Main Street, Dept. 0645, Bldg. 41B, Akron, OH 44318 and Denver & Rio Grande Western Railroad Co., P.O. Box 5482, Denver, CO 80217.

MC 140865 (Sub-6–1TA), filed February 25, 1980. Applicant: JAMES T. GARRETT, d.b.a. AMERICAN CONTRACT CARRIER, 14769 San Bernardino Avenue, Fontana, CA 92335. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. Contract Carrier over irregular routes: *Synthetic plastics, other than expanded, flakes NOI, granules, lumps, pellets, powder, or solid mass (Polypropylene or amorphous polypropelyene),* from, to and between Neal and Huntington, West Virginia and La Porte, Texas and said points to points in California, Oregon, Washington, Arizona, Nevada and Utah, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: USS Novamont, Inc., 600 Grant Street, Pittsburgh, PA 15230.

MC 113678 (Sub-6–1TA), filed February 19, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as applicant). *Floor covering, pads and padding, and related articles (except commodities in bulk),* from points in SC and TN to NV, ID, UT, MT, WY, CO, NM, KS, TX, NE, OR, and WA; and from Poto, OK, to OR, WA, ID, and MT, originating at and destined to the indicated points, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: William & Volker & Co., P.O. Box 529, Burlingame, CA.

MC 26396 (Sub-6–5TA), filed February 25, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. Agricultural chemicals, except in bulk, from Great Falls, MT to points in CA, CO, ID, IA, MN, NE, NV, ND, OR, SD, UT, WA, WI, WY, and ports of entry in the International Boundary line between the U.S. and Canada located in MT, for 180 days. Supporting shipper: Falls Chemical, Inc., P.O. Box 6323, Great Falls, MT 59406.

MC 141804 (Sub-6–8TA), filed February 25, 1980. Applicant: WESTERN EXPRESS, Division of INTERSTATE RENTAL, INC., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, (same as applicant). *General Commodities,* (except those of unusual value, household goods as described by the Commission, commodities in bulk, frozen foods, and those requiring special equipment, from City of Industry, CA to the facilities of Montgomery Ward in ID, MT, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: M. L. Cullen, Traffic Manager, Montgomery Ward, 3600 Rosemead Boulevard, Los Angeles, CA 90051.

MC 141804 (Sub-6–7TA), filed February 22, 1980. Applicant: WESTERN EXPRESS, Division of INTERSTATE RENTAL, INC., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, (same as applicant). *Home accessories including, but not limited to, cooking and eating utensils,* From Chicago and Franklin Park, IL and their respective commercial zones to Cedartown, GA and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Jim Jamieson, Director of Distribution, Ekco Housewares Corporation, 9234 W. Belmont, Franklin Park, IL 60131.

MC 144208 (Sub-6–1TA), filed February 19, 1980. Applicant: ART NORDANG TRUCKING, INC., P.O. Box 508, Methow, WA 98834. Representative: Boyd Hartman, Attorney at Law, P.O. Box 3641, Bellevue, WA 98009. *Wood Residuals* from port of entry on the United States-Canadiam Border at Osoyoos, British Columbia to Rock Island, Douglas County, Washington, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Henna Mining Co., P.O. Box 361, Wenatchee, WA. 98801.

MC 147145 (Sub-6–1TA), filed February 4, 1980. Applicant: JAMES R. ANDERSON, d.b.a. ANDERSON & SONS TRUCKING COMPANY, 1887 Deming Way, Sparks, Nevada 89431. Representative: (same as applicant). *General commodities* (except household goods, commodities of unusual value, commodities in bulk, commodities requiring special equipment and Classes A and B explosives) in Douglas County, NV, Interlining with other carriers in Reno, Sparks, Carson City and Fallon, NV. Applicant presently hold 90 day Emergency Temporary Authority. Supporting shipper(s): Yellow Forwarding Inc., 100 Giroux St., Reno, NV, 89502; Wells Cargo, Inc., 1775 East Fourth Street, Reno, NV, 89512.

MC 120822 (Sub-6–1TA), filed February 25, 1980. Applicant: INDUSTRIAL FREIGHT SYSTEM, INC., 9120 San Fernando road, Sun Valley, CA 91352. Representative: M. Gamel, President, Industrial Freight System, Inc., 9120 San Fernando Road, Sun Valley, CA 91352. General commodities moving on the Bills of Lading of Freight Forwarders (except commodities in bulk in tank trucks and Class A and B explosives) between points and places in California and points and places in the States of AZ, NV, NM, OR, and WA for 180 days. Supporting shipper: Coast Carloading Co., P.O. Box 54293, Los Angeles, CA.

MC 123329 (Sub-6–1TA), filed February 25, 1980. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: R. F. Koby, 314 Montana Building, P.O. Box 2567, Great Falls, Montana 59401. *Wine Concentrate, Wine, Grape Juice,* in bulk, in tank vehicles, from Naples, Cananidaug, and Hammendsport, NY to the International Boundary Line between Canada and the United States located at or near ports of entry in ND. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chateau-Gai Wines Limited, P.O. Box 360, Niagara Falls, ON L2E 6T8.

MC 141804 (Sub-6–9TA), filed February 25, 1980. Applicant: WESTERN EXPRESS, Division of INTERSTATE RENTAL, INC., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Dehydrated Soup* from Lancaster and Hanover, PA to Morrow and Doraville, GA; Jacksonville, Miami and Tampa, FL and their commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Kent Kimura, Assistant Manager Physical Distribution, Nissan Foods, Inc., 2125 Center Avenue, Fort Lee, NJ 07024.

MC 58035 (Sub-6–1TA), filed February 25, 1980. Applicant: TRANS-WESTERN EXPRESS, LTD., 48 East 56th Avenue, Denver, CO 80216. Representative: Edward T. Lyons, Jr., of Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. (1) *Electrical and electronic instruments systems, parts and components,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities described in part (1) hereof, (A) Between points in Larimer County, CO, and the facilities of Hewlett Packard Company at or near Colorado Springs, Fort Collins and Loveland, CO, on the one hand, and, on the other,

points in San Mateo, San Francisco, Alameda, Contra Costa, Marin, Merced, Monterey, Napa, Sacramento, San Benito, San Joaquin, Santa Clara, Santa Cruz, Solano, Sonoma and Stanislaus Counties, CA, and the facilities of Hewlett Packard Company at or near Palo Alto, Sunnyvale, Cupertino, Mountain View, Santa Clara, Santa Rosa, San Jose and Roseville, CA, and (B) Between points in Larimer County, CO, the facilities of Hewlett Packard Company at or near Colorado Springs, Fort Collins and Loveland, CO, points in San Mateo County, CA, and the facilities of Hewlett Packard Company at or near Palo Alto, Sunnyvale, Cupertino, Mountain View, Santa Clara, Santa Rosa, San Jose and Roseville, CA, on the one hand, and, on the other, points in NV and UT located on and north of U.S. Hwy 50, and Boise, ID. Supporting shipper: Hewlett Packard Company, 815 SW 14th Street, Loveland, CO 80537.

Note.—Applicant proposes to tack the requested authority with existing permanent motor common carrier authority authorizing service between points in CO, and to interline traffic with other authorized common carriers in CO and CA.

MC 26396 (Sub-6–6TA), filed February 26, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Barbara S. George, P.O. Box 31357, Billings, Montana 59107. Drilling mud and drilling mud additives, from Almeda, TX to Buffalo, NY for 180 days. Supporting shipper: United Mud Supply, Ltd., 4316 D 64th Avenue S.E., Calgary, Alberta T3C 2B3.

MC 150131 (Sub-6–1TA), filed February 26, 1980. Applicant: RUSSELL VERNON ROWE AND BRUCE EDWARD ROWE, a partnership, d.b.a. GRASS VALLEY TRANSFER, 123 Bank Street, Grass Valley, CA 95945. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV. 89701. *General Commodities, except household goods as defined by the Commission, Articles in Bulk in Tank Vehicles, Articles injurious to other lading, Class A and B Explosives, Articles, the transportation of which requires the use of special equipment,* between Sacramento, CA and points in Nevada County, CA, for 180 days, an underlying ETA seeks 90 days authority. Supporting shippers: There are 7 statements in support attached to this application which may be examined at the ICC Regional Office in San Francisco, CA.

MC 107839 (Sub-6–2TA), filed February 26, 1980. Applicant: DENVER ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, CO 80216. Representative: David E. Driggers of Jones, Meiklejohn, Kehl & Lyons, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: *meats, meat products, meat by-products and packinghouse products* from points in GA and MS to Denver, CO for 180 days. An underlying ETA seeks 90 days authority. The application is supported by the following shipper: Cudahy Foods Company, 4801 Brighton Blvd., Denver, CO.

MC 77061 (Sub-6–3TA), filed February 26, 1980. Applicant: SHERMAN BROS., INC., 29534 Airport Road (Box 706), Eugene, OR 97402. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. *Materials and Supplies used in the manufacturing of Cans* from San Bernadino and Contra Costa Counties in California to the facilities of Continental Can Company, U.S.A. in Lane and Multnomah Counties, in Oregon and Thurston, Grant and Walla Walla Counties in Washington, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Continental Can Company, U.S.A., P.O. Box 03220, Portland, OR.

MC 150130 (Sub-6–1TA), filed February 28, 1980. Applicant: DAVE RENSINK TRUCKING, INC., P.O. Box 2073, Riviera, AZ 86442. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. (1) *Building Materials, Lumber and Wood Products,* between points in Los Angeles and Orange Counties, CA, and Mohave County, AZ, and between Mohave County, AZ, and Clark County, NV, and points in San Bernardino County, CA, within 20 miles of the Colorado River, (2) *Articles dealt in by retail grocery stores and Lumber, Building Materials and Small Appliances,* from Los Angeles and Orange Counties, CA, to facilities of Claypool & Co., located in Clark County, NV, and Mohave County, AZ, within 20 miles of the Colorado River, (3) *Twist Ties and Materials and Supplies used in the manufacture of Twist Ties,* between the facilities of T & T Industries, Inc. located in Mohave County, AZ and points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 6 statements in support attached to this application which may be examined at the ICC Regional Office in San Francisco, CA.

MC 150136 (Sub-6–1TA), filed February 20, 1980. Applicant: JOE SICILIA, INC., N. 5523 Julia, Spokane, WA 99207. Representative: Boyd Hartman, Attorney at Law, P.O. Box 3641, Bellevue, WA 98009. *Building Materials and Supplies* between points in the States of OR, MT, CO, ID, WA, WY, and SD under continuing contracts with Thik-n-Thin, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Thik-n-Thin, Inc., 620 Daniels Street, P.O. Box 1071, Billings, Montana 59103.

MC 147012 (Sub-6–1TA), filed February 25, 1980. Applicant: T.B.T., INC., P.O. Box 8472, 1834 Field Avenue, Stockton, CA 95208. Representative: Mark J. Hannon, 1884 W. Willow Street, Stockton, CA 95203. *Contract Carrier:* Irregular routes: (1) *Bottled and/or Canned Carbonated Beverages. viz.: Soda Water and Soda Pop,* from Calistoga, CA to points in AR, ID, OR and WA, for the account of Calistoga Mineral Water Company; (2) *Bottled and/or Canned Carbonated Beverages, viz.: Soda Water and Soda Pop,* from points in AR, ID, OR and WA, to Calistoga, CA, for the account of Calistoga Mineral Water Company; (3) *Empty Glass Bottles of Various Sizes,* from points in AR, ID, OR and WA, to Calistoga, CA, for the account of Calistoga Mineral Water Company; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Calistoga Mineral Water Company, 1477 Lincoln Avenue, Calistoga, CA.

By the Commission.

**Agatha L. Mergenovich,**

*Secretary.*

[FR Doc. 80-7268 Filed 3-7-80; 8:45 am]

BILLING CODE 7035-01-M

## INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

### Agency for International Development

### Career Part-Time Employment Opportunities; Proposed Personnel Regulations

**AGENCY:** Agency for International Development.

**ACTION:** Notice of proposed personnel regulations.

**SUMMARY:** These regulations implement the Agency's responsibilities under Pub. L. 95–437, the Federal Employees Part-Time Career Employment Act of 1978, by establishing a continuing program in A.I.D. to provide career part-time employment opportunities.

The Act requires agencies to publish their instructions in proposed form and to provide an opportunity for interested parties to comment. After comments have been received and reviewed, the final instructions will be issued as Chapter 26, A.I.D. Handbook 25.

**DATE:** Comments must be received by April 5, 1980.

**ADDRESS:** Send or deliver written comments to Ms. Edna A. Boorady, Director, Office of Personnel Management, Agency for International Development, Washington, D.C. 20523.

**FOR FURTHER INFORMATION CONTACT:** Mr. Philip T. Cox, (202) 632-9832.

Dated: February 28, 1980.

**Edna A. Boorady,**

*Director, Office of Personnel Management.*

Accordingly, the Agency for International Development proposes a new Chapter 26 to be added to A.I.D. Handbook 25, as follows:

**Chapter 26—Part-Time Career Employment**

*26A. Purpose*

These regulations implement Pub. L. 95-437, the Federal Employees Part-Time Career Employment Act of 1978, by establishing a continuing program in A.I.D. to provide career part-time employment opportunities.

*26B. Policy*

It is the policy of A.I.D. to provide career part-time employment opportunities in positions through GS-15 or equivalent subject to the Agency's resources and requirements. A.I.D. recognizes the importance of this program in providing career opportunities for individuals at all levels with productive potential which goes unused because they cannot meet the requirements of a standard workweek. In particular, the program should provide (a) older employees with an opportunity for a gradual transition into retirement; (b) employment opportunities for the handicapped who require a reduced workweek; (c) parents with an opportunity to balance family responsibilities with the need for additional income; (d) benefits to students who must finance their own education or vocational training.

*26C. Definitions*

For the purpose of these regulations—(a) "Agency" means the Agency for International Development; (b) "Part-time career employment" means part-time employment of 16 to 32 hours a week under a schedule consisting of an equal or varied number of hours per day, whether in a position which would be part-time without regard to this section or one established to allow job-sharing or comparable arrangements, but does not include employment on a temporary or intermittent basis.

*26D. Applicability*

These regulations apply to: (a) All A.I.D. employees serving under competitive or excepted appointments through GS-15 or equivalent.

Excluded from application of these regulations are: (a) Foreign Service employees (U.S. and Foreign National) and (b) individuals employed on a temporary or intermittent basis.

*26E. Responsibility for Implementation*

*1. Office of Personnel Management.*—PM/PO/W will have central responsibility for implementing the part-time career employment program in the Agency. A part-time employment coordinator will be designated who will be responsible for:

—Working with Bureaus and Offices in the development of Agency-wide plans, goals and timetables for the implementation of an Agency-wide part-time employment program
—Surveying full-time GS employees to determine how many, if any, would convert to part-time if the opportunity were made available
—Responding to requests for advice and assistance on the part-time employment program and providing information to managers and supervisors on the basic rules governing part-time employment and position management/work assignment techniques which can lead to more productive use of part-time employees
—Monitoring agency progress reports in expanding part-time opportunities and preparing reports as required by OPM and the Congress
—Consulting and coordinating with the Office of Equal Opportunity regarding part-time employment matters as they relate to the EEO program
—Maintaining liaison with groups interested in promoting part-time employment opportunities
—Consulting with FM with regard to availability of part-time ceilings

*2. Bureaus/Offices.*—Appropriate officials in AID/W Bureaus and Offices should be alert to ways and means of expanding part-time career employment at all levels within the Agency. Each Bureau/Office in AID/W shall designate an individual who will be responsible for coordinating with supervisors, managers and PM/PO/W in:

—Reviewing positions as they become vacant to determine if they are conducive to filling with a part-time employee
—Entertaining request from current employees for conversion to part-time status and providing guidance to employees desiring to make a change
—Identifying and recommending positions and/or occupations that are suitable for filling on a part-time basis
—Assuring that part-time employees are not regularly exceeding the number of hours in the employee's *scheduled* workweek and that overtime for part-time employees is held to a minimum essential to carry out the Agency's requirements, and when necessary, is scheduled so as to provide maximum benefit to the Agency.
—Establishing annual Bureau/Office goals and timetables in providing career part-time opportunities and submitting such plans to the PM/PO/W Coordinator for part-time employment
—Request authorization from FM for ceilings to cover new part-time position requirements or for the withdrawal of full-time permanent ceilings with a corresponding increase in part-time ceilings.

*3. Office of Financial Management.*—The Office of Financial Management is responsible for:

a. Reviewing requests for and allocating part-time ceilings to other Bureaus/Offices
b. In consultation with PM and other appropriate offices, developing internal Agency procedures governing the allocation of personnel ceilings and the counting of part-time employees.
c. Periodically reviewing actual hours worked (including overtime) by part-time employees against scheduled hours to assure that adherence to work schedules is reasonably maintained, and bringing any significant continuing abuses to the attention of appropriate officials in Bureaus/Offices.

*26F. Conversion of Full-time to Part-time*

1. The Agency shall not abolish any position occupied by a full-time employee in order to make the duties of such position available to be performed on a part-time basis.

2. An employee who is employed on a full-time basis shall not be required to accept part-time employment as a condition of continued employment.

3. An employee may request consideration for conversion to part-time.

4. Conversion is contingent on the Agency's ability to:

A. Change the employee's position to part-time taking into account such factors as:

—Whether regular or peak workloads lend themselves to a part-time schedule;
—Adaptability of the work to be performed on a part-time basis;

—Necessity of having coverage of the position of a full-time basis;
—Benefits to the employee;

b. Reassign or promote the employee to another established part-time position.

All actions will be subject to the Agency's normal assignment and merit promotion policies on the same basis as for full-time employees.

5. Part-time vacancies will be publicized through mormal Agency channels, e.g., Merit Promotion Vacancy Announcements, recruiting bulletins and vacancy listing in Front Lines, etc.

*26G. Work Week*

1. A permanent part-time employee shall be *scheduled* to work no more than 32 hours per week and normally no less than 16 hours per week. No exceptions are permitted to the maximum number of hours per week. The scheduled workweek must be stated on the SF–50 in terms of actual days of the week and number of hours each day (not to exceed 8) to be worked, e.g., 24 hours, Monday through Thursday, 6 hours per day.

2. The Agency is not restricted from *temporarily* increasing an employee's hours of duty above the number of hours scheduled, including above the 32 hour limit; however, such increases should be held to emergency or extremely heavy workload situations that are temporary in nature or to training opportunities for a part-time employee.

3. A change in work schedule can be accomplished only by a Notice of Personnel Action effecting such change which must be initiated by a written request through the supervisor and approved by the appointing authority.

4. A part-time employee is entitled to overtime payments for hours worked in excess of 8 hours per day or 40 hours per week. Overtime should be held to a minimum essential to carry out Agency requirements. When necessary, overtime work should be scheduled in such a manner that the number of days in excess of 8 hours is minimized even though the total workweek exceeds the normally *authorized* workweek.

*26H. Tenure*

Part-time employees shall have the same protection against removal during or after the probationary period as full-time employees. The probationary period and the conversion from Career-Conditional to Career Status for part-time employees shall be computed on the basis of calendar time, the same as for full-time employment. The Service Computation Date is also the same for part-time work as for full-time. Since part-time employment constitutes a separate competitive level from full-time employment, an employee would compete only with other part-time employees during a Reduction in Force (RIF). Therefore, retention status will depend on which competitive level, in the judgment of management, requires a RIF.

*26I. Earnings*

The rate of pay for part-time employees shall be proportionate to the time scheduled to work. Waiting periods for within-grade increases shall be based on *calendar* weeks of creditable service.

*26J. Promotion*

Part-time employees shall be eligible to apply under the merit promotion program for vacancies on the same basis as full-time employees. Part-time experience shall be credited on a pro-rata basis according to the relation it bears to a full workweek.

*K. Overtime*

Under Title 5 U.S.C., hours of work must exceed 40 hours in an administrative workweek (excluding holidays and paid leave), or 8 hours in a day to be considered overtime.

*L. Leave*

Annual leave shall be earned on a pro-rata basis and be determined by years in service. Maximum carryover at the end of a leave year shall be the same as for full-time employees.

Sick leave shall be earned at the rate of one hour for every 20 hours in pay status.

No leave (annual or sick) shall be earned for hours worked in excess of 80 in a pay period.

Part-time employees are *not* eligible for Military leave.

Other leave categories (e.g., Absence Without Leave, Leave Without Pay, Funeral Leave, Excused Absences) shall apply to part-time employees in the same way they apply to full-time employees.

For all categories of leave to which part-time employees are eligible, leave shall be charged only for absences during those hours the employee is *scheduled* to work.

*26M. Holidays*

Holidays pay shall be received only if an employee is regularly scheduled to work on that day and only for those hours regularly scheduled.

*26N. Life Insurance Coverage*

In the case of a conversion from full-time to part-time employment, the amount of insurance carried will automatically decrease whenever the annual pay rate is decreased by an amount sufficient to lower pay to a different $1,000 bracket (except that it cannot be lower than a $10,000 minimum insurance amount).

*26O. Health Insurance Coverage*

Employees who become part-time on or after April 8, 1979 and who are enrolled in the FEHB will receive a proportionate percentage of what the Government's contribution toward the cost of enrollment is for full-time employees. For example, if enrollment is in a plan toward which the Government contribution is $30 for a full-time employee, an employee scheduled to work 50 hours during a pay period would be entitled to $18.75 as the Government contribution, with the balance of $11.25 being added to the portion of the employee's premium.

$$\frac{\text{Scheduled hours } 50}{\text{Regular hours } 80} = 0.6250$$

| | |
|---|---|
| Government Contribution for Full-Time | $30.00 |
| | × .6250 |
| Goverment Contribution for Part-Time | $18.75 |

This provision does not apply to any employee serving in a position on a part-time career employment basis prior to April 8, 1979, for such period as the employee continues to serve without a break in service in that or any other position in the Agency on such part-time basis.

*26P. Retirement Date Eligibility*

Service is credited by calendar days.

*26Q. Retirement Annuity*

The computation is based on the highest average annual basic pay for any three consecutive years, regardless of whether employment was full-time or part-time during those years.

*26R. Converting to Full-Time Duty*

If a position of equal or lower grade is vacant and the basic requirements for the job are met, an employee can be placed in the job if selected by the selecting official and approved by the appointing officer.

If the position being sought is a promotion or has promotion potential, a part-time employee must compete with other applicants as well as meet the basic requirements for the job.

*26S. Training*

Part-time employees are eligible for training opportunities on the same basis as full-time employees. It may be necessary for the employee to exceed hours in a scheduled workweek temporarily in order to participate in a training program that is conducted on a full-time basis.

*26T. Union Representation*

If an employee organization has been accorded exclusive recognition with respect to a unit within an agency, then the employee organization shall be entitled to represent all employees within that unit employed on a part-time career employment basis, as well as the full-time employees.

*26U. Evaluation and Reporting*

1. PM will conduct periodic reviews and evaluations of the Part-time Employment Program as part of the Agency's internal personnel management evaluation process.

2. Bi-annual reports for the periods ending on March 31 and September 30 will be submitted to OPM not later than May 15 and November 15, respectively, on the Agency's progress in meeting employment goals, and shall indicate impediments encountered and measures taken to overcome them. The reports also shall include indications of the extend to which part-time career employment opportunities have been extended to older persons, the handicapped, persons with family responsibilities, and students, and shall include copies of any agency-wide instructions or regulations issued during the preceding period.

[FR Doc. 80-7338 Filed 3-7-80; 8:45 am]

BILLING CODE 4710-02-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80-17]

### NASA Advisory Council (NAC) Aeronautics Advisory Committee; Meeting

The Informal Subcommittee on General Aviation Technology of the NAC Aeronautics Advisory Committee will meet April 2-4, 1980, in Room 213, Administration Building (Building 200), NASA Ames Research Center, Moffett Field, California. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including Subcommittee members and participants).

The Subcommittee will review research and technology programs and plans related to general aviation and provide program evaluations and recommendations to the Aeronautics Advisory Committee for discussion with NASA management. The Chairperson is Mr. John W. Olcott and there are 8 members of the Subcommittee.

For further information contact Mr. Harry W. Johnson, Executive Secretary of the Informal Subcommittee on General Aviation Technology, Code RJG, NASA Headquarters, Washington, DC 20546 (202/755-2380).

Agenda

*April 2, 1980*

8:30 a.m.—Chairperson Report
9:00 a.m.—Executive Secretary Report, Budgets and Plans
10:00 a.m.—Review of NASA General Aviation Program Review (exclusive of Avionics and Human Factors)
5:00 a.m.—Adjourn

*April 3, 1980*

8:30 a.m.—Review of NASA General Aviation Avionics and Human Factors Research and Technology Programs and Plans
5:00 a.m.—Adjourn

*April 4, 1980*

8:30 a.m.—Subcommittee discussion; development of evaluation and recommendations
12:00 a.m.—Adjourn

March 3, 1980.

**Russell Ritchie,**

*Deputy Associate Administrator for External Relations.*

[FR Doc. 80-7252 Filed 3-7-80; 8:45 am]

BILLING CODE 7510-01-M

## NATIONAL SCIENCE FOUNDATION

### Renewal; National Science Foundation Advisory Council

Pursuant to the Federal Advisory Committee Act. Pub. L. 92-463, it is hereby determined that the renewal of the National Science Foundation Advisory Council is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Committee Management Secretariat Staff, General Services Administration, pursuant to Section 14(a)(1) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Authority for the Advisory Council shall expire on March 8, 1982, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

**Richard C. Atkinson,**

*Director.*

[FR Doc. 80-7347 Filed 3-7-80; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards, Subcommittee on Concrete and Concrete Structures; Meeting

The ACRS Subcommitte on Concrete and Concrete Structures will hold a meeting on March 25-26, 1980 in Room 1167, 1717 H St., NW., Washington, DC to review "user needs" in structural engineering and the way in which these needs have been and are being met. Notice of this meeting was published February 22, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for this meeting shall be as follows: Tuesday and Wednesday, March 25 and 26, 1980, 8:30 a.m. until the conclusion of business each day.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted for the presentations can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio G. Igne (telephone 202/ 634-1413) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 5, 1980.

**John C. Hoyle,**

*Advisory Committee Management Officer.*

[FR Doc. 80-7274 Filed 3-7-80; 8:45 am]

BILLING CODE 7590-01-M

### Advisory Committee on Reactor Safeguards, Ad Hoc Subcommittee on Natural Circulation Heat Removal; Meeting

An ACRS Ad Hoc Subcommittee on Natural Circulation Heat Removal will hold a meeting on March 25, 1980 in Room 1046, 1717 H St., NW., Washington, DC to review information presently available on natural circulation and bleed and feed heat removal systems. Also, areas where inadequate information exists will be examined, and planned NRC research programs and tests at the Sequoyah and North Anna reactors will be reviewed to determine their ability to meet the information needs. Notice of this meeting was published February 22, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for this meeting shall be as follows: Tuesday, March 25, 1980, 8:30 a.m. until the conclusion of business.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittees will hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittees to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted for the presentations can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Andrew L. Bates (telephone 202–634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 5, 1980.

**John C. Hoyle,**

*Advisory Committee Management Officer.*

[FR Doc. 80-7273 Filed 3-7-80; 8:45 am]

BILLING CODE 7590-01-M

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**[Docket Nos. 50–295 and 50–304]**

### Commonwealth Edison Co. (Zion Station, Unit Nos. 1 and 2); Confirmatory Order

I

The Commonwealth Edison Company (the licensee) is the holder of Operating License Nos. DPR–39 and DPR–48 (the licenses) which authorize operation of the Zion Station, Unit Nos. 1 and 2 located in Zion, Illinois, at steady state reactor core power levels not in excess of 3250 megawatts thermal (rated power).

II

Due to the relatively high population density surrounding the Zion site as compared to other nuclear power plant sites, the Zion site is believed to present a disproportionately high contribution to the total societal risk from reactor accidents. The NRC Staff (the Staff) has currently under way two separate efforts to address the potential problems posed by this relatively high population density. One of the efforts involves the development, revision, and review of emergency plans. This effort is scheduled to be completed by January 1, 1981.

The other effort is a review of the Zion facilities to determine what additional procedural measures and/or design changes can and should be implemented that will further reduce the probability of a severe reactor accident and/or reduce the consequences of such an accident. Since design changes that may be decided upon may take one to two years to completely install, the Staff has identified a number of extraordinary interim measures that should be accomplished both by the licensees and the Staff. These measures will significantly increase the level of safety at the Zion Station and thereby further reduce the probability of a severe reactor accident.

Included among these actions are matters dealing with modes of operations, shift manning levels, enhanced training of operators, and special containment and low pressure interface tests designed to add to the level of safety of operation of the facility. All requirements shall be implemented at the time intervals specified in this Order.

The Licensee, in a letter dated February 22, 1980, has agreed to undertake the actions listed in Appendix A to this Order. It is desirable to confirm the Licensee's commitment by Order.

III

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that:

The licensee perform the actions stated in Appendix A to this Order. The aforementioned actions shall be performed in accordance with the schedule set forth in Appendix A or, in the alternative, the licensee shall place and maintain the effected unit or units in a cold shutdown condition within 48 hours pending completion of those actions.

IV

Any person who has an interest affected by this Order may request a hearing within twenty (20) days of the date of the Order. Any request for a hearing will not stay the effectiveness of this Order. Any request for a hearing shall be addressed to Harold R. Denton, Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. If a hearing is requested by a person who has an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

In light of the licensee's expressed willingness to undertake the actions ordered, if a hearing is held concerning this Order, the issue to be considered at the hearing shall be:

Whether the licensee should perform the actions in Appendix A to this Order in accordance with the schedule stated therein.

Operation of Unit Nos. 1 and 2 on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: February 29, 1980, Bethesda, Md.

For the Nuclear Regulatory Commission.

**Harold R. Denton,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 80-7277 Filed 3-7-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409]

## Dairyland Power Cooperative (LaCrosse Boiling Water Reactor); Issuance of Director's Decision

On June 26, 1979, notice was published in the Federal Register (44 FR 37352) that Anne K. Morse had requested that an order be issued to suspend Provisional Operating License No. DPR-45 for operation of the LaCrosse Boiling Water Reactor, located in Vernon County, Wisconsin. The Director has treated this request as a request for action under 10 CFR 2.206. Upon a review of the information provided by Ms. Morse, the Director has determined that Ms. Morse's request does not provide an adequate basis to suspend the LaCrosse license. However, as discussed in the Director's Decision, the NRC staff does support Ms. Morse's concern about the liquefaction issue involving LACBWR and has issued to the licensee an "Order to Show Cause," dated February 25, 1980, regarding this matter. Accordingly, Ms. Morse's request has been granted in part and denied in part.

Copies of the Director's Decision are available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the LaCrosse Public Library, 800 Main Street, LaCrosse, Wisconsin 54601. A copy of this decision will also be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations.

In accordance with 10 CFR 2.206(c) of the Commission's regulations this decision will constitute the final action of the Commission twenty (20) days after the date of issuance, unless the Commission on its own motion institutes a review of this decision within that time.

Dated at Bethesda, Md., this 29th day of February 1980.

**Harold R. Denton,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 80-7278 Filed 3-7-80; 8:45 am]

BILLING CODE 7590-01-M

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[Docket No. 50-298]

## Nebraska Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District, which revised the Technical Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to allow the count rate in the Source Range Monitor channels to drop below 3 counts per second when the entire reactor core is being removed or replaced.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 14, 1980, (2) Amendment No. 61 to License No. DFR-46, and (3) the Commission's related Safety Evaluation. All of these items are avaialble for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 29th day of February 1980.

For the Nuclear Regulatory Commission.

**Thomas A. Ippolito,**

*Chief, Operating Reactors Branch #3, Division of Operating Reactors.*

[FR Doc. 7279 Filed 3-7-80; 8:45 am]

BILLING CODE 7590-01-M

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[Docket No. 50-263]

## Northern States Power Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Provisional Operating License No. DPR-22, issued to Northern States Power Company, which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications concerning integrated containment leak testing to be consistent with the current Standard Technical Specifications, NUREG-0123, Revision 2.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connectiuon with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 2, 1977, as supplemented by letter dated March 20, 1978, and revised by letter dated December 6, 1979, and (2) Amendment No. 44 to License No. DPR-22. All of these items are available for public inspection at the Commission's Public Documents Room 1717 H Street NW., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 29th day of February 1980.

For the Nuclear Regulatory Commission.

**Thomas A. Ippolito,**

*Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.*

[FR Doc. 80-7280 Filed 3-7-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272; Spent Fuel]

**Public Service Electric & Gas Co. (Salem Nuclear Generating Station, Unit No. 1) (Proposed Issuance of Amendment to Facility Operating License No. DPR-70); Assignment of Atomic Safety and Licensing Appeal Board**

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this spent fuel proceeding.

Richard S. Salzman, Chairman.
Dr. W. Reed Johnson.
Thomas S. Moore.

Dated: March 4, 1980.

**C. Jean Bishop,**

*Secretary to the Appeal Board.*

[FR Doc. 80-7281 Filed 3-7-80; 8:45 am]

BILLING CODE 7590-01-M

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[Docket No. 50-327]

**Tennessee Valley Authority; Issuance of License No. DPR-77**

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued License No. DPR-77 to Tennessee Valley Authority authorizing fuel loading and low power testing of the Sequoyah Nuclear Plant, Unit 1. Sequoyah Nuclear Plant, Unit 1, is a pressurized water reactor located in Hamilton County, Tennessee, about 9.5 miles northeast of Chattanooga.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire one year after that date, unless extended for good cause shown, or upon earlier issuance or denial of a subsequent licensing action.

A copy of (1) Authorization No. DPR-77, complete with Technical Specifications; (2) the report of the Advisory Committee on Reactor Safeguards dated December 11, 1979; (3) the Office of Nuclear Reactor Regulation's Safety Evaluation Report dated March 1979, and Supplement 1; (4) the Final Safety Analysis Report and amendments thereto; (5) the Final Environmental Statement prepared by Tennessee Valley Authority in July 1974; and (6) the Office of Nuclear Reactor Regulation's Environmental Impact Appraisal dated May 1979, are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

A copy of the license may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Copies of the Safety Evaluation Report (NUREG-0011) and Supplement 1, may be purchased at current rates, from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 29th day of February 1980.

For the Nuclear Regulatory Commission.

**L. S. Rubenstein,**

*Acting Chief, Light Water Reactors Branch No. 4, Division of Project Management.*

[FR Doc. 80-7282 Filed 3-7-80; 8:45 am]

BILLING CODE 7590-01-M

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**Topical Report; Issuance and Availability**

The Nuclear Regulatory Commission has released a topical report on estimated radiation doses from thorium and daughters contained in thoriated-tungsten welding electrodes. The report was prepared by the Oak Ridge National Laboratory for the NRC under interagency agreement with the Department of Energy.

The report, NUREG/CR-1039, "Estimated Radiation Doses from Thorium and Daughters Contained in Thoriated Welding Electrodes," estimates the potential individual and collective radiation doses to members of the general public during the use, distribution, and disposal of thoriated welding electrodes. Both internal (from inhalation) and external (from gamma rays) exposures were considered for welders who use thoriated electrodes, those in the immediate welding environment, and all other persons potentially exposed. This report was prepared as a part of a series of reports that provide information to the public on radiation doses associated with various products containing radioactive materials. In addition, the data will be used in the Commission's study to evaluate the environmental effects of all consumer products containing radioactive materials. This study will serve as a basis for reviewing NRC policy relative to such products.

This report is available for inspection or copying for a fee at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. Copies may be purchased for $3.50 directly from NRC by sending check or money order, payable to Superintendent of Document, to the Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. GPO Deposit Account holders may charge their order by calling (301) 492-9530. Copies are also available for purchase through the National Technical Information Service, Springfield, Va. 22161.

(5 U.S.C. 552(a))

Dated Rockville, Maryland this 3rd day of March 1980.

For the Nuclear Regulatory Commission.

**Robert B. Minogue,**

*Director, Office of Standards Development.*

[FR Doc. 80-7283 Filed 3-7-80; 8:45 am]

BILLING CODE 7590-01-M

## Agency Forms Under Review

### Background

March 5, 1980.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

### List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

### Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

#### DEPARTMENT OF AGRICULTURE

**Agency Clearance Officer—Richard J. Schrimper—447–6201**

*New Forms*

Economics, Statistics, and Cooperatives Service Insecticide Residues in Soybeans in Illinois
Single Time
Soybean Growers, 126 Responses; 17 Hours
Office of Federal Statistical Policy and Standard, 673–7974

*Revisions*

Economics, Statistics, and Cooperatives Service
Cotton and Cottonseed Survey
Other (see SF–83)
Cotton producers and ginners
1,645 responses; 137 hours
Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF COMMERCE

**Agency Clearance Officer—Edward Michals—377–3627**

*Revisions*

Industry and Trade Administration
Inspection to "Export Assistance Services End-User Survey"
ITA–4078P
On occasion
U.S. firms: bed end-users 5,000 responses; 1,250 hours
John A. Caron, 395–3785

DEPARTMENT OF DEFENSE

**Agency Clearance Officer—John V. Wenderoth—697–1195**

*Revisions*

Defense Supply Agency
Defense Industrial Facilities Protection Program (DIFPP)
Survey report
DLA 1362 and 1362A
Anually
Industrial facility and utility listed on the DOD key facility list 2,239 responses; 8,665 hours
Kenneth B. Allen, 395–3785

DEPARTMENT OF ENERGY

**Agency Clearance Officer—John Gross—633–9770**

*Revisions*

Application for Annual or Basic Valuation (FERC–42) ICC ACV–162
Anually
Common carrier pipeline companies 90 responses; 45 hours
Jefferson B. Hill, 395–5867

*Reinstatements*

Annual Survey of Domestic Oil and Gas Reserves
EIA–23
Anually
Oil and gas well operators 2,579 responses; 246,294 hours
Jefferson B. Hill, 395–5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

**Agency Clearance Officer—Joseph J. Strnad—245–6511**

*Revisions*

Social Security Administration
State's Return of Contributions Payable Under the Social Security Act
SSA–3961
Monthly
State social security agencies and in each interstate instrument. 10,000 responses; 500 hours
Barbara F. Young, 395–6132

DEPARTMENT OF JUSTICE

**Agency Clearance Officer—Donald E. Larue—633–3526**

*New Forms*

Offices, Boards, Division
Civil Litigation Research Project: Organization Questionnaire
Single time
Organizational representative 50 responses; 50 hours
Andrew R. Uscher, 395–4814

*Reinstatements*

Drug Enforcement Administration
Official Order Form for Schedule I and II Substances; Order Form Requisition
DEA 222A
On occasion
Individuals, firms and institutions regulated under GSA 1970, 545,000 responses; 136,250 hours
Andrew R. Uscher, 395–4814

DEPARTMENT OF TRANSPORTATION

**Agency Clearance Officer—Bruce H. Allen—426–1887**

*New Forms*

Federal Highway Administration
Initial Interstate Maintenance Program/ Annual Interstate Maintenance Work Plan
Annually
All State highway agencies, 52 responses; 1,040 hours
Susan B. Geiger, 395–5867

*Revisions*

Federal Aviation Administration
Pilot Schools
FAA 8420–8
On occasion
Proprietors/firms, 2,880 responses; 85,298 hours
Susan B. Geiger, 395–5867

Federal Aviation Administration
Certification: Mechanics, Repairmen, Parachute Riggers, and Inspection Authorizations
FAA 8610–1 and 8610–2
On occasion
Mechanics, repairmen, parachute riggers, 268,836 responses; 27,103 hours
Susan B. Geiger, 395–5867

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**Agency Clearance Officer—Thomas P. Goggin—634–6983**

*New Forms*

Private Bar Technical Assistance Report Form
On occasion
Five ABAR contractors, 64,000 responses; 5,334 hours
Laverne V. Collins, 395–3214

ABAR Training Questionnaire
On Occasion
Private attorneys, 32,000 responses; 8,000 hours
Laverne V. Collins, 395–3214

Technical Assistance Request Form

On occasion
Private attorneys, 32,000 responses; 8,000 hours
Laverne V. Collins, 395–3214

**RAILROAD RETIREMENT BOARD**

**Agency Clearance Officer—Pauline Lohens—312–751–4692**

*Revisions*

Request for Review of Part B Medicare Claim G–790
On occasion
RRB beneficiary dissatisfaction with Part B medicare settlement, 4,000 responses; 1,000 hours
Barbara F. Young, 395–6132
Request for Hearing Part B medicare Claim G–791
On occasion
RRB beneficiary dissatisfaction with Part B medicare settlement, 100 responses; 25 hours
Barbara F. Young, 395–6132

**SMALL BUSINESS ADMINISTRATION**

**Agency Clearance Officer—John Anderson—653–6890**

*Revisions*

Compliance Report
SBA 707
Annually
Small businesses, 100,000 responses; 8,370 hours
John M. Allen, 395–3785

**VETERANS ADMINISTRATION**

**Agency Clearance Officer—R. C. Whitt—389–2282**

*Revisions*

Request for Employment Information in Connection With Claim for Disability Benefits
21–4192
On occasion
Employer, 65,000 responses; 16,250 hours
Laverne V. Collins, 395–3214

**David R. Leuthold,**

*Acting Deputy Assistant Director for Reports Management.*

[FR Doc. 80–7345 Filed 3–7–80; 8:45 am]

**BILLING CODE 3110–01–M**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–16618/March 3, 1980; SR–CBOE–80–3]**

## Chicago Board Options Exchange, Inc.; Proposed Rule Changes; 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 hereby is given that on February 19, 1980 the Chicago Board Options Exchange, Incorporated, filed with the Securities and Exchange Commission the following proposed rule changes.

**Text of the Proposed Rule Changes**

(Italics indicate additions, brackets indicate deletions)

Reporting Duties

Rule 6.51.

(d) Trade information. Each business day (the exact hours to be fixed by the Exchange) each Clearing Member shall file with the Exchange trade information in such form as may be prescribed by the Exchange, covering each Exchange transaction made by it or on its behalf during said business day. The trade information shall show for each transaction (a) the identity of the purchasing Clearing Member and the writing Clearing Member, (b) the underlying security, (c) the exercise price, (d) the expiration month, (e) the number of option contracts, (f) the premium per unit, (g) the identity of the executing brokers representing *both* the *purchasing and writing* Clearing Members [submitting the trade information], (h) whether a purchase or a writing transaction, (i) except for a transaction in a Market-Maker's account, whether an opening or closing transaction, (j) the identity of the account of the Clearing Member in which the transaction was effected, (k) if a closing writing transaction, whether a certificate will be surrendered, (l) whether a put or call, and (m) such other information as may be required by the Exchange. [The form to be used by each Clearing Member will be distinguishable (by pre-printed symbol or otherwise) from the form to be used by all other Clearing Members. Each Clearing Member shall be responsible to the Corporation in respect of all trade information filed with the Exchange on such Clearing Member's form, whether or not such filing was authorized by the Clearing Member.]

. . . Interpretations and Policies:

.01 The Floor Procedure Committee has established the following procedure for reporting transactions pursuant to Rule 6.51(a).

For each transaction on the Exchange in which he participates as a seller, a floor member shall immediately record on a card or ticket in a form acceptable to the Committee his assigned broker initial code, the symbol of the underlying security, the type, expiration month and exercise price of the option contract sold, the transaction price, the number of contract units comprising the transaction, the name of the contra clearing firm member and the assigned

broker initial code of the contra member. Members shall identify price reporting tickets which represent the partial execution of a larger order in the manner prescribed by the Exchange. The reporting card or ticket shall immediately be time stamped at the station where option contracts of the class involved are traded. The card or ticket shall then be placed in the price reporting [card box] *belt*, provided at the station. Before placing the card in the [box] *belt*, the member shall use his best efforts to make sure that the Board Broker or Order Book Official acting in option contracts of the class involved, or the Board Broker's or Order Book Official's clerk, is aware of the transaction and its price.

Any floor member failing to report immediately a transaction in accordance with Rule 6.51(a) shall be subject to being fined by the Floor Procedure Committee.

[Daily] Unmatched Trade Report*s*

Rule 6.55. On each business day the Exchange shall match the trade information submitted by Clearing Members on that day and shall issue [a Daily] Unmatched Trade Report*s* to each Clearing Member, which shall contain a list (a) of such Clearing Member's trades on such day for which the Exchange did not receive [a] matching trade [card] *data* from another Clearing Member (called "unmatched trades") and (b) of all trades reported by other Clearing Members for which such Clearing Member submitted no matching trade [card] *data* (called "advisory trades").

Reconciliation *and Resolution* of Unmatched Trades

Rule 6.56. Promptly upon receipt of its [Daily] Unmatched Trade Report*s*, a Clearing Member shall be obligated to reconcile all unmatched trades and advisory trades shown thereon and to report all reconciliations [,] *and* corrections [and adjustments] to the Exchange in accordance with such procedures as may be established by the Exchange from time to time. Such reconciliation report*s* shall be filed with the Exchange prior to such cut-off hour*s* and the Exchange may prescribe.

. . . Interpretations and Policies:

.01 All Exchange members, Clearing Members and their respective [agents] *representatives* shall resolve unmatched trades from the previous day's trading no later than 9:00 a.m. CST of the following business day. *If an unmatched trade cannot be resolved by mutual agreement, the transaction shall be promptly closed out by the parties pursuant to Rule 10.1.* If an unmatched trade is not resolved by 9:00 a.m. due to one of the executing brokers not being present *or represented* on the Exchange floor, the trade shall be submitted to the Options Clearing Corporation pursuant to the terms presented by the executing broker who is in attendance *or who is represented* during the trade [matching] *resolution* process. *Under unusual conditions the Exchange may prescribe a different schedule for the resolution of unmatched trades.*

*.02 All Exchange members, Clearing Members and their respective representatives shall have readily available all necessary trade records for the resolution of their unmatched trades, and shall be required to produce such trade records upon request.*

[.02] .03 During the trade [matching] *resolution* process, when *a representative of an Exchange member or* a representative of a Clearing Member, acting on behalf of an Exchange member makes a verbal commitment to another *Exchange member*, Clearing Member *or their respective representatives* [, which acts as agent for an Exchange member,] that commitment is binding upon both parties. [However,]

*.04* It shall be inconsistent with just and equitable principles of trade for any Exchange member, a Clearing Member, or any person associated therewith, while engaged in the trade matching process with one another to (1) agree to accept any transaction in which the accepting party or its principal was not involved or (2) decline to accept any transaction in which the declining party or its principal was involved.

[Supplementary Unmatched Trade Report

Rule 6.57. Promptly after the cut-off hour for the receipt of reconciliation reports, the Exchange shall issue each Clearing Member a Supplementary Unmatched Trade Report, which shall contain a list of any new or remaining unmatched trades and advisory trades of such Clearing Member. The issuance by the Corporation of the Supplementary Unmatched Trade Report shall constitute notice of the Exchange's rejection of each Exchange transaction listed thereon as an unmatched trade, which shall be subject to the provisions of Rule 10.1.]

Disagreement on Unmatched Trade

Rule 10.1. When [a disagreement between members arising from] an unmatched Exchange transaction cannot be resolved [promptly by mutual agreement,] *under Rule 6.56*, the transaction shall be promptly closed out by the parties in the following manner.

The member representing the purchaser in the unmatched Exchange transaction shall promptly enter into a new purchase transaction on the floor of the Exchange to purchase the option contract that was the subject of the unmatched Exchange transaction, and the member representing the writer in the unmatched Exchange transaction shall promptly enter into a new writing transaction on the floor of the Exchange to write the option contract that was the subject of the unmatched Exchange transaction. Any money difference resulting from such transactions shall be settled between the members involved, either by mutual agreement or by arbitration pursuant to these Rules, for their own accounts and not for the accounts of their respective customers. Notwithstanding the foregoing, if either member is acting for a firm account in the unmatched Exchange transaction, and not for the account of a customer, such member need not enter into a new transaction, in which event money differences will be based solely on the closing transaction of the other party to the unmatched transaction.

[. . . Interpretations and Policies:

.01 The Floor Procedure Committee has determined with respect to the language "resolved promptly", of Rule 10.1, the "promptly" shall be interpreted to mean that unmatched Exchange transactions rejected overnight by the Clearing Corporation shall be resolved prior to 9:00 a.m., Chicago Time, the following business day.]

*SRO's Statement of Basis and Purpose*

*Rule 6.51* contains three proposed changes. The first adds a requirement that Clearing Members submit not only the identity of their executing broker, as was the procedure prior to this proposed change, but also submit the identity of the contra broker(s). This additional information will assist in the resolution of unmatched trades. The second proposed change deletes the last two sentences of the rule in order to conform it to current practice, in which there are no preprinted forms used by Clearing Members to provide daily trade information to the Exchange. The final proposed change conforms Interpretation and Policy .01 to current practice, which involves the use of a belt, rather than a card box, for the submission of price reporting cards or tickets at each post on the trading floor.

*Rule 6.55* involves minor proposed changes that conform the rule to the current practices of (1) the issuance of more than one unmatched trade report by the Exchange and (2) the fact that the Exchange receives daily trade information from Clearing Members in various forms.

*Rule 6.56* contains proposed changes that conform it to the proposed changes to Rule 6.55 above with respect to the number of unmatched trade reports issued by the Exchange to Clearing Members and also conform it to the current practice of Clearing Members submitting adjustments directly to the Options Clearing Corporation. The proposed changes in Interpretation and Policy .01 provide that absent agreement, unmatched trades be closed out pursuant to Rule 10.1; and that the Exchange may require evening and/or Saturday trade checking sessions under appropriate circumstances. New Interpretation and Policy .02 describes what documentation is required to be available for the resolution of unmatched trades. The last part of Interpretation and Policy .03 (formerly .02) becomes Interpretation and Policy .04, while the other change in .03 provides that a commitment made during the trade resolution process by a member's representative, who is not associated with the member's clearing firm, is binding.

*Rule 6.57* is deleted because a report by that name is no longer produced and because the remaining language has been incorporated into the foregoing proposed rule changes.

*Rule 10.1* involves one proposed change to conform it to the foregoing proposals. It adds a necessary reference to Rule 6.56, which then requires both the deletion of certain language in Rule 10.1 and deletion of Interpretation and Policy .01 because those matters now are covered under the proposed changes to Rule 6.56.

The basis under the Act for these proposed rule changes is Section 6(b)(5) because the changes facilitate the resolution of unmatched trades.

No comments were solicited or received on the proposed rule changes.

The Exchange does not believe that the proposed rule changes will impose any burden on competition.

On or before April 14, 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 Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing also will 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 31, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

March 3, 1980.

[FR Doc. 80-7298 Filed 3-7-80; 8:45 am]

BILLING CODE 8010-01-M

**[File No. 22-10262]**

## Elizabethtown Water Co.; Application and Opportunity for Hearing

March 6, 1980.

Notice is hereby given that Elizabethtown Water Company (the "Company") 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 trusteeship of Citibank, N.A. (the "Bank") under an indenture of the Company, dated as of November 1, 1979 (the "1979 Indenture"), which has not been qualified under the Act and the trusteeship of the Bank under three indentures of the Company which have been qualified and are dated as of July 1, 1956 (the "1956 Indenture"), as of February 1, 1962 (the "1962 Indenture"), and as of April 1, 1977 (the "1977 Indenture") (the 1956 Indenture, the 1962 Indenture and the 1977 Indenture being sometimes referred to jointly herein as the ("Qualified Indentures") are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under the 1979 Indenture and under the Qualified Indentures.

The Company alleges that: (1) The terms of the Qualified Indentures are substantially the same and the Company is not in default under the Qualified Indentures. (2) The Qualified Indentures and the 1979 Indentures are wholly unsecured and the debentures to be issued under the 1979 Indenture will rank on a parity with the debentures issued under the Qualified Indentures. The Qualified Indentures are also specifically described in the 1979 Indenture. (3) The 1979 Indenture is based directly upon the 1977 Indenture and the difference between the two, other than changes in titles, principal amount, interest rate, maturity and other dates, and paying agent are, with one exception, differences relating to the fact that the debentures issued under the 1979 Indenture were issued in relation to the issuance of the Series A Bonds.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after April 1, 1980, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended. Any interested person may, not later than March 31, 1980 at 5:30 P.M., Eastern Standard Time, in writing, submit to the Commission, his views or any additional facts bearing upon 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, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission, by the Division of Corporation Finance pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 80-7299 Filed 3-7-80; 8:45 am]

BILLING CODE 8010-01-M

**[Rel. No. 11066; 812-4581]**

## John Hancock Mutual Life Insurance Co. and John Hancock Variable Account A-1; Filing of Application for an Order Granting Exemptions

March 4, 1980.

Notice is hereby given that John Hancock Variable Account A-1 (the "Account"), a diversified, open-end

management investment company registered under the Investment Company Act of 1940 (the "Act"), and John Hancock Mutual Life Insurance Company ("John Hancock", John Hancock Place, Boston, MA 02117), a mutual life insurance company incorporated under the laws of the State of Massachusetts (hereinafter collectively called "Applicants"), have filed an application on December 14, 1979 and an amendment thereto on February 25, 1980 for an order pursuant to Section 6(c) of the Act exempting Applicants from the provisions of Sections 14(a), 17(f) and 27(c)(2) of the Act and Rule 17f–2 thereunder. All interested persons are referred to the application on file with the Commission for the facts and representations contained therein, which are summarized below.

John Hancock established the Account as an investment medium for variable annuity contracts (the "Contracts") to be issued by John Hancock in connection with certain tax-qualified pension, profit-sharing and annuity purchase plans. The Contracts offered for sale by John Hancock, as principal underwriter of Account A–1, may be Single Payment Immediate or Deferred Contracts (hereinafter collectively called "Single Payment Contracts") or Periodic Payment Deferred Contracts ("Periodic Payment Contracts"). In the case of all Contracts, John Hancock will make deductions from purchase payments for sales and administrative expenses, for taxes, if any, based on the amount of the purchase payment and, in the case of Deferred Contracts, for the undertaking of John Hancock to pay a minimum death benefit. Under Periodic Payment Deferred Contracts, total deductions from purchase payments for sales expenses will equal 4.5% of the first $5,000 of purchase payments, 3.5% the next $5,000 of purchase payments, 2.5% of the next $15,000 of purchase payments, and 2% of any purchase payments over $25,000. The deductions under Periodic Payment Deferred Contracts for administrative expenses are 1.5% of every purchase payment. Further, under Periodic Payment Deferred Contracts a maintenance charge equal to the lesser of $10 or 2% of the value of the Contract will be deducted from the Contract annually.

Under Single Payment Contracts, the maximum deduction from any purchase payment for sales expenses will be 3.5% for either a Deferred or Immediate Contract. Additionally, there is an administrative expense deduction of $50 plus a maximum of 0.5% of the first $25,000 of the purchase payment under either kind of Single Payment Contract and a deduction under the Single Payment Deferred Contract of 0.5% of the purchase payment for the minimum death benefit.

**Section 14(a)**

Section 14(a) of the Act provides, in pertinent part, that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless the investment company has a net worth of at least $100,000. An exemption from this requirement for a separate account funding only "tax-benefited variable annuity contracts" is set forth in Rule 14a–2. The Rule, promulgated in 1969, does not include within the definition of "tax benefited variable annuity contracts" contracts used in connection with plans satisfying the requirements of Sections 408 or 457 of the Internal Revenue Code of 1954, as amended ("Code").

Applicants seek an exemption from the provisions of Section 14(a) of the Act, subject to the same conditions as are currently set forth in Rule 14a–2, to permit the allocation to the Account of purchase payments under Contracts issued in accordance with the provisions of Sections 408 or 457 of the Code.

Applicants assert that a separate account funding contracts issued in connection with Section 408 or Section 457 plans, in addition to "tax-benefited variable annuity contracts" as defined in Rule 14a–2, is entitled to precisely the same relief from Section 14(a) of the Act as a separate account funding only "tax-benefited variable annuity contracts." Applicants believe that the narrower definition found in Rule 14a–2 is due solely to the fact that Sections 408 and 457 of the Code did not exist at the time Rule 14a–2 was adopted and that the purpose of the Rule (as well as Rules 15a–3, 16a–1 and 32a–2), that of allowing the Account to avoid mingling monies received under "tax-benefited variable annuity contracts" with other funds, is equally served by allowing contracts issued in connection with Section 408 and 457 plans to be treated as "tax-benefited variable annuity contracts."

**Section 27(c)(2)**

Section 27(c)(2) of the Act prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by Section 26(a)(2) and (3) for trust indentures of a unit investment trust.

Applicants assert that all purchase payments received under the Contracts, after deductions for sales and administrative expenses, are to be applied or held for later application to the purchase of investments for the Account, of which John Hancock will have custody as owner and not as trustee. Exemption is requested from Section 27(c)(2) to permit all purchase payments received under the Contracts to be held and applied by John Hancock in the manner set forth in its Management Agreement which requires, in part, that moneys received for the Account be deposited in one or more cash accounts identified as assets of the Account maintained in one or more banks which will have the qualifications prescribed in paragraph (1) of Section 26(a) of the Act for trustees of unit investment trusts, but which banks will not act as trustee or custodian, or under an indenture or agreement meeting the requirements in Sections 26(a) (2) and (3).

**Section 17(f)**

Section 17(f) of the Act provides, in pertinent part, that every registered management company shall place and maintain its securities and similar investments in the custody of (1) a bank having the qualifications prescribed in Paragraph 1 of Section 26(a) for trustees of unit investment trusts; (2) a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934; or (3) such registered company, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rule 17f–2 provides, among other things, that such assets be placed in a bank subject to the requirements of the rule, one of which limits the persons who shall have access to such assets to only certain specific individuals.

Applicants request an exemption from the provisions of Section 17(f) and Rule 17f–2 to the extent necessary to permit the securities and similar investments of Account A–1 to be placed and maintained in the custody of John Hancock in its vault located at its Home Office in Boston, Massachusetts or in a securities depository in accordance with the terms and conditions of Rule 17f–4 under the Act.

In support of their requested exemptions from Section 27(c)(2), Section 17(f) and Rule 17f–2 thereunder, Applicants state that John Hancock is subject to extensive supervision and

regulation by the Commissioner of Insurance of Massachusetts, and to the applicable insurance laws in the other jurisdictions in which John Hancock does an insurance business. In addition, under Massachusetts law, John Hancock cannot abandon its obligations to owners or annuitants until they have been fully discharged, and the assets of the Account, equal to the reserves and other liabilities under the Contracts, are not chargeable with liabilities arising out of any other business that John Hancock may conduct.

Applicants further represent that John Hancock's vault is similar or superior in every respect to the vaults of most banks and that John Hancock maintains within it securities and other investments having a value in excess of $7,000,000,000. In addition, the supervisory functions of the Massachusetts Commissioner of Insurance include periodic inspections of John Hancock's operations. Applicants further state that the Account's investments will be physically segregated at all times, that its investments will at all times be subject to inspection by the Commission, that each person depositing or withdrawing investment will sign a notation in respect thereof, and that only certain designated persons will have access to the securities and other investments in the Account as follows: (1) two or more jointly of the not more than 10 officers or responsible employees of the Account or of John Hancock designated pursuant to a resolution of the Board of Managers of the Account; (2) properly authorized officers and employees of John Hancock; (3) for the purposes of verification, audit and examination, independent public accountants jointly with any of the persons designated above; and (4) authorized employees or agents of the state insurance regulatory authorities.

Section 6(c) authorizes the Commission upon application to conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act or the Rules and Regulations promulgated 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 have consented that any order granting the requested exemption from Section 27(c)(2) may be made subject to the conditions (1) that the charges under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved to the Commission for such purpose, and (2) that the payment of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Notice is further given that any interested person may not later than March 31, 1980 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued as of course following March 31, 1980 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. 80–7300 Filed 3–7–80; 8:45 am]

BILLING CODE 8010–01

**[Release No. 34–16619/March 3, 1980, File No. SR–PHLX–80–5]**

## Philadelphia Stock Exchange, Inc.; Proposed Rule Change; 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 25, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

### SRO'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 (the "Act") hereby proposes to amend Rules 1000 (Applicability, Definitions, References) and 1033 (Premium Bids and Offers). The texts of the proposed amendments are attached as Exhibit "A".

### SRO's Statement of Basis and Purpose Under the Act for Proposed Rule Change

The purpose of the proposed rule change is to provide the same limited priority for execution of combination orders as is currently provided under Rule 1033 for spread and straddle orders.

A combination order is an order to buy or to sell the same number of option contracts of each type (puts and calls) with respect to the same underlying stock but having a different exercise price and/or expiration date. Similar to spread and straddle orders, a combination order is a contingent order representing a combination of two orders (frequently referred to as the "legs" of the order). Under Exchange rules, spread straddle and combination orders may not be left with a Specialist; instead, they must either be executed immediately or held in the trading crowd. Under present Exchange rules, each "leg" of a combination order is treated as a separate order and no recognition is given to the uniqueness of such orders. Accordingly, situations can result whereby one "leg" of a combination order may be executed while the other "leg" can not because of the existence of a prior bid or offer which under Exchange rules, has priority.

The Exchange proposes to amend Rule 1033 in recognition of the similarity of combination orders to spread and straddle orders. The AMEX recently filed and obtained SEC approval of a similar amendment to their rules (See SR–AMEX 79–18).

Additionally, it is proposed that (1) Rule 1033 be amended to provide that brokers who have been given spread, straddle and combination orders are not held responsible for executions based upon transaction prices established at the opening or closing of trading and (2) Rule 1000 be amended to include definitions for spread, straddle and combination orders.

The basis for the proposed rule changes is found in Sections 6(b)(5) of the Act which provides, in pertinent part, that the rules of an exchange be designed to facilitate transactions in securities and to protect investors and the public interest.

Comments were not solicited or received.

The PHLX has determined that the proposed amendment will not impose any burden on competition.

On or before April 14, 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, NW., 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 31, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

March 3, 1980.

*Exhibit "A"*

(Brackets indicate deletions; italics indicate new language.)

*Rule 1000*

*28. Spread Order. A spread order is an order to buy a stated number of option contracts and to sell the same number of option contracts, or contracts representing the same number of shares at option, in a different series of the same class of options.*

*29. Straddle Order. A straddle order is an order to buy a number of call option contracts and the same number of put option contracts with respect to the same underlying security and having the same exercise price and expiration date; or an order to sell a number of call option contracts and the same number of put option contracts with respect to the same underlying security and having the same exercise price and expiration date. (e.g., an order to buy two XYZ July 50 calls and to buy two XYZ July 50 puts is a straddle order. In the case of adjusted option contracts, a straddle order need not consist of the same number of put and call contracts if such contracts both represent the same number of shares at option.*

*30. Combination Order. A combination order is an order to buy a number of call option contracts and the same number of put option contracts with respect to the same underlying security, which contracts do not have both the same exercise price and expiration date; or an order to sell a number of call option contracts and the same number of put option contracts with respect to the same underlying security, which contracts do not have both the same exercise price and expiration date. (e.g., an order to buy two XYZ April 50 calls and to buy two XYZ July 40 puts is a combination order.) In the case of adjusted option contracts, a combination order need not consist of the same number of put and call contracts if such contracts represent the same number of shares at option.*

*Rule 1033.*

(d) When a member holding a spread *order,* [or] *a* straddle order, *or a combination order* and bidding or offering on the basis of a total credit or debit for the order has determined that the order may not be executed by a combination of transactions with or within the bids and offers established in the marketplace, then the order may be executed as a spread, [or] straddle, *or combination* at the total credit or debit with one other member without giving priority to either bids or offers established in the marketplace that are not better than the bids or offers comprising such total credit or debit, provided that, *(i)* in executing a spread order, the member does not buy at the established bid for the option contract to be bought and sell at the established offer for the option contract to be sold or, *(ii)* in executing a straddle *or combination* order, the member does not either buy both sides of the order at the established bids or sell both sides of the order at the established offers.

*Commentary*

*.01 With respect to paragraph (d) of this rule a broker who has been given a spread order, or a straddle order or a combination order shall not be held responsible for an execution based upon transaction prices that are established at the opening or close of trading.*

[FR Doc. 80-7297 Filed 3-7-80; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Docket No. AC 25.1309-X]**

### Advisory Circular for Airplane System Design Analysis

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Draft Advisory Circular and request for comments.

**SUMMARY:** The draft Advisory Circular on Airplane System Design Analysis is intended to provide guidance material for demonstrating compliance with the requirements of Part 25 of the Federal Aviation Regulations, which include probablistic terms, as introduced by Amendment 25-23, for airplane equipment, systems, and installation.

**DATES:** Comments must identify the docket number and be received on or before May 9, 1980.

**ADDRESS:** Send all comments on the draft Advisory Circular to: Federal Aviation Administration, Attention: Systems Branch (AWS-130), 800 Independence Avenue SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert J. Huhn, Systems Branch, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone (202) 426-8395. Comments received on the draft Advisory Circular may be inspected at Room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue SW., Washington, D.C. 20591, between 8:30 a.m. and 5 p.m.

**SUPPLEMENTARY INFORMATION**

**Comments Invited**

Although comments are solicited on all aspects of the draft Advisory Circular, the FAA is specifically interested in comments on paragraph 5(f) dealing with mandatory fixed interval maintenance and flightcrew checks as basis for computing failure probabilities. A copy of the draft Advisory Circular may be obtained by contacting the person identified under "For Further Information Contact."

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

**Jerold M. Chavkin,**

*Acting Director of Airworthiness.*

[FR Doc. 80-7054 Filed 3-7-80; 8:45 am]

BILLING CODE 4910-13-M

## Federal Railroad Administration

### Amtrak Employee Compensation and Incentive Commission; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I), notice is hereby given for the second meeting of the Amtrak Employee Compensation and Incentive Commission in room 8238 of the U.S. Department of Transportation in Washington, D.C. to begin at 9:00 a.m. on March 18, 1980. The purpose of the meeting is to discuss current salaries and incentives paid to officers and employees of Amtrak and other appropriate matters that may be brought before the Commission. Attendance is open to the interested public as limited by space available except for certain limited portions of meetings which will be closed by the Commission pursuant to authority granted by the Secretary of Transportation.

Further information may be obtained by contacting the Rail Passenger Programs Division, Federal Railroad Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-755-9332.

Issued in Washington, D.C. on February 28, 1980.

**William C. Harsh, Jr.,**

*Chief, Rail Passenger Programs Division.*

[FR Doc. 80-7053 Filed 3-7-80; 8:45 am]

BILLING CODE 4910-06-M

## Federal Highway Administration

### Environmental Impact Statements; Notice of Intent and Scoping Meetings

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Highway Administration (FHWA) is issuing this notice to advise the public that a decision has been made to prepare environmental impact statements for proposed highway projects in Otsego and Montmorency Counties, Michigan, and in Cheshire County, New Hampshire. Scoping meetings will be held.

**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, and the Department of Transportation's procedures for considering environmental impacts, the FHWA hereby gives notice that environmental impact statements (EIS's) will be prepared and scoping meetings held for the following proposed Federal-aid highway projects:

**Otsego and Montmorency Counties, Michigan**

The FHWA, in cooperation with the Michigan Department of Transportation (MDOT), will be preparing an EIS on a proposal to upgrade 26 miles of Michigan Route 32 (M-32) from Turtle Lake Road in Otsego County to one-mile east of the M-32/33 junction in Atlanta (Montmorency County). M-32 is a major east-west route connecting the cities of Gaylord and Alpena and is used by commercial and recreational traffic, as well as local and through automobile traffic. The segment under study is critically deficient in both its surface and base conditions. It is also critically deficient in its safety rating because of its poor condition and many hills and curves. In addition, seasonal weight restrictions are imposed each year. Upgrading the segment under study to a two-lane all-season trunkline would correct these deficiencies.

Alternatives under study include the Do-Nothing Alternative, upgrading M-32 along its existing alignment, and relocating major portions of M-32. If the existing alignment is used, M-32 would either be upgraded on the existing road using detours and partial-width construction to maintain M-32 traffic, or to one side of the existing road in order to maintain traffic on M-32. Two relocation alignments are also being studied, both being shorter and straighter than the existing alignment.

All of the alternatives would correct the deficiencies on M-32 with varying degrees of social, economic and environmental impacts. Other alternatives which were studied include the Alternate Mode of Transportation and the Low Capital Investment Alternatives.

Potential impacts of the project include dislocation of homes and businesses, possible bypassing of small communities, disruption of residents and the public using the road during construction, possible secondary development where undeveloped land is crossed, severing large blocks of remote forestland, loss of wildlife habitat, some destruction of small wetlands, possible sedimentation of two creeks and some alteration of surface waters.

A preliminary scoping document has been prepared by the MDOT and FHWA. It is available to all interested agencies, organizations and individuals. The U.S. Fish and Wildlife Service, Corps of Engineers and Environmental Protection Agency are expected to have a permit approval or commenting responsibility on the action and will be requested to be cooperating agencies. To ensure that the full range of issues are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. A public meeting was held on June 15, 1978, to solicit the comments and viewpoints of the public. An agency scoping meeting will be held at 1:00 p.m., Tuesday, March 18, 1980, Federal Highway Administration, Room 211, Federal Building, Lansing, Michigan.

Information concerning the proposed project, the scoping document and scoping meeting may be obtained by contacting: Mr. Kenneth L. Barkema, District Engineer, Federal Highway Administration, P.O. Box 10147, Lansing, Michigan 48901, Telephone: (517) 377-1851; or Mr. Jack E. Morgan, Manager, Public Involvement Section, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan 48909, Telephone: (517) 373-2166.

**Cheshire County, New Hampshire**

The FHWA, in cooperation with the New Hampshire Department of Public Works and Highways (N.H. Department), will be preparing an EIS on a possible improvement to N.H. Route 101 in the town of Dublin. The section of route under consideration for improvement is approximately seven (7.0) miles long. Twelve improvement alternatives and the do-nothing alternative were initially considered. Eleven of these twelve alternatives were on new location. The improvement alternatives were in varying lengths of 2.8 miles to 9.5 miles.

The proposed improvement is intended to benefit traffic operating conditions. A new location route would remove through traffic from the developed village area, the steep grade

(10%) approaching the village, and a series of sharp reverse curves (27 degrees maximum).

The proposal has an extensive history of coordination with Federal, State, local, and regional agencies and organizations. In addition, five public informational meetings concerning traffic, engineering, environmental, social, economic, and land use issues have been held. Information from the coordination effort and the informational meetings has revealed that possible impacts to historic properties, recreation areas and trails, wetlands, and aesthetic features would occur. Other potential impacts include the relocation of residents and businesses, stream relocations and lake crossings, highway noise intrusions, and encroachment on wildlife habitat. The severity of the impacts will depend on the alternative selected.

Following the coordination effort and the extensive public involvement process, the N.H. Departments Interdisciplinary Evaluation Team recommended, due to specific impacts, that certain alternatives be dropped from further consideration. However, to ensure that the full range of issues related to all alternatives are addressed and all significant issues identified a scoping meeting will be held at the N.H. Department's headquarters, Room 3, 85 Loudon Road, Concord, New Hampshire, on April 21, 1980, at 1:00 p.m.

The Advisory Council on Historic Preservation, the U.S. Fish and Wildlife Service, and the Corps of Engineers will be requested to become cooperating agencies. The following additional agencies will be invited to the scoping meeting: the Soil Conservation Service, the Department of Housing and Urban Development, the Environmental Protection Agency, the Heritage Conservation and Recreation Service, and the Water Resources Council. Other agencies, organizations, and individuals interested in submitting comments or attending the scoping meeting should contact: Mr. William F. O'Donnell, Area Engineer, Federal Highway Administration, Federal Building, 55 Pleasant Street, Concord, New Hampshire 03301, Telephone: (603) 224–3385; or Mr. Frederic C. Murphy, Coordinator, Environmental Impact Evaluations, N.H. Department of Public Works and Highways, 85 Loudon Road, Concord, New Hampshire 03301, Telephone: (603) 271–3344.

Issued on March 6, 1980.

**John S. Hassell, Jr.,**

*Deputy Administrator.*

[FR Doc. 80-7422 Filed 3-7-80; 8:45 am]

BILLING CODE 4910-22-M

## National Highway Traffic Safety Administration

**[Docket NO. IP80–3; Notice 1]**

### Volkswagen of America; Receipt of Petition for Determination of Inconsequential Noncompliance

Volkswagen of America, Inc. of Warren, Michigan, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.205, Motor Vehicle Safety Standard No. 205, *Glazing Materials,* on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S6.4 of Standard No. 205 requires that each manufacturer who cuts a section of glazing material for use in a motor vehicle shall mark the material to identify it. Volkswagen imported 505 replacement windshields in 1977, 1978, and 1979 for its Thing, an unknown number of which (but not more than 398) were not marked AS–1 in accordance with the standard. Volkswagen argues that the noncompliance is inconsequential as the windshields are certified as meeting Standard No. 205 and, in fact, other than the omitted marking, comply with all requirements.

Interested persons are invited to submit written data, views and arguments on the petition of Volkswagen of America, Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, Room 5108, National Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: April 9, 1980.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on March 3, 1980

**Michael M. Finkelstein,**

*Associate Administrator for Rulemaking*

[FR Doc. 80-7214 Filed 3-7-80; 8:45 am]

BILLING CODE 4910-59-M

**[Docket No. IP80–01; Notice 1]**

### White Motor Corp.; Receipt of Petition for Determination of Inconsequential Noncompliance

White Motor Corporation of Eastlake, Ohio, has petitioned to exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.127, Motor Vehicle Safety No. 127, *Speedometers and Odometers.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with sec-157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Beginning September 1, 1979, paragraph S4.1.4 of Standard No. 127 requires the figure "55" to appear on speedometers and highlighted. White believes that it has inadvertently produced seven vehicles before October 23, 1979, equipped with old-style speedometers that do not comply with S4.1.4. It argues that the noncompliance is inconsequential because the vehicles are heavy duty diesel powered trucks fitted with governors, and are typically capable of top speeds varying from 50 and 60 mph. The trucks otherwise meet Standard No. 127. White also believes the noncompliance is not safety related and that a recall would inconvenience the owners and dicourage them from having real safety problems corrected in the future.

Interested persons are invited to submit written data, views and arguments on the petition of White Motor Corp. decribed above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It

is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment Closing Date: April 9, 1980.

(Sec. 102, Pub. L. 93–492, 99 Stat. 1480 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on March 1, 1980.

**Michael M. Finkelstein,**

*Associate Administrator for Rulemaking.*

[FR Doc. 80-7215 Filed 3-7-80; 8:45 am]

BILLING CODE 4910-59-M

## Comfort and Convenience of Safety Belts; Public Meeting

The National Highway Traffic Safety Administration (NHTSA) will hold a public meeting on March 26, 1980 to present the results of two contracted research studies. One study evaluated the comfort and convenience of safety belts in 1980 vehicles and the second assessed restraint system usage in the United States.

The meeting will be held in Room 2230 at the DOT (Nassif Building) at 400 Seventh Street, S.W., Washington, D.C., beginning at 1 p.m.

First, a short overview of each study's findings will be given. Then questions from the public will be answered. Following the overview, more technical and detailed briefings will be given.

The first study to be presented was conducted by Verve Research Corporation of Rockville, Maryland. This study had three purposes. The first was to evaluate safety belt comfort and convenience aspects in 36 representative 1980 model cars, light trucks, and vans including several automatic belt systems. More than 100 used the safety belts in the 36 vehicles and were asked to evaluate various aspects of the belts which were related to comfort and convenience. The presentation will describe the extent of comfort and convenience problems in these new vehicles, as well as indicate how the belt systems in the 36 vehicles compared to each other. The second purpose was to test the safety belt systems to determine how well they complied to proposed new Federal regulations for comfort and convenience. The third purpose was to test the compatibility of child restraint devices with the safety belt systems in these vehicles.

The Second study to be presented was conducted by Opinion Research Corporation from Princeton, New Jersey. During this study, observations were made of safety belt, child restraint, and motorcycle helmet usage. Restraint usage was observed in approximately 200,000 cars that were stopped for traffic signals in 19 city areas between November 1977 and December 1979. Motorcycle helmet data were collected over a 6-month period in 1979. Data also will be presented that describes the position of occupants in car and their posture (sitting, standing, lying, etc.) by various age categories (infant through adult).

A summary of each study will be available at the end of the meeting. Additional information may be obtained from Mr. Peter Ziegler, Office of Driver and Pedestrian Research, Room 6240, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202–755–8753.

Issued in Washington, D.C. on March 4, 1980.

**Wm. H. Marsh,**

*Executive Secretary.*

[FR Doc. 80-7332 Filed 3-7-80; 8:45 am]

BILLING CODE 4910-59-M

## Urban Mass Transportation Administration

### Sacramento, Calif. I–80 Bypass Corridor; Intent To Prepare an Environmental Impact Statement

In accordance with the provisions of the National Environmental Policy Act (83 Stat. 852) the Council on Environmental Quality's implementing regulations (40 CFR Parts 1500–1508) and the Urban Mass Transportation Administration's Policy on Major Urban Mass Transportation Investments (published in the **Federal Register** on September 22, 1976), the Urban Mass Transportation Administration hereby gives notice that an analysis of transportation alternatives in the Sacramento I–80 Bypass Corridor and preparation of related Draft and Final Environmental Impact Statements are to begin following the public meeting on March 26, 1980 at which time the scope and conduct of the analysis will be discussed. Members of the public and interested Federal, State and local agencies are invited to comment on the proposed scope of work, the alternatives to be studied and the evaluation criteria which should be used to arrive at a decision. This Scoping Meeting will be held at 7:30 p.m. in the Sacramento Convention Center, Placer/Sutter Room, 14th and K Streets, Sacramento, California.

The subject alternatives analysis will be conducted by the Sacramento Regional Area Planning Commission (SRAPC) and an areawide Joint Policy Steering Committee (comprised of City of Sacramento, Regional Transit, Sacramento County, SRAPC and Caltrans officials) in cooperation with the Urban Mass Transportation Administration. Consultant support will also be used in this effort.

The I–80 Bypass Corridor is broadly defined as that area lying north and east of the Sacramento Central City Area and principally served by the I–80 and I–880 freeways, Arden Way, El Camino Avenue, Marconi Avenue, Madison Avenue, and Greenback Lane. The I–80 corridor provides for transportation between the communities of Rio Linda, North Sacramento, North Highlands, Citrus Heights, Orangevale, East Sacramento and the Central City, as well as points south and west. The U.S. 50 freeway, which lies south of the American River, provides complementary transportation service to many of these communities. Within the broadly defined I–80 Bypass corridor lies 60 percent of the employment in Sacramento County, or approximately 150,000 employees. Also within this corridor is approximately 54 percent of the County's population or 402,000 persons.

The alternatives proposed for study include the following: 1. Construction of a guideway transit line haul light rail facility.

2. Construction of a High Occupancy Vehicle (HOV) facility, e.g., exclusive bus and/or carpool lanes.

3. Transportation System Management (TSM) strategies utilizing minor capital improvements and changes to the present transportation system including programs such as transit service improvements, signal pre-emptions, and ramp metering on highways and arterial in the I–80 corridor.

4. Do Nothing (Baseline) alternative designed to maintain the present transportation system. This strategy would provide one basis for comparing the other alternatives.

The proposed evaluation criteria will include transportation, environmental, social, economic and financial impacts, areas as required by current Federal (NEPA) and State (CEQA) environmental laws and current Federal CEQ, UMTA, and FHWA guidelines. Additional impact areas and measures

important to local decision-making will also be included.

At the March 26 Scoping Meeting staff will present the above information in more detail using maps and visual aids, as well as a plan for an active citizen participation program, a work schedule and budget. The public and affected public agencies will be invited to comment, either orally at the meeting or in writing for a period of thirty days following the meeting. Appropriate adjustments to the work scope and alternatives will be made accordingly.

If there are any questions, please contact the UMTA Project Manager, Edward L. Thomas, Office of Planning Assistance, Urban Mass Transportation Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone (202) 426–2360, or the UMTA Regional Office Planning Representative, Mr. Michael Kennedy, 2 Embarcadero Center, San Francisco, California 94111, telephone (415) 556–2884 or the local agency responsible officials, Mr. Mike Hoffacker or John Schumann, Sacramento Regional Area Planning Commission, 800 H Street, Sacramento, California 95804, telephone (916) 441–5930.

Dated: February 29, 1980.

**Robert H. McManus,**

*Associate Administrator for Planning, Management and Demonstrations.*

[FR Doc. 80-7301 Filed 3-7-80; 8:45 am]

BILLING CODE 4910-57-M

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## DEPARTMENT OF THE TREASURY

**[Clarification of Notice No. 80-4]**

### Health Hazards Related to Alcoholic Consumption; Information Required To Furnish a Joint Agency Report to the President and the Congress as Required by Pub. L. 96-180; Clarification

On February 26, 1980, The Department of Health, Education, and Welfare and the Department of Treasury jointly published in the **Federal Register** (45 FR 12577) a notice with invitation to comment. Although not stated explicitly in the previous request, comments for the report to be prepared in response to Pub. L. 96-180 will be reviewed jointly by Departments of Treasury and Health, Education, and Welfare.

Approved: March 4, 1980.

**Richard J. Davis,**

*Assistant Secretary, (Enforcement and Operations).*

**Julius B. Richmond,**

*Assistant Secretary for Health and Surgeon General.*

[FR Doc. 80-7263 Filed 3-7-80; 8:45 am]

BILLING CODE 4810-31-M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

**[Order No. 101-16]**

### Change in Supervision of the Fiscal Assistant Secretary

March 1, 1980.

Pursuant to the authority vested in me by Reorganization Plan No. 26 of 1950, it is ordered that:

1. *The Fiscal Assistant Secretary* shall be under the supervision of the Under Secretary, and shall exercise supervision over the *Commissioner, Bureau of Government Financial Operations,* and the *Commissioner of the Public Debt.*

2. This Order is effective immediately.

3. Treasury Order No. 101-5 will be updated accordingly.

**G. William Miller,**

*Secretary of the Treasury.*

[FR Doc. 80-7290 Filed 3-7-80; 8:45 am]

BILLING CODE 4810-25

**[Order Number: 101-17]**

### Change in Supervision of the Assistant Secretary (Domestic Finance)

March 1, 1980.

Pursuant to the authority vested in me by Reorganization Plan No. 26 of 1950, it is ordered that:

1. *The Assistant Secretary (Domestic Finance)* shall be under the supervision of the Secretary, and shall report to the Secretary through the Deputy Secretary, including reporting for debt management purposes.

2. This Order is effective immediately.

3. Treasury Order No. 101-5 will be updated accordingly.

**G. William Miller,**

*Secretary of the Treasury.*

[FR Doc. 80-7289 Filed 3-7-80; 8:45 am]

BILLING CODE 4810-25

### Secret Service

### Performance Review Boards; Appointment of Members

**AGENCY:** Secret Service, Treasury.

**ACTION:** This notice announces the appointment of members of Senior Executive Service Performance Review Boards (PRB) in accordance with 5 U.S.C. 4314(c)(4)

Each session of the Performance Review Board will be attended by the Deputy Director—U.S. Secret Service, who will serve as Chairman, and at least two of the Senior Executive Service members listed below. The names and titles of PRB members are as follows:

Myron I. Weinstein, Deputy Direct—U.S. Secret Service (Chairman)
Robert E. Powis, Assistant Director—Investigations
John R. Simpson, Assistant Director—Protective Operations
Robert R. Burke, Assistant Director—Protective Research
Horace J. Gibbs, Assistant Director—Inspection
Frederick N. White, Jr., Assistant Director—Administration
William R. Barton, Assistant to the Director—Training
John W. Warner, Jr., Assistant to the Director—Public Affairs
James R. D'Amelio, Deputy Assistant Director—Investigations
Gerald W. Bechtle, Deputy Assistant Director—Protective Operations
Robert R. Snow, Deputy Assistant Director—Protective Research.

**FOR FURTHER INFORMATION CONTACT:** Wesley Bishop, Chief, Personnel Division, Room 912, 1800 G St., NW., Washington, D.C. 20223, Telephone No. 202–535–5800.

**H. S. Knight,**

*Director.*

[FR Doc. 80-7293 Filed 3-7-80; 8:45 am]

BILLING CODE 4810-42

# Sunshine Act Meetings

Federal Register
Vol. 45, No. 48
Monday, March 10, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

**NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** S12–80 filed January 3, 1980; 11 a.m.

**DATE AND TIME:** March 14, 1980; 9:30 a.m. to 3:30 p.m.

**PLACE:** Room 823, National Institute of Education, 1200 19th Street NW., Washington, D.C.

**STATUS:** Open to the Public.

**MATTERS TO BE CONSIDERED:** The National Council on Educational Research will meet to discuss the following:

(1) Djscussion of Legislative and Administrative Developments.
(2) Dissemination Policy: Action on NCER Program Committee Recommendations.

The time of these discussions will be announced on Monday, March 10, 1980.

**CONTACT PERSON FOR MORE INFORMATION:** Ella L. Jones, Administrative Coordinator, Telephone: 202/254–7900.

Peter H. Gerber,

*Chief, Policy and Administrative Coordination, National Council on Educational Research.*

[FR Doc. S–472–80 Filed 3–6–80; 12:35 pm]

BILLING CODE 4110–39–M

2

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.**

**TIME AND DATE:** 9:30 a.m. (eastern time), Tuesday, March 11, 1980.

**PLACE:** Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E. Street NW., Washington, D.C. 20506.

**STATUS:** Part will be open to the public and part will be closed to the public.

**MATTERS TO BE CONSIDERED:**

*Open to the public*

1. Reorganization of the Office of Government Employment.
2. Freedom of Information Act Appeal No. 79–12–FOIA–475, concerning requests for procurement requisitions, records of disciplinary actions and miscellaneous internal memoranda.
3. Freedom of Information Act Appeal No. 79–12–FOIA–477, concerning a request for the investigator's memorandum concerning a charge of discrimination.
4. Proposed contract for processing 1979 EEO–2, 2E and 3 Surveys.
5. Proposed contracts for services needed in connection with court cases.
6. Report on Commission Operations by the Executive Director.

*Closed to the public*

Litigation Authorization; General Counsel Recommendations

**Note.**—Any matter not discussed or concluded may be carried over to a later meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634–6748.

This notice issued, March 4, 1980.

[FR Doc. S–474–80 Filed 3–6–80; 3:33 pm]

BILLING CODE 6570–06–M

3

**FEDERAL ENERGY REGULATORY COMMISSION.**

March 3, 1980.

**AGENCY HOLDING MEETING:** Federal Energy Regulatory Commission.

**TIME AND DATE:** 10 a.m., March 10, 1980.

**PLACE:** 825 North Capitol Street, NE., Washington, D.C. 20426, Room 9306.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** FERC staff will describe generally basic elements of the several pending pipeline applications for transporting natural gas from the Overthrust Belt Region to existing pipeline systems and markets. The presentation will include an overview of the general gas supply situation, environmental considerations, a description of the status of the applications and a review of opposition expressed to date.

**CONTACT PERSON FOR MORE INFORMATION:** Kenneth F. Plumb, Secretary, Telelphone (202) 357–8400.

[FR Doc. S–470–80 Filed 3–6–80; 12:35 pm]

BILLING CODE 6450–85–M

4

**FEDERAL ENERGY REGULATORY COMMISSION.**

March 14, 1980.

The following notice of meeting is published pursuant to Section 3(a) of the government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

**AGENCY HOLDING MEETING:** Federal Energy Regulatory Commission.

**TIME AND DATE:** 10 a.m., March 12, 1980.

**PLACE:** 825 North Capitol Street, NE., Washington, D.C. 20426, Room 9306.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Agenda.

**Note.**—Items listed on the agenda may be deleted without further notice.

**CONTACT PERSON FOR MORE INFORMATION:** Kenneth F. Plumb, Secretary, Telephone (202) 357–8400.

This is a list of matters to be considered by the Commission, it does not include a listing of all papers relevant to the items on the agenda. However, all public information may be examined in the Office of Public Information.

**Power Agenda—442d meeting, March 12, 1980, Regular Meeting (10 a.m.)**

CAP–1. Project No. 1097, Leonard Lundgren.
CAP–2. Project No. 2746, Nebraska Public Power District.
CAP–3. Docket No. EL79–18, Public Service Co. of New Mexico.
CAP–4. Docket No. ER80–114, Columbus and Southern Ohio Electric Co.
CAP–5. Docket No. ER79–370, Consolidated Edison Co.
CAP–6. Docket No. ER77–549, Tampa Electric Co. and Florida Power Corp.; Docket No. ER77–550, Tampa Electric Co. and Florida Power & Light Co.; and Docket No. ER77–516, Florida Power Corp. and Florida Power & Light Co.
CAP–7. Docket No. E–9469 and ER76–377, Lockhart Power Co.
CAP–8. Docket Nos. ER78–337 and ER78–338 (phase II), Public Service Co. on New Mexico.
CAP–9. Docket No. ER78–355, Lockhart Power Co.
CAP–10. Docket No. EL79–29, Municipal Electric Utilities Association.

CAP–11. Docket No. ES80–21, Gulf States Utilities.

**Miscellaneous Agenda—442d Meeting, March 12, 1980; Regular Meeting**

CAM–1. Docket No. GP79–81, J. P. Owen & Co. Inc.
CAM–2. Docket No. OR80–1, Request of the Federal inspector for documents.

**Gas Agenda—442d meeting, March 12, 1980, Regular Meeting**

CAG–1. Docket No. RP80–22, East Tennessee Natural Gas Co.; Docket No. RP80–43, Cities Service Gas Co.
CAG–2. Docket No. TA80–1–23 and RP72–134 (PGA80–3, IPR80–2 and DCA80–1), Eastern Shore Natural Gas Co.
CAG–3. Docket No. RP72–136 (PGA79–2), Florida Gas Transmission Co.
CAG–4. Docket Nos. RP78–52 and RP79–22, Consolidated Gas Supply Corp.
CAG–5. Docket No. RP72–6 (environmental phase), El Paso Natural Gas Co.
CAG–6. Docket Nos. RI77–131 and CS71–356, South States Oil & Gas Co.
CAG–7. FPC Gas rate schedule No. 112, Ashland Oil, Inc. (operator, et al.)
CAG–8. Docket No. CI74–319, James M. Forgotson V. Federal Energy Regulatory Commission.
CAG–9. Docket No. CI79–651, Conoco, Inc.; Docket No. CI80–6, Sun Oil Co.; Docket No. CI79–493, Texas Eastern Exploration Co.; Docket No. CI80–150, Amerada Hess Corp.; Docket Nos. CI76–450, CI78–519, CI75–522, et al., and CI80–10, Gulf Oil Corp.; Docket No. G–3359, et al., Phillips Petroleum Co.; et al.; Docket No. CI78–108, Superior Oil Co.; Docket No. CI80–32, Transco Exploration Co.; Docket No. CI78–902, MRT Exploration Co.; Docket No. G–14396, Southland Royalty Co.; Docket No. C179–247, Warren Petroleum Co.; Docket Nos. CI73–3 and CI73–4, Energy Reserves Group, Inc.; Docket No. CI78–1193, Phillips Petroleum Co.; and Docket No. CI79–681, Mobil Oil Exploration & Producing Southeast, Inc.
CAG–10. Docket Nos. CI78–519, CI79–44, CI79–631, Gulf Oil Corp.
CAG–11. Docket No. TC79–8, Transcontinental Gas Pipe Line Corp.
CAG–12. Docket No. CP78–532, Ozark Gas Transmission System.
CAG–13. Docket Nos. CP74–289, CP73–334, CP75–360 and CP78–500, El Paso Natural Gas Co.
CAG–14. Docket No. CP79–417, Northwest Pipeline Corp.
CAG–15. Docket Nos. CP75–287 and CP75–110, Northwest Pipeline, Corp. and Washington Natural Gas Co.
CAG–16. Docket No. CP78–171, Southern Natural Gas Co. Texas Gas Transmission Corp., and United Gas Pipe Line Co.
CAG–17. Docket No. CP80–36, Trunkline Gas Co.
CAG–18. Docket No. CP77–478, Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.
CAG–19. Docket No. CP80–127, El Paso Natural Gas Co.; Docket No. CP80–156, Texas Eastern Transmission Corp.; and Docket No. CP80–163, Northwest Pipeline Corp.
CAG–20. Docket No. CP77–57, Columbia Gas Transmission Corp.; Docket No. CP77–123, Alabama-Tennessee Natural Gas Co.; and Docket No. CP77–541, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG–21. Docket No. CP80–134, Panhandle Eastern Pipe Line Co.; and Docket No. CP80–151, Transcontinental Gas Pipe Line Corporation.
CAG–22. Docket No. CP80–77, United Gas Pipe Line Co.
CAG–23. Docket No. CP–60, United Gas Pipe Line Co.
CAG–24. Docket No. CP79–505, Natural Gas Pipeline Co. of America.
CAG–25. Docket No. CP80–111, Locust Ridge Gas Co.

**Power Agenda—442d Meeting, March 12, 1980, Regular Meeting**

*Electric Rate Matters*

ER–1. Docket No. ER76–205, Southern California Edison Co.
ER–2. Docket No. ER77–578, Kansas Gas & Electric Co.
ER–3. Docket No. ER76–716, Indiana & Michigan Electric Co.
ER–4. Docket No. ER77–533 (phase I), Louisiana Power & Light Co.
ER–5. Docket Nos. ER77–354 and ER78–14, Missouri Utilities Co.
ER–6. Docket Nos. ER78–229, et at., Indiana & Michigan Electric Co.
ER–7. Docket Nos. E–9520 and ER77–531, Illinois Power Co.
ER–8. Docket Nos. EL79–26 and ER79–600, Central Power & Light Co.

**Miscellaneous Agenda—442d Meeting, March 12, 1980, Regular Meeting**

M–1. Docket No. RM79–49, Calculation of cash working capital allowance for electric utilities.
M–2. Docket No. RM79–54, Small power production and cogeneration facilities—qualifying status.
M–3. Reserved.
M–4. Reserved.
M–5. Docket No. RM78–15, Rules relating to investigations.
M–6. Docket No. RM80– , Section 109 of the NGPA.
M–7. Docket No. RM79–30, final part 276 regulations under the NGPA of 1978.
M–8. Docket No. RM 79–30, final part 276 regulations under the Natural Gas Policy Act of 1978.
M–9. Docket No. RM80–14, final regulations under sections 105 and 106(b) of the Natural Gas Policy Act of 1978.
M–10. Docket Nos. CI79–104 and CI75–438, Columbia Gas Development Corp. & Coleve Joint Venture

**Gas Agenda—442d Meeting, March 12, 1980, Regular Meeting**

*I. Pipeline Rate Matters*

RP–1. Docket No. OR79–1, Williams Pipe Line Co. and Docket No. OR78–1, Trans Alaska Pipeline System.

*II. Producer Matters*

CI–1. Docket No. G–1713, Trice Production Co.; Docket No. G–18516, Oleum Inc.; and Docket No. RI60–234, Trice Production Co.
CI–2. Docket No. CS76–842, Devon Corp. and Docket No. CS71–631, Bason Oil Co.

*III. Pipeline Certificate Matters*

CP–1. Docket No. TC80–26, Southern Natural Gas Co.
CP–2. Docket No. CP79–234, Algonquin Gas Transmission Co.; Docket No. CP79–338, Texas Eastern Transmission Corp.; Docket No. CP79–339, Texas Eastern Transmission Corp.; Docket No. CP79–368, Transcontinental Gas Pipeline Corp.; and Docket No. CP79–369, Transcontinental Gas Pipeline Corp.
CP–3. Docket No. CP78–123, et al., Northwest Alaskan Pipeline Co.; and Docket No. CP78–124, Northern Border Pipeline Co.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. S–471–80 Filed 3–6–80; 12:35 pm]

BILLING CODE 6450–85–M

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5

**FEDERAL HOME LOAN BANK BOARD.**

**TIME AND DATE:** 9:30 a.m., March 13, 1980.

**PLACE:** 1700 G Street NW., Sixth Floor, Washington, D.C.

**STATUS:** Open meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Marshall (202–377–6677).

**MATTERS TO BE CONSIDERED:**

Application for Branch Office—Savers Federal Savings and Loan Association, Little Rock, Ark.
Application for Branch Office—Central Federal Savings and Loan Association, San Diego, Calif.
Application for Branch Office—First Federal Savings and Loan Association of New Albany, New Albany, Ind.
Application for Branch Office—Valley Federal Savings and Loan Association, Van Nuys, Calif.
Application for Branch Office—Security First Federal Savings and Loan Association, Pittsburgh, Pa.
Application for Branch Office—Wolverine Federal Savings and Loan Association, Midland, Mich.
Application for Branch Office—State Federal Savings and Loan Association, Beatrice, Nebr.
Application for Branch Office—Great Lakes Federal Savings and Loan Association, Ann Arbor, Mich.
Application for Branch Office—American Federal Savings and Loan Association of Madison, Madison, S.D.
Redesignation of Home and Branch Office Application—Century Federal Savings and Loan Association, Pittsburgh, Pa. and Branch Office Application—Century Federal Savings and Loan Association, Pittsburgh, Pa.
Application for Limited Facility—Heritage Federal Savings and Loan Association, Daytona Beach, Fla.
Service Corporation Activity—First Federal Savings and Loan Association of Nevada, Reno, Nev.
Service Corporation Activity VISA Credit Card Program—Standard Federal Savings and Loan Association, Gaithersburg, Md.

Membership and Insurance Applications—Future Savings and Loan Association, Albany, Oreg.
Request for a Commitment to Insure Accounts—Universal Savings and Loan Association, Kingman, Ariz.
Requests for Commitment to Insure Accounts and for Bank Membership—Collierville Savings and Loan Association, Collierville, Tenn.
Request for a Commitment to Insure Accounts—Hibernia Savings and Loan Association, Sparks, Nev.
Bank Membership and Insurance of Accounts—Independence Savings and Loan Association, Gonzales, Tex.
Permission to Organize a New Federal—Ben H. Land, et al., Shreveport, La.
Preliminary Application for Conversion into a Federal Mutual Association—Perpetual Building and Loan Association, Anderson, S.C.
Preliminary Application for Conversion into a Federal Mutual Association—Home Savings and Loan Association, Dunn, N.C.
Preliminary Application for Conversion to Federal Mutual Charter—Morris Savings and Loan Association, Morris, Ill.
Preliminary Application for Conversion on Basis of Merger—United Savings and Loan Association of Troy, Troy, Ill. into Madison County Federal Savings and Loan Association, Granite City, Ill.
Application to Convert from the Federal Mutual to the Federal Stock Form of Organization—Peoples Federal Savings and Loan Association, Roanoke, Va.
Application for Permission to Convert to a Federal Chartered Stock Association—Warsaw Federal Savings and Loan Association, Warsaw, Ind.
Application for Permission to Convert to a Federally Chartered Stock Form—Cecil Federal Savings and Loan Association, Elkton, Md.
Termination of Insurance and Refund of Secondary Reserve—Community Savings and Loan Association, Mount Vernon, N.Y.
Termination of Insurance and Refund of Pro Rata Share of Secondary Reserve—Westchester County Savings and Loan Association, Ossining, N.Y.
Application for Permission to Convert to a Federal Chartered Stock Association—Builders Federal Savings and Loan Association of Rocky Mount, Rocky Mount, N.C.
Regulation on Monitoring Fair Lending Practices.
Application to Acquire City Savings and Loan Association, San Angelo, Tex. by Lamar Savings Association and Lamar Financial Corporation, Austin, Tex.

[S-473-80 Filed 3-6-80; 3:33 pm]

BILLING CODE 6720-01-M

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6

**NATIONAL TRANSPORTATION SAFETY BOARD.**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 45 FR 13863, March 3, 1980.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** 9 a.m. [NM-80-11], Thursday, March 6, 1980.

**CHANGE IN MEETING:** A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. *Safety Effectiveness Evaluation.*—National Highway Traffic Safety Administration's Rulemaking Process; Volume 4: Analysis, Conclusions, and Recommendations.
2. *Letter* to the National Highway Traffic Safety Administration re plans for evaluating the effectiveness of Federal Motor Vehicle Safety Standard No. 208.
3. *Marine Accident Report.*—Collision of the M/V STUD with the Southern Pacific Railroad Bridge over the Atchafalaya River in Berwick Bay, Louisiana, April 1, 1978.
4. *Safety Objective Program Plan.*—Collisions in Restricted Waters (VTS).
5. *Proposed Special Study.*—Postcrash Fires in General Aviation Accidents.
6. *Request for Depositions.*—Collision of two Baltimore and Ohio Railroad Freight Trains at Orleans Road, West Virginia, February 12, 1980.

**CONTACT PERSON FOR MORE INFORMATION:** Sharon Flemming, 202-472-6022.

March 6, 1980.

[S-469-80 Filed 3-6-80; 12:27 pm]

BILLING CODE 4910-58-M

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7

**PAROLE COMMISSION:** National Commissioners (the Commissioners presently maintaining Offices at Washington, D.C. Headquarters).

**TIME AND DATE:** 9 a.m., Thursday, March 6, 1980.

**PLACE:** Room 826A, 320 First Street NW., Washington, D.C. 20537.

**STATUS:** Closed pursuant to a vote to be taken at the beginning of the meeting.

**MATTERS TO BE CONSIDERED:** Referrals from Regional Commissioners of Approximately 7 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

**CONTACT PERSONS FOR MORE INFORMATION:** A. Ronald Peterson, Analyst: (202) 724-3094.

[FR Doc. S-466-80 Filed 3-6-80; 11:17 am]

BILLING CODE 4410-01-M

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8

**PAROLE COMMISSION:** National Commissioners (the Commissioners presently maintaining Offices at Washington, D.C. Headquarters).

**TIME AND DATE:** 9 a.m., Tuesday, March 18, 1980.

**PLACE:** Room 826A, 320 First Street NW., Washington, D.C. 20537.

**STATUS:** Closed pursuant to a vote to be taken at the beginning of the meeting.

**MATTERS TO BE CONSIDERED:** Referrals from Regional Commissioners of approximately 12 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

**CONTACT PERSONS FOR MORE INFORMATION:** A. Ronald Peterson, Analyst: (202) 724-3094.

[FR Doc. S-467-80 Filed 3-6-80; 11:17 am]

BILLING CODE 4410-01-M

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9

**POSTAL RATE COMMISSION.**

**TIME AND DATE:** 11:30 a.m., Thursday, March 13, 1980.

**PLACE:** Conference Room, Room 500, 2000 L Street, NW., Washington, D.C.

**STATUS:** Open/Closed.

**MATTERS TO BE CONSIDERED:**

*Open Meeting.*—Post-employment restrictions.
*Closed Meeting.*—Docket No. MC78-2 (Third-class carrier presort mail).
(Closed pursuant to 5 U.S.C. 552b(c)(10).)

**CONTACT PERSON FOR MORE INFORMATION:** Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, Telephone (202) 254-5614.

[FR Doc. S-463-80 Filed 3-6-80; 10:44 am]

BILLING CODE 7715-01-M

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10

**POSTAL RATE COMMISSION.**

**TIME AND DATE:** 10 a.m., Thursday, March 20, 1980.

**PLACE:** Conference Room, Room 500, 2000 L Street, NW., Washington, D.C.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Docket No. MC78-3 (E-COM).

[Closed pursuant to 5 U.S.C. 552b(c)(10)]

**CONTACT PERSON FOR MORE INFORMATION:** Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, Telephone (202) 254-5614.

[FR Doc. S-464-80 Filed 3-6-80; 10:44 am]

BILLING CODE 7715-01-M

11

**POSTAL RATE COMMISSION.**

**TIME AND DATE:** 10 a.m., Thursday, March 27, 1980.

**PLACE:** Conference Room, Room 500, 2000 L Street NW., Washington, D.C.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Docket No. MC79–2 (Express Mail Metro Service).

(Closed pursuant to 5 U.S.C. 552b(c)(10).)

**CONTACT PERSON FOR MORE INFORMATION:** Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, Telephone (202) 254–5614.

[S–465–80 Filed 3–6–80; 10:44 am]

**BILLING CODE 7715–01–M**

12

**UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.**

**TIME AND DATE:** 8 a.m., March 17, 1980.

**PLACE:** Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, Md. 20014.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

8 a.m.—Meeting, Educational Affairs Committee: (1) Faculty Appointments; (2) Report, Admissions Committee.

8 a.m.—Meeting, Administrative Affairs Committee: (1) Program Objective Memorandum; (2) University Facilities, Clinical Departments.

10 a.m.—Meeting, Board of Regents: (1) Approval of Minutes, 14 January 1980; (2) Report—Educational Affairs Committee; (3) Report—Administrative Affairs Committee; (4) Report—Acting President; (5) Report—Dean, School of Medicine—(a) Long-Range Planning, (b) Awards, (c) Graduate Education; (6) Report—Departmental Program Review; James J. Leonard, M.D., Chairman, Department of Medicine.

New Business.

**SCHEDULED MEETINGS:** May 24, 1980.

**CONTACT PERSON FOR MORE INFORMATION:** Frank M. Reynolds, Executive Secretary of the Board, 202/295–2111.

**O. J. Williford,**

*Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.*

March 5, 1980.

[S–468–80 Filed 3–6–80; 12:27 pm]

**BILLING CODE 3810–70–M**

13

**NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS:** (S–12–80 Filed January 3, 1980, 11:00 a.m.)

**DATE AND TIME:** March 14, 1980; 9:30 a.m.–12:30 p.m.

**PLACE:** Room 823, National Institute of Education, 1200 19th Street, N.W., Washington, D.C.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:**

1. Approve February 7, 1980 Minutes (9:30 a.m.–9:35 a.m.)
2. Remarks by Dr. F. James Rutherford (9:35 a.m.–10:00 a.m.)
3. Swearing-In Ceremony for New Members (scheduled pending Senate Confirmation) (10:00 a.m.–10:15 a.m.)
4. Acting Director's Report (10:15 a.m.–10:45 a.m.)
5. Discussion of Budget, Legislative and Administrative Developments (10:45 a.m.–11:30 a.m.)
6. Dissemination Policy: Action on NCER Program Committee Recommendation (11:30 a.m.–12:30 p.m.)

**CONTACT PERSON FOR MORE INFORMATION:**
Ella L. Jones, Administrative Coordinator. Telephone: 202/254–7900.

**Peter H. Gerber,**

*Chief, Policy & Administrative Coordination, National Council on Educational Research.*

[S–475–80 Filed 3–7–80; 10:51 am]

**BILLING CODE 4110–39–M**

federal register

Monday
March 10, 1980

Part II

# Small Business Administration

## Revision to Method of Establishing Size Standards and Definitions of Small Business

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 121

### Small Business Size Standards; Revision to Method of Establishing Size Standards and Definitions of Small Business

**AGENCY:** Small Business Administration.

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Small Business Administration is proposing an amendment to its size standard regulations which affect eligibility for SBA programs. The revision is designed to update and improve the logic, methodology, and presentation of the size standard procedures. The proposed regulation will simplify SBA programs for the small business community, reduce administrative complexity, and increase the effectiveness of SBA programs by improved targeting of its resources.

**DATE:** Written comments must be submitted by May 9, 1980.

**ADDRESS ALL COMMENTS TO:** Kaleel C. Skeirik, Chief, Size Standards Division, Small Business Administration, 1441 L Street, N.W., Room 500, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Kaleel C. Skeirik, (202) 653–6373.

**SUPPLEMENTAL INFORMATION:**

*Highlights of Proposed Regulations*

1. Size standards are intended to enhance competition and promote entry.
2. Size standards are established by industry based on a consistent overall philosophy.
3. The data and methodology used to develop size standards are current and well documented.
4. Each designated industry size standard will be used for all SBA programs.
5. Only one measure of a firm's size is used.
6. The size standard regulations and procedures are simplified.

*Philosophy of Size Standards*

> The essence of the American system of private enterprise is free competition. . . . The preservation and expansion of such competition is basic not only to the economic well-being but to the security of this Nation. Such security and well-being cannot be realized unless the actual and potential capacity of small business is encouraged and developed. It is the declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small-business concerns in order to preserve free competitive enterprise. . .
>
> Small Business Act, Section 2(a)

To implement this policy Congress established the Small Business Administration (SBA) and gave it the responsibility to administer a range of programs designed to achieve these goals. Eligibility for SBA programs requires that a firm be "small." Establishing "size standards," i.e., the precise specification of "small," is delegated to the Administrator of the SBA.[1]

SBA's proposed size standards rest upon two premises. The first is that what constitutes a "small" business is different in different industries; regardless of how one measures the size of a business, e.g., number of employees, dollar volume of receipts, there is large interindustry variation. Second, that the resources of the SBA, given to it by taxpayers through the Congress, should be used to assist small business in order to enhance the intensity of competition in the U.S. economy.

The legislative history of the Small Business Act demonstrates that size standards must be established in the context of the industrial structure of the U.S. economy. The national economy is made up of hundreds of different industries, each one possessing its own unique characteristics, history, and dynamics. For the purposes of simplicity each industry can be classified by its degree of "competition."

The use of the term "competition" is very important to understanding the policy role of size standards. There are at least three different ways in which the term competition is used. First, there is the notion of business rivalry, of individual firms competing for sales. Usually, this is what a businessman thinks of when he speaks of competition. In this sense, most businesses compete. A second sense in which competition is used is in Government procurement, viz., competitive bidding. In this instance, a number of firms bid for contracts, either in open competition (between firms both large and small) or under set-asides where only small firms may enter into the competitive bidding. Third, there is the professional economist's meaning of competition. For the economist, competition takes place for an industry as a whole, not for individual firms; an industry is competitive when no single firm, or group of firms, is able to exert any control over the price of their product. Thus, farming or the construction industry is competitive; the automobile manfacturing industry is not.

In setting size standards the economist's idea of competition is used. Each individual industry was, initially, placed into one of three broad categories of industry: "competitive," "concentrated," and "mixed." The group of concentrated industries is characterized by a highly unequal distribution of sales among the firms in the industry, e.g., the four largest firms accounting for more than half the industry's sales. Competitive industries display a more equal distribution of sales, and the average firm is relatively small when measured by annual sales or number of employees. The group of mixed industries is the residual, viz., those industries which did not meet the criteria of competitive or concentrated industries. The study which led to the development of the size standards found 317 competitive industries, 160 concentrated industries, and 249 mixed industries.[2]

Given this classification of industries, the question now becomes which firms in each industry (or group of industries) shall be made eligible for SBA programs. Because the Small Business Act precludes SBA assistance to firms which "are dominant" in their industries, establishing a size standard in concentrated industries is a straightforward task—simply identify and exclude these few firms which account for a disproportionately large share of the industry's sales. This could enhance competition by providing support to all firms, in these concentrated industries, except the dominant ones.[3]

In industries which currently exhibit an intense level of competition, does any justification for SBA intervention exist? Historically, SBA has accepted the idea that the smallest businesses, regardless of their industry, are worthy of support. This has been justified on the grounds that it is a positive social, economic, and political act to provide opportunity for entry into the business world. Individual initiatives toward entrepreneurship should be encouraged by the Federal Government and meeting this responsibility is part of the mission of SBA. In such competitive industries size standards should be set relatively low, so as to support entry and moderate growth. Because such industries are already competitive, SBA

[1] Size standards only define eligibility for SBA programs. SBA strongly urges that its resources and its experience be utilized in developing definitions of "small" business that are reponsive to the statutory missions of other Federal agencies and which are accurate reflections of the realities of the small business sector.

[2] While these 726 industries do not constitute all U.S. industries, they do comprise the traditional clientele of the SBA.

[3] The SBA is neither equipped nor desirous of assisting firms whose size exceeds some absolute size, say, 2,500 employees. This is a minor adjustment to this proposition.

intervention will not necessarily enhance competition.

The SBA role in mixed industries requires high size standards be set so as to carry out its legislative mandate to enhance competition. By making available its programs to those firms whose very presence acts as a constraint on the anticompetitive behavior of larger firms, SBA can reinforce competition and offset the pressures to increase the degree of concentration in these industries. Some of the mixed industries are experiencing significant changes in their market structures and display increasing concentration. SBA's intervention in these industries will be designed to maintain competition.

It is the view of SBA that firms which meet size standards and are eligible for SBA programs be given prompt and effective assistance. Small business concerns should not become dependent on continuing assistance under the Small Business Act from the "cradle to the grave" but should plan for the day on which they can thrive without such assistance.

*Data and Methodology*

The process of transposing this philosophy to numerical size standards for individual industries is a complex one. The basic sources of data used in establishing size standards include: *the Standard Industrial Classification Manual,* which is used as a guide in defining industries; U.S. Bureau of the Census, *Concentration Ratios in Manufacturing,* and *Enterprise Statistics;* a special tabulation of the *1972 Enterprise Statistics* prepared for SBA by the U.S. Bureau of the Census; U.S. Department of Commerce, *U.S. Industrial Outlook* and *Survey of Current Business;* Internal Revenue Service, *Statistics of Income;* Dun and Bradstreet's *DMI Market Profile;* Economic Information Service's *Marketing Information;* SBA's own extensive files of articles and correspondence on individual industries and information provided by trade associations. From these data sources, several measures of each industry's structure are available. The factors examined for the purpose of setting size standards included: average firm size, the extent of industry dominance by large firms as described by the concentration ratio and the Herfindahl index, the number of firms, the distribution of sales and employees among the firms in the industry, and the nature of entry barriers. The development of size standards is not an exact quantitative procedure. No single measure or simple numerical device was used to establish an industry's size standard. The process can be described as an exercise of informed judgment based on the policy considerations described above, viz., setting high size standards in concentrated and mixed industries in order to include larger firms so as to sustain and enhance competition, while setting size standards low in competitive industries tend to assure the opportunities for entry and to protect the smallest business.[4]

*A Single Size Standard*

A single size standard is proposed for all SBA programs. This constitutes a step toward the simplification of Government. Currently, there are separate size standard eligibility criteria among SBA programs. This leads to confusion for small businesses needing assistance, complexity for SBA employees responsible for administering its programs, and severe criticism by those who have studied SBA's size standards. Moreover, moving to a single size standard will eliminate the anomalous situation where a particular business firm is defined as "small" and eligible for assistance through one SBA program and not "small" and hence ineligible for assistance through another program.

*One Measure of Size*

All proposed size standards are stated in terms of a firm's number of employees. This is an improvement over the current system which uses many different measures of a business' size.

SBA has found that when size standards are denominated in dollars, i.e., annual revenues, its ability to help the small business sector is undermined by inflation. Using employment, as opposed to dollar sales, will provide greater stability for SBA and its clients; will remove interindustry distortions generated by differential inflation rates; and reduce the need for SBA to make frequent revisions in the size standards merely to reflect price increases.

*Implementation Plan*

SBA appreciates the fact that in some industries, and for some programs, the proposed size standards constitute a major change in their business environment. To be most responsive to the requirements of the small business sector SBA is not proposing a schedule for the implementation of the proposed size standards. Rather we invite your comments on the merits of alternative implementation schemes. Included among issues under consideration are: should the implementation timetable be the same for all SBA programs; should industries where the size standard has been raised be treated the same as industries where the size standard has been lowered; should implementation be scheduled on an incremental basis or take effect at one time; what should be the total length of time before all new size standards are put into effect; should different industries be given different amounts of time to comply with the new size standards.

*Future Study*

SBA's proposed size standards should not be viewed as permanent but rather as an ongoing process. SBA must be responsive to the dynamic structural changes constantly occurring in the economy as well as the changing needs of the small business community. Furthermore, SBA must strive to improve the accuracy and timeliness of the data, the level of analytical sophistication, and the quality of judgment brought to bear on the problems of setting size standards. Among the areas for future study being considered by the SBA are: an analysis of trends and projections of the patterns of concentration in U.S. industries; a study of differential entry and growth requirements among industries and their implication for SBA.

*Comments*

The proposed size standards are a major departure from SBA's "business as usual" posture. We strongly believe that this proposal will strengthen both the small business community and the SBA. The designation of particular size standards in individual industries is of concern to SBA, and we invite comments from all affected parties. However, we hope that public attention is also paid to the logic, philosophy, and design of the size standards. For the ability of the SBA to carry out its statutory mission requires an accurate reading of the statute and its legislative history, a reasoned application of SBA's mandate to the myriad empirical complexities of the U.S. economy, judicious appreciation of the strengths and limitations of SBA's programs, and a strong commitment to the success of the small business community.

*Regional Hearings*

In view of the fact that the proposed size standards include significant changes and are comprehensive in scope, the SBA expects to conduct public regional hearings during the time

[4] A comprehensive technical discussion of the concepts, data, and methodology is contained in The Size Standards Study. To obtain a copy contact: Chief, Size Standards Division, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416. (202) 653-6373.

the proposed revised regulations are published for public comment in the Federal Register.

Accordingly, pursuant to Section 3 and 5(b)(6) of the Small Business Act, as amended (15 U.S.C. 632, 634), it is proposed to amend Part 121 of Title 13 of the Code of Federal Regulations as follows:

(1) By redesignating § 121.3–2 as § 121.6.

(2) By redesignating § 121.3–4 as § 121.7.

(3) By redesignating § 121.3–5 as § 121.8.

(4) By redesignating § 121.3–6 as § 121.9.

(5) By deleting § 121.3, § 121.3–1, § 121.3–3, § 121.3–7, § 121.3–8, § 121.3–9, § 121.3–10 through § 121.3–16 and Schedules A through I.

(6) By adding § 121.1 through § 121.5, as set forth below.

(7) The Table of Contents for Part 121 reads as set forth below:

## PART 121—SMALL BUSINESS SIZE STANDARDS

Sec.

**Subpart A—Background**

121.1 Purpose—Method of Establishing Size Standards.

**Subpart B—Definition of Small Business**

121.2 Standard Industrial Classifications and Employee Size Standards.
121.3 Application of Small Business Size Standards.
121.4 Definition of Small Business for Procurement Assistance Programs.
121.5 Definition of Small Business for the Sale of Government Property Sales.

**Subpart C—Procedures**

121.6 Definitions.
121.7 Size Determinations
121.8 Protest of Small Business Status.
121.9 Appeals.

## Subpart A—Background

### § 121.1 Purpose and method of establishing size standards.

The essence of the American system of private enterprise is free competition. . . . The preservation and expansion of such competition is basic not only to the economic well-being but to the security of this Nation. Such security and well-being cannot be realized unless the actual and potential capacity of small business is encouraged and developed. It is the declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small-business concerns in order to preserve free competitive enterprise. . . .

Small Business Act, Section 2(a)

(a) To implement this policy Congress established the Small Business Administration (SBA) and gave it the responsibility to administer a range of programs designed to achieve these goals. Eligibility for SBA programs requires that a firm be "small." Establishing "size standards," i.e., the precise specification of "small," is delegated to the Administrator of the SBA.[1]

(b) SBA's size standards rest upon two premises. The first is that what constitutes a "small" business is different in different industries; regardless of how one measures the size of a business, e.g., number of employees, dollar volume of receipts, there is large interindustry variation. Second, that the resources of the SBA, given to it by taxpayers through the Congress, should be used to assist small business in order to enhance the intensity of competition in the U.S. economy.

(c) The legislative history of the Small Business Act demonstrates that size standards must be established in the context of the industrial structure of the U.S. economy. The national economy is made up of hundreds of different industries, each one possessing its own unique characteristics, history, and dynamics. For the purposes of simplicity each industry can be classified by its degree of "competition."

(d) The use of the term "competition" is very important to understanding the policy role of size standards. There are at least three different ways in which the term competition is used. First, there is the notion of business rivalry, of individual firms competing for sales. Usually, this is what a businessman thinks of when he speaks of competition. In this sense, most businesses compete. A scond sense in which competition is used is in Government procurement, viz., competitive bidding. In this instance, a number of firms bid for contracts either in open competition (between firms both large and small) or under set-asides where only small firms may enter into the competitive bidding. Third, there is the professional economist's meaning of competition. For the economist competition takes place for an industry as a whole, not for individual firms; an industry is competitive when no single firm or group of firms is able to exert any control over the price of their product. Thus, farming or the construction industry is competitive; the automobile manufacturing industry is not.

(e) In setting size standards the economist's idea of competition is used. Each individual industry was, initially, placed into one of three broad categories of industry: "competitive," "concentrated," and "mixed." The group of concentrated industries is characterized by a highly unequal distribution of sales among the firms in the industry, e.g., the four largest firms accounting for more than half the industry's sales. Competitive industries display a more equal distribution of sales and the average firm is relatively small when measured by annual sales or number of employees. The group of mixed industries is the residual, viz., those which did not meet the criteria of competitive or concentrated industries. The study which led to the development of the size standards found 317 competitive industries, 160 concentrated industries, and 249 mixed industries.[2]

(f) Given this classification of industries, the question now becomes which firms in each industry (or group of industries) shall be made eligible for SBA programs. Because the Small Business Act precludes SBA assistance to firms which "are dominant" in their industries, establishing a size standard on concentrated industries is a straightforward task—simply identify and exclude these few firms which account for a disproportionately large share of the industry's sales. This could enhance competition by providing support to all firms, in these concentrated industries, except the dominant ones.[3]

(g) In industries which currently exhibit an intense level of competition, does any justification for SBA intervention exist? Historically, SBA has accepted the idea that the smallest businesses, regardless of their industry, are worthy of support. This has been justified on the grounds that it is a positive social, economic, and political act to provide opportunity for entry into the business world. Individual initiatives toward entrepreneurship should be encouraged by the Federal Government and meeting this responsibility is part of the mission of SBA. In such competitive industries size standards should be set relatively low, so as to support entry and moderate growth. Because such industries, are already competitive SBA intervention will not necessarily enhance competition.

[1] Size standards only define eligibility for SBA programs. SBA strongly urges that its resources and its experience be utilized in developing definitions of "small" business that are responsive to the statutory missions of other Federal agencies and which are accurate reflections of the realities of the small business sector.

[2] While these 726 industries do not constitute all U.S. industries, they do comprise the traditional clientele of the SBA.

[3] The SBA is neither equipped nor desirous of assisting firms whose size exceeds some absolute size, say, 2,500 employees. This is a minor adjustment to this proposition.

(h) The SBA role in mixed industries requires high size standards be set so as to carry out its legislative mandate to enhance competition. By making available its programs to those firms whose very presence acts as a constraint on the anticompetitive behavior of larger firms, SBA can reinforce competition and offset the pressures to increase the degree of concentration in these industries. Some of the mixed industries are experiencing significant changes in their market structures and display increasing concentration. SBA's intervention in these industries will be designed to maintain competition.

(i) The process of transposing this philosophy to numerical size standards for individual industries is a complex one. The basic sources of data used in establishing size standards include: *the Standard Industrial Classification Manual,* which is used as a guide in defining industries; U.S. Bureau of the Census, *Concentration Ratios in Manufacturing,* and *Enterprise Statistics;* a special tabulation of the *1972 Enterprise Statistics* prepared for SBA by the U.S. Bureau of the Census; U.S. Department of Commerce, *U.S. Industrial Outlook* and *Survey of Current Business;* Internal Revenue Service, *Statistics of Income;* Dun and Bradstreet's *DMI Market Profile;* Economic Information Service's *Marketing Information;* SBA's own extensive files of articles and correspondence on individual industries and information provided by trade associations.

(j) From these data sources several measures of each industry's structure are available. The factors examined for the purpose of setting size standards included: average firm size, the extent of industry dominance by large firms as described by the concentration ratio and the Herfindahl index, the number of firms, the distribution of sales and employees among the firms in the industry, and the nature of entry barriers. The development of size standards is not an exact quantitative procedure. No single measure or simple numerical device was used to establish an industry's size standard. The process can be described as an exercise of informed judgement based on the policy considerations described above, viz., setting high size standards in concentrated and mixed industries in order to include larger firms so as to sustain and enhance competition, while setting size standards low in competitive industries tends to assure the opportunities for entry and to protect the smallest businesses.

(k) It is the view of SBA that firms which meet size standards and are eligible for SBA programs be given prompt and effective assistance. Small business concerns should not become dependent on continuing assistance under the Small Business Act from the cradle to the grave but should plan for the day on which they can thrive without such assistance.

## Subpart B—Definition of Small Business

### § 121.2 Standard industrial classifications and employee size standards.

The size standards for all the manufacturing and nonmanufacturing industries (except for agriculture) are on employment basis. The following size standards are to be used when determining the size status of applicants for all SBA assistance programs, *except sales of Government property.*

| Sic | Description | Size of standards (No. of employees)[1] |
|---|---|---|
| Div. A | Agriculture (see size standards at end of section | |
| Div. B | Mining | |
| **Major Group 10—Metal Mining** | | |
| 1011 | Iron Ores | 1,500 |
| 1021 | Copper Ores | 2,500 |
| 1031 | Lead and Zinc Ores | 2,500 |
| 1041 | Gold Ores | 250 |
| 1044 | Silver Ores | 250 |
| 1051 | Bauxite and Other Aluminum Ores | 250 |
| 1061 | Ferroalloy Ores, Except Vanadium | 250 |
| 1081 | Metal Mining Services | 250 |
| 1092 | Mercury Ores | 100 |
| 1094 | Uranium-Radium-Vanadium Ores | 500 |
| 1099 | Metal Ores, Not Elsewhere Classified | 250 |
| **Major Group 11—Anthracite Mining** | | |
| 1111 | Anthracite | 250 |
| 1112 | Anthracite Mining Services | 100 |
| **Major Group 12—Bituminous Coal and Lignite Mining** | | |
| 1211 | Bituminous Coal and Lignite | 250 |
| 1213 | Bituminous Coal and Lignite Mining Services. | 250 |
| **Major Group 13—Oil and Gas Extraction** | | |
| 1311 | Crude Petroluem and Natural Gas | 250 |
| 1321 | Natural Gas Liquids | 2,500 |
| 1381 | Drilling Oil and Gas Wells | 200 |
| 1382 | Oil and Gas Field Exploration Services. | 250 |
| 1389 | Oil and Gas Field Services, Not Elsewhere Classified. | 250 |
| **Major Group 14—Mining and Quarrying of Non-Metallic Minerals, Except Fuels** | | |
| 1411 | Dimension Stone | 100 |
| 1422 | Crushed and Broken Limestone | 100 |
| 1423 | Crushed and Broken Granite | 150 |
| 1429 | Crushed and Broken Stone, Not Elsewhere Classified. | 250 |
| 1442 | Construction Sand and Gravel | 100 |
| 1446 | Industrial Sand | 250 |
| 1452 | Bentonite | 100 |
| **Major Group 14—Mining and Quarrying of Non-Metallic Minerals, Except Fuels** | | |
| 1453 | Fire Clay | 100 |
| 1454 | Fuller's Earth | 500 |
| 1455 | Kaolin and Ball Clay | 500 |
| 1459 | Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified. | 200 |
| 1472 | Barite | 500 |
| 1473 | Fluorspar | 500 |
| 1474 | Potash, Soda, and Borate Minerals | 2,500 |
| 1475 | Phosphate Rock | 2,500 |
| 1476 | Rock Salt | 2,500 |
| 1477 | Sulfur | 1,000 |
| 1479 | Chemical and Fertilizer Mineral Mining, Not Elsewhere Classified. | 1,000 |
| 1481 | Nonmetallic Minerals (Except Fuels) Services. | 1,000 |
| 1492 | Gypsum | 1,000 |
| 1496 | Talc, Soapstone, and Pyrophyllite | 250 |
| 1499 | Miscellaneous Nonmetallic Minerals, Not Elsewhere Classified. | 250 |
| Div. C | Construction | |
| **Major Group 15—Building Construction—General Contractors and Operative Buildings** | | |
| 1521 | General Contractors—Single-Family Houses. | 25 |
| 1522 | General Contractors—Residential Buildings, Other Than Single-Family. | 150 |
| 1531 | Operative Builders | 200 |
| 1541 | General Contractors—Industrial Buildings and Warehouses. | 200 |
| 1542 | General Contractors—Nonresidential Buildings, Other Than Industrial Buildings, and Warehouses. | 200 |
| **Major Group 16—Construction Other Than Building Construction—General Contractors** | | |
| 1611 | Highway and Street Construction, Except Elevated Highways. | 200 |
| 1622 | Bridge, Tunnel, and Elevated Highway Construction. | 200 |
| 1623 | Water, Sewer, Pipe Line, Communication and Power Line Construction. | 200 |
| 1629 | Heavy Construction, Not Elsewhere Classified, Except Dredging[2]. | 500 |
| 1629 | Dredging | 1,000 |
| **Major Group 17—Construction—Special Trade Contractors** | | |
| 1711 | Plumbing, Heating (Except Electric), and Air Conditioning. | 50 |
| 1721 | Painting, Paper Hanging, and Decorating. | 50 |
| 1731 | Electrical Work | 50 |
| 1741 | Masonry, Stone Setting, and Other Stonework. | 50 |
| 1742 | Plastering, Drywall, Acoustical and Insulation Work. | 50 |
| 1743 | Terrazzo, Tile, Marble and Mosaic Work. | 25 |
| 1751 | Carpentering | 50 |
| 1752 | Floor Laying and Other Floorwork, Not Elsewhere Classified. | 50 |
| 1761 | Roofing and Sheet Metal Work | 50 |
| 1771 | Concrete Work | 50 |
| 1781 | Water Well Drilling | 50 |
| 1791 | Structural Steel Erection | 50 |
| 1793 | Glass and Glazing Work | 50 |
| 1794 | Excavating and Foundation Work | 50 |
| 1795 | Wrecking and Demolition Work | 50 |
| 1796 | Installation or Erection of Building Equipment, Not Elsewhere Classified. | 200 |
| 1799 | Special Trade Contractors, Not Elsewhere Classified. | 50 |
| Div. D | Manufacturing[3] | |
| **Major Group 20—Food and Kindred Products** | | |
| 2011 | Meat Packing Plants | 1,500 |
| 2013 | Sausages and Other Prepared Meat Products. | 200 |
| 2016 | Poultry Dressing Plants | 250 |
| 2017 | Poultry and Egg Processing | 500 |

**Major Group 27—Printing, Publishing, and Allied Industries**

| | | |
|---|---|---|
| 2021 | Creamery Butter | 1,000 |
| 2022 | Cheese, Natural and Processed | 1,000 |
| 2023 | Condensed and Evaporated Milk | 2,500 |
| 2024 | Ice Cream and Frozen Desserts | 2,500 |
| 2026 | Fluid Milk | 500 |
| 2032 | Canned Specialties | 2,500 |
| 2033 | Canned Fruits, Vegetables, Preserves, Jams, and Jellies. | 250 |
| 2034 | Dried and Dehydrated Fruits, Vegetables, and Soup Mixes. | 750 |
| 2035 | Pickled Fruits and Vegetables, Vegetable Sauces and Seasonings, and Salad Dressings. | 2,500 |
| 2037 | Frozen Fruit, Fruit Juices and Vegetables. | 2,500 |
| 2038 | Frozen Specialties | 2,500 |
| 2041 | Flour and Other Grain Mill Products | 1,000 |
| 2043 | Cereal Breakfast Foods | 2,500 |
| 2044 | Rice Milling | 500 |
| 2045 | Blended and Prepared Flour | 2,500 |
| 2046 | Wet Corn Milling | 2,500 |
| 2047 | Dog, Cat, and Other Pet Food | 2,500 |
| 2048 | Prepared Feeds and Feed ingredients for Animals and Fowls, Not Elsewhere Classified. | 500 |
| 2051 | Bread and Other Bakery Products, Except Cookies and Crackers. | 1,500 |
| 2052 | Cookies and Crackers | 2,500 |
| 2061 | Cane Sugar, Except Refining Only | 1,000 |
| 2062 | Cane Sugar Refining | 2,500 |
| 2063 | Beet Sugar | 2,500 |
| 2065 | Candy and Other Confectionery Products. | 2,500 |
| 2066 | Chocolate and Cocoa Products | 2,500 |
| 2067 | Chewing Gum | 2,500 |
| 2074 | Cottonseed Oil Mills | 1,000 |
| 2075 | Soybean Oil Mills | 2,500 |
| 2076 | Vegetable Oil Mills, Except Corn, Cottonseed, and Soybean. | 2,500 |
| 2077 | Animal and Marine Fats and Oils | 250 |
| 2079 | Shortening, Table Oils, Margarine and Other Edible Fats and Oils, Not Elsewhere Classified. | 2,500 |
| 2082 | Malt Beverages | 2,500 |
| 2083 | Malt | 1,000 |
| 2084 | Wines, Brandy, and Brandy Spirits | 1,000 |
| 2085 | Distilled, Rectified, and Blended Liquors. | 2,500 |
| 2086 | Bottled and Canned Soft Drinks and Carbonated Waters. | 200 |
| 2087 | Flavoring Extracts and Flavoring Sirups, Not Elsewhere Classified. | 2,500 |
| 2091 | Canned and Cured Fish and Seafoods. | 1,000 |
| 2092 | Fresh or Frozen Packaged Fish and Seafoods. | 200 |
| 2095 | Roasted Coffee | 2,500 |
| 2097 | Manufactured Ice | 500 |
| 2098 | Macaroni, Spaghetti, Vermicelli, and Noodles. | 500 |
| 2099 | Food Preparations, Not Elsewhere Classified. | 2,500 |

**Major Group 21—Tobacco Manufactures**

| | | |
|---|---|---|
| 2111 | Cigarettes | 2,500 |
| 2121 | Cigars | 2,500 |
| 2131 | Tobacco (Chewing and Smoking) and Snuff. | 2,500 |
| 2141 | Tobacco Stemming and Redrying | 2,500 |

**Major Group 22—Textile Mill Products**

| | | |
|---|---|---|
| 2211 | Broad Woven Fabric Mills, Cotton | 2,500 |
| 2221 | Broad Woven Fabric Mills, Man-Made Fiber and Silk. | 2,500 |
| 2231 | Broad Woven Fabric Mills, Wool (Including Dyeing and Finishing). | 500 |
| 2241 | Narrow Fabrics and Other Smallwares Mills: Cotton, Wool, Silk, and Man-Made Fiber. | 250 |
| 2251 | Women's Full Length and Knee Length Hosiery. | 2,500 |
| 2252 | Hosiery, Except Women's Full Length and Knee Length Hosiery. | 200 |
| 2253 | Knit Outerwear Mills | 250 |
| 2254 | Knit Underwear Mills | 2,500 |
| 2257 | Circular Knit Fabric Mills | 2,500 |
| 2258 | Warp Knit Fabric Mills | 1,000 |
| 2259 | Knitting Mills, Not Elsewhere Classified. | 1,000 |

**Major Group 22—Textile Mill Products**

| | | |
|---|---|---|
| 2261 | Finishers of Broad Woven Fabrics of Cotton. | 2,500 |
| 2262 | Finishers of Broad Woven Fabrics of Man-Made Fiber and Silk. | 2,500 |
| 2269 | Finishers of Textiles, Not Elsewhere Classified. | 750 |
| 2271 | Woven Carpets and Rugs | 2,500 |
| 2272 | Tufted Carpets and Rugs | 250 |
| 2279 | Carpets and Rugs, Not Elsewhere Classified. | 1,000 |
| 2281 | Yarn Spinning Mills: Cotton, Man-Made Fibers, and Silk. | 2,500 |
| 2282 | Yarn Texturizing, Throwing, Twisting, and Winding Mills: Cotton, Man-Made Fibers, and Silk. | 2,500 |
| 2283 | Yarn Mills, Wool, Including Carpet and Rug Yarn. | 2,500 |
| 2284 | Thread Mills | 2,500 |
| 2291 | Felt Goods, Except Woven Felts and Hats. | 2,500 |
| 2292 | Lace Goods | 250 |
| 2293 | Paddings and Upholstery Filling | 250 |
| 2294 | Processed Waste and Recovered Fibers and Flock. | 1,000 |
| 2295 | Coated Fabrics, Not Rubberized | 2,500 |
| 2296 | Tire Cord and Fabric | 2,500 |
| 2297 | Nonwoven Fabrics | 2,500 |
| 2298 | Cordage and Twine | 500 |
| 2299 | Textile Goods, Not Elsewhere Classified. | 250 |

**Major Group 23—Apparel and Other Finished Products Made from Fabrics and Similar Materials**

| | | |
|---|---|---|
| 2311 | Men's, Youths', and Boys' Suits (Except Work Shirts) and Nightwear. | 250 |
| 2321 | Men's, Youths', and Boys' Shirts (Except Work Shirts) and Nightwear. | 2,500 |
| 2322 | Men's, Youths', and Boys' Underwear. | 2,500 |
| 2323 | Men's, Youths', and Boys' Neckwear | 250 |
| 2327 | Men's, Youths', and Boys' Separate Trousers. | 1,000 |
| 2328 | Men's, Youths', and Boys' Work Clothing. | 2,500 |
| 2329 | Men's, Youths', and Boys' Clothing, Not Elsewhere Classified. | 200 |
| 2331 | Women's, Misses', and Juniors' Blouses, Waists, and Shirts. | 200 |
| 2335 | Women's, Misses', and Juniors' Dresses. | 100 |
| 2337 | Women's, Misses', and Juniors' Suits, Skirts, and Coats. | 150 |
| 2339 | Women's, Misses', and Juniors' Outerwear, Not Elsewhere Classified. | 200 |
| 2341 | Women's, Misses', Children's, and Infants' Underwear and Nightwear. | 250 |
| 2342 | Brassieres, Girdles, and Allied Garments. | 750 |
| 2351 | Millinery | 100 |
| 2352 | Hats and Caps, Except Millinery | 250 |
| 2361 | Girls', Children's, and Infants' Dresses, Blouses, Waists, and Shirts. | 150 |
| 2363 | Girls', Children's, and Infants' Coats and Suits. | 150 |
| 2369 | Girls', Children's, and Infants' Outerwear, Not Elsewhere Classified. | 500 |
| 2371 | Fur Goods | 100 |
| 2381 | Dress and Work Gloves, Except Knit and All-Leather. | 500 |
| 2384 | Robes and Dressing Gowns | 250 |
| 2385 | Raincoats and Other Waterproof Outer Garments. | 500 |
| 2386 | Leather and Sheep Lined Clothing | 100 |
| 2387 | Apparel Belts | 250 |
| 2389 | Apparel and Accessories, Not Elsewhere Classified. | 250 |
| 2391 | Curtains and Draperies | 500 |
| 2392 | Housefurnishings, Except Curtains and Draperies. | 500 |
| 2393 | Textile Bags | 250 |
| 2394 | Canvas and Related Products | 250 |
| 2395 | Pleating, Decorative and Novelty Stitching, and Tucking for the Trade. | 250 |
| 2396 | Automotive Trimmings, Apparel Findings, and Related Products. | 1,000 |
| 2397 | Schiffli Machine Embroideries | 100 |

**Major Group 24—Lumber and Wood Products, Except Furniture**

| | | |
|---|---|---|
| 2399 | Fabricated Textile Products, Not Elsewhere Classified. | 500 |

**Major Group 24—Lumber and Wood Products, Except Furniture**

| | | |
|---|---|---|
| 2411 | Logging Camps and Logging Contractors. | 150 |
| 2421 | Sawmills and Planing Mills, General | 200 |
| 2426 | Hardwood Dimension and Flooring Mills. | 150 |
| 2429 | Special Product Sawmills, Not Elsewhere Classified. | 1,000 |
| 2431 | Millwork | 200 |
| 2434 | Wood Kitchen Cabinets | 150 |
| 2435 | Hardwood Veneer and Plywood | 750 |
| 2436 | Softwood Veneer and Plywood | 2,500 |
| 2439 | Structural Wood Members, Not Elsewhere Classified. | 100 |
| 2441 | Nailed and Lock Corner Wood Boxes and Shook. | 250 |
| 2448 | Wood Pallets and Skids | 100 |
| 2449 | Wood Containers, Not Elsewhere Classified. | 500 |
| 2451 | Mobile Homes | 2,000 |
| 2452 | Prefabricated Wood Buildings and Components. | 500 |
| 2491 | Wood Preserving | 500 |
| 2492 | Particleboard | 2,500 |
| 2499 | Wood Products, Not Elsewhere Classified. | 200 |

**Major Group 25—Furniture and Fixtures**

| | | |
|---|---|---|
| 2511 | Wood Household Furniture, Except Upholstered. | 250 |
| 2512 | Wood Household Furniture, Upholstered. | 200 |
| 2514 | Metal Household Furniture | 250 |
| 2515 | Mattresses and bedsprings | 500 |
| 2517 | Wood Television, Radio, Phonograph, and Sewing Machine Cabinets. | 2,500 |
| 2519 | Household Furniture, Not Elsewhere Classified. | 200 |
| 2521 | Wood Office Furniture | 500 |
| 2522 | Metal Office Furniture | 2,500 |
| 2531 | Public Building and Related Furniture | 500 |
| 2541 | Wood Partitions, Shelving, Lockers, and Office and Store Fixtures. | 100 |
| 2542 | Metal Partitions, Shelving, Lockers, and Office and Store Fixtures. | 200 |
| 2591 | Drapery Hardware and Window Blinds and Shades. | 2,500 |
| 2599 | Furniture and Fixtures, Not Elsewhere Classified. | 150 |

**Major Group 26—Paper and Allied Products**

| | | |
|---|---|---|
| 2611 | Pulp Mills | 2,500 |
| 2621 | Paper Mills, Except Building Paper Mills. | 2,500 |
| 2631 | Paperboard Mills | 2,500 |
| 2641 | Paper Coating and Glazing | 2,500 |
| 2642 | Envelopes | 500 |
| 2643 | Bags, Except Textile bags | 2,500 |
| 2645 | Die-Cut Paper and Paperboard and Cardboard. | 750 |
| 2646 | Pressed and Molded Pulp Goods | 2,500 |
| 2647 | Sanitary Paper Products | 2,500 |
| 2648 | Stationery, Tablets and Related Products. | 500 |
| 2649 | Converted Paper and Paperboard Products, Not Elsewhere Classified. | 500 |
| 2651 | Folding Paperboard Boxes | 2,500 |
| 2652 | Set-up Paperboard Boxes | 100 |
| 2653 | Corrugated and Solid Fiber Boxes | 250 |
| 2654 | Sanitary Food Containers | 2,500 |
| 2655 | Fiber Cans, Tubes, Drums, and Similar Products. | 2,500 |
| 2661 | Building Paper and Building Board Mills. | 2,500 |

**Major Group 27—Printing, Publishing, and Allied Industries**

| | | |
|---|---|---|
| 2711 | Newspapers: Publishing, Publishing and Printing. | 250 |
| 2721 | Periodicals: Publishing, Publishing and Printing. | 1,000 |

### Major Group 35—Machinery, Except Electrical

| | | |
|---|---|---|
| 2731 | Books: Publishing, Publishing and Printing. | 250 |
| 2732 | Book Printing | 500 |
| 2741 | Misscellaneaus Publishing | 500 |
| 2751 | Commercial Printing, Letterpress, and Screen. | 150 |
| 2752 | Commercial Printing, Lithographic | 150 |
| 2753 | Engraving and Plate Printing | 250 |
| 2754 | Commercial Printing, Gravure | 2,500 |
| 2761 | Manifortd Business Forms | 2,500 |
| 2771 | Greeting Card Publishing | 2,500 |
| 2782 | Blankbooks, Looseleaf Binders and Devices. | 500 |
| 2789 | Bookbinding and Related Work | 100 |
| 2791 | Typesetting | 100 |
| 2793 | Photoengraving | 100 |
| 2794 | Electrotyping and Stereotyping | 250 |
| 2795 | Lithographic Platemaking and Related Services. | 250 |

### Major Group 28—Chemicals and Allied Products

| | | |
|---|---|---|
| 2812 | Alkalies and Chlorine | 2,500 |
| 2813 | Industrial Gases | 2,500 |
| 2816 | Inorganic Pigments | 2,500 |
| 2819 | Industrial Inorganic Chemicals, Not Elsewhere Classified. | 2,500 |
| 2821 | Plastics Materials, Synthetic Resins, and Nonvulcanizable Elastomers. | 2,500 |
| 2822 | Synthetic Rubber (Vulcanizable Elastomers). | 2,500 |
| 2823 | Cellulosic Man-Made Fibers | 2,500 |
| 2824 | Synthetic Organic Fibers, Except Cellulosic. | 2,500 |
| 2831 | Biological Products | 2,500 |
| 2833 | Medicinal Chemicals and Botanical Products. | 2,500 |
| 2834 | Pharmaceutical Preparations | 2,500 |
| 2841 | Soap and Other Detergents, Except Specialty Cleaners. | 2,500 |
| 2842 | Specialty Cleaning, Polishing, and Sanitation Preparations. | 2,500 |
| 2843 | Surface Active Agents, Finishing Agents, Sulfonated Oils and Assistants. | 500 |
| 2844 | Perfumes, Cosmetics, and Other Toilet Preparations. | 2,500 |
| 2851 | Paints, Varnishes, Lacquers, Enamels, and Allied Products. | 2,500 |
| 2861 | Gum and Wood Chemicals | 2,500 |
| 2865 | Cyclic (Coal Tar) Crudes, and Cyclic Intermediates, Dyes, and Organic Pigments (Lakes and Toners). | 2,500 |
| 2869 | Industrial Organic Chemicals, Not Elsewhere Classified. | 2,500 |
| 2873 | Nitrogenous Fertilizers | 2,500 |
| 2874 | Phosphatic Fertilizers | 2,500 |
| 2875 | Fertilizers, Mixing Only | 750 |
| 2879 | Pesticides and Agriculture Chemicals, Not Elsewhere Classified. | 2,500 |
| 2891 | Adhesives and Sealants | 200 |
| 2892 | Explosives | 2,500 |
| 2893 | Printing Ink | 2,500 |
| 2895 | Carbon Black | 2,500 |
| 2899 | Chemicals and Chemical Preparations, Not Elsewhere Classified. | 250 |

### Major Group 29—Petroleum Refining and Related Industries

| | | |
|---|---|---|
| 2911 | Petroleum Refining [1] | 2,500 |
| 2951 | Paving Mixtures and Blocks | 150 |
| 2952 | Asphalt Felts and Coatings | 2,500 |
| 2992 | Lubricating Oils and Greases | 500 |
| 2999 | Products of Petroleum and Coal, Not Elsewhere Classified. | 1,000 |

### Major Group 30—Rubber and Miscellaneous Plastics Products

| | | |
|---|---|---|
| 3011 | Tires and Inner Tubes | 2,500 |
| 3021 | Rubber and Plastics Footwear | 2,500 |
| 3031 | Reclaimed Rubber | 750 |
| 3041 | Rubber and Plastics Hose and Belting. | 2,500 |
| 3069 | Fabricated Rubber Products, Not Elsewhere Classified. | 250 |

### Major Group 31—Leather and Leather Products

| | | |
|---|---|---|
| 3079 | Miscellaneous Plastics Products | 250 |

### Major Group 31—Leather and Leather Products

| | | |
|---|---|---|
| 3111 | Leather Tanning and Finishing | 200 |
| 3131 | Boot and Shoe Cut Stock and Findings. | 150 |
| 3142 | House Slippers | 500 |
| 3143 | Men's Footwear, Except Athletic | 2,500 |
| 3144 | Women's Footwear, Except Athletic | 2,000 |
| 3149 | Footwear, Except Rubber, Not Elsewhere Classified. | 750 |
| 3151 | Leather Gloves and Mittens | 250 |
| 3161 | Luggage | 500 |
| 3171 | Women's Handbags and Purses | 150 |
| 3172 | Personal Leather Goods, Except Women's Handbags and Purses. | 500 |
| 3199 | Leather Goods, Not Elsewhere Classified. | 100 |

### Major Group 32—Stone, Clay, Glass, and Concrete Products

| | | |
|---|---|---|
| 3211 | Flat Glass | 2,500 |
| 3221 | Glass Containers | 2,500 |
| 3229 | Pressed and Blown Glass and Glassware, Not Elsewhere Classified. | 2,500 |
| 3231 | Glass Products, Made of Purchased Glass. | 2,500 |
| 3241 | Cement, Hydraulic | 2,500 |
| 3251 | Brick and Structural Clay Tile | 200 |
| 3253 | Ceramic Wall and Floor Tile | 1,000 |
| 3255 | Clay Refractories | 2,500 |
| 3259 | Structural Clay Products, Not Elsewhere Classified. | 2,000 |
| 3261 | Vitreous China Plumbing Fixtures, and China and Earthenware Fittings, and Bathroom Accessories. | 2,500 |
| 3262 | Vitreous China Table and Kitchen Articles. | 750 |
| 3263 | Fine Earthenware (Whiteware) Table and Kitchen Articles. | 1,000 |
| 3264 | Porcelain Electrical Supplies | 2,500 |
| 3269 | Pottery Products, Not Elsewhere Classified. | 250 |
| 3271 | Concrete Block and Brick | 100 |
| 3272 | Concrete Products, Except Block and Brick. | 150 |
| 3273 | Ready-Mixed Concrete | 100 |
| 3274 | Lime | 2,500 |
| 3275 | Gypsum Products | 2,500 |
| 3281 | Cut Stone and Stone Products | 100 |
| 3291 | Abrasive Products | 2,500 |
| 3292 | Asbestos Products | 2,500 |
| 3293 | Gaskets, Packing, and Sealing Devices. | 1,500 |
| 3295 | Minerals and Earths, Ground or Otherwise Treated. | 500 |
| 3296 | Mineral Wool | 2,500 |
| 3297 | Nonclay Refractories | 2,500 |
| 3299 | Nonmetallic Mineral Products, Not Elsewhere Classified. | 250 |

### Major Group 33—Primary Metal Industries

| | | |
|---|---|---|
| 3312 | Blast Furnaces (Including Coke Ovens), Steel Works, and Rolling Mills. | 2,500 |
| 3313 | Electrometallurgical Products | 2,500 |
| 3315 | Steel Wire Drawing and Steel Nails and Spikes. | 250 |
| 3316 | Cold Rolled Steel Sheet, Strip and Bars. | 2,500 |
| 3317 | Steel Pipe and Tubes | 2,500 |
| 3321 | Gray Iron Foundries | 2,500 |
| 3322 | Malleable Iron Foundries | 2,500 |
| 3324 | Steel Investment Foundries | 2,500 |
| 3325 | Steel Foundries, Not Elsewhere Classified. | 2,500 |
| 3331 | Primary Smelting and Refining of Copper. | 2,500 |
| 3332 | Primary Smelting and Refining of Lead. | 2,500 |
| 3333 | Primary Smelting and Refining of Zinc. | 2,500 |
| 3334 | Primary Production of Aluminum | 2,500 |
| 3339 | Primary Smelting and Refining of Nonferrous Metals, Not Elsewhere Classified. | 2,500 |
| 3341 | Secondary Smelting and Refining of Nonferrous Metals. | 500 |
| 3351 | Rolling, Drawing, and Extruding of Copper. | 2,500 |

### Major Group 33—Primary Metal Industries

| | | |
|---|---|---|
| 3353 | Aluminum Sheet, Plate, and Foil | 2,500 |
| 3354 | Aluminum Extruded Products | 2,500 |
| 3355 | Aluminum Rolling and Drawing, Not Elsewhere Classified. | 2,500 |
| 3356 | Rolling, Drawing, and Extruding of Nonferrous Metals, Except Copper and Aluminum. | 2,500 |
| 3357 | Drawing and Insulating of Nonferrous Wire. | 2,500 |
| 3361 | Aluminum Foundries (Castings) | 250 |
| 3362 | Brass, Bronze, Copper, Copper Base Alloy Foundries (Castings). | 200 |
| 3369 | Nonferrous Foundries (Castings), Not Elsewhere Classified. | 250 |
| 3398 | Metal Heat Treating | 150 |
| 3399 | Primary Metal Products, Not Elsewhere Classified. | 2,500 |

### Major Group 34—Fabricated Metal Products, Except Machinery and Transportation Equipment

| | | |
|---|---|---|
| 3411 | Metal Cans | 2,500 |
| 3412 | Metal Shipping Barrels, Drums, Kegs, and Pails. | 500 |
| 3421 | Cutlery | 2,500 |
| 3423 | Hand and Edge Tools, Except Machine Tools and Hand Saws. | 1,000 |
| 3425 | Hand Saws and Saw Blades | 1,000 |
| 3429 | Hardware, Not Elsewhere Classified | 2,500 |
| 3431 | Enameled Iron and Metal Sanitary Ware. | 2,500 |
| 3432 | Plumbing Fixture Fittings and Trim (Brass Goods). | 750 |
| 3433 | Heating Equipment, Except Electric and Warm Air Furnaces. | 750 |
| 3441 | Fabricated Structural Metal | 250 |
| 3442 | Metal Doors, Sash, Frames, Molding, and Trim. | 250 |
| 3443 | Fabricated Plate Work (Boiler Shops) | 1,000 |
| 3444 | Sheet Metal Work | 150 |
| 3446 | Architectural and Ornamental Metal Work. | 100 |
| 3448 | Prefabricated Metal Buildings and Components. | 2,500 |
| 3449 | Miscellaneous Metal Work | 750 |
| 3451 | Screw Machine Products | 100 |
| 3452 | Bolts, Nuts, Screws, Rivets, and Washers. | 500 |
| 3462 | Metal Forgings and Stampings | 2,500 |
| 3463 | Nonferrous Forgings | 2,500 |
| 3465 | Automotive Stampings | 2,500 |
| 3466 | Crowns and Closures | 2,500 |
| 3469 | Metal Stampings, Not Elsewhere Classified. | 200 |
| 3471 | Electroplating, Plating, Polishing, Anodizing and Coloring. | 100 |
| 3479 | Coating, Engraving, and Allied Services, Not Elsewhere Classified. | 150 |
| 3482 | Small Arms Ammunition | 2,500 |
| 3483 | Ammunition, Except for Small Arms, Not Elsewhere Classified. | 2,500 |
| 3484 | Small Arms | 2,500 |
| 3489 | Ordnance and Accessories, Not Elsewhere Classified. | 2,500 |
| 3493 | Steel Springs, Except Wire | 500 |
| 3494 | Valves and Pipe Fittings, Except Plumbers' Brass Goods. | 500 |
| 3495 | Wire Springs | 500 |
| 3496 | Miscellaneous Fabricated Wire Products. | 200 |
| 3497 | Metal Foil and Leaf | 2,500 |
| 3498 | Fabricated Pipe and Fabricated Pipe Fittings. | 500 |
| 3499 | Fabricated Metal Products, Not Elsewhere Classified. | 200 |

### Major Group 35—Machinery, Except Electrical

| | | |
|---|---|---|
| 3511 | Steam, Gas, and Hydraulic Turbines and Turbine Generator Set Units. | 2,500 |
| 3519 | Internal Combustion Engines, Not Elsewhere Classified. | 2,500 |
| 3523 | Farm Machinery and Equipment | 2,500 |
| 3524 | Garden Tractors and Lawn and Garden Equipment. | 2,500 |
| 3531 | Construction Machinery and Equipment. | 2,500 |
| 3532 | Mining Machinery and Equipment, Except Oil Field Machinery and Equipment. | 2,500 |
| 3533 | Oil Field Machinery and Equipment | 2,500 |
| 3534 | Elevators and Moving Stairways | 2,500 |
| 3535 | Conveyors and Conveying Equipment. | 500 |

**Major Group 44—Water Transportation**

| | | |
|---|---|---|
| 3536 | Hoists, Industrial Cranes, and Monorail Systems. | 2,500 |
| 3537 | Industrial Trucks, Tractors, Trailers, and Stackers. | 2,500 |
| 3541 | Machine Tools, Metal Cutting Types | 750 |
| 3542 | Machine Tools, Metal Forming Types | 500 |
| 3544 | Special Dies and Tools, Die Sets, Jigs and Fixtures, and Industrial Molds. | 100 |
| 3545 | Machine Tool Accessories and Measuring Devices. | 250 |
| 3546 | Power Driven Hand Tools | 2,500 |
| 3547 | Rolling Mill Machinery and Equipment. | 1,000 |
| 3549 | Metalworking Machinery, Not Elsewhere Classified. | 200 |
| 3551 | Food Products Machinery | 200 |
| 3552 | Textile Machinery | 750 |
| 3553 | Woodworking Machinery | 500 |
| 3554 | Paper Industries Machinery | 500 |
| 3555 | Printing Trades Machinery and Equipment. | 750 |
| 3559 | Special Industry Machinery, Not Elsewhere Classified. | 250 |
| 3561 | Pumps and Pumping Equipment | 750 |
| 3562 | Ball and Roller Bearings | 2,500 |
| 3563 | Air and Gas Compressors | 2,500 |
| 3564 | Blowers and Exhaust and Ventilation Fans. | 750 |
| 3565 | Industrial Patterns | 100 |
| 3566 | Speed Changers, Industrial High Speed Drives, and Gears. | 2,500 |
| 3567 | Industrial Process Furnaces and Ovens. | 750 |
| 3568 | Mechanical Power Transmission Equipment, Not Elsewhere Classified. | 2,500 |
| 3569 | General Industrial Machinery and Equipment, Not Elsewhere Classified. | 200 |
| 3572 | Typewriters | 2,500 |
| 3573 | Electronic Computing Equipment | 2,500 |
| 3574 | Calculating and Accounting Machines, Except Electronic Computing Equipment. | 2,500 |
| 3576 | Scales and Balances, Except Laboratory. | 1,000 |
| 3579 | Office Machines, Not Elsewhere Classified. | 2,500 |
| 3581 | Automatic Merchandising Machines | 750 |
| 3582 | Commercial Laundry, Dry Cleaning, and Pressing Machines. | 1,000 |
| 3585 | Air Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment. | 2,500 |
| 3586 | Measuring and Dispensing Pumps | 2,500 |
| 3589 | Service Industry Machines, Not Elsewhere Classified. | 250 |
| 3592 | Carburetors, Pistons, Piston Rings, and Valves. | 2,500 |
| 3599 | Machinery, Except Electrical, Not Elsewhere Classified. | 100 |

**Major Group 36—Electrical and Electronic Machinery, Equipment, and Supplies**

| | | |
|---|---|---|
| 3612 | Power, Distribution, and Specialty Transformers. | 2,500 |
| 3613 | Switchgear and Switchboard Apparatus. | 2,500 |
| 3621 | Motors and Generators | 2,500 |
| 3622 | Industrial Controls | 2,500 |
| 3623 | Welding Apparatus, Electric | 1,500 |
| 3624 | Carbon and Graphite Products | 2,500 |
| 3629 | Electrical Industrial Apparatus, Not Elsewhere Classified. | 1,000 |
| 3631 | Household Cooking Equipment | 2,500 |
| 3632 | Household Refrigerators and Home and Farm Freezers. | 2,500 |
| 3633 | Household Laundry Equipment | 2,500 |
| 3634 | Electric Housewares and Fans | 2,500 |
| 3635 | Household Vacuum Cleaners | 2,500 |
| 3636 | Sewing Machines | 1,000 |
| 3639 | Household Appliances, Not Elsewhere Classified. | 2,500 |
| 3641 | Electric Lamps | 2,500 |
| 3643 | Current-Carrying Wiring Devices | 2,500 |
| 3644 | Noncurrent-Carrying Wiring Devices | 2,500 |
| 3645 | Residential Electric Light Fixtures | 250 |
| 3646 | Commercial, Industrial, and Institutional Electric Lighting Fixtures. | 500 |
| 3647 | Vehicular Lighting Equipment | 2,500 |
| 3648 | Lighting Equipment, Not Elsewhere Classified. | 2,500 |

**Major Group 36—Electrical and Electronic Machinery, Equipment, and Supplies**

| | | |
|---|---|---|
| 3651 | Radio and Television Receiving Sets, Except Communication Types. | 2,500 |
| 3652 | Phonograph Records and Pre-recorded Magnetic Tape. | 1,000 |
| 3661 | Telephone and Telegraph Apparatus. | 2,500 |
| 3662 | Radio and Television Transmitting, Signaling, and Detection Equipment and Apparatus. | 750 |
| 3671 | Radio and Television Receiving Type Electron Tubes, Except Cathode Ray. | 2,500 |
| 3672 | Cathode Ray Television Picture Tubes. | 2,500 |
| 3673 | Transmitting, Industrial, and Special Purpose Electron Tubes. | 2,500 |
| 3674 | Semiconductors and Related Devices. | 2,500 |
| 3675 | Electronic Capacitors | 2,500 |
| 3676 | Resistors, for Electronic Applications. | 2,500 |
| 3677 | Electronic Coils, Transformers and Other Inductors. | 250 |
| 3678 | Connectors, for Electronic Applications. | 2,500 |
| 3679 | Electronic Components, Not Elsewhere Classified. | 2,500 |
| 3691 | Storage Batteris | 2,500 |
| 3692 | Primary Batteries, Dry and Wet | 2,500 |
| 3693 | Radiographic X-ray, Fluoroscopic X-ray, Therapeutic X-ray, and Other X-ray Apparatus and Tubes; Electromedical and Electrotherapeutic Apparatus. | 2,500 |
| 3694 | Electrical Equipment for Internal Combustion Engines. | 2,500 |
| 3699 | Electrical Machinery, Equipment, and Supplies, Not Elsewhere Classified. | 250 |

**Major Group 37—Transportation Equipment**

| | | |
|---|---|---|
| 3711 | Motor Vehicles and Passenger Car Bodies. | 2,500 |
| 3713 | Truck and Bus Bodies | 500 |
| 3714 | Motor Vehicle Parts and Accessories | 2,500 |
| 3715 | Truck Trailers | 2,500 |
| 3721 | Aircraft | 2,500 |
| 3724 | Aircraft Engines and Engine Parts | 2,500 |
| 3728 | Aircraft Parts and Auxiliary Equipment, Not Elsewhere Classified. | 2,500 |
| 3731 | Ship Building and Repairing | 2,500 |
| 3732 | Boat Building and Repairing | 2,500 |
| 3743 | Railroad Equipment | 200 |
| 3751 | Motorcycles, Bicycles, and Parts | 2,500 |
| 3761 | Guided Missiles and Space Vehicles | 2,500 |
| 3764 | Guided Missile and Space Venicle Propulsion Units and Propulsion Unit Parts. | 2,500 |
| 3769 | Guided Missile and Space Vehicle Parts and Auxiliary Equipment, Not Elsewhere Classified. | 2,500 |
| 3792 | Travel Trailers and Campers | 250 |
| 3795 | Tanks and Tank Components | 2,500 |
| 3799 | Transportation Equipment, Not Elsewhere Classified. | 750 |

**Major Group 38—Measuring, Analyzing, and Controlling Instruments; Photographic, Medical, and Optical Goods; Watches and Clocks**

| | | |
|---|---|---|
| 3811 | Engineering, Laboratory, Scientific, and Research Instruments and Associated Equipment. | 750 |
| 3822 | Automatic Controls for Regulating Residential and Commercial Environments and Appliances. | 2,500 |
| 3823 | Industrial Instruments for Measurement, Display, and Control of Process Variables; and Related Products. | 2,500 |
| 3824 | Totalizing Fluid Meters and Counting Devices. | 2,500 |
| 3825 | Instruments for Measuring and Testing of Electricity and Electrical Signals. | 2,500 |
| 3829 | Measuring and Controlling Devices, Not Elsewhere Classified. | 2,000 |
| 3832 | Optical Instruments and Lenses | 2,500 |
| 3841 | Surgical and Medical Instruments and Apparatus. | 2,000 |
| 3842 | Orthopedic, Prosthetic, and Surgical Appliances and Supplies. | 2,500 |
| 3843 | Dental Equipment and Supplies | 750 |
| 3851 | Ophthalmic Goods | 2,500 |

**Major Group 38—Measuring, Analyzing, and Controlling Instruments; Photographic, Medical, and Optical Goods; Watches and Clocks**

| | | |
|---|---|---|
| 3861 | Photographic Equipment and Supplies. | 2,500 |
| 3873 | Watches, Clocks, Clockwork Operated Devices, and Parts. | 2,500 |

**Major Group 39—Miscellaneous Manufacturing Industries**

| | | |
|---|---|---|
| 3911 | Jewelry, Precious Metal | 250 |
| 3914 | Silverware, Plated Ware, and Stainless Steel Ware. | 2,500 |
| 3915 | Jewelers' Findings and Materials, and Lapidary Work. | 100 |
| 3931 | Musical Instruments | 2,500 |
| 3942 | Dolls | 250 |
| 3944 | Games, Toys, and Children's Vehicles; Except Dolls and Bicycles. | 2,500 |
| 3949 | Sporting and Athletic goods, Not Elsewhere Classified. | 750 |
| 3951 | Pens, Mechanical Pencils, and Parts | 750 |
| 3952 | Lead Pencils, Crayons, and Artists' Materials. | 1,000 |
| 3953 | Marking Devices | 250 |
| 3955 | Carbon Paper and Inked Ribbons | 2,000 |
| 3961 | Costume Jewelry and Costume Novelties, Except Precious Metal. | 150 |
| 3962 | Feathers, Plumes, and Artificial Trees and Flowers. | 250 |
| 3963 | Buttons | 250 |
| 3964 | Needles, Pins, Hooks and Eyes, and Similar Notions. | 1,500 |
| 3991 | Brooms and Brushes | 250 |
| 3993 | Signs and Advertising Displays | 100 |
| 3995 | Burial Caskets | 250 |
| 3996 | Linoleum, Asphalted-Felt-Base, and Other Hard Surface Floor Coverings, Not Elsewhere Classified. | 2,500 |
| 3999 | Manufacturing Industries, Not Elsewhere Classified. | 200 |

Div. E — Transportation, Communications, Electric, Gas, and Sanitary Services

**Major Group 40—Railroad Transportation**

| | | |
|---|---|---|
| 4011 | Railroads, Line-haul Operating | 1,000 |
| 4013 | Switching and Terminal Establishments. | 250 |

*Major Group 41—Local and Suburban Transit and Interurban Highway Passenger Transportation*

| | | |
|---|---|---|
| 4111 | Local and Suburban Transit | 150 |
| 4119 | Local Passenger Transportation, Not Elsewhere Classified. | 50 |
| 4121 | Taxicabs | 50 |
| 4131 | Intercity and Rural Highway Passenger Transportation. | 200 |
| 4141 | Local Passenger Transportation Charter Service. | 50 |
| 4142 | Passenger Transportation Charter Service, Except Local. | 50 |
| 4151 | School Buses | 50 |
| 4171 | Terminal and Joint Terminal Maintenance Facilities for Motor Vehicle Passenger Transportation. | 50 |
| 4172 | Maintenance and Service Facilities for Motor Vehicle Passenger Transportation. | 50 |

**Major Group 42—Motor Freight Transportation and Warehousing**

| | | |
|---|---|---|
| 4212 | Local Trucking Without Storage | 100 |
| 4213 | Trucking, Except Local | 250 |
| 4214 | Local Trucking With Storage | 100 |
| 4221 | Farm Product Warehousing and Storage. | 50 |
| 4222 | Refrigerated Warehousing | 25 |
| 4224 | Household Goods Warehousing and Storage. | 25 |
| 4225 | General Warehousing and Storage | 100 |
| 4226 | Special Warehousing and Storage, Not Elsewhere Classified. | 50 |

**Major Group 39—Miscellaneous Retail**

| | | |
|---|---|---|
| 4231 | Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transporation. | 50 |

**Major Group 44—Water Transportation**

| | | |
|---|---|---|
| 4411 | Deep Sea Foreign Transportation | 750 |
| 4421 | Transportation to and Between Noncontiguous Territories. | 400 |
| 4422 | Coastwise Transportation | 100 |
| 4423 | Intercoastal Transportation | 500 |
| 4431 | Great Lakes-St. Lawrence Seaway Transportation. | 500 |
| 4441 | Transportation on Rivers and Canals. | 250 |
| 4452 | Ferries | 200 |
| 4453 | Lighterage | 200 |
| 4454 | Towing and Tugboat Service | 200 |
| 4459 | Local Water Transportation, Not Elsewhere Classified. | 50 |
| 4463 | Marine Cargo Handling | 200 |
| 4464 | Canal Operation | 100 |
| 4469 | Water Transportation Services, Not Elsewhere Classifed [6]. | 50 |

**Major Group 45—Transportation by Air**

| | | |
|---|---|---|
| 4511 | Air Transportation, Certified Carriers | 2,500 |
| 4521 | Air Transportation, Noncertified Carriers [6]. | 200 |
| 4582 | Airports and Flying Fields | 125 |
| 4583 | Airport Terminal Services | 200 |

**Major Group 47—Transportation Services**

| | | |
|---|---|---|
| 4712 | Freight Forwarding | 250 |
| 4722 | Arrangement of Passenger Transportation. | 50 |
| 4723 | Arrangement of Transportation of Freight and Cargo. | 100 |
| 4742 | Rental of Railroad Cars With Care of Lading. | 1,500 |
| 4743 | Rental of Railroad Cars Without Care of Lading. | 2,500 |
| 4782 | Inspection and Weighing Services Connected With Transportation. | 50 |
| 4783 | Packing and Crating | 100 |
| 4784 | Fixed Facilities for Handling Motor Vehicle Transportation, Not Elsewhere Classified. | 500 |
| 4789 | Services Incidental to Transportation, Not Elsewhere Classified. | 100 |

**Major Group 48—Communication**

| | | |
|---|---|---|
| 4832 | Radio Broadcasting | 50 |
| 4833 | Television Broadcasting | 100 |
| 4899 | Communication Services, Not Elsewhere Classified [7]. | 100 |

**Major Group 49—Electric, Gas, and Sanitary Services**

| | | |
|---|---|---|
| 4941 | Water Supply | 50 |
| 4952 | Sewerage Systems | 50 |
| 4953 | Refuse Systems | 100 |
| 4959 | Sanitary Services, Not Elsewhere Classified. | 25 |
| 4961 | Steam Supply | 50 |
| 4971 | Irrigation Systems | 25 |

Div. F Wholesale Trade

**Major Group 50—Wholesale Trade—Durable Goods**

| | | |
|---|---|---|
| 5012 | Automobiles and Other Motor Vehicles. | 50 |
| 5013 | Automotive Parts and Supplies | 50 |
| 5014 | Tires and Tubes | 25 |
| 5021 | Furniture | 25 |
| 5023 | Home Furnishings | 20 |
| 5031 | Lumber, Plywood and Millwork | 25 |
| 5039 | Construction Materials, Not Elsewhere Classified. | 25 |
| 5041 | Sporting and Recreational Goods and Supplies. | 25 |
| 5042 | Toys and Hobby Goods and Supplies | 20 |
| 5043 | Photographic Equipment and Supplies. | 25 |
| 5051 | Metals Service Centers and Offices | 25 |
| 5052 | Coal and Other Minerals and Ores | 25 |

Div. F Wholesale Trade

**Major Group 50—Wholesale Trade—Durable Goods**

| | | |
|---|---|---|
| 5063 | Electrical Apparatus and Equipment, Wiring Supplies and Construction Materials. | 20 |
| 5064 | Electrical Appliances, Television and Radio Sets. | 25 |
| 5065 | Electronic Parts and Equipment | 25 |
| 5072 | Hardware | 25 |
| 5074 | Plumbing and Heating Equipment and Supplies (Hydronics). | 25 |
| 5075 | Warm Air Heating and Air Conditioning Equipment and Supplies. | 15 |
| 5078 | Refrigeration Equipment and Supplies. | 25 |
| 5081 | Commercial Machines and Equipment. | 15 |
| 5082 | Construction and Mining Machinery and Equipment. | 25 |
| 5083 | Farm and Garden Machinery and Equipment. | 15 |
| 5084 | Industrial Machinery and Equipment | 20 |
| 5085 | Industrial Supplies | 25 |
| 5086 | Professional Equipment and Supplies | 25 |
| 5087 | Service Establishment Equipment and Supplies. | 20 |
| 5088 | Transportation Equipment and Supplies, Except Motor Vehicles. | 20 |
| 5093 | Scrap and Waste Materials | 25 |
| 5094 | Jewelry, Watches, Diamonds and Other Precious Stones. | 15 |
| 5099 | Durable Goods, Not Elsewhere Classified. | 15 |

**Major Group 51—Wholesale Trade—Nondurable Goods**

| | | |
|---|---|---|
| 5111 | Printing and Writing Paper | 50 |
| 5112 | Stationery Supplies | 20 |
| 5113 | Industrial and Personal Service Paper. | 25 |
| 5122 | Drugs, Drug Proprietaries, and Druggists' Sundries. | 25 |
| 5133 | Piece Goods (Woven Fabrics) | 20 |
| 5134 | Notions and Other Dry Goods | 25 |
| 5136 | Men's and Boys' Clothing and Furnishings. | 25 |
| 5137 | Women's, Children's and Infants' Clothing and Accessories. | 25 |
| 5139 | Footwear | 20 |
| 5141 | Groceries, General Line | 50 |
| 5142 | Frozen Foods | 20 |
| 5143 | Dairy Products | 25 |
| 5144 | Poultry and Poultry Products | 25 |
| 5145 | Confectionery | 20 |
| 5146 | Fish and Seafoods | 15 |
| 5147 | Meats and Meat Products | 20 |
| 5148 | Fresh Fruits and Vegetables | 50 |
| 5149 | Groceries and Related Products Not Elsewhere Classified. | 25 |
| 5152 | Cotton | 15 |
| 5153 | Grain | 15 |
| 5154 | Livestock | 15 |
| 5159 | Farm-Product Raw Materials, Not Elsewhere Classified. | 15 |
| 5161 | Chemicals and Allied Products | 25 |
| 5171 | Petroleum Bulk Stations and Terminals. | 20 |
| 5172 | Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals. | 15 |
| 5181 | Beer and Ale | 20 |
| 5182 | Wines and Distilled Alcoholic Beverages. | 50 |
| 5191 | Farm Supplies | 20 |
| 5194 | Tobacco and Tobacco Products | 20 |
| 5198 | Paints, Varnishes, and Supplies | 25 |
| 5199 | Nondurable Goods, Not Elsewhere Classified. | 25 |

Div. G. Retail Trade

**Major Group 52—Building Materials, Hardware, Garden Supply, and Mobile Home Dealers**

| | | |
|---|---|---|
| 5211 | Lumber and Other Building Materials Dealers. | 25 |
| 5231 | Paint, Glass, and Wallpaper Stores | 25 |
| 5251 | Hardware Stores | 20 |
| 5261 | Retail Nurseries, Lawn and Garden Supply Stores. | 20 |

**Major Group 53—General Merchandise Stores**

| | | |
|---|---|---|
| 5271 | Mobile Home Dealers | 15 |

**Major Group 53—General Merchandise Stores**

| | | |
|---|---|---|
| 5311 | Department Stores | 300 |
| 5331 | Variety Stores | 100 |
| 5399 | Miscellaneous General Merchandise Stores. | 25 |

**Major Group 54—Food Stores**

| | | |
|---|---|---|
| 5411 | Grocery Stores | 50 |
| 5422 | Freezer and Locker Meat Provisioners. | 15 |
| 5423 | Meat and Fish (Seafood) Markets | 15 |
| 5431 | Fruit Stores and Vegetable Markets | 15 |
| 5441 | Candy, Nut, and Confectionery Stores. | 25 |
| 5451 | Daily Products Stores | 25 |
| 5462 | Retail Bakeries—Baking and Selling | 25 |
| 5463 | Retail Bakeries—Selling Only | 25 |
| 5499 | Miscellaneous Food Stores | 15 |

**Major Group 55—Automotive Dealers and Gasoline Service Stations**

| | | |
|---|---|---|
| 5511 | Motor Vehicle Dealers (New and Used). | 50 |
| 5521 | Motor Vehicle Dealers (Used Only) | 15 |
| 5531 | Auto and Home Supply Stores | 20 |
| 5541 | Gasoline Service Stations | 15 |
| 5551 | Boat Dealers | 15 |
| 5561 | Recreational and Utility Trailer Dealers. | 15 |
| 5571 | Motorcycle Dealers | 15 |
| 5599 | Automotive Dealers, Not Elsewhere Classified. | 15 |

**Major Group 56—Apparel and Accessory Stores**

| | | |
|---|---|---|
| 5611 | Men's and Boys' Clothing and Furnishings Stores. | 20 |
| 5621 | Women's Ready-to-Wear Stores | 25 |
| 5631 | Women's Accessory and Specialty Stores. | 25 |
| 5641 | Children's and Infants' Wear Stores | 25 |
| 5651 | Family Clothing Stores | 50 |
| 5661 | Shoe Stores | 25 |
| 5681 | Furriers and Fur Shops | 15 |
| 5699 | Miscellaneous Apparel and Accessory Stores. | 25 |

**Major Group 57—Furniture, Home Furnishings, and Equipment Stores**

| | | |
|---|---|---|
| 5712 | Furniture Stores | 20 |
| 5713 | Floor Covering Stores | 20 |
| 5714 | Drapery, Curtain, and Upholstery Stores. | 20 |
| 5719 | Miscellaneous Home Furnishing Stores. | 25 |
| 5722 | Household Appliance Stores | 15 |
| 5732 | Radio and Television Stores | 15 |
| 5733 | Music Stores | 20 |

**Major Group 58—Eating and Drinking Places**

| | | |
|---|---|---|
| 5812 | Eating Places | 50 |
| 5813 | Drinking Places (Alcoholic Beverages). | 15 |

**Major Group 59—Miscellaneous Retail**

| | | |
|---|---|---|
| 5912 | Drug Stores and Proprietary Stores | 20 |
| 5921 | Liquor Stores | 15 |
| 5931 | Used Merchandise Stores | 25 |
| 5941 | Sporting Goods Stores and Bicycle Shops. | 15 |
| 5942 | Book Stores | 25 |
| 5943 | Stationery Stores | 25 |
| 5944 | Jewelry Stores | 20 |
| 5945 | Hobby, Toy, and Game Shops | 20 |
| 5946 | Camera and Photographic Supply Stores. | 15 |
| 5947 | Gift, Novelty, and Souvenir Shops | 15 |
| 5948 | Luggage and Leather Goods Stores | 20 |
| 5949 | Sewing, Needlework, and Piece Goods Stores. | 25 |
| 5961 | Mail Order Houses | 150 |

**Major Group 59—Miscellaneous Retail**

| | | |
|---|---|---|
| 5962 | Automatic Merchandising Machine Operators. | 150 |
| 5963 | Direct Selling Establishments | 50 |
| 5982 | Fuel and Ice Dealers, Except Fuel Oil Dealers and Bottled Gas Dealers. | 15 |
| 5983 | Fuel Oil Dealers | 100 |
| 5984 | Liquefied Petroleum Gas (Bottled Gas) Dealers. | 25 |
| 5992 | Florists | 25 |
| 5993 | Cigar Stores and Stands | 20 |
| 5994 | News Dealers and Newsstands | 20 |
| 5999 | Miscellaneous Retail Stores, Not Elsewhere Classified. | 20 |

Div. H Finance, insurance, and real estate [8]

**Major Group 65—Real Estate**

| | | |
|---|---|---|
| 6515 | Operators of Residential Mobile Home Sites. | 100 |

Div. I Services

**Major Group 70—Hotels, Rooming Houses, Camps, and Other Lodging Places**

| | | |
|---|---|---|
| 7011 | Hotels, Motels, and Tourist Courts | 50 |
| 7021 | Rooming and Boarding Houses | 25 |
| 7032 | Sporting and Recreational Camps | 15 |
| 7033 | Trailering Parks and Camp Sites for Transients. | 15 |
| 7041 | Organization Hotels and Lodging Houses, on Membership Basis. | 50 |

**Major Group 72—Personal Services**

| | | |
|---|---|---|
| 7211 | Power Laundries, Family and Commercial. | 50 |
| 7212 | Garment Pressing, and Agents for Laundries and Dry Cleaners. | 15 |
| 7213 | Linen Supply | 150 |
| 7214 | Diaper Service | 50 |
| 7215 | Coin-Operated Laundries and Dry Cleaning. | 15 |
| 7216 | Dry Cleaning Plants, Except Rug Cleaning. | 25 |
| 7217 | Carpet and Upholstery Cleaning | 15 |
| 7218 | Industrial Launderers | 150 |
| 7219 | Laundry and Garment Services, Not Elsewhere Classified. | 15 |
| 7221 | Photographic Studios, Portrait | 15 |
| 7231 | Beauty Shops | 15 |
| 7241 | Barber Shops | 15 |
| 7251 | Shoe Repair Shops, Shoe Shine Parlors, and Hat Cleaning Shops. | 15 |
| 7261 | Funeral Service and Crematories | 15 |
| 7299 | Miscellaneous Personal Services | 25 |

**Major Group 73—Business Services**

| | | |
|---|---|---|
| 7311 | Advertising agencies | 25 |
| 7312 | Outdoor Advertising Services | 25 |
| 7313 | Radio, Television, and Publishers' Advertising Representatives. | 75 |
| 7319 | Advertising, Not Elsewhere Classified | 50 |
| 7321 | Consumer Credit Reporting Agencies, Mercantile Reporting Agecnies, and Adjustment and Collection Agencies. | 50 |
| 7331 | Direct Mail Advertising Services | 50 |
| 7332 | Blueprinting and Photocopying Services. | 20 |
| 7333 | Commercial Photography, Art, and Graphics. | 15 |
| 7339 | Stenographic Services; and Reproduction Services, Not Eslewhere Classified. | 15 |
| 7341 | Window Cleaning | 15 |
| 7342 | Disinfecting and Exterminating Services. | 20 |
| 7349 | Cleaning and Maintenance Services to Dwellings and other Buildings, Not Elsewhere Classified [9]. | 50 |
| 7351 | News Syndicates | 100 |
| 7361 | Employment Agencies | 25 |
| 7362 | Temporary Help Supply Services | 250 |
| 7369 | Personnel Supply Services, Not Elsewhere Classified [10]. | 200 |
| 7372 | Computer Programming and Other Software Services. | 100 |
| 7374 | Data Processing Services | 100 |
| 7379 | Computer Related Services, Not Elsewhere Classified. | 100 |
| 7391 | Research and Development Laboratories [11]. | 100 |
| 7392 | Management, Consulting, and Public Relations Services. | 25 |
| 7393 | Detective Agencies and Protective services. | 100 |
| 7394 | Equipment Rental and Leasing Services. | 15 |
| 7395 | Photofinishing Laboratories | 75 |
| 7396 | Trading Stamp Services | 100 |
| 7397 | Commercial Testing Laboratories | 50 |
| 7399 | Business Services, Not Elsewhere Classified. | 25 |

**Major Group 75—Automotive Repair, Services, and Garages**

| | | |
|---|---|---|
| 7512 | Passenger Car Rental and Leasing, Without Drivers. | 25 |
| 7513 | Truck Rental and Leasing, Without Drivers. | 50 |
| 7519 | Utility Trailer and Recreational Vehicle Rental. | 15 |
| 7523 | Parking Lots | 20 |
| 7525 | Parking Structures | 25 |
| 7531 | Top and Body Repair Shops | 15 |
| 7534 | Tire Retreading and Repair Shops | 25 |
| 7535 | Paint Shops | 15 |
| 7538 | General Automotive Repair Shops | 15 |
| 7539 | Automotive Repair Shops, Not Elsewhere Classified. | 15 |
| 7542 | Car Washes | 15 |
| 7549 | Automotive Services, Except Repair and Car Washes. | 15 |

**Major Group 76—Miscellaneous Repair Services**

| | | |
|---|---|---|
| 7622 | Radio and Television Repair Shops | 15 |
| 7623 | Refrigeration and Air Conditioning Service and Repair Shops. | 15 |
| 7629 | Electrical and Electronic Repair Shops, Not Elsewhere Classified. | 20 |
| 7631 | Watch, Clock, and Jewelry Repair | 15 |
| 7641 | Reupholstery and Furniture Repair | 15 |
| 7692 | Welding Repair | 15 |
| 7694 | Armature Rewinding Shops | 20 |
| 7699 | Repair Shops and Related Services, Not Elsewhere Classified. | 15 |

**Major Group 78—Motion Pictures**

| | | |
|---|---|---|
| 7813 | Motion Picture Production, Except for Television. | 50 |
| 7814 | Motion Picture and Tape Production for Television. | 50 |
| 7819 | Services Allied to Motion Picture Production. | 5 |
| 7823 | Motion Picture Film Exchanges | 75 |
| 7824 | Film or Tape Distribution for Television. | 50 |
| 7829 | Services Allied to Motion Picture Distribution. | 50 |
| 7832 | Motion Picture Theaters, Except Drive-In. | 50 |
| 7833 | Drive-In Motion Picture Theaters | 25 |

**Major Group 79—Amusement and Recreation Services, Except Motion Pictures**

| | | |
|---|---|---|
| 7911 | Dance Halls, Studios, and Schools | 15 |
| 7922 | Theatrical Producers (Except Motion Pictures), Bands, Orchestras, and Entertainers. | 25 |
| 7929 | Bands, Orchestras, Actors, and Other Entertainers and Entertainment Groups. | 25 |
| 7932 | Billiard and Pool Establishments | 15 |
| 7933 | Bowling Alleys | 20 |
| 7941 | Professional Sports Clubs and promoters. | 50 |
| 7993 | Coin-operated Amusement Devices | 15 |
| 7996 | Amusement Parks | 75 |
| 7999 | Amusement and Recreation Services, Not Elsewhere Classified. | 25 |

**Major Group 80—Health Services**

| | | |
|---|---|---|
| 8011 | Offices of Physicians | 15 |
| 8021 | Offices of Dentists | 15 |
| 8031 | Offices of Osteopathic Physicians | 15 |
| 8041 | Offices of Chiropractors | 15 |
| 8042 | Offices of Optometrists | 15 |
| 8049 | Offices of Health Practioners, Not Elsewhere Classified. | 15 |
| 8051 | Skilled Nursing Care Facilities | 200 |
| 8059 | Nursing and Personal Care Facilities, Not Elsewhere Classified. | 200 |
| 8062 | General Medical and Surgical Hospitals. | 500 |
| 8063 | Psychiatric Hospitals | 500 |
| 8069 | Specialty Hospitals, Except Psychiatric. | 500 |
| 8071 | Medical Laboratories | 25 |
| 8072 | Dental Laboratories | 15 |
| 8081 | Outpatient Care Facilities | 100 |
| 8091 | Health and Allied Services, Not Elsewhere Classified. | 100 |

**Major Group 81—Legal Services**

| | | |
|---|---|---|
| 8111 | Legal Services | 15 |

**Major Group 82—Educational Services**

| | | |
|---|---|---|
| 8299 | Schools and Educational Services, Not Elsewhere Classified [12]. | 15 |

**Major Group 89—Miscellaneous Services**

| | | |
|---|---|---|
| 8911 | Engineering, Architectural, and Surveying Services [13]. | 50 |
| 8931 | Accounting, Auditing, and Bookkeeping Services. | 25 |
| 8999 | Services, Not Elsewhere Classified | 25 |

Div. A Agriculture [14]

**Major Group 01—Agricultural Production—Crops**

| | | |
|---|---|---|
| 0111–0191 | Agricultural Production—Crops. | [15] $100,000 |

**Major Group 02—Agricultural Production—Livestock**

| | | |
|---|---|---|
| 0211 | Beef Cattle Feedlots (Custom). | [16] $1,000,000 |
| 0212–0291 | Agricultural Production—Livestock, except 0211. | [15] $100,000 |

[1] Except for Agriculture, all size standards are shown on an employment basis.

[2] SIC–1629: When bidding on dredging contracts, the firm must perform at least 40 percent of the yardage advertised in the plans and specifications, with dredging equipment owned by the bidder or obtained from another small business dredging concern.

[3] Division D, *Manufacturing*: "Rebuilding on a factory basis or equivalent." For rebuilding machinery or equipment on a factory basis, use SIC code applicable for new manufactured product.

[4] SIC–2911: For purposes of bidding on Government contracts, the firm does not have more than 50,000 barrels per day crude oil or bona fide feedstock capacity from owned or leased facilities or from facilities made available to such concern under an arrangement such as, but not limited to, an exchange agreement (except one on a refined-product-for-refined-product basis), or a throughput or other form of processing agreement, with the same effect as though such facilities had been leased; and the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feedstocks.

[5] SIC–4469: Includes offshore marine services.

[6] SIC–4521: Includes services requiring the use of one or more helicopters or fixed-wing aircraft.

[7] SIC–4899: Includes cable television service.

[8] Since most industries in Division H, Finance, Insurance, and Real Estate, are excluded from SBA assistance, only SIC–6515 is listed with a size standard.

[9] SIC–7349: Includes janitorial and custodial services.

[10] SIC–7369: Includes base maintenance and food services.

[11] SIC–7391: For research and development contracts requiring the delivery of the manufactured product, the size standard to use is that of the manufacturing industry in which the specific product is classified.

[12] SIC–8299: Includes flight training services.

[13] SIC–8911: Includes naval architecture and marine engineering.

[14] Includes all SIC's in Major Groups 01 and 02; excludes

all SIC's in Major Groups 07, *Agricultural Services;* 08, *Forestry;* and 09, *Fisheries.*

[15] Due to the difficulty of identifying paid employees on the family farm, a dollar sales measurement is used as the size standard.

**§ 121.3 Application of small business size standards.**

The size standards definitions within this section apply to the following SBA programs: Financial Assistance, SBIC's, Surety Bonding, Pollution Control, Minority Small Business and Capital Ownership Development, etc., for the Procurement Assistance and Property Sales Programs, see § 121.4 and § 121.5, respectively. The following sections of the regulation are set forth in question-and-answer format for ease of application.

(a) *How do I determine if my firm is a small business eligible for SBA assistance?*

Since SBA size standards are set on an industry basis, you must first determine in which industry your firm is classified. To determine in which industry your firm is engaged, refer to the Standard Industrial Classification Manual.[1] Upon determining your firm's primary industry by the four-digit code, simply refer to the table contained in § 121.2 for the employment size standard.

(b) *What if my firm is engaged in a number of different industries?*

If an applicant for SBA assistance is engaged in a number of product lines or industries, or has affiliates engaged in different product lines or industries, the size standard shall be that of the firm and its affiliates' primary industry.[2]

(c) *Must I include employees in affiliated concerns?*

Yes. Employees of the firm applying for assistance, as well as all employees of firms affiliated with the applicant concern, must be included in the employee count. For an explanation of what would constitute an affiliate, refer to § 121.6.

(d) *How does SBA define employee?*

"Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during each of the pay periods of the preceding 12 months.[3]

(e) *Am I an exception to the employee size standards?*

Maybe. There are three exceptions:

(1) A concern which applies for an SBA loan to refinance an existing SBA loan but which, since the date of the original financing has by natural growth as distinguished from merger, etc., grown to a size which exceeds the applicable size standard, is considered as small for the purpose of refinancing if SBA administratively determines that refinancing is necessary to protect the Government's financial interest.

(2) The applicable size standards for the purpose of all financial assistance programs of the Small Business Administration, except the Surety Bond Guarantee Assistance Program, are increased by 25 percent whenever the concern maintains or operates a plant, facility, or other business establishment within an area of substantial unemployment or underemployment or redevelopment area,[4] or is designated as a "Certified Eligible" concern by the Department of Labor and agrees to use the assistance within such area, or, if it does not maintain a plant, facility, or other business establishment within such area, agrees to utilize the assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(3) Financial assistance to farms. The size standard used to determine a small farm will be annual receipts[5] rather than number of employees.

(f) *At what time is the size status of the applicant firm and its affiliates determined for purposes of SBA financial assistance?*

The applicant firm's size status will be determined at the time of application for SBA financial assistance.

(g) *How do size standards apply to the 8(a) program within the minority small business and capital ownership development?*

At the time of entry to the MSB/COD program, your firm must meet the size standard for its primary industry as set forth in § 121.2.

**§ 121.4 Definition of small business for SBA procurement assistance and subcontracting programs.**

(a) *How do I know if my firm is a small business eligible to bid on Federal contracts set aside for small business?*

(1) For purposes of bidding on set-aside contracts, the applicable size standard will be the one for the industry that best depicts the product or service being procured. The firm's primary activity is not the controlling factor in determining small business eligibility for bidding on set-aside contracts.

(2) If your firm and all affiliates meet the corresponding size standard for that industry set forth in the solicitation by SIC code, then you are eligible to bid on the set-aside contract.

(b) *Who determines the appropriate SIC code for a set-aside procurement, and if there is a disagreement with the contracting officer's code selection?*

(1) The determination of the appropriate SIC classification of a product or service shall be made by the contracting officer of the agency letting the contract. Both the SIC classification and the applicable employee size standard shall be set forth in the solicitation, and the determination by the contracting officer is final unless appealed in the manner provided in § 121.9

(2) An unclear or incomplete classification or size standard action by the contracting officer may be suplied by the SBA field office, or the Size Appeals Board or its Chairperson, as necessary, in connection with a size determination or size appeal.

(c) *What if the procurement calls for more than one item with different SIC codes and employment standards?*

If a procurement calls for more than one item, and the bidder can bid on any or all items, the bidder must meet the size standard for each item for which it submits a bid. If the procurement calls

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[1] The Standard Industrial Classification Manual is intended to cover the entire field of economic activities. It is the source used by SBA in defining industries for size standards. (You may obtain a copy of the publication from the Government Printing Office or in the reference section of most public libraries.)

[2] In determining which of the industries is the primary industry, consideration shall be given to these criteria, among others: distribution among such industries of receipts, employment, and costs of doing business.

[3] If a concern has acquired an affiliate during the applicable accounting period, it is necessary, in computing the applicant's number of employees, to include the affiliate's number of employees during the entire applicable accounting period rather than only its employees during the period in which it has been an affiliate. The employees of a former affiliate are not included even if such concern had been an affiliate during a portion of the applicable accounting period. If a concern has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period that such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business.

[4] "Redevelopment area," for the purpose of small business size determinations, means a geographical area within the United States which has been designated as a "redevelopment area" in accordance with the Public Works and Economic Development Act of 1965 (Pub. L. 89-136, Sec. 401, 75 Stat. 48).

[5] "Annual receipts" means the gross income (less returns and allowances, sales of fixed assets, and interaffiliate transactions) of a concern (and its domestic and foreign affiliates) from sales of products and services, interest, rents, fees, commissions, and/or from whatever other source derived, as entered on its regular books of account for its most recently completed fiscal year, whether on a cash, accrual, completed contracts, percentage of completion, or other acceptable accounting basis) and, in the case of a concern subject to U.S. Federal income taxation, reported or to be reported to the U.S. Treasury Department, Internal Revenue Service, for Federal income tax purposes.

for more than one item, and a bidder is required to bid on all items, the bidder can qualify as small business for such procurement if it meets the size standard for the item accounting for the greatest percentage of the total contract value.

(d) *Does my firm need to be certified by SBA prior to bidding on set-asides?*

(1) No. SBA provides a self-certification procedure where your firm certifies on the bid or proposal that it is a small business within the meaning of SBA Rules and Regulations.

(2) A firm which meets the size standard set forth in the solicitation and has not been determined ineligible as a result of a formal size determination, may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular procurement involved.

(3) Firms self-certifying their small business status should be aware of the following provisions:

(i) If the contracting officer has cause to question the veracity of a self-certification and elects to do so, he shall refer the eligibility issue to SBA by fining a formal protest pursuant to § 121.8.

(ii) If a concern has been determined by SBA to be ineligible as a small business under a particular size standard and it has already self-certified as a small business on a pending procurement subject to the same or lower "number of employees" size standard, it shall immediately notify the contracting officer of such adverse size determination and shall not thereafter self-certify on a procurement subject to the same or a lower employee size standard until it has applied for recertification under § 121.7 based on a significant change in its ownership, management, or contractual relations, and has been determined eligible by SBA.

(e) *Does SBA distinguish between manufacturers and wholesalers for procurement purposes?*

Yes, there is a distinction. Any concern which submits a bid or offer in its own name, other than on a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offeror, is deemed to be a small business concern when:

(1) Its number of employees does not exceed the employment standard for the appropriate wholesale industry, and

(2) In the case of Government procurement reserved for small businesses, such wholesaler must furnish, in the performance of the contract, the products of a small business manufacturer [1] or producer whose products are manufactured or produced in the United States.

(f) *Are there exceptions to the provision regarding wholesalers?*

Yes. There are two exceptions to the wholesaling provision:

(1) If the procurement has anticipated value of less than $10,000 and is subject to, and is actually processed under, "small purchase procedures" as defined in the Federal Acquisition Regulation, or, pending issuance thereof by the Office of Federal Procurement Policy, in the Defense Acquisition Regulation (DAR), Federal Procurement Regulation (FPR), and the National Aeronautics and Space Administration Procurement Regulation (NASAPR), as applicable, such wholesaler may furnish any domestically produced or manufactured product.

(2) For the purpose of receiving a Certificate of Competency on an unrestricted procurement, a small business dealer meeting the size standard for its primary industry set forth in this section, may furnish any domestically produced or manufactured product.

**§ 121.5 Definition of small business for the sale of government property.**

The Property Sales Program is divided into three distinct areas: Timber, Mineral Rights, and General Property Sales, each with specific size standards and related requirements. While size standards for other SBA programs define eligibility by specific industry, the Property Sales Program focuses on potential bidders who represent a variety of industries. Consequently, for the Property Sales Program, size standards are aggregated into major industrial groups for each type of property sales.

(a) *How do I determine if my firm is a small business eligible on a preferential timber sale?*

In order to be classified as a small business, your firm must primarily engaged in the logging or forest products industry [1] and, together with your affiliates, have less than 500 employees. To determine your primary industry, see § 121.3(b).

(b) *Are there any other requirements that must be met when a small business wins a preferential timber sale?*

Yes. There are a few additional requirements and they are as follows:

(1) When the timber purchasee is for resale, the small business firm must agree that it will not sell [2] more than 30 percent of the timber purchased to large business firms (those exceeding 500 employees).

(2) When timber from a preferential sale is for processing, the small business must do so with its on facilities [3] or the facilities of another small business. § 121.5(b)(1) also applies to all processed timber.

(c) *How do I determine if my firm is a small business eligibe to bid on special salvage timber sales?*

Your firm would be a small business eligible to bid on Special Salvage Timber Sales if the firm is primarily engaged in the logging or forest products industry and, together with any affiliates, does not employ more than 25 employees during any pay period during the preceding 12 months.

(d) *Are there any other requirements?*

Yes. The provisions set forth in § 121.51(b) apply with one exception—special salvage timber may be disposed of without restriction when there are less than two qualified small business mills in the marketing area.

(e) *How do I determine if my firm is a small business eligible to bid on the sale of mineral rights?*

Your firm is a small business eligible to bid on the sale of mineral rights if your firm meets the employee size standard set forth below. When bidding on

(1) Coal leases—your firm, together with all affiliates, must have less than 250 employees;

(2) Uranium leases—your firm, together with all affiliates, must have less than 100 employees.

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[1] For size determination purposes, there can only be one manufacturer of the end item being procured. The manufacturer of the end item being procures is the concern which, with its own forces, transforms inorganic or organic substances including raw materials, and/or miscellaneous parts or components, into such end item. Whether a bidder on a particular procurement is the manufacturer or nonmanufacturer for the purpose of a size determination is not for determination by the contracting officer. The decision shall be made by the appropriate SBA regional director or his delegatee, and need not be considered with the contracting officer's decision as to whether such concern is or is not a manufacturer for the purpose of the Walsh-Healey Act, etc.

[1] "Forest products industry" means logging, wood preserving, and the manufacture of lumber and wood related products such as veneer, plywood, hardboard, particle board, or wool pulp, and of products of which lumber or wood related products are the principal raw material.

[2] The term "sell" includes but is not limited to the exchange of sawlogs for sawlogs on a product-for-product basis with or without monetary adjustment, and an indirect transfer such as the sale of the assets of (or controlling interest in) a concern after it has been awarded one or more set-aside sales of timber.

[3] This provision assumes that the successful bidder remain small business until the products have been manufactured. Requirements for disposal of timber from a preferential sale are set forth in § 121.5–1(b)(1).

(3) Royalty oil—your firm must have less than 2500 employees and not have more than a 50,000 barrels-per-day crude or bona fide stock capacity.

(f) *For the sale of any other type of government property, what is a small business?*

If your firm is primarily engaged in manufacturing and, together with all affiliates, employs less than 500 employees, it is eligible to bid on the sale of Government property. Firms engaged in industries other than manufacturing must have less than 50 employees.

Dated: February 29, 1980.

**A. Vernon Weaver,**

*Administrator.*

[FR Doc. 80-7111 Filed 3-7-80; 8:45 am]

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Monday
March 10, 1980

Part III

# Department of the Interior

## Heritage Conservation and Recreation Service

## Urban Park and Recreation Recovery Act of 1978; Local Recovery Action Program

**DEPARTMENT OF THE INTERIOR**

**Heritage Conservation and Recreation Service**

**36 CFR Part 1228**

## Urban Park and Recreation Recovery Act of 1978; Local Recovery Action Program

**AGENCY:** Heritage Conservation and Recreation Service, U.S. Department of the Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule is published to report on comments received on the criteria for uniform preparation of local Recovery Action Programs required under the Urban Park and Recreation Recovery Program (Title X of the National Parks and Recreation Act of 1978, Pub. L. 95–625) printed in the July 5, 1979, **Federal Register**, (44 FR 39342) and also to finalize regulations for Recovery Action Program requirement.

**EFFECTIVE DATE:** April 9, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mr. Chris Soller, Division of Urban Programs, Heritage Conservation and Recreation Service, 440 G Street NW., Room 310, Box P, Washington, D.C. 20243, (202) 343–5971.

**SUPPLEMENTARY INFORMATION:** In his policy message of March 27, 1978, President Carter proposed a new federal grant program for urban communities to compete for funds to revive and rebuild parks and recreation facilities. On October 13, 1978, the National Parks and Recreation Act of 1978, Pub. L. 95–625, was passed by the Congress, and on November 10, 1978, the President signed the bill into law. Title X, the Urban Park and Recreation Recovery Act (UPARR) of 1978, authorized the Secretary of the interior to establish a five-year program to provide Federal grants to economically hard-pressed communities specifically for the rehabilitation of critically needed recreation areas and facilities and the development of improved recreation programs. Section 1007(b) of the law directs the Secretary to publish in the **Federal Register** requirements for preparation, submission, and updating of local park and recreation recovery action programs. The Secretary of the Interior has delegated the responsibility for developing the Urban Park and Recreation Recovery Program to the Director, Heritage Conservation and Recreation Service.

### Program Information

Information on eligibility for the Urban Park and Recreation Recovery Program was published in the **Federal Register** October 9, 1979 (44 FR 58088–94) and information on grant procedures was published August 9, 1979 (44 FR 47018–28).

### Action Program Requirement

To apply for a rehabilitation or innovation grant, an eligible local government or discretionary applicant must submit evidence of its ongoing commitment to planning, rehabilitation, and operation of its urban park and recreation system. The submission is to be in the form of a Recovery Action Program. The local government shall submit evidence of its commitment to ongoing planning, rehabilitation, service, operation and maintenance programs as part of its Action Program. The Action Program will be viewed as a local government's official plan and program for the creation of an adequate park and recreation system. Rehabilitation and innovation projects must be part of and consistent with the Action Program.

### Purpose of Action Programs

The purposes of the Urban Park and Recreation Recovery Program are at least two-fold: (1) To aid economically hard-pressed cities, counties and their neighborhoods in rehabilitating their existing park and recreation systems; and (2) to encourage local government planning for the long-range improvement of their park and recreation systems.

President Carter's proposal for the Urban Park and Recreation Recovery Program, included in his March 1978 Urban Policy message, emphasized the importance of *local commitments* to planning, rehabilitation and ongoing maintenance of urban park and recreation systems. The Urban Park and Recreation Recovery Act, Title X of Pub. L. 95–625, calls for the development of local park and recreation recovery Action Programs which formally express, and guide, these local commitments.

The local park and recreation Recovery Action Program will be the most important expression of a jurisdiction's commitment to revitalize its system. The Action Program will identify needs and problems through an active citizen participation process, define local priorities for meeting these needs, and establish an orderly plan for achieving goals related to comprehensive park and recreation system improvement.

The Action Program requirement is a means by which communities can develop a continuous planning process. That ongoing process is a necessary commitment for the revitalization of park and recreation systems. As a community planning tool, the Action Program provides both policy-makers and citizens with a means for assessing community park and recreation problems, and a planned approach to solving them. The Action Program is not a way to judge how good or bad a community is but a benchmark against which a community can measure its progress in achieving its park and recreation goals and objectives. The solution to these problems, and a community's approach to its own recreation recovery goals, will vary from jurisdiction to jurisdiction.

These planning guidelines set forth uniform criteria for the preparation of local Action Programs. The expectation is that Action Programs will provide communities substantial additional benefits of greater efficiency, improved responsiveness and increased community-wide support for parks and recreation thereby qualifying communities for Urban Park and Recreation Recovery Program grants.

### The Action Program Process

The requirements of the Action Program can best be accomplished through the development of a decision-making process. Such a process should demonstrate how the jurisdiction will allocate its park and recreation resources on a continuing basis. The process should address the following questions:

1. How will identified park and recreation needs be met in the future? It is important that the Action Program relate to an overall plan showing what areas, facilities and programs will be provided in relation to identified needs.
2. How will citizens and public officials be involved in program decisions and the allocation of park and recreation resources?
3. What mechanisms will be employed to insure coordination among park and recreation interests and other community revitalization efforts?
4. How will the adopted goals, plans, strategies, and priorities be routinely monitored, evaluated and updated?

To insure that the Action Program reflects active citizen participation, coordination and evaluation efforts, existing processes of citizen participation, coordination and evaluation should be utilized whenever possible.

A summary of public comments and responses on the criteria for preparation of Recovery Action Programs follows.

**Public Comment Summary**

A total of 26 responses on the program were received within the time allotted for comments. Of these, 22 were information and application requests or duplicate letters.

**Criteria for Local Recovery Action Programs and Other Comments**

Four letters were received commenting on the Recovery Action Program criteria. One reviewer indicated that Massachusetts was left off the list of states covered by the Northeast Regional Office of the Heritage Conservation and Recreation Service. These regulations correct that oversight.

Another reviewer was concerned about compliance with Section 106 of the National Preservation Act of 1966. Section 106 addresses the Advisory Council of Historic Preservation's opportunity to comment on any Federal undertaking which affects a property listed or eligible for listing on the National Register of Historic Places. The criteria outline requirements for development of a Recovery Action Program. The Action Program is a local jurisdiction's plan for its park and recreation system. Compliance with Section 106 is addressed in the Grant Regulations published in the August 9, 1979 **Federal Register** (44 FR 47018).

Another reviewer noted that the regulations, if followed, would have no effect upon potential or listed *National Register* historical, archeological or cultural sites.

Another reviewer's comments discussed the scope of the criteria, stating they went beyond the needs of the Urban Park and Recreation Recovery Program and required too much unnecessary detail. The section of the regulations, Purpose of the Action Programs, addresses this issue. The publication of the Recovery Action Program development handbook will help clarify confusion communities may encounter regarding the necessary detail. There was also the concern that Implementation Strategies went beyond the requirements of the law. It has been made clear that not all national issues and concerns will be applicable to each eligible community and that it is unnecessary for a community to develop a strategy for a non-existent issue. These regulations address that concern.

Based upon comments received and the Heritage Conservation and Recreation Service's experience with implementation of the interim regulations, several minor modifications in § 1228.13, Action Plan, were made. The changes are a reordering of parts (b) and (d). Also additional information is given on parts (b) thru (d). These non-substantive changes are intended to clarify the meaning and logical sequence of Action Plan components. They should help communities in understanding and implementing the Recovery Action Program requirement.

(Catalog of Federal Domestic Assistance 15.417)

**Statement on Significance**

The Department of the Interior has determined that this document is a significant rule but that it does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14; and, further, that it is not a major Federal action significantly affecting the quality of the human environment, which would require preparation of an Environmental Impact Statement.

**Authorship Statement**

The primary author of this document is Mr. Chris Soller of the Heritage Conservation and Recreation Service, 202/343–5971.

Dated: March 4, 1980.

**Robert L. Herbst,**

*Assistant Secretary for Fish and Wildlife and Parks.*

In consideration of the foregoing, new Subpart B is added to 36 CFR Chapter XII Part 1228 to read as follows:

## PART 1228—URBAN PARK AND RECREATION RECOVERY ACT OF 1978

* * * * *

**Subpart B—Local Recovery Action Program**

Sec.

1228.10 General requirements.
1228.11 Action program components.
1228.12 Assessment of needs, problems and issues.
1228.13 Action plan.
1228.14 [Reserved]
1228.15 Preliminary action program.
1228.16 Preliminary action program requirements.
1228.17 Preliminary action program—Commitments to be Included.
1228.18 [Reserved]

**Authority.** Sec. 1007 (a) and (b) of Title X, National Parks and Recreation Act of 1978, Pub. L. 95–625, 16 U.S.C. 2506.

## Subpart B—Local Recovery Action Program

### § 1228.10 General requirements.

Any eligible jurisdiction or discretionary applicant desiring to apply for a grant must develop, submit and have approved a local Action Program. The Action Program must be submitted to the appropriate Heritage Conservation and Recreation Service Regional Office where it will be evaluated and approved. This is a necessary requirement which must precede the awarding of any rehabilitation or innovation grant. Until October 1, 1980, this requirement may be satisfied with an approved Preliminary Action Program. The Preliminary Action Program must include a firm commitment by the local government to complete and adopt a full Action Program within one year of approval of the Preliminary Action Program. After October 1, 1980, no rehabilitation or innovation grant will be awarded without an approved Recovery Action Program on file with the appropriate Regional Office. Communities are required to submit four (4) copies of the Action Program. Regional Offices and their States are:

**Northeast Regional**

Federal Office Bldg., Room 9310, 600 Arch Street, Philadelphia, Pa. 19106.
Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

**Southeast Region**

148 International Blvd., Atlanta, Ga. 30303.
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands.

**Lake Central Region**

Federal Building, Ann Arbor, Michigan 48107.
Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

**Mid-Continent Region**

Denver Federal Center, P.O. Box 25387, Denver, Colorado 80225.
Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming.

**Pacific Southwest Region**

450 Golden Gate Avenue, San Francisco, Ca. 94102.
American Samoa, Arizona, California, Guam, Hawaii, Nevada.

**Northwest Region**

Federal Building, 915 Second Avenue, Seattle, Washington 98174.
Idaho, Oregon, Washington.

**South Central Region**

5000 Marble Avenue, NE., Albuquerque, New Mexico 87110.
Arkansas, Louisana, New Mexico, Oklahoma, Texas.

**Alaska Area Office**

1011 E. Tudor, Suite 297, Anchorage, Alaska 99503.

### § 1228.11 Action program components.

The local government will submit an Action Program which documents the

recreation needs of the community together with action plans to meet those identified needs. This Action Program will indicate how the park and recreation system will be revitalized and maintained. While the emphasis of the Action Program will be placed on the rehabilitation of deteriorating facilities, it also will describe how the rehabilitation effort is linked to the overall goals, priorities and strategies of the park and recreation system. The local government must develop the Action Program consistent with and linked to the objectives, needs, plans, and institutional arrangements of the community. The Action Program must present evidence of its consistency with the community's long-range goals and plans as expressed in its comprehensive plans and other documents. The Action Program consists of two sections which are the Assessment and the Action Plan.

**§ 1228.12 Assessment of needs, problems and issues.**

The Action Program should begin with an Assessment describing the existing park and recreation system and the pertinent park and recreation issues and problems confronting the system. The Assessment should summarize the entire system including: Operation and maintenance; employment and training; programs and services; rehabilitation of existing facilities; and the need for new facilities. The Assessment should also describe how the park and recreation system relates to other public and private services. The Assessment consists of six parts which are as follows:

(a) *Context.* The context should provide:

(1) A short description of the local jurisdiction including: population; economy; geographical location; type of government; how the park department fits into the government structure; how the planning for parks and recreation is achieved; and the relationship to the community's comprehensive planning effort.

(2) A brief descriptive overview of the park and recreation system which includes a discussion of: The populations being served both within and outside of the jurisdiction; the types of services being provided; the degree to which the system is available and accessible to the populations intended to be served; and projected changes in system use.

(3) A discussion of the elements of planning, financing, programming, operation and maintenance, acquisition and development, and other factors common to park and recreation systems and other community services and prospects for future coordination.

(4) A discussion of the approaches and mechanisms used for citizen participation.

(b) *Physical Issues.* Summary information should be provided on existing facilities including:

(1) Types of facilities and the distribution of acreage and uses at different locations;

(2) Integration of park and recreation planning and facility use with other service agencies such as schools, transportation and housing;

(3) Special facilities for the handicapped or elderly as well as facilities which work to mainstream special populations;

(4) Heavily used non-public or quasi-public facilities:

(5) Facilities of historical and architectural significance which provide recreation and are managed by the park system:

(6) Dependence upon nearby recreation resources outside the local jurisdictions, including public and private resources;

(7) Deficiencies of existing facilities and the needs of the community for new facility development, expansion and/or closure of facilities and the effects of such activities.

(c) *Rehabilitation Issues.* Summary information should be provided on the need for rehabilitation of facilities. This should include:

(1) Geographic areas needing rehabilitation;

(2) Types of sites and properties for rehabilitation;

(3) Importance of rehabilitation in specific geographic areas; and

(4) Value of rehabilitation over replacement through new facility development.

(d) *Service Issues.* Summary information on existing services should outline activities and needs in the following areas:

(1) The type, extent and intended beneficiaries of recreation services;

(2) Special programs for the handicapped, elderly, minorities and mainstreaming programs for special populations;

(3) Relationship between and coordination with public and significant non-public programs and private sector groups;

(4) Extent to which park and recreation services relate to other community services including joint programs with schools, social service organizations, historic preservation groups, libraries, or community education facilities;

(5) Coordination with Federal, State (SCORP), regional, county and other jurisdictional plans and activities having direct and indirect impacts on parks and recreation.

(e) *Management Issues.* Management issues deal with operation of the park and recreation system. Information should summarize the needs and issues of:

(1) Process for developing procedures and policies;

(2) Staffing levels including full-time, seasonal and service personnel, and use of volunteers;

(3) Use of contractual services for recreation programming;

(4) Equipment maintenance and replacement policies; and

(5) Budgeting process, funding cycles and budgets for the past three years and methods of budgeting (such as zero based or performance budgeting).

(f) *Conclusions, Implications and Issues.* This section should state major conclusions of the discussions in previous sections, summarize the major problems and highlight the implications for actions needed to address the problems which have been outlined in the issues sections.

**§ 1228.13 Action plan.**

The purpose of the Assessment is to provide background and justification for an Action Plan. The Action Plan, which is the essential core of the Action Program, must be a clear statement of the community's specific objectives, priorities and implementation strategies in relation to the intent of the Urban Park and Recreation Recovery Program and the local government's overall recreation system goals. The Action Plan should be carefully tailored to the comprehensive community goals and directly responsive to the needs and problems identified in Section 1228.12. Citizen involvement in the development of the Action Plan is required and may include surveys, hearings, meetings, and/or consultation as appropriate. This involvement is essential in the development of goals, objectives and the setting of project priorities.

(a) *Goals for the System.* This section should set forth the overall goals and specific objectives for the system. Goals will clearly relate to the needs and issues identified in the Assessment and must be projected for at least the five-year life of the Action Program. The goals should be consistent with and, where appropriate, included in the general planning goals of the local government. Where local governments have developed, adopted and are utilizing an overall park and recreation plan, the goals of that plan may be

appropriate for this requirement. Goals should be the basis for priorities, schedules and implementation strategies stated in the plan.

(b) *Strategies to Address National and Local Concerns.* This section should include a description of local strategies for recreation system recovery. A "strategy" defines the total approach to remedying system deficiencies and provides a rationale for priorities reflected in implementation schedules. Strategies should be devised which address the following national concerns:

(1) Ways in which park and recreation plans contribute to, and will be interrelated with, the local government's community development and urban revitalization efforts;

(2) The degree to which park and recreation plans serve citizens who reside in economically-distressed areas of the community and will improve access to park and recreation facilities and programs for minority groups, low- and moderate-income populations, and the handicapped;

(3) The extent to which the Action Program and its plan component will relate employment opportunities for minorities, youth and low- and moderate-income residents;

(4) How the plan seeks to obtain the widest range of beneficial uses of the natural environment and enhances and protects the natural environment;

(5) How park and recreation resources will be targeted in neighborhoods where other neighborhood revitalization efforts are occurring;

(6) How the plan seeks to restore outstanding or unique structures, landscapes, or similar features in parks of historical or architectural significance;

(7) Local commitments to innovative and cost-effective programs and projects on the neighborhood level which augment recovery of park and recreation systems;

(8) How the plan will be integrated with other Federally assisted projects to maximize recreation opportunities;

(9) Inducements to encourage the private sector to provide neighborhood park and recreation facilities and programs;

(10) How the plan will convert for recreation use, derelict and other public lands not designated for recreation; and

(11) How the plan will seek to preserve, restore and develop waterfront areas for recreation and open space.

If any of the above concerns are not of significance within a locality preparing the Recovery Action Program due to lack of the physical attributes described in the above eleven (11) items, the Action Plan should indicate why such strategies are not appropriate. Most communities will also have their own special concerns and should develop strategies to address them. These should accompany the strategies discussed above and provide a focus for specific recommendations.

(c) *Recommendations.* Recommendations for improvement of the park and recreation system should be discussed. Each recommendation or group of recommendations should be accompanied by a discussion of the techniques the local government will use to implement the recommendations. Reference should be made to how the recommendations relate to deficiencies, needs, and opportunities identified in previous sections of the Action Program. A brief physical development plan for the entire park and recreation system should be included. This can be accomplished with a map which indicates where existing facilities and activities occur as well as where future developments are to occur. Particular reference shall be made to populations served and indicated deficiencies.

(d) *Program Priorities and Implementation Schedule.* A statement of system priorities and a schedule for implementation shall be included. These priorities, together with justifying objectives and strategies for implementation shall be presented. Priorities presented will be an important factor in the evaluation and approval of requests for UPARR funding. Active and continued citizen participation is necessary throughout the process. Specific projects to be undertaken and the programs to be improved, expanded, introduced, or eliminated through rehabilitation, physical, service, management, and coordination actions should be discussed. A clear assignment of agency responsibility and an estimate of the costs of implementation should accompany these priorities.

(e) *Evaluation and Updating of Action Program.* This section should outline a specific program for annual monitoring, evaluating, and updating of the complete Action Program, including both improvements needed in the Assessment and the Action Plan. Citizen involvement is essential in the evaluation and monitoring of the Action Program. Copies of approved Action Programs must be readily available to the public to insure adequate opportunities for citizen review and comment.

**§ 1228.14 [Reserved]**

**§ 1228.15 Preliminary Action Program.**

During an initial interim period, the Action Program requirements, as described in §§ 1228.11, 1228.12, and 1228.13 may be satisfied by local governments submission of a Preliminary Action Program. The initial interim period shall end on October 1, 1980. Communities are required to submit four (4) copies of the Preliminary Action Program.

**§ 1228.16 Preliminary Action Program Requirements.**

The following information must be submitted:

(a) *Evidence of physical deficiencies.* A general description of the problems confronted by the local government in bringing its facilities up to an adequate level of quality, the basis for the determination that certain facilities are deficient, and the general level of deficient facilities found within the jurisdictions. Maps and other graphics should be used to indicate where the deficiencies are located, particularly in reference to the populations to be served.

(b) *Level of resource support.* A summary of the public funds, including State and Federal, being spent by the jurisdiction on parks and recreation. A generalized description of the level of non-governmental support (neighborhood, voluntary and business) shall also be given.

(c) *Adoption of goals.* The existing park and recreation goals adopted by the governing body of the jurisdiction are to be included. Emphasis should be placed on what the local government is seeking to achieve in its parks and recreation systems, including the population it is attempting to serve, the facilities and services offered, and the providers (public agency or private sector).

(d) *Statement of priorities and implementation strategies.* Description of the priorities set by the local government as related to the deficiencies outlined above, and the strategies used to allocate available resources over time. Included should be a brief discussion of the relationship of the Preliminary Action Program to other related community development, historic preservation and urban revitalization efforts underway in the jurisdiction.

(e) *Evidence of public participation.* A description of the means by which citizens and public officials will be included early in the decision process for project selection, the setting of priorities and schedules, and the

development of implementation strategies. Existing public participation efforts within the jurisdiction should be used.

**§ 1228.17 Preliminary Action Program—Commitments To Be Included.**

Local governments may submit a Preliminary Action Program during the initial interim period in lieu of a full Action Program. The Preliminary Action Program must include a firm commitment by the local government to complete and adopt a full Action Program within one year of approval of the Preliminary Action Program. This commitment must include a schedule for the development of the full Recovery Action Program. The schedule should outline the activities which will be undertaken, the anticipated time frame for the development and completion of these activities, and the resources of people, money and support services necessary for the development and completion of the Recovery Action Program. Notwithstanding the foregoing provisions concerning the use of the Preliminary Action Program, local governments are encouraged to prepare, adopt and submit as soon as possible a full Action Program which complies with the provisions of §§ 1228.11, 1228.12, and 1228.13. Local governments which have already made a commitment to park and recreation systems by establishing ongoing planning, rehabilitation, service, operation and maintenance programs may use these as a starting point for meeting Action Program requirements.

**§ 1228.18 [Reserved]**

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Part IV

# Department of Transportation

## Urban Mass Transportation Administration

## Accessibility of Rail Systems to the Handicapped; Rail Retrofit Reports

## DEPARTMENT OF TRANSPORTATION

### Urban Mass Transportation Administration

[Docket No. 80-F]

### Rail Retrofit Reports

**AGENCY:** Urban Mass Transportation Administration, Department of Transportation.

**ACTION:** Solicitation of comments on rail accessibility from organizations representing handicapped persons.

**SUMMARY:** This Notice announces the availability of Rail Retrofit Reports (including operator cost estimates, operator comments, and related documents) and establishes a 90 day comment period for the receipt of comments by organizations representing handicapped persons as required by Section 321(a) of the Surface Transportation Assistance Act of 1978 (STAA).

**DATES:** The comment period will begin on March 17, 1980 and will close on June 16, 1980.

**ADDRESSES:** All comments should be submitted to Lawrence L. Schulman, Office of Policy, Budget, and Program Development, Room 9311, Urban Mass Transportation Administration, 400 Seventh Street SW., Washington, D.C. 20590. All comments received will be available for examination in room 9311, at the above address between 8:30 a.m. and 5:00 p.m., Monday through Friday.

Throughout the 90 day comment period operators of fixed guideway public mass transportation systems must make a copy of the report for their systems and any other systems in the same metropolitan area available at their offices for review by interested persons during the hours listed below. Copies of the Reports and related documents, will also be available for inspection at additional locations listed below, except where otherwise indicated. The operators will also make available a complete set of all operators' comments on the desirability of making the systems accessible. In addition, the Urban Mass Transportation (UMTA) of the Department of Transportation (DOT) is preparing a National Summary Report and area-wide summary cost tables of all affected rail systems within the same metropolitan area. It is intended that these additional materials will be available at the operators' offices at the start of the comment period, but in no event later than April 1, 1980.

UMTA regional offices serving affected rail cities will have available from 9:00 a.m. to 4:00 p.m., Monday through Friday, the Reports for each affected rail system in each metropolitan area of the UMTA region. The regional offices will also have an area-wide summary cost table for all affected rail systems within each metropolitan area of the UMTA region, the National Summary Report and a complete set of all operators' comments.

UMTA Headquarters in Washington, D.C. will have a copy of each of the Reports, each of the area-wide summary cost tables, the National Summary Report, and a complete set of operator comments, in addition to the official file of comments submitted by organizations representing handicapped persons and other interested persons.

UMTA will mail a copy of the National Summary Report to those organizations which UMTA has identified as representing the handicapped and to local representative organizations whose names and addresses have been provided by transit operators. Organizations representing handicapped persons wishing to be added to the mailing list or to confirm their inclusion on the list for the National Summary Report should contact: Salvator Caruso, Office of Policy, Budget and Program Development, Urban Mass Transportation Administration, Room 9311-G, 400 Seventh Street, S.W., Washington, D.C. 20590 (202) 426-4060.

Persons planning to inspect the documents at UMTA Headquarters are encouraged to make appointments by calling Salvator Caruso at the number listed above. Appointments will facilitate an orderly review process and will ensure that someone is available at UMTA Headquarters to assist individuals reviewing the documents.

The addresses of all UMTA offices maintaining these documents are as follows:

*Headquarters*

Urban Mass Transportation Administration, 400 7th Street, S.W., Room 9311, Washington, D.C. 20590, Contact: Salvator Caruso, Hours: 8:30 a.m. to 5:00 p.m., Monday through Friday.

*Field Offices*

UMTA Region I Office, Kendall Square, 55 Broadway, Cambridge, Ma. 02142, (617) 494-2055, Hours: 9:00 a.m. to 4:00 p.m., Monday through Friday, Massachusetts (Boston).

UMTA Region III Office, Suite 1010, 434 Walnut Street, Philadelphia, Pa. 19106, (215) 597-4179, Hours: 9:00 a.m. to 4:00 p.m., Monday through Friday, Pennsylvania (Philadelphia and Pittsburgh), New Jersey (Camden), Maryland.

UMTA Region V Office, Suite 1740, 300 S. Wacker Dr., Chicago, IL. 60606 (312) 353-2789, Hours: 9:00 a.m. to 4:00 p.m., Monday through Friday, Illinois (Chicago), Indiana, Ohio (Cleveland), Michigan (Detroit).

UMTA Region VI Office, Suite 9A32, 819 Taylor Street, Fort Worth, TX. 76012, (817) 334-3787, Hours: 9:00 am. to 4:00 pm., Monday through Friday, Louisiana (New Orleans).

UMTA Region IX Office, Suite 620, Two Embarcadero Center, San Francisco, Ca. 94111, (415) 556-2884, Hours: 9:00 am. to 4:00 pm., Monday through Friday, California (San Francisco).

In addition, copies of the Reports will be available at the following locations, except those marked with an asterisk (*) where only the commuter and light rail report and related documents will be available and those marked with a double asterisk (**) where only the rapid rail report and related documents will be available.

*Baltimore/Washington Area*

Maryland Department of Transportation (DOT) *, Baltimore-Washington International Airport, Elm Road, State Railroad Administration Office, BWI Airport, MD. 21240, Contact: Jay Hierholzer, (301) 787-7345, Hours: 8:30 a.m. to 4:30 p.m., Monday through Friday.

*Boston Area*

Massachusetts Bay Transportation Authority (MBTA), 50 High Street, Boston, Ma. 02110, Contact: Anthony Kinehan, (617) 722-5123, Hours: 9:00 a.m. to 4:00 p.m., Monday through Friday.

Office of Handicapped Affairs, One Ashburton Place, Boston, Ma. 02108, Hours: 9:00 am. to 4:00 p.m., Monday through Friday.

*Bridgeport Area*

Connecticut Department of Transportation (ConnDOT) *, c/o Greater Bridgeport Regional Planning Agency, Bridgeport Transportation Center, 525 Water Street, Room 305, Bridgeport, Ct. 06604, Contact: Eric Dreher, (203) 366-5405, Hours: 8:30 a.m. to 4:30 p.m., Monday through Friday.

*Chicago Area*

Chicago Transit Authority (CTA), Merchandise Mart, Room 444, Chicago, Il. 60654, Contact: Jon Roth, (312) 664-7200 Ext. 1248, Hours: 8:00 a.m. to 4:30 p.m., Monday through Friday.

Northern Indiana Regional Planning Commission (NIRPC) *, 8149 Kennedy Avenue, Suite D, Highland, In. 46322, Contact: Steven Strains, (219) 923-1060, Hours: 8:30 a.m. to 4:30 p.m., Monday through Friday.

Regional Transportation Autority (RTA), 300 North State Street, Library (Central Files) Room 709, Chicago, Il. 60610, Contact: Jud Lawrie, (312) 836-4120, Hours: 8:30 a.m. to 5:00 p.m., Monday through Friday.

*Cleveland Area*

Greater Cleveland Regional Transit Authority (GCRTA), 1409 E. 9th Street, Cleveland, Oh. 44114, Contact: Linda Greene, (216) 781-5100, Hours: 8:00 a.m. to 5:00 p.m., Monday through Friday.

Cleveland Public Library, 325 Superior Street, Cleveland, Oh. 44114, Hours: Regular Hours.

*Detroit Area*

Southeastern Michigan Transportation Authority (SEMTA) *, First National Building, 660 Woodward Avenue, 13th Floor, Detroit, Mi. 48226, Contact: Julien R. Wolfe, (313) 256–8630, Hours: 8:30 a.m. to 5:00 p.m., Monday through Friday.

Detroit Department of Transportation (DDOT) *, Report will be available at SEMTA Office listed above.

*New Orleans Area*

New Orleans Public Service Incorporated (NOPSI) *, c/o Office of Transit Administration, City of New Orleans, Union Passenger Terminal Room 221, 1001 Loyola Avenue, New Orleans, La. 70113, Contact: William Gustafson, (504) 586–3121, Hours: 9:00 a.m. to 5:00 p.m., Monday through Friday.

*New York Area*

(All hours are 9:00 a.m. to 4:00 p.m., Monday through Friday unless otherwise indicated)

Metropolitan Transportation Authority (MTA), 347 Madison Avenue, 10th Floor-Library, New York, New York 10017, Contact: Robert Olmsted, (212) 878–7250.

New York City Transit Authority (NYCTA), 370 Jay Street, Library-Room 1118, Brooklyn, N.Y. 11201, Hours: 9:00 a.m. to 4:00 p.m., Monday through Friday.

Port Authority Trans-Hudson (PATH), Journal Square Transportation Center, Manager's Office—First Floor, Jersey City 07306, Contact: Victoria Cross, NY (212) 466–7672, NJ (201) 622–6600, Ext. 7672.

Port Authority, Rail Transportation Department, One World Trade Center, New York, New York 10048.

Tri-State Regional Planning Commission, One World Trade Center—82nd Floor, New York, New York.

Queens Borough Hall, 120–55 Queens Blvd., Kew Gardens, N.Y., Room 219—Community Board Planning Room.

County Courthouse, 851 Grand Concourse, Room 207, Bronx, N.Y.

Staten Island Ferry Terminal, St. George, S.E., N.Y., Waiting Room Information & Reference Table.

Dutchess County, County Building, 22 Market Street, Poughkeepsie, N.Y., Second Floor-Record Room, Library, Hours: Regular hours.

Orange County, County Center, 255–75 Main Street, Goshen, N.Y., Motor Vehicle Bureau, Room 214, Hours: Regular hours.

Putnam County, County Office Building, 14 Gleneida Avenue, Carmel, New York, Room 100-County Clerk's Office.

Rockland County Office Building, 11 New Hempstead Road, New York City, N.Y., Office of the Legislature.

Westchester County, County Office Building, Martime Avenue, White Plains, N.Y., County Executive's Office.

Nassau County, County Office Building, 240 Old Country Road, Mineola, N.Y., County Clerk's Office.

Suffolk County, State Office Bldg., Veterans Highway, Hauppauge, N.Y., Room 6A14.

*Philadelphia Area*

(All hours are 9:00 a.m. to 4:00 p.m., Monday through Friday).

Southeastern Pennsylvania Transit Authority, Port Authority Transit Corporation, City of Philadelphia, Contact: Robert Corressel, (215) 574–7390.

Port Authority Transit Corporation (PATCO), Delaware River Port Authority Administration Building, Ben Franklin Bridge Plaza, Camden, New Jersey.

SEPTA Executive Offices, 12 S. 12th Street, 20th Floor, Philadelphia, Pa. 19107.

SEPTA Offices, 2nd Floor and Wyoming Streets, Philadelphia, Pa. 19107, City of Philadephia.

Municipal Services Building, Room 1080, 15th and JFK Boulevard, Philadelphia, Pa. 19102.

Montgomery County Planning Commission **, One Montgomery Plaza, Suite 201, Norristown Borough, Pa.

Bucks County Planning Commission **, Cross Kegs Office Building, Intersection of Routes 313 and 611, Doylestown, Pa.

County Clerk's Office **, Delaware County Court House, Front Street, Media, Pa. 19063, Hours: 9:00 a.m. to 4:00 p.m.

Chester County Library **, 400 Exxon Square Parkway, Exxon, Pa. 19341, Hours: 9:00 a.m. to 4:00 p.m.

*Pittsburgh Area*

Port Authority of Allegheny County (PAAC) *, Beaver and Island Avenues, Office of Elderly and Handicapped Programs, 5th Floor, Pittsburgh, Pa. 15233, Contact: Thomas Letky, (412) 237–7260, Hours: 8:00 a.m. to 4:30 p.m., Monday through Friday.

*San Francisco Area*

San Francisco Municipal Railway *, 949 Presidio Avenue Room 246, San Francisco, Ca. 94115, Contact: Harvey Katz, (915) 558–2335, Hours: 9:00 a.m. to 5:00 p.m., Monday through Friday.

San Francisco Public Utilities Commission *, City Hall, 400 Van Ness Avenue, Room 287, San Francisco, Ca. 94102, Contact: Nancy Keane, (415) 558–4987, Hours: 9:00 a.m. to 5:00 p.m., Monday through Friday.

United Cerebral Palsy Association,* 814 Mission Street, 2nd Floor, San Francisco, Ca. 94103, Contact: John King, (415) 543–3135, Hours: 9:00 a.m. to 5:00 p.m., Monday through Friday.

*Trenton Area*

New Jersey Department of Transportation (NJDOT),* Public Transportation Services, Lawrence Shopping Center, Alternate Route 1, and Texas Avenue, Receptionist's Office, Contact: Robert Innocenzi, (609) 292–7320 (Report includes Newark City Subway operated by Transport of New Jersey).

**FOR FURTHER INFORMATION CONTACT:** Salvator Caruso, Office of Policy, Budget and Program Development, Urban Mass Transportation Administration, Room 9311–G, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 426–4060.

**SUPPLEMENTARY INFORMATION:** Section 321(a) of the Surface Transportation Assistance Act requires that the Secretary of Transportation provide assistance under Section 8 of the Urban Mass Transportation Act, as amended, to operators of fixed guideway public mass transportation systems for the purpose of developing detailed cost estimates for making these systems (rapid, commuter, and light rail) accessible to and usable by handicapped persons.

In addition to developing these estimates, operators of such systems are required to provide comments on the desirability of the improvements, taking into account the projected use of the improvements, the operational characteristics of the system, and such other factors as the operators deem appropriate. The operator cost estimates and comments on desirability are to be submitted to organizations representing handicapped persons who then have 90 days to submit their comments to the Secretary of Transportation. The Secretary is to compile the results of these evaluations and report the results to Congress together with his recommendations for such legislation as may be necessary to finance the improvements set forth in the cost estimates. This latter requirement will necessitate that the Department reach its own conclusion on the cost estimates based upon the operators' estimates and the comments of organizations representing handicapped persons. Although section 321 states that the Secretary is to report to Congress no later than January 30, 1980, the complexity and the magnitude of the project have required additional time. DOT intends to complete and forward the Report to Congress in August 1980.

Section 321(b) of the Surface Transportation Assistance Act requires that the Secretary evaluate light and commuter rail systems to determine ways to make, and the desirability of making these modes accessible to handicapped persons and then to report to Congress the results of his evaluation together with his recommendations for legislation necessary to clarify or to change existing laws affecting light and commuter rail systems.

### Study Approach

Because these two efforts are closely related, UMTA made a decision to have one effort concentrate on the cost estimates for rapid rail systems (referred to as the 321(a) study). The second effort (referred to as the 321(b) study) focuses on the feasibility of making light and commuter rail systems accessible, and has produced cost estimates which will be used to fulfill the requirement of section 321(a) for commuter and light rail systems. The two efforts may be

combined in a single Congressional report which will include cost estimates for retrofitting certain existing fixed guideway systems as well as the information regarding light and commuter rail systems called for by section 321(b).

Section 321(a) calls for cost estimates to be prepared by operators. During discussions in March 1979, transit operators indicated to UMTA that they did not have sufficient staff to undertake the study if required to do so entirely on their own. The operators also recognized a need for a greater consistency than was achieved in earlier cost estimating efforts. Consequently, they requested that UMTA provide technical assistance by means of a consultant in addition to direct financial support for their own 321 efforts. The engineering firms of Deleuw, Cather and Ralph Parsons (DC/P) in a joint venture were retained in early June 1979, and have since surveyed all rapid rail stations of the affected systems. Transit operators and organizations representing handicapped persons participated in the development of the Statement of Work which set the direction for the 321(a) contractor's efforts. The firm of Crain and Associates was retained by UMTA to undertake the 321(b) commuter and light rail study. Nearly 3,000 commuter and light rail stations/stops were surveyed along with appropriate vehicle types. Both studies were to be conducted in accordance with Guidelines and Assumptions developed with participation of transit operators, handicapped persons, and the Architectural and Transportation Barriers Compliance Board (ATBCB). One of the purposes of the Guidelines and Assumptions was to provide a consistent basis for estimating the least cost alternative for providing access to rail systems.

In November 1979, operators were sent the draft 321 report(s) for their system(s). The statute requires that operators "* * * shall provide comments on the desirability of the improvements, taking into account projected use of the improvements, the operational characteristics of the system, and such other features as the operators may deem appropriate." The operators were asked to complete their review and submit their comments on desirability by January 18, 1980. After the operators' review, the consultants were requested to make revisions to the data and cost estimates in the reports in accordance with the operators' concerns. Revised reports were mailed to the operators for final review. The final report combined with the operator's comments on desirability constitutes the official Rail Retrofit Report for each system which the statute requires be submitted to organizations representing handicapped persons.

**Submission of Report to Organizations Representing Handicapped Persons**

Section 321(a) requires that the Report be submitted to organizations representing handicapped persons. These organizations have 90 days to submit their comments to the Secretary of Transportation. The comment period will begin on March 17, 1980, and will close June 16, 1980. Comments may address both the 321(a) reports and the 321(b) reports. While the comment period is specifically aimed at organizations representing handicapped persons, all interested individuals and organizations may submit comments. These additional comments will be considered in the preparation of the Secretary's report to Congress if time permits. All persons and organizations are encouraged to submit their comments as soon as possible after the start of the comment period. Comments may address any aspect of the reports, but comments are specifically invited on the following questions:

(1) Which of the cost estimates presented, in the summary cost tables, if any, appears the most reasonable? Why? Does this estimate meet the criterion of "least cost solution" in accordance with the 321 Study Guidelines and Assumptions?

(2) For the estimate you deem most reasonable, are the conceptual modifications to stations and vehicles adequate and necessary to achieve accessibility? If not adequate, explain what additional changes are necessary. If not necessary, explain what changes could be eliminated.

(3) Are the unit costs which have been utilized reasonable?

(4) Is the methodology for developing the cost estimates appropriate? Specifically, are the values assigned to the cost factors and their application to the unit cost reasonable? Are the allowance for contingency and for planning, design, and construction management reasonable?

(5) What are your reactions to the operators' comments on the desirability of the improvements to make the system accessible?

Because of the complex and technical nature of the material in the Reports, briefings for organizations representing handicapped persons, conducted by the transit operators and the consulting firms which assisted them in the preparation of the Reports, will be held in each of the affected metropolitan areas within the first 30 days of the comment period. A briefing for national organizations representing handicapped persons conducted by the consultants will be held in Washington, D.C. Representatives of handicapped persons will be given an opportunity to ask questions regarding the Reports. At the briefings, the consultants will provide information on how follow-up questions will be received and answered. For those persons who are unable to attend a briefing, this information will be available from Salvator Caruso, at the address listed above.

In addition, a limited amount of direct technical assistance by a consultant will be made available to organizations representing handicapped persons. Details regarding the procedure for applying for this technical assistance will be provided at each of the scheduled briefings. As a condition of receipt of this technical assistance, a representative of each requesting organization must attend at least one of the scheduled briefings. A sign language interpreter for the deaf will be provided at the briefings if a request is submitted to Salvator Caruso at the address listed above, five working days in advance of the briefing.

The schedule and location of the briefings for local organizations representing handicapped persons is as follows:

*March 25, 1980*

Bridgeport, Ct. (Conn. DOT), Bridgeport Public Library, 925 Broad Street, Bridgeport, Ct. 06604, Time: 1:00 p.m.

*March 26, 1980*

Jersey City, New Jersey (PATH, NJDOT and Newark City Subway), Journal Square Transportation Center, PATH Plaza, First Floor, Jersey City, New Jersey 07306, Time: 9:30 a.m.

*March 27, 1980*

New York, New York (MTA, NYCTA), Tri-State Regional Planning Commission, One World Trade Center, 82nd Floor, New York, New York 10048, Time: 9:30 a.m.

*March 28, 1980*

Boston, Massachusetts (MBTA), McCormack Building Conference Room, One Ashburton Place, Boston, Ma. 02108, Time: 9:30 a.m. to 1:30 p.m.; 4:30 p.m. to 8:30 p.m.

*April 1, 1980*

Pittsburgh, Pa. (PAAC), Port Authority of Allegheny County, Beaver and Island Avenues, Board Room, Pittsburgh, Pa. 15233, Time: 9:00 a.m.

*April 2, 1980*

Philadelphia, Pa. (PATCO, SEPTA), SEPTA Executive Offices, 12 S. 12th Street, 20th Floor, Philadelphia, Pa. 19107, Time: 9:30 a.m.

*April 3, 1980*

Cleveland, Oh. (GCRTA), Cuyahoga Savings and Loan Association, Community Room, 1 Erieview Plaza, Cleveland, Oh. 44114, Time: 9:30 a.m.

*April 10, 1980*

Washington, D.C. (MD DOT), U.S. Department of Transportation, 400 7th Street, S.W., Room 4234, Washington, D.C. 20590, Time: 9:00 a.m.

*April 11, 1980*

Detroit, Mi. (SEMTA, DDOT), Southeastern Michigan Transportation Authority, First National Building, 660 Woodward Avenue, Board Room, 13th Floor, Detroit, Mi. 48226, Time: 10:30 a.m.

*April 14, 1980*

Chicago, Il. (CTA, RTA, NIRPC), Rehabilitation Institute of Chicago, 345 E. Superior Street, Heyworth Room, 2nd Floor, Chicago, Illinois 60611, Time: 9:30 a.m.

*April 15, 1980*

New Orleans, La. (NOPSI), City of New Orleans, Office of Transit Administration, Union Passenger Terminal, Assembly Room, 100, Loyola Avenue, New Orleans, La. 70113, Time: 3:00 p.m.

*April 17, 1980*

San Francisco, Ca. (S.F. Muni.), San Francisco Municipal Railway, 949 Presidio Avenue, Room 220, San Francisco, Ca. 94115, Time: 10:00 a.m.

The briefing for national organizations representing handicapped persons will be held:

*April 9, 1980*

U.S. Department of Transportation, 400 7th Street, S.W., Room 2230–32, Washington, D.C. 20590, Time: 9:00 a.m.

**Theodore C. Lutz,**

*Administrator.*

March 5, 1980.

[FR Doc. 80–7355 Filed 3–7–80; 8:45 am]

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Part V

# Department of Energy

## Federal Loan Guarantees for Alternative Fuel Demonstration Facilities

**DEPARTMENT OF ENERGY**

**10 CFR Part 796**

# Federal Loan Guarantees for Alternative Fuel Demonstration Facilities

**AGENCY:** Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** On June 28, 1979, the Department of Energy (DOE) issued a notice of proposed rulemaking (44 FR 37790) to establish regulations providing for the implementation of loan guarantees and other assistance for the Alternative Fuel Demonstration Facilities Program (hereafter referred to as AFDP) as authorized in Section 207 of Title II of the Department of Energy Act of 1978—Civilian Applications (Public Law 95–238). This Act provides loan guarantee authority for the purpose of financing the construction and startup costs of demonstration facilities for the conversion of domestic coal, oil shale, biomass, and other domestic resources into alternative fuels; cooperative agreement authority for modular-size demonstration facilities for the conversion of domestic oil shale into alternative fuels; and authority for community impact assistance necessitated by the construction of an alternative fuel demonstration facility assisted under subsection 19(b) of this Act.

The notice of proposed rulemaking did not schedule a public hearing and did not establish a termination date for public comment. On October 24, 1979, DOE published a notice of public hearing and comment due date on the proposed rulemaking (44 FR 61188).

This regulation identifies the procedures that will be followed by DOE in making available the financial assistance authorized under Section 207 of Title II of Public Law 95–238 for alternative fuel demonstration facilities. The regulation also establishes basic terms and conditions of these financial assistance agreements.

**EFFECTIVE DATE:** April 9, 1980.

**FOR FURTHER INFORMATION CONTACT:**

Department of Energy, Allyn Hemenway (Office of Resource Applications) Room 3446, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633–9195.

Department of Energy, Thomas L. Blair (Office of General Counsel), Room 6F055, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6967.

**SUPPLEMENTARY INFORMATION:**

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## I. Background

On February 25, 1978, the Department of Energy Act of 1978—Civilian Applications (Public Law 95–238) was enacted. Section 207 of Title II of Public Law 95–238 amended the Federal Nonnuclear Energy Research and Development Act of 1974, Public Law 93–577, (hereafter referred to as the Act) by adding a new Section 19.

Subsection 19(b) (and related subsections) of this Act authorizes the Secretary to provide assistance, through loan guarantees, for the construction, and startup costs of demonstration facilities for the conversion of domestic coal, oil shale, biomass, and other domestic resources into alternative fuel in an environmentally acceptable manner; and provides the Secretary with the authority to share, through cooperative agreements, the estimated design, construction, operation and maintenance costs for modular-size facilities for the conversion of domestic oil shale into alternative fuels. Subsection 19(k) also provides the Secretary with the authority to provide community impact assistance necessitated by demonstration facilities assisted under subsection 19(b) of the Act.

On June 28, 1979, DOE published in the **Federal Register** (44 FR 37790) a proposed regulation to implement these authorities granted to DOE. On October 24, 1979, DOE issued a notice (44 FR 61188) that a public hearing would be held in Washington, D.C. on November 28, 1979. The notice also established December 12, 1979 as the due date for receipt of written comments on the proposed regulation. Interested parties desiring to speak at the public hearing were requested to inform DOE at least ten days before the hearing. DOE received three requests to speak at this hearing. The three parties that expressed an interest in speaking at the public hearing presented testimony in Washington, D.C.

DOE also received written comments from nine interested parties representing Federal and local government, and private sector interests. All comments were appreciated, and all were closely reviewed and considered. In addition, as stated in the June 28 notice, comments received with respect to provisions in the proposed Urban Waste Demonstration Facilities Guarantee Program (44 FR 42094) which were identical or similar to provisions in the AFDP regulation were considered.

Some applicants for financial assistance under these regulations may be subject to independent determinations by the Federal Energy Regulatory Commission in the exercise of its statutory authorities and responsibilities. The treatment of project costs (see § 796.9) under these regulations are independent of judgments which may be required by the Commission. To the extent that applicants are subject to regulation by the Commission, the treatment of project costs before the Commission are independent of determinations made under these regulations.

## II. Comments and Responses on the Proposed Regulations

### *A. New Legislation*

As noted, the basic enabling legislation requiring implementation of this regulation is the Federal Nonnuclear Energy Research and Development Act of 1974, as amended. The proposed regulation would establish procedures required by that law. On November 27, 1979, Public Law 96–126, entitled "Department of the Interior and Related Agencies Appropriations for Fiscal Year 1980," was enacted. Title II of that law provides appropriations for DOE to guarantee or commit to guarantee indebtedness for the construction of alternative fuel demonstration facilities authorized by the Federal Nonnuclear Energy R&D Act of 1974, as amended, in an amount not to exceed the aggregate of $1,500,000,000. In addition, Title II contains language that satisfies the need for certain procedures required by the basic enabling legislation.

More precisely, this language in Public Law 96–126 is:

1. This Act shall be deemed to satisfy the requirements for Congressional action pursuant to sections 7(c) and 19 of said Act with respect to any . . . loan guarantee for which funds appropriated hereby are utilized or obligated.

2. Loan guarantees for oil shale facilities issued under this appropriation may be used to finance construction of full-sized commercial facilities without regard to the provision in section

19(b)(1) of said Act requiring the prior demonstration of a modular facility.

DOE received a few public comments relating to the effect of the language of Public Law 96–126 and its relation to the requirements of this regulation. To the extent that certain requirements were deemed satisfied by this statutory language, they do not apply to actions that DOE takes under this appropriation. However, for actions not covered by the appropriations provided by Public Law 96–126, such provisions would still be in effect unless otherwise treated by new statutory language. DOE has inserted a new provision at § 796.22 to clarify this effect.

*B. Scope*

DOE received a few comments suggesting a clarification of the scope of the program. Representative comments received include: "The program needs to be more clearly defined with regard to the size and type of facilities eligible for loan guarantee assistance"; and "It is unclear which technologies qualify for loan guarantee assistance under the program."

One of the stated purposes of the Act (paragraph 19(a)(2)), and the regulation (§ 796.2(a)(2)), is to authorize assistance through loan guarantees for the construction and startup costs of demonstration facilities for the conversion of domestic coal, oil shale, biomass, and other domestic resources into alternative fuels. DOE considers that any more specific listing in the regulation of individual technologies which qualify under this program would be limiting. Technological advancements are anticipated, and are to be encouraged by the regulation rather than discouraged. Specific types and sizes of projects may be identified in solicitations made pursuant to § 796.7.

Some changes were made at § 796.3(c). In this subsection, the definition of biomass was broadened, and specifically reflects the inclusion of industrial waste, a technology that DOE had originally intended to cover under a separate regulation. Other regulations are being developed by DOE to create a separate program for industrial wastes. However, until such regulations are published, industrial waste projects will be covered by this regulation.

Actual responsibilities for different technology areas are assigned to different program offices within DOE. At present, program technology responsibility for biomass, industrial and municipal solid and liquid wastes is assigned to the DOE Office of Conservation and Solar Energy. Accordingly, guarantees made for projects utilizing these technologies would be evaluated by the Office of Conservation and Solar Energy. That Office's program management responsibility is now recognized in § 796.4.

*C. Project Costs/Inflation*

DOE received a number of comments concerning § 796.9, "Project costs." Several parties had specific items which they requested be added to the list of includable project costs. Representative comments were to include, "guarantee fees," "underwriting or agent fees, on site audit and inspection fees, trustees' fees, and printing costs," "parent corporation G&A costs which directly benefit the project," "technical service costs," "costs incurred for the benefit of the project prior to approval of a financial assistance agreements," and "organizational expenses."

DOE considers these comments to be of a nature that is specific to individual projects. For a specific project, one or more of the above items might be appropriately included as project costs. However, any attempt to add to the list of includable project costs would not necessarily cover all types of project costs that could be eligible for a particular project. Since the cost elements listed in § 796.9(a) are only illustrative, DOE has decided not to further define eligible project costs. All necessary and reasonable costs may be included, and DOE will make individual determinations on specific applications as to eligibility.

DOE also received a few suggestions that the definition for "startup" be clarified. A representative comment is that "conservative planning may call for initial production over an extended period below designed capacity. The cost of operating at such levels for a reasonable period should be allowed as a legitimate starting cost." Under the proposed rules, startup costs are includable project costs (see § 796.9(a)). Project operating expenses incurred after startup are not considered eligible for Federal financial assistance under these rules since a project is expected to be commercially viable after the startup period. The startup period will vary with the technology considered, and the state of the art for any given technology. DOE considers it inappropriate to set a time limit for startup in the regulation. An applicant should submit what is considered a reasonable startup period with the loan guarantee application. To the extent that DOE considers such time period necessary and reasonable, startup costs related to that period will be accepted. DOE believes no change to the regulation is necessary.

DOE also received a few comments recommending built-in escalation provisions to adjust for inflation on construction costs. Such comments relate to both § 796.9, "Project Costs," and § 796.16, "Cost Overruns." Inflation affects various firms differently, depending on many variables in the economy and specific industry characteristics. Moreover, inflation rates in the general construction industry may not be representative of those for specific energy technologies. DOE has concluded that no satisfactory formula for escalating costs could be established by this regulation. Inflation is expected to be included in the cost estimates submitted by the applicant, and will be considered in the evaluation. At the time that DOE issues a guarantee or commitment to guarantee, the eligible costs will be specified. Such costs would include a contingency for inflation. To the extent that the costs of the project exceed those established by the guarantee agreement, Congress has authorized in subparagraph 19(c)(2)(B) of the Act, that DOE may provide loan guarantees for up to 60% of the amount of such cost overruns.

Finally, one party voiced concern about the audit procedure of § 796.9(c). This subsection reserves the right of the Secretary to audit any or all cost elements included by the applicant in the estimated project cost and reserves the right to exclude or reduce the amount of any allowable project cost which the Secretary determines to be unnecessary or excessive. Two objections were made. First, it was stated that the Secretary is given an unwarranted amount of power. The second point argued that an appeals process must be incorporated into the regulation.

DOE believes that prudent evaluation of applications requires the exercise of such authority when appropriate. It is not DOE's intention to arbitrarily exclude estimated project costs without undertaking extensive discussions with the applicant and thereby giving the applicant full opportunity to justify such estimates. Consequently, no change has been made in the regulation.

*D. Time*

A few comments were received suggesting "specific time limitations" be set "for each major step in the solicitation and approval process necessary for the award of a loan guarantee" (eq. §§ 796.7 and 796.40).

DOE believes that it is not practical to establish wholesale incremental time limitations in this regulation. This regulation is meant to be generally applicable to a broad range of

technologies. Considering the breadth of this regulation, variations in technologies, the phases of project development, and uncertain variables such as the number of responses to solicitations, DOE deems it inadvisable to establish generic incremental time limitations.

*E. Environment/NEPA*

DOE received a number of comments relating to environmental requirements. More precisely, the comments dealt with three specific subsections of the regulations. These subsections are 796.32(a)(20), 796.10(a)(1), and 796.32(a)(21).

Any restatement or paraphrasing of the comments received by DOE would tend to create unnecessary confusion. Alternatively, each subsection will be discussed briefly from the perspective of the comments received. The sequence of the paragraphs below is the order in which DOE contemplates events would occur. However, situations will vary with each specific application. Variations will be addressed as they might occur.

The first subsection is 796.32(a)(20), which indicates an environmental report would be required from an applicant for a loan guarantee as a portion of information submitted with an application for a loan guarantee. This environmental report is to be prepared by an applicant. It should contain information necessary to assess the probable environmental impacts of the project. The specific requirements of the environmental report will be outlined in solicitation announcements or in appendices to this regulation. An environmental report is not intended to be an Environmental Impact Statement (EIS) as required by the National Environmental Policy Act (NEPA). However, if an approved EIS has been completed, for the project, it may be substituted for this report.

The second subsection is 796.10(a)(1), which indicates that issuance of a loan guarantee is subject to the provisions of NEPA. This subsection requires nothing more, and nothing less, than NEPA requires. Where required under NEPA, DOE will prepare an EIS in accordance with the Council on Environmental Quality (CEQ) NEPA regulations (43 FR 55978). If an EIS has already been prepared by another federal agency, DOE will follow Section 1506.3 of the CEQ regulations in determining whether to adopt the other agency's EIS.

The third subsection is 796.32(a)(21), which requires the applicant to submit a plan to acquire, evaluate and monitor the environmental, economic, social and technological impacts of the proposed project. The requirement stems from Section 19(a)(3) of the Act. Once a loan guarantee is issued, the project sponsor will be required to routinely submit environmental information, as well as economic, social and technological information, pertaining to the project. The specific details pertaining to these information requirements will be identified in written agreements between DOE and the project sponsor.

*F. Tax-Exempts/Other Federal Assistance*

Several comments were received concerning the requirement of § 796.11(a)(23) and § 796.84(a)(18) of the proposed regulation that interest paid on an obligation guaranteed under this program be included in the gross income of the holder of the guaranteed obligation. Representative comments pertaining to § 796.11(a)(23) include: "Lacks legislative authorization;" and "Effectively eliminates as eligible borrowers, those non-Federal entities that are authorized to issue only non-taxable instruments." A comment expressly directed toward the similar provision of § 796.84(a)(18) is, It "will comprise a significant problem [to communities seeking community impact assistance], will bring relatively little money into the Federal Treasury, . . . and does not help the overall objectives of the program."

DOE is of the opinion that it is not necessary at this time to provide loan guarantees under AFDP to projects that can be financed in the private sector with tax exempt debt (with the exception of projects involving municipal and industrial waste as authorized under subsection 19(y) of the Act). However, in order to insure that no project is inappropriately excluded from participation in AFDP for this reason, DOE has now adopted a policy which provides that DOE may issue a guarantee to those projects financed with tax exempt debt where the debt is not sold to the private sector but is instead purchased by the Federal Financing Bank. Sections § 796.84(a)(18) and § 796.11(a)(23) have been revised accordingly.

*G. Patents*

DOE received a number of comments relating to patent provisions and proprietary rights (§ 796.11(a)(7) and § 796.17). Representative comments received include: "Patent provisions . . . should permit greater flexibility in drafting guarantee agreements"; "The provision is overly broad"; "§ 796.17 [should] be stricken in its entirety," and that § 796.17 is "overreaching on the part of the government."

The provisions regarding patents were included in the regulation because of the requirements of subsections 19(g)(4) and 19(r) of the Act. In subsection 19(r) of the Act, Congress mandated that inventions made or conceived in the course, of, or under a guarantee authorized by, this Section of the Act shall be subject to the title and waiver provisions and conditions of Section 9 of the Act. DOE has implemented both the title and waiver provisions expressed in the statute. Adverse public comment focused only on the title requirement. The Secretary is empowered by Section 9 of the Act to waive the Government's rights with respect to patents (see 41 CFR 9–9.109–6). It is DOE's intention to utilize the waiver requirement when appropriate to the situation. DOE prefers to deal with such issues on a case-by-case manner, and not in a generic manner suggested by the comments. Applicants are urged to identify situations where waivers for patents and technical data are requested. The occasions for such identification to be made would be at the time an application for a loan guarantee is filed, and when negotiating a guarantee agreement between DOE and an applicant. It is DOE's position that flexibility on these issues, within statutory limitations, exists in the regulation.

In subsection 19(g) of the Act, which discusses default situations, Congress mandated that patents, including any inventions for which a waiver is made, will be treated as a project asset, and that all patents, technology, and other proprietary rights which are necessary for project completion and operation be available to DOE if a default occurs. These provisions were included in the regulation as a guarantee requirement (§ 796.11(a)(7)). The protection of interests of DOE, the borrower, and other involved parties with regard to patents, technology, and inventions will be detailed in the terms and conditions of the guarantee agreement.

*H. Collateral/Recourse/Default*

A number of comments were received regarding the collateral requirements, and recourse and default provisions of § 796.11 and § 796.60 of the proposed regulation. Generally the comments requested clarification or limitation of the amount and type of collateral required, the recourse of the Secretary in the event of default, and the requirement of subordination of other loans. Some minor revisions were made to § 796.60 to provide greater clarification. Representative comments include "only project assets [should be] included as collateral"; "Assets to be pledged . . .

[should be] . . . limited to the assets of the synthetic fuel project itself and without reach to assets held by any of the underlying equity interests in excess of their equity investment in the project itself"; and, "[§ 796.60(m)] implies that DOE may exercise rights of recourse to other assets of the borrower without providing in the guarantee agreement for this, or other unidentified rights."

Many of the provisions that these comments address are made necessary by specific requirements of the Act. Subsection 19(c)(4) of the Act requires that the obligation being guaranteed not be subordinate to any other financing. Subsection 19(g)(3) of the Act provides that in the event of default monies paid to the lender by the Secretary pursuant to the guarantee agreement can be recovered from "such assets of the defaulting borrower as are associated with the demonstration facility, or from any other security included in the terms of the guarantee." Additionally, subsection 19(g)(2) requires that the Secretary have "the authority to complete, maintain, operate, lease or otherwise dispose of property acquired pursuant to" the loan guarantee or related agreements.

With regard to the amount and type of collateral which will be required, the Act and regulation provide the Secretary with a degree of flexibility. Pursuant to § 796.11(a)(6) of the regulation the Secretary will determine, on a case-by-case basis, what collateral or surety will be necessary. The guarantee agreement, or other related security instrument, will specify those assets and/or surety which are pledged to secure repayment of the loan. DOE interprets subsection 19(g)(3) of the Act to mean that security other than project assets may be included in the guarantee agreement in some cases. However, DOE believes that in most cases the objectives of the AFDP will be best realized by securing guaranteed loans with only the project assets. In those instances where a determination is made that the project assets would be insufficient collateral, the Secretary will enter into negotiations with the project sponsors in an effort to reach an agreement concerning what additional security will be pledged as a condition of the guarantee.

The recourse of the Secretary against a borrower in default will also be specifically stated in the guarantee agreement, or a related collateral agreement. In response to a comment specifically directed toward § 796.60(m), that provision of the proposed regulation is not interpreted by DOE to provide the Secretary with rights of recourse which are contrary to those stated in the guarantee agreement or a related document.

Subsection 796.11(a)(9) of the proposed regulation required that the guaranteed loan not be subordinate to any other loan for the project and that the guaranteed loan be in a first lien position with respect to assets of the project and other collateral which are pledged as security for repayment of the guaranteed loan. DOE construes the Act to require this, and that only with regard to assets not directly related to the project, but which may be pledged as collateral, may a less than first lien position be acceptable to DOE.

*I. Indian Comments*

DOE received a few comments pertaining to the role of Indian tribes under this program. The comments address several provisions of the regulation, and are, therefore, presented separately.

One comment, relating to projects utilizing Federal leases, § 796.8, suggested "DOE add a provision requiring that the affected tribes be notified and consulted whenever the actions involve leases issued pursuant to 25 CFR Subchapters P and Q." This is considered to be well outside the jurisdiction of DOE, and the jurisdiction of the Department of Interior is considered proper. However, when a project is proposed to be located on, or in a manner affecting, Indian lands, the pertinent tribe will be notified and offered an opportunity to comment.

Another comment contained the suggestion the regulation "Be modified to recognize tribal laws and permits applicable to such development." This regulation does not prevent the application of laws and regulations of Indian tribes. Where appropriate, the applicant must obtain applicable tribal permits, licenses, and certificates (§ 796.32(a)(19)), relating to the use of Indian lands.

A question was raised regarding a Governor's right, under § 796.40(d), to comment on a project located on Indian lands. The comment stated "Because Indian lands are not under the jurisdiction of the state, the regulations should clearly exclude projects on Indian lands from the Governor's purview." The right of a Governor of a State, and also of political subdivisions and Indian tribes, to comment on a proposed facility that will be located in, or will impact upon, an area within their jurisdiction is derived from paragraph 19(e)(1) of the Act. It is DOE policy to allow all parties having an interest in a proposed facility an opportunity to comment on the action prior to final approval of an application.

Finally, a comment was received pertaining to the time constraints contained in § 796.78 (c) and (e). These subsections contain requirements and conditions for planning assessment, and management grants. The question was raised as to "Whether either the planning reports or the management plans can be prepared competently within the time alloted," and it was recommended "DOE build in some flexibility for extending the time devoted to these studies." The provisions require that the recipient of a planning grant issue a report within three months, and that the recipient of a management grant issue a report within six months. Both of these provisions were modified in order to allow the Secretary the flexibility to respond to specific situations. However, it must be emphasized that timely completion of such reports will be essential to efficient undertaking of the project.

*J. Federal Management*

DOE received a few comments voicing concern for the possibility that a Federal official would attempt to manage the sponsor's project (e.g., generally § 796.32 and § 796.55).

Comments received include: "Where possible, the proposed regulations should be revised with a view toward minimizing Federal management and control of the projects assisted under these regulations"; and, "An overzealous DOE manager could unduly delay the construction of a project as well as increase construction costs by interfering in critical technical decisions."

It is not DOE's intention to manage the day to day activities of a project or a project's employees. However, DOE believes that project monitoring is vital to protecting the government's financial and technical interest in the project.

*K. Loan Agreement and Guarantee Agreement Requirements and Conditions*

Many comments were received suggesting changes to either the guarantee agreement requirements and conditions in § 796.11, or those of the loan agreement in § 796.12. These comments are varied and discussion as a group would be confusing. Instead they are addressed on an issue by issue basis.

The question was raised as to what was meant by reasonable means of financing in § 796.11(a)(1) and § 796.32(a)(27) of the proposed regulation. It was also "not clear how the Secretary may decide that proposed borrowing arrangements will be found not to reflect the value of a guarantee

backed by the full faith and credit of the United States" in § 796.18. "It is, therefore, uncertain under what circumstances the Secretary will recommend the use of the Federal Financing Bank (FFB)."

Generally, DOE interprets reasonable means of financing to mean that without a Federal guarantee, the financial terms and conditions under which the project would be funded by debt would be unduly restrictive, for either the project sponsor, investors in the project, lenders, or other holders of the debt, with the result that the project would not be willingly undertaken in the immediate future.

The issue of the Secretary deciding that the proposed borrowing does not reflect the value of the United States full faith and credit arises under § 796.18 which establishes the circumstances under which the Secretary would give preference to the Federal Financing Bank as a lender. This provision is intended to express DOE's belief that the Federal guarantee substantially reduces or eliminates, as in the case of a 100% guarantee, the risk factors normally assumed by the lender when debt is funded to finance major projects. As a result of the guarantee, DOE expects that the terms, rates and fees attached to the debt should reflect the increased security offered to the lender and result in lower financing costs to the project sponsor. Where DOE believes appropriate adjustment has not taken place in the cost of financing and DOE is unable, after negotiation, to bring about a satisfactory resolution, then the Federal Financing Bank would be preferred. DOE believes that the wording of § 796.18 adequately expresses this concept and defines the other circumstances under which the Federal Financing Bank would be a preferred lender.

Another question addressed the issue of termination of the guarantee by the Secretary as addressed in § 796.11(a)(10) of the proposed rule. This provision has been taken from Section 19(c)(a) of the Act and does not provide for termination of the guarantee. Instead it establishes an option on the part of the Secretary to request that the project be refinanced without a guarantee if the Secretary determines certain objectives have been met after a 10 year period. In the event that the Secretary makes such a request, but the project is not refinanced, the guarantee is not terminated, but the Secretary can increase the guarantee fee by one percent per annum. This subsection of the regulation was slightly changed for further clarification.

Finally, a party questioned "the necessity of obtaining DOE approval before undertaking work in connection with the project for another Federal agency," a requirement at § 796.11(a)(22). Congress has authorized the Secretary to administer the demonstration facilities program, and, with that authorization imposed, the concomitant duty to oversee the program. Insofar as program management rests with DOE, it is not felt to be unduly burdensome or discouraging to require program participants to secure the Secretary's approval prior to undertaking work in connection with the project for other Federal agencies. Responsible administrative oversight mandates constant monitoring of the participants' project involvement to ensure that there is no duplicative and wasteful overlap with programs funded and administered by other agencies. It is also necessary to ensure that the proposed effort does not interfere with the information being obtained from the demonstration.

*L. Miscellaneous*

One party stated that in regards to § 796.3(e), "Modular size," the 6,000 to 10,000 barrel per day capacity requirement for a modular size facility was too restrictive, and that the defintion should recognize smaller production modules. It was suggested "that production modules be any size which is capable of direct scale-up to commercial or modular size by simply adding more modules."

The 6,000 to 10,000 barrels of oil equivalent per day is a requirement of the Act, but it relates to the size of a modular size facility, not an individual production module. A change was made to subsection 796.3(e).

One commentor stated "Synthetic fuel ventures may be composed of partners of varying size and need, [and] the program should permit guarantees of loans to individual participants to finance their individual shares of a venture." The suggestion was made that one partner in the venture would have access to its own sources of capital and another partner would seek a federal loan guarantee. Such an arrangement is not prohibited by these regulations. However, unusual partnership arrangements and applications may require detailed agreements and conditions to adequately protect the financial and technical interests of the federal government. For the hypothetical business arrangement suggested, the details of such agreements and conditions cannot be elaborated at this time. The hypothetical business arrangement would have to be understood in greater detail and the implications studied in relation to the Act and regulations.

One party stated the requirement in § 796.51 of "Approval in writing from the Secretary to the loan servicer prior to any (each) loan disbursement appears to be an overly cumbersome and time consuming procedure which could produce major and unwarranted delays in project progress and accomplishment."

It is not unusual for a lender, or other party sharing the risk of a project to have some measure of control in the disbursement of funds. This is to assure that certain milestones and schedules are met. DOE believes that approval by the Secretary of a disbursement can be accomplished in a timely manner, and does not consider this requirement to be overly burdensome.

A comment was received relating to § 796.53 regarding the reduction or withdrawal of a guarantee. A suggestion was made to expand the Section "By including opportunity for hearings and appeals of any decision made by the Secretary to reduce a loan guarantee," and "that subsection (c) be deleted."

Subsection 796.53 contains provisions by which the Secretary may reduce or withdraw a guarantee if certain material terms and conditions of the guarantee agreement are not fulfilled. Subsection (c) also allows reduction in the case where the economic success cannot be achieved in accordance with requirements specified in the guarantee agreement. These provisions are intended to protect the interests of the Federal Government, and are normal for a lending agreement for projects. The material terms and conditions, and minimum economic requirements may be specifically detailed in the agreement before it is signed by the parties.

Of its own accord, DOE decided to clarify the Equal Employment Opportunity (EEO) compliance requirements of recipients of Federal assistance under this regulation. A new Section, § 796.23, has been inserted for this purpose. It is the policy of DOE to encourage the involvement of small and disadvantaged business concerns in the program.

Several comments brought to our attention certain grammatical imperfections which existed in the proposed regulation. While none of these comments are considered to be of such magnitude as would require discussion, a few minor technical changes were made in response thereto.

**III. Additional Information**

In accordance with the DOE Order 2030.1 (44 FR 1040, January 3, 1979),

which implemented Executive Order 12044, "Improving Government Regulations," DOE has determined that this regulation is significant since its purpose is related to the President's goal of encouraging the production and use of alternative fuels. DOE has determined that this regulation will not have major economic impacts which would require the preparation of an economic regulatory analysis.

DOE is also carrying out obligations pursuant to the requirements of the National Environmental Policy Act of 1969, as amended, (NEPA) (42 U.S.C. 4321 *et. seq.*). In December 1975, the Energy Research and Development Administration (ERDA) and the Department of Interior jointly issued a draft generic Environmental Impact Statement (EIS) to evaluate the potential environmental impacts associated with a program to demonstrate the commercial viability of synthetic fuels (ERDA–1547). Public Notice of the availability of the draft EIS was published in the **Federal Register** on December 2, 1975 (40 FR 55898).

On January 11, 1978, DOE published a notice in the **Federal Register** (43 FR 1637) to the effect that the final programmatic EIS, ERDA 1547 Alternative Fuel Demonstration Program, was filed with the Council on Environmental Quality (CEQ). (Available from the National Technical Information Service, U.S. Department of Commerce, 5825 Port Royal Road, Springfield, Virginia 22161, or for public view at the Freedom of Information Public Reading Room, Room GA–152, Department of Energy, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C.). The EIS was prepared to identify potential environmental and socioeconomic impacts which may be expected from the commercial demonstration program of alternative fuels.

This EIS will also serve as a reference for site-specific environmental reviews that will be prepared in accordance with the CEQ NEPA regulations and the DOE NEPA Guidelines, and in connection with the issuance of individual Federal loan guarantees under this regulation.

Issued in Washington, D.C., on March 4, 1980.

**Ruth M. Davis,**

*Assistant Secretary for Resource Applications.*

Title 10 is amended by adding part 796 to read as follows:

## PART 796—FEDERAL LOAN GUARANTEES FOR ALTERNATIVE FUEL DEMONSTRATION FACILITIES

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**Authority:** Sec. 19(i), Federal Nonnuclear Energy Research and Development Act of 1974, Pub. L. 93–577, 92 Stat. 61 (42 U.S.C. 5919); sec. 644 et seq., Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7254 et seq.).

### Subpart A—General Provisions

#### § 796.1 Purpose.

The purpose of this regulation is to set forth policies and procedures under which qualified applicants may obtain financial assistance backed by the full faith and credit of the United States for financing the construction, startup, and

related costs for demonstration facilities for the conversion of domestic coal, oil shale, biomass, and other domestic resources into alternative fuels. It is also the purpose of this regulation to set forth policies and procedures for providing community impact assistance for planning and essential community development to eligible states, political subdivisions, and Indian tribes, appropriately, which would be adversely impacted by the siting, construction and operation of such demonstration facility(ies).

**§ 796.2 Objectives.**

The objectives of the Loan Guarantees for Alternative Fuel Demonstration Facilities Program (AFDP) are:

(a) To assure Federal support to foster a demonstration program to produce alternative fuels from domestic coal, oil shale, biomass, and other domestic resources;

(b) To authorize assistance, through loan guarantees, for the construction, startup, and related costs for commercial or modular size facilities for the demonstration of the conversion of domestic coal, oil shale, biomass and other domestic resources into alternative fuels in an environmentally acceptable manner;

(c) To authorize assistance, through cooperative agreements, for construction, startup, and related costs for modular size facilities for the conversion of domestic oil shale into alternative fuels in an environmentally acceptable manner;

(d) To gather information about the technological, economic, environmental, and social costs, benefits, and impacts of such demonstration facilities;

(e) To assure that the adequate planning and financing of essential community development is available to eligible states, political subdivisions and Indian tribes, as appropriate, for adverse community impacts resulting from the siting, construction and operation of a demonstration facility. Grants, loans guarantees, direct loans, or the requirement that the applicant obtaining financial assistance for its demonstration facility to internalize the socioeconomic costs into the demonstration project, may be provided to such states, political subdivisions, and Indian tribes for such planning and essential community development.

**§ 796.3 Definitions.**

For the purposes of this regulation:

(a) "Act" means the Federal Nonnuclear Energy Research and Development Act of 1974, Pub. L. 93–577, as amended by Section 207 of Title II of Pub. L. 95–238.

(b) "Alternative fuel" means those oils, gases, and other energy forms produced or synthesized from shale, coal, and biomass and other domestic resources.

(c) "Biomass" shall include, but is not limited to, oceanic and terrestrial crops, residues, and waste therefrom; animal wastes; and industrial waste.

(d) "Demonstration" means the establishment of a facility to exhibit the technical, economic, and environmental feasibility, normally under commercial conditions, of a device, technique, or process which converts domestic coal, oil shale, biomass, and other domestic resources (to the extent specified in solicitation announcements or appendices to this regulation) into alternative fuel.

(e) "Modular size facility" means a facility integrating one or more modular units using commercial sized components; in the case of the conversion of oil shale into alternative fuel, a modular size facility is one that can produce between 6,000 and 10,000 barrels of oil equivalent per day.

(f) "Project" means a group of interrelated tasks undertaken, or intended, by the prospective applicant for a demonstration facility which, when completed, will result in the production of alternative fuels.

(g) "Applicant" means:

(1) For the purpose of demonstration facilities, any individual, firm, corporation, company, partnership, association, society, trust, joint venture, joint stock company, or other governmental non-Federal entity that has the authority to enter into the financial assistance agreement being sought and is requesting assistance under this regulation.

(2) For the purpose of community impact assistance, any eligible state, political subdivision, or Indian tribe, as defined below, which has the authority to enter into financial assistance agreements being sought and which is requesting assistance under this regulation.

(h) "Borrower" means:

(1) For the purpose of assistance for a demonstration facility, any applicant (as defined in § 796.3(g)(1)) who has an application approved by the Secretary and who enters into a loan which is guaranteed under this regulation.

(2) For the purpose of community impact assistance, any applicant (as defined in § 796.3(g)(2)), who has had an application approved by the Secretary and who receives a direct loan or enters into a loan which is guaranteed under this regulation.

(i) "Assistance recipient" means any borrower, grantee, or participant to a cooperative agreement for any program authorized by this regulation.

(j) "Holder" means an individual or any legal entity such as a partnership or corporation, who has lawfully succeeded in due course to all or part of the rights, title, and interest in the guaranteed portion of the loan.

(k) "Indian tribe" means any tribe, band, or community having a governing body recognized by the Secretary of Interior.

(l) "Indian lands" means all lands, including mineral interests within the exterior boundaries of any Federal Indian reservation, notwithstanding the issuance of any patent and including rights-of-way to all lands including mineral interests held in trust for or supervised by an Indian tribe.

(m) "Lender" means any individual, partnership, corporation, Federal entity or other legal entity formed for the purpose of, or engaged in the business of lending money. Examples of lenders may include, but are not limited to, commercial banks, savings and loan institutions, insurance companies, factoring companies, investment banking organizations, institutional investors, venture capital investment companies, trust, Federal entity or other entities designated as trustees or agents acting on behalf of bondholders or other lenders.

(n) "Guarantee agreement" means a written agreement by which DOE guarantees payment of principal and accrued interest on specific financial obligations of a borrower.

(o) "Loan" means any financial obligation, including, but not limited to, bonds, debentures, notes, or other financial debt instruments.

(p) "Commitment to guarantee" means a document executed by the Secretary, that sets forth, specifically, or by reference to the terms and conditions under which the Secretary will subsequently issue a loan guarantee.

(q) "Cooperative agreement" means an executed written agreement reflecting an assistance relationship between DOE and an assistance recipient in which substantial involvement is anticipated between DOE and the assistance recipient during the performance of the activity described in the cooperative agreement.

(r) "Direct loan" means a loan of funds by the Secretary to an adversely impacted political subdivision, or Indian tribe for financing essential community development as defined in paragraph (w) of this section.

(s) "Management grant" means a grant of Federal funds to a political subdivision, or Indian tribe, as appropriate, for the purpose of

supporting the implementation of a detailed program of action to prevent or mitigate the adverse impacts of an approved demonstration facility and for establishing related management expertise.

(t) "Planning assessment grant" means a grant of Federal funds to a Governor of a state, or Indian tribe, as appropriate, for assessing social and economic impacts of a proposed demonstration facility and identifying any essential mitigating measures.

(u) "Adverse impact" means the actual or anticipated requirement for essential community development necessitated by the siting, construction and operation of the alternative fuel demonstration facility within the jurisdiction of a state, political subdivision or Indian tribe or adjacent thereto, and the lack of capability by such affected state, political subdivision or Indian tribe, as appropriate, to finance such essential community development from tax revenues, Federal or state financial assistance or other sources.

(v) "Equitable assistance sharing" means the sharing of community impact assistance; which may be provided under this regulation, by more than one state, political subdivision, or Indian tribe adversely impacted by the siting, construction and operation of a demonstration facility.

(w) "Essential community development" means additional community development, including public facilities, housing, and transportation required from rapid, energy-related population growth resulting from the construction and operation of demonstration facility in the affected communities.

(x) "Public facility" means a facility constructed, renovated or expanded with public funds provided by a state, political subdivision, or Indian tribes. For the purpose of this regulation, the term public facility includes, but is not limited to, the following facilities which will not serve as industrial facilities:

(1) Education
(2) Environmental protection
(3) Health care
(4) Public safety and law enforcement
(5) Recreation
(6) Transportation
(7) Public utilities

(y) "Default" means the failure of a borrower to make payments of principal and interest on a loan guaranteed by the Federal Government or on a direct loan by the Federal Government for financing essential community development within the time period specified in the loan agreement, or the failure of the borrower to comply with material terms or conditions as specified in the loan guarantee or in the direct loan agreement.

(z) "Overrun costs" mean any cost that exceeds the total estimated costs of the demonstration facility as specified in the initial guarantee agreement.

(aa) "Secretary" means the Secretary of Energy or designee.

(bb) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, or any territory or possession of the United States.

(cc) "United States" means the several states, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(dd) "Disadvantaged business concern" means a concern which is at least 51 per centum owned by one or more socially and economically disadvantaged individuals (as defined in Pub. L. 95–507).

### § 796.4 Program management.

Program management responsibility for financial assistance awarded under this regulation and under the applicable appendix(ces) to this regulation has been assigned to the Office of Resource Applications, except in the areas of biomass and municipal or industrial wastes which are currently being administered by the Office of Conservation and Solar Energy.

### § 796.5 Financial assistance—general.

The Secretary, with due regard for the need for competition, may enter into financial assistance agreements for demonstration facilities to promote the conversion of domestic coal, oil shale, biomass, and other domestic resources into alternative fuels. Such assistance may be in the form of loan guarantees or cooperative agreements in the case of a modular size oil shale facility(ies).

### § 796.6 Citizenship requirements.

An applicant for financial assistance under this regulation must be a citizen or a national of the United States. An individual, firm, corporation, company, partnership, association, society, trust, joint venture, joint stock company, or other non-Federal entity shall not be deemed to be a citizen or national of the United States unless the Secretary determines that such applicant satisfactorily meets all the requirements of Section 2 of the Shipping Act of 1916 (46 U.S.C. 802) for determining such citizenship, except that the provisions in such Section 2(a) concerning (a) the citizenship of officers or directors of a corporation, and (b) the equity required to be owned in the case of a corporation, association, partnership, or firm operating a vessel in the coastwise trade shall not be applicable. The Secretary, in consultation with the Secretary of State, may waive such requirements in the case of a corporation, association, partnership, or firm in which controlling interest is owned by citizens of countries that are participants in the International Energy Agreement.

### § 796.7 Guidelines for selection of loan guarantee applications.

(a) A loan guarantee shall be issued after competition among all applicants proposing similar demonstrations to the extent feasible. It is the intention of the DOE to consider all aspects of the application, including the impact of a specific guarantee on competition and concentration in the production of energy; the resources available; status of regulatory proceeding, if applicable; labor availability; technology application; financial structure; project economics; borrower's equity; repayment assurance; collateral pledged; environmental and socioeconomic factors; the application's achievement of the goals and objectives of the demonstration program; and other competitive evaluation and selection criteria set forth in subsequent appendices or solicitation announcements made under this regulation.

(b) It is DOE policy to encourage and maximize open and fair competition in the selection of loan guarantee applications under AFDP. DOE will use two basic procedures to accomplish competitive selection:

(1) Solicitation for loan guarantee applications as described in paragraph (c) of this section;

(2) Other competitive procedures as specified in paragraph (d) of this section.

(c) DOE will follow the basic steps described in this paragraph to receive, evaluate, and select loan guarantee applications under a solicitation procedure.

(1) Solicitation Announcement. DOE will publish an Announcement in the **Federal Register** soliciting applications for loan guarantees. A synopsis of the Announcement will also be published simultaneously in the *Commerce Business Daily*. In addition, copies of the Announcement will be mailed to any person known to DOE to be interested in responding to such a Solicitation announcement. The Solicitation Announcement will contain the following information:

(i) A brief description of the size and type of projects for which loan guarantee applications are solicited;

(ii) The time period during which responses to the solicitation may be filed;

(iii) The name and address of the DOE representative who may be contacted to receive further information and a copy of the solicitation;

(iv) Such other information as determined by DOE to be relevant to the Solicitation Announcement.

(2) Application processing. DOE will process applications received in response to a Solicitation Announcement in accordance with the provisions of § 796.40 "Application processing for a loan guarantee for a demonstration facility," of this regulation.

(3) Evaluation of application. When the anticipated total cost of individual projects of the type specified in the Solicitation Announcement are estimated by DOE to exceed $50 million, application evaluation will be conducted by a specially constituted board which will use the appropriate procedures specified in the Source Evaluation Board Handbook (Procurement Regulation Handbook No. 1, 44 FR 6038, January 30, 1979). When the anticipated total cost of projects is less than $50 million, applications will be evaluated by a panel appointed by the appropriate Assistant Secretary. The panel will utilize procedures similar to those specified in DOE procurement regulations for source evaluation panels. Regardless of whether a board or panel is used, each application shall receive an impartial, equitable, and thorough evaluation.

(4) Application selection. The formal body specified in the preceding paragraph(c)(3) will rank the applications in order of preference and forward the ranking to the selecting official. If the total cost of each individual project from which the selection is to be made is $50 million or less per project, then the selection official shall be the appropriate Assistant Secretary or designated representative. If the total cost exceeds $50 million, then the selecting official shall be the Secretary or designated representative. No application selection shall be final until the procedures specified in § 796.40 of this regulation have been fully met.

(d) Whenever the solicitation procedures described in paragraph (c) of this section do not fully meet the requirements of a particular technology to be demonstrated under AFDP, then DOE will specify alternative competitive procedures designed for such purpose. These procedures will be implemented by appendix(ces) to this regulation and will be specific with regard to both the technology to be employed and the method of solicitation, evaluation, and award of loan guarantees to be used.

(e) Unsolicited applications. Although it is DOE policy to solicit applications (as specified in paragraph (c) of this section), or use other competitive procedures (as specified in paragraph (d) of this section), DOE also allows innovative unsolicited applications to be presented to DOE for consideration. An unsolicited application should fall within the technologies to be demonstrated under AFDP and meet the objectives and requirements set forth in this regulation and applicable appendix(ces) to this regulation. Unsolicited applications shall be awarded in accordance with the provisions of paragraph (c)(4) of this section. The following guidelines for unsolicited applications should be considered by any potential applicant:

(1) Advance consultation. Organizations or individuals who are interested in submitting an unsolicited application are encouraged, before expending extensive efforts in preparing a detailed unsolicited application or submitting any proprietary information to the Government, to make preliminary inquiries of DOE program staff as to the general interest in the type of demonstration project contemplated.

(2) An Unsolicited Application received when a DOE solicitation is anticipated. If DOE has planned the solicitation of applications for the demonstration of a particular energy technology under AFDP and an unsolicited application is received on that particular energy technology, the Secretary will reject such unsolicited application and advise the applicant to file the application in response to the Solicitation Announcement.

(3) Submission point. All unsolicited proposals for new or renewals of financial assistance awards will be submitted to DOE, Office of Resource Applications, 12th and Pennsylvania Avenue, N.W., Room 3400, Washington, D.C. 20461.

(4) Proprietary data. Unsolicited applications may include data which the applicant does not want disclosed for purposes other than the evaluation of the application. (See § 796.31 (c), (d), (e) and (f) of this regulation.)

**§ 796.8 Projects utilizing Federal leases.**

(a) The Secretary shall inform the appropriate supervisor of the Department of Interior (DOI) (as defined in 30 CFR 211.2(x), 221.2(c) and 231.2(c)) or other appropriate DOI office with supervisory authority over operations and production (as defined in Subchapters P and Q of 25 CFR) when a loan guarantee is approved involving a Federal lease, in order to provide for future coordination of the loan guarantee program and DOI Federal lease administration.

(b) Under 43 CFR, Parts 3100 and 3500; 30 CFR, Parts 211, 221, and 231; Subchapters P and Q of 25 CFR, and under existing oil shale leases issued by DOI, a lessee may apply for suspension of operations or production, or both (or for relief from any drilling or producing requirements) under a Federal lease. When a loan guarantee has been issued under this regulation for a project to be conducted by a borrower who is a lessee under the above cited regulations or under an oil shale lease, the borrower shall submit any such suspension application to the Secretary together with a statement setting forth complete information showing the effect of such suspension on the borrower's ability to comply with terms and conditions set forth in the loan agreement. The Secretary will notify the borrower in those situations when approval of the suspension application might cause default by the borrower. Except in cases where potential environmental safety or, if applicable, reservoir damage is imminent, the borrower shall obtain the Secretary's approval prior to submitting a suspension application to the DOI supervisor or other appropriate DOI office with supervisory authority over operations and production.

(c) Federal leases issued by DOI may provide for the readjustment of lease terms and conditions at stated intervals. When a guarantee under this regulation has been issued for a loan on a project to be conducted by a borrower who is a lessee, and the borrower files an objection to any proposed readjustment with a DOI authorized officer (as defined in 43 CFR 3000.0–5(f)), or other appropriate DOI officer with jurisdiction over leased lands (as defined in Subchapters P and Q of 25 CFR), a copy of the objection shall be submitted concurrently by the borrower to the Secretary. The Secretary shall forward a copy of the objection to those lenders concerned, and shall consult with the authorized officer or appropriate office of DOI having jurisdiction over leased lands regarding any final action that might terminate the lease. The Secretary shall prepare an assessment on the effect of the proposed readjustment of lease terms and conditions that would substantially limit the borrower's ability to comply with the terms and conditions set forth in the loan agreement. The Secretary shall forward the assessment in writing to the authorized officer or other appropriate officer of DOI having

jurisdiction over leased lands, and the supervisor or other appropriate officer of DOI having jurisdiction over leased lands, and the supervisor or other appropriate officer of DOI with supervisory authority over operations and production.

(d) Upon receipt by the lessee (borrower) of notice of a proposed cancellation of a lease by the Secretary of Interior, authorized officer, or other appropriate officer of DOI with jurisdiction over leased lands, the lessee will provide the Secretary and the lender with notice of such proposed action. Upon receipt of such notice the Secretary will consult with the authorized officer of DOI to determine whether the public interest can best be served by an acceptable alternative agreement.

**§ 796.9 Project costs.**

(a) The cost elements set forth in this section are for the purpose of illustrating the manner by which the construction, startup, and related costs of the project may be determined. It is expected that the costs will be accumulated in accordance with generally accepted accounting principles and practices that are consistently applied. Those reasonable and customary costs that are paid, expected to be paid, and which are directly related to the project shall be used to estimate the total cost (i.e., construction, startup, and related costs) for a demonstration facility. These costs may include, but are not limited to:

(1) Financial and legal services costs, including professional services and fees necessary to obtain licenses, permits and to prepare environmental reports and data;

(2) Research, exploration or development costs, only to the extent necessary to complete the project;

(3) Interest costs and other normal charges affixed by lenders;

(4) Costs of acquisition or rental of real property, including engineering fees, surveys, title insurance, recording fees, and legal fees incurred in connection with land acquisition or rental, site improvements, site restoration, and abandonment costs, access roads and fencing;

(5) Necessary and appropriate insurance and bonds of all types;

(6) Engineering, architectural, legal and bond fees, and insurance paid in connection with construction of demonstration facility; and materials, labor, services, travel and transportation for facility construction, startup, and tests; and costs for the purchase of flood insurance when it is required;

(7) Equipment purchase and startup testing;

(8) A reasonable contingency reserve to cover the possibility of cost increases during the processing of the application and during construction;

(9) Costs to provide original safety and environmental protection equipment, facilities, and services;

(10) Employees' salaries, wages, consultant's fees, and other operating expenses associated with the demonstration plant startup;

(11) Where applicable, fees for royalties and licenses negotiated through "arms length" transactions that relate to the construction phase of the project;

(12) Cost of any current assets directly related to the project, including cash reserves, and other forms of working capital;

(13) Other operating expenses associated with the demonstration plant startup;

(14) Costs of data gathering (technical, environmental, economic and socioeconomic impacts) and preservation;

(15) Costs of community impact assistance (planning and essential community development costs directly resulting from the siting, construction, and operation of the proposed demonstration facility) to the extent that such community impact assistance is to be provided by the applicant obtaining Federal funds for its demonstration facility;

(16) Other necessary and reasonable costs.

(b) Costs that are not considered as allowable project costs include the following:

(1) Fees and commissions charged to the borrower, including finder fees, for obtaining Federal funds;

(2) Parent corporation's general and administrative expenses, and other parent corporation assessments, including company organizational expenses;

(3) Goodwill, franchises, trade, or brand name costs;

(4) Dividends and profit sharing to stockholders, employees, and officers;

(5) Amounts expended for facilities and equipment used in the extraction of minerals other than coal or shale. In the case of coal, inclusion of costs for material and equipment used in extraction may only be included to the extent that the Secretary determines that the coal is to be converted into alternative fuels by the demonstration facility;

(6) Costs that are excessive or are not directly required to carry out the project as determined by the Secretary;

(7) Operating expenses incurred after startup.

(c) The Secretary may audit any or all cost elements included by the applicant in the estimated project cost and reserves the right to exclude or reduce the amount of any allowable project cost which the Secretary determines to be unnecessary or excessive. The applicant shall make available records and other data necessary to permit the Secretary to carry out such review. In carrying out this responsibility, the Secretary may utilize employees of Federal agencies or may direct the borrower to submit to a review performed by an independent public accountant or other competent authority.

**§ 796.10 Demonstration facility requirements and conditions.**

A guarantee or a commitment to guarantee a loan or cooperative agreement may be made only if the following demonstration facility requirements and conditions are met as determined by the Secretary:

(a) The project will be in conformance with established environmental regulations. The issuance of a guarantee under this regulation is subject to the provisions of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et. seq., Pub. L. 91–190) and applicable regulations, rules and guidelines implementing NEPA. NEPA requires the identification and environmental review of "major Federal actions significantly affecting the quality of the human environment." The environmental review to be performed by an applicant will also include an analysis of the environmental impacts associated with any essential community development to be assisted pursuant to Subpart F, "Community Impact Assistance," of this regulation.

(b) In addition to generally applicable criteria used to determine the proper scope of environmental review to be accorded individual applications, DOE shall review and consider the environmental impacts associated with the commercial operation of the project throughout its useful life. Such considerations shall be carried out even where the proposed guarantee may be limited to only a small or preliminary segment of the entire commercial project. Any specific actions under a guarantee, such as approval of a disbursement, shall not be made unless the applicable requirements of the NEPA and the DOE regulations implementing NEPA have been met.

(c) The project will conform with the provisions of Executive Orders 11988—Floodplain Management, and 11990—Protection of Wetlands, and with DOE

regulations 10 CFR 1022, 44 FR 12594, March 7, 1979.

(d) The project is considered to be technically and economically feasible, and environmentally acceptable.

(e) Any affected Indian tribe(s) has been involved in the planning of the project to the extent that the demonstration facility would be located on Indian tribe(s) lands, or where a substantial portion of the feedstock for a facility is to be obtained pursuant to an agreement with an Indian tribe.

(f) There is sufficient evidence that the applicant will initiate and complete the project in a timely, efficient, and acceptable manner.

(g) The project will be built and operated in the United States.

(h) The project is not for the manufacture of component parts for demonstration facilities eligible for assistance under this regulation.

**§ 796.11 Guarantee requirements and conditions.**

(a) In addition to meeting the requirements set forth in § 796.5, "Financial assistance—general," a guarantee for a loan for a demonstration facility shall be made only if the following requirements and conditions are met as determined by the Secretary:

(1) The Secretary finds that other methods of financing the demonstration facility are not reasonably available to the applicant;

(2) The amount of a loan guarantee for any demonstration facility shall not exceed 75 percent of the estimated construction, startup, and related costs for such facility; where only a partial guarantee is made by the Secretary, the guarantee agreement and underlying loan agreement will include adequate provisions regarding the rights, interests, and responsibilities of the parties in the event of a default, and disposition of any receipts obtained after liquidation;

(3) Full repayment of the guaranteed loan is to be made over the lesser of 20 years, or a period equal to 90 percent of the expected average useful economic life of the project's major physical assets. In calculating such period the Secretary shall utilize generally accepted accounting principles and practices;

(4) The amount of the loan guaranteed, when combined with other funds available to the applicant, will be sufficient to carry out the project, including adequate contingency funds;

(5) There is a reasonable assurance of repayment of principal and interest of the loan by the borrower;

(6) The project assets and other collateral or surety as determined by the Secretary to be necessary are pledged by the borrower as security for the repayment of the loan;

(7) The guarantee agreement or related documents include the following provisions with respect to patents, technology and other proprietary rights:

(i) Detailed terms and conditions as the Secretary deems appropriate to protect the interests of the United States in the case of default and to have available all the patents and technology necessary for any person selected including, but not limited to the Secretary, to complete and operate the defaulting project;

(ii) A requirement that patents, technology, and other proprietary rights which are necessary for the construction and operation of the demonstration facility are reasonably available for use by others (e.g., United States Government or other parties designated by the United States Government) on equitable terms;

(iii) A requirement that patents, including any inventions for which a waiver was made by the Secretary under Section 9 of the Act and technolgy resulting from the demonstration facility, shall be treated as project assets of such facility; and

(iv) A requirement that inventions conceived or first actually reduced to practice in the course of or under a guarantee, title to which is vested in the United States, shall not be treated as project assets for disposal purposes unless the Secretary determines in writing that it is in the best interests of the United States to treat them as project assets.

(8) The loan guaranteed bears an interest rate, determined by the Secretary in consultation with the Secretary of Treasury, to be reasonable taking into account the range of interest rates prevailing in the private sector for similar government guaranteed obligations of comparable risk.

(9) Any loan for the project which is not part of the guaranteed loan is subordinate to the guaranteed loan, and the guaranteed loan is in a first lien position regarding all assets of the project and all collateral security pledged. However, if any of the assets offered by the borrower as collateral security for the guarantee are subject to prior financing liens by other creditors, DOE will require that such prior lien creditors be removed or an acceptable legal arrangement be made with such prior lien creditors where DOE will be protected in the event of default. An arrangement of this nature must be in the form of written agreement between DOE and the prior lien creditors, and provide the following conditions:

(i) Ample notice of default and collateral security sale;

(ii) A plan of liquidation offering mutual protection to DOE and other creditors; and

(iii) An option on the part of DOE, which would be assignable to a third party, to have the first lien debt payable according to the original installment terms (even after default) if the project operation is undertaken by DOE or an acceptable third party, or on behalf of or through DOE.

(10) The loan guarantee agreement provides that the Secretary shall, after a period of not less than 10 years from the date of such agreement, taking into consideration whether the Government's needs for information to be derived from the project have been substantially met, and whether the project is capable of commercial operation, determine the feasibility and advisability of terminating the Federal participation in the demonstration facility. In the event that a decision for termination is made, the borrower, upon notification by the Secretary, has not less than two and not more than three years to arrange for alternative financing. At the expiration of the designated period of time, if the borrower has been unable to secure alternative financing, the Secretary shall charge the borrower an additional fee of one percent per annum on the remaining principal to which the Federal guarantee applies, and the guarantee shall remain in full force and effect.

(11) When a lender holds a guaranteed and a nonguaranteed portion of a loan, payments of principal or interest made by the borrower, shall be applied by the lender to reduce the guaranteed and nonguaranteed portions of the loan on a proportionate basis.

(12) The borrower agrees that no change of project ownership or financing arrangement will occur without prior written consent of the Secretary.

(13) There is satisfactory evidence that the applicant is willing, competent and capable of performing the terms and conditions of the loan.

(14) The lender agrees not to accelerate payment of the borrower's indebtedness, except as maybe otherwise permitted in the guarantee agreement.

(15) The borrower and lender agree that provisions for servicing the loan and monitoring the project are to be provided for by the lender or other parties satisfactory to the Secretary.

(16) The guarantee agreement or related documents identify those items of information which the borrower will make available to the Secretary for public dissemination.

(17) The applicant (borrower) agrees to comply with the Flood Disaster Protection Act of 1973 (Pub. L. 92–234).

(18) Wages and rates to be paid to laborers and merchants employed by contractors or subcontractors in the performance of construction work are not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–5).

(19) The borrower agrees to carry out an acceptable plan for small business concerns and disadvantaged business concerns to participate in the project to the optimum extent feasible, consistent with the size and nature of each project.

(20) The borrower agrees not to undertake any work in connection with the project for another Federal agency without the Secretary's written approval.

(21) In the event that the indebtedness to be guaranteed pays interest which is excluded from the gross income of the holder pursuant to the provisions of the Internal Revenue Code of 1954, as amended, the debt will not be guaranteed by the Secretary unless the purchaser/holder of the debt is the Federal Financing Bank.

(b) Where the cost of a demonstration facility to be assisted with a loan guarantee or commitment to guarantee exceeds $50 million, the following procedures shall be complied with:

(1) The making of such guarantee is specifically authorized by Congress; or

(2) Both Houses of Congress pass a resolution stating in substance that they favor the making of such guarantee.

**§ 796.12 Loan agreement requirements and conditions.**

In addition to meeting the requirements set forth in § 796.11, "Loan guarantee requirements and conditions," a guarantee for a loan may be made only if the underlying loan agreement contains provisions satisfactory to the Secretary and which meet the following requirements:

(a) A minimum period of grace of sixty days from the date a principal or interest payment is due.

(b) Any extension of time over this grace period by the lender for the making of any payment in whole or in part must be agreed to by the parties and approved by the Secretary.

(c) The orderly and ratable retirement of the loan. This includes sinking fund provisions, installment payment provisions, or other methods of payment and reserves. To the maximum extent possible, repayment or provision therefore shall be required to be made in equal payments payable at equal intervals.

(d) Acceptable prepayment and acceleration provisions, exercised at the option of the borrower without penalty, are included.

(e) An acceptable provision for deferring payments of principal until income from the project is sufficient to meet this obligation.

(f) Such other terms and conditions necessary for the protection of the interests of the United States.

**§ 796.13 Guarantee fees.**

Guarantee fees shall be imposed on the guaranteed portion of the loan and are computed at a rate of one percent per annum on the outstanding principal balance. Payments of the guarantee fee shall be made at the time of the closing of the guarantee and annually, thereafter, or at other intervals to be determined by the Secretary. The guarantee fee shall be collected from the lender and shall be used for the purposes of defraying the costs of administration of AFDP. This guarantee fee is paid by the borrower and may be included in the cost of the project. If principal and interest assistance is in effect, payments of this fee may be deferred by the Secretary for the term of the principal and interest assistance contract.

**§ 796.14 Cooperative agreement requirements and conditions for a modular size oil shale facility.**

(a) In addition to meeting the requirements set forth in § 796.5, "Financial assistance—general", a cooperative agreement under this regulation shall be awarded only for a demonstration facility that is determined by the Secretary to be constructed at a modular size for the conversion of oil shale alternative fuel.

(b) Modular shale oil facilities supported by cooperative agreements shall meet the requirements of Section 8 and other provisions of the Act and also applicable DOE regulations pertaining to cooperative agreements (See proposed DOE assistance regulation for Cooperative Agreement, 44 FR 20594, April 5, 1979). The cooperative agreement shall provide for financial assistance for a portion of the construction, startup, and related costs as described in § 796.9, "Project costs", plus operation and maintenance costs, of such facility provided that:

(1) The maximum amount of such assistance does not exceed 75 percent of the estimated project costs, as well as the operation and maintenance costs of such facility;

(2) The receipts from the sale of any products produced during the operation of the demonstration facility are to be used to offset the costs incurred in the operation and maintenance of the facility and any surplus thereafter shall be shared on a pro rata basis by DOE and the parties to the cooperative agreement;

(c) The amount of the financial assistance provided for by the cooperative agreement, when combined with other funds available to the applicant from other sources, will be sufficient to carry out the project for which the cooperative agreement is made, including adequate contingency funds.

(d) Where the cost of the demonstration facility to be assisted with a cooperative agreement exceeds $50 million the following procedures shall be complied with:

(1) The making of such cooperative agreement is specifically authorized by Congress; or

(2) Both Houses pass a resolution stating in substance that the Congress favors the making of such cooperative agreement;

(e) After successful demonstration as determined by the Secretary, the assistance recipient of the modular size oil shale facility may be eligible for additional financial assistance in the form of a loan guarantee for the purposes of demonstrating a full-size oil shale facility. The assistance recipient may purchase the Federal interest in the modular size facility as represented by the Federal funds contributed under the cooperative agreement;

(1) By means of a cash payment to the United States, or;

(2) By an allocation of a share of the products or sales resulting from such expanded operation, as determined by the Secretary.

(f) If the Secretary determines that the expansion of such facility is not warranted, the Secretary may, at the option of the assistance recipient, dispose of the modular-size oil shale demonstration facility to the assistance recipient at not less than fair market value (as determined by the Secretary) as of the date of the disposal; or the Secretary may otherwise dispose of the modular-size facility in accordance with applicable provisions of law, and distribute the net proceeds thereof, after expenses of such disposal, to the assistance reicipient in proportion to the assistance recipient's share of the costs in such facility.

(g) A cooperative agreement shall be entered into by the Secretary under this regulation only if the Secretary finds that other means of project cost funding

is not reasonably available to the applicant.

(h) The cooperative agreement provides that the assistance recipient will not undertake any work in connection with the project for another Federal agency without the Secretary's written approval.

**§ 796.15 Principal and interest assistance contract.**

(a) With respect to any loan guaranteed pursuant to this regulation, the Secretary may enter into a principal and/or interest assistance contract with the borrower to pay the lender, on behalf of the borrower, the principal and interest charges that become due and payable on the unpaid balance of such loan, if the Secretary finds that:

(1) The borrower is unable to meet principal or interest payments or both;

(2) It is in the public interest to permit the borrower to continue to pursue the purposes of the project;

(3) The probable net benefit to the Federal Government in paying such principal or interest will be less than that which would result in the event of a default for the nonpayment of principal or interest;

(4) The amount of principal or interest payment which may be made under this section will be no greater than the amount of principal or interest that the borrower is obligated to pay under the loan agreement; and

(5) The borrower agrees to reimburse the Secretary for such payment (including interest) on such terms and conditions which are satisfactory to the Secretary and executes all written contracts required by the Secretary for such purpose.

**§ 796.16 Cost overruns.**

(a) At the discretion of the Secretary, a guarantee agreement may be amended to increase the amount of the loan guaranteed in the event that the actual project cost incurred during the construction and/or startup phase of the project exceeds the original estimated project cost. In no event may the guarantee be increased to cover overruns that amount to more than 60 percent of the actual overrun costs. All the following conditions must be met by the borrower before the Secretary may determine whether to amend the guarantee agreement to cover such cost overruns:

(1) The Secretary must be notified as soon as overrun is anticipated, along with the reasons for such cost overrun;

(2) The borrower, when requesting overrun assistance, provides a revised expected completion date, and the construction and startup costs for the project;

(3) The borrower submits an acceptable plan indicating how the borrower's share of the cost overruns will be funded;

(4) The borrower provides a list of the additional collateral, if any, to be pledged for the increased guarantee(s) to cover the expected cost overruns; and

(5) The borrower provides updated information on the project economics to indicate that a reasonable assurance of repayment of the guaranteed loan (including the cost overruns) still exists;

(b) Based on the information submitted by the borrower and other information known to the Secretary, the Secretary may determine, at his/her discretion, to provide for the guarantee of additional loan funds for the expected cost overruns if the Secretary finds that:

(1) The continuation of the project is worthwhile to meet AFDP objectives and is in the public interest; or

(2) The probable net costs to the Government in increasing the guarantee agreement to reflect the increase in the loan guaranteed, in the event of cost overruns, will be less than that which would result in the event of default.

**§ 796.17 Patent and technical data.**

Title to inventions conceived or first actually reduced to practice in the course of or under any loan guarantee or commitment to guarantee or cooperative agreement authorized by these regulations shall vest in the Government, except the Secretary may waive the rights of the Government in accordance with Section 9 of the Act. Cooperative agreements and loan guarantees or commitments to guarantee entered into under this regulation shall incorporate, to the extent appropriate, the patent provisions contained in DOE's regulations on "Patents, Data and Copyrights" (41 CFR Part 9–9) and appropriate data and copyright provisions.

**§ 796.18 Federal Financing Bank.**

(a) The Federal Financing Bank (FFB) is an agency operating under the United States Treasury Department which has authority to purchase federally guaranteed debt. Loans guaranteed under this regulation may be funded through private lenders or the FFB. Funding through private lenders will have preference, except in the following cases:

(1) Whenever the Secretary determines, after consultation with the Secretary of Treasury and negotiation with the private lender, if any, or another private lender that the interest rate, maturity, lending fees, or other terms and conditions applicable to the borrower do not reflect the value of a guarantee backed by the full faith and credit of the United States; or

(2) The indebtedness to be guaranteed pays interest which is excluded from the gross income of the holder pursuant to the provisions of the Internal Revenue Code of 1954, as amended.

(b) Whenever a loan is funded through the FFB, the loan will be serviced in accordance with the loan servicing requirements as described in § 796.50, "Loan servicing" of Subpart D of this regulation by parties acceptable to the Secretary. The cost of servicing will be paid by the borrower. In addition, the borrower shall pay the guarantee fee directly to the Secretary. Such fee may be included as a project cost.

**§ 796.19 Applicability of other laws.**

Nothing in this regulation may be construed as affecting the obligations of any party to comply with Federal, state and local environmental, land use, water, health safety, antitrust laws and regulations or to obtain applicable Federal, state, and local permits, licenses and certificates.

**§ 796.20 Full faith and credit and incontestability.**

The full faith and credit of the United States is pledged to the payment of all guarantees, issued in accordance with this regulation, with respect to principal and interest. The guarantee agreement shall be conclusive evidence that the guarantee and the underlying loan comply with the provisions of the Act, and this regulation. Such a guarantee shall be valid and incontestable by the Government, except for fraud or misrepresentation by the holder of the loan.

**§ 796.21 Deviations.**

To the extent that such requirements are not specified by the Act or other applicable statutes, DOE's Assistant Secretary for Resource Applications may authorize deviations on an individual application basis from the requirements of the regulation (except environmental considerations and requirements) upon a finding that such deviation is essential to program objectives and the special circumstances in the application make such deviation clearly in the best interest of the Government. Recommendation for any deviation shall be submitted in writing to the Assistant Secretary for Resource Applications. Such recommendations should include a supporting statement, which indicates briefly the nature of the deviation requested and the reasons

therefore. This deviation authority may not be redelegated.

**§ 796.22 FY 80 appropriation modification.**

(a) Except to the extent obviated or deemed satisfied by legislation, the procedures established by these regulations shall be applicable.

(b) Pub. L. 96–126 provides appropriations for up to $1,500,000,000 in indebtedness to be guaranteed by the Secretary for alternative fuel production facilities and further deemed that certain requirements for Congressional action pursuant to guarantees made under that appropriation were satisfied. By virtue of this language, the requirements for Congressional action specified in § 796.11(b) and § 796.40 (g), (h) and (i) are deemed satisfied and therefore do not apply to guarantees made under the appropriations of Pub. L. 96–126.

(c) Pub. L. 96–126 also obviates, for guarantees for oil shale facilities issued under that appropriation, the requirement of section 19(b)(1) of the Act that no loan guarantee for a full sized oil shale facility shall be issued by the Secretary until after successful demonstration of a modular facility. Therefore, that portion of § 796.14(e) of this regulation requiring such modular demonstration does not apply to guarantees made under the appropriations of Pub. L. 96–126.

**§ 796.23 Nondiscrimination in projects receiving Federal assistance.**

All applicants receiving Federal assistance under this regulation shall agree:

(a) Not to discriminate against any person on the grounds of race, color, national origin, sex, handicap, or age in the carrying out or completion of any project where Federal assistance is issued under this regulation, and to comply with the DOE "Nondiscrimination in Federally Assisted Programs" regulations implementing the Civil Rights Requirements of Title VI of the Civil Rights Act of 1964; Section 16 of the Federal Energy Administration Act of 1974; Section 401 of the Energy Reorganization Act of 1974; Title IX of the Higher Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; and the Civil Rights Requirements administered pursuant to the DOE Organization Act;

(b) To incorporate or cause to be incorporated into all construction contracts related to the project the provisions prescribed by 41 CFR 60 pursuant to the provisions prescribed for Government contracts by Section 202 of Executive Order 11246, September 28, 1965, 30 FR 12319 (regarding nondiscrimination in employment by Government contractors and subcontractors); and

(c) To take positive efforts to maximize the utilization of small and disadvantaged business concerns in connection with the assistance received.

## Subpart B—Applications and General Filing Instructions

**§ 796.30 Applications.**

Applications for loan guarantees and requests for cooperative agreements for demonstration facilities shall comply with all requirements in this regulation, applicable appendices or solicitation announcements to this regulation. DOE intends to issue an appendix(ces) or solicitation announcement under this regulation which will set forth the priorities, preferences, competition techniques, selection and evaluation criteria to be considered by it in implementing particular energy technology demonstration project(s). These documents will also provide the potential applicants with any further requirements for information (i.e., technical, financial, environment, etc.) to be submitted with their application and the time period for submission of such application. (See also § 796.7, "Guidelines for selection of loan guarantee applications").

**§ 796.31 General filing instructions for a demonstration facility.**

(a) A demonstration facility loan guarantee application and a request for a cooperative agreement shall be filed with the Secretary in accordance with the following general procedures:

(1) An application for a loan guarantee or a request for a cooperative agreement for a demonstration facility under this regulation must be signed by the applicant or authorized representative of the applicant and must be in such form and content as further required in an applicable appendix or solicitation announcement made under this regulation; and

(2) A guarantee application or a request for a cooperative agreement shall describe the demonstration facility for which the guarantee is sought and shall include a schedule of the construction and operation of the demonstration facility on a milestone basis that shall be utitlized in assessing disbursement requests.

(b) Prior to DOE requesting the submission of loan guarantee applications for a specific demonstration or requests for a cooperative agreement for a modular-size oil shale demonstration facility, preliminary discussions may be conducted by applicable DOE program personnel with appropriate parties who wish to obtain information or advice regarding eligibility requirements for compliance with these regulations and the filing of required supporting information.

(c) Technical, financial, environmental, marketing and management information maintained by the Secretary under this regulation will be made available to the public subject to the provisions of 5 U.S.C. 552 and 18 U.S.C. 1905 and to other Government agencies in a manner that will facilitate its dissemination: Provided, That:

(1) Subject to the requirements of law, information such as trade secrets, commercial and financial information, and other information or data concerning the demonstration project that the applicant or lender submits to the Secretary in writing during the preliminary discussions or at other times throughout the duration of the project, on a privileged or confidential basis, will in accordance with the DOE regulations concerning public disclosure of information not be disclosed by DOE without prior notification to the submitter. Any submitter asserting that the information is privileged or confidential shall appropriately identify and mark such information.

(2) Upon a showing satisfactory to the Secretary by any person that any information or portion thereof obtained under this program by the Secretary directly or indirectly from such person would, if made public, divulge trade secrets or other proprietary information of such person, the Secretary may not disclose such information, and disclosure thereof will be punishable under 18 U.S.C. 1905; and

(3) The Secretary may, upon request, provide such information to any delegate of the Secretary for the purpose of carrying out this Act, and the Attorney General, the Secretary of Agriculture, the Secretary of the Interior, the Federal Trade Commission, the Environmental Protection Agency, the General Accounting Office, other Federal agencies, or heads of other Federal agencies, when necessary to carry out their duties and responsibilities under these regulations and other laws, but such agencies and agency heads may not release such information to the public. This section is not authority to withhold information from Congress, or from any committee of Congress upon request of the Chairman.

(d) Except where prohibited by other provisions, information submitted by the applicant shall be updated and

furnished to the Secretary whenever there are significant changes occurring during the period that DOE is considering the guarantee application.

**§ 796.32 Supporting information for a demonstration facility.**

(a) The lender, if applicable, and borrower, shall provide information, as prescribed by the Secretary in applicable appendices and solicitation documents, to supplement the application. The following items are provided to illustrate the range of supporting information which may be required to enable the Secretary to prepare a recommendation with respect to any pending application:

(1) A full description of the scope, nature, extent, milestones and location of the proposed project and financial assistance sought;

(2) Evidence of the applicant's previous and current interest in alternative fuels technology, as related to the application;

(3) A description of the project's technical and economic feasibility including a detailed list of construction, startup and related costs for the entire project;

(4) A description of the applicant's organization, corporate charter, bylaws, appropriate authorizing resolutions, and when applicable, a copy of the business certificate or partnership agreement;

(5) The past financial history of the firm, including financial statements and projections as to the firm's future financial status;

(6) Business and financial interests of principal organizations (e.g., parent and/or subsidiary) of the applicant;

(7) A description of salaries and other financial remuneration, including profit sharing and stock options, to be paid to principal officers and principal employees of the applicant who are or will be directly associated with the project;

(8) Evidence supporting the applicant's ability to complete the project and an analysis of the market for the product to be produced from the demonstration facility and the relevant economics justifying the analysis;

(9) A description of the management plan of operations to be employed in carrying out the project;

(10) Information covering the management experience of each officer or key person associated with the project;

(11) Evidence showing that the amount of the financial assistance, together with other financing, will be sufficient to carry out and complete the project;

(12) Credit history of the borrower and any principal party who owns or controls a five percent or greater interest in the borrower and its major affiliates, if appropriate;

(13) A description of the intended sources and amount of capital, to be provided by the applicant for the construction and initial operation of the demonstration facility together with evidence of a commitment from the intended sources of such capital, a copy of each such agreement, and evidence of the financial ability of each source to honor its commitment;

(14) A detailed, cash flow breakdown of the estimated construction, startup, and related costs, plus operating and maintenance costs, of the project, the amount of the financial assistance necessary and cash flow estimates for the first five years of project operation;

(15) The terms and conditions of the loan to be guaranteed, including the proposed interest charges and principal repayment schedule to the extent such information is known at the time of filing an application;

(16) A listing of assets, associated, or to be associated, with the project and which will serve as collateral for the loan, including appropriate data as to the value and useful life of any physical assets and a description of the value of any other associated security;

(17) Copies of all current or proposed contracts between the applicant and any third parties which are significant to the proposed project;

(18) A description of other Federal financial assistance (e.g., direct loans, guaranteed loans, grants) available or expected to be made available to the applicant in connection with the demonstration facility;

(19) Lists of all applications filed and approvals issued by Federal, state, and local government agencies for permits and authorizations to conduct construction and operations associated with the project. If these approvals have not been obtained, or applications not filed, the estimated date of such filings and approvals shall be provided;

(20) An environmental report prepared in accordance with the guidelines specified in the appendix(ces) or solicitation announcements made under this regulation, or, in the event that any Federal or state agency has prepared an environmental impact statement regarding this project, a copy of this document;

(21) A plan or program to acquire, evaluate and monitor the environmental, economic, social and technological impacts of the proposed demonstration facility, if appropriate;

(22) A copy of the applicant's plans for providing for small and disadvantaged business concerns to participate in the project;

(23) A copy of the applicant's nondiscrimination policies and programs and information on any pending affirmative action complaints;

(24) A copy of the approval by the appropriate Indian tribe and Secretary of the Interior concerning the Indian tribe's involvement, if applicable, with the applicant in the demonstration facility;

(25) A copy of the affirmation by the applicant supporting the necessity for a Federal loan guarantee. Applicant shall provide information necessary for a determination by the Secretary whether reasonable methods of financing other than a Federal guarantee or a cooperative agreement are available to the applicant;

(26) Other information as may be required by the Attorney General or the Chairman of the FTC to assess the impact of a specific loan guarantee or cooperative agreement on competition and concentration in the production of energy;

(27) An analysis of any adverse community impacts which may result from the AFDP;

(28) Any other information requested by the Secretary or specified in an appendix to this regulation or in a solicitation announcement, if applicable;

(b) If a lender has been specified by the applicant and has joined in the preparation of the application, then the following information from the lender shall be provided:

(1) Description of the lender's organization and legal authority under which the lender operates its business, together with a copy of any appropriate authorizing resolutions necessary for the transaction between the lender and applicant;

(2) Copies of investigations obtained from credit bureaus, references, inquiries, and professional associations regarding the credit worthiness of the borrower;

(3) Information covering the management experience of each officer or key person in the lender's organization who is or will be associated with the loan;

(4) A description of the management plan to be employed in servicing and monitoring the loan;

(5) A written affirmation by the lender supporting the necessity for a Federal loan guarantee;

(6) The lender's written assessment of all aspects of the applicant's loan application, in sufficient detail, as would

be completed by any prudent lender considering a loan without a guarantee;

(7) A copy of the proposed loan agreement to be executed by the applicant and the lender, together with copies of all other documents proposed by the lender to be used in the financial transactions;

(8) A copy of the lender's conditional loan commitment document issued to the applicant, if applicable;

(9) When appropriate to the project, evidence of the lender's experience in surveying the financial aspects of complex technological projects;

(10) Any proposed marketing plan under which the lender will sell any portion of the debt to secondary marketholders;

(11) A disclosure by the lender whether any of its officers, directors or major stockholders or other parties having a major financial interest in the lender have a financial interest in the applicant and whether any of the applicant's officers, directors, major stockholders or other parties having a major financial interest in the applicant have a financial interest in the lender; and

(12) Any other information requested by the Secretary or as may be specified in an applicable appendix(ces) to this regulation or in a solicitation announcement, if applicable.

## Subpart C—Application Processing

### § 796.40 Application processing for a loan guarantee for a demonstration facility.

(a) Upon receiving an application for a loan guarantee for a demonstration facility and other relevant information, the Secretary shall determine whether:

(1) The application is complete and in compliance with this regulation and the applicable appendices or solicitation announcements made under this regulation;

(2) The type of technology, scope, size financial assistance sought, and geographic location of the project to be demonstrated falls within the AFDP objectives and the applicable appendix and sufficient loan guarantee authority and appropriations are available to conduct the project;

(3) The adverse community impacts resulting from the proposed demonstration facility have been adequately evaluated by the applicant; and

(4) The terms and conditions of the proposed loan as set forth in the application are generally acceptable to the Secretary and whether there is satisfactory evidence that the lender, if applicable, is willing, competent and capable of performing the terms and conditions of the loan guarantee agreement;

(b) The Secretary will, upon completion of the determinations in paragraph (a) of this section, inform the applicant whether its application meets the initial requirements. The Secretary may request that the applicant provide additional information in order for the Secretary to further consider the application if the Secretary so elects. Upon submittal of the requested information, the Secretary will determine whether the application meets the requirements of paragraph (a). If the Secretary thereafter determines that the application does not meet the initial requirements, the Secretary will inform the applicant of the basis of the disapproval of its application.

(c) If the Secretary determines that an application meets the requirements of paragraph (b) of this section, the Secretary shall inform:

(1) The governor of the state, officials of each political subdivision and Indian tribe(s), as appropriate, in which the facility would be located or which would be adversely impacted by such facility.

(2) The general public by notice in the **Federal Register** and in local newspapers (of general circulation in the geographic area where the demonstration facility would be located), to the extent appropriate. Such notice will provide general information on the demonstration facility and specify how interested parties may comment on the proposed application for financial assistance for such demonstration facility;

(3) The Secretary of Interior, if the proposed demonstration facility is to be located on Indian land or if a substantial portion of the feedstock for such facility is to be obtained pursuant to an agreement with any Indian tribe; and

(4) The Advisory Council on Historic Preservation, which may review and comment upon applications for guarantees for any project which would affect property listed or eligible for listing in the *National Register of Historic Places* or which may meet the criteria for listing in the *National Register*, pursuant to 36 CFR, Part 800.

(d) The governor of the state in which the proposed demonstration facility would be located shall be requested to submit to the Secretary written comments making a recommendation for or against the location of such facility within the governor's state within a reasonable period after the initial notification by the Secretary to such governor. The Secretary shall not guarantee or make a commitment to guarantee a loan for such a demonstration facility if the governor of the state in which the proposed demonstration facility would be located recommends, within a reasonable period of time after notification by the Secretary, that such action not be taken unless the Secretary finds that there is an overriding national interest in taking such action to achieve the purpose of this regulation. If the Secretary decides to guarantee or make a commitment to guarantee despite the affected governor's recommendation that such action not be taken by the Secretary, the Secretary shall communicate to the governor, in writing, reasons for such determination. The Secretary's decision shall be final unless otherwise determined upon judicial review by the reviewing court pursuant to 5 U.S.C. 706(a) (A) through (D). Such review shall take place in the United States Court of Appeals for the Circuit in which the state involved is located, upon application made within 90 days from the date of the Secretary's decision;

(e) After completing the initial determinations as required in paragraph (b) of this section, or after a competitive evaluation of applications in accordance with § 796.7 "Award procedural guidelines for loan guarantees," the Secretary shall forward the application(s) selected for possible award of a guarantee to the United States Attorney General and to the Chairman of the FTC. The Secretary shall request written views, comments and recommendations (for each application selected and forwarded) from both of these officials concerning the impact of a loan guarantee on competition and concentration in the production of energy. The Secretary shall give due consideration to the views, comments and recommendations received from the Attorney General and the Chairman of the FTC. Upon receiving a recommendation from either the Attorney General or the Chairman of the FTC against the award of a guarantee to an applicant, the Secretary shall consider such recommendations in the selection of an applicant for an award of a loan guarantee as follows;

(1) The Secretary, after considering a negative recommendation from the Attorney General or Chairman of the FTC, may nevertheless consider to proceed with the award of the guarantee to such applicant, if the Secretary determines that the energy demonstration project offered by the applicant meets the overall goals of DOE and outweighs any negative recommendation by the Attorney General or Chairman of the FTC; or the Secretary may notify the applicant of

the disapproval of its application with reasons for such disapproval;

(2) If the Secretary determines to award the guarantee to an applicant, in spite of the negative recommendation by the Attorney General or the Chairman of the FTC, the Secretary shall forward the decision papers and the recommendations of the Attorney General or the Chairman of the FTC to the President for a written decision on whether it is in the national interest to have the Secretary award a loan guarantee to the applicant; and

(3) If the President upholds the recommendation of the Attorney General or the Chairman of the FTC against making such guarantee, the Secretary shall notify the applicant that its application has been disapproved and the reasons for such disapproval.

(f) If the President upholds the Secretary's determination for awarding the loan guarantee to an applicant under paragraph (e) of this section or the Secretary has selected an applicant after receiving a favorable recommendation from both the Attorney General and Chairman of the FTC, the Secretary shall forward the relevant documents on the proposed demonstration facility of the applicant seeking the loan guarantee to the Secretary of the Treasury for concurrence, with respect to the timing, interest rate and substantial terms of such loan guarantee prior to awarding the guarantee to the applicant. The Secretary of Treasury shall ensure to the maximum extent feasible that the timing, interest rate and substantial terms and conditions of such guarantee will have the minimum possible impact on the capital markets of the United States, taking into account other Federal direct and indirect securities activities.

(g) The Secretary shall forward to the Chairman of the Committee on Science and Technology of the House of Representatives, and to the Chairman of the Committee on Energy and Natural Resources of the Senate, a full and complete report on the proposed demonstration facility of the applicant seeking the loan guarantee. The Secretary shall not finalize the loan guarantee prior to the expiration of 90 calendar days (not including any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain) from the date on which such report on the proposed demonstration facility is received by such committees.

(h) In the event that a commitment to guarantee is to be issued, the Secretary shall not finalize such commitment to guarantee prior to the expiration of 90 calendar days (not including any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain) from the date on which such report is received by such committee. After such period of time has expired, the Secretary may finalize the commitment to guarantee and the subsequent guarantee without further notification to the committees.

(i) The Secretary shall not finalize any loan guarantee or commitment to guarantee for a demonstration facility costing in excess of $50 million unless such guarantee or commitment to guarantee is authorized by Congress, or both Houses of Congress pass a resolution approving such loan guarantee or commitment to guarantee.

(j) Upon obtaining the concurrence of the Secretary of Treasury with respect to the timing, interest rate and substantial terms of the loan guarantee prior to its award to an applicant, and complying with the other requirements of this section, the Secretary may award the loan guarantee or commitment to guarantee to the successful applicant.

### § 796.41 Application processing for a cooperative agreement for a modular size oil shale facility.

(a) Upon receiving an application for a cooperative agreement for a modular size oil shale facility and other relevant information, the Secretary shall follow the procedures set forth in applicable DOE assistance regulations on cooperative agreements (see proposed regulations: 44 FR 20594, April 5, 1979) and other applicable rules or solicitation announcements made under this regulation, and then determine:

(1) Whether the application is complete and in compliance with Section 8 and other provisions of the Act and with other applicable DOE regulations pertaining to cooperative agreements;

(2) If the type of technology, scope and size financial assistance sought and geographic location of the project to be demonstrated falls within the AFDP objectives and sufficient funding authority appropriations are available to conduct the project;

(3) If the adverse community impacts resulting from the proposed demonstration facility have been adequately evaluated by the applicant;

(b) Such processing procedures shall follow the same notification requirements and procedures as described in paragraphs (b), (c), (d), (e), (g), (h) and (i) of § 796.40, "Application processing for a loan guarantee for a demonstration facility."

### § 796.42 Closing requirements for a loan guarantee.

(a) When an application for a loan guarantee has been approved by the Secretary in accordance with the procedures described in § 796.40, "Application processing for a loan guarantee for a demonstration facility," the Secretary will notify the lender, if any, and the borrower and provide them with a copy of the proposed guarantee agreement or at that time with a copy of a commitment to guarantee.

(b) To the extent necessary, conferences will be arranged by the Secretary to discuss the terms and conditions contained in the guarantee agreement and other instruments relevant to the transaction.

(c) Upon agreement as to the terms and conditions of the guarantee agreement and other relevant instruments, a closing date agreeable to the parties shall be set.

## Subpart D—Guarantee and Project Administration

### § 796.50 Loan servicing.

(a) The loan guarantee agreement shall provide that the lender service the guarantee in accordance with these regulations, except that another party may be selected by the Secretary to service the loan in the event that the Federal Financing Bank is used or in other situations where such course of action is determined by the Secretary to be appropriate.

(b) The lender or other party servicing the loan shall exercise such care and diligence in the disbursement, servicing, and collection of the loan as would be exercised by a reasonable and prudent lender in dealing with a loan without a guarantee.

(c) The lender or other party servicing the loan shall notify the Secretary in writing without delay:

(1) That the disbursement or loan drawdowns for the first project milestone is ready to be made, together with evidence from the borrower that the project has begun or is about to begin;

(2) Of the date and amount of disbursement for each subsequent milestone under the loan;

(3) Of any nonreceipt of payment within 15 days after the date specified for payment, together with evidence of appropriate notifications to the borrower;

(4) Of any known failure, by an intended source of capital to honor its commitment;

(5) Of any known failure by the borrower, to comply with terms and

conditions as set forth in the loan agreement or guarantee agreement;

(6) Of a belief that the borrower may fall within any of the default conditions set forth in the loan agreement or the borrower may not be able to meet any future scheduled payment of principal or interest; or

(7) Of any significant changes from the original cash flow projections as evidenced from information and reports by the borrower.

(d) The guarantee agreement or related documents shall require the lender or other party servicing the loan to submit to the Secretary periodic financial reports on the status and condition of the loan.

**§ 796.51 Loan disbursements and drawdowns.**

(a) Unless otherwise provided in the guarantee agreement, the borrower shall not be provided with any funds under the guaranteed loan agreement until the lender or other party servicing the loan:

(1) Has complied with the notification requirements set forth in § 796.50(b) (1) and (2) of "Loan servicing" and has received written notice from the Secretary that the disbursement for the applicable milestone is approved; and

(2) Has received from the borrower satisfactory documentary evidence that loan drawdowns requested will be used to pay allowable project costs incurred or to be incurred by the borrower. The party servicing the loan or the Secretary may require the borrower to provide documentation setting forth the purposes for which the drawdown is requested and an attestation that the disbursements will be used only for such purposes. Signature on the requesting document will be made by a person authorized to order the expenditure of the borrower's funds.

(b) The party servicing the loan may not release to the borrower drawdowns from any disbursements until the disbursement is approved by the Secretary.

(c) The party servicing the loan may not withhold from the borrower authorized disbursements, except as included in the provisions of the guarantee agreement, without the written approval of the Secretary.

**§ 796.52 Financial assistance fund.**

(a) As provided for in Section 19(n) of the Act, there is established in the Treasury of the United States a separate fund, hereafter referred to as the Fund, for the purpose of carrying out the provisions of paragraph (b), Section 19 of the Act.

(b) Appropriations to the Fund that are made available through legislation, repayments made by borrowers in accordance with the terms and conditions in principal and interest assistance contracts, guarantee fees, repayment of loans under Section 19(k)(1) of the Act, and any other moneys, property, or assets derived from operations of this loan guarantee program including foreclosure, repossession or sale of collateral shall be deposited in the Fund, and shall, except as otherwise provided by law, be available to the Secretary for payment to debt holders of principal and interest on loan guarantee agreements and principal and interest assistance contracts made in accordance with this regulation. In addition, balances in the Fund may be used for necessary administrative expenses incurred by DOE or other Federal agencies acting pursuant to DOE direction in carrying out the provisions of this regulation.

(c) If, at any time, the moneys available in the Fund are insufficient to enable the Secretary to pay principal and accrued interest in the event of default or principal and interest assistance payments, the Secretary shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. This borrowing authority shall be effective only to such extent or in such amounts as are specified in appropriation acts. Such authority shall be without fiscal year limitation. Redemption of such notes or obligations shall be made by the Secretary from appropriations or other moneys available under this regulation. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall not be less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury may at any time sell any of the acquired notes or other obligations. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(d) The amounts in the Fund shall be without fiscal year limitations and remain available until expended, with the exception that, if at any time, the Secretary determines that moneys in the Fund exceed the present and foreseeable requirements of the Fund, such amounts in the Fund that are not required to secure outstanding financial assistance obligations shall be paid into the General Fund of the Treasury.

(e) Amounts as may be necessary for direct loans, cooperative agreements and grants for community impact assistance pursuant to Section 19(k)(8) of the Act shall be provided in annual appropriation acts.

**§ 796.53 Reduction or withdrawal of a guarantee.**

(a) The Secretary may reduce or withdraw the guarantee (as to amounts not yet disbursed or drawndown by the borrower) by written notice to the lender and to the borrower if the Secretary determines that:

(1) Initiation of activity on the project has not occurred within the period of time set forth in the guarantee agreement. Within 60 days after the guarantee is withdrawn under this circumstance, the Secretary shall reimburse to the lender the full amount of the guarantee fee paid by the lender if the fee has not been passed to the borrower;

(2) The borrower has failed to acquire the required capital from intended or alternate sources of such capital, or has failed to comply with material terms and conditions as set forth in the loan or guarantee agreement. The Secretary shall notify the borrower and the lender that the guarantee will be reduced to the amount of the loan that has been drawn down to the borrower as of the date of the notice. Drawdowns permitted to be made by the lender after such notification is received shall not be covered by a guarantee; or

(3) The lender has failed to comply with any material term or condition as set forth in the guarantee or loan agreement and the Secretary has determined that such breach will increase the financial exposure of the Government and that the guarantee should be withdrawn.

(b) If the Secretary finds that the lender has not complied with a material term of the guarantee or loan agreement, the Secretary will notify the borrower and the lender that the guarantee or loan agreement has been breached. Thereafter, the guarantee may be reduced in the discretion of the Secretary to the amount that has been provided by the lender to the borrower as of the date that the Secretary's notice has been received by the lender. Following notification of the Secretary's determination to reduce the guarantee, the borrower will be allowed reasonable time, in no event less than 6 months, to acquire a substitute lender that is capable of complying with the

provisions in the loan and guarantee agreements. If the borrower obtains a substitute lender satisfactory to the Secretary, a new guarantee agreement will be executed.

(c) In the event the Secretary determines that the project's economic success cannot be achieved in accordance with the requirements specified in the guarantee agreement, the guarantee shall be reduced to amounts which have been received by the borrower as of the date of notice.

(d) In no case may the guarantee be reduced below amounts provided in good faith by the lender or holder.

**§ 796.54 Assignment.**

(a) Except as may be required by law, a holder may, with the Secretary's approval and in a manner specified in the guarantee agreement, assign to another party certain rights and obligations under the loan or guarantee agreement. Such assignment will be in accordance with the provisions of the guarantee agreement.

(b) The lender, except to the extent that specific limitations provided by law or in the guarantees do not permit, may provide other lenders with participating shares in the loan without the prior consent of the Secretary. The guarantee agreement shall specify to what extent and in what manner the loan may be divided into shares. The lender will give advance written notice to the Secretary when participating shares are so provided. The notice shall provide the participant's business name, address, telephone number, and name of official to contact.

(c) The original lender will continue to be responsible for and perform the servicing provisions of the loan guarantee agreement unless the Secretary approves a substitute party to service the loan.

**§ 796.55 Project monitoring.**

The guarantee agreement or related documents shall provide that the DOE manager and other applicable DOE representatives shall have access to the project site at all reasonable times in order to monitor the performance of the project. The lender, to the extent lawful and within its control, and the borrower will assure availability of information related to the demonstration facilities as is necessary to permit the Secretary to determine technical progress, soundness of financial condition, management stability, compliance with environmental protection requirements, and other matters pertinent to the guarantee. The guarantee agreement or related documents shall identify those items or types of information which the Secretary may not make available for public dissemination.

**§ 796.56 Survival of financial assistance agreement.**

Loan guarantee agreements under this regulation shall be binding upon the lender, the borrower, the Secretary, and upon their successors and assignees. No delay or failure of the Secretary in the exercise of any right or remedy or partial exercise of any such right or remedy shall preclude any exercise of further rights or remedies; no action taken or omitted by the Secretary shall be deemed a waiver of any such further right or remedy.

**§ 796.57 Other Federal assistance.**

Nothing in this regulation shall be interpreted to deny or limit the borrower's right to seek and obtain other Federal financial assistance (e.g., grants, cooperative agreements, direct loans, or guaranteed loans) for a demonstration facility. For purposes of this section, other financial assistance does not include revenue sharing funds or any tax benefits. However, the total amount of Federal financial assistance obtained for such facility shall not, in the case of a loan guarantee agreement, exceed 75 percent of total costs; and, in the case of a cooperative agreement, exceed 75 percent of the construction, startup, and related costs, plus operation and maintenance costs. All receipts from the sale of any products produced during the operation of the modular facility (for which a cooperative agreement has been awarded) shall be used to offset the costs incurred in the operation and maintenance of the facility.

**§ 796.58 Appeals.**

The guarantee agreement shall include a provision which specifies that any dispute concerning a question of fact arising under the guarantee shall be decided in writing by the Secretary. The borrower or lender may request the Secretary to reconsider any such decision. If not satisfied with the Secretary's final decison, the borrower or lender upon receipt of such written decision, may appeal the decision within 30 days, in writing, to the Chairman, Energy Board of Contract Appeals (EBCA), Department of Energy, Washington, D.C. 20585. EBCA, when functioning to resolve such a dispute under a loan guarantee, shall proceed in the same general manner as when it presides over appeals involving contract disputes. The decision of EBCA with respect to such appeals shall be the final decision of the Secretary.

**§ 796.59 Examination of project records.**

The guarantee agreement or related documents shall provide that the lender or other party servicing the loan, as applicable, and the borrower, shall keep such records concerning the project as is necessary to facilitate an effective audit and performance evaluation of the project and that the Secretary and the Comptroller General, or their duly authorized representatives, shall have access, for the purpose of audit and examination, to any pertinent books, documents, papers, and records of the borrower, lender and other party servicing the loan, as applicable. Such inspection may be made during the regular office hours of the borrower, lender, or other party servicing the loan, or at any other time mutually convenient. At six month intervals, the Comptroller General shall make an audit of recipients of financial assistance under this regulation.

## Subpart E—Default

**§ 796.60 Default, demand, payment, and collateral liquidation.**

(a) In the event that the borrower has defaulted in the making of required payments of principal or interest on any portion of a loan guaranteed by the Secretary under the AFDP, and such default has not been cured within the period of grace provided in the guarantee and loan agreements, the lender, or any other holder, or nominee or trustee empowered to act for the lender or holder (referred to in this section collectively as "holder"), may make written demand upon the Secretary for payment pursuant to the provisions of the guarantee agreement.

(b) In the event that the borrower is in default as a result of a breach of one or more of the terms and conditions of the guarantee agreement, note, loan agreement, or other contractual obligation related to the transaction, other than the borrower's obligation to pay principal or interest, as provided in paragraph (a) of this section, the holder will not be entitled to make demand for payment pursuant to the guarantee, unless the Secretary agrees in writing that such default has materially affected the rights of the parties, and finds that the holder should be entitled to receive payment pursuant to the guarantee agreement.

(c) No provision of this regulation shall be construed to preclude forbearance by the holder with the consent of the Secretary for the benefit of the borrower.

(d) Upon the making of demand for payment as provided in paragraph (a) or (b) of this section, the holder shall

provide, in conjunction with such demand or immediately thereafter, at the request of the Secretary, such supporting documentation as may be reasonably required to justify such demand.

(e) Payment as required by the guarantee agreement of the guaranteed loan shall be made 60 days after receipt by the Secretary of written demand for payment, provided that the demand complies with terms of the guarantee agreement, applicable law, and the Act. The guarantee agreement shall provide that interest shall accrue to the holder at the rate stated in the guarantee agreement until the defaulted loan has been fully paid by the Secretary.

(f) The guarantee agreement shall provide that, upon payment of the guaranteed loan by the Secretary, the holder shall transfer and assign to the Secretary all rights held by the holder in the guaranteed loan. Such assignment shall include all related liens, security, and collateral rights. Upon such payments and assignment, the Secretary shall be subrogated to the rights of the recipient of the payment and shall have superior rights in and to the property acquired from the recipient of the payment. Where there is a partial guarantee of the loan, the guarantee will specify the terms and conditions for the handling of collateral and the disposition of the proceeds of recovery after liquidation of the security.

(g) Where the guarantee agreement so provides, the lender and the Secretary may jointly agree to a plan of liquidation of the collateral pledged to secure the guaranteed loan.

(h) Where payment of the guaranteed loan has been made and the lender has not undertaken a plan of liquidation, the Secretary, in accordance with the rights received through subrogation and acting through the U.S. Attorney General, shall seek to foreclose on the collateral assets and take such other legal action as necessary for the protection of the Government.

(i) If the Secretary is awarded title to collateral assets pursuant to a foreclosure proceeding, the Secretary may take action to complete, maintain, operate, or lease the project facilities, or take any other necessary action which the Secretary deems appropriate, in order that the original goals and objectives of the project will, to the extent possible, be realized.

(j) In addition to foreclosure and sale of collateral pursuant thereto, the U.S. Attorney General shall take appropriate action in accordance with rights contained in the guarantee agreement to recover costs incurred by the Government as a result of the defaulted loan. Any recovery so received by the U.S. Attorney General on behalf of the Government shall be applied in the following manner. First to the expenses incurred by the U.S. Attorney General and DOE in effecting such recovery; second, to reimbursement of any amounts paid by DOE as a result of the loan guarantee; third, to any amounts owed to DOE under related principal and interest assistance contracts; and fourth, to any other lawful claims held by the Government on such proceeds. Any sums remaining after full payment of the above shall be available for the benefit of other parties lawfully entitled to claim them.

(k) If a partial guarantee is involved, funds received by the lender as a result of liquidation actions will be applied as follows:

(1) First, to the payment of reasonable and customary fees and expenses incurred in the liquidation process, and as set forth in the liquidation plan; and

(2) Second, distributed among the legal owners of interests in the loan, prorated in accordance with their relative percentage ownership of the loan.

(l) No action taken by the lender in the liquidation of any assets pledged by the borrower will affect the rights of any party, including the Secretary, having an interest in the loan to pursue, jointly or severally, to the extent provided in the loan agreement, legal action against the borrower, or other liable parties, for any deficiencies owing on the guaranteed balance after application of the proceeds received upon liquidation.

(m) In the event that the Secretary considers it necessary or desirable to protect or further the interest of the United States in connection with the liquidation of collateral or recovery of deficiencies due under the loan, the Secretary will take such action as may be appropriate under the circumstances.

(n) Nothing in this regulation may preclude the Secretary from purchasing the holder's interest in the project upon liquidation.

### § 796.61 Perfection of liens and preservation of collateral.

(a) The guarantee agreement or other documents related thereto shall provide that: (1) the lender will take those actions necessary to perfect and maintain liens, as applicable, on assets which are pledged collateral for the guaranteed portion of the loan; and (2) upon default by the borrower, the holder of pledged collateral shall take actions such as the Secretary may reasonably require to provide for the care, preservation, protection, and maintenance of such collateral so as to enable the United States to achieve maximum recovery upon default of the loan. The Secretary shall reimburse the holder of collateral for reasonable and appropriate expenses incurred in taking actions required by the Secretary. Except as provided in § 796.60, no party may waive or relinquish, without the consent of the Secretary any collateral for the loan to which the United States would be subrogated upon payments under the guarantee agreement.

(b) In the event of a default, the Secretary may enter into contracts as required to preserve the collateral for the loan and to complete unfulfilled environmental requirements. The cost of such contracts may be charged to the fund.

(c) If any of the assets offered by the borrower as collateral for the debt guaranteed are subject to prior financing liens by other creditors, DOE will require that such prior liens be removed, or an acceptable legal arrangement be made with such prior lien creditors where DOE will be protected in the event of default. An arrangement of this nature must be in the form of a written agreement between DOE and the prior lien creditors and provide the following conditions:

(1) Ample notice of default and collateral sale;

(2) A plan of liquidation offering mutual protection to DOE and other creditors; and

(3) An option on the part of DOE, which would be assignable to a third party, to have the first lien debt payable according to the original installation terms (even after default) if the project operation is undertaken by DOE or an acceptable third party or on behalf of or through DOE.

## Subpart F—Community Impact Assistance

### § 796.70 Purpose of community impact assistance.

The purpose of this subpart is to set forth the policies and procedures under which states, political subdivisions, or Indian tribes may assess adverse community impacts that result from the siting, construction and operation of demonstration facilities financed under this regulation. This subpart also sets forth procedures on how states, political subdivisions or Indian tribes adversely impacted (as defined in § 796.3(u) of this regulation) by the siting, construction and operation of a demonstration facility within their jurisdictions or adjacent jurisdictions may obtain community impact assistance.

**§ 796.71 Community impact assistance.**

(a) The Secretary may provide the following forms of community impact assistance to eligible applicants as further described in this subpart.

(1) A planning assessment grant to a governor of a state and Indian tribe, as appropriate, in which a proposed demonstration facility would be located or which would be adversely impacted by such facility in that state or on Indian land;

(2) A management grant to a political subdivision or Indian tribe, as appropriate, adversely impacted by the construction and operation of a demonstration facility;

(3) A loan guarantee to a political subdivision or Indian tribe, as appropriate, adversely impacted by the construction and operation of a demonstration facility receiving a loan guarantee under this regulation. In the case of loan guarantees for essential community development, two types of loan guarantees may be awarded:

(i) A guarantee of the payment of interest and principal on loans for financing issued by a political subdivision or an Indian tribe, as appropriate, for essential community development necessitated by the construction and operation of such a demonstration facility;

(ii) A guarantee of the payment of taxes imposed on a demonstration facility by a political subdivision or an Indian tribe, as appropriate, and earmarked to support the payment of interest and principal of loans issued by such political subdivision or Indian tribe, as appropriate, for the purpose of financing essential community development;

(4) A requirement that an applicant obtaining financial assistance for a demonstration facility under this regulation advance funds for management and essential community development to a political subdivision or Indian tribe, as appropriate, in which such facility would be located or which would be adversely impacted by such facility; provided that tax abatement credits are provided by the appropriate political subdivision or Indian tribe to the applicant (obtaining financial assistance for its demonstration facility) over the life of the demonstration facility for such advance payments;

(5) Direct loans by the Secretary to a political subdivision or Indian tribe, as appropriate, for financing essential community development where the Secretary finds that the financial assistance available under paragraphs (a) (3) and (4) of this section is inadequate or unavailable to carry out the intent of the community impact assistance program;

(6) A requirement that an applicant seeking financial assistance for a demonstration facility under this regulation construct essential community development as ancillary to that of the demonstration facility where the political subdivision or Indian tribe lacks the capability to finance this essential community development. The costs of this essential community development would be borne by the applicant seeking financial assistance for the demonstration under this regulation and would be included within the cost of the demonstration facility.

(b) The Secretary may guarantee, or commit to guarantee, up to a maximum of 100 percent of a political subdivision's or Indian Tribe's loan for financing such essential community development or of the tax revenue stream which is expected from the demonstration facility.

(c) The Secretary may provide an eligible applicant with up to a maximum of 100 percent of the costs, for planning assessment and management grant tasks.

(d) When one or more states, political subdivisions, or Indian tribes would be eligible for community impact assistance under this regulation, but for the fact that the siting, construction and operation of the demonstration facility occurs outside of its jurisdiction but a state, political subdivision or Indian tribe, as appropriate, would be adversely impacted by such demonstration facility the Secretary is authorized to provide, to the greatest extent possible, arrangements for equitable sharing of the assistance between such parties.

(e) Prior to receipt of an application for community impact assistance, the Secretary may conduct preliminary discussions with prospective applicants wishing to obtain information or advice regarding eligibility for such assistance and regarding compliance with filing instructions, including the submission of supporting information, as described in §§ 796.77, 796.82 and 796.89 of this subpart. Supporting information and cost data submitted by the applicant for community impact assistance under this regulation shall be updated and furnished to the Secretary whenever there are changes occurring during the period that DOE is considering the application.

(f) Applications by eligible applicants for financing essential community development will be considered in the following order of priority:

(1) Loan guarantees as described in paragraph (a)(3) of this section;

(2) Advancements of funds as a project cost by the applicant seeking financial assistance for a demonstration facility as described in paragraph (a)(4) of this section;

(3) Direct loans as described in paragraph (a)(5) of this section; and

(4) A least favored approach, as described in paragraph (a)(6) of this section, may be used only where the lack of community or other public capability to administer the initial provision of such essential community development would necessitate direct construction (by the applicant obtaining either a loan guarantee or a cooperative agreement for its demonstration facility) of such essential community development as ancillary to that of the demonstration facility. The costs of this essential community development would be included within the costs of the demonstration facility and the applicant obtaining such financial assistance for its demonstration facility would arrange for the construction of this essential community development under the Secretary's direction and with the greatest possible local public participation.

(g) All applicants for community impact assistance described in paragraphs (a) (1), (2), (3) and (5) of the section must comply with the requirement for providing small business concerns the opportunity to participate in essential community development to the optimum extent feasible consistent with the size and nature of the essential community development.

**§ 796.72 DOE technical assistance.**

DOE technical assistance may be requested by an eligible applicant for impact assistance at anytime or in addition to the other forms of impact assistance as described in § 796.71, "Community impact assistance." Such assistance may be provided in the form of information, data, studies, research, or by temporary utilization of Federal employees as approved by the Secretary.

**§ 796.73 Coordination with other Federal agencies.**

(a) No community impact assistance shall be awarded or disbursed under this regulation if other Federal funds are available for such purposes, unless the Secretary is assured that such assistance:

(1) Is to be used in addition to, and not in lieu of, any Federal funds obtained under any other law; and

(2) Is not duplicative of other funding assistance.

(b) When assistance from other Federal programs is insufficient to cover essential community development or when combinations of assistance from multiple Federal programs are appropriate and beneficial, an applicant for community impact assistance may request financial assistance under these regulations and other Federal programs.

**§ 796.74 Eligibility for a planning assessment grant.**

After the Secretary knows of the geographic location of a proposed demonstration facility and has informed the governor of the state, officials of each political subdivision and Indian tribes, as appropriate, in which the facility would be located or which would be adversely impacted by such facility, community impact assistance in the form of a planning assessment grant may be considered by the Secretary if a complete application has been submitted by an eligible applicant. Such applicant may be:

(a) A governor of a state in which the demonstration facility would be located or a governor of a state which would be adversely impacted by such demonstration facility; and/or

(b) An Indian tribe on whose land a demonstration facility would be located or where a substantial portion of the feedstock for such facility is to be obtained pursuant to an agreement with an Indian tribe.

**§ 796.75 Eligibility for a management grant.**

Community impact assistance in the form of a management grant may be considered by the Secretary if all of the following conditions prevail:

(a) The Secretary and the applicant for financial assistance for a demonstration facility have entered into a loan guarantee or a cooperative agreement under this regulation for the purpose of constructing a demonstration facility; and

(b) The applicant for a management grant is:

(1) A political subdivision adversely impacted by the construction and operation of a demonstration facility within its jurisdiction or adjacent thereto; and/or

(2) An Indian tribe adversely impacted by the construction and operation of a demonstration facility on its land or where a substantial portion of the feedstock for such demonstration facility is to be obtained pursuant to an agreement with the Indian tribe.

**§ 796.76 Applications for a planning assessment grant or a management grant.**

(a) An application for a planning assessment grant or a management grant may be filed by an eligible applicant as described in § 796.74 "Eligibility for a planning assessment grant," or in § 796.75, "Eligibility for a management grant," respectively. Such application shall be submitted in accordance with the provisions of the DOE regulations applicable to grants (DOE assistance regulations 44 FR 12920–12934, March 8, 1979) and shall be in such form and detail as the Secretary may further prescribe. The application for the grant shall be signed by an appropriate official authorized to obligate the applicant.

(b) An application for a planning assessment grant should be filed by an eligible applicant, within a reasonable time after the Secretary has notified the eligible applicant of the location of a demonstration facility as required in paragraph (c)(1) of § 796.40 or as required in paragraph (b) of § 796.41 of this regulation.

(c) An application for a management grant should be filed by an eligible applicant anytime after the Secretary has forwarded to the Chairman of the Committee on Energy and Natural Resources of the Senate, a full and complete report on the proposed demonstration facility(ies) for an award of a loan gurantee or a cooperative agreement.

**§ 796.77 Supporting information for a planning assessment grant and a management grant.**

(a) The applicant for either a planning assessment grant or a management grant shall provide the following information in support of its application:

(1) A plan of action pertaining to the scope and detail of how the proposed planning assessment grant tasks or management grant tasks will be accomplished;

(2) The kinds of data to be collected and maintained;

(3) The criteria to be used to evaluate the results and successes of the plan of action;

(4) A list of the key individuals (and their experience) who will be associated with the planning assessment or management grant tasks;

(5) A description of other Federal or state financial assistance available (e.g., grants or loans) or expected to be made available in connection with the planning assessment or management grant tasks and for any assistance which would alleviate any adverse community impacts; and

(6) Evidence showing that the amount of a planning assessment grant or a management grant together with any other financial assistance or funds otherwise available to the applicant will be sufficient to carry out and complete planning assessment and management grant tasks;

(b) As to management grants, the following additional information is also required:

(1) A description of the applicant's organization charter, bylaws and authorizing resolutions;

(2) Information regarding whether the applicant has insufficient funds to perform the tasks required by the management grant; and

(3) A current 5-year budget plan indicating new and existing programs and the new essential community development required to be constructed as a result of the siting, construction and operation of a demonstration facility.

**§ 796.78 Planning assessment grant and management grant conditions and requirements—general.**

(a) A planning assessment grant and a management grant shall be made only if the following requirements and conditions are met as determined by the Secretary:

(1) The assistance recipient for either a planning assessment grant or a management grant agrees to comply with the terms and conditions of the grants as set forth in the DOE regulations applicable to grants (DOE assistance regulations 44 FR 12920–12934, March 8, 1979);

(2) The grant covers only the proposed work which was approved by the Secretary;

(3) The grant agreement provides for reports at such time and in such format as the Secretary prescribes and shall specifically require delivery, at a time certain, of a final report which specifies the results of the study undertaken by the grantee.

(b) In the case of a planning assessment grant, the assistance recipient shall undertake a study indicating existing and planned community development programs of the assistance recipient and assessing the impact of a demonstration facility on the assistance recipient. The study shall include, but not be limited to the following information:

(1) Economic impacts: Such as, secondary employment and characteristics, employment earnings, per capita and per household income, retail sales and service receipts;

(2) Demographic and social impacts: Such as, total population, population age distribution, school enrollment, household and family characteristics, housing requirements, and needs for health, protective service and other social service personnel;

(3) Land use impacts: Such as, land requirements for business, industry, residential development, schools, and other community facilities;

(4) Local government impacts: Such as, capital and operating costs of schools, roads, utilities, and other community facilities and services, the property tax and other local revenues likely to be generated by private residential and nonresidential development; and

(5) Mitigating measures: As used in this regulation, the term "mitigating measure" applies to any policy available to public or private agencies which would respond in a significant way to the adverse impacts of such demonstration facility. Identification of such mitigating measures should be linked to the assessment of the above listed impacts in paragraphs (b)(1) to (4) of this section.

(c) The assistance recipient of a planning assessment grant shall submit a report setting forth its findings and conclusions within three months after the award of such grant, unless otherwise specified by the Secretary.

(d) In the case of a management grant, the assistance recipient shall undertake a study which shall develop at least the following information:

(1) A five-year plan and budget which identify land use changes, economic impacts, demographic and source impacts, essential community development needs, mitigating measures and a schedule of implementation. It is the intent of the Secretary to allow flexibility and provide the assistance recipient with an opportunity to emphasize the planning components or those components which present the most serious problems or require the most effort. The plan need not be comprehensive to the extent that it addresses with equal attention all components of the assistance recipient's essential community development plan. However, it should rank the assistance recipient's needs and produce a document which emphasizes a plan, procedure, and program for the assistance recipient's most pressing growth management problem(s).

(2) Identification of funding requirements for financing essential community development, land use changes, personnel staffing costs to monitor essential community development and the construction and operation of the demonstration facility and other measures to prevent or mitigate adverse community impacts which would result from the construction and operation of the demonstration facility.

(e) The recipient of a management grant shall be required to submit a report within six months of the date of the award of this grant, unless otherwise specified by the Secretary, setting forth the findings and conclusions describing the community impact needs and the steps to be taken to prevent or mitigate adverse community impacts which would result from the construction and operation of the demonstration facility.

**§ 796.79 Grant application processing.**

(a) Planning assessment and management grant applications will be evaluated by the Secretary to determine:

(1) Whether they are complete;

(2) Whether they comply with the provisions of the DOE regulations applicable to grants;

(3) The merit and relevance of the scope of the planning assessment and management grant tasks to be objectives of the AFDP;

(4) Whether the proposed costs are reasonable and applicable to the planning assessment and management grant tasks to be performed and with respect to the size of the demonstration facility proposed and the range of possible adverse community impacts;

(5) Whether the applicant has demonstrated that it lacks the capability to finance the tasks required under a management grant;

(6) Whether equitable sharing of such assistance is warranted when one or more applicants would be eligible for such grants; and

(7) Whether the application meets the requirements of the DOE regulations pertaining to grants.

(b) After the Secretary has evaluated the items in paragraphs (a)(1) through (7) of this section, the Secretary shall notify the applicant for a planning assessment grant and/or management grant if the Secretary approves the application or a position thereof and the DOE funding to be awarded to such applicant. In the event the Secretary does not approve an application for a planning assessment and/or management grant the Secretary shall provide the applicant with a written statement setting forth the reasons therefore.

**§ 796.80 Eligibility for a loan guarantee for the purpose of financing essential community development.**

(a) An eligible applicant for a loan guarantee for financing essential community development may be:

(1) A political subdivision adversely impacted by the construction and operation of a demonstration facility within its jurisdiction or adjacent jurisdiction; and/or

(2) An Indian tribe adversely impacted by the construction and operation of a demonstration facility on its land or where a substantial portion of the feedstock for such demonstration facility is to be obtained pursuant to an agreement with an Indian tribe.

(b) No loan guarantee for essential community development will be awarded until the Secretary has awarded a loan guarantee or a cooperative agreement for a demonstration facility.

**§ 796.81 Filing an application for a loan guarantee for the purpose of financing essential community development.**

(a) An application for a loan guarantee for the purpose of financing essential community development must be filed by an eligible applicant, as described in § 796.80, "Eligibility for a loan guarantee for the purpose of financing essential community development." Such application shall be submitted in accordance with the following requirements:

(1) The application must be submitted in such form and detail as the Secretary prescribes; and

(2) The application must be signed by an appropriate official authorized to obligate the applicant to the terms and conditions of such guarantee.

(b) While the Secretary is considering an application for a loan guarantee or a request for a cooperative agreement for a demonstration facility, community impact assistance in the form of a loan guarantee for financing essential community development may be considered upon the filing of an application for such impact assistance by an eligible applicant.

**§ 796.82 Supporting information for a loan guarantee for the purpose of financing essential community development.**

(a) The following information shall be provided by the eligible applicant in support of an application for a loan guarantee for the purpose of financing essential community development:

(1) A full description of the scope, nature, location of existing community development already planned for the next five years and not related to the construction and operation of a demonstration facility under this regulation;

(2) A description of how the community development in paragraph (a)(1) of this section will be financed;

(3) A description of the applicant's organization, charter, bylaws, and appropriate authorizing resolutions, projected revenues and expenditures for the next 5 years;

(4) A full description of the scope, nature and geographic location of the proposed essential community development necessitated by the construction and operation of a demonstration facility under this regulation and the financial assistance needed;

(i) Evidence supporting the applicant's ability to complete the essential community development necessitated by the construction and operation of a demonstration facility under this regulation;

(ii) A description of the management plan of operations (additional personnel staffing needed) to be employed in carrying out this essential community development;

(iii) Information covering the management experience of each key person associated with the essential community development;

(iv) A description of the intended sources and amount of capital, together with evidence of a commitment from these sources, a copy of each such agreement, and evidence of the financial ability of each source to honor its commitment;

(v) A description of any other Federal or state financial assistance that may be available (e.g., direct loans, guaranteed loans, grants), which has been applied for, or expected to be made available in connection with the essential community development;

(vi) Evidence showing that the amount of the financial assistance, together with other financing, will be sufficient to carry out and complete this essential community development;

(vii) A detailed breakdown of the estimated construction, and related costs, plus operating and maintenance costs, of the essential community development and the amount of the financial assistance necessary;

(viii) The face amount of the loan to be guaranteed, when appropriate;

(ix) A listing of assets associated, or to be associated, with the essential community development loan, including appropriate data about the value and useful life of any such assets, which assets will be pledged as security for repayment of the guaranteed loan;

(x) The proposed interest charge payments and principal repayment schedule, if any have been formulated;

(xi) Lists of all applications filed and approvals issued by Federal, state, and local government agencies for permits and authorizations to conduct construction and operations associated with the essential community development. If such approvals have not been obtained, provide estimated date of such filings or approvals;

(xii) A copy of environmental data (relating to the essential community development) collected by the applicant (see § 796.10, "Demonstration facility requirements and conditions," of Subpart A of this regulation);

(xiii) Applicant's existing programs or plans for providing for small business concerns to participate in the design and construction of such essential community development;

(xiv) Copies of present and previous bond ratings of the applicant, if any;

(xv) Any other information requested by the Secretary or may be specified in an appendix to this regulation as it applies to a loan guarantee for essential community development;

(b) In addition to the information set forth in paragraph (a) of this section, the application for a loan guarantee shall include the following information from the lender, if applicable:

(1) Description of the lender's organization and legal authority under which the lender operates together with any appropriate authorizing resolutions necessary for the transaction;

(2) Information covering the management experience of each officer or key person in the lender's organization who is or will be asssociated with the loan; and

(3) A description of the management plan to be employed by the lender in servicing and monitoring the loan;

(4) The lender's written assessment of all aspects of the applicant's loan application, in sufficient detail as would be completed by any prudent lender considering a loan without a guarantee;

(5) A copy of the proposed loan agreement, if any, to be executed by the applicant and the lender together with copies of all other documents proposed by the lender to be used in the financial transaction;

(6) Any proposed marketing plan whereby the lender will sell any portion of the debt to secondary market holders.

(c) Any other information requested by the Secretary in order to evaluate fully the application.

**§ 796.83 Allowable project costs for essential community development.**

(a) All reasonable and customary costs relating to construction and initial operation that are paid, expected to be paid, and which are directly related to the essential community development necessitated by the construction and operation of a demonstration facility under this regulation, may be permitted in computing the allowable costs for such essential community development. As guidance for which costs will be allowable, reference should be made to § 796.9, "Project Costs," of this regulation.

(b) The Secretary may audit any or all cost elements included by the applicant in the estimated project cost and reserves the right to exclude or reduce the amount of any allowable project cost which the Secretary determines to be unnecessary or excessive. The applicant shall make available records and other data necessary to permit the Secretary to carry out such review. In carrying out this responsibility, the Secretary may utilize employees of Federal agencies or may direct the borrower to submit to a review performed by an independent public accountant or other competent authority.

**§ 796.84 Guarantee requirements and conditions for the purpose of financing essential community development.**

A loan guarantee may be made to an eligible applicant for financing essential community development as described in § 796.80, "Eligibility for a loan guarantee for the purpose of financing essential community development," if the following requirements and conditions are met as determined by the Secretary:

(a) Full repayment of the guaranteed loan is to be made over the lesser of 20 years or a period equal to 90 percent of the expected average useful economic life of the project's major physical assets. In calculating such period, the Secretary shall utilize generally accepted accounting principles and practices;

(b) There is reasonable assurance of repayment by the borrower of interest and a guaranteed portion of the loan;

(c) There is satisfactory evidence that the borrower is willing, competent and capable of performing the terms and conditions of the loan;

(d) The loan guarantee agreement includes such detailed terms and conditions as the Secretary deems appropriate to protect the interests of the United States in the case of default;

(e) The lender agrees not to accelerate payment of the borrower's indebtedness except for default without the prior written consent of the Secretary;

(f) The term and conditions set forth in the loan guarantee agreement are acceptable to the Secretary;

(g) The amount of the guaranteed obligation, when combined with funds available to the applicant from other sources, will be sufficient to carry out the essential community development for which the guarantee is made;

(h) DOE and the applicant for financial assistance for a demonstration facility have entered into a loan guarantee or a cooperative agreement

for construction of a demonstration facility under this regulation;

(i) Wages and rates to be paid to laborers and merchants employed by contractors or subcontractors in the performance or construction work are not less than those prevailing on similar construction work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C., 276a–5);

(j) The borrower agrees to carry out an acceptable plan for small business concerns to participate in the essential community development program to the optimum extent feasible;

(k) The major activities leading to the closing of a loan guarantee or commitment to guarantee are complied with as described in § 796.42 "Closing requirements for a loan guarantee," of this regulation;

(l) The requirements of the sections under Subpart D of this regulation have been complied with;

(m) The applicant (borrower) agrees to comply with the Flood Disaster Protection Act of 1973 (Pub. L. 92–234), if applicable;

(n) The guaranteed loan shall be in a first lien position regarding all assets of the project except title to the facility;

(o) When a lender holds a guaranteed and a nonguaranteed portion of a loan, payments of principal or interest made by the borrower shall be applied by the lender to reduce the guaranteed and nonguaranteed positions of the loan on a proportionate basis;

(p) In the event that the indebtedness to be guaranteed pays interest which is excluded from the gross income of the holder, pursuant to the provisions of the Internal Revenue Code of 1954, as amended, the debt will not be guaranteed by the Secretary unless the purchaser/holder of the debt is the Federal Financing Bank.

**§ 796.85 Loan agreement requirements and conditions for a loan guarantee.**

(a) In addition to meeting the requirements in § 796.84, a guarantee may be provided only if the loan agreement to which the guarantee applies provides for the following requirements and conditions:

(1) The orderly and ratable retirements of the loan, and includes sinking fund provisions, installment payment provisions, or other methods of payments and reserves as may be required by the Secretary; to the maximum extent possible, repayment or provision therefor shall be required to be made in equal payments payable at equal intervals;

(2) A minimum period of grace of 60 days from the date a principal or interest payment is due; any extension of time over this grace period must be agreed to by the Secretary;

(3) Acceptable provisions for prepayment and acceleration of the loan are included;

(4) Security for the repayment of the loan will be specified by the Secretary, except that in the event of default, demonstration facilities constructed with funds guaranteed by DOE shall not be considered project assets.

(b) Such other terms and conditions required by the Secretary for the protection of the interests of the United States.

**§ 796.86 Loan guarantee application processing.**

(a) In accordance with the procedures of this regulation, the Secretary will consider an application for a loan guarantee and other relevant information and shall:

(1) Determine whether the application is complete and in compliance with all applicable provisions of the regulation;

(2) Determine whether the eligible applicant seeking such guarantee would be adversely impacted by the construction and operation of a demonstration facility within its jurisdiction or adjacent jurisdiction;

(3) Determine whether the community development proposed by the applicant is essential;

(4) Assess and evaluate the financial, environmental, and managerial aspects of the essential community development;

(5) Review the applicant's plans for essential community development to be constructed, and the proposed costs, under a loan guarantee;

(6) Determine if there is sufficient evidence that the applicant will initiate and complete the essential community development in a timely, efficient, and acceptable manner;

(7) Determine if the terms and conditions set forth in the loan agreement are acceptable and whether there is satisfactory evidence that the lender or other party servicing the loan is competent to administer the terms and conditions of the loan guarantee agreement;

(8) Determine if the impacts resulting from the demonstration facility have been fully evaluated not only by the applicant for financial assistance for its demonstration facility, but also by the political subdivision or Indian tribe, as appropriate, in the management and planning assessment grant stages; and that effective steps have been taken or will be taken in a timely manner to finance essential community development costs resulting from such demonstration facility;

(9) Determine if the applicant lacks the capability to finance such essential community development from tax revenues, Federal or state financial assistance programs or other sources;

(10) Determine if there is satisfactory evidence that the lender, if any, is competent to administer the terms and conditions of a loan guarantee;

(11) Obtain the concurrence of the Secretary of Treasury with respect to the timing, interest rate and substantial terms of the loan guarantee for financing essential community development. The Secretary of Treasury shall ensure to the maximum extent feasible that the timing, interest rate and substantial terms and conditions of such guarantee will have the minimum possible impact on the capital markets of the United States, taking into account other Federal direct and indirect securities activities.

(12) Request the Advisory Council on Historic Preservation views and comments upon application for guaratees for any essential community development which would affect property listed or eligible for listing in the *National Register of Historic Places* or which may meet the criteria for listing in the *National Register*, pursuant to 36 CFR Part 800.

(b) Upon completion of the determinations set forth in paragraph (a) of this section, the Secretary may award a loan guarantee to the applicant. In the event an application is rejected, the Secretary will notify such applicant with reasons for the nonapproval of the application.

**§ 796.87 Eligibility for a direct loan.**

Financial assistance to an applicant in the form of a direct loan for financing essential community development may be considered upon obtaining specific authorization and appropriations from Congress for such purpose by the Secretary if the applicant for the loan:

(a) Is a political subdivision adversely impacted by the construction and operation of a demonstration facility within the political subdivision's jurisdiction or adjacent thereto; and/or

(b) Is an Indian tribe adversely impacted by the construction and operation of a demonstration facility on its land or where a substantial portion of the feedstock for such demonstration facility is to be obtained pursuant to an agreement with an Indian tribe; and

(c) The Secretary has determined that the impact assistance provided under paragraphs (a)(3) and (4) of § 796.71 "Community impact assistance," is inadequate or unavailable to the eligible applicant to carry out the construction

of such essential community development.

**§ 796.88 Filing an application for a direct loan.**

An application for a direct loan for the purpose of financing essential community development must be filed by an eligible applicant as described in § 796.87 "Eligibility for a direct loan," and be in accordance with the following requirements:

(a) The application must be submitted in such form and detail as the Secretary prescribes;

(b) The application must be signed by an appropriate official authorized to obligate an eligible applicant to the terms and conditions of this direct loan;

(c) The application must be filed within a reasonable period after the Secretary has forwarded to the Chairman of the Committee on Science and Technology of the House of Representatives and to the Chairman of the Committee on Energy and Natural Resources of the Senate, a full and complete report on the proposed demonstration facility of an applicant seeking a loan guarantee or a cooperative agreement;

**§ 796.89 Supporting information for a direct loan.**

(a) Information shall be provided in support of the application for a direct loan for the purpose of financing essential community development in such form and with such content as provided herein:

(1) A description of the applicant's organization, charter, bylaws, and appropriate authorizing resolutions;

(2) Notification to the Secretary that the impact assistance provided under paragraphs (a)(3) and (4) of § 796.71 "Community impact assistance," is inadequate or unavailable to carry out the essential community development;

(3) Reasons why the impact assistance provided under paragraphs (a)(3) and (4) of § 796.91 "Community impact assistance," is inadequate or unavailable to carry out the essential community development;

(4) A full description of the scope, nature, and location of any essential community development needed for which funds are not available;

(5) A detailed breakdown of the estimated construction and related cost information for any essential community development and any overruns on the initial estimate of essential community development;

(6) A description of the intended sources and amounts of capital, together with evidence of a commitment from these sources, a copy of each such agreement and evidence of the financial ability of each source to honor its commitments;

(7) Evidence showing that the amount of the additional financial assistance (i.e., direct loans), together with other financing, will be sufficient to carry out and complete such essential community development under this section;

(8) A description of any other Federal or state financial assistance available (e.g., loans and loan guarantees) or expected to be made available in connection with the essential community development under this section;

(9) Evidence supporting the applicant's ability to complete the essential community development;

(10) The description of the management plan of operations to be employed in carrying out the essential community development; the personnel staff needed by the applicant to monitor all stages of the essential community development and to monitor the demonstration facility construction and operation stages; a list of all key personnel who will be involved in the essential community development;

(11) A listing of the assets associated or to be associated with the essential community development including appropriate data as to the value and useful life of any physical assets and a description of the value of any other associated security;

(12) Any environmental data (relating to the essential community development) collected by the applicant. (See § 796.10 "Demonstration facility requirements and conditions," of Subpart A of this regulation);

(13) Lists of all applications filed and approvals issued by Federal, state, and local government agencies for pemits and authorizations to conduct the construction and operation phases associated with the essential community development. If such approvals have not been obtained, provide estimated date of such filings or approvals;

(14) Proposed method of repaying the loan;

(15) Copies of present and previous bond ratings of the applicant, if changed from its initial submission.

(b) In addition to the above required information, the applicant shall provide such other information as the Secretary may deem pertinent.

**§ 796.90 Direct loan requirements and conditions.**

(a) An agreement for a direct loan for the purpose of financing essential community development shall include the following requirements and conditions:

(1) The orderly retirement of the loan, and include installment payment provisions, or other methods of payments and reserves as may be reasonably required by the Secretary.

(2) An extension of time over the specified payment period in the loan agreement for the making of any payment in whole or in part under such agreement if agreed to by the Secretary. Payments required by the loan agreement, if not made when due, shall accrue interest at a rate specified in the loan agreement;

(3) Full repayment of the loan is to be made over the lesser of 20 years, or a period equal to 90 percent of the expected average useful economic life of the project's major physical assets. In calculating such period the Secretary shall utilize generally accepted accounting principles and practices;

(4) Reasonable assurance of repayment of principal and interest of the loan by the applicant;

(5) Repayment of the loan made will be secured by the essential community development assets and such other collateral that the Secretary determines necessary and appropriate to offer a reasonable assurance of repayment of the Government;

(6) The loan will bear interest at a rate not less than a rate determined by the Secretary, in consultation with the Secretary of Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of one percent but not less than the rate to be charged by the Federal Financing Bank;

(7) Wages and rates to be paid to laborers and merchants employed by contractors or subcontractors in the performance of construction work are not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C., 276a–5);

(8) The borrower agrees to carry out an acceptable plan for small business concerns to participate in the essential community development program to the optimum extent feasible;

(9) Acceptable provisions for prepayment and acceleration of the loan are included; and

(10) Request for disbursement at closing and thereafter shall be supported by such documents as the Secretary may require.

(b) The provisions of paragraphs (a) (1), (2) and (3) of this section shall be

altered to the extent affected, by the following circumstance:

(1) The Secretary forgives repayment as set forth in § 796.93 "Cancellation of a direct loan"; and

(c) Such other terms and conditions as the Secretary deems appropriate to protect the interest of the United States in the case of default.

**§ 796.91 Direct loan application processing.**

(a) The Secretary, upon receiving authorizations and appropriations for loans for financing essential community development, may consider an application for such a direct loan and other relevant information and then shall:

(1) Determine whether the application is complete and in compliance with all applicable provisions of this regulation;

(2) Determine that the impact assistance available to the applicant as provided in paragraphs (a) (3) and (4) of § 796.71 "Community impact assistance," is inadequate or unavailable to the applicant to carry out the essential community development;

(3) Determine whether the community development qualifies as essential;

(4) Determine whether the eligible applicant under this subpart of the regulation would be adversely impacted by the construction and operation of a demonstration facility;

(5) Assess and evaluate the financial, environmental, managerial, and legal aspects of the essential community development;

(6) Review the applicant's plans for essential community development to be constructed under the loan. The review shall include, but not be limited to, all costs associated with such facilities;

(7) Determine if there is sufficient evidence that the applicant will initiate and complete the project in a timely, efficient, and acceptable manner;

(8) Determine if the impacts resulting from the demonstration facility have been fully evaluated not only by the applicant for financial assistance for its demonstration facility, but also by the political subdivision or Indian tribe as appropriate;

(9) Obtain the Advisory Council on Historic Preservation views and comments upon applications for a direct loan for any essential community development which would affect property listed or eligible for listing in the *National Register of Historic Places* or which may meet the criteria for listing in the *National Register*, pursuant to 36 CFR Part 800.

(b) Upon completion of the determinations set forth in paragraph (a) of this section, the Secretary may provide a direct loan to an applicant. In the event an application is rejected, the Secretary will notify such applicant with reasons for the nonapproval of the application.

**§ 796.92 Assignment or transfer of a direct loan.**

Assignments of a loan and obligations contained thereunder may be made only with the consent of the Secretary.

**§ 796.93 Cancellation of a direct loan.**

The Secretary may cancel the unpaid balance and any accrued interest on a direct loan for financing essential community development if the Secretary determines in his sole discretion:

(a) Due to a change of circumstances of the borrower, that the loan repayment will cause an unreasonable hardship to the borrower; or

(b) Failure of the demonstration facility to operate and to provide the expected tax revenues to the borrower.

**§ 796.94 Default on a direct loan.**

(a) In the event that the borrower fails to perform the terms and conditions of the loan agreement or any related document, the borrower shall be in default and the Secretary shall have the right, at the Secretary's option, to accelerate the indebtedness and demand full payment of all amounts outstanding, both principal and interest, under the loan;

(b) No failure on the part of the Secretary to make demand at any time shall constitute a waiver of the rights held by the Secretary;

(c) Upon demand by the Secretary, the borrower shall have a period of not more than 30 days from the date of receipt of the Secretary's demand to make payment in full;

(d) In the event that the failure on the part of the borrower to perform the terms and conditions of the loan agreement, or related document, does not constitute an intentional act, but is brought about as a result of circumstances largely beyond the control of the borrower, the Secretary may elect, at the Secretary's option, to waive such failure, or restructure the repayment required by the loan agreement in any manner the Secretary determines;

(e) Should the borrower fail to pay after demand as provided in paragraph (c), the Secretary shall undertake collection in accordance with the terms of the loan agreement and the applicable law.

**§ 796.95 Cost internalization for essential community development.**

(a) A further form of community impact assistance to be used for financing essential community development necessitated by the construction and operation of a demonstration facility is the process of cost internalization. Under cost internalization, the Secretary may:

(1) Require that an applicant obtaining financial assistance for a demonstration facility under this regulation advance funds for management and essential community development to a political subdivision or Indian tribe, as appropriate, in which such facility would be located or which would be impacted by such facility, provided that tax abatement credits are provided by the appropriate political subdivision or Indian tribe over the life of the demonstration facility for such advance payment; or

(2) Require that an applicant obtaining financial assistance for a demonstration facility under this regulation construct the essential community development necessitated by the construction and operation of the demonstration facility as ancillary facilities of the demonstration facility when the political subdivision or Indian tribe, as appropriate, lacks the capability to finance this essential community development. The costs of this essential community development would be borne by the applicant seeking financial assistance for the demonstration under this regulation and would be included within the cost of the demonstration facility.

(b) Under paragraph (a)(1) of this section, the applicant would be required by the Secretary to include capital costs for essential community development within its demonstration facility costs. The funds provided by this applicant would then be available to the adversely impacted political subdivision or Indian tribe, as appropriate, under terms and conditions prescribed by the Secretary. Payments by the applicant (seeking financial assistance for its demonstration facility) would be treated as advances on local taxes and credits would be provided by the political subdivision or Indian tribe, as appropriate, to the demonstration facility over its useful life in return for such payments. Paragraph (a)(2) of this section is the least favored approach and is to be used only where the lack of community or other public capability to administer the initial provision of essential community development would necessitate direct construction of this essential community development to that of the demonstration facility. Thus, the costs for this essential community development would be included within the costs of the

demonstration facility and the applicant seeking financial assistance for its demonstration facility would arrange for construction of the essential community development under the Secretary's direction and with the greatest possible local public participation.

**§ 796.96 Principal and interest assistance for a community impact assistance loan guarantee and direct loan.**

Principal and interest assistance for community impact assistance loan guarantees and direct loans will be governed by the provisions of § 796.15 "Principal and interest assistance."

**§ 796.97 Environmental evaluation of essential community development.**

Each application for impact assistance in the form of loan guarantees or loans for financing essential community development is subject to the provisions of NEPA. Normally, the environmental review required pursuant to NEPA for essential community development will be included in the environmental review for the demonstration facility as required in § 796.10(a) of this regulation. Essential community development not included in the environmental review for the demonstration facility will be the subject of further environmental review under the requirements of NEPA, the CEQ NEPA regulations, and the DOE NEPA Guidelines.

**§ 796.98 Essential community development monitoring and audit.**

Both the guarantee and the direct loan agreement shall provide that the DOE manager and other applicable DOE representatives shall have access to the essential community development sites at all reasonable times in order to monitor the performance of such development. The borrower or the lender, in the case of a loan guarantee arrangement, will assure the availability of information related to the essential community development as is necessary to permit the Secretary to determine financial soundness, management stability, compliance with environmental protection requirements and other matters pertinent to the guarantee.

**§ 796.99 Examination of essential community development records.**

The guarantee agreement and the direct loan agreements or related documents shall provide that the lender (in the case of loan guarantee transactions) and the borrower (under both a loan guarantee and direct loan agreements) shall keep such records concerning the essential community development as is necessary to facilitate an effective audit and performance evaluation of such essential community development. The guarantee and the direct loan agreements or related documents shall also provide that the Secretary and the Comptroller General, or their duly authorized representatives, shall have access, for the purpose of audit and examination, to any pertinent books, documents, papers, and records of the borrower and the lender. Such inspection may be made during the regular office hours of the borrower or the lender, or at any time mutually convenient. At 6-month intervals, the Comptroller General shall make an audit of recipients of financial assistance under this regulation.

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federal register

Monday
March 10, 1980

Part VI

# Office of Management and Budget

Budget Rescission

## OFFICE OF MANAGEMENT AND BUDGET

### Energy Department; Budget Rescission; Atomic Energy Defense Activities

**To the Congress of the United States**

In accordance with the Impoundment Control Act of 1974, I herewith report a proposal to rescind $17.0 million in funds appropriated for atomic energy defense activities in the Department of Energy. The details of this rescission proposal are contained in the attached report.

Jimmy Carter

The White House,
*March 4, 1980.*

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

| Rescission No. | Item | Budget Authority |
|---|---|---|
| | Department of Energy | |
| | Energy Programs | |
| R80-4 | Atomic energy defense activities..... | 17,000 |

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

SUMMARY OF SPECIAL MESSAGES
FOR FY 1980
(in thousands of dollars)

| | Rescissions | Deferrals |
|---|---|---|
| Sixth special message: | | |
| New items..... | 17,000 | --- |
| Effect of sixth special message..... | 17,000 | --- |
| Previous special messages..... | 115,882 | 3,253,260 |
| Total amount proposed in special messages..... | 132,882 | 3,253,260 1/ |

1/ This amount represents budget authority except for $16,585 thousand in a general revenue sharing deferral of outlays only (D80-23A).

Rescission Proposal No: R80-4

## PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

| | |
|---|---|
| Agency: Department of Energy | New budget authority (P.L. 96-69): $588,249,000 |
| Bureau: Energy Programs | Other budgetary resources: 77,541,884 |
| Appropriation title & symbol: Atomic Energy Defense Activities - Plant and Capital Equipment 89X0221 | Total budgetary resources: 665,790,884 |
| | Amount proposed for rescission: $17,000,000 |
| OMB identification code: 89-0221-0-1-053 | Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other |
| Grant program: ☐ Yes ☒ No | |
| Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year | Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other |

Justification:

Funds totalling $588,249,000 were appropriated for Atomic Energy Defense Activities in the Energy and Water Development Act, 1980 (P.L. 96-69). The conference report accompanying the bill (H.Doc. 96-388) earmarked $22,000,000 of this amount for construction of the Waste Isolation Pilot Plant (WIPP) in southeastern New Mexico. Following a review by the Interagency Review Group, a decision was made to terminate construction activities for the project. The administration believes that construction of an early unlicensed demonstration plant is not justifiable economically, nor does it provide needed experience in licensing a repository. Therefore, $17,000,000 is proposed for rescission. This represents the total budget authority remaining in the account for contruction activities. Efforts to protect and characterize the site for future use as a licensed waste repository will continue, but the amount proposed for rescission is not needed for these other portions of the project.

Estimated effects:

This proposal would eliminate funding for construction of the WIPP facility in southeastern New Mexico. Defense wastes previously intended for this plant would be placed instead in a commercial waste facility.

Outlay effect:

This proposal would reduce 1980 outlays by $17,000,000.

DEPARTMENT OF ENERGY
Plant and Capital Equipment
Atomic Energy Defense Activities

Of the funds appropriated under this head in P.L. 96-69, making appropriations for energy and water development for fiscal year 1980, $17,000,000 are rescinded.

[FR Doc. 80-7262 Filed 3-7-80; 8:45 am]
BILLING CODE 3110-01-C

# Reader Aids

Federal Register

Vol. 45, No. 48

Monday, March 10, 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:

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| **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 |
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## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

| Monday | Tuesday | Wednesday | Thursday | Friday |
|---|---|---|---|---|
| DOT/SECRETARY | USDA/ASCS | | DOT/SECRETARY | USDA/ASCS |
| DOT/COAST GUARD | USDA/APHIS | | DOT/COAST GUARD | USDA/APHIS |
| 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 items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

### Rules Going Into Effect Today

**AGRICULTURE DEPARTMENT**

8581 2–8–80 / Importation of animals; revision of certain requirements

**COMMUNITY SERVICES ADMINISTRATION**

8299 2–7–80 / Property management; uniform Federal standards

**FEDERAL COMMUNICATIONS COMMISSION**

6942 1–31–80 / FM broadcast stations in Decatur and Farmer City, Ill.; changes in table of assignments

6943 1–31–80 / FM broadcast stations in Paradise, Calif.; changes in table of assignments

6944 1–31–80 / Television broadcast stations in Glenwood Springs and Alamosa, Colo., and Price and Vernal, Utah; changes in table of assignments

**FEDERAL ENERGY MANAGEMENT AGENCY**

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10740 2–15–80 / Community development block grants; modification to urban development action grant rules to accommodate communities containing pockets of poverty

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**COMMERCE DEPARTMENT**

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8624 2–8–80 / Endangered species exemption applications

**PERSONNEL MANAGEMENT OFFICE**

8541 2–8–80 / Appointment, reassignment, transfer and reinstatement in the Senior Executive Service

### List of Public Laws

**Last Listing March 7, 1980**

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

**S.J. Res. 109 / Pub. L. 96–200** To provide for the designation of October 3, 1980, as "American Enterprise Day" (Mar. 6, 1980; 94 Stat. 78) Price $1.00.

## THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

**FOR:** Any person who uses the Federal Register and Code of Federal Regulations.

**WHO:** The Office of the Federal Register.

**WHAT:** Free public briefings (approximately 2½ hours) to present:

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3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

**WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

### WASHINGTON, D.C.

**WHEN:** March 21; April 4 and 18; at 9 a.m. (identical sessions).

**WHERE:** Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

**RESERVATIONS:** Call Mike Smith, Workshop Coordinator, 202–523–5235. Gwendolyn Henderson, Assistant Coordinator, 202–523–5234.

### MEMPHIS, TENN.

**WHEN:** March 25 at 1 p.m.

**WHO:** The Office of the Federal Register in cooperation with Memphis State University.

**WHERE:** Assembly Room, Richardson Towers, Memphis State University.

**RESERVATIONS:** Call Dr. Frank Lewis, 901–454–2829.

### LOS ANGELES, CALIF.

**WHEN:** April 14, 15, and 16; at 9 a.m.

**WHERE:** Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, Calif.

**RESERVATIONS:** Call the Los Angeles Federal Information Center, 213–688–3800.

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